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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights
including the right to development**

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Impact of Conflict on Children Rights in Indian Administered Jammu & Kashmir

United Nations convention on right to child adopted by General Assembly on November 20 1989 defines every human being below age of 18 as child and set forth certain responsibilities on states to protect the rights of the child. Convention puts responsibility on States Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. It adds that States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members. Convention further adds that Parties recognize that every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child.

The impact of armed conflicts on civilians has exponentially grown since 1990, as 90% of the victims of armed conflicts all over the world are civilians – among which 80% are women and children. The 1996 The United Nations Children's Fund (UNICEF) report on The Impact of Armed Conflicts on Children found out that globally more than one billion children under 18 years of age are living in conflict-torn regions, which is one-sixth of the total population of the world. The nearly three decades long conflict in Jammu and Kashmir has been no different, as children are the lesser known victims of the widespread and systematic violence in Indian administered Jammu and Kashmir.

Children are one of the worst affected groups in the ongoing conflict in Indian Administered Jammu and Kashmir. To crush the peoples' uprising against Indian occupation the state has resorted to highly militaristic response; children have not only suffered as indirect victims of the war but have been at the receiving end of targeted state violence.

The nineteen nineties was a period of calamity for children, as incidents of state violence against civilians carried out in lieu of fighting an insurgency, was at its peak. From daily incidents of violence against civilians irrespective of their age to acts of mass violence against entire villages or towns, or extra-judicial killings, enforced disappearances, rapes and illegal and administrative detention - children have faced the general state violence in much the same way as adults. The trend continues unabated and unrestricted to this day, with no letup in civilian killings, especially of children with continued illegal and administrative detentions of minors. Children are without doubt one of most targeted groups of state violence

Children in Jammu and Kashmir have been victims of the law. The governments in Jammu and Kashmir have been detaining minors illegally and under the repressive Public Safety Act (PSA). The report "Terrorized; Impact of violence on children in Jammu and Kashmir," release by JKCCS, analyses the implication of the arbitrary use of repressive laws on the rights of children and disregarding any protection afforded to children under various laws, two fold impact.

<http://jkccs.net/wp-content/uploads/2018/03/2018-Impact-of-Violence-on-Children-of-JK-JKCCS.pdf>

The impunity enjoyed by armed forces in Jammu and Kashmir is not only because of draconian laws but also because of systematic lawlessness prevailing in Jammu and Kashmir. The lawlessness is allowed by the state to give the armed forces complete control over the civilian population and give them free rein in neutralizing the emerging situation.

A survey on impact of violence was carried out by Jammu Kashmir Coalition of Civil Society (JKCCS) in the two districts of Baramulla and Bandipora in north Kashmir. It was published in the form of a report "**Dead But Not Forgotten**" in 2006. It was found that among the total 5106 people killed and forcibly disappeared during armed conflict from 1989 to 2005; 392 were children. The number of children killed in these two districts from 1989 to 2006 account for nearly 8% of the total people killed.

The fifteen-year period from 2003 to 2017, witnessed not less than 318 killings of children (in the age group of 1 to 17) in various incidents of violence in Jammu and Kashmir. The killing of 318 children constitutes 6.95% of the total civilian killings in last fifteen years, as 4571 civilians are killed in Jammu and Kashmir in the same period (2003 -

2017). In the same period, i.e. from 2003 to 2017, at least 16,436 killings were recorded in Jammu and Kashmir. Numbers indicate that in the last fifteen years Jammu and Kashmir in an average year has witnessed at least 1,095 killings, which belies the government's claims of 'return to normalcy'.

The pattern of killings of children in the fifteen-year period suggests that children were direct targets of state violence, as part of its stated offensive to curb uprising and militancy. At least 144 children were killed by Indian Armed Forces and state police in Jammu and Kashmir, which alone accounts for nearly half, i.e. 44.02 percent, of the total children killed. Most of the children, at least 110 of them, killed in state violence were shot dead in different incidents of violence, and not less than eight children died due to injuries inflicted from pellet shot-guns fired by Government Forces. Twenty-seven children died due to drowning. These drowning were either caused by negligence of Armed Forces in Wular Lake tragedy; or being forced to jump into water being chased by Armed Forces during protest in hope to avoid brutal treatment.

The ongoing conflict in Jammu and Kashmir is amongst the oldest unresolved conflicts under United Nations. The widespread and institutionalized human rights violations against people of Indian Administered Jammu and Kashmir by Indian Armed Forces are well known and documented. However, the focus of the documentation of rights abuses has mainly remained on the civilians and not subgroups like women, children and students etc. While the human rights abuses against children in conflicts like Palestine, Iraq, Syria and Afghanistan have garnered global attention the human rights violations against children in Jammu and Kashmir have not been highlighted. Children in Jammu and Kashmir are living in the most militarized zone of the world, with the presence of 7,00,000 troopers, which is at least three times higher than the start of American Operations in Iraq and Afghanistan. One of the major challenges we are faced with in recognizing the crimes against children in Jammu and Kashmir during the last three decades of armed conflict is that India still does not recognize the framework of International or non-international armed conflict laws. As there are no legal and normative processes or practices protecting children's rights in Jammu and Kashmir, it is responsibility of United Nations to come forward and take cognizance of the situation and call upon Government of India to comply with its International obligations.
