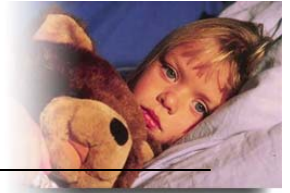


Recommendations on Children's Rights



The global scandal of violence against children is a horror story too often untold. With malice and clear intent, violence is used against the members of society least able to protect themselves—children in school, in orphanages, on the street, in refugee camps and war zones, in detention, and in fields and factories. In investigating human rights abuses against children, Human Rights Watch has found a disturbing but persistent theme—in every region of the world, in almost every aspect of their lives, children are subject to unconscionable violence, most often perpetrated by the very individuals charged with their safety and well-being.

Children frequently experience violence at the hands of police and other law enforcement officials. Street children are especially easy targets because they are poor, young, often ignorant of their rights, and lacking adults to whom they can turn for assistance. They are beaten by police in order to extort money, and street girls may be forced to provide sex to avoid arrest or to be released from police custody. Seen as vagrants or criminals, street children have been tortured, mutilated, and subjected to death threats and extrajudicial execution.

Children are often detained by police without sufficient cause, and then subject to brutal interrogations and torture in order to elicit confessions or information. Once placed in juvenile and criminal correctional institutions, children are frequently mistreated and abused, enduring severe corporal punishment, torture, forced labor, denial of food, isolation, restraints, sexual assaults, and harassment. In many instances, children are detained with adults, leaving them at increased risk of physical and sexual abuse.

In schools, intended to nurture the development of children, violence may be a regular part of a child's experience. In many countries, corporal punishment is still permitted as part of school "discipline." Children are subjected to caning, slapping, and whipping that result in bruises, cuts, and humiliation and in some cases serious injury or death. Girls are at particular risk of sexual violence from both teachers and male students, and may be fondled, verbally degraded, assaulted and raped. Students may also be targeted because of their gender, race, ethnicity, religion, nationality, caste, sexual orientation, social group, or other status. Students who are lesbian, gay, bisexual, or transgender have been beaten, kicked, spit on, cut with knives, strangled, thrown against lockers, and dragged down flights of stairs.

Child laborers often endure long hours and grueling labor under difficult and harmful circumstances. For many, physical abuse is another feature of their daily lives. Child laborers are often beaten for working too slowly, making mistakes, arriving to work late, appearing tired, or simply as a means of intimidation. Those who attempt to escape such abuse and seek protection from the police may be returned directly to their employers.

Hundreds of thousands, if not millions, of children who have been orphaned or abandoned are placed in orphanages and other non-penal institutions. Dependent on the state for care, many instead experience shocking and sometimes deadly levels of abuse and neglect. They may be beaten, sexually abused, restrained in cloth sacks or tethered to furniture, and subjected to degrading treatment by staff. In some facilities, mortality rates have been staggering.

In armed conflict situations, children by the thousands are killed, maimed, raped, and tortured every year. Hundreds of thousands of children recruited as soldiers risk injury, disability and death in combat, as well as physical and sexual abuse by their fellow soldiers and commanders. Children who have fled war zones as refugees are also at risk. They remain vulnerable to physical abuse, sexual violence, and cross-border attacks.

Silence and inaction allow violence against children to continue. In nearly every setting where Human Rights Watch has found physical abuse against children, perpetrators have enjoyed impunity. Teachers who have sexually assaulted or injured their pupils continue to teach. Police officers who have tortured children before witnesses remain on duty. Orphanage staff who subject children to shocking levels of cruelty and neglect suffer no consequences. Even those responsible for the death of a child are rarely prosecuted and even less often convicted. War criminals who recruit, rape, or murder children remain at large.

There are several reasons for such impunity. Children—particularly those most vulnerable to abuse—have few mechanisms for reporting violence. They may be reluctant to speak out for fear of reprisals. And because they are children, their complaints are often not taken seriously.

Even when children do make reports or abuse is exposed, perpetrators are rarely investigated or prosecuted. Those in a position to take action may be complicit in the abuse, reluctant to discipline or prosecute a colleague, or fearful of negative publicity. Adults who witness abuse by their own colleagues and attempt to report it may be fired for speaking up.

The *Convention on the Rights of the Child*, ratified by nearly every country in the world¹, obliges governments to protect children from all forms of physical or mental violence. Yet, millions of children continue to suffer violence and abuse. These acts of violence are often seen as lamentable yet isolated incidents rather than as global phenomena demanding a concerted international response.

This report is based on investigations conducted by Human Rights Watch since 1996 on violence against children. We carried out in depth investigations in eighteen countries in every region of the world. In doing so, we interviewed hundreds of children who have been victims of violence, members of their families, non-governmental organizations and other advocates, officials, and other sources. To protect their privacy, the names of children in this report have been changed, unless otherwise indicated.

In our investigations of violence against children, Human Rights Watch has focused primarily on abuses in the governmental sphere—although private actors also abuse children’s rights. The emphasis here is on violations of children’s rights by agents of the state and in institutions—like schools—that are state run or supported. The report also identifies violations arising through the failure of governments to take adequate steps to protect children from violence in the workplace, in the streets, and in situations of armed conflict.

¹ Only the United States and Somalia are not party to the Convention on the Rights of the Child.

Human Rights Watch considers a child to be any person under the age of eighteen, in line with the Convention on the Rights of the Child, which defines a child as “every human being under the age of eighteen unless, under the law applicable to the child, majority is obtained earlier.”

Human Rights Watch makes the following recommendations to the United Nations and national governments.

To the United Nations:

The General Assembly should request the Secretary-General to conduct an in-depth international study on the issue of violence against children, as thorough and influential as the “Impact of Armed Conflict on Children: Report of the Expert of the Secretary-General, Mrs. Graça Machel.” In line with the recommendations of the Committee on the Rights of the Child, such a study should examine the causes, extent and effects of violence against children, and present a clear action plan for eliminating violence against children.

The Office of the High Commissioner for Human Rights should organize a special workshop for all relevant treaty bodies, special procedures, and U.N. bodies and agencies to examine violence against children and ways in which existing U.N. human rights mechanisms can more effectively address this issue.

U.N. agencies should undertake a major campaign to end violence against children. The United Nations Children’s Fund should act as the lead agency in such a campaign, supported actively by the World Health Organization, United Nations High Commissioner on Refugees, the International Labor Organization, and other relevant organizations.

The Commission on Human Rights should appoint a special rapporteur on violence against children, in order to bring needed international attention to the pervasive violence against children, monitor adherence to the standards that protect children, investigate abuses, and present recommendations to better protect children from violence and abuse.

The Special Rapporteur on the Right to Education should make special efforts to examine corporal punishment, harassment, and violence in schools and their effect on children’s right to education, as set forth in articles 28 and 29 of the Convention on the Rights of the Child and the Convention against Discrimination in Education.

Other relevant special rapporteurs, including the Special Rapporteur on Torture and the Special Rapporteur on Violence Against Women, should make violence against children a priority during their investigations, and include their findings in subsequent reports.

To National Governments:

Adopt or amend legislation as necessary to abolish all forms of violence against children, including corporal punishment in schools, detention centers, and other institutions and to ensure the effective enforcement of such legislation.

Thoroughly and promptly investigate instances of violence against children and take appropriate action against those responsible, including counseling, probation, suspension, and termination. Where appropriate, criminal charges should be brought against perpetrators.

Institute training programs in children's rights for teachers, principals, police, staff of both correctional and non-penal institutions, and others who work with children. Such training should address how to treat children, including non-physical means of discipline, and issues such as sexual violence, harassment, and discrimination based on gender or sexual orientation.

Ensure that children know and understand their human rights.

Establish effective and confidential complaint procedures for children and their families; ensure that complaints are promptly and thoroughly investigated by an independent outside authority.

Ensure that children are placed in institutions only when there is no reasonable alternative, and ensure that children are never detained with adults.

Ensure that conditions of detention and incarceration meet international standards.

Ensure that the death penalty is never applied for crimes committed before age eighteen.

Remove from institutions abandoned children and children with disabilities wherever possible; reallocate resources devoted to institutional care to develop alternative humane, nondiscriminatory care.

Ensure the protection of children from the dangers of armed conflict and strictly adhere to the provisions of international humanitarian law.

End all recruitment of children as soldiers and ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, depositing a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment into national armed forces.

Ratify and implement International Labor Organization Convention 182 on the Worst Forms of Child Labor.