Grave Violations and Devoid of Children’s Rights in Kashmir an Explanatory Study
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ABSTRACT

“In the world where the corpse are found Killers ain’t found anywhere”

The Kashmir valley has become a place where the blood is monotonous. Child rights violations in this valley have become ongoing and persistent, and as a result, only Kashmir’s are left to endure the consequences. Children’s rights are a priority today. UNCRC, Humanism highlights the lack of children’s rights in Kashmir. Parents' priorities are children’s growth and rights. No parent must know the kids' rights. The future is kids. They’ll aid nation-building. They deserve education, health, and food. Protect children’s rights. Kashmir’s fought for freedom despite the cost. Since 1947, hundreds of Kashmir’s have perished nonviolently fighting Indian dominance. In 1990, Kashmir rebelled against Indian oppression. India wreaked havoc. Inhuman practises are used in Kashmir to force confessions, punish liberation movement sympathizers, and control politics. Indian military detentions lack procedural safeguards. Despite Indian law, detainees rarely see a magistrate within 24 hours. The Indian Panel Code and Criminal Code of Procedure prohibit pressured confessions and necessitate inquiries into torturers' custodial deaths. India’s support for J & K youth is poor. Children are the primary targets of Indian occupying armies and intelligence agencies due to their frailty. Family separation is far worse than displacement. Separated Kashmiri children are at risk. Girls are mistreated and exploited. Boy recruits are underage. Inhabitants, especially youths, have been influenced by valley interference. Adolescence has been changed by the valley. Because of huge militarization, youngsters in Kashmir face grave infringement of the 1989 UN Convention on the Rights of the Child, including killing and mutilating, enlistment and utilization of kids, rape, abducting, assaults on schools and medical clinics, and refusal of helpful access. This study centers on the ongoing clash's encroachment of Kashmiri children's rights. In this review, we take a gander at determined infringement of children’s rights in Kashmir in the twenty-first 100 years.1

Keywords: Child rights, Torture, Detention, Armed conflict, laws and commission

JEL Classification Codes: O15, O47, R13
INTRODUCTION


Declaring a son missing violates state security. The raids frighten Kashmir's. Indian academicians cite food and milk shortages. Children who lack resources suffer. Visiting a hospital is dangerous. (2019-MA) In a country with a media embargo, the report was helpful.

Second, kids lack instruction. After being closed on August 5, India's primary schools reopened in mid-August. Despite this, they keep opening schools. Parents are afraid to send their children to school due to street conflicts and police contacts. Some parents priorities safety over their children's education.

It is a form of protest by parents who do not send their children to school. Parents are unable to contact school officials while their children are on campus due to unreliable phone service. There aren't many teachers there, either. Kashmir's director of education Mohammad Younis Malik reported that 72 of the 166 basic schools that were reopened had "thin" enrollment. School enrollment in the middle and high school levels is low (Lateef, 2019). (Source: TOI, 2019)

Young people in Kashmiri are disproportionately subjected to oppression and terror. Malnutrition is a widespread problem. Only now are the psychological ramifications of young people witnessing horrible crimes committed in the midst of war fully understood. The number

1 India Today. (2019, August 8), “Malala Yousafzai appeals for peace, says worried about safety of Kashmiri children and women,” India Today
3 Showkat and Zubair (2019). “Where are human right organizations Alive or dead?
of women who have been raped in the valley has increased dramatically. The Indian military has a particular interest in abducting and abusing young women. There has been an increase in vaginal tears, pelvic infections, and excessive bleeding. The Kashmir Bar Association in Srinagar estimates that there are 30,000 orphans between the ages of 1 and 14. India's compliance with the Convention on the Rights of the Child in occupied Jammu and Kashmir is abysmal. Terrorizing youngsters is part of a deliberate strategy to erode Kashmir’s' determination and force them to abandon the liberation battle, according to Kashmir reports.3

METHODOLOGY

Both study conducted after the event and research conducted beforehand can be utilized in this investigation. As a direct consequence of this, the research was carried out utilizing a methodology that combined analysis and description. As a direct consequence of this, the research draws from a combination of primary and secondary sources. The secondary data that was obtained from reliable sources like books, websites on the internet, and newspaper articles; reports from human rights organisations and regional child human rights forums; and various international journals and magazines were subjected to a qualitative analysis. This analysis was carried out with the help of an approach that was developed specifically for this purpose. In addition to that, the research is founded on the author's own personal experiences.

RESEARCH OBJECTIVES

1. To clarify the nature of child human rights and the significance of their protection.

2. To examine and analyze the egregious abuses and absence of children's rights in Kashmir in the 21st century with the relentless monotony of disappearances and blood.

DISCUSSION AND RESULT

Article 6 - The Right to Life and the Right to Survival

Child rights advocates in Kashmir face the most fundamental problem in protecting children's fundamental right to life. The extrajudicial executions of Kashmiri children have been a source of concern for a number of nongovernmental organisations (NGOs). Deaths as a result of torture and fatal force are to be blamed. "The young teenagers and students are frequently taken for interrogation," said the Jammu and Kashmir IPT. After interrogation, many of them are discovered to be vanished. In the last decade, the Indian military has killed more than a thousand children.4

ARTICLE 37 - NO TORTURE OR OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT SHALL NOT BE APPLIED TO ANY CHILD.

"Interrogation and Torture Centres" in India have tortured a large number of youngsters over the past many decades. While recent protests and hartals in the Kashmir Valley drew international attention, the police have been accused of violating international law and Jammu


5 Anees Zargar. (2022). Children in Kashmir can’t are punished for a Situation They Didn’t Create: Human Rights Group
and Kashmir's statutory provisions by arresting and detaining youngsters who were protesting. Violence and armed conflicts are a daily threat to the children of Kashmir. Children who have grown up in a violent environment have a wide range of challenging challenges, and it is critical that we recall the 2000 Optional Protocol to Convention on the Rights of the Child concerns children's participation in armed conflicts. It's not only about child soldiers, but it's about the persistent state violence that children face in conflict zones every day. According to their findings, the most recent fifteen years' worth of cases was the ones they looked at. At least 318 children have been killed in this time period, according to the latest data Almost 7% of the state's 2018 civilian deaths occurred during this time period.

**ARICLE 28 - STATE PARTIES RECOGNISE THE RIGHT OF THE CHILD TO EDUCA TION**

The government of IPT has expressed significant worry about this vast and unprecedented military and paramilitary activity by saying: "The army routinely enters school premises, brings teachers and principals to task, and humiliates them." Almost all of the schools have been repurposed into military bases that the army has occupied for some years now. Schools are unable to function as a result. There is no set timetable for the administration of exams and the release of test results. All the burdens fall squarely on the shoulders of the pupils. Many people have been forced out of their homes by the army's arson attacks on suspected militant hideouts. A free and equitable education has been denied to the student community in the valley." This is a severe issue that still exists. Schools, for example, have been routinely destroyed or shut down, which is regrettable. Schools and institutions have been shuttered for two and a half years because of curfews imposed by the Indian military authorities or because they were simply told to close down by the government. During the course of a calendar year, an average student may expect to find his or her educational institution open for only 102 days. This is a scenario that cannot be tolerated.

**ARICLE 24 -ACCESS TO HEAL TH AND CARE SERVICES**

Indian forces' ruthless repression of Kashmir’s and their frequent raids and crackdowns on hospitals and other health-related facilities have had a significant impact on the region's health care system's availability. More and more doctors, both senior and junior, are leaving the state in search of better and safer conditions elsewhere. As a result, complete failures of health care services have been documented. As a result, children are dying from diseases and conditions that may have been prevented. According to this theory, pregnant women's decision not to visit their doctor's office can be due to their dread of regular street inspections by the Indian armed forces.

**CASE STUDY I**

According to a human rights organization comprised of prominent members of Kashmir's civil society, children in the conflict-torn region cannot be punished for circumstances over which they had no control. They maintained that the state had a "duty to remove children" from danger and vulnerability caused by violent acts, as well as to protect their constitutional rights. "They are not by nature belligerent, but the lack of choices may cause them to become such. The report concluded, "It is crucial that they no longer bear the brunt of

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7 Majid Trumbo (1999) Children’s Situation in Jammu & Kashmir
police, military, or insurgent attacks." According to a special report on child rights in Jammu and Kashmir, security personnel have "absolute impunity" when it comes to their role in arbitrary detentions. As a result, the Forum for Human Rights has suggested several measures to ensure that the Juvenile Justice Act is implemented properly in Jammu and Kashmir. In addition, the human rights group stressed that Jammu and Kashmir's authorities must be more forthcoming regarding the number of children they detain. There are now no punishments for errant police officers who fail to bring children to JJBs or take them into illegal custody. The panel recommended that "a disciplinary procedure be devised to guarantee that there are no reporting or Juvenile Justice Act compliance gaps." The lack of monitoring facilities in Jammu and Kashmir has a negative impact on juvenile justice, according to the report. Children suffer as a result of their parents' reluctance to travel long distances." The state government should priorities establishing observation houses for children in South Kashmir, North Kashmir, the Pir Panjal region, and the Chenab region, according to the report. The group also recommends that authorities no longer require teens to hand over their cell phones, citing this as a "deliberate breach of their privacy." According to the findings of the forum, children in J&K perform8 well in areas where community and civil society have greater effect, such as physical health and nutrition. Concerning the state's provision of essential resources, there is a worrisome deficit9. In addition, there is a "protective justice" system. "An environment that promotes mental health," stated the report. Gopal Krishna Pillai, a former bureaucrat, and Justice (retd) Ajit Prakash Shah are the conveners of the Forum for Human Rights in Jammu and Kashmir, a group of so-called concerned people from civil society. The Indian government unilaterally repealed Articles 370 and 35A, which had been part of the Indian Constitution since 1947, on August 5, 2019. Since then, Radha Kumar, Hasnain Masoodi, and Kapil Kak are all members of a group that has published numerous reports on the region. Since the removal of the prohibition, the organization has highlighted human rights breaches in its earlier reports. Since August 5, 2019, the valley has been under two long-term lockdowns: the first in reaction to the COVID-19 pandemic, and the second after the pandemic. Children are negatively impacted by the pervasive context of violence, prolonged military presence, and disturbances produced by militant forces, according to the research. In the past, children were anchored by frequent peer interaction, familial stability, and a scheduled school routine. These events are currently disrupted. According to the report, it could have "unsettling consequences" for children.

CASE STUDY II

Child rights and why they matter “Every right, for every child”

All Children's younger than 18 have specific freedoms and privileges known as "child rights." Every youngster has specific privileges, no matter what their folks’ or alternately watchmen's identity, variety, religion, or other status. The directing thought is balance of chance. Young ladies and young men ought to be offered equivalent chance. ALL young people ought to have similar freedoms and open doors for a decent life. Youngsters are trusting, reliable, and confident. Their childhood ought to be overflowing with satisfaction and love. Individuals' lives ought to advance when they experience new circumstances. Youth, then again, is a very unique encounter for some youngsters. Youngsters have been abused and taken advantage of since the beginning of time. They stand up to vagrancy and neediness, as well as perilous working circumstances, a high baby death rate, lacking medical services, and restricted

9 Anees Zargar. (2022). Children in Kashmir can't are punished for a Situation They Didn’t Create: Human Rights Group
admittance to essential training. Such an approach to everyday life is unsatisfactory for a youthful grown-up. Youth ought to be secured, and this is possible. Children reserve the privilege to live, develop, be secured, and pursue extraordinary choices. CRY UK’s top goal is to safeguard children's four fundamental rights. These freedoms were laid out in 1989 by the United Nation's Convention on the Rights of the Child, an international human rights settlement to which 191 nations, including India, are signatories. The Charter of Child Rights’ central tenet is that "ALL children are brought into the world with principal opportunities and ALL individuals have certain innate rights." The Charter ensures the four key rights recorded underneath to all kids around the world:

I mean my life, well being, sustenance, personality, and citizenship when I say the honor of presence. The right to a sound life is remembered for the option to make due. Children should be enrolled as residents to profit from state sustenance programs that guarantee their right to sufficient nourishment and great medical services. Hunger ought to be killed and infant and kid mortality ought to be decreased.

Medical care, amusement, diversion, and schooling are all important for the right to advancement. Each youngster has the option to create to their maximum capacity. A balanced. Education advances kinship, resistance, and understanding among individuals of all races, convictions, and ethnicity. It additionally assists with keeping the quiet by guiding them down the way of learning. Double-dealing evasion, Abusive and leaving conduct In understanding with their right to assurance, all youngsters should be taken care of and shielded from adverse impacts, misuse, and double-dealing. It defends a kid's right not to be compelled to work, not to be genuinely or sincerely manhandled, and not to experience childhood in a cherishing, stable climate.

The option to take part incorporates the opportunities of articulation, data, thought, and religion. This right permits young people to take part in important choices and structure and offer their own viewpoints. CRY UK attempts to guarantee that these privileges are safeguarded for all devastated kids, including road children, girls, and children in subjugation, children of business sex laborers, youngsters with physical and mental handicaps, youngsters in adolescent offices, and children in bondage. As per CRY UK, all residents should regard the freedoms of all children living in the country.

Each civilization's future achievement is reliant upon the solid advancement of its childhood. Since youngsters are as yet creating, they are more powerless than grown-ups to unfortunate day to day environments, for example, destitution, insufficient medical services, nourishment, safe water, lodging, and ecological defilement. Children's fates, and thus the fates of the developments in which they live, are risked because of illness, starvation, and destitution. A sociology investigation discovered that a child's initial encounters significantly affected their future turn of events. All through their lives, their formative direction concludes whether they will add to or reduce society.

CASE STUDY III

Abrogation of Article 370 and Children’s Education with Grave Violations

Article 370 was revoked on August 5, 2019, closing educational institutions in the Kashmir Valley, which remains unoccupied. Education is for a child's complete growth, not simply school and tests. Learning and growing require interaction with other youngsters. Local kids rarely leave the house due to their parents’ safety concerns. As parents, they're heartbroken because they weren't given the same opportunities as other kids. They’ve lost their youth. Many Kashmiri children have fallen behind in school. Armed conflict and other security considerations throttled Kashmiri children's 2G internet capacity after the pandemic. Kashmir's sporadic availability to broadband internet has hindered online education there. The education board lowers our curriculum or grants us huge promotions every year, which seems good in the short term but isn't a solution. Doctors without Borders says 45% of Kashmir’s are under "mental discomfort" No one is protected from outside harm, toddler or senior, and not coming to school produces mental tension. This is another undemocratic step by the Indian government that restricts children's education. Since Jamaat-e-Islami was outlawed in 2019, the J&K school education authority has banned more than 300 FAT-affiliated educational establishments. The school education secretary ordered him to close FAT-affiliated schools within 15 days and stop academic activity. All students at "barred institutions" must transfer to nearby public schools for 2021-2022. The Indian government has infringed parents' choice to choose their children's education, causing stress for youngsters. According to the SIA, these groups radicalize young people into secessionists. 12

CONCLUSION

In violation of international law, thousands of children take part in combat, many of whom are killed or injured in the process. This must be stopped by the states. It is requested of them that they sign treaties protecting minors involved in armed conflict and take measures at the national level to put those treaties into effect. Whether by legislation or other means, the goal of these techniques is to assist states in respecting the terms of treaties. It is imperative that all levels of the armed forces and national security forces incorporate child-specific protection into their training and exercises during times of peace. Consider incorporating instruction on this topic into the curricula of colleges and other types of specialized institutions, as well as establishing public awareness campaigns, focusing particularly on young people and adolescents. Every child has a right to life, and it is the responsibility of states to secure their continued existence and healthy development. It is against the law to enlist children younger than 15 in the military, to use them in any capacity, or to allow them to engage in combat. Children under the age of 18 are prohibited by law from serving in the military or being drafted into the military. Keeping youngsters in custody for the primary purpose of achieving military goals. The treatment of a detained kid must at all times be appropriate, free from cruelty and torture. They need to have more access to food, playtime, and education, in addition to being isolated from adults, with the exception of their parents. Children frequently find safety and care at institutions such as schools and hospitals. Children have the right to get an education as well as the greatest possible care for their physical and mental wellbeing. The well-being of children is essential to the development of every community. The field of social science has demonstrated that a child's early experiences shape their development. Their development will decide the lifetime contribution they make to society.

The Indian government has a responsibility to investigate, apprehend, and bring to justice any members of the armed forces, paramilitary forces, or other authorities who are

culpable for the murder, rape, or abuse of Kashmiri children. It is necessary to keep the committee updated on the trials and punishments meted out to the criminals. Within the next two years, the government of India must rebuild every institution and college that was destroyed. During this interim period, it is important that the children whose schools and universities were destroyed continue to receive an education. Children in India need to have access to quality medical treatment no matter the religion, caste, or political beliefs of their parents. India has a responsibility to make sure that children who are accompanied by their parents or other relatives are able to go to hospitals without fear of being stopped or hindered in any way.

In the state of Jammu and Kashmir, the violation of children's rights is a direct result of the dysfunctional politics that have arisen as a result of the Indian administration's presence in the valley. This would be regarded as an unsuccessful attempt at democratic governance. Even in other parts of India, people from Kashmir are at risk of being violently attacked or even killed; as a result, they do not believe themselves to be living in a secure setting. India has never been beyond the point of abusing her dominance in Kashmir. All of this was accomplished by the use of a bayonet and an abuse of authority on the part of the individual in charge. It is undeniable that India is dispelling the prejudices that are held about the people of Kashmir everywhere they go. The people of Kashmir have skill, humanity, and character, and they are generous, but the system has always oppressed them without taking into account the legitimate requirements that they have. This is despite the fact that it is true that the people of Kashmir have these qualities. Rule of law, fairness, equality, and protection of individual rights are some of the cornerstones of democratic theory. In spite of this, it is paradoxical to consider Kashmir democratic given that it lacks all of these characteristics. The only thing that could have produced the eruptions that occurred across the entirety of the state was the breakdown of democracy. Commission in Jammu and Kashmir for the Protection of Children's Rights (SCPCRs).

In order to fulfill the requirements of the Commission for the Protection of Child Rights Act of 2005, the Social Welfare Department has formed the "Commission for the Protection of Child Rights 2021." This was done with the intention of assuring the children's well-being and protection in all aspects. The group made the draught rules accessible to the general public and solicited feedback from individuals and organisations that had an interest in the topic. These individuals and organisations included donors, government officials, representatives of non-governmental organisations, and advocates for children's rights. In order for the children of Kashmir to realize their full potential, we have high hopes that their rights will continue to be protected in the years to come. Children should be accorded the utmost reverence, and they should be protected from all forms of mistreatment that are not suitable.

“It is unforgivable that children are assaulted, violated, murdered And yet our conscience is not revolted Nor our Sense of dignity challenged. This represents a fundamental crisis of our civilization.” Graca Machel (1996)

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