INTRODUCTION

'Turtles Can Fly'[1]

Vicarious Terror and the Child in South Asia

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> Nearly 30 people came to our house. I recognised many of them as my neighbours. They beat my mother almost senseless. I begged them to stop. They dragged me outside. I resisted but they hit me with sticks. I screamed at my sister to save me but they beat her too. I cannot tell you what happened next.[2]

Post-election violence erupted in Bangladesh in late 2001, affecting minority communities living in the peripheries of the state.[3] On 8 October, 11 alleged perpetrators gang-raped Purnima, a 12 year-old girl. A judicial probe commission in its report nearly a decade later found that Purnima was one of 200 women and girls from the minority Hindu community who were allegedly gang-raped by the party activists of the then ruling Bangladesh Nationalist Party (BNP)-Jama'at-i-Islami alliance over a period of 15 months.[4] Purnima's experience is far from exceptional, of the horrific encounters that children are forced to bear in South Asia. From sporadic sectarian violence to protracted conflict situations, children in South Asia and in the world experience violence. These occur in a range of settings including at home and in the family, in schools and educational settings, in care and justice systems, in workplaces and in communities.

South Asia has encountered, and continues to encounter its fair share of conflict-related and natural disasters and complex emergencies. Internecine conflicts in Afghanistan and Sri Lanka, civil strife in Nepal, violent agitation in Bangladesh, and militarization practices in India and Pakistan have resulted in millions of marginalized and vulnerable children living in emergency conditions throughout the region. Over 40 per cent of South Asia's population are children under 18 years of age, which amounts to some half a billion children. Despite important progress, children are yet to be viewed as key stakeholders in South Asian initiatives on the rights and protection of the child.

The United Nations Secretary-General's 'Study on Violence against Children' estimated in 2006 that every year between 41 and 88 million children in South Asia witness violence at home – the highest regional total in the world. Evidence also shows that half of the world's child brides live in South Asia and that around 44 million children are engaged in child labour in the region. Sexual abuse and exploitation, as well as child trafficking and corporal punishment are also major concerns for countries in South Asia.[5] Although published a decade earlier, this study captures the scale and intensity of the problem, that turned into a global problem by now. According to General Comment No. 13 of the Committee on the Rights of the Child violence against children includes 'all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse' as listed in Article 19 Paragraph 1 of the Convention on the Rights of the Child (CRC).[6] The term violence has been chosen here to represent all forms of harm to children as listed in Article 19 However, other terms used to describe types of harm (injury, abuse, neglect or negligent treatment, maltreatment and exploitation) carry equal weight.[7] Violence is perpetuated by adults as well as by children's peers, including by people trusted by them, such as friends, community and family members. This chapter is about vicarious terror and children's experiences in the context of political violence. The effects of growing up in a difficult environment profoundly shape the life of a child. Actions of adults may directly lead to violence. Although depending on experiences, positions, locations children have varying responses, they almost inevitably feel powerless and marginalized in situations of violence.

There is a large body of literature on violence in South Asian societies. Das and Nandy, for example, attempt to assemble the structure of ideas within which to understand the movement from violence, as generative of society and culture, to the loss of signification in periods of anomie when violence cannot be contained within any structures of ideas.[8] The language by which order is created and communicated is easier to comprehend. Loss of signification cannot find a language within which it can be represented. South Asian films and literature have similarly addressed the deafening silence that has accompanied the trauma of being simultaneously the subject, object and instrument of violence.[9]

This collection suggests that the vast presence of the security sector has directly contributed to the ubiquitousness of political violence in South Asia. Consequently, it is important to mention the impact of militarism. The majority of research on militarism critically analyses three dimensions of the military's impact on society: the economic and social structure, the legal and political

system of the state and the attitude of citizens towards the ideology and values of the military.[10] These are primarily interrogated through two perspectives. Firstly, the Marxist approach argues that militarism is a problem specific to the social and economic structure of a capitalist society that requires external expansion and internal repression as integral to the development of capitalist mode of production and class system.[11]As such militarism is viewed as a tool of the ruling class, manipulated to serve their own interests. Rosa Luxemburg notes that 'militarism has a specific function in the history of capital. It accompanies every historic phases of accumulation.' She further writes,

> the imperialist phase of accumulation [is a] phase of the global competition of capital [which] as the entire world as theatre. Here the methods employed are colonial policy, the system of international borrowing, the policy of spheres of interest and war. Violence, cheating and pillaging are openly employed, without any mask.[12]

Luxemburg argues that 'political violence is also the instrument and vehicle of the economic process'.[13] Secondly, through an interrogation of legal and political systems, the liberal approach focuses on the functional relationship between the military and the civilian sectors of the state.[14] According to this theory, the popularity of military services, uniforms, insignia and songs are representative indicators of the extent to which militarism has taken root in the society. For liberals, militarism is also a product of the supremacy of state security forces over civilian state affairs. Militarization, in comparison to militarism, does not imply the formal supremacy of the military. It is a historical process that comprises a dynamic set of relationship between the society and the military. It is a multidimensional process through which a number of elements – such as military coups and regimes, authoritarian government, the dominance of patriarchy, powerful military and state apparatuses, war and armed conflict, rising military spending and arms imports, and external military intervention – become dynamically interlinked, both to each other and more widely to capital accumulation and projects of national and international hegemony.'[15] The rising military expenditure of some of the South Asian countries – India, Bangladesh, Pakistan and Sri Lanka – has reflected the increased use of the military within state borders. These states have domestic high security zones of protracted conflict/'post-conflict' where communities live under state repression and continual denial of fundamental human rights and liberties. The heavy presence of the security sector and the

militarization of aid[16] for counterinsurgency purposes in Afghanistan, the presence of authoritarian regimes in Nepal and Bhutan and the military-led climate change and disaster relief programmes in the Maldives reveal that South Asian states have often preferred resolving political challenges through military means. With the presence of other state security forces such as the police, the intelligence agencies, the village defences forces and the paramilitary forces, militarization, in varying ways has become a deeply embedded process in South Asia. Empirical evidence from other parts of the world and also from South Asia indicates that militarization produces gross imbalance of power between communities and the state, and often human security is undermined and human rights suppressed, in the name of national security. Children, under such circumstances, experience the worst kind of violence.

This volume is based on the premise that children's diverse experiences during periods of conflict, post-conflict and peacetime reveal that their roles in society and in their political communities (such as ethnic, religious, linguistic and territorial) are complex. It explores both the common experiences and diverse aspects of childhood in South Asia. It asks questions about what initiatives are being implemented throughout the region to protect children from violence, militarism and exploitation. Finally, it critically analyses the tensions that exist within the global, regional and national advocacy discourses for children, with regard to the political processes and shifting dynamics of conflicting interests within and beyond South Asia.

This introductory chapter provides an overview of the wide-ranging scholarship on childhood with a special focus on children's rights and protections. A key question that is explored in this chapter is how to move beyond the simple binary of children's passive role and their agency in South Asian politics. While it is adults who wage political violence, children's participation, recruitment, agency and resourcefulness in these experiences are also very complex.

This chapter offers an examination of how global norms and agendas influence the politics of childhood in South Asia.[17] It highlights, how understanding these roles also involves a critical analysis of where the child is situated within her/his family, socio-political networks and within the state. However, there exist significant tensions between universal and local approaches to childhood. The global, common language of the rights of the child, enshrined in the CRC implies that there is a shared acceptance of children's rights as a universally understood notion. Yet, as this chapter and subsequent contributions in the volume demonstrate, this is far from reality.

In the first section, this chapter explains that the development of international and national discourses on children's rights is relevant to children's specific rights in situations of political violence. Ideas regarding children's rights are culturally constructed and contested; they emerge from historical and social crises and are the product of particular power relations. This section reflects that a combination of legislative and regulatory frameworks and innovative advocacy measures coordinated between international, regional and the national levels are essential in ensuring the rights of the child.

Children as Rights Bearers? Global Norms and the Politics of Childhood

Children's experiences during periods of political violence and 'peacetime' are diverse, reflecting their complex roles in society and in their political community.[18] Understanding these roles involves critical analysis of where the child is situated in relation to her/his family, social networks, and the state. There exist significant tensions between universal and local approaches to childhood. Whereas a global language implies that there is a shared acceptance of children's rights as a universally understood concept,[19] much of the scholarship on children's rights demonstrates that this is far from reality.

Some of the primary questions that have emerged from childhood studies concern the legitimacy of children as rights bearers; the biases of Western versus non-Western concepts of children's rights; and the context of universal versus cultural relativism, specifically as it concerns the impact of religion and the effect of children's rights in the global south.

Ratification of the United Nations CRC created new political opportunities for child rights activists in 1989. The CRC attempted to set aside the claims of cultural relativists by offering a global, shared understanding of the social and political identity of children, irrespective of culture, nationality, gender and race.[20] However, two critical challenges remain: the first is the divide in conceptualizations of childhood between the West versus the 'rest'. In 1993 an academic journal titled 'Childhood' first appeared, probing global perspectives on issues such as children's rights, agency, labour, and sexual exploitation. In her conceptualization of an international social theory of childhood, Leena Alanen discussed the Anglo-centrism of the claims of the founding authors of the journal.[21] While Alanen wrote this more than a decade ago, one of the journal editors recently observed that a bulk of the contributions still derive

from the United Kingdom, Scandinavian states, the United States, Australia and South Africa, and remained concerned with the underlying essentialism of the dominant social theory of childhood.[22]

Related to this is the second challenge that emerges from disciplinary divides in theorizing children's lives: a number of approaches and forms of discourse raise critical questions with regard to children's rights, but also have biases and limitations. These include: the sociological approach to childhood; children's rights from a legal perspective; the anthropological understanding of cultural relativism; universalism, which extends beyond the realm of human rights and pervades legal discourse; and finally, politics and international relations, with their focus on actors and structural processes. Both multidisciplinary and interdisciplinary linkages are often overlooked by scholars, who for various reasons do not draw upon work from other fields, resulting in disciplinary silos and encouraging essentialist understandings of childhood and children's rights. The multidisciplinary debate within human rights discourse partly illustrates these tensions and complexities.

Jack Donnelly traces the history and idea of human rights in mainstream political theory to seventeenth century Europe when they served as a response to the social disruptions and transformations of modernity.[23] John Locke's Second Treatise on Government published in 1688 offered a natural rights theory of life, liberty and estate that is consistent with later developments in human rights.[24] The struggle for human rights in the following centuries gradually expanded to uniformly recognize all human beings as rights bearers. Human rights discourse today rejects the practice of employing different identities such as race, religion, gender, and property as grounds for exclusion of others for the enjoyment of rights. Classical Western liberal notions of human rights emphasize the individual's political and civil rights, whereas in many non-western traditions, economic and social rights and duties prioritize a community's or group's rights over an individual's rights. Economic and social rights and duties based on collectivist principles are also stressed by Marxist and Socialist ideas.[25]

In his influential work 'Universal Human Rights: In Theory and Practice', Jack Donnelly argues that rather than constituting an orthodox system of fundamental values, human rights 'are a set of social practices that regulate relations between, and help to constitute, citizens and states in "modern" societies.'[26] Donnelly suggests that the theory and practice of human rights was founded in the West and have become central to Western societies.[27] Unlike scholars who have argued that the idea of human rights existed in Islamic societies and other forms of traditional

communities, Donnelly contends that non-Western cultural and political traditions, such as those existing in pre-modern Western societies, lacked not only the practice of human rights but also the concepts underlying these traditions.[28] For him, specific cultural protections of moral and social rights might be worthy and protective of human dignity, but these do not constitute human rights.

The heated debates about what exactly culture is and how it shapes the concept of rights have been sharply divided along both disciplinary lines and global North-South relations.[29] In his reflection of why culture matters for development and for the reduction of poverty, anthropologist Arjun Appadurai argues that culture has often been perceived in relation to past habit, custom, heritage and tradition, whereas development is conceived as comprising future plans, hopes, goals and targets.[30] By providing a decentralized model of global cultural flows, Appadurai replaces the centre-periphery model in which the West dominates the 'rest'. He terms these global cultural flows as ethnoscapes, mediascapes, technoscapes, finanscapes, and ideoscapes.[31] The global diffusion of cultural forms and processes has also been examined by Ulf Hannerz through four frames: forms of life, whereby culture is shaped through everyday life; the state, by which culture is transmitted from the state to its citizens; the market, whereby culture is commodified through its passage from producer to consumer; and movements, through which people are converted to various forms of belief.[32]

As a political theorist Donnelly, criticizes the way anthropologists have understood culture and suggests that throughout the Cold War anthropologists have consistently failed to provide a sophisticated critique of the role of culture in human rights discourse. Appuddurai, Donnelly and Hannerz began with comparable arguments pointing to the fluidity and inter-subjectivity of culture. The differences are clear, however, in the opposing arguments of universalism versus cultural relativism that divide scholars and practitioners alike in the politics of culture. The question remains, is it culture that is at issue?[33] Anthropologists opine that rather than culture, it is law – with its grounding in a positivist view of truth – that essentializes social categories and identities.[34]

Some scholars argue that employing a pluralist approach and negotiating rights in specific circumstances are more efficient ways to resolve these tensions. For example, anthropologist Ellen Messer argues that it is more useful to consider pluralist or evolutionary approaches to human rights. Tracing through four major sources of modern human rights – namely, Western political liberalism, Socialism and social welfare principles, cross-cultural rights traditions, and finally the UN instruments – she advocates a pluralist approach. Messer suggests that

anthropologists can help clarify notions of rights in culture-specific contexts through their analyses of concepts of 'personhood at multiple social levels' that leave certain categories of individuals without protections, and also by 'creating effective human rights educational materials that can link sentiment to human rights reasoning.'[35]

Research focussing on local levels, as seen in anthropological methodologies, provides greater scope to elucidate the notion of rights and duties, and to understand the construction of inclusion and exclusion from protection from the ground-up. Political theorist Brooke Ackerly, for example, seeks to bridge the Universalist and Relativist debate by suggesting that universal human rights are immanent rather than transcendent, and that the foundation of universal human rights can be found in the contestation over these rights at the local level.[36] Disciplinary analyses and debates have primarily focused on how human rights are to be understood and the extent to which children's human rights concern cultural norms and beliefs. Outside academia, international actors are also divided in resolving some of the cultural contexts of human rights and children's rights.

The idea of children's rights movements, at least in the West, can be traced back to 1852, when an article was published with the title 'The Rights of Children',[37] and to Jean Vallès's 1879 novel *L'Enfant*.[38] However, instead of focusing on the child as an individual, Vallès and others during the nineteenth century were more concerned with 'saving' the child.[39] The focus on modern systems, orphanages and juvenile courts was associated with nurturing childhood instead of building self-determination.[40] It was not until the end of the nineteenth century that Kate Douglas Wiggin and Janusz Korsczak's writings expressed ideas that could be perceived as recognition of children as individuals with rights, choices and freedom.

In the three decades following the Second World War (WWII) and the reconstruction of Europe, anti-colonial and national movements in Africa, Latin America and Asia culminated in the rise of new states. In the face of enormous reparations and loan repayments in the aftermath of WWII, the former colonial powers could no longer afford to maintain their colonies.[41] As a result, new states emerged on the global stage through a haphazard demarcation of borders – for instance, in Pakistan, India, Burma, Congo – and the smokescreen of apparently peaceful transition from colonial to indigenous leadership based on divided loyalties and local power politics, as it occurred in Zimbabwe, Uganda, Sierra Leone, Sri Lanka, and Burma. By the 1980s, different kinds of conflicts were

brewing within and beyond these states. These were both intrastate and interstate conflicts, involving neocolonial and power-hungry rulers and interest groups who were equally repressive,[42] and who used the anachronistic colonial legislation to exploit the population. These conflicts were ruthless, enduring, protracted, and complex; they dangerously intensified political identities, such as those of ethnicity, race, language, religion and location. These conflicts also caused high numbers of civilian casualties, in which women and children were increasingly prominent.

Competing international debates about development, security and protection have influenced how children's rights in situations of armed conflict have developed. A paradoxical mistrust exists between the international donor community – the global patron – and the recipient states and institutions – the global client. While the former colonial rulers in Europe and the significant Cold War powers of the United States and the Soviet Union have fuelled many conflicts in the global South, human rights practitioners, advocacy networks, and activists of these states campaigned for the universal applicability of children's rights. The international donor community as global patron has formed various consortiums that fund their clients, which are either states or NGOs in the global South. But the profound mistrust generated within the local environment because of various interlinked factors – global politics following centuries of colonial rule; Cold War securitization; support of indigenous dictators; and the use of military technology, weapons and intelligence for domestic human rights violations – could not so easily be resolved by these new kinds of patron-client relationship.

Human rights constitute the primary discourse where differences and tensions between these two worlds have become apparent. When the global North raises the question of human rights, leaders and activists of the global South alike point to the continuing rights violations of the northern states. In addition to this, southern leaders such as Mahathir Mohammad of Malaysia and Lee Kuan Yew of Singapore advocated cultural relativism and Asian values over universality in the 1980s and 1990s. They further argued that the Universal Declaration of Human Rights celebrated individual rights over community rights. In Asia, they argued that economic development and social rights are more important than civil and political rights. While the purpose of their stance was to justify existing repressive policies the question remains, to what extent has the language of human rights, especially when it deals with children, become a global and shared language? The answers can be especially opaque when different societies and cultures place different values on their children.[43]

Following almost a decade of negotiation, the new international legal instrument on children's rights, the CRC, was drafted in 1988. It was clear that some of the cross-cultural factors discussed above were critical in setting the norms expounded by the CRC. The draft Convention was adopted in its entirety following the Second Reading held between 28 November and 9 December 1988.

There were 22 separate meetings held, where government delegations, intergovernmental organizations and non-governmental organizations (NGOs) representing various parts of the world debated differences arising from cultural, regional, religious and socioeconomic perspectives.[44] There were five regional caucuses: the West was made up of Western Europe, the United States, Canada, Australia and New Zealand; the East comprised the former Soviet Union and Socialist Eastern Europe; Africa, Asia and Latin America. African nations were least represented at working group meetings. However, as David Johnson points out, lack of financial resources might have discouraged African representatives from participating at the meetings in Geneva.[45] If this was the case, the creation of new international norms such as the CRC was shaped from the outset by the dynamics of global inequality.

Witnesses, victims, targets and perpetrators

> If our women and children die as martyrs, your children will not escape. We will fight against you in such a style that you attack us and we will take revenge on innocents.[46]
>
> It feels like my son died once again today. When I saw other children going to schools it reminded me of my son. I went to his room and helplessly sat in front of his school bags and school dress.[47]
>
> Driving to school in the light of a quietly subdued rising sun. There's a kind of stillness in the air. It sounds like a million mothers saying a silent prayer as they drop their babies to school. Stay safe. Stay safe…[48]

In a video message, Umar Mansoor, of the Pakistani Taliban[49] claimed himself as the mastermind of the massacre of 132 children and nine staff at a school in Peshawar – the deadliest militant attack in Pakistan's history that took place on 16 December 2014. It is events like these that remind people of the continued vulnerability of children caught up in modern conflicts. Worldwide, minors under the age of five have one of the highest conflict-related mortality rates of any age group. The impact of war on children extends much further than those