

# LOST CHILDHOOD

Caught in armed  
violence in Jharkhand

**CHILD**  
**SOLDIERS**  
INTERNATIONAL

**HAQ** Centre  
for  
Child  
Rights

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# Glossary of terms

**Adivasi:** Literally “original habitant”, a term used to refer to indigenous tribal communities in India.

**Anganwadi Centres:** Facilities that provide basic health care in Indian villages, including contraceptive counselling and supply, nutrition education and supplementation, as well as pre-school activities.

**Bal Sangam / Bal Dastas:** Village-level children’s association of the CPI (Maoist).

**Block:** Administrative division. Several blocks make a district.

**CPI (Maoist):** Community Party of India (Maoist).

**CRPF:** Central Reserve Police Force, paramilitary police under the control of the central government.

**CRC:** Convention on the Rights of the Child

**Dalam:** Armed unit of groups operating under a left wing ideology

**Dalit:** Literally “broken” people, also known as “untouchables.” A term for individuals considered to exist outside India’s traditional caste system, who are often subject to discrimination and abuse by higher castes.

**DGP:** Director General of Police, the highest-ranking police official in the state.

**District:** Largest administrative sub-division of a state.

**District Magistrates:** The most senior district level administrative post.

**Lakh:** A unit of numbering commonly used in South Asia equal to 100,000.

**Lucens Guidelines:** *The Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* urge parties to armed conflict not to use schools and universities for any purposes in support of the military effort.

**LWE:** Left Wing Extremism, an umbrella term used by the government of India to describe a number of left wing non-state armed groups operating in the country.

**Naxal / Naxalites:** Term used to describe rebel groups in India that believe in the Maoist ideology, named after a communist inspired peasant uprising in the Naxalbari area of West Bengal in 1967.

**NCPCR:** National Commission for the Protection of Child Rights.

**OPAC:** Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

**PLFI:** People's Liberation Front of India.

**PLGA:** People's Liberation Guerrilla Army, the standing army of the CPI (Maoist).

**Scheduled Castes and Scheduled Tribes:** Refers to various caste and tribal groups listed in Schedules to India's Constitution, under which they enjoy special rights and protections.

**SP:** Superintendent of Police, the highest-ranking police officer in a district.

**Tribal:** Term often used to refer to indigenous people in India.

# Executive summary

***I grew up in the organisation learning language, science, mathematics and Mao's ideology. Soon I learnt computers and began typing press releases, revolutionary poems, revolutionary messages for posters and banners. As I crossed age 12, I was given a chance to choose the weapon I would like to train. I preferred INSAS<sup>1</sup> [automatic] rifles and carbines***

This 17-year-old girl had already spent over a decade in one of several left wing armed groups operating across ten states in central India when Child Soldiers International and HAQ: Centre for Child Rights (HAQ CRC) interviewed her in the Indian state of Jharkhand in August 2015. She had run away after an altercation with one of her superiors who suspected that she had been communicating with police informers. Terrified that she or her family would face reprisals from the group, she was in hiding at the time of the interview.

Her story is far from unique. Many children like her have been drawn into the so-called 'people's war' being waged by the Communist Party of India (Maoist) (CPI (Maoist)) and a number of other left wing armed groups broadly referred to by the Indian government as "Left Wing Extremists" (LWE).<sup>2</sup> The Maoists espouse an emancipatory ideology, claiming to defend the rights of historically poor and marginalised communities, including *Dalits* and *Adivasis*, and engage in guerilla warfare aimed at overthrowing the state. The Indian government has officially designated a number of these groups as terrorist organisations under the Unlawful Activities (Prevention) Act 1967,<sup>3</sup> and over decades has deployed large numbers of security forces in counter-insurgency operations against them.

1 Indian Small Arms System, a series of small caliber rifles produced by the state run Indian Ordinance Factories. See Indian Ordinance Factory Board, 'Weapons', <http://ofbindia.gov.in/index.php?wh=Weapons&lang=en>.

2 The Indian government's use of the term 'Left Wing Extremists' is open to interpretation since what constitutes 'extremism' is not clearly defined. Child Soldiers International and HAQ CRC use 'left wing armed groups' as an umbrella term to denote a range of left-leaning non-state armed groups operating in the Indian states of Chhattisgarh, Jharkhand, Odisha, Bihar, West Bengal, Andhra Pradesh, Telangana, Maharashtra, Madhya Pradesh and Uttar Pradesh. The terms 'Maoists' is used synonymously with CPI (Maoists) and other non-state armed groups are referred to by name.

3 List of Banned Terrorist Organisations under Section 35 of Unlawful Activities (Prevention) Act, 1967 (as on 30-03-2015), Ministry of Home Affairs, Government of India, <http://www.mha.nic.in/BO>

Acute poverty, discrimination, exploitation, corruption and a lack of safe access to education, health and social welfare has characterised the lives of communities in many areas of rural India, helping left wing armed groups fuel hostility towards the state. In turn, security forces engaged in counter-insurgency operations have been accused of a range of human rights abuses including arbitrary arrest and torture of villagers suspected of supporting left wing armed groups, which has only exacerbated the situation.

This report draws on research conducted in the state of Jharkhand between April and December 2015, where the CPI (Maoist) is the dominant left wing armed group in many districts, but where a number of others, including the People's Liberation Front of India (PLFI) also operate. Child Soldiers International and HAQ CRC documented 40 cases of children recruited by the CPI (Maoist) in Jharkhand from July 2014 until December 2015. In addition, we documented six cases of girl child soldiers being raped and sexually abused by CPI (Maoist) cadre in 2015. Our research found that left wing armed groups in Jharkhand are responsible for the following grave violations against children: killing and maiming, recruitment and use as soldiers, abduction, sexual violence and attacks on schools. These constitute five of the 'six grave violations' against children in armed conflict, identified by the UN Security Council as requiring priority attention to ensure the protection of children during war.<sup>4</sup>

Left wing armed groups in Jharkhand have killed children, usually those suspected of being police informers, and admit that children as young as ten are recruited into their ranks. Although leaders have consistently claimed that they do not permit children under 16 to take part in combat operations, we present evidence indicating that children as young as 12 take an active part in hostilities either through direct combat or in support roles. They are provided weapons training and used as porters, lookouts and intelligence gatherers during military operations. Our report also documents the forcible recruitment of children amounting to abduction, with parents too scared to report their children missing for fear of reprisals. We received widespread reports of sexual abuse of young girls recruited into the ranks of left wing armed groups, as well as reports that girls are specifically recruited to entice boys into joining with the promise of opportunities for sexual gratification. Finally, we present information on attacks by left wing armed groups against schools, both because the security forces have used them as bases from which to launch counter-insurgency operations, and because they are easy targets representing the authority of the state.

<sup>4</sup> The six grave violations are: Killing and maiming of children; Recruitment or use of children as soldiers; Abduction of children; Sexual violence against children; Attacks against schools or hospitals; Denial of humanitarian access for children.

Caught in the firing line, the devastating impact of the conflict on children is clear. Both sides stand accused of serious human rights abuses against the very people they claim to protect. If children refuse to join left wing armed groups, they or their families risk deadly reprisals. If they choose or are forced to join, they risk being killed in armed confrontations with the security forces, of being maimed or wounded by incendiary devices that they are often required to wire and/or plant, or of being killed by the armed groups themselves if suspected of spying. If they try to escape from the ranks or are captured by the security forces, they run the risk of being subjected to stringent punishments instead of receiving appropriate rehabilitation, counseling and reintegration services, prosecution under laws and procedures that do not comply with international human rights standards of juvenile justice, and potentially increased risk of arbitrary detention and torture.

Government condemnation of the forced recruitment and use of children in hostilities by left wing armed groups is not matched with clear and effective protection policies. Although the police and other authorities, including the courts, acknowledge that armed groups are abducting or recruiting children, the state government of Jharkhand has failed to take substantive action to end these practices. In fact, the state is yet to conduct a comprehensive exercise to determine the scale of the problem and has no reliable information on the number of children in the ranks of left wing armed groups.

The central government in New Delhi and the Jharkhand state government need to take specific measures to end and prevent the recruitment and use of children by left wing armed groups in the state. Child protection agencies should be appropriately resourced and trained. The Jharkhand state government should take steps to strengthen Child Welfare Committees established under the Integrated Child Protection Scheme by filling vacancies in districts where they are not working at full capacity; and allocate adequate resources to ensure the establishment of sufficient numbers of Observation Homes to protect the rights of children in conflict with the law throughout the state. The Jharkhand state government should launch a campaign to ensure schools are secure and that children do not become vulnerable to indoctrination or forced recruitment. Further, India should endorse the 2015 Lucens Guidelines for Protecting Schools and Universities from Military Use (Lucens Guidelines), and review its laws, policies and military rules to comply with them. The central government should also develop clear policies on the release and reintegration of child soldiers, including ensuring their protection against re-recruitment, and allocate sufficient resources to realise those policies. Most importantly, the state and central government should ensure that Juvenile Justice Laws are properly enforced so that children who are recruited and used or are victims of other violations are treated as children in need of care and protection and are offered programs of rehabilitation and reintegration in accordance with international standards.

# Key recommendations

## **To the CPI (Maoists), PLFI and other armed groups:**

- Respect national, international humanitarian and human rights laws that prohibit the military recruitment and use of children. Make public commitments to prohibit and prevent the recruitment and use of children, defined as anyone under the age of 18.
- Re-issue clear military orders to members at all levels prohibiting with immediate effect all forms of recruitment of children (voluntary, forced, formal or informal) and all forms of use of children in hostilities. Widely disseminate the orders and provide training to members at all levels to ensure compliance.
- Investigate all allegations of rape and other sexual violence against children. Members reasonably suspected of committing rape or other sexual violence against children should be removed from their position and have other appropriate disciplinary sanctions imposed in accordance with national and international standards.
- End attacks on schools, hospitals and other protected places.

## **To the Jharkhand state government:**

- Implement the Right to Education Act by ensuring that Standard Operating Procedures are initiated to identify quickly any student who is not in school and could have been recruited, abducted or trafficked. Respond promptly to complaints of missing children to prevent their abduction and forced recruitment by armed groups.
- Ensure that children associated with the Maoists or other armed groups are disarmed, released, and reintegrated into their communities. Particular attention should be paid to identifying girls and ensuring that their needs are addressed through release and reintegration efforts.
- Investigate and prosecute, in trials that conform to international fair trial standards, commanders and members of the Maoists or other armed groups who are suspected of serious human rights abuses against children, including sexual abuse or rape. Ensure that children that suffer sexual abuse or rape have access to proper counselling and medical care.
- Ensure that schools are protected from attack and remain open and accessible to children in conflict-affected areas. Ensure that schools are properly staffed by qualified teachers and other personnel.

## Scope and methodology

This report examines evidence of the recruitment and use of children in hostilities by left wing armed groups in the Indian state of Jharkhand, focusing on the CPI (Maoist) and PLFI, and the impact of the armed violence on children. It also examines the state's response to the problem. There are serious concerns regarding human rights violations committed by state security forces in the context of the armed violence against left wing armed groups, but comprehensive research on this issue was beyond the scope of the report. The report draws on field research conducted by Child Soldiers International and HAQ CRC in Jharkhand between April and December 2015, and includes interviews with current and former members of the CPI (Maoist) and the PLFI; members of local communities including local administrators; police officers; village leaders; parents of children associated with left wing armed groups; journalists and representatives of local NGOs; and a range of secondary sources.

Child Soldiers International and HAQ CRC interviewed 100 individuals, including 15 members of the CPI (Maoist), five members of the PLFI, including its chief Dinesh Gope and five former child soldiers from the CPI (Maoist). Research was conducted in East Singhbhum, West Singhbhum, Ranchi, Khunti, Simdega, Lohardaga, Gumla, Latehar, Palamu, Chatra and Hazaribag districts. Fifteen Jharkhand state government officials were interviewed, including District Magistrates (the most senior district level administrative post) in four districts, the Superintendents of Police of 10 districts and the former and current Director General of Police of Jharkhand. Field research for this report was conducted by Vijay Murty.

Interviews were conducted in Hindi, mostly individually, although sometimes in the presence of intermediaries. For security reasons, precise details regarding the location of interviews and names of some victims and witnesses have been withheld. Names of officials and representatives of the CPI (Maoist) and the PLFI have been included where explicit permission was granted. Child Soldiers International and HAQ CRC presented the report to the Additional Director General of Police, Ranchi, S.N.Pradhan; Inspector General of Police, CID, Sampat Meena; Joint Secretary Women and Child Development, Rajesh Singh; and shared the report with Education Secretary, Department of School Education and Literacy, government of Jharkhand, Ms. Aradhana Pattnaik, for their comments. On the record comments by these officials have been included in the report but no written responses were received by Child Soldiers International. Child Soldiers International was unable to share the final draft of the report with representatives of the CPI (Maoist) and PLFI for their comments due to the inability in establishing safe and reliable contact.

Interviews with children took place in the presence of parents or adults trusted by the children. We interviewed and used information provided by state government security force officials because it was important to document acknowledgement of the issue of child recruitment and use by some Indian authorities despite the record of denial from the

central government.<sup>5</sup> While speaking to local authorities in Jharkhand state, we found that they not only accepted the incidence and scale of the problem but also pointed to the need to strengthen state responses.

The definition of a child under international law is any person under 18 years of age. This definition is found in the Convention on the Rights of the Child (CRC), 1989, Article 1, the African Charter on the Rights and Welfare of the Child, 1999, Article 2 and International Labour Organization Convention on the Worst Forms of Child Labour, 1999 (No. 182), Article 2. This is also consistent with India's Juvenile Justice (Care and Protection of Children) Act 2015, and its predecessor the Juvenile Justice (Care and Protection of Children) Act 2000, which state that a child is any person who has not completed 18 years of age, as well as India's National Policy for Children, 2013.

Child Soldiers International and HAQ CRC use the term child soldier to refer to "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities." This is consistent with the definition of a "child associated with an armed force or armed group" contained in the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles).<sup>6</sup>

In this report, Child Soldiers International and HAQ CRC use the phrase "security forces" to refer to some or all of the security forces deployed in Jharkhand within the research timeframe. These forces include the District Armed Police, Jharkhand Armed Police, Jharkhand Jaguar, India Reserve Battalion, the Commando Battalion for Resolute Action (CoBRA) which is a specialised force within the Central Reserve Police Force and the Sashantra Seema Bal. The latter two have been deployed to Jharkhand by the Ministry of Home Affairs to undertake joint operations with state police to combat left wing armed groups.

The UN Committee on the Rights of the Child, the body tasked with monitoring the implementation of the CRC, has consistently held that the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC), ratified by India in 2005, is a human rights

<sup>5</sup> Indian government responses to Committee of the Rights of the Child, 66<sup>th</sup> Session, Palais Wilson, Geneva, 3 June 2014.

<sup>6</sup> The Paris Principles were adopted in 2007. See [http://www.unicef.org/protection/57929\\_58012.html](http://www.unicef.org/protection/57929_58012.html)

treaty,<sup>7</sup> whose provisions therefore apply both in conflict and non-conflict situations.<sup>8</sup> OPAC's provisions place an ongoing obligation on state parties to prevent children's involvement in armed conflict. This requires a range of legislative and other measures, such as the enactment of criminal legislation, reform of domestic laws, establishment of effective monitoring processes, investigation and prosecution of violations, as well as understanding and tackling root causes. Accordingly, state parties are required to take steps to prevent the recruitment of children by armed forces and groups at any time, whether or not an armed conflict exists. Moreover, under Article 4(1) of OPAC, the recruitment or use in hostilities of persons under the age of 18 by non-state armed groups is prohibited "under any circumstances". In Child Soldiers International's view, article 4(1) of OPAC is applicable to armed groups operating in countries that are parties to the treaty.

<sup>7</sup> See, for example, Concluding Observations: Morocco, paragraph 3, UN Doc. CRC/C/15/Add.211, 10 July 2003 (welcoming "positive developments in the area of human rights", including ratification of OPAC); Concluding Observations: Panama, para. 4, UN Doc. CRC/C/15/Add.233, 30 June 2004 (welcoming ratification of a number of "human rights-related instruments", including OPAC); Concluding Observations: Belize, para. 5, UN Doc. CRC/C/15/Add.252, 31 March 2005 (welcoming ratification of a number of "international human rights instruments, such as the Optional Protocol"); Concluding Observations: Ecuador, para. 7, UN Doc. CRC/C/15/Add. 262, 13 September 2005 (welcoming ratification of a number of "international human rights instruments" including OPAC); Concluding Observations: Uganda, para. 6, UN Doc. CRC/C/UGA/CO/2, 23 November 2005 (welcoming ratification of a number of "international human rights instruments", including OPAC); Concluding Observations: Lithuania, para. 5, UN Doc. CRC/C/LTU/CO/2, 17 (March 2006 (welcoming ratification of a number of "international human rights instruments", including OPAC); Concluding Observations: Benin, para. 6, UN Doc. CRC/C/BEN/CO/2, 20 October 2006 (welcoming ratification of a number of "international human rights instruments", including OPAC); Concluding Observations: Senegal, para. 4, UN Doc. CRC/C/SEN/CO/2, 20 October 2006 (noting ratification of a number of "international human rights instruments", including OPAC); Concluding Observations: Costa Rica, para. 6, UN Doc. CRC/C/OPAC/CRI/CO/1, 1 May 2007 (mentioning "human rights treaties to which Costa Rica is a party, including the Optional Protocol"); Concluding Observations: Mali, para. 4, UN Doc. CRC/C/MLI/CO/2, 3 May 2007 (welcoming ratification of a number of "international human rights instruments", including OPAC); Concluding Observations: Eritrea, para. 4, UN Doc. CRC/C/ERI/CO/3, 23 June 2008 (welcoming accession to "international human rights instruments", including OPAC); Concluding Observations: Georgia, para. 78, UN Doc. CRC/C/GEO/CO/3, 23 June 2008 (noting, under subheading "[r]atification of international and regional human rights instruments," State has not yet ratified OPAC); Concluding Observations: Djibouti, paragraph 78, UN Doc. CRC/C/DJI/CO/2, 7 October 2008 (welcoming, under subheading "[r]atification of international and regional human rights instruments," State's signing of OPAC). See also General Comment No. 2, 8, 19(e), UN Doc. CRC/GC/2002/2, 15 November 2002 (referring to OPAC "and other relevant international human rights instruments"); General Comment No. 5, UN Doc. CRC/GC/2003/5, 27 November 2003 (urging States to ratify OPAC and "other major international human rights instruments").

<sup>8</sup> See for example: Concluding Observations: Croatia, para. 6, UN Doc. CRC/C/OPAC/HRV/CO/1; Concluding Observations: Czech Republic, para. 7, UN Doc. CRC/C/OPAC/CZE/CO/1; Concluding Observations: Chile, para. 14, UN Doc. CRC/C/OPAC/CHL/CO/1.

# 1.

## **Context to the armed violence in Jharkhand and the involvement of children**

### **Excluded and abused**

**Bablu Yadav, now a village head from Palamu district in Jharkhand, told Child Soldiers International and HAQ CRC when interviewed on 10 July, 2015 that he was born into a very poor, lower caste family and suffered discrimination, including at school, so he decided to leave and join the (CPI Maoist) at the age of nine: *“In our village, there was only one government school which was completely under the grip of the upper caste families. While upper caste children had tables and benches, the lower caste children had to squat at the entrance of the classroom on the floor. We were treated as untouchables. The school headmaster would make me do all kinds of menial work. One day, around 15 years ago, a group of Naxalites raided our village and killed two upper caste oppressors. This impressed me. I followed them into the jungle. I attended their school and received arms training.”***

**Yadav was eventually arrested and sentenced to a term of imprisonment. On his release he took up community development work.**

The Maoist movement in India originated in 1967 with a peasant uprising in the Naxalbari area of West Bengal state (hence, supporters of the movement are sometimes called Naxals or Naxalites). The movement in West Bengal was largely suppressed in the 1970s after a crackdown by the security forces and the arrest and killing of a large number of suspected Naxals. However, the movement had already

spread to other areas of India, particularly Andhra Pradesh and Bihar states, where a number of different armed groups called for a peasant revolution based around Maoist ideology to address corruption and the social and economic exploitation of *Dalits* and *Adivasis* by dominant castes and the Indian state.<sup>9</sup> Left wing armed groups have drawn significant support from *Adivasi* communities, who for decades have complained of state corruption and under-development while state and private companies have extracted natural resources from the land around them, often violently suppressing organised protests.

Despite the creation in 2000 of the states of Chhattisgarh and Jharkhand from regions of Madhya Pradesh and Bihar states respectively (to provide greater autonomy to *Adivasi* groups), and promises of development to improve the lives of the poor, grievances have continued.

Violence between the state and armed groups increased with the formation in 2004 of the CPI (Maoist) and its primary armed wing, the People's Liberation Guerrilla Army (PLGA), with the merging of two of the more prominent Maoist groups: the Maoist Communist Centre of India (MCC) and the People's War Group (PWG). According to data accessed by *The Hindu*, the conflict has caused the deaths of over 20,000 people in India since 1980, including more than 12,000 civilians.<sup>10</sup> The government claims that the violence has decreased in recent years, with the Ministry of Home Affairs reporting a drop in deaths from left wing armed violence from 1,005 in 2010 to 309 in 2014, and 167 in 2015 (up to 15 September 2015).<sup>11</sup>

Left wing armed groups operate out of bases in the forests of Dandakaranya that extend across the borders of several adjoining states in central India. Armed units cross state borders through jungle routes forming what some analysts describe as the Red Corridor, a region with some of the poorest development indicators in the country.<sup>12</sup>

While successive governments have talked about engaging left wing armed groups in dialogue, there has been little serious effort to do so. Instead, the government has deployed state police and forces

9 The Constitution of India designates certain caste and tribes as protected categories eligible for special protections and quotas for affirmative action. Known officially as Scheduled Castes and Scheduled Tribes, community rights groups call them Dalits and Adivasis. According to the 2011 census, the population of Scheduled Castes is over 200 million and the population of Scheduled Tribes is over 100 million, [http://idsn.org/wp-content/uploads/user\\_folder/pdf/New\\_files/India/2013/INDIA\\_CENSUS\\_ABSTRACT-2011-Data\\_on\\_SC-STs.pdf](http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/India/2013/INDIA_CENSUS_ABSTRACT-2011-Data_on_SC-STs.pdf).

10 Jatin Anand and Mahim Pratap Singh, "Citizens biggest casualty of Naxal violence," *The Hindu*, 19 April 2015, <http://www.thehindu.com/news/national/article7117827.ece>. The article is based on information provided by the Ministry

11 Left Wing Extremism Division of the Ministry of Home Affairs, *Statistics of LWE violence (2010 to 2015)*, 15 September 2015, [http://www.mha.nic.in/sites/upload\\_files/mha/files/LWEViolenceStatisticsOct2015.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/LWEViolenceStatisticsOct2015.pdf)

12 Jyoti Prasad Mukhopadhyay and Nilanjan Banik, 'The Red Corridor Region in India: What do the Data tell us?', *Institute of Financial Management and Research*, September 2014, [https://mpr.ub.uni-muenchen.de/58616/1/MPRA\\_paper\\_58616.pdf](https://mpr.ub.uni-muenchen.de/58616/1/MPRA_paper_58616.pdf)

belonging to the Central Armed Police Forces (CAPF) to carry out extensive counter-insurgency operations, killing and capturing suspected cadres. Amid the violence, human rights organisations have alleged that the security forces have committed a range of human rights violations including extra-judicial executions, torture and illegal and arbitrary detention, as well as disrupting education through the occupation of schools, and the general harassment of the local population.<sup>13</sup>

## Jharkhand

Although clashes have reduced in recent years, large parts of Jharkhand continue to be affected by armed violence.<sup>14</sup> Unlike in other states where the CPI (Maoist) is the predominant armed group, the security situation in Jharkhand is complicated by the presence of more than a dozen other armed groups, some of whom operate in opposition to the CPI (Maoist).<sup>15</sup> These groups include the PLFI, which is dominant in Khunti district; Jharkhand Jan Mukti Parishad (JJMP), Swatantra Jharkhand Prastuti Committee, Saschastra People Morcha, Sangharsh Jan Mukti Morcha; the Tiritiya Prastuti Committee-I and Tiritiya Prastuti Committee-II; Kranti Kisan Committee and Mahila Mukti Morcha and the Jhangaur Group. Some of these groups are also active in other states including Bihar, Chhattisgarh and Odisha.

Several of these groups are involved in criminal activities, reportedly competing to extort money from government funded development projects (the Indian government has allocated significant funds to Jharkhand for social welfare and infrastructure projects in recent years) and from private industry and contractors in return for protection. Unlike the CPI (Maoist), some of these groups are alleged to have complex links with local and state politicians. It is also alleged that some armed groups in Jharkhand opposed to the CPI (Maoist) cooperate informally with the security forces to counter their influence, with security

13 See for instance: Coordination of Democratic Rights Organisations, *Living in the shadow of terror, People's lives and security forces operations in Jharkhand*, 2013, <http://www.pudr.org/sites/default/files/pdfs/Jharkhand%20report%20for%20web%20site.pdf>; State Level Consultation on Human Rights and Law, Ranchi, Report 2012, <http://www.hrn.org/hrn/defend-the-defenders/993-state-level-consultation-on-human-rights-and-law-ranchi.html#ixzz3xDnJmI5>; Human Rights Watch, "Between two sets of guns" *Attacks on Civil Society Activists on India's Maoist Conflict*, July 2012, <https://www.hrw.org/sites/default/files/reports/india0712ForUpload.pdf>.

14 According to the Ministry of Home Affairs, 17 out of Jharkhand's 24 districts are affected by LWE, Press Information Bureau, Government of India, Ministry of Home Affairs, 4 March 2015, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=116427>

15 Child Soldiers International and HAQ CRC interview with S.N.Pradhan, Additional Director General of Police, Ranchi, 2 February 2016. Also see Gladson Dungung, *Mission Saranda: A war for natural resources in the country*, Deshaj Prakashan, August 2015.

forces tolerating their own abuses in return, including against children.<sup>16</sup> The security forces deny these allegations.<sup>17</sup> However, newspapers have reported telephone intercepts between senior CRPF commanders and leaders of the JJMP and Jhangaur groups suggesting that they sometimes conduct joint operations against the CPI (Maoist), highlighting the complex and multi-faceted nature of the conflict.

The PLFI, the second most prominent armed group operating in Jharkhand is headed by Dinesh Gope, a former Indian army soldier,<sup>18</sup> said to be heavily involved in extortion from contractors, businessmen and government employees.<sup>19</sup> The PLFI owes its origins to the Jharkhand Liberation Tigers, which broke away from the MCC in 2003.<sup>20</sup> Gope told Child Soldiers International and HAQ CRC that he decided to quit the army after he witnessed his senior officer committing sexual abuse: "I quit the Army in 2003 with a resolve to form a parallel force and fight for justice for lakhs of poor and marginalised population in the countryside."<sup>21</sup>

In rural areas of Jharkhand dominated by the CPI (Maoist) or other left wing armed groups, the presence of state authorities is minimal. Anecdotal evidence suggests that village council officials responsible for implementing state policies at the local level prefer to stay in urban areas, due to the risk of attack by a range of left wing armed groups. Teachers and doctors seldom show up for work, fearing for their lives.<sup>22</sup> Left wing armed groups

16 In an interview with Child Soldiers International and HAQ CRC on 15 May 2015, Sajal Chakraborty, former Chief Secretary of the Government of Jharkhand, claimed that Ramdeo Oraon, leader of the Jhangur group, had been based within Bishunpur police station, supporting police to prevent the CPI (Maoist) from spreading their influence in the area and that any police opposing this policy had been transferred. In an interview with Child Soldiers International and HAQ CRC on 13 April 2015, CPI (Maoist) commander Sylvester Minz produced a press release claiming that the JJMP was working with the security forces to eliminate the CPI (Maoist). Minz was killed in an encounter with police forces at Dipatoli village under Chainpur police station in Gumla district on 25 July 2015.

17 During a meeting with Child Soldiers International and HAQ CRC, ADG, S.N.Pradhan said, "presently nobody in the Jharkhand police controls splinter groups", Ranchi, 2 February 2016.

18 Deepak Kumar Nayak, "Naxal Violence: The Peoples' Liberation Front of India (PLFI) in Jharkhand", *Institute of Peace and Conflict Studies*, 29 March 2013, <http://www.ipcs.org/article/india/naxal-violence-the-peoples-liberation-front-of-india-plfi-in-3861.html>

19 Ushinor Majumdar, "Extortion In The Name Of Maoism", *Tehelka*, 10 December 2013, <http://www.tehelka.com/2013/10/extortion-in-the-name-of-maoism/>, see also Fakir Mohan Pradhan, "Jharkhand: The Mask of Ideology", *South Asia Terrorism Portal*, 2012, [http://www.satp.org/satporgtp/sair/Archives/sair11/11\\_15.htm](http://www.satp.org/satporgtp/sair/Archives/sair11/11_15.htm)

20 Uday Chandra, "Beyond Subalternity: land, community and the state in contemporary Jharkhand", *Contemporary South Asia*, 21:1, 52:61, 18 February 2013, <http://www.tandfonline.com/doi/abs/10.1080/09584935.2012.757579#.VqVWZiap6qA>

21 Child Soldiers International and HAQ CRC interview with Dinesh Gope, Jharkhand-Odisha border, 11 May 2015.

22 Child Soldiers International and HAQ CRC interview with a schoolteacher who had moved from Gumla to Ranchi following attacks on his family, Ranchi, 15 June 2015. Also see for instance, BBC, *Are India's Maoist rebels winning the war?*, 28 May 2010, <http://news.bbc.co.uk/1/hi/world/south-asia/8710747.stm>

have attacked police stations to loot weapons and destroyed state infrastructure such as railways, communication systems and schools.<sup>23</sup> They have also conducted targeted killing of alleged police informers following hearings in informal ‘people’s courts’ that do not meet international standards for fair trial, and have admitted to the assassination of politicians.<sup>24</sup> Government estimates put the total number of civilians killed in Jharkhand since 2010 till September 2015 at nearly 800.<sup>25</sup>

Civilians are under threat from all sides. Villagers often have no choice but to support Left wing armed groups, either through submitting to forced recruitment into their ranks or at least by providing food, shelter, unofficial taxes and information about security force deployments, leaving them at risk of being arbitrarily detained by the security forces who may view them as left wing armed group supporters. Human rights groups have documented cases of torture and extra judicial executions by both security forces and left wing armed groups.<sup>26</sup>

***We sleep with our eyes open. If the dogs start barking in the night, we assume that someone in the village is about to be killed.***

Villagers in Khunti District interviewed by  
Child Soldiers International and HAQ CRC.

Caught between security forces and left wing armed groups and vulnerable to serious human rights abuses from both sides, people in rural areas aged between 16 and 35 are increasingly migrating out of their villages out of fear of being dragged into the fighting and lack of economic opportunity.<sup>27</sup> Left wing armed groups generally consider men and women over 40 unfit to fight, and hence they have reportedly increasingly turned to children who remain in the villages for recruitment. A Police Superintendent from Latehar district told us that in order to protect their children from recruitment by left wing armed groups; parents are sending their children as far away as Bihar and Gujarat to work in brick kilns and as farm labourers, adding that most of the villages in Latehar

23 See for instance, Times of India, *Maoists blow up Jharkhand school building*, 11 October 2015, <http://timesofindia.indiatimes.com/city/ranchi/Maoists-blow-up-Jharkhand-school-building/articleshow/49313391.cms>; DNA India, *Maoist forces strike in India, blow up government buildings*, 10 July 2015, <http://www.dnaindia.com/india/report-maoist-forces-strike-in-jharkhand-blow-up-govt-buildings-2103321>

24 See for instance, Deccan Chronicle / Press Trust of India, *Naxals say attack aimed at ‘punishing’ Nand Kumar Patel, Mahendra Karma*, 28 May 2013, <http://archives.deccanchronicle.com/130528/news-current-affairs/article/naxals-say-attack-aimed-punishing-nand-kumar-patel-mahendra>

25 State wise extent of Left Wing violence, Ministry of Home Affairs, [http://mha.nic.in/sites/upload\\_files/mha/files/LWEViolenceStatisticsOct2015.pdf](http://mha.nic.in/sites/upload_files/mha/files/LWEViolenceStatisticsOct2015.pdf)

26 Human Rights Watch, op.cit. <http://www.hrw.org/sites/default/files/reports/india0712ForUpload.pdf>

27 Child Soldiers International and HAQ CRC interviews with villagers and journalists in Khunti, Gumla and Lohradaga districts, April-June 2015.

are now populated largely by elderly people.<sup>28</sup> Nevertheless, children remain in the ranks. On 8 June 2015, three children were reportedly among 12 members of the CPI (Maoist) killed in an armed exchange with security forces in Jharkhand's Palamu district.<sup>29</sup> Human rights groups including the People's Union for Civil Liberties submitted a report to the government claiming that those killed had been disarmed and later extra judicially executed.<sup>30</sup>

## **National and international legal standards prohibiting the recruitment and use of child soldiers by non-state armed groups**

Various provisions exist under international law on the recruitment and use in hostilities of children by armed groups, with an evolving trend towards recognising that there is a legal prohibition on any form of military recruitment or use in hostilities of persons under the age of 18 years by armed groups.<sup>31</sup> OPAC was adopted by the UN General Assembly in 2000 and entered into force in 2002.<sup>32</sup> The protocol explicitly addresses the conduct of non-state armed groups. Article 4 states that "armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen." Furthermore, article 4(2) requires State parties to take all feasible measures to prevent such recruitment and use, including legal measures to prohibit and criminalise such practices. In other words, the State authorities need to take measures to address recruitment and use of children by armed groups operating within the territory of the State. In Child Soldiers International's view, article 4(1) of OPAC is applicable to armed groups operating in countries, like India, that are party to the treaty.

Rules of customary international humanitarian law (IHL) applicable in non-international armed conflicts prohibit non-state armed

28 Child Soldiers International and HAQ CRC interview with police officer Michael Raj, Superintendent of Police, West Singhbhum, Jharkhand, 5 May 2015.

29 Vishal Sharma, "Child Soldiers among 12 Maoists killed in Jharkhand", *The Hindustan Times*, 9 June 2015, <http://www.hindustantimes.com/india/child-soldiers-among-12-maoists-killed-in-jharkhand/story-KlpVp0MqF3NgLbvSJ0kmkL.html>

30 Jharkhand: Fact finding report on the Satbarva (Bhelvahi) encounter 11 October 2015, <http://sanhati.com/articles/15033/#sthash.amOmN0mu.dpuf>

31 Additional Protocol I to the Geneva Conventions of 1949, article 77 (2) (1977); Additional Protocol I art.4(3)(c) (1977); the CRC, article 38 and the Optional Protocol, article 38 and OPAC article 4(1); the ICC Statute, arts. 8 (2)(b)(xxvi) ad 8(2)(vii). Also note that ILO 182 on the Worst Forms of Child Labour in article 3(a) makes reference to 'forced or compulsory recruitment of children as one of the worst forms of child labour that needs to be eliminated as a matter of urgency. Further, article 7(1) of ILO 182 requires penal sanctions for forced or compulsory recruitment of persons under 18 for use in armed conflict.

32 OPAC, adopted 25 May 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force 12 February 2002. India ratified OPAC on 30 November 2005.

groups from recruiting or using children under the age of 15 in armed conflict. According to the customary IHL rules identified in the 2005 ICRC study on customary IHL, “children must not be recruited into armed forces or armed groups”, and “children must not be allowed to take part in hostilities”.<sup>33</sup> Although these rules as identified in the ICRC study do not specify a minimum age for recruitment or participation in hostilities, the accompanying commentary notes that although there is not, as yet, a uniform practice with respect to the minimum age for recruitment and participation in hostilities, there is agreement that it should not be below 15 years of age.<sup>34</sup>

Under OPAC, the Rome Statute of the International Criminal Court (ICC) and customary IHL, the prohibition on recruiting children by armed groups cover all forms of recruitment, whether voluntary or forced. It also covers using or allowing children to participate in hostilities, including active combat, suicide missions, preparing and planting IEDs and other explosives, manning checkpoints, patrolling, guarding military objectives, or acting as body guards, scouting, spying, acting as couriers, and transporting supplies, whether or not, in the particular case, these activities constitute direct participation in hostilities for the purposes of targeting.

Furthermore, the war crime of conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities has been considered part of customary international law since at least 1996.<sup>35</sup> The Rome Statute of the ICC codifies it in Article 8(2)(e)(vii).<sup>36</sup> Although India is not a signatory to the Rome Statute, members of left wing armed groups in India who unlawfully recruit or use children under the age of 15 may still be criminally responsible for acts amounting to war crimes under customary international law.<sup>3738</sup> In addition to being a war crime under international law, the recruitment and use of children by

33 See rule 136 and rule 137 identified in the 2005 ICRC Study on Customary IHL, available at [www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule1356](http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule1356) and [www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule137](http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule137)

34 See commentary to the rules noted above.

35 See Special Court for Sierra Leone, Prosecutor v. Hinga Norma (Decision on Preliminary Motion), SCSL, May 2004.

36 Rome Statute of the ICC, U.N. Doc. A/CONF.183/9, 17 July 1998, entered into force 1 July 2002 articles 8(2)(b)(xxvi) and 8(2)(e)(vii).

37 In May 2004 the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on recruiting children below age 15 had crystallised as customary international law prior to 1996, citing the widespread recognition and acceptance of the norm in international instruments such as the CRC and the Additional Protocols to the Geneva Conventions. The Special Court for Sierra Leone also found that the individuals responsible for recruiting children under the age of 15 bear criminal responsibility for their acts, Summary of Decision on Preliminary Motion on Lack of Jurisdiction (Child Recruitment), Prosecutor v. Sam Hinga Norman, Appeals Chamber of the Special Court for Sierra Leone, 31 May 2004, Case Number SCSL-2003-14-AR72 (E).

38 See Michael Cottier, in Otto Triffterer, ed., Commentary on the Rome Statute of the ICC: Observers' Notes, Article by Article (Baden-Baden: Nomos Verlagsgesellschaft), p. 261.

armed groups is criminalised under the Juvenile Justice (Care and Protection of Children) Act, 2015.<sup>39</sup>

The state has primary responsibility in ensuring the protection of children from recruitment into combat. The CRC requires the government to take “all feasible measures to ensure protection and care of children who are affected by an armed conflict,” and to take “all appropriate measures” to promote the physical and psychological recovery and social reintegration of child victims of armed conflicts.<sup>40</sup> Article 6(3) of OPAC provides that a state “shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilised or otherwise released from service,” and “shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.”<sup>41</sup>

39 Para 83 (1) and (2) Juvenile Justice (Care and Protection of Children Act), <http://onelawstreet.com/wp-content/uploads/2016/01/The-Juvenile-Justice-Care-and-Protection-of-Children-Act-2015.pdf>

40 CRC, adopted 20 November 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 2 September 1990, articles 38, 39. India became a party to the CRC on 11 December 1992.

41 Op.cit. articles 6(3).

# 2.

## **The recruitment and use of children by left wing armed groups in Jharkhand**

**Guddi (a pseudonym) escaped from the CPI (Maoist) after one of her superiors accused her of collaborating with police informers, a 'crime' that the group punishes with death. Aged 17 in 2015, she was recruited in 2004, when she was barely seven years old:**

***It was a winter afternoon in 2004 when Savita Didi, a girl from our village who had joined the rebels, invited me to accompany her into the jungle. I was fascinated with the guns she and other women in the Maoist squad were carrying, and so I agreed to go with them. That one decision changed my life, making me a Maoist guerilla and later an area commander.***

***I grew up in the organisation learning language, science, mathematics and Mao's ideology. Soon I learnt computers and began typing press releases, revolutionary poems, revolutionary messages for posters and banners. As I crossed 12, I was given a chance to choose the weapon I would like to train. I preferred INSAS [assault] rifles and carbines. Since I was among the youngest girls in the camp, I was treated well. I occasionally cooked rotis [Indian flat bread], but it was the men who did the cooking most of the time.***

***I have seen most of my colleagues and commanders getting killed in encounters with the security forces. I also suffered a bullet injury in my right foot when the forces attacked our camp in the Latehar jungles. All of us fled with whatever weapons we could pick up. Despite a bullet stuck in my foot, I ran and walked for four days and nights till we reached a safer place.***

***When I left the camp in April, there were 23 minor girls in zonal commander Nakulji's camp, few of them as young as 10 years. Even if I wish, I cannot surrender to the police because it will risk the lives of my entire family. My village is a Maoist safe zone. The moment they come to know that I have surrendered, they will kill my parents, and young siblings. I am studying and will do so as long as I am not identified and captured, or my bosses in the jungle do not take me away forcibly.***

## **Children's roles in left wing armed groups**

Most left wing armed groups operating in Jharkhand recruit and use children in formal and informal roles from a very young age.<sup>42</sup> While some child recruits follow quite a structured training programme, beginning with initial indoctrination and progressing with age into different roles; others are abducted and deployed in the use of explosives or used as cooks, porters, messengers or informers.

In the absence of a comprehensive assessment of the scale of recruitment and use by armed groups, it is impossible to determine the number of children affected.

The CPI (Maoist) initially recruits children from as young as 10 into groups called *Bal Sangams* or *Bal Dastas*, where they learn Maoist ideology and are trained in the use of non-lethal weapons such as sticks or traditional bows and arrows. They also work as messengers or guards, or collect food from villagers before they are promoted into other departments depending on their skills and abilities. Villagers interviewed by Child Soldiers International and HAQ CRC for this report confirmed that young children are tasked with delivering intelligence on troop deployments, and acting as messengers or sentries by various left wing armed groups.<sup>43</sup>

State authorities are well aware of the problem. For instance, Hazaribag Police Superintendent Akhilesh Jha told Child Soldiers International and HAQ CRC:

*Maoists recruiting children is no new phenomena. High level of poverty, lack of food and poor employment opportunities are a major cause for children joining the Maoists in Jharkhand... In early 2000 and before that, children in Maoist camps were generally put in cultural*

<sup>42</sup> During a meeting with Child Soldiers International and HAQ CRC, ADG S.N.Pradhan said, "everybody uses children in Jharkhand", 2 February 2016, Ranchi.

<sup>43</sup> Child Soldiers International and HAQ CRC interviews, 10 districts, Jharkhand, March to August 2015. In an article published in 2010, author Arundhati Roy described her escort to meet with the Maoists: "Within minutes a young boy approached me. He had a cap and a backpack schoolbag." See The Outlook, *Walking With the Comrades*, 29 March 2010, <http://www.outlookindia.com/article/walking-with-the-comrades/264738>

*groups where they were trained in music, taught Maoist ideology, given information about various arms and using techniques besides developing the capacity to read and write at least one or two Indian languages. These children, after some training, were entrusted with the task to lure more children. During our raids then, we used to find Maoist training mobile schools to impart war tactics and training on administering first-aid.*

Children that are eventually recruited into combat roles with the PLGA receive further training in the use of weapons. In 2014, the annual report of the UN Secretary-General on Children and Armed Conflict noted that children had been used by Maoists in India to plant landmines, trigger Improvised Explosive Devices (IEDs), and engage in hostilities against government forces.<sup>44</sup> The CPI (Maoist) has admitted that it uses 16-year-olds as combatants but denied the recruitment of younger children into the PLGA. In a 2009 interview, Cherukuri Rajkumar (alias Azad), then spokesperson for the CPI (Maoist) Central Committee (subsequently killed by security forces in 2010) said:

*I can confidently tell you that there is not a single child soldier in our PLGA. Boys and girls in the villages do create problems when our PLGA squads visit them. They want to come with us and even parents request us to take them and teach them as there are no schools in the villages, or, even where there are schools, there are no teachers. So we take them to our camps and use the period to teach them basic knowledge—the three essential Rs. Then they go back home. They do physical training exercises but no arms are given to these youngsters... Even if a single case of recruiting someone who is under 16 years of age comes to the notice of any Party Committee action is taken promptly.<sup>45</sup>*

In an interview in the same year, Kadari Satyanarayan Reddy, Alias Kosa, of the CPI (Maoist) Central Committee also denied the recruitment of children under 16 claiming that they were simply encouraging Adivasis to use their traditional weapons “more effectively.”<sup>46</sup>

More recently, during research for this report, left wing armed group leaders in Jharkhand admitted that they recruit children, but again claimed that those below 16 are only provided basic education and an understanding of the organisation’s values and principles. CPI (Maoist)

44 Report of the UN Secretary General on children and armed conflict, UN Doc. A/68/878-S/2014/339, 15 May 2014.

45 “Comrade Azad, Spokesperson, Central Committee, CPI (Maoist), on the Current Unprecedented Military Offensive by the Central and Various State Governments on the CPI (Maoist) and the Armed Agrarian Revolutionary Movement,” *Maoist Information Bulletin*, No. 12, 31 October 2009, [http://www.bannedthought.net/India/CPI-Maoist-Docs/Statements-2014/CC\\_Collected\\_Interviews\\_10th\\_Anniversary-Eng-View.pdf](http://www.bannedthought.net/India/CPI-Maoist-Docs/Statements-2014/CC_Collected_Interviews_10th_Anniversary-Eng-View.pdf)

46 “Interview with Comrade Kosa, Secretary of DKSZC and Member of Central Committee, CPI(Maoist),” *Maoist Information Bulletin*, No. 6, 15 January 2009, [http://www.bannedthought.net/India/CPI-Maoist-Docs/Statements-2014/CC\\_Collected\\_Interviews\\_10th\\_Anniversary-Eng-View.pdf](http://www.bannedthought.net/India/CPI-Maoist-Docs/Statements-2014/CC_Collected_Interviews_10th_Anniversary-Eng-View.pdf)

Bihar-Jharkhand-South Chhattisgarh Border Area Regional Committee Secretary, Deenbandhu, told Child Soldiers International and HAQ CRC:

*We do not recruit children below 16 in our armed squads. Children below 16 are never made to handle guns and that is a rule in our organisation, which is strictly followed across states wherever our organisation exists.*<sup>47</sup>

However, our research findings clearly contradict these claims. Evidence of the recruitment and use of children as young as 12, including during armed combat, by the CPI (Maoist) and PLFI is provided below, including evidence that girls who are recruited are put at additional risk of sexual violence.

## **Ideological pull**

**Thimbu Oraon joined the Maoists voluntarily in 1990 when he was 15, because he was impressed by their ideology. Years of neglect, underdevelopment, illiteracy, and poverty in the area gave the Maoists ample opportunity to recruit children, he says. Several other children joined with him, and he met many other members who were also children:**

***When the Maoists first took me away into their camp there were at least 25-30 children, part of the Bal Dasta. I was put with them and trained to write on banners, posters and pamphlets as I had a flair for writing.***

**Oraon told Child Soldiers International and HAQ CRC that there was a school for the children where they were first taught Hindi and English. They were also trained to spy and gather intelligence to anticipate responses from state security forces, provided weapons training and taught to plan ambushes and other guerilla actions, and use various arms and ammunition. Children were trained in the use of firearms according to their height and build:**

***If a boy is tall, he was given six round rifles generally used by the police and if he is short, he would be given smaller arms. Every child had to learn techniques of cleaning their firearms, and dismantling and fitting them quickly.***

**He was arrested in 2003 and later released, with all charges against him dropped. He now runs a school and is a prominent Adivasi community leader in Gumla district.**

<sup>47</sup> Child Soldiers International and HAQ CRC confidential interview with Deenbandhu, 18 March 2015, in the forests of Jharkhand-Chhattisgarh border.

## **Forced recruitment of children by the CPI (Maoist)**

According to Hazaribag Police Superintendent Akhilesh Jha, when Kiran, a female zonal commander of Maoist fighters, was arrested by police in the district in April 2015, she had already been a member of the group for 12 years, recruited when she was only 13.<sup>48</sup> Kiran's parents told Child Soldiers International and HAQ CRC that one of her cousins had recruited her: "One morning, we found her missing. We visited all our relatives to locate her but failed. A couple of months later, we learned from police that she had joined the Maoists."<sup>49</sup> Several of the senior CPI (Maoist) leadership joined the ranks when they were children, including Naveen Manjhi, Mukesh Ganjhu and Brajesh Ganjhu, who reportedly joined the organisation when they were 11-12 years old.

In 2008, Human Rights Watch interviewed former members of the CPI (Maoist) who stated that they had joined the ranks when they were children and received weapons training, alluding to the pressure that villagers are under to allow the CPI (Maoist) to take their children:

*Given Naxalites' brutal punishment of dissent or non-conformist behavior... a mere recruitment request to families creates tremendous pressure on them. In some cases Naxalites simply note down children's names during meetings and ask them to join.*<sup>50</sup>

The proliferation of left wing armed groups that oppose the CPI (Maoist) and the emergence of vigilante groups working in collaboration with the state to undermine CPI (Maoist) dominance have fueled the group's recruitment of combatants in recent years, including of children, as a means of maintaining its strength. Increased pressure from the security forces has also intensified the group's attempts at buttressing its numbers.<sup>51</sup> Jharkhand police claim that forcible recruitment of children in the state has surged since 2003-2004 when government security forces intensified operations against the group.

48 Child Soldiers International and HAQ CRC interview with Police Superintendent Akhilesh Jha, Hazaribagh, 6 May 2015.

49 Child Soldiers International and HAQ CRC interview, Palamu, 24 June 2015.

50 Human Rights Watch, *Dangerous Duty, Children and the Chhattisgarh Conflict*, September 2008, <http://www.hrw.org/reports/2008/09/05/dangerous-duty-0>

51 B. Vijay Murty, "Jharkhand: Maoists Forcibly Recruiting Child Soldiers," *Hindustan Times*, 13 February 2013, <http://www.hindustantimes.com/nocountryforchildren/jharkhand-maoists-forcibly-recruiting-child-soldiers/article1-1010800.aspx>

In September 2014, security forces said that they had rescued 11 children, boys and girls all in their early teens, a year after they had been abducted to be sent to a CPI (Maoist) training camp.<sup>52</sup> The recruitment had been triggered following a people's court<sup>53</sup> hearing held on 13 September 2013 by armed CPI (Maoist) cadres in Bandua, a remote village in Latehar district. Residents from approximately 50 households were accused of damaging the forest by cutting down trees. Their reported punishment was to demonstrate their commitment to the cause by handing over their sons as fighters. One of the residents said that the people's court ordered that villagers had to "either vacate the land or give your sons to us."<sup>54</sup> Following the order, the Maoists abducted two adults and nine children, including a 12-year-old boy, Pardeshi Lohra. Four days later, the rebels left his body near his house. He had apparently died due to the accidental triggering of an explosive device while being trained in making bombs. The autopsy confirmed death due to injuries caused by an explosion. Pardeshi's father, Bilokhan Lohra, said that he had begged the Maoists not to take his son:

*They forcibly dragged our children into the nearby jungles and disappeared even as we pleaded for mercy. That was the last I saw my son alive. Four days later, they dumped his body outside my house on a cot and ran away.*<sup>55</sup>

According to the police some of the adults and children (a 10-year-old, an 11-year-old and two 15 year olds), managed to escape on 17 September 2013, allegedly reporting that CPI (Maoist) members had beaten them with rifle butts and sticks.

Interviews conducted with former child soldiers show that Maoist cadre approach families directly asking for children to be handed over to them. In April 2015, CNN-IBN interviewed a 13-year-old combatant who was rescued by the police during an armed encounter. The girl told the interviewer:

52 B Vijay Murty and Deepak Mahato, "11 minors rescued while being taken to Maoist camp," *The Hindustan Times*, 25 September 2014, <http://www.hindustantimes.com/ranchi/maoists-recruiting-minor-girls-to-entertain-male-cadre-police/article1-1237829.aspx>

53 'People's Courts' or *Jan Adalat* conceived as an effective and quick way of dispensing justice have been used by the CPI (Maoist) to summarily punish those perceived to be government informers or "class enemies." They do not meet international standards of fair trial (including independence, impartiality and competence of judges, the presumption of innocence, or access to defense).

54 Child Soldiers International and HAQ CRC interview Bandua village, Latehar district, May 2015.

55 Child Soldiers International and HAQ CRC interview with Bilokhan Lohra, Bandua, 5 May 2015.

*The Maoists came to my house at night for a meeting and asked the villagers whether or not they will give the children. Maoist leader Matanji came and told my parents to give the children. Nakul Yadav, another leader was also present with him. My parents asked how they could give their girls to which they said give us your children. They did another meeting where they threatened us saying that we should go with them if we did not want to fight. It was after this that the villagers sent the four of us with them.*<sup>56</sup>

While the Maoists claim that children join the movement voluntarily, parents often do not report the abduction of their children to the police due to fear of reprisals from the Maoists. Several parents of missing children interviewed by us insisted that their children were away in residential schools or living with relatives elsewhere. However, neighbors who witnessed children being forcibly taken away by Maoists assert that this is not the case. The police confirmed that where they have been able to establish a presence in some areas where the reach of the state authorities was previously limited, relatives and teachers have come forward with complaints about the recruitment of children.

Child Soldiers International and HAQ CRC documented the forced recruitment of 40 children by CPI (Maoists) in 2014. In some of these cases, parents were too fearful to resist or complain to authorities and when questioned by the police, said that the children had gone to visit relatives.<sup>57</sup> The Gumla Superintendent of Police told us that in 2014, the Maoists killed two people in the Bishunpur area [Chatrapal Oraon and Laldev Kehrwar] when they opposed the forcible recruitment of children. This incident had induced a high level of fear among the villagers and prevented them from protesting against the forcible recruitment of their children.<sup>58</sup>

Among the cases documented by Child Soldiers International and HAQ CRC was 15-year-old Kumar, who escaped from a Maoist camp on the Gumla-Lohardaga border on 31 May 2015. He said that he used to work in a mill in Uttar Pradesh state and had returned to his village in Gumla district for holidays when he was abducted by the Maoists. He remained with them for nearly three months before escaping:

<sup>56</sup> Subhajit Sengupta, "Minor girl recounts her terrifying story of alleged sexual exploitation by Maoists," *CNN-IBN*, 17 April 2015, <http://ibnlive.in.com/news/minor-girl-recounts-her-terrifying-story-of-alleged-sexual-exploitation-by-maoist/540467-3-233.html>

<sup>57</sup> Child Soldiers International and HAQ CRC interview with Manoj Ratan Chhothe, Superintendent of Police, Lohardaga Police Station.

<sup>58</sup> Child Soldiers International and HAQ CRC interview with Bhimsen Tuti, Superintendent of Police, Gumla, 5 June 2015.

*On February 19, a group of around 200 Maoist fighters had come to our village where they held a meeting with the villagers. I was watching them from a distance. After the meeting ended, the Maoists summoned me and my friend [name withheld] who lived in the neighboring house. They grabbed both of us by our shoulders and took us along. After walking for several kilometers, we reached the Maoist's camp near Kumari village where we found scores of children like us living in tents. The children were split into groups of 11, each led by a leader. We got food three times a day and were trained in weapons and tactics against police operations. I did not want to stay there but nobody was allowed to move even an inch without permission. One early morning, when our leaders were asleep, I ran away and somehow reached our home. My parents informed the police about my return. I am scared of being caught by them again. I also do not want to be a migrant labourer all my life. I wish the government would train me in some technical work so that I can earn a decent living.*<sup>59</sup>

Sixteen-year-olds Balmuni Kumar and her neighbour Bhanupriya were forcibly recruited by the Maoists in Bishunpur in June 2014. After both girls managed to escape in February 2015, the Maoists came to the village and took them back. Balmuni was captured when the security forces raided their camp in the Baraini forests on the Gumla-Latehar border on 29 March 2015. We interviewed her in hospital in April 2015 where she had been admitted after being wounded during the fighting. She told us that there were seven girls in her camp aged between 16 and 22 and that she had urged the police to rescue them before they died in combat.<sup>60</sup>

Bablu Yadav, a former Maoist and now village head from Palamu district, told Child Soldiers International and HAQ CRC:

Children were treated well during our time with the Maoists. There were scores of children working in our Bal Dastas, most of whom had joined the group voluntarily. Today, I hear children are being picked up forcibly. I disapprove of such acts.<sup>61</sup>

<sup>59</sup> Child Soldiers International and HAQ CRC interview with Kumar, pseudonym to conceal identity, Gumla, 5 June 2015.

<sup>60</sup> Child Soldiers International and HAQ CRC interview with Balmuni, Rajendra Institute of Medical Sciences, Ranchi, 8 April 2015.

<sup>61</sup> Child Soldiers International and HAQ CRC interview with Bablu Yadav, former child soldier, Palamu district, 24 June 2015.

## **Abducted and recruited: children from Gumla, Lohardaga and Latehar**

**In April 2015, the Jharkhand High Court issued notices to the national and state level authorities, including the central government Ministry of Home Affairs, Jharkhand Department of Home Affairs, the Jharkhand Police and the Jharkhand Department of Women, Child Development and Social Welfare over the reported abduction of 35 children by left wing armed groups in Gumla district, ordering that action be taken.<sup>62</sup> In response, police initially said that parents had registered no complaints, but a door-to-door operation conducted in Gumla and Lohardaga districts reportedly revealed that a number of children had indeed been abducted. The Union of India told the court that it was not known how many children had been recruited by left wing armed groups across the country, while Amicus Curiae Sumit Gadodia submitted that the state authorities seemed more concerned about lodging complaints than retrieving the missing children and taking preventive measures against abductions.<sup>63</sup> On 22 May 2015, the High Court took note of submissions by D.K. Pandey, Director General of Jharkhand Police, that five children had been rescued after security operations in Lohardaga, Gumla and Latehar districts.<sup>64</sup> However, Mr. Pandey requested assistance from the central government for further capacity to expand operations to prevent such abductions and arrest perpetrators.**

**These events were preceded by an announcement made by Ranchi range Deputy Inspector General of Police Praveen Kumar Singh on 25 July 2014. That day, Singh told local media that the CPI (Maoist) had recruited approximately 40 children in the previous 10 days from villages in Gumla, Lohardaga and Latehar districts, killing five people who had refused to allow their children to be recruited.<sup>65</sup> The CPI (Maoist) denied the allegation.<sup>66</sup>**

<sup>62</sup> Writ Petition 1746 of 2015, Jharkhand High Court, 23 April 2015. The order was issued *suo moto* by the court on the basis of a newspaper report. [http://www.jharkhandhighcourt.nic.in/judgement/order\\_passed\\_17462015.pdf](http://www.jharkhandhighcourt.nic.in/judgement/order_passed_17462015.pdf)

<sup>63</sup> Writ Petition 1746 of 2015, Jharkhand High Court, 21 May 2015, <http://jhr.nic.in/hcjudge/data/50-1746-2015-21052015.pdf>

<sup>64</sup> Writ Petition 1746 of 2015, Jharkhand High Court, 22 May 2015, <http://jhr.nic.in/hcjudge/data/50-1746-2015-22052015.pdf>

<sup>65</sup> K.A. Gupta and Alok K.N. Mishra, "Maoists kill 5 in Gumla, Lohardaga," *Times of India*, 26 July 2014, <http://timesofindia.indiatimes.com/city/ranchi/Maoists-kill-5-in-Gumla-Lohardaga/articleshow/39016597.cms>

<sup>66</sup> Child Soldiers International and HAQ CRC confidential interview with Deenbandhu, 18 March 2015, in the forests of Jharkhand-Chhattisgarh border.

**The July 2014 cases of recruitment of children were confirmed in June 2015 when Police officials told Child Soldiers International and HAQ CRC that the CPI (Maoist) had abducted 29 children over seven or eight months from 31 villages in the Bishunpur area of Gumla district, and that they were attempting to rescue 12 of 14 children abducted in Lohardaga district since they had been reported missing by local media on 22 April 2014.<sup>67</sup> Two boys, aged 12 and 13 had reportedly already escaped from CPI (Maoist) camps towards the end of 2014. In a recorded statement made to the Lohardarga Police seen by Child Soldiers International and HAQ CRC that demonstrates fear of both the CPI (Maoist) and the police, the parents of the two boys explained that they had sent their children to another state out of fear that they may be killed or re-recruited:**

**We do not want to say anything about our children. They are innocent. Please do not coerce us for information about who had taken them, where they were kept, or how they managed to escape. Please spare us and our children. They have gone to another state and will not return any time soon.<sup>68</sup>**

## **Recruitment and attacks on children by the PLFI**

The PLFI dominates Jharkhand's Khunti district, which reported the highest number of cases of missing children of any district in the state in 2014.<sup>69</sup>

State officials allege that the PLFI is responsible for the killing of hundreds of civilians in Jharkhand, including children.<sup>70</sup> The PLFI has reportedly forced schools to shut down and threatened, attacked and killed government schoolteachers. The group claims to run

<sup>67</sup> Child Soldiers International and HAQ CRC interview with Superintendent of Police, Lohardaga and Gumla, 6 June 2015.

<sup>68</sup> Video recording of a statement made by the parents to Lohardaga police accessed by Child Soldiers International and HAQ CRC, 25 June 2015.

<sup>69</sup> Between January and December 2014, 63 children were registered missing through the missing children helpline, Missing Children Report, Divya Seva Sansthan, 2015. While some of these children are assumed to have been abducted or killed by various armed groups and dumped in the forests, authorities believe many others are victims of traffickers who send them to other parts of the country with the lure of a decent wage and a secure future. Delhi based organisation Shakti Vahini claims that it has rescued around 200 Jharkhand children from traffickers and families over the last four years, who had been forced to do domestic or agricultural work.

<sup>70</sup> Child Soldiers International and HAQ CRC interview with Sajal Chakraborty, former Chief Secretary of the Government of Jharkhand, Ranchi, 15 May 2015 in which he claimed that PLFI had paralysed the entire social development fabric in Khunti district and other areas under its control.

at least 18 residential schools providing alternative education to students. Dinesh Gope, leader of the PLFI, contrasted this with the practices of the CPI (Maoist): *While the Maoists bulldoze schools, we build schools; while they abduct and recruit children to replenish their armed forces and Bal Dastas, we pick poor children from villages, enroll them in residential schools for free education. The children in our schools grow up to become doctors and engineers; children in the Maoist squads grow up handling and firing guns.*<sup>71</sup> The police counter that these “schools” serve as hideouts and training grounds for child recruits.

Local journalists and villagers told us that the PLFI is more successful in recruiting children by inducing them with tempting offers of cellphones and cash, which according to a resident of Kotna village could be anywhere between Rs.2500-3000 per month (approximately US\$24-29). Children are initially engaged as informers, and Child Soldiers International and HAQ CRC also heard reports that the PLFI were targeting young girls for recruitment as a means of enticing boys to join.<sup>72</sup> A local journalist claimed that the PLFI recruits girls, makes them wear smart clothes such as jeans, trousers and shirts, and uses them to convince boys to join the camps.<sup>73</sup> In several villages the risk was said to be so great that there were hardly any girls to be found above the age of 15 as most had either migrated to other areas to avoid recruitment or had already been recruited, with villagers too scared to report their abduction:

Speaking out means certain death. We just look away when they pick up our daughters and daughters-in-law. No girl who lives in and around the jungles has been spared.<sup>74</sup>

Formal recruitment follows after an undetermined period of working as “informers” comes to an end. Once recruited, the children are brought to camps for weapons training with a promise that they will receive good food and better clothes. Children are trained to lay IEDs, based on the logic that their smaller fingers are better able to handle the electronic circuits that trigger bombs. PLFI chief Dinesh Gope denied the forced recruitment of children, though he did admit that the few children present in the ranks are those who insist on joining them, but that they were never encouraged to use weapons or take part in combat.<sup>75</sup>

71 Child Soldiers International and HAQ CRC interview with Dinesh Gope, Jharkhand-Odisha border, 11 May 2015

72 Child Soldiers International and HAQ CRC confidential interviews, details withheld due to security reasons.

73 Child Soldiers International and HAQ CRC interview with Md Pervez, reporter with Prabhat Khabar, Ghatsila, 2 April 2015.

74 Child Soldiers International and HAQ CRC confidential interview, details withheld due to security reasons.

75 Op.cit. Dinesh Gope.

## Sexual abuse of girls

Local CPI (Maoist) leaders told Child Soldiers International and HAQ CRC that at least 40 percent of all their members are women.<sup>76</sup> In conducting its research for this report, we documented six cases of girl child soldiers being raped and sexually abused by CPI (Maoist) cadre in 2015. In two cases, evidence of sexual abuse was confirmed by doctors who provided the survivors with medical assistance (see box below). As one girl child soldier explained:

*Commanders do sexually exploit women but most of the time it is projected as consensual sex. Abortions are a routine affair as female commanders cannot become mothers.*<sup>77</sup>

Information on sexual abuse of girls was revealed in the April 2015 CNN-IBN interview with a 13-year-old Maoist girl soldier (see section on forced recruitment of children above). She said that the CPI (Maoists) used children as young as ten as human shields during armed exchanges with the police and also said that she and other girls had been sexually abused.<sup>78</sup> In September 2014, the *Hindustan Times* reported that a Maoist combatant arrested for the abduction of young children admitted that he had been specifically ordered to bring young girls to the camp because they were a “source of entertainment.”<sup>79</sup>

In July 2015, police in Hazaribag district arrested three girls: two aged 14 and one aged 17, after a raid on a CPI (Maoist) camp in the same district. They reportedly told the police that they had joined the group three years earlier in the hope of receiving money, food and clothes. They received education in Maoist ideology and were then trained in guerrilla warfare and placed under the command of a senior female leader called Sarita. However, following Sarita’s death in an armed exchange with the security forces in 2013 they said all the young girls in the camp became vulnerable to sexual abuse by male commanders who took turns to rape them while they were on sentry duty. Police reported that the young girls claimed that that they could not escape from the camp as they were constantly kept under guard.<sup>80</sup>

<sup>76</sup> Child Soldiers International and HAQ CRC confidential interview, details withheld due to security reasons, 8 May 2015.

<sup>77</sup> Child Soldiers International and HAQ CRC confidential interview, details withheld due to security reasons, 13 July 2015.

<sup>78</sup> Subhajit Sengupta, “Minor girl recounts her terrifying story of alleged sexual exploitation by Maoists,” *CNN-IBN*, 17 April 2015, <http://ibnlive.in.com/news/minor-girl-recounts-her-terrifying-story-of-alleged-sexual-exploitation-by-maoist/540467-3-233.html>

<sup>79</sup> B Vijay Murty and Deepak Mahato, “11 minors rescued while being taken to Maoist camp,” *The Hindustan Times*, 25 September 2014, <http://www.hindustantimes.com/ranchi/maoists-recruiting-minor-girls-to-entertain-male-cadre-police/article1-1237829.aspx>

<sup>80</sup> Child Soldiers International and HAQ CRC interview with Police Superintendent Akhilesh Jha, Hazaribag, 20 July 2015.

## **Subjected to brutal violence**

**On 18 July 2015, hospital authorities informed police in Ramgarh district that two girls aged 14 and 17 both suffering serious genital injuries, had been abandoned at the Life Care hospital in Bejulia. Doctors told the police that the girls, who claimed to be Maoist combatants, had been subjected to brutal sexual abuse. Interviewed by Child Soldiers International and HAQ CRC, the 17-year-old girl said she was recruited as a child soldier in 2012 and was repeatedly raped by male commanders: The commanders had the first claim over a new girl in the camp. She said that in addition to cooking and cleaning, she also participated in several armed operations in the forests of Jharkhand and Chhattisgarh states and said there were still at least 20 girls who had been forcibly recruited at their camp. The 14-year-old told us she had been recruited four or five months before she was brought to the hospital.**

***Right from the first day, one of the male members began targeting me for sex. I tried my best resisting and running away but couldn't succeed. What happened thereafter was a nightmarish experience. I was raped almost every day. As my condition deteriorated they administered locally procured medicines but the treatment didn't work. Finally they left me near a nursing home and ran away. I do not want to go back to the hell again. I want to go to school and become a good citizen.***

**Tadasha Mishra, Inspector General of Police, Bokaro zone in Jharkhand told us that the police planned to rescue the remaining girls and had lodged criminal cases of rape against a number of Maoist commanders.**

# 3.

## Adverse Impact on Education

### The Right to Education in India

**The provision of free and compulsory education to all children aged six to fourteen years is a fundamental right that has been enshrined in India's Constitution since the 86th amendment in 2002, as well as its consequent legislation the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) which came into force on 1 April 2010. The RTE Act provides a legally enforceable and time bound framework for achieving this aim, setting out the responsibilities of the authorities to deliver on a range of targets including pupil-teacher ratios, school building and infrastructure standards, school working days, teacher working hours and the provision of appropriate teacher training. Article 46 of the Constitution also states that “the State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation.”**

Although the principle of the right to education is well established in Indian law, it is not being fully realised in many rural areas. While there is almost universal enrollment, many children drop out, unable to cope with lessons and because school authorities do not monitor and track each student to ensure that they maintain their attendance.

The armed violence in Jharkhand has had a seriously adverse impact on access to education in areas where children are already deprived of many basic facilities.<sup>81</sup> As noted above, in some cases left wing

81 For example see report by Save the Children, *Caught in the Crossfire*, [http://resourcecentre.savethechildren.se/sites/default/files/documents/caught\\_in\\_crossfire.pdf](http://resourcecentre.savethechildren.se/sites/default/files/documents/caught_in_crossfire.pdf)

armed groups have targeted teachers because they are educated and employed by the government; as a result, teachers often avoid attending classes, fearing for their safety.<sup>82</sup>

Under India's federal structure of governance, access to education is the responsibility of state governments. However, the central government has apparently acknowledged that armed Maoist groups receive the most support from villagers in areas where there is poor access to state resources, including education. By way of response, in 2012 the central government initiated an Integrated Action Plan to provide public infrastructure and services, including the construction of schools and residential schools in 82 districts where left wing armed groups operate, including in Jharkhand.<sup>83</sup> The state government allocated a significant 13.3 percent of its budget to education in its 2015-16 Annual State Plan.<sup>84</sup>

Jharkhand has among the poorest education indicators of any state in India. According to reports by the National University of Educational Planning and Administration (NUEPA), Jharkhand has a large shortage of teachers<sup>85</sup> and high pupil-teacher ratios,<sup>86</sup> while approximately a quarter of elementary teachers lack professional qualifications.<sup>87</sup> According to the Education Development Index (EDI) prepared by NUEPA, the quality of elementary education in Jharkhand ranked 34<sup>th</sup> out of 35 states and union territories in 2011-12, 35<sup>th</sup> in 2012-13 and 33<sup>rd</sup> in 2013-14,<sup>88</sup> while the 2011 census showed that overall literacy in Jharkhand was 66.41 per cent, the fourth lowest of any state and significantly below

82 Child Soldiers International and HAQ CRC interview with a schoolteacher who had moved from Gumla to Ranchi following attacks on his family, Ranchi, 15 June 2015. See also BBC, *Are India's Maoist rebels winning the war?* 28 May 2010, [http://news.bbc.co.uk/1/hi/world/south\\_asia/8710747.stm](http://news.bbc.co.uk/1/hi/world/south_asia/8710747.stm); NDTV / Press Trust of India, *Maoists Slit Teacher's Throat in Orissa*, 16 August 2010, <http://www.ndtv.com/india-news/maoists-slit-teachers-throat-in-orissa-427536>; Press Trust of India, *Suspected Maoists Gun Down School Teacher*, *Press Trust of India*, 2 April 2011, <http://www.ndtv.com/india-news/suspected-maoists-gun-down-school-teacher-451908>

83 Left Wing Extremism Division of the Ministry of Home Affairs, [http://www.mha.nic.in/naxal\\_new](http://www.mha.nic.in/naxal_new)

84 Budget at a Glance 2015-16, Government of Jharkhand, [http://finance-jharkhand.gov.in/download/Budget\\_PDF/BGT1516/Budget%20at%20a%20Glance/Budget%20at%20a%20Glance%202015-16.pdf](http://finance-jharkhand.gov.in/download/Budget_PDF/BGT1516/Budget%20at%20a%20Glance/Budget%20at%20a%20Glance%202015-16.pdf)

85 Education for All: Towards Quality with Equity, Ministry of Human Resource Development, p.99, [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/EFA-Review-Report-final.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/EFA-Review-Report-final.pdf)

86 The ratio for Jharkhand was 39:1, as against the target under the RTE Act of 30:1. Education For All: Towards Quality with Equity pp. 84-5; see also Azim Premji Foundation, *Pupil-Teacher Ratios in Schools and their Implications*, February 2014, <http://www.azimpremjifoundation.org/pdf/PTR%20report.pdf>

87 Elementary Education in India: Trends 2005-06 to 2014-15, p. 34, <http://dise.in/Downloads/Trends-ElementaryEducation-2014-15/ElementaryEducationInIndia2014-15.pdf>

88 The EDI is based on data compiled under NUEPA's District Information System for Education, and uses a range of indicators to assess the quality of elementary education under four sub-groups: access, infrastructure, teachers, and outcomes. For further information see Elementary Education in India: Progress towards UEE [Universal Elementary Education] reports for 2011-12: <http://www.dise.in/Downloads/Publications/Publications%202011-12/Flash%202011-12.pdf>; 2012-13: <http://www.dise.in/Downloads/Publications/Documents/Flash%20Statistics%202012-13.pdf>; 2013-14: <http://www.dise.in/Downloads/Publications/Publication2013-14/FlashBook2013-14.pdf>

the national average of 74.04 per cent.<sup>89</sup> However, the state government has recently taken steps to deal with these issues, recruiting more than 18,000 qualified teachers in the primary education sector and around 4,000 in the secondary sector in 2015, a significant achievement.

Health and social welfare facilities in many areas are also in a poor state. A visit to Palamu district by the National Commission for Protection of Child Rights (NCPCR) in 2012 exposed empty school buildings, absent staff and unhygienic conditions in schools, hospitals, hostels and *anganwadi* centres which provide basic healthcare, food and nutrition to children in areas of high malnutrition. It also found a residential school for girls occupying an observation home that was set up to hold children in conflict with the law next to the local jail, and expressed concern about the lack of shelter homes for children who need protection.<sup>90</sup>

Around 65 per cent of schools in Khunti district do not have permanent teachers and most are run by unqualified staff. Many children simply lose interest and drop out of school, with some joining armed groups because their families are too poor to feed them. According to the Ministry of Human Resource Development, there are 50,551 schools in Jharkhand, in which 7,629,215 students are enrolled.<sup>91</sup> The state still has to fill up 13,000 teachers vacancies. There are 80,000 para<sup>92</sup> teachers, averaging two per school, who are ensuring that the schools run even in the absence of permanent teachers. In conflict areas, permanent teachers often fail to attend classes due to security concerns leaving the onus on para teachers to deliver lessons.

The dire situation of children's education in Jharkhand is further compounded by the tactics of armed actors to attack schools. The CPI (Maoist) and other groups have attacked and bombed schools, while government forces occupy schools as bases during security operations. On 7 March 2011, the Indian Supreme Court ordered the security forces to vacate all schools.<sup>93</sup> Child Soldiers International has not been able to ascertain whether this order has been fully implemented. The Maoists have asserted that they only target schools that are used by the security forces. However, research by Human Rights Watch has contradicted

89 Literacy in India, *Census of India 2011*, <http://www.census2011.co.in/literacy.php>

90 Report of Visit of the National Commission on Protection of Child Rights, 2012, <http://ncpcr.gov.in/showfile.php?lid=99>

91 Ministry of Human Resource Development, Government of India, 'Jharkhand,' <http://inst.mhrd.gov.in/citizen/secure/initInstListMapViewAction.do?statelid=19>

92 The National Council of Applied Economic Research defines para teachers as teachers in primary and upper primary schools who have been appointed on contract and on terms and conditions which are at variance from regular teachers in the same schools.

93 Supreme Court of India, *Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India and others*, 7 March 2011.

this claim, suggesting that attacks on such high visibility “soft” targets are intended to terrorise local populations, as illustrated by increased attacks during Maoist calls for an election boycott in 2009, since schools are often used as polling stations.<sup>94</sup> In a 2009 interview, Azad, then spokesperson for the CPI (Maoist) Central Committee said:

*By criticising both the so-called security forces and the Maoists for not respecting the sanctity of schools these human rights groups imagine they are playing a neutral and impartial role. But they do not even see the cause and effect chain of events. They do not ask themselves the simple question: If the police and paramilitary do not occupy schools then where is the need for the Maoists to destroy them?*<sup>95</sup>

In 2009, the Jharkhand High Court, in response to a petition filed by human rights groups, ordered security forces to vacate all school buildings in the state within six months. In November 2009, the state government and police told the court that 28 of the 43 occupied schools had been vacated and that “the process to vacate 13 more schools was under way.”<sup>96</sup> On 18 January 2011, the Supreme Court of India ordered the government of India and the state government of Chhattisgarh to “ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today,”<sup>97</sup> reflecting concerns about widespread use of schools by security forces fighting armed Maoists in a number of states. Additional Director General of Police Anurag Gupta claimed that all schools had been vacated by security forces in Jharkhand state as of 2013.

While troops have continued in some cases to use schools as barracks in other parts of the country,<sup>98</sup> according to the Ministry of Home Affairs, the number of schools destroyed nationwide dropped

94 Human Rights Watch, *Sabotaged Schooling, Naxalite attacks and police occupation of schools in India's Bihar and Jharkhand States*, December 2009, <http://www.hrw.org/reports/2009/12/09/sabotaged-schooling-0>

95 “Comrade Azad, Spokesperson, Central Committee, CPI (Maoist), on the Current Unprecedented Military Offensive by the Central and Various State Governments on the CPI (Maoist) and the Armed Agrarian Revolutionary Movement,” *Maoist Information Bulletin*, No. 12, 31 October 2009, [http://www.bannedthought.net/India/CPI-Maoist-Docs/Statements-2014/CC\\_Collected\\_Interviews\\_10th\\_Anniversary-Eng-View.pdf](http://www.bannedthought.net/India/CPI-Maoist-Docs/Statements-2014/CC_Collected_Interviews_10th_Anniversary-Eng-View.pdf)

96 IANS, *Students' breather: Security forces vacate 28 schools in Jharkhand*, 11 November 2009, <http://www.sify.com/news/students-breather-security-forces-vacate-28-schools-in-jharkhand-news-features-jliObhheccsi.html>

97 *Nandini Sundar v. Chhattisgarh*, Writ Petition (Civil), No. 250 (2007), Indian Supreme Court, Order of 18 January 2011, <http://courtnic.nic.in/supremecourt/temp/250200731812011p.txt>

98 Global Coalition to Protect Education from Attack and Human Rights Watch, *Submission on the Third and Fourth Periodic Report of India to the Committee on the Rights of the Child*, 15 August 2013, [http://www.protectingeducation.org/sites/default/files/documents/submission\\_on\\_the\\_third\\_and\\_fourth\\_periodic\\_report\\_of\\_india.pdf](http://www.protectingeducation.org/sites/default/files/documents/submission_on_the_third_and_fourth_periodic_report_of_india.pdf)

from 59 in 2006 to only three in 2012.<sup>99</sup> The Home Ministry reported that 19 schools were attacked by 'Left Wing Extremists between 2010-2014 but no attacks had been reported as of July 2015.'<sup>100</sup>

When schools are occupied by military forces they lose their protection as civilian objects and become a legitimate military target. The occupation of schools by the security forces not only places buildings at risk of attack by the Maoists, but also serves as a deterrent for children to attend classes. In many cases, children are forced to share classrooms or attend lessons in the open. Parents of girls, fearing sexual abuse by the security forces, prefer not to send them to school. Children have also witnessed abusive practices by the security forces against suspects taken into custody.<sup>101</sup>

Maoist attacks on the few schools that do operate can destroy the only educational opportunity available for children from these areas, with both students and teachers fearing for their safety. According to anecdotal reports, fear of forced recruitment by left wing armed groups may have contributed to children in remote areas dropping out of school. A teacher reported to the police that left wing armed groups had put up a poster at a school in Chatra district, demanding 30 children, which was confirmed to us by a local police official.<sup>102</sup> In a meeting with the Jharkhand State Commission for Protection of Child Rights<sup>103</sup> in May 2015, parents from Gumla, Lohardaga and Latehar districts asked residential schools to protect their children from trafficking<sup>104</sup> and armed groups. They said that without properly protected schools, they were forced to send their children away.<sup>105</sup> Under pressure for failing to protect children from recruitment, Gumla Superintendent of Police, Bhimsen Tuti, called on schools to monitor students' vulnerability to recruitment by armed groups, following up on cases of children who fail to attend school: "Until and unless the

99 Ministry of Home Affairs, Q & A on Maoism.

100 Ministry of Home Affairs, *Incidents of economic targets by LWE extremists all over the country for the period from 2010 to 2015* (up to 15 July 2015), [http://www.mha.nic.in/sites/upload\\_files/mha/files/LWEViolenceStatisticsAug2015.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/LWEViolenceStatisticsAug2015.pdf)

101 Human Rights Watch, *op.cit.*, December 2009.

102 Zee News, *Jharkhand Maoists training children to plant bombs*, 19 September 2013, [http://zeenews.india.com/news/jharkhand/jharkhand-maoists-training-children-to-plant-bombs\\_877758.html](http://zeenews.india.com/news/jharkhand/jharkhand-maoists-training-children-to-plant-bombs_877758.html)

103 The Jharkhand State Commission for Protection of Child Rights was established in 2012 under the Commissions for Protection of Child Rights Act, 2005. The Act provided for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for "providing speedy trial of offences against children or of violation of child rights." See the Commissions for Protection of Child Rights Act, 2005, No. 4 of 2006, <http://indiacode.nic.in/>

104 Jharkhand has a major problem with child trafficking, particularly of young girls trafficked as bonded labourers or sex slaves:

105 Arti S. Sahulyar, "Parents for school fort to save kids," *The Telegraph*, 5 May 2015, [http://www.telegraphindia.com/1150505/jsp/jharkhand/story\\_18219.jsp#.VUyTKU0cTFM](http://www.telegraphindia.com/1150505/jsp/jharkhand/story_18219.jsp#.VUyTKU0cTFM)

noose around dropout rate is tightened, it is difficult to check such incidents in the future.”<sup>106</sup>

Given existing vulnerabilities and the genuine need to protect children from Maoist recruitment in schools, there is an argument for the Indian state to ensure that children can safely access schools without fears of recruitment. While this could provide an argument in favour of the presence of security forces around schools, this is different from military occupation of schools.<sup>107</sup>

In 2014, the PLFI ordered over 500 government schools to be shut down as a protest against Operation Karo-1 that had been launched against them by the security forces. Several schools complied out of fear. However, the head of the PLFI Dinesh Gope, stated that: “It’s not we, but the forces that are compelling schools to shut by forcibly occupying them. During Operation Karo-1 the forces had occupied around 300 schools. Teachers and children ran away and the classes got suspended. The police put the blame on us.”<sup>108</sup> The PLFI is also accused of killing teachers who refuse extortion demands.<sup>109</sup> Dinesh Gope told Child Soldiers International and HAQ CRC that the PLFI had killed teachers when they “indulged in acts detrimental to our interests and security, had turned threats for the villagers or had aligned with our enemies.”<sup>110</sup>

106 Mukesh Ranjan, “Schools should raise alarm, says Jharkhand Police,” *The Pioneer*, 23 April 2015, [http://www.dailypioneer.com/print.php?printFOR=storydetail&story\\_url\\_key=schools-should-raise-alarm-says-jharkhand-police&section\\_url\\_key=state-editions](http://www.dailypioneer.com/print.php?printFOR=storydetail&story_url_key=schools-should-raise-alarm-says-jharkhand-police&section_url_key=state-editions)

107 See Lucens Guidelines.

108 Child Soldiers International and HAQ CRC interview with Dinesh Gope, Jharkhand-Odisha border, 11 May 2015.

109 In an interview with Child Soldiers International and HAQ CRC, former chief secretary Sajal Chakravarti had said that PLFI is killing teachers and those involved in development work.

110 Op.cit. Dinesh Gope.

# 4.

## **The state's duty to protect, not punish children involved in armed conflict**

### **Protection of children associated with left wing armed groups**

India ratified OPAC in 2005 and is also a party to the CRC. In its initial report under OPAC submitted to the Committee on the Rights of the Child in 2011, India reiterated its long-held position that the armed violence taking place within its borders does not amount to international or non-international armed conflict, and highlighted existing protections for children guaranteed by the constitution. These included Article 21 (the right not to be arbitrarily deprived of life or personal liberty except according to the procedure established by law); Article 39(e) (directing the state to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that they are protected against exploitation and against moral and material abandonment); and Article 47 (imposing on the State the primary responsibility of ensuring that all the needs of children are met and that their basic rights are fully protected).<sup>111</sup>

Despite these guarantees, if children associated with left wing armed groups are detained during counter-insurgency operations they may be at risk of further human rights violations. According to India's Juvenile Justice Act, such children should be treated either as "children in conflict with the law" (with a requirement to be brought before a Juvenile Justice Board (JJB) within 24 hours and a prohibition on being placed in a police lockup, etc.) or a child "in need of care and protection" (with a requirement that their case be dealt with by a Child Welfare Committee). Indeed, the same Juvenile Justice Act, 2015,

111 CRC, Consideration of reports submitted by States parties under article 8, paragraph 1, of OPAC, Initial reports of States parties due in 2007 India, UN Doc CRC/C/OPAC/IND/1, 7 May 2013.

criminalises the recruitment and use of any child for any purpose by a non-state, self-styled militant group, or any adult or adult group using children for illegal activities. However, the Act also stipulates that children in conflict with the law aged between 16-18 years of age who have committed “heinous offences”<sup>112</sup> may be tried as adults if so directed by a JJB. This could include children who are detained and charged under the Unlawful Activities (Prevention) Act and/or other security legislation due to associations with non-state armed groups.

It remains unclear whether children associated with non-state armed groups will in practice be treated as children in conflict with the law or as victims of the crime of recruitment by non-state armed groups, leaving them at risk of stringent punishments instead of receiving appropriate rehabilitation, counseling and reintegration services. This lack of clarity also raises the prospect that they could be treated as adults and denied their fair trial rights as juveniles,<sup>113</sup> and as such be placed at increased risk of being subjected to the widespread unlawful practices of illegal detention and torture carried out by the security forces.

Child recruits should be treated primarily as victims and protected, and should never be prosecuted solely for their membership of armed groups. If a child does face criminal prosecution for crimes arising from their participation in hostilities, they should be afforded all guarantees and protections under international juvenile justice standards, in addition to all legal protections available in national law, including provisions of the Juvenile Justice Act. In all cases, detention should be a measure of last resort and for the shortest period of time.

The India-wide Integrated Child Protection Scheme (ICPS), adopted by Jharkhand in 2011 with the signing of an Memorandum of Understanding and registration of the Jharkhand State Child Protection Society (JSCPS)<sup>114</sup>, is designed to foster alliances between civil society and the state to support the structures needed to protect children as set out in the Juvenile Justice Act. Among the most ambitious of the initiatives adopted under the ICPS was a plan to appoint social workers and establish committees in every district of the country specifically to protect the rights of children. A paper released by the Ministry of Women and Child Development stated that the scheme was necessary to address “major shortcomings and gaps in existing child protection institutions, policies, programs, and

112 The Act defines heinous crimes as those that entail imprisonment for 7 years or more under the Indian Penal Code.

113 A report by the Asian Centre for Human Rights, *Nobody's Children*, 2013 cited the case of three school girls arrested in 2010 charged under the Unlawful Activities (Prevention) Act, the Arms Act and the Explosives Act, without their age being verified. They were reportedly sent to Khunti jail pending trial. The NCPDR reportedly intervened following a complaint but it is not known what action was taken.

114 The JSCPS works as a nodal agency to implement the Integrated Child Protection Scheme (ICPS) in Jharkhand.

their implementation at all levels,” that many officials appointed to key child protection services were “inappropriate” and that there was an overall lack of training.<sup>115</sup>

The child welfare committees as envisaged by the ICPS are among the most important child protection mechanisms currently in place in India. They are supposed to be powerful quasi-judicial expert bodies that oversee the government’s welfare officers and the police, inspect children’s residential care facilities and ensure protections under juvenile justice laws. However, even in India’s wealthier cities, the child welfare committees do not have adequate resources to assist the children they are charged with protecting. Jharkhand has Child Welfare Committees in all of its 24 districts,<sup>116</sup> but the CWCs in nine districts had several vacancies as of December 2015.

Jharkhand has JJBs in all 24 districts. It also has ten Observation Homes, nine for boys and one for girls, as well as NGO-run childcare centers. These institutions are supposed to protect the rights of children in conflict with the law, including child soldiers. Local human rights groups are concerned about the state’s failure to enable these mechanisms to protect the rights of children, raising particular concerns about the lack of Observation Homes for children established in the state.<sup>117</sup> In examining India’s first periodic report on implementation of OPAC, the Committee on the Rights of the Child expressed concern about the lack of budgetary allocation towards child protection.<sup>118</sup>

The Indian authorities are well aware of the recruitment of children by the Maoists and PLFI, and the police routinely report the sexual abuse of girls in Maoist camps based on interviews with captured or surrendered suspects. In April 2015, D.K Pandey, the Director General of the Jharkhand Police told Child Soldiers International:

*There is no denial of the fact that the rebel groups are picking up children where our forces have not penetrated successfully, but we have a solid plan in place to thwart their nefarious designs shortly.*<sup>119</sup>

115 Ministry of Women and Child Development, Government of India, *Integrated Child Protection Scheme*, 2009, [http://www.indg.in/social-sector/women-and-child-development/the\\_integrated\\_child\\_protection\\_scheme\\_icps.pdf](http://www.indg.in/social-sector/women-and-child-development/the_integrated_child_protection_scheme_icps.pdf)

116 CRY, *Strengthening Child Protection Mechanism Protection in Jharkhand through Bal Sakha*, <http://www.cry.org/about-cry/projects/strengthening-child-protection-mechanism-in-jharkhand-through-bal-sakha.html>

117 See Asian Centre for Human Rights, *Nobody’s Children: Juveniles of Conflict Affected Districts of India*, 2013, p.22-23. Concern has been expressed by the Committee on the Rights of the Child about the fact that Observation Homes operating under the JJ Act hold both children in conflict with the law and children requiring protection (orphans, etc.), Concluding Observations, UN Doc. CRC/C/IND/CO/3-4, para 88.

118 UN Doc. CRC/C/OPAC/IND/CO/1, 7 July 2014, para 12. This concern was mirrored in concluding observations on India’s third and fourth periodic reports on the CRC, UN Doc. CRC/C/IND/CO/3-4, 7 July 2014, para 17.

119 Child Soldiers International interview with D.K. Pandey, Director General of Police, Jharkhand Police, Ranchi, 30 April 2015.

Recent actions by Jharkhand police to locate children forcibly recruited by Maoists on the orders of the Jharkhand High Court are welcome, but it should not be left to the courts to prompt the security forces to protect children. The Committee on the Rights of the Child has urged India to establish a monitoring system that would allow family members to confidentially report missing children to the authorities and ensure prompt and impartial investigations.<sup>120</sup> The need for such a confidential system appears acute in Jharkhand given the evidence presented in this report of the fear amongst parents of both the armed groups and the security forces should they report forcible recruitment of their children.

Discussions with members of the security forces about the protection of children in the course of research for this report exposed the absence of an effective strategy on how to protect children. A Deputy Inspector General of Jharkhand police told us that they had arranged protection mechanisms to prevent abductions: “Parents fearing the Maoists might abduct their children come to us seeking security for their wards and we try our best to put them in safer places. This is a regular process. The best we can do is to put them in well-guarded residential schools away from the rebels’ strongholds. But for those who are school dropouts, especially boys, we arrange shelter in police stations.”<sup>121</sup> Such “protection” measures are entirely unsuitable, putting children at greater risk from exploitation, recruitment and trafficking.

In June 2014 the Committee on the Rights of the Child expressed concern about the use of surrendered Maoists, including children, as informers or guides during security operations.<sup>122</sup> This practice clearly places children at risk not only of death or injury in the event of hostilities but of reprisal attacks from Maoist groups.

The Paris Principles<sup>123</sup> adopted in February 2007 set out clear guidance to governments as to the steps they should take to prevent the forcible recruitment of children, to protect them from harm and to ensure their release and reintegration. They state that prosecution for crimes committed by children when they were members of armed groups should conform to international juvenile justice standards. Further, release and rehabilitation measures should be carried out without any conditions. During release, children should undergo “an appropriate, mandated, independent civilian process,” and the majority of children should be returned to a family and community environment as soon as possible after their release. Article 6 of

120 UN Doc. CRC/C/OPAC/IND/CO/1, 7 July 2014, para 33.

121 Child Soldiers International and HAQ CRC interview with Praveen Singh, DIG, Wireless Division, Jharkhand Police, Ranchi, 20 April 2015.

122 Concluding Observations, UN Doc. CRC/C/IND/CO/3-4, July 2014, para 40.

123 The Paris Principles 30 January 2007, <http://www.unicef.org/protection/files/ParisPrinciples310107English.pdf>

OPAC obliges states to “take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service.” It also provides for states to “accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration”.

Unfortunately, the Indian government has yet to develop a scheme for the identification, rescue, demobilisation, and rehabilitation of child soldiers as required under OPAC. Nor has it given clear directions to the security forces as to how children recruited by armed groups should be treated. “Surrender-cum rehabilitation schemes” established in many areas of India, including areas affected by conflict with Maoists, do not cover the recovery and integration of children,<sup>124</sup> as the Committee on the Rights of the Child pointed out in 2014. It urged the government to “develop a programme aimed at the identification, release, recovery and reintegration with their families of all children, including girls, who have been recruited or used in hostilities by non-state armed groups, and immediately ensure their effective and transparent demobilisation. In that regard, if families cannot be located or identified, alternative protective accommodation should be provided.”<sup>125</sup>

124 See Surrender and Rehabilitation Policy (Source Annual report of MHA – 2009-10) 2.7.28 Guidelines for surrender-cum rehabilitation of LWEs has been put in place. The rehabilitation package inter alia includes a stipend of Rs. 2,000 for three years, vocational training, immediate grant of Rs. 1.5 lakh and incentives for surrender of weapons.

125 UN Doc. CRC/C/OPAC/IND/CO/1, 7 July 2014, para 41.

# Recommendations

## **To the Communist Party of India (Maoist), PLFI and other armed groups:**

- Respect national, IHL and human rights laws that prohibit the military recruitment and use of children. Make public commitments to prohibit and prevent the recruitment and use of children, defined as anyone under the age of 18. End the policy of allowing the recruitment and use of children.
- Re-issue clear military orders to members at all levels prohibiting with immediate effect all forms of recruitment of children (voluntary, forced, formal or informal) and all forms of use of children in hostilities. Widely disseminate the orders and provide training to members at all levels to ensure compliance.
- Incorporate age verification mechanisms in recruitment procedures to ensure children are not recruited.
- Avoid targeting children for recruitment or engaging in other activities that may encourage children to join the group or put them in danger through their association, including indoctrinating, training or establishing a presence in schools and other locations used by children.
- End coercion, violence, threats of violence and other retaliation against children, family members or communities who refuse to provide recruits.
- Investigate all allegations of recruitment or use of children by members. Members reasonably suspected of recruiting or using children should be removed from their position and have other appropriate disciplinary sanctions imposed in accordance with international standards.
- Investigate all allegations of rape and other sexual violence against children. Members reasonably suspected of committing rape or other sexual violence against children should be removed from their position and have other appropriate disciplinary sanctions imposed in accordance with national and international standards.
- Cooperate with relevant state authorities in the investigation and prosecution of grave human rights abuses against children under the national criminal justice system.

- Screen all members to identify and ensure the safe release of any children present in the ranks in cooperation with child protection actors; Allow full and unimpeded access by child protection agencies to all camps or other facilities.
- Stop ill-treatment, torture, and killings of children belonging to rival armed groups or those suspected of acting as informers.
- Stop any violence, threats of violence, punishment or other retaliation against children for leaving the armed group, as well as against their families or communities.
- End attacks on schools, hospitals and other protected places; Stop the use of landmines.
- Seek dialogue with the UN or independent humanitarian organisations for the purpose of adopting policies and measures to end child recruitment and use and ensure their safe release from the ranks.

### **To the Indian central government:**

- Fulfil obligations under Article 4 of OPAC to take all feasible measures to prevent child recruitment and use in hostilities under any circumstances by non-state armed groups.
- Ensure that children associated with the Maoists or other armed groups are disarmed, released and reintegrated into their communities. Particular attention should be paid to identifying girls and ensuring that their needs are addressed through release and reintegration efforts.
- Investigate and prosecute, in trials that conform to international fair trial standards, commanders and members of the Maoists or other armed groups who are suspected of serious human rights abuses against children including recruitment and use of children, rape or sexual abuse.
- Raise to 18 years the minimum age of voluntary recruitment into the armed forces and enact legislation that prohibits and criminalises the unlawful recruitment and use of children in hostilities by all armed forces and non-state armed groups.
- Hold to account members of government security forces who provide direct and indirect support (military, logistical, financial, etc.) to armed groups or factions (opposing the Maoists) that recruit or use children or commit other grave abuses against them.

- Investigate and prosecute government security forces who are suspected of human rights violations, including the arbitrary detention, torture or unlawful killings of children.
- Ensure that state governments enforce the Right to Education Act by providing free and compulsory education to secondary level which will keep children in schools and provide disincentives for voluntary recruitment with armed groups.
- Ensure that security forces stop the use of schools as barracks and designate schools as safe zones. Allocate resources to repair schools damaged in the conflict on a priority basis so that children have continued access to education.
- Endorse the Lucens Guidelines, and review laws, policies and military rules to ensure their compliance with them.
- Ensure that child soldiers who are released from armed groups, escape, surrender or are captured are treated in accordance with standards of IHL and human rights law and promptly handed over to child protection actors. Such children should not be detained or prosecuted solely for having been recruited or used by armed groups, nor should they be used for intelligence purposes.
- Ensure that if children are detained, it is only as last resort and for the shortest period of time and are separated from adults in detention, in line with India's obligations under the CRC;
- Ensure that children accused of recognisable criminal offences are treated in accordance with international standards of juvenile justice, in line with India's obligations under the CRC.
- Strengthen the criminal justice system, including through the establishment of child-friendly procedures to ensure that children who are victims or witnesses of serious crimes, including recruitment and use as soldiers, can participate safely in trial proceedings.
- Strengthen the NCPCR by appointing competent and independent members in consultation with civil society groups. Ensure that the NCPCR has sufficient resources to monitor the effectiveness of the Protection of Children from Sexual Offences Act. Ensure that state governments properly implement the Integrated Child Protection Scheme, thereby creating child protection committees at local levels (village, block and district).

## **To the Jharkhand and other concerned state governments:**

- Implement the Right to Education Act by ensuring that Standard Operating Procedures are initiated to identify quickly any student who is not in school and could have been recruited, abducted or trafficked.
- Ensure that children associated with Maoists or other armed groups are disarmed, released, and reintegrated into their communities. Particular attention should be paid to identifying girls and ensuring that their needs are addressed through release and reintegration efforts.
- Enforce a public information strategy to inform Maoists or other armed groups, as well as local communities, that the recruitment and use of children is prohibited, a violation of children's human rights and detrimental to the development and well-being of children.
- Respond promptly to complaints of missing children to prevent their abduction and forced recruitment by armed groups.
- Investigate and prosecute, in trials that conform to international fair trial standards, commanders and members of the Maoists or other armed groups who are suspected of serious human rights abuses against children, including sexual abuse or rape.
- Ensure that children who suffer sexual abuse or rape have access to proper counselling and medical care. Compulsory registration of a case against those accused of this crime under the Prevention of Children from Sexual Offences Act and provision of relief to children under this act must be ensured.
- Fulfil obligations under the Right to Education Act to provide universal free education up to elementary level and raise it to secondary; Ensure that schools are protected from attack and remain open and accessible to children in conflict-affected areas; Ensure that schools are properly staffed by qualified teachers and other personnel.
- Ensure proper implementation of the Integrated Child Protection Scheme by resourcing it and establishing strong child protection mechanisms listed under the scheme.
- Strengthen the state commission for the protection of child rights and other human rights protection mechanisms.

- Establish employment generating programs for youth in conflict-affected areas in order to provide alternatives to recruitment by armed groups.
- Ensure proper enforcement of the Juvenile Justice laws so that children are transferred to observation homes. Ensure that these facilities are properly resourced so that children receive appropriate assistance that enables their reintegration into communities as law-abiding citizens.
- Strengthen the criminal justice system, including through the establishment of child-friendly procedures to ensure that children who are victims or witnesses of serious crimes, including recruitment and use as soldiers, can participate safely in trial proceedings.
- Ensure that security forces stop the use of schools as barracks. Allocate resources to repair schools damaged by armed groups on a priority basis so that children have continued access to education.
- Hold to account state police and other law enforcement agencies that provide direct and indirect support to groups or factions that oppose the Maoists or otherwise ignore their abuses.
- Investigate and prosecute human rights violations by state police and other law enforcement agencies, including the arbitrary detention, ill-treatment, torture and killings of children.

## **To the UN and international community:**

- Seek engagement with armed groups for the purpose of securing and implementing commitments to prevent and end the recruitment and use of children and other grave abuses against children.
- Monitor compliance of armed groups with international standards, including by regular public reporting on their cooperation and compliance.
- Pressure the Indian government to permit access to armed groups by the UN and independent humanitarian actors for the purposes of entering into dialogue on child protection and seeking the release of children associated with them.
- Support and develop national, state and community efforts and capacity to prevent unlawful recruitment or use of children by armed groups and to support their release and reintegration.
- Support the authorities in India to design and implement a comprehensive strategy for the effective implementation of OPAC, including measures required to prevent the recruitment and use of children by the Maoists or other armed groups.
- Encourage India to ensure that human rights abuses committed against children, including their recruitment and use, are prioritised for investigation and prosecution in national courts.
- Provide technical assistance, if required, to assist in the release and reintegration of children associated with the Maoists and other splinter groups, including for programs that respond to the specific needs of girls.





**Child Soldiers International was founded in 1998 and works to end the recruitment, use and exploitation of children by armed forces and groups. To achieve our goal, we build community resistance to child recruitment and use, uphold and strengthen crucial laws, policies and standards, and increase pressure on key actors to ensure better protection for children.**

**HAQ: Centre for Child Rights was founded in 1998 (formally registered in 1999) and is an organisation based in New Delhi, India, that works on recognition, protection and promotion of child rights through its children and governance and child protection initiatives.**

**Cover photo: Rajya Utkramit Madhya Vidyalaya Serendaag School in Balumaath, Latehar district in Jharkhand destroyed during an attack. Photograph taken on 24 January 2016 © Shubha Sharma**

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