DRAFT

OCCASIONAL PAPER

INTRODUCTION

The interest in researching on the impact of armed conflict on children emerged out of an experience of interacting with a group of children residing in Bangalore, Karnataka, from the State of Manipur , located in the North East of India[1].

As part of an ongoing Participatory Action Research Project[2] on Juvenile Justice initiated by the Center for Child and the Law[3], I had been visiting the Juvenile Home for Girls[4], Bangalore. On one such visit, I was surprised to see a group of 16 girls from Manipur in the age group 3-12 years . Usually one finds street children, children in prostitution, abandoned children, or children in conflict with the law such institutions. These children did not seem to be of any such context. It was also unusual to find such a large group of children from the North East in these institutions due to the sheer distance[5]. I was later informed that these children had been rescued from an unregistered orphanage in Bangalore and were awaiting their return to Manipur.

However, what really caught my attention was the reluctance expressed by these young children to return to their families and guardians in Manipur. This posed the obvious question with regard to the causes that lead to the displacement of the children at the very first instance.

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[1] *See Annexure 1 Map of India.*

[2] *This is an ongoing action research project of the Centre for Child and the Law, Bangalore with children and functionaries of State run institutions which fall under the jurisdiction of the Juvenile Justice Act, 2000*

[3] *Centre for Child and the Law, National Law School of India University is engaged in policy research, law reform, advocacy , lobbying on child rights issues like juvenile justice, child labour, education, girl child.*

[4] *The Juvenile Home for girls, Bangalore is a long stay home for girl children in need of care and protection (as defined by the Juvenile Justice Act, 2000). The Juvenile Home for Girls, Bangalore also serves as an Observation Home for girls. The function of the Observation home is to provide interim care until the children are released to their parents or guardians.*

On probing further I was informed that the children had been brought to Bangalore for the purpose of education. Interactions with the children revealed that the children had been affected by the situation of internal armed conflict in Manipur. Unfortunately for the children on their arrival in Bangalore they were admitted into an unregistered orphanage. The State Department of Women and Child Welfare conducted an inspection after which the children were admitted to the Observation Home Bangalore[6], where preliminary inquiries would be made and a decision taken about their placement[7].

I decided to follow up on the situation of these children. Intervention with these children proved to be complex and frustrating for a number of reasons. involved with the children seemed to have little or no knowledge about the context of the children, the trauma they had suffered and the course of action to be taken. For a start most state functionaries and NGO's involved in intervention and decision-making were not aware of the politocal situationt in Manipur or any clue of thwe impact of such conflict on children. This lack of awareness and lack of initiative is not just a local reality. but is also reflected nationally as there is a lack of any specialized policy or programme to address the needs of children affected by conflict in the country. Standard procedures which were used with other group of children coming under the purview of the Act as children in need of care and protection such as street children, abandoned and lost children, children affected or infected with HIV/AIDS was being applied to these children. As the children were from very different social realities and had very different needs, such interventions lead to 'secondary distress'[8] resulting in them feeling confused, depressed and anxious about their present situation.[9]

Although the children were within an institution they were completely lost and helpless. Their situation was painful. It was important that the case be handled sensitively and only with a comprehensive understanding of the situation of these children.

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[5] *Imphal in Manipur is 3416 kilometers away from Bangalore*

[6] As per the provisions of the Juvenile Justice Act 2000.

[7] *See footnote 3 for function of the Observation Home.*

[8] *'Secondary Distress' as highlighted in this report occurs due to ineffective and inadequate interventions.*

[9] *Refer Annexure 3 and 4, i.e.- Case Study 1 and Case Study 2*

These efforts of trying to gain 'some kind of an understanding of the situation of children' began a journey of new learning's, exposures and interactions with children and communities from Manipur. Various issues were raised and debated upon in the Centre in this process of trying to understand the factors that might have affected the lives of these children and thousands of other children in Manipur and other parts of the world ravaged by internal conflict and war.

OBJECTIVES OF THE RESEARCH

The purpose of this preliminary report is to begin a process of inquiry into the nature of the impact of armed conflict on children in the State of Manipur. A deeper focus has been on the issue of displacement due to armed conflict, specifically on the children who had been displaced to Bangalore from Manipur.

The researcher hopes to achieve the following objectives through this report:

- Document a brief background on the current socio-political situation in Manipur.
- Analyze the impact of internal conflict on children in Manipur.
- Highlight some of the critical child rights issues that emerge.
- Make recommendations that could contribute to policy, intervention and future research on the issue.

STATEMENT OF THE PROBLEM

Several thousands of children in the Indian sub continent have been affected by armed conflict. Globally too, the magnitude of the problem is astounding. "In the past decade, an estimated two million children have been killed in armed conflict. Three times as many have been seriously injured or permanently disabled, many of them maimed by landmines. Countless others have been forced to witness or even to be part of horrifying acts of violence".[10]

[10] *Graca Machel (1996); " Impact of Armed Conflict on Children"; – this report was prepared by the expert on appointment by the Secretary General of the United Nations in pursuant to a General Assembly Resolution 48/157 of 20th Dec 1993. This report is considered a path breaking report, as this was the first time the problems of children affected by Armed Conflict was highlighted internationally in such a focused manner.*

Armed conflict could arise between nation states or between the state and armed groups or between different armed groups within a State. Conflict between armed groups within a state or between the state and internal armed groups is called 'internal conflict'. The recent trend has been towards an increase in internal conflicts[11], which has been fueled by global politics and economic structural reforms.

Of more than 150 major conflicts since the Second World War, 130 have been fought in developing countries. It is estimated that three quarter of the conflict since 1987 was between the centralized political system or state and ethnically distant group or nations, and only 3% of the conflicts were between states. In 1995, 30 major armed conflicts were waged in different locations in the world. All of them took place within states, between factions split along ethnic, religious and cultural lines.[12]

Graca Machel[13] in her report states, "Statistics are shocking enough, but more chilling is the conclusion to be drawn from them. More and more of the world is being sucked into a desolate moral vacuum"[14]

While analyzing the impact of armed conflict on children Machel reflects on the "massive level of destruction", physical, human moral and cultural.[15] . The Machel report highlights the fact that conflict violates every right of a child, the right to life, the right to a family and community, the right to health, the right to the development of personality and the right be nurtured and protected.[16]

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[11] *See Annexure 5*

[12] *CI; Roy Laifungbam (1997); "Towards Psychosocial Care & Support for Communities in Conflict Related Stress – Need for long term perceptivities in Manipur, North East Region of* India"; p.2

[13] *Graca Machel (1996) ;" Impact of Armed Conflict on Children"; – this report was prepared by the expert on appointment by the Secretary General of the United Nations in pursuant to a General Assembly Resolution 48/157 of 20th Dec 1993. This report is considered a path breaking report, as this was the first time the problems of children affected by Armed Conflict was highlighted internationally in such a focused manner.*

[14] *Ibid*

[15] *Ibid para 29*

Machel stresses on the multi dimensional impact of conflict on children, both physically and psychologically. While discussing this she also reflects on the invisible impact of conflict. According to her, "The origin of the problems of many children who have been affected by conflicts is obscured. The children themselves may be removed from the public, living in institutions or, as is true of thousands of unaccompanied or orphaned children exist as street children or become victims of prostitution. Children who have lost parents often experience humiliation, rejection and discrimination for years. They may suffer in silence as their self-esteem crumbles away. Their insecurity and fear cannot be measured".[17]

In Manipur, thousands of children have been affected by internal armed conflict. "Political violence in Manipur, manifesting as a low – intensity silent (to the rest of the world) war for the past forty to fifty years has become a well-entrenched endemic problem".[18]

On the researchers visit to Manipur she was shocked at the manner in which conflict had ravaged the region. Manipur seemed like a society in chaos. There was a complete breakdown of infrastructure and communication. Schools had been shut down. Daily incidents of violence were being reported .The army was present at every corner and curfews were being imposed regularly. On interacting with communities, women and children in Manipur the researcher began to understand that for people in Manipur, this was part of their daily life experience. Every person in Manipur had a tragic story to tell - of personal loss, of violence, of discrimination and of violation of his or her human rights.

Conflict had fragmented the family, community and traditional support systems. It has led to a breakdown of the economy. For those who choose to move away from the conflict area life was no simpler. The researcher interacted with two groups of unaccompanied children from Manipur who had been entrusted to organizations in Bangalore, South India, with the hope that they would acquire a basic education. However, in Bangalore, all of these children were neglected, some abused, and others not allowed to meet with their families.

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[16] *Ibid para 30*

[17] *Ibid 31*

Although Manipur has been in conflict for over 40 years, it is shocking to note that there is no policies or programmes to support children affected by armed conflict. When thousands of children in Manipur and other parts of the North East and Kashmir are affected as survivors of violence, abuse and family breakdown and their physical and psychological well-being is being threatened on a daily basis how do we explain this silence? One could argue that this apathy by the state is not only restricted to the issue of children affected by conflict but is the common approach of the Indian State especially to issues related to the North East of India. The North East of India is poorly developed and has been excluded politically, economically and socially from mainstream India for decades. In fact it has been debated that this has been one of the root causes for the existing conflict in Manipur and the rest of North East India.[19]

Until the year 2000, children affected by armed conflict did not figure in any national law or policy documents . The new[20] Juvenile Justice Act 2000, includes children affected by armed conflict as children in need of care and protection. However no specialized intervention strategy has been recommended for this group, once again leaving these children at the mercy of state functionaries who have little knowledge about the situation of the children.

A few non-government organizations have highlighted the situation of children affected by armed conflict in the Manipur in the Alternative Report prepared by NGO's to the Committee on the Rights of the Children 1998.[21]

Although the state has failed at different levels to respond to the situation of children in Manipur, what has been heartening has been the response of the community. Community groups, student groups, women's groups and the local community at large has exhibited a great deal of resilience while trying to to cope with the fallout of the conflict. While discussing the impact of armed

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[18] *Roy Laifungbam (1997); "Towards Psychosocial Care & Support for Communities in Conflict Related Stress – Need for long term perceptivities in Manipur, North East Region of India"; India.p.11*

[19] *Global database (2000) "General causes of Internal displacement in North Eastern India"*

[20] *The JJ Act 1986 was amended in 2000*

[21] *CORE(1998); 'Children in Manipur, A Supplementary report on the rights of the child, India'*

conflict on children in Manipur, the researcher has also tried to study the interventions by the state and the response of the community.

METHODOLOGY

This document has been prepared based on two Case Studies ,one short field trip made by the researcher to Manipur and secondary data. The case studies were prepared by the researcher based on her interactions with two groups of children who were displaced to Bangalore from Manipur.[22]

The researcher required the special permission of the Department of the Women and Child Welfare, Karnataka to interact with the children as the children were in State custody. Many hurdles had to be overcome while interacting with the children locally.

While interacting with the first group of children (Case Study 1) the researcher was abruptly stopped from visiting the children in the State Home. This was because the local press had carried an article[23] on the situation of the children. In reaction to this, the authorities stopped all access of outsiders to the children(JJ institutions being custodial in nature).

The role of the researcher was ambiguous for a number of reasons while interacting with the first group of children. While interacting with the second group of children the researcher was essentially requested to follow up on the release of the children to their families by families and NGO's in Manipur. The researcher was not allowed to interview the children at any point of time. Due to the nature of the researchers interaction, it was not possible to follow a more effective methodology such as detailed interviews or focus group discussions. Case Study 1(Annexure 3) and Case Study 2 (Annexure 4) is essentially a documentation of the researchers informal interaction with the children in the State run institutions and certain interactions with parents and guardians.

[22] *See Annexure 3 and 4*

[23] *See Annexure 3*

During the researchers field trip to Manipur, she interacted with Non Governmental Organizations, local community groups, politicians, women, children and representatives from different indigenous groups. Due to the tense political situation, all interactions were brief and time bound. However what these experiences highlighted was the unseen and unspoken plight of people in Manipur, especially children.

CONTENT OF THE REPORT

This report focuses on some of the physical, psychological, social and cultural impact of conflict on children in Manipur. As Machel[24] has rightly pointed out, while analyzing the impact of conflict on children, the issue of children cannot be looked at in isolation but must be seen from the perspective of the family and community, as children form an integral part of the community.[25] This report will therefore highlight some aspects of the impact of internal conflict on families and communities in Manipur. This report also attempts to highlight the invisible and indirect impact of conflict on children in Manipur.

An attempt has been made to give a brief socio-political background of Manipur. This is however a very sketchy outline of some of the ongoing situations of conflict in Manipur.

While discussing the impact of internal armed conflict on children in Manipur various existing interventions by the State, Non Government Organizations, International Organizations and the local community has been discussed and critiqued. Based on the study, various issues have been raised and broad recommendations offered.

This report has been divided into three sections. Section one gives a brief background on the current socio-political situation in Manipur. Section two analyses the impact of armed conflict on children in Manipur , the role of the State and the response of the local community. This section also analyses the legal protection offered to children under the current national law - the Juvenile Justice Act, 2000 and also lists the provisions for the protection and assistance for children affected by armed conflict under the Convention on the Rights of the Child,1987. Section three

[24] *Graca Machel (1996) " Impact of Armed Conflict on Children"*
[25] *Ibid 32*

highlights some of the issues that arise in this context based on which a few broad recommendations are made. The main component of the report is section two that looks at the impact of internal conflict on children in Manipur.

LIMITATIONS OF THE REPORT

This report has a very narrow focus as it essentially engages in a description of the possible impact of armed conflict on children in Manipur and also attempts to document the response of the state, and local communities. Even while beginning to look into these issues, one is constantly confronted with broader issues such as the notion of the Nation State, the nature of ethnic struggles and self determination movements in Manipur, notions of identity and the impact of economic and cultural globalization on indigenous population. In such a brief research period one cannot claim to have a real grasp over any of these issues. Even the section, which documents the socio- political background of Manipur, gives a very brief outline of the situation. While keeping in mind the macro picture, the effort of this report is to gain a preliminary understanding on the impact of internal conflict on children in Manipur.

Another limitation of this report is that it does not focus on children who are direct part of hostilities. There are two reasons for this lack of focus on children in direct hostilities. Firstly, the recognition of the fact, that in such sensitive situations it is extremely difficult to access authentic data on this issue. Secondly, engaging in this issue would also mean interaction with armed groups and a deeper understanding of self-determination groups and their struggles in Manipur and the North East. It was not possible for the researcher to engage in these issues currently, as such an engagement would mean months of participatory observation, dialogue with different factions and perspectives, as well as additional primary and secondary research.

Keeping in mind the complexity of the issue I would like to state that this is a preliminary report and no final conclusions must be drawn based on this report.

SOCIO-POLITICAL BACKGROUND OF MANIPUR

GEOGRAPHIC LOCATION

"It comes as a surprise to many that there is a geographically sizeable portion of India that lies in the east and North of Bangladesh, land locked and demarcated by International borders with Burma (Myanmar) to the east, and Bhutan and Tibet to the north"[26]. This quarter million square kilometer territory which is commonly described as the North East Region, constitutes 8% of India's geographical area and comprises of seven Indian states.The seven states of the North East region comprise of Assam, Arunachal Pradesh, Manipur, Nagaland, Meghalaya, Tripura and Mizoram.

Manipur is one of the smallest Indian states with an area of about 22, 327 square kilometers. It can be geographically divided into hills and plains, with the plains forming just about one tenth of the total area. The State consists of nine districts. It has four districts in the plains - the Imphal East, Imphal West, Thoubal and Bishnupur; and five districts in the hills, consisting of Ukhrul, Chandel, Tamenglong, Senapati and Churachandpur.

POPULATION, CULTURE AND ETHNOGRAPHY

The state has a population of approximately 2, 388, 634 people[1].

The state is populated by a diverse mixture of indigenous people of Mongoloid origin. The majority of the population, accounting for about 69 percent of the total population of Manipur are known as the Meiteis, who reside mostly in the plains. Other smaller communities comprising of about 43 tribes populate the hill regions. These groups are broadly differentiated

[26]*Roy Laifungbam (1997); "Towards Psychosocial Care and Support for Communities in Conflict Related Stress – Need for long term perceptivities in Manipur, North East Region of India"; India.p.4 Roy ;11;p.7*

into Nagas and Kuki-Chin people. Some of these tribes are very small, comprising of only 500-5000 people.[28] Each tribe and sub-tribe has distinct cultural characteristics and spoken languages[29]. However the roots of most of the people are common. This is borne out of the fact that the origin of languages spoken is the Tibeto-Burma linguistic group.

SOCIO-ECONOMIC BACKGROUND OF MANIPUR

"Economic development of the North-East has been slow, inadequate and uneven"[30] The North East region is overall isolated from the socio economic development of the rest of India. "Most of the inhabitants of the region have access to their own or community owned land and resources, but they are not well off. At the cognitive level, rather then poverty, it is relative deprivation which appears to be more significant"[31].

Agriculture and forestry are the main sources of livelihood and there is very little industrial development. Communication and infrastructure are particularly poor in this area. The Government is the principle employer and the unemployment rate is high.

A BRIEF DESCRIPTION OF THE INTERNAL ARMED CONFLICT IN MANIPUR

The task of describing the situation of internal armed conflict in Manipur is a complex one. This is because there are different versions and interpretations of the conflict. However, the researcher has made an attempt to do this, noting the fact that this should be considered as merely a preliminary description of the same and not a final conclusion of the deep-rooted ethnic problem.

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[27] *Provisional 2001 census.*
[28] Roy Laifungbam (1997); "Towards Psychosocial Care & Support for Communities in Conflict Related Stress – Need for long term perceptivities in Manipur, North East Region of India"; India.p.6 , *Roy ; p 6*
[29] *Manipur State Report; 2000*

[30] Laifungbam (1997)
[31] *CF; Laifungbam (1997); "Towards Psychosocial Care & Support for Communities in Conflict Related Stress – Need for long term perceptivities in Manipur, North East Region of India"; India.p.5*

The ongoing internal conflict in Manipur is at two levels. One between the states and between armed groups who have different agendas ranging from total self-determination to greater autonomy within the Indian State. The complexity of the problem is further aggravated by the conflicts waged between different ethnic groups.

One of the major conflicts based on ethnic lines which have greatly changed the social equation in Manipur has been the conflict between the Nagas and the Kukis. Besides this, other notable conflicts having an impact on the overall situation in Manipur are the conflicts between the Paite's and the Kuki's; and the Pangals and the Meitei's.

CONFLICT BETWEEN THE STATE AND ARMED GROUPS

Naga Armed groups and the State:

The Naga armed groups has one of the longest history of fighting against the Indian State in the North-East. Of particular significance is the fact that four of the districts of Manipur— Ukhrul, Tamenglong, Chandel and Senapati are populated by the Nagas The Nagas in these districts and in other parts of the North East have been aspiring for a common homeland and an independent state for the last 53 years, i.e since the independence of India from British colonial rule.

One of the consequences of this conflict has been the high casualty of civilians, which has had a deep impact on the social and cultural practice of the Nagas. About one and a half million Nagas are estimated to have died as a result of the conflict between the Indian army and Naga underground outfits.

Meitei Armed Groups and the State:

Manipur had been an independent State till its merger with India on Oct. 15th, 1949. The Meitei's, who essentially inhabit the plains, are not in agreement with the merger to the Indian

State as they claimed that the King of Manipur was not authorized to sign away the state without consulting his council of ministers. This was further aggravated when Manipur was not given the status of statehood within the Indian Union for 23 years until 1972. There have been other issues that have bred resentment such as the fact that Meitei's are not accorded the status of scheduled tribes and thus have to forgo the benefits of reservation's accrued to other ethnic groups in the states.

A reaction to all these can be seen in two forms - the current revivalism of their pre-Hindu past and the insurgency towards the Meitei restoration. The Meitei armed movement can be seen as a more assertive reaction of the parallel movement of Meitei revivalism which rejects the "cultural hegemony" implicit in sanskritization and the "Aryan disinformation" of history.[32] One of the earliest armed movements among the Meiteis started with the formation of the United National Liberation front (UNLF) in 1964, with its objective of achieving self-determination and socialist society for the Meiteis. Later, organizations such as the People's Liberation Army (PLA) emerged in 1978 which h the objective of "organizing a revolutionary front to liberate Manipur" and to "overthrow the Delhi bandit government".[33]

Armed Forces Special Powers Act(1958)

The response of the Government of India to all these developments has been to send in more and more para-military forces as well as the adhoc application of the very stringent Armed Forces (Assam and Manipur) Special Powers Act, 1958, (AFSPA).This Act is said to said to be a product of the tensions between the Indian State and the Naga leaders.[34] AFPSA which is applicable in the State of Manipur and the Union Territory of Manipur gives special powers to the army to shoot, arrest and search at all times.[35] This Act has been termed as one of the most 'draconian' legislations passed by parliament.[36]

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[32] *B.G.Verghese(1996) ; "India's North East Resurgent"; Konark Publishers Pvt Limited; India;p 117.*

[33] *Ibid; 119.*

[34] *" South Asia Human Rights Documentation Centre '* Armed Forces Special Powers Act- A Study in National Security tyranny'

[35] *Ibid*

[36] Ibid

ETHNIC CONFLICTS

There has been a rise in ethnic conflicts in Manipur over the last decade. These range from the violent Naga-Kuki conflict to the more communally based Meitei-Pangal conflict.

The Naga-Kuki conflict; 1992 onwards:

In the history of conflicts between ethnic groups, the Naga-Kuki conflict is the most violent, resulting in the loss of hundreds of lives and the burning of entire villages.

The Kuki-Naga conflict started with the eruption of violence in Moreh, a town in Chandel District of Manipur situated on the Indo-Burma border. Moreh is known as the nodal point for trade in narcotics, arms and smuggled goods.[37] Confronted with the taxation of The Nationalist Socialist Council of Nagalim (Isak-Muivah), an underground armed outfit of the Nagas.NSCN (IM) , the Kukis in this area retaliated by driving out the Nagas living in Moreh. This resulted in a violent ethnic conflict spreading to other parts of Manipur, Nagaland and North-Cachar Hills.[38]

Beyond the question of Moreh, there is the greater issue of territory and property that can only be understood in a historical context.

The Nagas claim that in the latter part pf the 20th Century, the British planted the Kukis in the Naga areas to fight the Nagas which they could not control on their own. The Kuki's claim that they were scattered by the British after the Kuki rebellion of 1917-1918 through out the present Manipur, Nagaland and North-Cachar Hills and Myanmar. At the same time the Kukis assert the Nagas and Kukis migrated to their present place of domicile at around the same point of the time and therefore none can claim superiority over each other.

[37]B.G.Verghese(1996) ; "India's North East Resurgent"; Konark Publishers Pvt Limited; India;p 102.

In 1987 the Kuki National Front, an armed group was formed by the Kuki's seeking a separate Kuki land consisting of Sardar hills, Chandel, parts of Tamenglong and Ukhrul in Manipur. This forms a major chunk of Naga areas besides Churachandpur, which has a Kuki majority population. This resulted in a strong opposition from the Nagas who claimed their ancestral rights over the land. However the Kuki-Naga conflict did not take a violent turn until 1992 when the Moreh incident took place. It has still not been resolved conclusively though violence has decreased sharply in the last few years.

The Meitei-Pangal conflict, 1993:

Even as the Naga-Kuki conflict was taking unexpected turns with the number of casualties rising alarmingly, there was a Meetei-Pangal riot in May 1993.

The Pangals are Muslims from Manipur. They reside in the plains and constitute about seven percent of the population. They trace their origin to immigrants from other parts of the country. However, over the years they have adapted themselves to the Manipur culture.

The riot took an inter-denominational hue because of the fact that the majority of Meiteis follows Hinduism. There is a prevalent view that in actuality, it was not a communal riot as the Pangals had been living with the Meiteis without any problems. But this incident marked a certain point in the nature of relationship between the Meiteis and the Pangals. This is especially in the context of the development of some anti-minority feelings as a result of Meetei revivalism and the emergence of tension lines between the two communities.

The Kuki-Paite Conflict:

The Paites are a tribe of people belonging to the Kuki-Chin-Mizo genealogy. The majority of the Paites live in Churachandpur district that has a Kuki majority.

Tension lines between the Kukis and the Paites began to develop around 1997 when Kuki armed groups began levying taxes on the Paites. Also of importance is the fact that there had been an influx of Kukis from other areas into Churachandpur because of the Naga-Kuki conflict. This may have resulted in scarcity of resources and therefore the increase in resentment.

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[38] B.G.Verghese(1996) ; "India's North East Resurgent"; Konark Publishers Pvt Limited; India;p 102.

The tension resulted in a series of violence in which many houses were burnt and a number of people were killed. Although the number of casualties comes nowhere near the number of people killed in the Naga-Kuki conflict, the eruption of violence between the Paites and the Kukis had a serious impact on the already thinly stretched relationship between different tribal groups in Manipur.

Kuki-Tamil Violence in Moreh, 1995:

Another incident, which played a key role in the already complicated situation, is the sudden eruption of violence between the Kukis and Tamils in Moreh in 1995. It is estimated that there are about 17, 000 Tamils living in Moreh who are mainly World War II refugees from Burma. The rest in Moreh are Meiteis and Kukis.

The cause of the tension between the Kukis and the Tamils is attributed to the chain reaction set off by a Naga raid on a Kuki village close to Moreh in 1995. The Kuki National Army (KNA) kidnapped a Tamil boy suspecting him to be a Naga informer. This led to a confrontation between the Kukis and Tamils. About 500 Tamils marched to a Kuki village to rescue the Tamil boy whom they thought was hidden there. This resulted in the burning of some Kuki houses. Retaliation by the KNA resulted in more casualties.

These cases of conflict present a grim picture of different groups of people trying to assert themselves over each other. However, it is important to see all this in the larger context of deprivation, the lack of access to infrastructure and resources apart from the critical issue asserting of an indigenous identity. Currently Manipur is confronted by a triple crisis of insurgency, development and health[39]. Self determination groups, though divided on the lines of tribal identity have arisen due to political unrest on issues related to identity, under development, land rights of the indigenous groups, collective rights and unemployment. "The Indian government's economic and political neglect of the North East, the resulting underdevelopment there and local people's sense of political exclusion and powerlessness have all contributed to significant tensions.[40]

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[39] *Ibid;p134*

[40] *"General causes of the internal displacement in North East India; Global IDP Data Base ; 2000*

IMPACT OF ARMED CONFLICT ON CHILDREN AND THE RESPONSE OF THE STATE AND CIVIL SOCIETY IN MANIPUR - AN ANALYSIS

" Children in this region are witnesses, survivors and direct victims of armed conflict between the State and various national liberation organizations. The State of Manipur has been declared as a disturbed State since 1980, which justifies the imposition of the Armed Forces (Special Powers) Act. All persons and especially children have been adversely impacted in this period in several ways."[41]

The impact of internal armed conflict on children is a complex phenomenon. In this chapter the researcher has attempted to understand the manifestation of this problem in the lives of children in the State of Manipur that has been undergoing internal conflict for over forty years. The breakdown of family and other social structures as well as economic structures during this period has had wide ramifications on children physically, emotionally, socially and culturally.

As conflict affects all aspects of ones life, one could state that all children in Manipur have been affected in some way or the other. The nature and intensity may wary in each case. The ongoing conflict in Manipur has created a situation of children living in camps, unaccompanied, institutionalized, orphaned children, children in prostitution, children affected by HIV/AIDS. Most c hildren in Manipur grow up in an environment that is not conducive to attaining an education or minimum standards of health and nutrition.

Conflicts have resulted in traditional family and community structures being challenged and reshaped. Children too have to face these transitions, often without any support leave alone

[41] *CORE (98) "Children of Manipur": A Supplementary Report on the Rights of the Child, India.*

explanations or clarifications. They find themselves in new situations, with new status – mostly those that categorize and label them.

In this chapter the researcher has focused on some of the problems faced by children affected by conflict in Manipur. The researcher has focused on some of the manifestations of conflict, which include orphaned and single parented children, displaced children, and unaccompanied children. The physical, psychological and developmental impact of internal conflict has also been dealt with in this chapter while discussing the impact of conflict on children's health, education and nutrition.

The inner resilience demonstrated by many children, is often not recognized or affirmed. In this chapter the researcher has also focused on some of the responses of the community to the problems of children. Other Interventions which include interventions by NGO's & IGOs and the state, has also been dealt with in this section.

1. Children who have been orphaned and children of single parents

Children who have been Orphaned:

"Of a group of 16 girls displaced to Bangalore from Manipur, 5 of them were orphaned and 11 came from single parented families. 10 of these 11 children were from female-headed households. 5 of the children mentioned that their fathers had died in ethnic tension. The other children did not remember how their fathers had died."[42] *If one had to consider that 5 of 16 children had lost their fathers due to armed conflict the implications of such data is devastating.*

One of the direct fallouts of conflict is the loss of life. In situations of conflict sometimes both parents are killed leaving children to fend for themselves. This has lead to a phenomenon of child headed households in regions of ongoing conflict like Africa. "Armed conflict leaves

[42] *See Annexure 3*

children and youth orphaned, displaced or responsible as the head of households when one or both parents are killed or away fighting"[43]

Despite the lack of authentic data on the magnitude of children orphaned due to conflict one can assume that in Manipur there is a significant population of orphaned children ,child headed households and single parented households. The Researcher interacted with communities and Non Government Organizations who acknowledged that several children have been orphaned in the ongoing conflict in Manipur.

According to a foster parent from Manipur, many children were orphaned in the Kuki-Naga Conflict in 1998. "The army brought the injured to the hospital and my wife and other women in the community rushed to attend to people. They brought orphaned children into our home". This foster parent has fostered children post the conflict.

This fact has also been highlighted in Case Study 1[44] of the sixteen girls who were displaced to Bangalore. Almost all of them have been affected by breakdown of family due to the prevailing situation. All the sixteen children were Kuki children, who had been affected by the Kuki-Naga conflict , which left the girls orphaned and semi-orphaned.[45]

During the researchers visit to Manipur, the housemother of the Destitute Cottage stated that, of the 45 children living in her institution, 6 had been orphaned in the conflict. She narrated the story of a young girl whose father died in the clashes and pregnant mother was also shot dead in during the Kuki-Paite conflict. This was when the child was two years of age. Some of the villagers brought her to the destitute cottage. This child broke out into severe rashes and still does every few months · [46]

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[43] *Gill and Cohn (1994); "Child Soldiers"; Oxford University press; p23*
[44] See Annexure 3

[45] Ibid
[46] *The housemother mentioned the repeated problem of rashes despite treatment. Rash and skin problems are sometimes manifestations of psychological distress. The same could be true of this child who had undergone tremendous grief and trauma.*

It can therefore be assumed that a fairly significant number of children are being orphaned and single parented in the ongoing conflict in Manipur. However, though the magnitude may be large, the population is not a very visible one.[47]

Orphaned and single parented children are vulnerable to displacement, abuse and exploitation. Such children are vulnerable to being inducted into various armed groups. Girl children are especially vulnerable to being forced into prostitution.

Female-headed households:

There are no statistics available on female-headed households in Manipur. An NGO called SHORE working with women in Manipur has highlighted that several women have lost their husbands in the conflict. One of the women narrated her grief to the researcher saying - "My husband was carrying my child and when he started crying he gave him to me and went outside the house. In a few minutes I heard gunshots ……". She worries about the future of her three children.

Response of the local community: Foster Care & Adoption

Although orphaned or neglected children come under the definition of children in need of care and protection under the Juvenile Justice Act 2000, and could be placed in state institutions, the Observation Home – one of the short stay State institutions under this Act in Imphal (Manipur) did not have a single child admitted for care or protection during the period of the visit by the researcher. The reason for this is that institutionalization within the State of Manipur is not a common practice. Instead, there seems to be a cultural practice of adopting and fostering children within the community.

There is an excellent system of extended family support within indigenous communities. Orphaned children are informally adopted or fostered by relatives and members of the community.[48] Such adoptions seems widespread and acceptable in Manipur.[49]

[47] *The lack of visibility could be due to the fact that children are adopted and fostered by extended families and community. See section on foster care and adoption for furthur elaboration.*

The Changing Trend

Conflict fragments and weakens the traditional support systems within the community. This is leading to institutionalisation. The House Mother of the destitute cottage spoke of the case of a two-year-old girl who was brought in by the villagers - " People had enough of their own problems so they were not in a position to take on more." The trend in Manipur seems to be to send children outside the State of Manipur especially for the purpose of education. Data collected by the researcher about the children who were displaced to institutions in Bangalore reveals that the children were mainly orphaned or from female headed households.[50] This is discussed in detail in the section on unaccompanied children.

This situation could be compared to the situation of children in Cambodia in the seventies. According to an USAID (United States Agency for International Development) report[51] on orphaned children in Phnom Penh 'there are no unaccompanied children to speak of because it was customary for relatives to take children whose parents were dead into their homes and raise them'. However the situation became more complex when more parents were killed when Cambodia became involved in the Vietnam War. Economic hardships and displacement limited the capacity of people to take care of additional children and sometimes parents abandoned their own children. The report stated that 'it is not that most orphans are happy and well taken care of. …many are undernourished, in very bad health and desperate need of assistance. But it is not because they have no one to care for them; it is because those people who are caring for them just do not have the resources to raise them up.'

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[48]Researcher interacted with families who had adopted children who were orphaned in the conflict.

[49] *The community does not usually follow any legal procedure on adoption or foster care but this practice has high social sanction. In fact one could state it would be more of a rule than an exception to take in orphaned and destitute children. The population of children orphaned is not very visible possibly due to the fact that fostering and adoption happens informally.*

[50]*The researcher was an observer at the SHORE weekly meeting of a self help group for women. Almost all women wanted information from the researcher of educational opportunities and sponsorships available for children outside Manipur*

[51] *Ressler, Boothby; Steinbock (1998); "Unaccompained children – Care & Protection in Wars, Natural Disasters & Refugee Movements"; Oxford Univ. Press, New York; p 90*

2. INTERNALLY DISPLACED CHILDREN.

" *I love Manipur so much*" (A young girl aged 8 awaiting her return to Manipur)

Refugee status is acquired when people cross the boundaries of a nation state, while internally displaced persons are displaced within the boundaries of a country. This differentiation may be legally appropriate but in reality the situation of internally displaced children is very often no different from refugee children. However, internally displaced children do not have the protection of the law or the institutional support of international organizations.[52]

In a country as vast and diverse as India, when children are displaced from one part of the country to another, the experience of displacement can be very intense. When children migrate from a state like Manipur which is in the North East of India and come to a place like Bangalore which is in the South of India, it is almost like an experience of being in a different country.[53] There is vast diversity in culture, language, ethnicity .Apart from diversity is also the issue of alienation from so called mainstream national culture. Although internally displaced children may not struggle with the issue of nationality, they can feel like second-class citizens in their own country.

The Concept of Internal Displacement and the Nature of Displacement in Manipur

It would be useful to look at the notion of displacement before analyzing how children displaced from Manipur are affected by internal displacement. The most recent definition of internally displaced people was conceptualized in the Guiding Principles on Internal Displacement[54], where internally displaced people are defined as "people who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or manmade disasters, and who have not crossed an internationally recognized state boundary".

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[52] *The State of the World Refugees; 1997-98;UNHCR;Oxford University Press; p99*

[53] Imphal in Manipur is a distance of 3416 kilometers away from Bangalore

[54] *The Guiding Principles on Internal Displacement represents the first international standards specific to internally displaced persons and their particular needs, Presented to the United Nations Commission on Human Rights in April 1998, they were developed by a team of international legal experts working under Francis M. Deng, representative of UN Secretary General on internally displaced persons.*

In Manipur, which is a situation of low intensity warfare, people are forced or obliged to leave their places of habitual residence for a variety of reasons, leading to different kinds of displacement. An incidence of violence, or ethnic clashes may force people to leave immediately due to a direct threat on their lives[55]. A more gradual displacement also occurs over time due to circumstances created by the conflict such as the lack of access to education or opportunities to earn a sustainable livelihood. The basic difference between the first and second kind of displacement lies in timing, location and scale of displacement. When there is a direct threat to life, movement is immediate and maybe close to the region of habitat. In the case of displacement due to other fallouts of conflict such as the lack of education, displacement may occur over a period of time and is usually planned. As displacement of this nature is not immediate, and movement is sometimes planned to regions far away from Manipur due to perceived opportunities.[56] The other difference is that of scale. When there is a tension between communities, one sees the exodus of large groups of people from one region to another. In the case of the second kind of displacement it is more a decision of individuals or families to migrate to other states. It is important to recognize this differentiation in order to gain a comprehensive understanding of the situation of displaced children from Manipur.

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[55] *Like during the Naga – Kuki conflict when Kuki's fled in large numbers from Naga dominated areas.*

[56] *Like in the case of children who came from Manipur to Bangalore for education Refer Case Study 1 & 2;Annexure 3 and 4*

Magnitude of Internal Displacement in Manipur

In the State of Manipur, over 1000 individuals have been killed and as many as 1,30,000 persons have been displaced since the inter ethnic strife between Nagas and Kukis, which started around 1992. Kuki's say that more than 40,000 Kuki's were displaced primarily between 1992-1996. Most of these people have resettled in other Kuki communities. On the other hand, Naga sources claim that the Naga- Kuki conflict has displaced as many as 90,000 Naga's in Manipur and another 5000 in Nagaland. According to Naga leader Artax Shimray displaced Naga's are not visible because they have never established camps.There is a strong support system among Nagas. Displaced people are sheltered in the homes of other Naga families. Fighting between the Kukis and Paites displaced more than 15,000 Paites. Most were displaced within Manipur where 30 temporary relief camps were set up near their original homes. [57]

The Indian delegation, while responding to the committee in the Rights of the Children on the situation of displaced persons and children in the North East stated that "20,000 children of the age group 0-10 years were in need of specialized services and care.[58]

All the above data seems to be indicative of displacement which is more immediate in nature. Displacement, which occurs later and is induced due to circumstances created by the conflict, such as the break down of the educational system is often not reflected upon or sufficiently researched.

This is partly due to the fact that there is a perception that such displacement is one of choice. However when children continue living in such circumstances it would actually be a threat to their life and development. It cannot therefore be called as a choice but rather a decision, which one is forced to make due to circumstances.

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[57] *Global IDP Data Base. Internet sources.*

[58] *CF; United Nations press release; " Committee on Rights of the Child concludes Review of Report of India" ; 12 Jan.2000.*

Recording such data may also be difficult as it occurs in small numbers and occurs in different time intervals. In addition, since displaced people often move to other cities, which are sometimes located far away from Manipur, data about them may not be very visible or accessible to organizations working directly in conflict areas.

Unaccompanied children in Manipur often fall into this invisible category of displacement. Thousands of children are sent by families outside the state of Manipur for the purpose of education, which they cannot avail of in Manipur. It is therefore of urgent importance that such displacement is recognized and researched, so that this extremely vulnerable group of individuals receive the attention they deserve.

Unaccompanied children from Manipur

Children who are displaced without their families are referred to as unaccompanied children: children who are separated from their families during wars, natural disasters and refugee movements.[59]

Ressler, Boothby and Steinbock, while analyzing the problem of unaccompanied children has stated that separation from family can be both voluntary and involuntary. They mention nine kinds of separation during war and conflict. These include abducted children, lost children, orphaned children, runaway children, placed children, abandoned children, entrusted children, surrendered children and independent children.[60]

There is no specific research pertaining to unaccompanied children from Manipur. The researcher however, interacted with a significant number of children from Manipur who were

[59] *Ressler, Boothby; Steinbock (1998); "Unaccompained children – Care & Protection in Wars, Natural Disasters & Refugee Movements"; Oxford University Press, New York ; p 3*

[60] *Ibid ; p117*

voluntarily 'entrusted' to a welfare organization in Bangalore for the purpose of education.[61] According to Ressler, Boothby and Steinbock "in difficult times, parents frequently ask family, friends and neighbors to take care of their children. Although no statistics exist, most separations occur in this way during wars, refugee situation….. Families have also entrusted children to child welfare institutions, orphanages and boarding schools during emergencies."[62]

As the conflict in Manipur has left several children orphaned and destitute, the response of many extended families and single mothers has been to entrust their children to welfare agencies with the hope that their children will secure a good future.

Over a period of six months the Researcher interacted with over 50 unaccompanied children from Manipur who were entrusted to welfare agencies in Bangalore.[63] The situation of these children was brought to the notice of the researcher as they had been put in unregistered institutions where they were grossly neglected and not allowed to meet their guardians. [64] These children were entrusted to welfare agencies in Bangalore through the help of trusted relatives who knew no better.[65]

Many of the children who came to Bangalore from Manipur could not speak English or the local language - Kannada. Most of the children therefore had communication problems. Culturally too, these children came from very different backgrounds. The researcher was informed that the reason a 15 year old girl was beaten very badly by the housemother in the Orphanage, to which they were entrusted, was because she chewed beetle nut. Though this was a common practice in Manipur, the young girl was punished for what was part of her lifestyle.[66] These interactions lead to a feeling of alienation and exclusion among the children.

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[61] *Case Study 1 &2 ;Annexure 3, 4*
[62] *Ibid; 116-117*

[63] *See Case study 1 and 2 ; Annexure 3and 4*
[64] *See Case Study 1 &2 ;Annexure 3 and 4*
[65] *See Case Study 1 & 2; Annexure 3 and 4*

[66] *See Annexure 4 ; p 6*

While children who are displaced along with their families have their own set of problems, the problems of unaccompanied children are far worse. This is because they find themselves in precarious situations with no adult support, with a lack of knowledge of their whereabouts, and in alien cultures where people are speaking unfamiliar languages.

The Situation of Displaced Children Living in Manipur

"Another acute problem for internally displaced children is access to health and educational services. Even if schools exist, the children may not be able to enroll because they lack proper documentation, are not considered residents of the area or are unable to pay school fees." Graca Machel

The above section dealt with some of the issues confronting unaccompanied children. Just as there is no written information about unaccompanied children from Manipur, there is no data relating to the situation of children displaced along with their families in and around Manipur.

The Researcher interacted with one family in Whingsiphai village in Churachandpur, who had been displaced in the Kuki Zomi conflict. Based on the researchers' interaction with this family, it could be inferred that the survival and development of children and families is an issue. Displacement impacts the caregiver's opportunity to earn a livelihood, which in turn affects the child's access to health and education.

As Manipur is essentially an agrarian economy, people are dependent primarily on land for their livelihood. Displacement to another village or town would essentially affect access to land, which in turn affects livelihood.

The other main source of livelihood in Manipur is government jobs. Once again, it is difficult to access these employment opportunities. Moreover, persons already in government jobs are often not paid salaries due to the situation of conflict. Displaced persons and communities who start looking for alternative sources of livelihood often do not find sustainable means.

The woman from Whingsiphai village in Manipur, referred to above, narrated her story to the researcher. She spoke of how she and her family fled from her village after the Kuki -Zomi conflict in 1997- 1998. She stated that now they have no source of livelihood. Prior to displacement, she used to cultivate rice in her village. As they do not have land to cultivate in this village they grow pineapples. But this is not enough to sustain the family so her daughters go back to the hills around their original place of habitat to collect firewood. This is made into a form of charcoal and sold in the market. They struggle to make ends meet, as they are a large family and do not have sufficient food. The researcher asked her if her grand children who were in the age group 4- 7 years went to school. She mentioned that the school in this village was not functional.

One can draw a parallel to the situation of displaced persons in Angola. In Angola too, education and health care of displaced persons was severely affected by the civil strife. The Angolan population consists of predominantly subsistence farmers who have very little access to cultivable land, post displacement. Finding employment was also not a viable option as the only employers are the local government and international agencies.[67]

The lack of resources is a main factor, which affects the access to health and educational services . 100% of the families with whom the researcher interacted with in Bangalore stated that the lack of resources was the main reason for parents sending their children way from Manipur for the purpose of education.

One must recognize the fact that displacement is not a one-time phenomenon but keeps happening every time there is conflict or threat of violence. [68] This too disrupts children's education. One of the parents of Kuki origin told the researcher how he had moved from Churachandpur (in Manipur) to Moreh (in Manipur) during the conflict in Churachandpur. He allowed his son to continue studying in a hostel in Churachandpur, which was very expensive for him. However there was another spurt of violence so he had to remove his son from there and

[67] *Internal displacement in Southern Africa – Anna Richardson.*

[68] *like the case of many communities in Churachandpur (Manipur) who kept moving back and forth from their village during the conflict.*

admit him to a school in Moreh. Again, when the conflict started in Moreh, he decided to relocate his son to another city – Bangalore – in a State outside Manipur, with the hope that his education would continue uninterrupted. Sadly this was not to be.[69]

Response of the State and Community to the problem of displacement

While discussing the issue of displacement it was very interesting to understand the attitude and response to the local community in Manipur to the situation of children sent outside the State of Manipur(unaccompanied children) The researcher's interactions with displaced children during the course of this study revealed that although the smaller children aged 3 and 4 really missed their parents, for many of the older children; they saw their moving away to another city as an exciting proposition. The boys perceived it to be their responsibility to gain an education and take care of their families.[70] Similarly, for the girls coming from large families, the burden of taking care of siblings and household chores and not attending school seemed more traumatic than separation from families. They indicated that if they had an opportunity for quality education and care they preferred to be outside Manipur. This brought up the crucial issue of different notions of an ideal childhood.

Internationally, re-integration into families and the community is looked at as the most durable and sustainable alternative for internally displaced children. Apart from economic reasons, another reason for the displacement and the subsequent institutionalization of children from Manipur to other Indian states is the perceived opportunities in other States. A volunteer referred to in the Case Study 1, highlighted that separation from family for the purpose of education is a common practice in Manipur and in other regions of the North East.[71]

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[69] *Families had sent their children from Manipur to Bangalore with many aspirations and dreams. However the children were put in an unregistered home in Bangalore where they were neglected. Most of the children returned to Manipur while a few continued to live in Bangalore along with their guardians.*

[70] *Refer Case study 2*

[71] *See Case Study1*

Catherine Brick, in her writing on abandoned children, argues that the very notion of abandonment and childhood are social constructs.[72] According to her, the western model of children constructs childhood as one, which is carefree, safe, secure and happy existence, where children are to be raised by caring and responsible adults. However other childhoods may diverge from this construct of childhood in two significant ways – separation from home and economic activity.[73] According to Brick, 'parents tolerate a long separation from their children…. and the children's neglect or harsh treatment at the hands of a guardian. This is not deviant parenting but careful management of patron – client ties cultivated to ensure opportunities of the child's future.'[74] .

For a lot of parents in Manipur, sending their children far away to study is not seen as short-term relief during the conflict, but as a long-term option. Children continue studying in locations far away right up to adulthood. In fact youth in Manipur feel that if they are equipped with the right skills through opportunities offered outside the state, they are in a better position to confront the situation of injustice in the State of Manipur. It can therefore be stated that sending children outside the state is one way in which the community deals with one of the root causes of the problem, which is the lack of economic development and opportunities in the State of Manipur.

One could raise questions on the long-term impact of such separation of children. As part of this experience, the researcher observed that although children do have some tough times, their hope of a better future helps them cope with difficult situations. Also the fact that it is a culturally acceptable norm seemed to make it easier for children to accept separation from parents and family.

In certain cultures, seperation from one's children or taking on anothers child may be socially acceptable. So when children are sent to cities for education due to the ongoing conflict in rural Manipur the community does not frown upon it. However once the children reach the city,

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[72] *"Abandoned Children"; Brick and Smith;4;Cambrigde Univ Press;2000*
[73] *Ibid 4*
[74] *CF Ibid ;6*

various moralistic questions are raised by persons from other ideological perspectives as to "how parents could send their children so far away?"

If one were to conclude that in the present context in Manipur separation from family maybe essential in the case of certain children then it becomes necessary to have policies for the protection and assistance of such children. Currently there is no policy that deals with the problem of displaced children in India. There is also no comprehensive program to care for the immediate needs or long-term rehabilitation for people who have been internally displaced. [75] The Alternate report to the Committee of the CRC submitted in 1999 reported that the lack of a law, national policy or institutional support for internally displaced people and children put them in a very vulnerable position.[76]

Response of International Organizations

Around the world there is no international organization, which has a clear mandate of working with this group. The Graca Machel report states - 'At present there is no clear institutional responsibility for their protection and assistance needs. Organizations with mandates to protect and care for children affected by armed conflicts such as UNICEF, UNHCR and WFP do not consistently ensure the protection and care of internally displaced children."[77] The representative of the UN Secretary – General on internally displaced persons has recommended an appropriate legal framework and institutional support of internally displaced people.

3. CHILDREN AFFECTED BY HIV/ AIDS AND PROSTITUTION IN MANIPUR

"*The link between AIDS and conflict run in both directions, each reinforcing the other.*"[78]

According to a local volunteer, in certain villages which have been affected by conflict and the subsequent displacement, young girls have taken to prostitution and boys to drug peddling in order to get some extra money. Prostitution is also on the rise due to the presence of the Army.

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[75] *Alternative NGO Report submitted in Oct 99*

[76] *CORE (98) "Children of Manipur": A Supplementary Report on the Rights of the Child, India*

[77] *.Machel 21*

[78] *UNIFEM Report*

The HIV sero prevalence rate has increased from zero in 1990-91 to 80 % in 1997.[79] The 1996 Machel Report has highlighted that the situation of HIV/AIDS would further worsen during situations of armed conflict due to increased sexual violence and the failure of health care systems. It is shocking to note, that of the 17 countries with over 100,000 children orphaned by AIDS, 13 are in conflict or at the brink of emergency and are heavily indebted.[80]

According to the NGO report presented to the Committee on the Rights of the Child, 1998, there are no prevention and care services specifically addressing HIV/AIDS among women of reproductive health, children or youth in Manipur.

4. Children Abused and Tortured by Armed Forces in Manipur

"The use of torture against our children is part and parcel of the routine use of torture techniques such as verbal and physical abuses, beating with bear hands, sticks and weapons, kicking, tying up hands, use of electric shock on body and genitalia employed by armed forces" [81] Violence and atrocities by the Indian army on women children and the community has been reported on different occasions. Children have been sexually abused and tortured. There have been enforced disappearances and detention by the Indian State.

According to an Amnesty International report,[82] two 15-year-old boys were picked up in 1998 and have disappeared since . Women and girls who are especially vulnerable during such situations have been subjected to sexual and other forms of abuse by the Indian army.

The local volunteer informed the researcher during her field trip, that many children who were suspected to have links with the underground were put in jail instead of the State Observation Home. According to her, the age of these children was falsely recorded as over 18 so that they could be put in jail instead of being dealt with under the Juvenile Justice Act.

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[79] *NGO report presented to the Committee on the Rights of the Child,1998*
[80] *UNIFEM Report, 2000.*
[81] *NGO Report 1998 submitted at CRC session.*

Response of the State and Community:

The Juvenile Justice Act is applicable to all children below 18 irrespective of the nature of offence. In Manipur the State has been responsible for violating the civil and political rights of children.

The Community has responded to atrocities by the State by organizing themselves through women's groups, youth groups, student movements and larger civil society movements to secure their civil and political rights. An example of an active community group is the Meira Paiba.

The Meira Paiba of Manipur are Meitei women who have organized themselves to address many other issues and concerns related to low intensity warfare in Manipur. They focus is on the community as a whole. Their activities include campaigns, peace meetings, and participating in mediation aimed at conflict resolution. The Researcher was introduced to a women's group in Koijuman village (Manipur). One of the women had been shot in the arm by the army during a combing operation .The women shared incidents of girls and boys in the village being sexually abused. This woman's group follows up the cases by supporting the people affected, mobilizing the community and the press as well as other such forms of social action.

5. PSYCHOLOGICAL IMPACT

During the researcher's field visit to Manipur, she asked an 11-year-old child if he attended school. He responded by saying "No, I feel shy". The local volunteer later explained that this boy had stopped going to school after an incident of being teased by his friends in school because the army had raped his mother. This is just one incident among the numerous others which depict the tragic impact that armed conflict has on the lives of innocent children.

In a survey of 3,030 children conducted by UNICEF in Rwanda in 1995, nearly 80% of the children had lost their immediate family members and more than one third of these had actually

[82] *Manipur: The silencing of youth, Amnesty International, 1998*

witnessed their murders. These atrocities indicate the extreme to which children have been exposed during conflicts.[83]

There is short term and long term psychological affects of conflict. The Save the Children report[84] has listed some of these short-term psychological manifestations. There is a withdrawal from contact, children stop playing and laughing, or become obsessed with stereotyped war games, others will dwell on feelings of guilt or fantasies of revenge and continued preoccupation with their role in past events. Other reactions include – aggressiveness, nightmares, eating disturbances, and learning problems. [85]

The psychological impact is individualized and also depends on factors such as age, sex, personality type, family history and cultural background.

IMPACT ON ADOLESCENTS

Machel in her report, highlights the specific psychological impact conflict has on adolescents, an age during which children are at a crucial developmental stage in their lives. Living through such negative experiences could have a deep impact on role formulation, values and identity development of adolescents.[86]

According to one local volunteer in Manipur "a lot of young people in Manipur want to do human rights work, while others feel helpless and turn to drugs". Student Organizations are an integral part of civil society and play a crucial role in the politics of Manipur. Many young people also aspire to change the current situation by becoming part of armed groups. However a significant population carries with them a sense of hopelessness and despair about the prolonged conflict.

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[83] *Machel(1996) ; 167*

[84] *Save the Children (1996); 'Promoting psychosocial well being among children affected by armed conflict and displacement – Principles and approaches'*

[85] *Ibid*

[86] *Ibid*

SOCIALIZATION INTO VIOLENCE AND HATE

This is a frightening aspect of the psychological impact of conflict on children. This is because apart from impacting individual lives of children, this could have a long-term impact on society at large. Children in such environments are socialized into various biases, which also influence their behavior with each other.

One of the girls who had been displaced to Bangalore narrated to the researcher why she did not like some children staying along with her in the Orphanage. She says -the Meitei boys are always challenging us. They are so bad. Once the boys were playing football in the Orphanage and the Meitei boys challenged the Kuki boys by throwing a stone on them and said – "We fight in Manipur, so let us also fight here."[87]

Some parents from Manipur stated one of the reasons for them sending their children to places far away from Manipur was because they feared that the violent environment in Manipur would negatively influence their children. One of the women in Imphal (Manipur) shared her concerns with the researcher." I am not able to provide for my children. I am worried they will join the underground or go astray "

Secondary Distress

An important aspect of the psychological dimensions of conflict was highlighted in the Save the Children Report [88] which is secondary distress i.e. distress post the conflict due to inefficient and improper interventions by interveners. This is very relevant in the Indian context, as currently there are no laws or policy guidelines to facilitate intervention. Intervention by the state is often ad hoc and unprofessional, leading to much distress among the children.

Case 2 highlights this distress explicitly. The children who were displaced to Bangalore were first placed in an unregistered voluntary orphanage. Here they were neglected and after this was brought to the notice of the State authorities, they were later transferred to a State home. Here again, the conditions were as bad or worse. Children called the State Observation Home "a jail"

[87] *See Annexure 4 ; Case Study 2; p 7*

and often cried in frustration. They were not allowed outside and as they could not speak the local language were forced to huddle together in a small group trying to occupy themselves. This situation lead to high levels of frustration amongst the children.[89]

RESPONSE OF THE STATE, COMMUNITY AND NGOS

There are no child guidance clinics, psychiatrists or psychologist working on issues related to childrens psychological health. Internationally the focus has been on traditional methods of healing like in Africa. The Researcher was unable to access any information on such traditional methods of healing in Manipur although she recognizes that these must be prevalent.

6. IMPACT ON CHILDREN'S HEALTH, NUTRITION AND EDUCATIONAL STATUS

Most of the conflicts worldwide have been fought in the poorest countries. Conflict further destroys economies and existing infrastructure. It affects the availability and access to services. Direct bombings of health centers and welfare services has occurred in different parts of the world. In addition, when transportation and communication is affected, communities cannot avail these services.

In the State of Manipur there has been a disruption of the State economy leading to a deficit in the State budget. When the researcher visited Manipur in the year 2000, State employees had not been paid salaries for three months. For many families, this income is their only source of livelihood.

The presence of the army in Manipur has also lead to the diversion of state resources from welfare and development programs towards maintenance of the army. There is no data available on fund diversion. However one can state that there has been a significant reduction in the Social expenditure for children from 1997-2000. Data indicates that this reduction has been from

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[88] *Save the Children (1996)*

[89] *See Case Study 2 ; Annexure 4*

Rupees 6,36,494 in 1997 to 3,76,533 in 2000.[90] The Social Welfare Department in Manipur, which is the administrating and implementing body of all child welfare matters in the State of Manipur has been greatly affected in its functioning due to the dearth of funds.

In Case Study 2, we see a distressing situation of the nine children who had been stranded in the State Observation home in Bangalore, as the Social Welfare Department did not have the funds to pay for the children's train fare from Bangalore to Manipur. The Manipur State government was then pressurizing the parents to go to Bangalore to release their children from the Observation Home on their own expenditure.

The researcher was told by the housemother of the destitute cottage in Manipur that the monthly stipend for the children's maintenance had not been made by the Social Welfare Department, Manipur, for many months. She indicated that she was having great difficulties in running her home. She mentioned that money for food was the main problem.[91]

The conflict has also affected the functioning of government schools. Due to the lack of funds there is a lack of adequate government schools. What makes matters worse is that education is constantly disrupted in the few functioning schools during tensions and violence. When government schools become dysfunctional, it leaves caregivers with no other option but private schools. This is too expensive for poorer families and single women who are already struggling to make ends meet. Parents and guardians then opt to send their children to any other part of the country where they can avail of free or cheap education.[92]

[90] *Refer Annexure on Social Expenditure on Children.*
[91] *See Case Study 2.*

[92] *See Case study 1 & 2*

PROTECTION AND ASSISTANCE FOR CHILDREN AFFECTED BY ARMED CONFLICT UNDER THE JUVENILE JUSTICE ACT 2000

Juvenile Justice Act 2000:

In spite of the fact that thousand's of children in the North East of India and Kashmir have been affected daily by the situation of internal armed conflict and war, these children were not represented under national law or policy for children until the year 2000.

In 1986 a uniform legislation called the Juvenile Justice Act 1986 was formulated for all children defined as being in need of care and protection and in conflict with the law . However there was no mention of children affected by armed conflict or displacement under this Act. The understanding of State intervention at the time resulted in a custodial institutional remedy for all children in need of care and protection.

This Act was amended in the year 2000. The new Juvenile Justice Act 2000 has widened the definition of children in need of care and protection[93] to include children affected by armed conflict and disaster.[94]The other groups of children who have been defined by the Juvenile Justice Act 2000 as children needing care and protection include groups like children living on the streets, children in prostitution, child laborers etc.

[93] *Juvenile Justice Act 2000 Chapter I Sec.2 (d)*
[94] *Juvenile Justice Act 2000 Chapter I Sec.2 (d) ix.*

Apart from institutionalization, the Juvenile Justice Act 2000 also suggests other non-institutional remedies such as foster care, adoption and sponsorship.[95] However there are some critical issues that need to be addressed if children affected by armed conflict are to be dealt with effectively under this law. The present enactment is bound to add to the distress of children affected by armed conflict. The new Act continues to be custodial in nature. Although it speaks of non–institutional remedies such as foster care, adoption and sponsorship, the special needs of this group of children have not been addressed. This has led to children affected by armed conflict being put in custodial institutions meant for a varied group of children that do not offer the space for specialized intervention. [96]

The Act advocates a homogenous approach to deal with all children defined as children in need of care and protection. This is an ill-conceived approach adopted by lawmakers. Children affected by armed conflict have very specific needs and come from very different social realities. Intervention with children affected by armed conflict would be in different stages based on the needs of the children for protection and assistance. Assistance would include intervention that would facilitate resettlement, re integration and the physical and psychological recovery of the child.

The Juvenile Justice Act 2000 does not focus on any of these specific interventions. The current system is ill equipped in dealing with the complex cultural, social and political realities of children affected by armed conflict. The very inclusion of this group of children in the Juvenile Justice Act 2000 seems to be an ad hoc response to international pressure rather than a policy based response to genuinely meet the specific needs of these children.

[95] *Juvenile Justice Act 2000 Chapter IV Sec. 40*

[96] *Like in the case of the children displaced from Manipur who were kept in a closed institution in Bangalore for over three months before they returned to their families/guardians (see case study 2)*

ISSUES THAT ARISE AND RECOMMENDATIONS

Based on the analysis of the situation of armed conflict in Manipur and its impact on children, certain conclusions can be drawn. Some broad suggestions have also been outlined. As mentioned in the introduction, the researcher would prefer to look at the issues that arise as areas, which require further inquiry rather than be seen as final conclusions.

Is Childhood a Social construct?

While working with indigenous children and communities, one is constantly confronted with the diversity in social, economic and cultural realities. This brings up the crucial question of the different notions of childhood, which must be considered while relating to children from different social realities.

Keeping Bricks argument in mind, one could agree that the notion of childhood is a social construct and in the current context - is clearly a western and urban capitalist construct.

Lack of focus on civil and political rights of children

Civil and Political rights of children gain great importance in the current scenario in Manipur. The Juvenile Justice System within the Indian State has greatly focused on the economic and social rights of the children. Within the state of Manipur and other states affected by armed conflict there is a greater need to focus on the civil and political rights of children. The current Juvenile Justice System is ill equipped to handle these issues as intervention is designed to handle economic and social exploitation of children.

Some specific issues that need to be looked into include the impact of the Special Powers Act on children, Child Detainees and Child survivors and the need for a communitarian approach as opposed to an institutional approach to deal with children affected by armed conflict.

Root Causes

The root cause of armed conflict in Manipur is linked to issues such land rights, minority rights, collective rights, the struggle of indigenous peoples for self determination and the lack of commitment by the Indian Government to the economic and social development of Manipur and the North East amongst other issues. It is only by addressing these root causes in a comprehensive manner can these conflicts be effectively resolved.

Lack of information and sensitivity to the issues of the North East

There is a general lack of information and sensitivity to issues related to the North East in the rest of the country. One glaring example in this context is the minimal representation of issues affecting children in the region by the State and civil society in the National Child Rights Movement. This alienation and lack of representation could be seen as a violation of the Article 3 of the CRC - that of non- discrimination.

The new Juvenile Justice Act 2000 – a flawed conceptualization

The new Juvenile Justice Act is an ill-conceived response to the situation of children affected by armed conflict and displacement. As discussed earlier, if there is to be an effective solution, there is a need for policy articulation and clarity prior to any legislative response.

Unaccompanied children - an issue of concern

There seems to be an increase in the magnitude of unaccompanied children being displaced from Manipur to other Indian States for the purpose of education. This is an issue of great concern as currently there is no specialized protection or assistance available for such children.

Fragmentation of communities and extended family support

Conflict has led to the fragmentation and break down of communities and families. Although traditionally indigenous communities in Manipur have a strong system of extended family support, there is a change in this trend. It is important that these community supports and networks be strengthened as part of a broader strategy to bring normalcy back to the region.

Failure of the Indian State

The Indian State seems to have failed the people of Manipur. Lack of commitment to the overall development of the region and the apathetic response to the current political situation all re enforce this belief.

Resilience of the community and children

Civil society has played an active role in coping with the fall out of the conflict through women groups like Meira Paibei, student organizations etc. The researcher was witness to the amazing resilience and strength shown by the children with whom she interacted. This was despite the fact that they had been displaced, abused, neglected, shunted from institution to institution and kept in confinement. Once released from the institution they seemed to have put these painful memories aside and actually showed much eagerness to go to school even though they had to walk miles to get there and had no uniforms.

RECOMMENDATIONS

- ***The need to contextualize issues while operationalizing the provisions of the CRC or any other legislation or standard.***

It is imperative that the principles embedded within the CRC are contextualized in local realities. One could state that there is a tension between different principles of the CRC such as the right to family and the right to development and education. While implementing the CRC in such situations, various issues must be kept in mind. These are issues such as the local context, and the socio economic and cultural realities faced by the community.

- ***The urgent need for commitment to the application of the principle of best interest and participation***

Often in situation of crisis such as armed conflict the principle of participation is over looked. Systems need to be devised and operationalized to ensure child participation, especially in situation of conflict, because it is during times like these that the entire world of the child is shattered and they are extremely vulnerable. The need to recognize their pain, listen to their perspectives, and take into account their opinion should not be made subservient to other so called larger issues. The opinions and coping strategies of the families and communities need to be affirmed and strengthened.

- ***The need to address root causes***

Any intervention in Manipur must address the root cause of conflict, which includes issues like lack of commitment to the socio economic development and the discrimination of indigenous people. In this context it becomes relevant to look at the rights based discourse from a developmental perspective. Unless the remote regions of Manipur and the North East have opportunities for economic development, and access to basic services and infrastructure the rights based discourse seems like meaningless rhetoric.

- ***There is a need for a comprehensive national policy for children who have been affected by armed conflict and disaster.***

- ***Schemes and Programmes to strengthen the family and community***

As extended conflict would impact the coping mechanisms of the community some measures need to be taken by the state that would strength the role of the community in protecting and caring for its children. The strong sense of community and family would have a healing impact and promote the psychological well being of youth and children in Manipur.

Sponsorship schemes could be made available for fostering families in Manipur. This would significantly reduce the burden on the poor families and reduce the displacement of children

outside Manipur. The provisions outlined within the JJA 2000 in the area of foster care and sponsorship need to be extended to these communities to enable them to make effective choices in the interest of their children.

- ***Special measures for unaccompanied minors***

Special measures for protection must be evolved for unaccompanied minors. Even when children are forced to come to places which are culturally and socially alien to them it will be necessary to have services and programs that are sensitive to the culture and social practices of the children.

CONCLUSION

This study has dealt with the impact of armed conflict on children in Manipur. Some of the positive outcomes of this research have been as follows. The direct engagement with the children and community has helped fuel the research process itself. The field based, action centered research process has contributed to the deepening of understanding on the issue itself and has been a positive influence in local processes. This study has also contributed to the understanding on the issue as well as its work on Juvenile Justice, specifically in drafting Rules for the JJA 2000 on this specific issue. This will definitely programmatize these learnings into the JJ system itself. The impact on the researcher has been a deep one. and this will definitely be instrumental in her taking this issue forward.

Ironically even as the researcher has been working on this issue the darkening clouds of war that are on the horizon all over the world after the recent terrorist attacks on the US have highlighted the need to take cognizance of the impact of war on the lives of people. This threat of war has ironically resulted in the indefinite postponement of the UN General Assembly on Children that was scheduled for this month. It is of deep concern that in the ongoing effort to resolve international conflict, the silent and devastating impact on the lives of children should not be undermined or shelved. The lives of thousands of innocent children are at stake - whether within Afghanistan – the current international focus, or in States like Manipur which have not yet received the attention it deserves. This issue is an urgent one and warrants immediate worldwide attention so that present and future generations do not grow up with the seeds of hatred and violence.