

Armed Conflict and its Impact on Children: A Study of Kashmir Valley

Hilal Ahmad Wanie,

Research Scholar

Aligarh Muslim University, Aligarh, India.

ABSTRACT

For the security of the child's endurance, advancement and prosperity, The Convention on the Rights of the Child (CRC) gives a worldwide sanction. The state of Jammu and Kashmir has been witnessing an armed conflict since 1989. The Children of this state are one of the most worst affected group. They have not only witnessed as indirect victims of the war but have been at the receiving end of targeted violence of the state. The nature of the conflict of the state is such that the exposure to actual armed conflict is limited, but its impact and consequences on the lives of children are enormous in terms of repression, loss of security, and disrupted schooling, in this purpose an attempt is been made on how conflict in Kashmir valley has affected the children in almost all aspects of their childhood development, whether it is physical, mental or emotional. This paper will also analyze and evaluates the judicial and legal framework availed by the affected families for seeking justice in the case of children killings. The study will also analyze what policies and measures that had taken by central and state governments to protect children from the ongoing violence in Kashmir valley. This study will also examine the role of media and civil society to protect child rights in Kashmir valley. Finally, some recommendations will be put forth so that the cycle of violence against children will end and we will see again peaceful and prosperous life of children in Kashmir valley.

Keywords: Armed Conflict, Violence, Children.

INTRODUCTION:

These days furnished clashes are not battled on well-characterized combat zones, however in and around the social orders and networks. Subsequently, people group endure and face tremendous harms, for example, loss of property, school, wellbeing offices, struggle prompted injury and push and even death toll. Violence has not only disrupted the social cohesion but also shaken the very foundations of the communities and for worse, the section of people who face the brunt of this are the children. In the last few decades, Kashmir has been a cynosure of all eyes, the center of discussions and debates in India as well as other countries. It is mostly because of the ongoing political conflict that has had devastating effects on almost all sections of people. (Abid, 2018) Be that as it may, the focal point of the documentation of rights manhandles has principally stayed on the regular citizens and not subgroups like ladies, kids, and understudies and so forth. While the human rights maltreatment against kids in clashes like Palestine, Iraq, Syria, and Afghanistan in Asia have gathered worldwide consideration – the human rights infringement against kids in Jammu and Kashmir has not been featured. (parvaiz, 2018). The children who are facing the brunt of this conflict have lost their childhood, their innocence, their hope and they are victimized every day as the conflict protracts. Accounts of a slew of incidents as well as the views of many political and conflict experts reveal that children in the conflict zone are among the most suffering groups and that they suffer more than common people belonging to other age groups. The children who have witnessed torture, detentions and suffered traumas have put the society and the state on tenterhooks. Our young generation has been at stake while all this happens. While children in any state and country enjoy certain protections and securities, in Kashmir it seems the entire childhood is robbed. Not only are the children who participate in protests being maimed and killed by pellets and bullets, but they also suffer psychologically while witnessing large scale

violence in the Valley. (Abid, 2018) Young girls are in danger of sexual savagery, misuse, and abuse. Young men are powerless against underage militancy enlistment and so on. Kashmiri children, all in all experience the ill effects of the general rigors of mistreated and scared life. (Majid, 1999) The number of casualties proposes that every year since 2003, on a normal consistently 26 kids were killed either by government powers, unidentified shooters, blasts brought about by littered shells or in view of the shelling among Indian and Pakistani powers at the Line of Control. The revealed instances of state viciousness against youngsters in Jammu and Kashmir has not manifested a powerful reaction as the whole focal point of media and common society has stayed on the totality of the enormous scale everyday brutality in Jammu and Kashmir.

METHODOLOGY:

Both Primary and Secondary sources have been used. The Primary sources include government annual reports, United Nations Reports, South Asian Reports for Human Rights. The annual Reports of the National Human Rights Commission of India, besides that I have obtained the statements and speeches of different scholars as well as policymakers. Whereas Secondary sources include books, journals, articles, periodicals, newspapers, and internet sources. The scholar made an honest effort in order to arrive at conclusion in an objective way.

Parental Death:

Children are the future of any nation, the valuable assets that bring development and prosperity to society and nation. At the same time, they form the most vulnerable section. They are prime victims of numerous physical and psychological mistreatments and of threats, for example, savagery and uprooting. Youngsters are at high danger of getting isolated from their families - an injury more decimating than even the relocation itself. (Majid, 1999) The investigation uncovers that 37 percent of the vagrants lost one of the two guardians because of the contention while 55 percent were stranded because of the common demise of guardians. The six example areas for the examination were picked by the youngster rights bunch after meeting with the state government. The report titled "Stranded in Kashmir-the State of Orphans in Jammu and Kashmir. Among them, Anantnag, Kupwara, and Baramulla speak to high-intensity struggle locale; Poonch and Rajouri speak to medium force strife regions and recently made Ganderbal region speaks to a low-force strife area. The examination uncovers that 37 percent of the vagrants lost one of the two guardians because of the contention while 55 percent were stranded because of the common demise of guardians and staying eight percent because of different reasons. The examination likewise uncovers the extent of youngsters orphaned because of contention is most noteworthy in Islamabad (Anantnag) locale of south Kashmir. "The biggest number of children orphaned because of contention was in (Anantnag) (56 percent), trailed by Ganderbal (48 percent), Baramulla (33 percent) and Rajouri (31 percent)," the report says, including that number of vagrants is higher in Valley than Jammu because of the contention. The study uncovers that five percent of the vagrants were either physically mishandled or scared, for example, having weapons pointed at them, undermined by equipped on-screen characters, blamed for offering help to the battling sides, physically attacked and hurt, utilized as a trap to catch their enemies or as human shields during the contention. Among the vagrants going to schools, an enormous number said that the principle interruption in school was that they had stressed over their families (28 percent), the clamor of blasts during the contention (19 percent) and threatening nearness of troops (13 percent)," the report includes. As indicated by the study, 33% of the vagrants had confronted passionate worry during the contention. While 38 percent felt gloom and incredulity about what's to come. (Shokoor, 2012)

Arbitrary Detention:

The utilization of severe laws like the Public Safety Act (PSA) to confine youth, pioneers of Hurriyat or anybody testing or censoring the administration is one of the aspects of the oppressive system in Jammu and Kashmir. The arrangement under PSA permits the authorities in Jammu and Kashmir to confine people for as long as two years one after another without preliminary inquiries and denies them of the fundamental human freedom ensured under global law. The 2011 Amnesty International report An 'Untamed Law. Confinements under the Jammu and Kashmir Public Safety Act assessed that in the course of recent decades 8,000 - 20,000 individuals in Jammu and Kashmir have been kept under PSA, and those kept under PSA incorporate children too. The information gathered by Jammu Kashmir Coalition of Civil Society through the JK Right to Information Act had the option to gather subtleties of in any event 5597 prisoners captured between 1990 to 2013 several these prisoners incorporate youngsters been reserved. The confinement of youngsters under the PSA has seen an upward diagram especially since 2008, since when a few mass tumults against the administration occurred. As of late, governments in Jammu and Kashmir have utilized PSA to confine numerous

small children who they blame for being stone-pelters and taking part in protests. Legal advisors at Jammu and Kashmir High Court keep up that detainment of the children under the PSA is normal and has been going on since the nineties. Supporter Shafkat Hussain, who is a senior most legal counselor at High Court and has spoken to a great many PSA prisoners in Court since the mid-nineties accepts that "the detainment of minor youngsters severely affects their mental wellbeing' and 'there are numerous cases, wherein minor kids have been more than once captured and are in police records considered as constant wrongdoers" In the year 2016 alone, Shafkat Hussain was speaking to 200 youth booked under PSA charges. On 28 August 2016, 14-year-old Tariq Ahmad Tantray was captured by police from his home at Frisal in Kulgam region. Tariq went through twenty days in illicit confinement at a police headquarters in Bijbehara before he was reserved under PSA, regardless of being a minor. His age was wrongly composed as 21 by District Magistrate Anantnag. Tariq was moved to Kathua prison in Jammu, somewhere in the range of 250 kilometers from his home area of Kulgam. The proceeded with infringement of kid rights Jammu and Kashmir, particularly of adolescents in strife with the law, is a glaring sign that assurances and insurances managed under UN Convention for Child Rights (CRC), to which India is a signatory, are not accessible to the offspring of Jammu and Kashmir. The youngsters in Jammu and Kashmir are helpless before law upholding organizations and can be subjectively reserved, accused of genuine violations and condemned for significant stretches of confinement. (International, 2012)

Sexual Abuse:

The Sexual Violence in Armed Conflict (SVAC) database, which estimates reports of the contention related sexual savagery submitted by furnished entertainers (state powers, ace government volunteer armies, and dissident gatherings) everywhere throughout the world during the years 1989-2009, uncovers that 'all-inclusive approximately 35 percent of contentions included a few types of sexual viciousness against children (Cohen, 2013). In the about three-decades-in length struggle in Jammu and Kashmir, assault and rape of children at the hands of government forces are not uncommon. In Jammu and Kashmir, sexual wrongdoings executed against the regular citizen populace by the state powers occur in the climate of exemption and this military practice is a settled daily schedule among the military. Assault has routinely been utilized as a weapon of war by the state so as to uphold aggregate discipline and to impart dread among the revolting people. The latest case of assault being utilized as a weapon of war was in Kathua locale of Jammu where a minor 8-year-old traveler Gujar young lady from the minority Muslim people group was snatched, assaulted and killed by a workforce of police having a place with the larger part Hindu people group. The police examination concerning the snatching, assault, and murder of the minor young lady uncovered that it was done to ingrain dread among the roaming Gujar people group and accelerate their movement from the region. During the example years under examination between 2003–2017 at any rate, 2 high school young ladies were assaulted in Jammu and Kashmir. One of the young ladies was assaulted in 2004 by an Ikhwan, a counter-guerrilla military man and the injured individual later ended its life and the other minor young lady was assaulted and killed by Indian forces in 2009.. It is to be noted here that the recorded instances of sexual brutality against children in strife in Jammu and Kashmir are substantially less than the real figure. The information assortment for sexual viciousness cases in Jammu and Kashmir is regularly overflowing with trouble as most of the overcomers of assault and rape won't talk about the episodes because of the shame of responses and sadness from the legal procedures, which so far have bombed in indicting any faculty from the military. The instance of the assault of a 16-year-old young lady in Bandipora in 2004 because of an Ikhwan and her suicide following the assault delineates how assault is mentally destroying for the people in question and can frequently lead them to make outrageous strides, in certain cases in any event, ending their lives. The assault and murder of a 16-year-old young girl in Shopian in 2009 on account of the Indian military is a case of viciousness occurring through the outrageous militarization of Kashmir's scene and its effort on Kashmiri bodies as the minor young lady and her 21-year-old sister-in-law was assaulted and killed in the fields close by their home. One of the other announced instances of sexual attack happened in the Handwara zone of the Kupwara region in April 2016 when a minor young girl claimed to have been attacked by an Indian equipped individual outside her school. In the fights following the ambush, five individuals were shot dead by the military. The ensuing detainment of the young lady and her coercive and bogus video declaration, which was spilled to general society mirrored the criminal treatment of the instance of rape by police and the state organization, which pursued the typical biased and unfortunate casualty accusing mentality wherein not by any means its privacy is appropriate to take note of that while ladies and minor young ladies keep on being generally influenced by sexual viciousness in Jammu and Kashmir men, including minor young men, also have been focused on and confronted sexual savagery on account of military. In a prominent case from 2009, 11 young men, between 9 to 19 years old, from the Downtown zone of Srinagar blamed police

authorities for torment and constraining them to perform homosexuality on one another while being under police guardianship at Maharaj Gunj police headquarters Srinagar. The young men showed up in court that they had been beaten and tormented in police guardianship and they had to strip and perform sexual follows up on one another while the police officers shot the torment and constrained homosexuality on their cell phones. The utilization of sexual brutality by state powers in Jammu and Kashmir against regular citizens, including youngsters has been utilized as a technique for response and discipline against the community everywhere and these wrongdoings have generally gone unpunished as there exist methodical exemption which is sustained through severe laws like Armed Forces Special Powers Act (AFSPA). The basic exemption appreciated by the military has implied that assault and rape have been executed with zero responsibility and generally intentionally. (Parvaiz, 2001) One of the notable instances of this wonder is the mass assault and torment of ladies and men of the twin towns of Kunan Poshpora on 23 February 1991 where young ladies as youthful as 8-year-old became victims of the mass rape by the Indian military. The effect of sexual viciousness on youngsters is disastrous – physically, mentally and socially. Youngsters who have been victims of sexual brutality are frequently left with genuine physical wounds, which can be especially serious in light of the fact that their developing bodies are not yet completely created. Harm to Childs' regenerative frameworks can leave them incontinent, fruitless and sentenced to a lifetime of draining and torment. They are at high danger of contracting explicitly transmitted contaminations, including syphilis, gonorrhea, and HIV. Young ladies who become pregnant can endure perilous complexities during labor, will frequently be compelled to drop out of school and can confront social prohibition and trashing. Their odds for further training, employments, and marriage might be seriously reduced or totally disposed of, leaving them defenseless against further misuse. Rape leaves a changeless scar in the psyche and on the body of the person in question and this is going on extraordinarily in the child victims. This social hazard influencing the person in question, yet the whole family likewise put into disgrace and embarrassment. (Itoo, 2018)

Education:

Schooling is indispensable for kids' social and intellectual advancement. In the contention circumstance of Kashmir, standard school participation and formal instruction involve extensive dangers for understudies. One significant impact of the brutality revealed was fear among kids (24.6 %). School-related issues additionally scored high, for example, they are not able to go to class was 15.5 %. Regular 'strike' on various issues has decayed the nature of schooling. The 'strikes' can go for a considerable length of time together, therefore having solid negative repercussions on the youthful ages of Kashmiri children. (Khan, 2015) Besides, the nearness of the Indian military in regular citizen spaces bargains the security of the non-military personnel populace as well as obstructs and limits the protected and free access to education for youngsters. The nearness of armed force camps in the closeness of instructive establishments makes a situation of human shields. The size of such militarization frequently consistently prompts maltreatment of privileges of the non-military personnel populace, particularly of the children. The repercussions of the control of schools by military or the close to vicinity of instructive foundations to closest armed force camps and stations are various. Other than the danger to security that the enormous scale militarization around schools and universities stances to the youngsters, the nearness of military camps around instructive foundations makes children victims of reconnaissance and sexual savagery. The 2016 rape of the minor young lady in Handwara is a valid example. The unfortunate casualty was ambushed simply outside her school. The case exhibits a close depiction of the connection amongst militarization and sexual viciousness. Schools, universities, and other instructive organizations in Jammu and Kashmir have been utilized as army installations, cross-examination focuses, and military posts. The proceeded with military utilization of schools in Jammu and Kashmir abuses youngsters' entitlement to training as well as powers them to be in danger of sexual savagery, observation, and badgering on account of the military. The effect of the extended idea of contention and proceeded with military utilization of schools has likewise influenced the dropout pace of school-going children in Jammu and Kashmir. The report of State Human Rights in Jammu and Kashmir (1990-2005) kept up that the 'there has been a disturbing increment in the dropout pace of the school-going children for the most part of first to seventh standard understudies.' The report additionally stated, "The dropout rate for Kashmir during the contention recorded 57.41% for primary level understudies, 48% at the middle level and 25% at the matriculation and above level. In the year 1989, an approximate drop-out rate for Jammu and Kashmir records 55.11% for first to the seventh standard, while during the contention the state normal expanded marginally (58.16%) yet for Kashmir valley, it was 57.41%". The dropout pace of school-going and school-going children has improved from that point forward however the successive occurrences of viciousness adversely affect the instructive situation in Jammu and Kashmir (Erum, 2016) In

2016, which saw a gigantic mass uprising following the executing of a popular aggressor leader Burhan Wani on 8 July, in any event, seven schools went under the control of Indian paramilitary.

Psychology:

With regards to Kashmir, the mental issue of children is significantly connected to their exposure to prevailing political violence from the past more than two decades. The apparent risk and interminable viciousness have left children living vulnerably in a hopeless manner and have stopped their powerful methods for adapting and brought about an expansion in different mental issues. The state of psychological well-being in Kashmir has gotten awful to more terrible without satisfactory emotional wellness of kids. So as to propose intercession approaches for such influenced children, an appraisal of such issues turns into an essential. The desperate requirement for appraisal and mediation of emotional well-being issues in such tangled territories was additionally felt. A great many kids are presented to horrible encounters every year. Countless these damaged youngsters build up a clinical disorder with critical passionate, conduct, psychological, social, and physical side effects. The most well-known awful mishap experienced was seeing the executing of a nearby family member (49 %), trailed by seeing the capture and torment of a nearby family member (15 %). The commonest manifestations were substantial protests pursued by spasm indications. The level of kids with the diagnosable mental issue in Kashmir is substantially more than in different states of India. These issues in Kashmiri youngsters are associated with their sentiments of frailty, infringement of humility, physical incapacity coming about because of viciousness, seeing of killing, and torment and progressing sentiments of individual vulnerability. (Paul, 2018) Connected mental trouble in a contention influenced populace with sentiments of vulnerability about the future and determined sentiments of treachery revealed that elevated levels of horrible encounters and various clash related awful encounters correspond decidedly with the commonness of mental, social and enthusiastic issues.

Government Response:

The latest survey conducted by the Ministry of Health and Family Welfare revealed that Jammu and Kashmir is home to 2.4 lakh orphans. In addition to it, a study conducted by late Bashir Ahmad Dabla discovered that at least 48% of these children faced economic hardships and another 22% faced psychological issues after the death of their parents. It forced them to leave school and earn a living for their family. The study also found that 87 orphans, from the sample, did not receive any monetary help from anywhere, including the government, NGOs or relatives and were in an absolutely helpless state. (Dabla, 2015) A 2014 study by Save the Children, a UK-based NGO, revealed that at least 37% of total 2.4 lakh orphans of J&K were victims of armed conflict. Some young minds, with nobody to help, were observed to be susceptible to committing criminal activities. To help such children, the state does not even have juvenile justice boards. The accused minors are tried in normal courts itself and are lodged in jails. According to Chief Justice Badar Durez Ahmad, juveniles are kept in prolonged custody and beaten in jails before they are shifted to observation homes. (Sayeed Amin, 2009) In recent times, specifically, after 2016 minors have also been taken in custody for an alleged charge under the Public Safety Act, a controversial law under which an accused can be jailed without trial for six months'. Considering all these matters, Jammu and Kashmir is the state that needs the ICPS the most because of the high probability of juveniles in conflict with the law and in need of care and protection. The lawful and juridical systems benefited by the unfortunate victims' families for looking for justice. Through an assessment of the instances of children executed and others, the report raises the issue of unalterable exemption delighted in by the military, which shields and shields the Indian military from any sort of arraignment. Kids in Jammu and Kashmir have been victims of the law. The administrations in Jammu and Kashmir have been keeping minors unlawfully and under the harsh Public Safety Act (PSA). The report examinations the ramifications of the discretionary utilization of harsh laws on the privileges of youngsters and ignoring any assurance that stood to kids under different laws. The report likewise uncovers that there are no lawful and regulating procedures or works on ensuring youngsters' privileges in Jammu and Kashmir – like those spread out in JK Juvenile Justice Act, 2013 are not trailed by the state functionaries. (Hassan, 2018)

CONCLUSION:

The question and the concern remain as to how these children that have suffered a lot can be rehabilitated in the state where conflict has become a part of life. As it has been recognized that children and young are a major component of human resource for development and key agents for social change, it is important that certain measures must be taken to safeguard them. It can only be possible when they are involved in the dialogue on the

issues that concern them the most. There is also a need to strengthen the family, school, and community. A children protection assurance strategy ought to be intended for the state and operationalized, which additionally guarantees the privileges of vagrants, with sufficient assets and workforce apportioned to it," the report prescribes, including, "Youngster Protection Committee and children group ought to be set up through NGOs at the town and urban ward levels with their individuals sharpened about the privileges of vagrants and their education. The Millennium Development Goals (MDGs) cannot be accomplished unless child protection and security is an integral part of programs, strategies, and plans for their achievement. Inability to shield children from issues, for example, viciousness in schools, children's work, unsafe customary practices, child marriage, child abuse, the nonappearance of parental consideration and business sexual abuse, among others, implies disappointment in satisfying both the Constitutional and International duties towards children. Child sexual maltreatment is a broad issue and even the most reduced predominance incorporates a colossal number of exploited people. Subsequently, stringent measures ought to be taken for the counteractive action and control of this shrouded general medical problem. Rape murder complex is a serious legal issue in any society, particularly in a semi-urban setting like that of Kathua case. There should be proper strategies for their rehabilitation. The rehabilitation programs at observation homes/special homes/children homes must be in corrective steps among juveniles and also mold them into productive individuals. Community-based diversions should be set up wherever it is possible in society. We have institutions for children but they are not helping much. So it is pertinent that Children cannot wait for justice and everyone is duty-bound to respond to their needs of care and protection. Children are the right holders and parents, civil society; government must play their role in ensuring a happy childhood, free from abuse and exploitation.

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