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INTRODUCTION

I. The Centre for Organisation Research & Education (CORE), Manipur, India is a representative indigenous peoples' organization based in Manipur, India. The organization has been working in grassroots support and advocacy for the rights of the indigenous and tribal peoples and their organizations in the North East region of India, with particular emphasis on the more than thirty different indigenous and tribal peoples of Manipur. The CORE, Manipur (India), which is actively participating in the debate on the rights of indigenous peoples during the sessions of the Working Group on Indigenous Populations appointed by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, United Nations Commission on Human Rights, has thoroughly examined the initial report of India dated 19 March 1997 (CRC/C/28/Add.10; dated 7 July 1997).

II. As a first report since accession to the Convention on the Rights of the Child on 11 December 1992, the Government of India's initial report that was due in 1995 attempts to do justice to the wide and multifarious canvas that is India. Constitutional provisions, legal instruments and administrative measures for children have received prominent attention. India presents itself as a champion of its estimated over 302 million children below the age of 15 years and their interests, acknowledging the easily appreciable obvious limitations and

constraints in this "seventh largest country in the world".

III. However, within the context of the Convention, no mention has been made in India's initial report, of the specific and unique human rights situation of the indigenous and tribal children of the North East Region, in general, or of Manipur in particular. This is a considerable lapse and constitutes a serious lacuna in the State Party's initial technical report, which this NGO report takes the opportunity to substantiate so that the information may be used in the discussions during the Committee's consideration of India's initial report. It is hoped that this NGO report will contribute effectively towards promoting and addressing the rights of the indigenous children of the state of Manipur through adequate access to the child rights information available from this obscure and inaccessible border-state, a constituent state of the Republic of India since 1949.

IV. This consideration of the initial report of India by the Committee being the very first comprehensive review of the Government of India's measures adopted to give effect to the rights under the Convention and on the progress made on the enjoyment of these rights, this NGO report is obliged to contextualize and substantiate the supplementary information contained in this report in order to give it credence and authenticity.

V. Firstly, for the Committee to understand the implementation and progress made by the government of India vis-à-vis the Convention, in letter and in spirit, in the state of Manipur, the CORE invites the attention of the Committee to the human rights situation prevailing in Manipur for the past decades since it became a constituent state of India in 1949. To assist the Committee to familiarize itself to this situation, its historical antecedents and its present status within the ambit of the International Bill of Rights, the Committee is invited to refer to the Alternate Report to India's Third Periodic Report of State Parties due in 1992 (CCPR/C/76/Add.6), which was submitted to the Human Rights Committee by the Committee on Human Rights (COHR), Manipur, India. This report was considered along with the third periodic report of India at the 1603 rd to 1606 th meetings of the Human Rights Committee on 24 and 25 July 1997.

VI. Drawing the attention of this Committee to the Introduction of the COHR's alternate report (par. 2 to 29), the representative human rights organization from Manipur unequivocally articulates the long-standing political, economic, social and cultural rights violations perpetrated on the peoples, including children, of Manipur by the Government of India. These violations are aided and abetted by continuing reliance of special powers under legislation such as the Armed Forces (Special Powers) Act, which has been applied throughout Manipur as a disturbed area since 1980 and in some areas of the state for much longer, the National Security (Amendment) Act, the Punjab Security of State Act and the Unlawful Activities (Prevention) Act.

VII. On several noteworthy occasions our children have attempted to express their views of and protests against the existing situation and their desires for change in a peaceful manner. This has not been accepted by the Government of India, which has invariably reacted to these protests by children with extreme and oppressive force.

VIII. Despite India's claims to concern for children it must be pointed out that the Human Rights Committee adopted in its 1612 th meeting (sixtieth session), held on 30 July 1997, certain observations that mention (under D. Subjects of concern and Committee's recommendations; CCPR/C/79/Add.81) widespread discrimination of all kinds of "members of Scheduled Castes and Scheduled Tribes, as well as the so-called backward classes and ethnic and national minorities" (op.cit. , par. 15), effective use of emergency powers in Manipur without resorting to international treaty provisions to which the Government of India is a party (op.cit. , par. 19), extra-judicial powers of armed forces (op.cit. , par. 20 and 21), violations of court orders for habeas corpus and regular reports and allegations about custodial deaths, rape and torture (op.cit. , par.23) that also concern children and their right to life (op.cit., par. 33; COHR's Alternate Report; Appendix 7. Right to Life in Manipur: A report ; The Committee on Human Rights, Manipur. Feb 13, 1997).

IX. The Human Rights Committee also made very strong and clear recommendations in concert with the above mentioned observations. The recommendations urge the Government of India to

speedily take up appropriate measures to address these concerns, including the plight of children living in situations of conflict such as in Manipur.

X. The indigenous characteristics of the children or the status of their rights under the Convention in this region, where the indigenous and tribal peoples constitute the majority population, do not find the required reflection in country level analyses and implementation of the Convention on the Rights of the Child.

XI. In conformance with Articles 12.1, 13.1, 14.1 & 17, this report has been constructed and presented, to the extent time and resources have permitted, by children. There has been a consistent effort to present their views without modification wherever possible. The work of the adult members of the working group of this supplementary report has been to create a space in the adult world where our children can express themselves freely without fear of repercussions and know their rights. In the cultures of this region, art is a natural and instinctive medium of self-expression, for adults and especially for children. Particularly in complex and sophisticated areas of discourse, children find it easier to express themselves and their responses in art. We anticipate with hope the response to their voices being heard in the deliberations of this Committee (Refer Annexures 3, 4 and 5).

ABOUT MANIPUR

The land, the peoples and the children

XII. The North East region of India is home to over two hundred indigenous and tribal peoples of Mongoloid stock. Distinct racial and cultural characteristics together with the geographical distance from sub-continental India and the difficulty of the mountainous terrain have combined to insulate this region from it. At the same time, a closer integrity with the South East Asian, particularly the Burmese and Thai region has been a historical fact, true till today, that manifests in race, culture and political configurations (Refer Annexure 1).

XIII. After India's independence, when these territories were divided between the newly emerged states of India, Burma (Myanmar) and Pakistan (East Pakistan, now Bangladesh), a number of national movements emerged at various stages of contemporary history. Many of these movements are based on indigenous identity, and many have taken to armed resistance. Manipur is a microcosm of this regional situation. The legitimacy of the "merger agreement" between the Union of India and the erstwhile independent nation which is now the Indian state (province) of Manipur, has been called into question on several counts.

XIV. Manipur is a small province of just over 22,000 square kilometers, on the extreme east of the region known as North East India, bordering with Burma (Myanmar). Ranges of the eastern Himalayas form a ring around the Imphal valley, which is the largest valley in the province. This valley, about ten per cent of the total land area, had been covered largely by wetlands until very recent times and is inhabited by half the population of the state (Refer Annexure 2).

XV. Over thirty different indigenous peoples live in Manipur. Though linguistically and culturally related, each has its own distinct identity, language and culture and a long history of autonomy. According to the 1991 census, the population was 1.83 million. Whereas, the Scheduled Tribes population in India is 8 per cent, it is over 34 per cent in Manipur. In five of the eight districts of Manipur, the Scheduled Tribes population ranges from 84 to over 96 per cent. If other indigenous minority peoples are included, it can be said that the population of Manipur is constituted almost totally of indigenous and tribal peoples. The percentage of the population in the age group 0 to 6 years is 16.69 and the Infant Mortality Rate is officially 24, one of the lowest in India.

Definition of the Child

Article 1

XVI. The culturally and traditionally determined definition of the indigenous child in Manipur is remarkably different from the rest of dominant population of sub-continental India. The Child Marriage Restraint Act of 1978 stipulates that the minimum legal age of marriage in India is 18 years for women and 21 years for men. According to the first National Family Health Survey (1992-93) conducted in India since independence, more than half the women (54 per cent) aged 20-24 married before the age of 18 years. In Manipur, the same survey discovered that marriage below the age of 18 years is not very common. The mean age at marriage is 28 years for men and 25 years for women, while the median age at marriage for women aged 25-49 is about 21 years. The proportion of women marrying before the age of 18 is 14 per cent in the 20-24 years of age cohort in Manipur and there is a declining trend. Notably, the survey also discovered that very few women in Manipur actually know the minimum age of marriage for women (21 per cent) and for men (5 per cent) according to Indian law.

XVII. Among the traditional indigenous and tribal communities in Manipur, adolescents still spend all their years under an ancient form of training to become responsible adults - the dormitory system, which now manifests in their modern version of youth clubs and associations found in every village, hamlet and town. The initial report of India takes great pains to claim historical commitment to its children, drawing on its ancient civilisation to call them gifts of God "that must be nurtured with care and affection, within the family and the society" (CRC/C/28/Add.10; par. 6). Yet the reality of the ancient practice of child marriage, and dowry related murders of child brides, is a spectre that haunts modern sub-continental India today. To explain this away summarily as purely a socio-economic issue is deliberately misleading as this practice is found in both rural and urban environments, as well as among the Indian middle classes. On the other hand, child marriage is culturally alien to the indigenous peoples of Manipur.

XVIII. Legal definitions of the child under Indian law have very little relevance to the indigenous and tribal peoples of Manipur, as the traditional cultures still hold inviolate the years of adolescence as an important childhood period of "apprenticeship to responsible adulthood".

General measures of implementation

Articles 4, 42 and 44.6

XIX. Contrary to the initial report of India, steps to harmonize laws and policies with the provisos of the Convention have fallen far short. In fact, the activities and responses of certain monolithic State agencies such as the Ministry of Defence and the Ministry of Home Affairs have been in direct conflict with the rights of the child as laid down in the Convention, leading to gross and repeated violations of these rights.

XX. Under special powers legislation such as the Armed Forces (Special Powers) Act in the disturbed areas, in this case the entire state of Manipur, and "unified command" mechanisms which orchestrate central armed forces and state police action in so-called counter-insurgency measures and campaigns, law and order maintenance, and national security interests, children have often been targets of direct conflict, killing, torture and other forms of inhuman or degrading treatment and punishment, enforced disappearances and sexual abuse.

XXI. The central Ministries have deliberately used legal mechanisms to exonerate state agencies of crimes against children and to protect the perpetrators. Court orders regarding habeas corpus are regularly violated and the Commission of Enquiry Act of 1952 is no longer a reliable avenue to redress the wrongs committed on children (Refer Annexure 6).

The National Human Rights Commission has itself reported to Parliament, in its Annual Report for 1996-97 (placed on the Table of Rajya Sabha by the Union Home Minister Shri. L.K. Advani on 10 June 1998), that "it cannot countenance or condone any death, rape or torture occurring when a person is arrested by the Armed Forces in situations when the latter are called upon to act in aid of civil power" (Annual Report for 1996-97 of the National Human Rights Commission).

XXII. Human rights protection legislation is rendered less effective by structural inadequacies in Indian constitutive law. The National Human Rights Commission is severely constrained for lack of statutory powers to enforce its orders. Section 19 of the Protection of Human Rights Act 1993 excludes the National Commission's jurisdiction to "investigate" violations of human rights by personnel of Armed Forces and Paramilitary Forces. This exclusion has resulted in a large number of such violations of child rights unreported, uninvestigated and unpunished. The experience of the administration of the Protection of Human Rights Act over the past five years has necessitated the constitution of a high level Advisory Committee this year to consider the provisions of this Act and recommend appropriate changes to the National Human Rights Commission. However, time and opportunity for the public and nongovernment organisations to express views and suggestions to this high level committee is required as information is not adequately nor expeditiously publicised. Such inadequacies in making public the activities and mandates of the National Human Rights Commission would render its efforts infructuous.

XXIII. Efforts from the government to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children have not found reflection in the far-flung North East region of India with the result that civil and political, economic, social and cultural rights issues have subsumed the rights of the child. This has rendered invisible the question of the widespread and regular violations of the rights of the child perpetrated by armed forces and other civil power agencies such as the police. This invisibility explains why the Annual Report of the National Human Rights Committee for 1996-97, while expressing strong concern about human rights violations by armed forces and paramilitary forces, does not specifically mention violations of the rights of the child by the State's armed forces.

WHAT ARE OUR CHILDREN SAYING?

General principles, civil rights and freedoms
Articles 2, 3, 6, 7, 8, 12, 13, 14, 16, 17, 19, 37

XXIV. The Committee is invited to give attention to the fact that the entire territorial bounds of the Indian border state of Manipur has been declared a "disturbed area" continuously since 1980 which justifies the imposition of the Armed Forces (Special Powers) Act. Upholding the constitutional validity of this Act in 1997, the Supreme Court of India judgement said that "A declaration under Section 3 (of the Armed Forces [Special Powers] Act) have to be for a limited duration and there should be periodic review of the declaration before the expiry of six months" (Refer Order of the Supreme Court on Naga Peoples Movement of Human Rights vs. Union of India 1997 dated 27 November 1997).

XXV. The imposition of the continuous "disturbed areas" declaration along with the use of armed forces of the Union over the entire state of Manipur since 1980 without regular review according to law seriously burdens and compromises the implementation of the Convention in Manipur. Eighteen years of this declaration means that every person in Manipur under the age of 18 was born during this period recognized as abnormal by Indian law.

XXVI. Children of this region are witnesses, survivors and direct victims of armed conflict between the State and various national liberation organisations. Violations of civil rights, including the right to life have become daily routine. Civilians not engaged in armed conflict are frequently either casualty in the crossfire or targeted for reprisal by the Indian Armed Forces. These casualties and targets are often children and youth (Refer Annexure 7 and Annexure 8A, 8B, 8C,8D)

XXVII. The use of torture against our children is part and parcel of the routine use of torture techniques such as verbal and physical abuses, beatings with bare hands, sticks and weapons, kicking, tying of hands and made to hang from ropes, use of electric shock on body and genitalia, etc. employed by the armed forces on civilians. Children are made to witness their mothers being sexually abused and raped (Refer Annexure 9, Annexure 10 and Annexure 11).

XXVIII. The political causes of the situation are being continuously ignored. The battery of legislation enacted by parliament to deal with these problems denies the peoples' rights, including our children's right, to political aspirations that do not conform to the Indian national identity. On the other hand, public welfare institutions, courts of law, administrative authorities and the Legislature have paid scant attention to the growing numbers of children with special needs.

XXIX. The totally partial and irrational President of India's List of Scheduled Castes and Tribes under Articles 341 and 342 of the Indian Constitution, have left many ethnically distinct races and peoples unrecognised. While those castes, races and tribes included in the List have had access to special considerations and measures to promote and protect their economic, social and cultural rights, those not listed are forced or coerced to abandon their cultural/national identities and be assimilated into other ethnic identities. Children belonging to these indigenous minorities have had to adopt names that identify them as "scheduled tribes" so that they may have better opportunities to education, services, employment and other facilities provided for by Indian laws. The Pomei, Mate, Simte, Tarao and Kharam peoples of Manipur are some of the indigenous peoples that have been demanding respect and recognition of their identities under the Indian constitution for the past four decades

XXX. Children and youth have been, and are currently and deeply, concerned with and active in political affairs, including various resistance and civil rights movements. The Indian government has persisted in interpreting and treating these movements simultaneously as law and order, anti-social and anti-national problems.

XXXI. Peaceful means of assembly to protest human rights violations against children by the public and children are met with more violence and overwhelming repression under a general failure and deliberate negligence of the State Party to comply with establishing appropriate and fair measures to promote and protect the rights of the child (Refer Annexure 12).

XXXII. Peaceful movements by children demanding education in indigenous languages, better standards of education or a culturally appropriate curriculum have been met with the use of indiscriminate violence by Security Forces. For this, children especially student leaders have been systematically killed, tortured and arrested.

XXXIII. The Meira Paibi or Torch Bearers is a women's movement engaged in protecting civil and political rights and monitoring social problems which are prevalent in every locality. They are deeply involved in defending the rights of children from excesses committed by state forces. They advocate, frequently at risk to life themselves, for release of children detained by security forces. The literally universal participation of indigenous women in this movement clearly demonstrates the gravity of the situation and depth of community concern.

Education, leisure and cultural activities
Articles 28, 29, 31

XXXIV. The literacy rate of 52.2 per cent, higher than the average in India, indicates clearly that the value of education is recognized by the people (Census of India 1991). According to the National Family Health Survey 1992-93, 85 per cent of males age 6 and above are literate while 67 per cent of females in the same age group are literate. However, the education system is unable to provide the needs in many ways. There is total a disillusionment both with the content and format of education as well as its ultimate utility as a survival strategy. As education facilities are being spread more widely, they are also disintegrating (Refer Annexure 13 and Annexure 14).

XXXV. Apart from the lacunae in the dominant education systems, no attention at all has been paid to fulfilling the Rights of Indigenous Children of this region to be educated in the languages, histories, technologies or cultural values of their own inheritance.

XXXVI. The Report to the Nation on Issues in Elementary Education in the North-eastern

region : A Lokshala Perspective

(Bharat Jan Vigyan Jatha, 8 May 1998) elaborated upon the "special situation at Manipur" (Refer Annexure 15) . A major factor contributing to the disruption of the education system is the prevailing practice of occupation and encroachment of schools by the military and state police.

XXXVII. Another related factor, according to this report, is the severe risk to the lives of children on their way to and from school, due to the activities of Indian security forces (refer Annexure 15 and Annexure 16)

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Basic health and welfare
Articles 18,23, 24, 26,27

XXXVIII. At the end of this century, while the World Health Organisation is planning for a Health for All in the 21st Century and immunisation services and campaigns are being stepped up to eradicate polio myelitis and other communicable diseases, Manipur has witnessed regular annual outbreaks of cholera and other diarrhoeal diseases, measles, infectious hepatitis, malaria and encephalitis. The quality of drinking water available is unsafe and women and children have to walk long distances to fetch water for their homes.

XXXIX. Two districts where the population densities are 572 and 364 do not possess even a hospital worth its name. Community Health Centres are being upgraded to district hospitals only in name. Primary health care services in the districts are being conducted with health care professionals sitting in the State capital of Imphal. Maternity related deaths in hospital settings occur regularly. There were maternal mortalities reported from Ukhrul district hospital due to negligence by health service personnel, which resulted in the public closing down the hospital in December 1997. Two child birth related deaths were also reported from the district hospital in Imphal. Basic health care services are being neglected by doctors in government services who are involved full-time in private practices without any government action or regulation.

XL. HIV/AIDS and heroin use are public health emergencies in Manipur that have deep implications for children and their rights. AIDS related morbidity and mortality is steadily climbing during this decade. The HIV sero-positivity rate is 127.23 per 1000 blood samples screened in Manipur against the national figure of 22.04. The HIV sero-prevalence rate in Manipur has increased from zero in 1990-91 to 80.7 per cent in 1997. Among pregnant women, the rate is around 2 per cent. This situation has lead to increasing HIV/AIDS among infants and youth. Yet there are no prevention and care services specifically addressing HIV/AIDS among women of reproductive age or children and youth.

XLI. The political context determines the entire range of services and supports available and necessary to children for survival and development. The provincial government's resources budgeted for welfare and development are largely diverted to pay for the maintenance of various Security Forces. The anarchic situation in governance also creates a conducive atmosphere for misappropriation of funds on a massive scale. The dominant perspective from the state is that costs of enabling basic needs are optional expenditure, not essential investment.

XLII. Other development interventions have likewise been either damaging or inadequate rather than promoting human happiness. Necessary infrastructure such as health or transport facilities are minimal. Industrial activity is concerned only with extraction of natural wealth or is defunct.

Special protection measures
Articles 22, 30, 32, 33, 34, 35, 37, 38, 39, 40
Article 22

XLIII. For several decades now, all our children have been born and grow into adulthood in the overwhelming atmosphere of terror engendered by the escalating conflict situation in the region. They are not permitted, by the larger, dominant social context, to grow "normally". Should not all our children be classified as children in especially difficult circumstances? The

State has not considered any programmes for rehabilitation or support. In these conditions we are confronted with a maze of contradictions when presenting the status of our children's rights.

XLIV. In addition to State violence, children also have to contend with frequent and bloody ethnic wars within the region. Particularly since 1992, in disputes over territorial boundaries between ethnic groups, thousands of families have been rendered destitute, homeless and decimated. Government sources of information even on the bare volume of casualties and victims are unreliable since many of the villages had not even been covered by basic health or education services and are inaccessible except by foot or by helicopter. The latter is owned and used by the Indian Armed forces to provide logistical support to troops stationed in such villages.

XLV. No general education or education on drugs, sexual health and other harmful practices is yet available for children in this situation. This extremely vulnerable and already traumatised section of children is growing at a rapid rate, unnoticed by the rest of society. Suicide among adolescents and youth are increasing. The increase in heroin addiction and other psycho-social problems due to the conflict situations, unemployment, lack of basic services has not resulted in an improvement of the psychological health services available in Manipur. There are less than six qualified psychiatrists or psychologists in the Government Health and Welfare Services, for a population of almost 2 million.

XLVI. These spurts of violence occur usually in the more remote and inaccessible areas of the state where access to services is already difficult. Collusion of State security forces cannot be entirely ruled out. At present, the Government of India refuses to permit UNHCR to intervene in the situation, denying that there is a problem. Thousands of displaced people occupy temporary camps and take refuge with better off community members in the township areas. However, there are no programmes to take care of their immediate needs or for long term rehabilitation. Children are the first and most badly affected section of the population (Refer Annexure 16).
Articles 30

XLVII. Imposed on indigenous peoples of this region is a mainstream political, economic, social and cultural situation that promotes destruction of the environment, pauperisation of whole communities, oppression of entire populations, alienation of indigenous ethnic groups, discrimination against indigenous social institutions and practices and the smothering of minority cultures. The rapid and intensive obliteration of indigenous institutions and ways of life affect children deeply and compromise their survival opportunities. Though some indigenous peoples are recognized as scheduled tribes, this is arbitrary and frequently based on religion rather than authentic indigeneity of race or culture.

XLVIII. Indigenous cultures have a special intimate relationship with the natural environment. Environmental degradation and destruction, far from being remote images, are perceived as having immediate repercussions on economic, social and cultural survival. Ancient and critically important bio-reserves have been destroyed.

XLIX. Hydroelectric power generation has destroyed great areas of scarce and very fertile arable land and waterways with disastrous effects through displacement of communities. Many of the areas where 'ethnic cleansing' has occurred have been now taken up for tea, coffee, spice and flower plantation. In every such situation it is possible to infer the intervention of a powerful, ruthless vested interest or sheer callous neglect from the government.

Article 32

L. Visible and drastic increase in child labour is notable as primary evidence of pauperisation and displacement of our communities. Statistics on this are also not available with government or other reliable sources. But it is possible that the increase is in the magnitude of ten to fifteen per cent annually.

LI. The high value of labour exposes the children to an excessive degree of license attributable to the availability of cash without adult controls. In a region known for easy availability of heroin and given the trauma that has frequently led to the child becoming a labourer, the consequences are entirely predictable. The largest group of recently inducted addicts in the past few years has been children and juveniles who are working (Refer Annexure 18 and Annexure 19). Article 33 and 34

LII. The direct intervention of Security Forces in encouraging both juvenile substance abuse as well as child prostitution is also well known. A recent study on injecting drug use and HIV identified children and juveniles who had been lured into prostitution through alcohol and drug supply by personnel of security forces. The same study exposes the complicity of security forces in drugs trafficking (Refer Annexure 20 and Annexure 21).

LIII. Children and juveniles picked up on charges of heroin use are normally jailed, frequently without trial, under the Narcotic Drugs and Psychotropic Substances Act. Government facilities especially in jails for detoxification are minimal and for counselling and rehabilitation, non-existent. Heroin users are jailed with alleged terrorists and other criminals. Juveniles and youth with HIV in jails suffer from stigmatization, lack of medical facilities and general neglect with disastrous effects on their health and life expectancy.

LIV. The family and community environment is already heavily stressed due to political violence and rapid pauperisation. Parental roles in this context become confused and extended kinship or community supports are in various stages of disintegration. Violence towards children in the family including sexual violence, a typical condition of collapsing social structures, is becoming endemic. The traditional structures and norms which stress privacy, absolute authority of elders and conservative values conspire to abandon children to the mercy of disturbed parents and elders who are unable to cope and who vent their frustration and fear on the nearest helpless object. Due to displacement and communal tensions, many of the extended networks that would normally intervene in favour of the child are defunct or biased towards community solidarity rather than the child's interests (Refer Annexure 22).
Article 40

LV. Children and juveniles are arrested and detained under repressive emergency laws, in jails and army camps, sometimes without trial for considerable periods. Youth and students organizations are routinely threatened with proscription, effectively criminalizing democratic peaceful movements and protests. Leaders are arrested for engaging in activities in constitutionally guaranteed rights to education and indigenous cultural expression.

LVI. The Juvenile Justice (Manipur) Rules, 1988 was adopted by the state legislature in accordance to Section 26 of the Juvenile Justice Act, 1986 (JJA) of India. A section of the State jail was declared as an observation home and special home under the JJA, where child offenders were supposed to be segregated. Since no Juvenile Court was set up, courts were expected to order the separation of child offenders. There was no facility for rehabilitation or correctional services and this segregation was only an eye-wash. The minimal expenditure for this was met the Department of Social Welfare of Manipur, but the jurisdiction and control was in the hands of the Home Department (Police). In early 1990, the criminal court of the Additional Chief Judicial Magistrate of Imphal District, (one district out of nine) was designated the competent legal authority to try cases involving child offenders and declared to be the Magistrate of Juvenile Court. The ACJM was authorised to try offenders below 16 years for boys and below 18 for girls.

LVII. In 1992, the Department of Social Welfare built a separate building to house the Special Home and Observation Home for child offenders at Takyel. Until today, the building does not function as it was planned for. There is no infrastructure, personnel or correctional services set up. In 1994, two cases are recorded to have been sent to this special home. The reason put forward by the government is financial in nature; the sharing of expenditure for this facility

between the Central and State governments have not been sorted out till today, and budgetary constraints due to the "law and order" problem in Manipur (Refer Annexure 23).

CONCLUSION

LVIII. In competition with priorities such as 'national security', 'law and order' or 'national development' the rights of our children come a poor second. This we have been explicitly told, time and again, by concerned authorities during the preparation of this report. When national governments neglect to prioritize children, who can call them to account? That is the crucial issue, which has not been confronted effectively. What are the mechanisms for redress beyond national processes, that are free from the control or influence of the defaulting government?

LIX. This NGO report which has been coordinated and submitted by the Centre for Organisation Research & Education (CORE), Manipur to the Committee on the Rights of the Child for its consideration attempts to contribute towards the provision of adequate information on the rights of the child from Manipur, one of the seven small states in North East India.

LX. Recommendations that follow in this report arise from two fundamental premises in the context of the Convention. Firstly, keeping in mind that the situation described in this report is representative of an overwhelming majority of the indigenous and tribal children in the North East region of India, it is crucial that this Committee be enabled to reach a comprehensive understanding of the nature of the constraints and difficulties in the implementation of the Convention in this region. The initial report of India fails to enlighten this Committee about this aspect of the plight of the children in this substantial but obscure region of India.

LXI. Secondly, there is complete confidence in the Committee that after its careful consideration, it will initiate efforts towards far-sighted and enduring solutions to promote and protect the rights of the indigenous and tribal children in the region. It is hoped that the Government of India will fully cooperate with nongovernment organisations of the region and, if required, international organisations to undertake sincere and concrete steps that ensure the rights of the indigenous and tribal children of the region.

RECOMMENDATIONS

LXII. The Committee on the Rights of the Child should request the Government of India to speedily, within a specified period, provide a detailed report of the situation of indigenous and tribal children in the North East region of India, specifically from the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. Such information should particularly focus on the following principles and aspects of the Convention: -lxiii) Right to life and bodily integrity

Enforced and other disappearances, torture and other cruel, inhuman or degrading treatment or punishment, extra-judicial executions, rape and other forms of sexual abuse

lxiv) Indigenous identity and economic, social and cultural rights
Discrimination, education, special protection measures in terms of indigenous and tribal peoples and their rights

lxv) Children in armed conflict
Displacement and relief & rehabilitation measures, mental and psychosocial healthcare and welfare services, basic health and welfare services

LXVI. The Committee should request the Government of India to: -

lxvii) Take up mandatory training and education on the Convention and the rights of children including human rights education, systematically and widely, among all levels of its administrative institutions, civil authorities and armed forces in the region. Particular attention

should be given to ensure law enforcement officials to use force and firearms strictly in accordance with existing international principles, standards and codes.

lxviii) Give particular attention to the respect and ensuring at all times for human rights and provisions of humanitarian law aimed at the protection and care of children in armed conflict and situations of displacement;

lxix) Ensure impartial and thorough investigations in all cases of torture, ill treatment, disappearances, extra-judicial executions and other human rights violations committed against children;

lxx) Ensure prompt and just punishment on all those found responsible for the violations of human rights committed against children, including violations of the rights of juvenile detainees;

lxxi) Ensure that immediate and appropriate measures and competent services, in an enabling and culturally friendly environment, are established and functioning to promote the physical and psychological recovery and social re-integration of all indigenous and tribal children who survive any form of neglect, exploitation, abuse, torture or other forms of cruel, inhuman or degrading treatment or punishment and armed conflict in Manipur and the region.

lxxii) Constitutional provisions under the Protection of Human Rights Act 1993 be expeditiously brought into consonance with the principles of the Convention so that the National Human Rights Commission may become more effective in its efforts to promote and protect the rights of the indigenous and tribal children, as well as other children in India.

lxxiii) Expedite the ratification and implementation of international treaties and standards including: -

LXXIV. Cooperation with the Committee by providing prompt and full reports.

LXXV. Ratification and implementation of the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

LXXVI. The Committee should consider the appointment of United Nations observers and a fact-finding team to look into and verify the status of the implementation of Convention in Manipur, with the cooperation of the Government of India and the assistance of the concerned human rights and other nongovernment organisations.

LXXVII. The Committee should also recommend that the Government of India permit appropriate intergovernmental organisations such as, inter alia, the International Red Cross, the Office of the United Nations High Commissioner for Refugees, UNICEF, UNESCO, WHO to assist in the protection and promotion of the rights of the child in this region of conflict and complex emergency.

LXXVIII. The Committee should recommend that Amnesty International's request to the Government of India to visit Manipur and the North East region of India should be expeditiously and favourably granted at the earliest.

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