



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-sixth session

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by India under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 1 March 2014.

The Committee may take up all aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please inform the Committee about the implementation of the new National Policy for Children 2013, and whether it relates to the offences under the Optional Protocol.
2. Please provide information on the dissemination of the Optional Protocol to the general public, relevant professional groups and children. Please also indicate whether the Convention and the Optional Protocols are included in the training offered to all relevant professional groups, in particular the armed forces (including the Central Paramilitary Forces), members of international peacekeeping forces, the Central Armed Police Forces, the state police forces (including the Special Police Officers and the Village Defence Committees), judges, social workers, teachers, media professionals and legislators.
3. Please provide data, disaggregated by sex, age, state or autonomous region, and ethnic group, for 2011, 2012 and 2013 on:
 - (a) The number of children under the age of 18 voluntarily recruited into national armed forces;
 - (b) The approximate number of children recruited and used in hostilities by the armed opposition groups listed under the Unlawful Activities (Prevention) Act, 1967 or active in the disturbed districts of north-east India, in the districts affected by left-wing extremism, and in the districts in Jammu and Kashmir, as mentioned in the Ministry of Home Affairs Annual Report, indicating the number of children incorporated in demobilization and reintegration programmes;
 - (c) The number of children, if any, who have been charged for crimes committed while recruited or used in hostilities by armed groups;

(d) The number of children under the age of 18 voluntarily recruited into national armed forces who are being tried or in detention, and whether military justice or discipline applies to them. Please indicate the minimum and maximum sanctions foreseen for these children in cases of desertion; and

(e) The number of children under the age of 18 attending the 28 training institutes operated by the armed forces in India and any other schools operated by or under the control of the armed forces, specifying their socioeconomic background and geographical (rural/urban) origin.

4. Please indicate whether the minimum age for recruitment and for taking direct part in hostilities is specified in the law or regulations of the State party, at national and state levels, in relation to the national armed forces (including the Central Paramilitary Forces) and to national forces active in maintaining order in counter-insurgency operations, such as those within the Central Armed Police Forces or the state police forces (including the Special Police Officers and the Village Defence Committees). Please indicate the procedures in place to verify age prior to enrolment for each of these forces, and the guarantees in place to ensure that the recruitment is genuinely voluntary, including information made available to the volunteers and to their parents or legal guardians to make them aware of the duties involved in military or police service.

5. Please indicate whether students under the age of 18 attending schools operated by or under the control of the armed forces are permitted to handle weapons, and indicate their status (members or not of the armed forces), their military status in the event of a mobilization or clashes with armed opposition groups or other emergency situations, and their right to leave the school at any time and not to pursue a military career. Please also indicate whether there are independent complaint mechanisms accessible to students in these schools. Please also inform the Committee about the status of implementation of the course on human rights to be conducted by the Central Board of Secondary Education in military schools.

6. Please provide information on measures adopted by the State party aimed at raising awareness of the need to prevent recruitment of children under the age of 18 among armed opposition groups listed under the Unlawful Activities (Prevention) Act, 1967 or active in the disturbed districts in north-east India, districts affected by left-wing extremism, and districts in Jammu and Kashmir. Please also indicate which measures have been taken to prevent attacks by these groups on places with a significant presence of children, such as schools and hospitals, as well as the action taken to prohibit national security forces from occupying schools in conflict-affected areas, especially in Chhattisgarh, Bihar and Jharkhand.

7. Please describe methods used to identify children who are especially vulnerable to practices contrary to the Optional Protocol, such as children living in poverty, and describe any campaigns and other measures, such as peace education in the school curricula, that have been adopted to promote awareness among such children of the harmful consequences of involvement in armed conflict and of the resources and sources of assistance intended to prevent children from falling victim to recruitment. In this regard, please provide information on the results of the pilot Bal Bandhu scheme and whether this or similar programmes will be implemented in the future.

8. Please specify whether criminal legislation and regulations in force, at national and state levels, define the acts enumerated in articles 1 and 2 of the Optional Protocol, indicating the material elements of such acts, including the definition of compulsory recruitment and the use of children in hostilities and what constitutes direct participation; the maximum and minimum penalties that can be imposed; defences and aggravating or attenuating circumstances that can apply; statutes of limitations; and sentences foreseen for attempts to commit, and complicity or participation in, these offences. Please also provide data concerning the number of prosecutions and convictions for such offences.

9. Please specify whether criminal legislation and regulations in force, at national and state levels, define the offences enumerated in article 4, paragraphs 1 and 2, of the Optional Protocol, indicating the material elements of such acts, including the definition of the recruitment and use of children in hostilities and what constitutes direct participation; the maximum and minimum penalties that can be imposed; statutes of limitations; and sentences foreseen for attempts to commit, and complicity or participation in, these offences. Please also clarify the status of the adoption of the draft Prevention of Offences against the Child Bill, 2009, or any other bill that deals with these offences. Please also provide data on the number of prosecutions and convictions for such offences.

10. Please provide information on whether there is extraterritorial jurisdiction for crimes covered under the Optional Protocol and, if so, under which specific legislation. Please also inform the Committee about practice and policy as regards requesting extradition for crimes under the Optional Protocol.

11. Please provide detailed information on the measures adopted under the demobilization programmes and the scheme for surrender-cum-rehabilitation in place in the disturbed areas of Jammu and Kashmir, north-eastern states and Naxal-affected states that focus specifically on children. With regard to those measures and the Integrated Child Protection Scheme, please indicate:

(a) The budget allocation earmarked, the type of assistance provided for social reintegration and family reunification, and the type of physical and psychological recovery services delivered;

(b) The mechanism in place for the systematic identification of former child soldiers among those who surrender to State security forces;

(c) The number of children who have benefited from such assistance; and

(d) The remedies and reparations that may be sought by child victims of recruitment.

12. Please indicate which steps the State party is taking to fully implement the provisions of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, in all states and union territories, particularly in the disturbed areas of Jammu and Kashmir, north-eastern states and Naxal-affected states. In this regard, please indicate:

(a) Whether Child Welfare Committees, Juvenile Justice Boards, observation homes and special homes have been set up in these areas;

(b) How the provisions in the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 regarding confidentiality and prevention of media exposure are implemented with regard to the parade of surrendered children and other young persons who were minors when they joined or were forcibly recruited by the armed opposition groups;

(c) The number of children who have been detained under the Public Safety Act, 1978, the Armed Forces Special Powers Act, 1958 and the Ranbir Penal Code since 2005;

(d) What actions have been taken to implement the recommendations made by the National Commission for Protection of Child Rights in its policy paper, "Protection of children's rights in areas of civil unrest".

13. Please indicate whether national legislation prohibits the export of arms, including small arms and light weapons, as well as military assistance to countries where children are known to be or could be recruited or are used in armed conflict and/or hostilities, in accordance with article 7, paragraph 1, of the Optional Protocol.