

CHILDREN'S RIGHTS

Human Rights Developments

Every country in the world except for the United States and the collapsed state Somali has ratified the Convention on the Rights of the Child and pledged to uphold its protections for children. In 1999, the convention stood as the single most widely ratified treaty in existence. Adopted by the United Nations General Assembly on November 20, 1989, the promises of this historic document included children's rights to life; to be free from discrimination; to be free from military recruitment and to be protected in armed conflicts; to be protected from torture or cruel, inhuman, or degrading treatment or punishment; to be free from arbitrary deprivation of liberty; to special treatment within the justice system; and the rights to education, health care, an adequate standard of living, and freedom from economic exploitation and other abuse.

The decade since the adoption of the Convention on the Rights of the Child was marked by some significant advances on behalf of children. Many countries used the convention as the basis on which to revise domestic legislation and improve protections for children, or have appointed special ombudspersons or envoys for children. As the Committee on the Rights of the Child evaluated country reports under the convention, it developed new standards of protection and pressed governments for specific reforms.

A 1996 United Nations report on the impact of armed conflict on children raised international concern about the plight of children in war, prompting varied initiatives to end the use of child soldiers and other wartime abuses. The number of children killed every year by antipersonnel landmines dropped in the wake of massive efforts to end the use of the weapon and the adoption of the 1997 Mine Ban Treaty. The adoption of the statute for the International Criminal Court held out the hope of ending the impunity of those responsible for the recruitment of children under the age of fifteen in armed conflicts, as well as those who commit other war crimes, crimes against humanity, and genocide.

However, despite these advances, the promises of the Convention on the Rights of the Child were broken for countless children around the world. The armed conflicts that raged in all quarters of the world produced appalling abuses of children's rights. Hundreds of thousands of children were pressed into service as soldiers. Millions became refugees displaced from their homes, often separated from their families, their future and safety uncertain.

Children living outside war zones were also subjected to routine violence. Street children on every continent endured harassment and physical abuse by police. Even schools, intended to promote the healthy development of children, were the site of abuse. In some countries, the use of corporal punishment by teachers resulted in injury and even death. In others, gay and lesbian students endured harassment and violence by their peers while school authorities failed to intervene.

Millions of children had no access to education, worked long hours under hazardous conditions, or languished in orphanages or detention centers where they endured inhumane conditions and daily assaults on their dignity, in violation of the rights guaranteed to them under the convention. The issues selected for attention below represent those which were the focus of Human Rights Watch investigation and advocacy over the past half-decade.

The tenth anniversary of the Convention on the Rights of the Child marked an important milestone. The rights of children were recognized as never before. But it also posed a challenge for governments and civil society to take stronger action to implement its provisions, strengthen protections, and fulfill the promises made to the children of the world.

The Use of Children as Soldiers

In dozens of countries around the world, children were direct participants in war. Denied a childhood and often subjected to horrific violence, some 300,000 children served as soldiers in current armed conflicts. These young combatants participated in all aspects of contemporary warfare. They wielded AK-47s and M-16s on the front lines of combat, served as human mine detectors, participated in suicide missions, carried supplies, and acted as spies, messengers, or lookouts.

Physically vulnerable and easily intimidated, children typically made obedient soldiers. Many were abducted or recruited by force and often compelled to follow orders under threat of death. Others joined armed groups out of desperation. As society broke down during conflict, leaving children with no access to school, driving them from their homes, or

SEPARATING THEM FROM FAMILY MEMBERS, MANY CHILDREN PERCEIVED ARMED GROUPS AS THEIR BEST CHANCE FOR SURVIVAL. OTHERS SOUGHT ESCAPE FROM POVERTY OR JOINED MILITARY FORCES TO AVENGE FAMILY MEMBERS WHO HAD BEEN KILLED.

CHILD SOLDIERS WERE USED IN MORE THAN THIRTY COUNTRIES AROUND THE WORLD. HUMAN RIGHTS WATCH INVESTIGATED THE USE OF CHILD SOLDIERS IN SOME OF THESE CONFLICTS, INCLUDING IN ANGOLA, COLOMBIA, THE DEMOCRATIC REPUBLIC OF CONGO, LEBANON, LIBERIA, SIERRA LEONE, SRI LANKA, SUDAN AND UGANDA. IN SIERRA LEONE, THOUSANDS OF CHILDREN ABDUCTED BY REBEL FORCES WITNESSED AND PARTICIPATED IN HORRIBLE ATROCITIES AGAINST CIVILIANS, INCLUDING BEHEADINGS, AMPUTATIONS, RAPE, AND BURNING PEOPLE ALIVE. CHILDREN FORCED TO TAKE PART IN ATROCITIES WERE OFTEN GIVEN DRUGS TO OVERCOME THEIR FEAR OR RELUCTANCE TO DO SO. IN COLOMBIA, TENS OF THOUSANDS OF CHILDREN WERE USED AS SOLDIERS BY ALL SIDES TO THE COUNTRY'S ONGOING BLOODY CONFLICT. IN SOUTHERN LEBANON, WHEN BOYS FLED TO DESERT OR AVOID CONSCRIPTION BY THE SOUTH LEBANON ARMY, AN ISRAELI AUXILIARY MILITIA, THEIR ENTIRE FAMILIES WERE SUBJECT TO EXPULSION FROM THE OCCUPIED ZONE.

GIRLS WERE ALSO USED AS SOLDIERS IN MANY PARTS OF THE WORLD. IN ADDITION TO COMBAT DUTIES, HUMAN RIGHTS WATCH FOUND THAT GIRLS WERE SUBJECT TO SEXUAL ABUSE AND TAKEN AS "WIVES" BY ARMED GROUPS IN ANGOLA, SIERRA LEONE, AND UGANDA. GIRLS WHO WERE IMPREGNATED BY REBEL COMMANDERS WERE SOMETIMES FORCED TO STRAP THEIR BABIES ON THEIR BACKS SHORTLY AFTER GIVING BIRTH AND TAKE UP ARMS AGAINST OPPOSING FORCES.

SOME GOVERNMENTS TOOK POSITIVE STEPS. COLOMBIA SIGNIFICANTLY REDUCED THE NUMBER OF UNDER-EIGHTEENS IN ITS NATIONAL SECURITY FORCES AFTER PLEDGING TO UPHOLD A MINIMUM RECRUITMENT AGE OF EIGHTEEN. THE SIERRA LEONEAN GOVERNMENT EXCLUDED UNDER-EIGHTEENS FROM ITS NEWLY-FORMED MILITARY, BASED ON PLEDGES MADE TO OLARA OTUNNU, THE SPECIAL REPRESENTATIVE FOR THE SECRETARY-GENERAL ON ARMED CONFLICT AND CHILDREN. THE U.K. GOVERNMENT MADE A MILITARY AID AGREEMENT TO THE SIERRA LEONEAN GOVERNMENT CONTINGENT ON NONRECRUITMENT OF CHILDREN AND THE DEMOBILIZATION AND REHABILITATION OF FORMER CHILD SOLDIERS, ALTHOUGH IT CONTINUED TO USE SIXTEEN-AND SEVENTEEN-YEAR-OLDS IN ITS OWN MILITARY FORCE. OTHER STATES, INCLUDING THE CZECH REPUBLIC, GERMANY, NORWAY, PORTUGAL, AND SOUTH AFRICA, PASSED LEGISLATION OR INTRODUCED MEASURES TO EXCLUDE UNDER-EIGHTEENS FROM THEIR MILITARY FORCES.

UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD, THE GENERAL DEFINITION OF A CHILD IS ANY PERSON UNDER THE AGE OF EIGHTEEN. HOWEVER, ARTICLE 38, GOVERNING CHILDREN AND ARMED CONFLICT, USES FIFTEEN AS THE MINIMUM AGE FOR RECRUITMENT AND PARTICIPATION IN HOSTILITIES. THIS LOW STANDARD OF PROTECTION REMAINED A GLARING AND TROUBLING ANOMALY AMONG THE CONVENTION'S OTHER STRONG PROVISIONS.

SEVERAL YEARS AFTER THE CONVENTION'S ADOPTION, A U.N. WORKING GROUP WAS CREATED TO DRAFT AN OPTIONAL PROTOCOL TO THE CONVENTION THAT WOULD RAISE THE MINIMUM AGE FOR RECRUITMENT AND PARTICIPATION IN HOSTILITIES TO EIGHTEEN. HOWEVER, AS THE TENTH ANNIVERSARY OF THE CONVENTION'S ADOPTION ARRIVED, AGREEMENT ON THE OPTIONAL PROTOCOL STILL HAD NOT BEEN REACHED, LARGELY BECAUSE OF OPPOSITION BY GOVERNMENTS WHO CONTINUED TO RECRUIT MINORS, NOTABLY THE UNITED STATES.

DESPITE THESE OBSTACLES, EFFORTS TO STOP THE USE OF CHILD SOLDIERS CONTINUED TO GROW. IN 1999, THE RECRUITMENT OF CHILDREN UNDER THE AGE OF FIFTEEN AND THEIR USE IN HOSTILITIES WAS IDENTIFIED AS A WAR CRIME IN THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT. ONCE ESTABLISHED, THE COURT WILL HAVE JURISDICTION TO PROSECUTE THOSE RESPONSIBLE FOR THE USE OF CHILD SOLDIERS. THE USE OF CHILDREN AS SOLDIERS WAS ALSO RECOGNIZED AS A CHILD LABOR ISSUE. A LABOR TREATY BANNING THE WORST FORMS OF CHILD LABOR, ADOPTED IN JUNE 1999, PROHIBITED THE FORCED RECRUITMENT OF CHILDREN FOR USE IN ARMED CONFLICTS.

IN 1999, THE COALITION TO STOP THE USE OF CHILD SOLDIERS FORMED IN ORDER TO CAMPAIGN FOR A STRONG OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD WHICH WOULD PROHIBIT ANY RECRUITMENT OF CHILDREN UNDER THE AGE OF EIGHTEEN OR THEIR USE IN ARMED CONFLICT. ESTABLISHED BY SIX INTERNATIONAL NGOS, THE COALITION WORKED WITH NATIONAL CAMPAIGNS IN MORE THAN THIRTY COUNTRIES AROUND THE WORLD, MOBILIZING POLITICAL WILL AND PUBLIC PRESSURE TO END THE USE OF CHILDREN AS SOLDIERS. IN ADDITION TO MEDIA CAMPAIGNS, THE PUBLICATION OF NEW RESEARCH, AND ADVOCACY WITHIN REGIONAL AND INTERNATIONAL FORA, ITS ACTIVITIES INCLUDED A SERIES OF HIGH PROFILE REGIONAL CONFERENCES FOCUSED ON THE USE OF CHILDREN AS SOLDIERS IN AFRICA, LATIN AMERICA, AND EUROPE. (SEE SPECIAL ISSUES AND CAMPAIGNS.)

DESPITE THIS GROWING MOMENTUM, EFFORTS TO STOP THE USE OF CHILD SOLDIER DID NOT REACH FRUITION. RECRUITMENT OF CHILD SOLDIERS CONTINUED AROUND THE WORLD, THOSE RESPONSIBLE FOR THEIR RECRUITMENT ESCAPED JUSTICE, AND KEY GOVERNMENTS CONTINUED TO RESIST EFFORTS TO ESTABLISH AND ENFORCE THE PROHIBITIONS NECESSARY TO END THE USE OF CHILDREN AS SOLDIERS.

The International Criminal Court

On July 17, 1998, in Rome, delegates representing 160 countries voted by an overwhelming majority to establish a permanent International Criminal Court (ICC) to try persons charged with committing war crimes, crimes against humanity, and genocide. Upon its establishment, the court will provide a powerful deterrent to the conscription, enlistment, or use in hostilities of children under the age of fifteen years conduct defined as a war crime in the ICC statute. The statute also included other important measures to protect children in armed conflict: it recognized intentional attacks on educational institutions as a war crime, provided special arrangements for children as victims and witnesses, and exempted children below the age of eighteen from prosecution by the court.

Delegates reconvened at the United Nations Headquarters for three weeks in July and August of 1999 to draft the rules of procedure and evidence for the court and the elements of the crimes covered by the statute. (See Special Issues and Campaigns). Two proposals introduced by the United States and by Costa Rica, Switzerland, and Hungary would have restricted the scope of the statute's provisions on the war crime of conscripting, enlisting, or using children in hostilities. The U.S. proposal would have required the prosecutor to prove that the accused knew the child in question was below the age of fifteen. The proposal by Costa Rica, Switzerland, and Hungary would have required a showing that the accused knew of or was "willfully blind" to the child's minority. In addition, both proposals would have required proof that the accused caused the child's conscription, enlistment, or use in hostilities.

Human Rights Watch said that the court should have jurisdiction over cases in which the accused recklessly failed to take steps to ascertain the child's age. Such a position, we argued, would be consistent with Protocol I. Additional to the Geneva Conventions, which requires states to "take all feasible measures" to ensure that children under the age of fifteen do not take an active part in hostilities. Human Rights Watch also pointed out that encouragement, acceptance, or authorization of a child's enlistment or participation in hostilities should be sufficient conduct for the court to exercise jurisdiction.

A subsequent discussion paper, produced by the coordinator of the delegates' working group on the element of crimes, reflected these recommendations. It required prosecutors to show that the accused "knew or should have known" that the child in question was under the age of fifteen years phrasing that recognizes an obligation to attempt to determine the child's age. The discussion paper did not reflect a consensus among delegates, and was introduced to provide a basis for further discussion. It nevertheless reflected an awareness that the court must have adequate discretion to interpret the statute's language for the benefit of children in armed conflict.

Refugee Children

Refugee children were among the most vulnerable children in the world. Not only had they suffered from war or other forms of persecution in their countries of origin, but many refugee children continued to suffer human rights abuses in countries of asylum. Children made up more than half of all refugees around the world, yet their rights and special protection needs as children were frequently neglected.

The human rights abuses that drove children into flight were only the first chapter of hardship for many refugee children. Even after traveling across an international border to seek refuge, they remained vulnerable to hazardous labor exploitation, physical abuse, denial of education, sexual violence and exploitation, cross-border attacks, militarization of refugee camps, and recruitment as child soldiers.

Article 22 of the Convention on the Rights of the Child grants special protection to refugee children. Children who are not being cared for by their parents, known as "separated children," are entitled to special protections under Articles 20 and 22. Refugee children fleeing war are also entitled to special protection under Article 38 of the Convention, as children affected by armed conflict. Refugee children, like all children, are entitled to all other rights granted under the Convention including the rights to life, physical integrity, adequate food and medical care, education, and to be free from discrimination, exploitation, and abuse.

Separated and unaccompanied children were particularly vulnerable. In the United States, Human Rights Watch found that unaccompanied children were held by the U.S. Immigration and Naturalization Service in detention facilities where some were confined for lengthy periods of time before being released to family members or appropriate guardians. Rarely understanding what was happening to them, children were often denied information about their detention and their right to

BE REPRESENTED BY AN ATTORNEY IN IMMIGRATION PROCEEDINGS IN A LANGUAGE THEY UNDERSTOOD. IN SOME CASES THEY WERE HOUSED WITH JUVENILE OFFENDERS AND SUBJECTED TO A RIGID AND PUNITIVE ENVIRONMENT.

IN 1999, HUMAN RIGHTS WATCH CONDUCTED AN IN-DEPTH INVESTIGATION INTO THE PROTECTION OF SIERRA LEONEAN REFUGEE CHILDREN IN GUINEA, WHERE CHILDREN MADE UP 65 PERCENT OF THE 300,000 SIERRA LEONEAN REFUGEES THERE. MOST OF THE CHILDREN INTERVIEWED BY HUMAN RIGHTS WATCH HAD BEEN IN REFUGEE CAMPS IN GUINEA JUST OVER A YEAR, WITH LITTLE HOPE OF RETURNING HOME IN THE NEAR FUTURE. INTERNALLY DISPLACED CHILDREN WITHIN SIERRA LEONE WERE THOUGHT TO SUFFER MANY OF THE SAME PROBLEMS ON AN EVEN LARGER SCALE.

THE PLIGHT OF SEPARATED CHILDREN AND GIRLS IN THE GUINEAN REFUGEE CAMPS WAS FOUND TO BE PARTICULARLY SEVERE AND WARRANTED SPECIAL ATTENTION. SEPARATED CHILDREN WERE TAKEN IN BY FAMILIES ALONG THE WAY, WHILE FLEEING, OR IN THE CAMPS. THESE FAMILIES ACTED AS CARE GIVERS, OR FOSTER FAMILIES. HOWEVER, SOME CHILDREN IN SUCH CARE WERE NEGLECTED, PHYSICALLY OR SEXUALLY ABUSED, DENIED FOOD, DENIED EDUCATION, OR EXPLOITED FOR THEIR LABOR. SOCIAL WORKERS CHARGED WITH PROTECTION OF SEPARATED CHILDREN IN THE REFUGEE CAMPS IN GUINEA HAD NOT EVEN IDENTIFIED MOST CHILDREN OF CONCERN, MUCH LESS MONITORED THEIR CARE AND PROTECTION.

HUMAN RIGHTS WATCH FOUND THAT SIERRA LEONEAN REFUGEE GIRLS AS YOUNG AS TWELVE FELT THEY HAD NO CHOICE BUT TO WORK AS CHILD PROSTITUTES IN ORDER TO SUPPORT THEMSELVES AND, IN SOME CASES, THEIR FAMILIES. THESE GIRLS HAD LITTLE OR NO ACCESS TO EDUCATION OR HEALTH CARE AND LITTLE HOPE FOR THEIR FUTURE. BETTER IDENTIFICATION AND MONITORING SYSTEMS WERE CLEARLY NEEDED TO ENSURE EFFECTIVE INTERVENTIONS.

REFUGEE CHILDREN WHO LIVED IN CAMPS CLOSE TO THE POROUS SIERRA LEONE-GUINEA BORDER WERE VULNERABLE TO CROSS BORDER ARMED RAIDS WHICH RESULTED IN MURDER, MUTILATION, AND ABDUCTION OF DOZENS OF REFUGEES OVER THE PAST YEAR. ACCORDING TO INTERNATIONAL LAW AND STANDARDS, AS WELL AS UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) POLICY, THE REFUGEES SHOULD NOT HAVE BEEN IN CAMPS LOCATED DANGEROUSLY CLOSE TO THE BORDER IN THE FIRST PLACE.

REFUGEE CHILDREN WERE ALSO AT RISK OF BEING RECRUITED AND USED AS CHILD SOLDIERS. IN GUINEA, SIERRA LEONEAN REFUGEE CHILDREN AS YOUNG AS SEVEN RISKED BEING ABDUCTED BY RAIDING REBEL FORCES OR BEING USED BY THE GOVERNMENT CIVIL DEFENSE FORCES, KNOWN AS KAMAJORS.

DESPITE THE FACT THAT THESE CHILDREN SUFFERED ENORMOUSLY AND REMAINED EXTREMELY VULNERABLE, THEIR PLIGHT WAS LARGELY IGNORED BY THE INTERNATIONAL COMMUNITY. UNHCR FACED SUBSTANTIAL POLITICAL, FINANCIAL, AND LOGISTICAL CHALLENGES IN PROTECTING THE HUMAN RIGHTS OF REFUGEE CHILDREN IN GUINEA. THE FOCUS OF INTERNATIONAL ATTENTION ON REFUGEE CRISES IN EUROPE, AS WELL AS "DONOR FATIGUE" WITH RESPECT TO AFRICAN REFUGEES, SERVED TO LIMIT RESOURCES AVAILABLE FOR GUINEA. ONE MANIFESTATION OF THIS WAS A GROSSLY INSUFFICIENT NUMBER OF STAFF PRESENT INSIDE OR NEAR CAMPS. UNHCR ALSO FACED SEVERE LOGISTICAL CONSTRAINTS IN THE GUECKEDOU AREA OF GUINEA, WHICH HOUSED MORE THAN SIXTY CAMPS. ONE WAS THE POOR STATE OF THE UNPAVED ROADS, WHICH WERE OFTEN IMPASSABLE DURING GUINEA'S JUNE TO NOVEMBER RAINY SEASON. HOWEVER, THE FAILURE TO ADEQUATELY PROTECT THE RIGHTS OF REFUGEE CHILDREN WAS ONLY PARTIALLY ATTRIBUTABLE TO A LACK OF RESOURCES.

ALTHOUGH UNHCR HAD USED THE CONVENTION ON THE RIGHTS OF THE CHILD AS THE BASIS FOR EXTENSIVE POLICIES AND GUIDELINES DESIGNED TO PROTECT THE RIGHTS OF REFUGEE CHILDREN, IN MANY CASES THESE POLICIES WERE NOT IMPLEMENTED. FOR SIERRA LEONEAN CHILDREN IN GUINEA, THE INTERNATIONAL COMMUNITY FAILED TO IDENTIFY VULNERABLE CHILDREN; TO MONITOR FOR ABUSE AND LABOR EXPLOITATION; TO PROTECT GIRLS FROM SEXUAL ABUSE AND EXPLOITATION; TO MOVE THE REFUGEES TO SAFE LOCATIONS AWAY FROM THE BORDER; TO PRESERVE THE HUMANITARIAN CHARACTER OF THE REFUGEE CAMPS; AND TO PREVENT REFUGEE CHILDREN FROM SERVING AS CHILD SOLDIERS.

Police Abuse and Arbitrary Detention of Street Children

ATTENTION TO STREET CHILDREN FOCUSED LARGELY ON THEIR PRESSING ECONOMIC AND SOCIAL PLIGHT: POVERTY, LACK OF SHELTER, DENIAL OF EDUCATION, AIDS, PROSTITUTION, AND SUBSTANCE ABUSE. WITH THE EXCEPTION OF MASS KILLINGS OF STREET CHILDREN IN BRAZIL AND COLOMBIA, LITTLE ATTENTION WAS PAID TO THE POLICE VIOLENCE AND ABUSE INFLICTED ON THESE CHILDREN, OR THEIR TREATMENT WITHIN THE JUSTICE SYSTEM THROUGH WHICH THEY REGULARLY PASSED. CIVIL AND POLITICAL RIGHTS VIOLATIONS AGAINST STREET CHILDREN WERE LARGELY OVERLOOKED, SYMPTOMATIC OF THE LARGER FAILURE TO TAKE SERIOUSLY THE FULL SCOPE OF CHILDREN'S RIGHTS ENSHRINED IN THE CONVENTION ON THE RIGHTS OF THE CHILD.

VIEWED AS "ANTI-SOCIAL" OR CRIMINAL ELEMENTS, OR A SCOURGE ON A CITY'S TOURIST-FILLED STREETS AND BUSINESS DISTRICTS, MANY POLICE AND ORDINARY CITIZENS SIMPLY WISHED STREET CHILDREN WOULD DISAPPEAR, BY WHATEVER MEANS. STREET CHILDREN

THROUGHOUT THE WORLD WERE SUBJECTED TO ROUTINE HARASSMENT AND PHYSICAL ABUSE BY POLICE, GOVERNMENT, AND PRIVATE SECURITY FORCES, OUT TO WIPE THE STREETS CLEAN OF A PERCEIVED SOCIAL BLIGHT. STREET CHILDREN FACED EXTORTION, THEFT, SEVERE BEATINGS, MUTILATION, SEXUAL ABUSE, AND EVEN DEATH.

THEY WERE OFTEN ARRESTED AND JAILED BECAUSE OF THEIR HOMELESSNESS (ON VAGUE GROUNDS SUCH AS VAGRANCY OR LOITERING) OR THEIR INVOLVEMENT IN SMALL BUSINESSES DEEMED TO BE ILLEGAL, SUCH AS UNLICENSED HAWKING, OR WERE ACCUSED OF PETTY THEFT, DRUG-RELATED CRIMES, OR PROSTITUTION. SOME WERE ARRESTED AS SCAPEGOATS, OR IN ORDER TO FINGER OR CATCH OTHERS. MANY POLICE BELIEVED STREET CHILDREN HAD INFORMATION ABOUT CRIMES COMMITTED ON THEIR BEAT, OR ATTRIBUTED CRIMES IN THE AREA TO THEM DIRECTLY, IMPUTING CRIMINAL ASSOCIATIONS AND ACTIVITIES TO THE CHILDREN GENERALLY.

THEY WERE HELD FOR EXCESSIVE PERIODS OF TIME IN POLICE LOCKUPS, FOR DAYS AND EVEN WEEKS, USUALLY MIXED WITH ADULTS. IN JAILS THEY WERE SOMETIMES FURTHER BEATEN BY POLICE, OR FORCED TO PAY BRIBES IN ORDER TO BE RELEASED. GIRLS WERE SOMETIMES COERCED INTO PROVIDING SEXUAL SERVICES TO POLICE IN EXCHANGE FOR RELEASE, OR WERE RAPED. FROM JAILS, STREET CHILDREN WERE TRANSFERRED EVENTUALLY TO LONG-TERM PENAL INSTITUTIONS, SOMETIMES EUPHEMISTICALLY CALLED "HOMES" OR "SCHOOLS" WHERE THEY LANGUISHED OUT OF SIGHT, FOR YEARS.

FEW ADVOCATES SPOKE UP FOR THESE CHILDREN, LET ALONE LAWYERS OR PROSECUTORS, AND STREET CHILDREN RARELY HAD FAMILY MEMBERS OR OTHER CONCERNED ADULTS ABLE TO INTERVENE ON THEIR BEHALF. OFTEN, FAMILY MEMBERS WERE NOT INFORMED OF THEIR CHILDREN'S ARREST AND DETENTION IN THE FIRST PLACE. CONTRARY TO POPULAR BELIEF, MANY STREET CHILDREN ACTUALLY HAD FAMILY MEMBERS AND HOMES TO WHICH THEY RETURNED PERIODICALLY, AND WERE NOT ORPHANS.

OVER THE YEARS, HUMAN RIGHTS WATCH HAD ATTEMPTED TO HIGHLIGHT THE SERIOUS NATURE OF THE HUMAN RIGHTS ABUSES COMMITTED AGAINST STREET CHILDREN BY LAW ENFORCEMENT PERSONNEL IN BRAZIL, BULGARIA, COLOMBIA, GUATEMALA, INDIA, KENYA, AND SUDAN, AND ON THE GROSS LACK OF POLICE ACCOUNTABILITY FOR ABUSIVE ACTIONS. WIDESPREAD IMPUNITY AND THE SLOWNESS OF LAW ENFORCEMENT BODIES TO INVESTIGATE AND PROSECUTE CASES OF ABUSES AGAINST STREET CHILDREN ALLOWED VIOLENCE AGAINST STREET CHILDREN TO CONTINUE UNCHECKED.

EVEN IN GUATEMALA, WHERE THE NGO CASA ALIANZA HAD BEEN SINGULARLY ACTIVE IN SEEKING POLICE ACCOUNTABILITY FOR THE RAPE, TORTURE, AND KILLING OF STREET CHILDREN, ONLY A HANDFUL OF PROSECUTIONS RESULTED OUT OF HUNDREDS OF CRIMINAL COMPLAINTS FILED. FRUSTRATED WITH THE FAILURE OF THE NATIONAL JUDICIAL SYSTEM TO ADDRESS THESE CASES, CASA ALIANZA AND THE CENTER FOR JUSTICE AND INTERNATIONAL LAW BROUGHT A LANDMARK CASE INVOLVING THE POLICE KILLINGS OF FIVE STREET YOUTH IN 1990 TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AND SUBSEQUENTLY TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS, WHERE THE CASE WAS PENDING AT THE TIME OF THIS WRITING. STILL, VIOLENCE AGAINST STREET CHILDREN IN GUATEMALA CONTINUED AND THE GOVERNMENT WAS AS SLOW AS EVER IN RESPONDING TO THE ABUSE.

THE CASE OF GUATEMALA DEMONSTRATED THAT EVEN WHERE THERE WERE STRONG ADVOCATES WILLING AND ABLE TO ASSIST STREET CHILDREN IN SEEKING JUSTICE, WITHOUT THE COMMITMENT OF GOVERNMENTS, THE JUDICIARY, AND MOST IMPORTANTLY LAW ENFORCEMENT ITSELF, THE ABUSES WOULD CONTINUE.

Children in Conflict with the Law

IN THE TEN YEARS FOLLOWING THE ADOPTION AND NEAR-UNIVERSAL RATIFICATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD, A GROWING NUMBER OF COUNTRIES MODIFIED THEIR JUVENILE JUSTICE LAWS TO GUARANTEE CHILDREN THE RIGHTS SET FORTH IN THE CONVENTION AND IN OTHER INTERNATIONAL INSTRUMENTS.

THIS TREND WAS MOST EVIDENT IN LATIN AMERICA, WHERE MANY COUNTRIES ENACTED REFORMS TO BRING THEIR LEGISLATION INTO COMPLIANCE WITH THE CONVENTION. BRAZIL, ONE OF THE FIRST TO REFORM ITS NATIONAL LAWS COMPREHENSIVELY IN RESPONSE TO THE CONVENTION ON THE RIGHTS OF THE CHILD, ADOPTED ITS CHILDREN'S AND ADOLESCENT'S STATUTE IN 1990. ECUADOR AND PERU PASSED JUVENILES ACTS IN 1992, MEXICO ADOPTED ITS LAW ON THE TREATMENT OF JUVENILE OFFENDERS IN 1991, EL SALVADOR ENACTED A NEW JUVENILE JUSTICE LAW IN 1995, AND NICARAGUA ADOPTED A CHILDREN'S LEGAL CODE IN 1998 AFTER A TWO-YEAR DELAY. GROUNDED IN THE PRINCIPLE THAT ALL CHILDREN POSSESSED RIGHTS WHICH MUST BE RESPECTED BY THE STATE, THESE REFORM EFFORTS REPRESENTED A SIGNIFICANT DEPARTURE FROM EARLIER LEGISLATION DIRECTED EXCLUSIVELY AT "MINORS" IN "IRREGULAR SITUATIONS" AND IN NEED OF PROTECTION.

IN OTHER COUNTRIES, REFORMS WERE UNDER CONSIDERATION BUT HAD NOT YET BEEN ENACTED INTO LAW. EFFORTS TO REFORM GUATEMALA'S JUVENILE JUSTICE SYSTEM STALLED IN EARLY 1998, WHEN THE GOVERNMENT DELAYED FOR THE SECOND TIME THE IMPLEMENTATION OF A NEW MINORS' CODE THAT WOULD REPRESENT A VAST IMPROVEMENT OVER CURRENT LEGISLATION. AMONG OTHER

protections, the code would guarantee the right to a lawyer at government expense to children accused of crimes, would forbid placing children in protective custody in juvenile detention centers, and would end the practice of imprisoning children for "status offenses" such as running away or being homeless. A similar proposal was pending in Venezuela.

Nevertheless, a large number of countries in the region and elsewhere in the world had not taken action to bring their legislation into compliance with the convention. In the Americas, Argentina and Paraguay, among others, retained outdated juvenile laws that did not adequately protect children's rights; in Colombia, the 1989 Juveniles Act was little more than a repackaging of earlier legislation.

Where legislative reforms had taken place, the practices in many countries fell far short of their new legal standards. In Mexico, as the U.N. Committee on the Rights of the Child observed in 1994, a large number of children complained of ill-treatment at the hands of police and military personnel. In Nicaragua, although the law provided that children should be housed separately from adults, children continued to be commingled with adults because of the lack of appropriate juvenile facilities. In the Dominican Republic, the government's near-complete failure to enforce the country's 1994 minor's code led to the confinement of hundreds of adolescents in adult prisons, where youth were not afforded sufficient protection, education, or rehabilitation.

Trial and Sentencing Practices

Far too often, children around the world were brought to trial and sentenced in ways that violated their rights. Human Rights Watch documented systemic failures to guarantee children legal representation and otherwise provide them with fair hearings in Brazil, Bulgaria, Guatemala, India, Jamaica, Kenya, Pakistan, and Russia. Of particular concern were sentences that violated the international principle that deprivation of liberty should be a measure of last resort and for the shortest appropriate period of time and prohibiting measures that constituted torture or cruel, inhuman, or degrading treatment.

In many cases, children were detained arbitrarily or indefinitely on the basis of vague legal provisions. In Kenya, Human Rights Watch's investigation found that street children were committed for years to juvenile correctional institutions after they were found to be "in need of protection or discipline" in summary proceedings without legal representation. Similarly, in Paraguay and other countries in the Americas that had not brought their laws into conformity with the convention on the rights of the child, children were detained on the ill-defined basis that they were in a "state of danger."

In other instances, state authorities simply flouted laws intended to protect the due process rights of juveniles. Our 1996 investigation of Bulgaria found that children were often detained in police lockups far longer than the legally permissible periods, without being formally charged, and without any judicial review. In India, we found that police regularly detained street children without giving them any grounds for arrest and failed to bring them before magistrates in the time period required under India's Juvenile Justice Act. In a 1999 investigation of police practices in Russia, adolescents in various cities told Human Rights Watch that police routinely violated Russian law and international standards by interrogating them sometimes under torture in the absence of attorneys.

In Jamaica, Trinidad and Tobago, and elsewhere in the English-speaking Caribbean, juvenile court judges were authorized to impose sentences of flogging for certain crimes. In addition, children in detention in these countries were subjected to corporal punishment as a method of discipline. Similarly, Pakistan's Hudood Ordinances permitted judges to include whipping, usually between fifteen and thirty lashes, as part of children's sentences; in practice, however, that portion of the sentence appeared to be routinely overturned on appeal. In Kenya too, corporal punishment by cane or rod is authorized by law in sentencing children and as a disciplinary measure in correctional institutions for children. The imposition of corporal punishment is prohibited by international standards. Moreover, the U.N. bodies charged with monitoring states parties' compliance with the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child have all indicated that corporal punishment is incompatible with those human rights treaties.

Conditions of Confinement

THROUGHOUT THE WORLD, CHILDREN WERE SUBJECTED TO APPALLING CONDITIONS OF CONFINEMENT THAT VIOLATED INTERNATIONAL STANDARDS. OFTEN HELD WITH ADULTS AND SUBJECTED TO BEATINGS AT THE HANDS OF GUARDS AND OTHER DETAINEES, CHILDREN IN CONFINEMENT WERE FREQUENTLY DENIED ADEQUATE FOOD, MEDICAL AND MENTAL HEALTH CARE, EDUCATION, AND ACCESS TO BASIC SANITARY FACILITIES. ALL OF THESE CHILDREN WOULD EVENTUALLY RETURN TO SOCIETY, MEANING THAT THE FAILURE TO PREPARE THEM FOR THEIR RETURN WAS SHORTSIGHTED AS WELL AS CRUEL, CARRYING ENORMOUS SOCIAL COSTS.

THE PRACTICE OF HOLDING CHILDREN IN ADULT FACILITIES, COMMON IN MANY PARTS OF THE WORLD, EXPOSED CHILDREN TO ABUSIVE CONDITIONS INCLUDING PHYSICAL AND SEXUAL ABUSE FAR WORSE THAN THOSE THEY WOULD HAVE EXPERIENCED IN JUVENILE FACILITIES. IN CAMBODIA, FOR EXAMPLE, CHILDREN WERE HOUSED INDISCRIMINATELY WITH ADULT DETAINEES AND REPORTEDLY SEXUALLY ABUSED AND SUBJECTED TO OTHER FORMS OF PHYSICAL AND PSYCHOLOGICAL VIOLENCE AT THE HANDS OF ADULTS. IN GUATEMALA, HUMAN RIGHTS WATCH INTERVIEWED CHILDREN COMMINGLED WITH ADULTS WHO REPORTED BEATINGS AND RAPES BY ADULTS, AND BEING FORCED TO GIVE UP THEIR CLOTHING TO ADULTS, OR TO PAY MONEY TO ADULTS IN ORDER TO GET A PLACE TO SLEEP.

THE UNITED STATES CONTINUED TO INCARCERATE LARGE NUMBERS OF CHILDREN IN RESPONSE TO A PERCEIVED UPSURGE IN VIOLENT JUVENILE CRIME. IN FACT, THE NUMBER OF JUVENILE OFFENDERS CONSISTENTLY FELL FROM 1994 TO 1997; ACCORDING TO U.S. FEDERAL BUREAU OF INVESTIGATION DATA, JUVENILE ARRESTS DECLINED EACH YEAR, WITH AN OVERALL DECREASE OF NEARLY 4 PERCENT FOR THE PERIOD. JUVENILE ARRESTS FOR VIOLENT CRIMES WERE DOWN BY 6 PERCENT DURING THE SAME TIME PERIOD.

MANY YOUTH IN THE UNITED STATES WERE CHARGED IN THE ADULT CRIMINAL SYSTEM UNDER STATE LAWS THAT MADE IT EASIER FOR CHILDREN TO BE TRIED AS ADULTS. BETWEEN 1992 AND 1998, AT LEAST FORTY U.S. STATES ADOPTED SUCH LEGISLATION. A SIMILAR MEASURE WAS PENDING AT THE FEDERAL LEVEL IN 1999. FORTY-TWO U.S. STATES DETAINED YOUTH IN ADULT JAILS WHILE THEY AWAITED TRIAL. AS A RESULT, WHETHER OR NOT THEY WOULD ULTIMATELY BE FOUND INNOCENT, MANY CHILDREN FACED THE PROSPECT OF SPENDING SIX MONTHS TO ONE YEAR OR MORE OF THEIR FORMATIVE ADOLESCENT YEARS BEHIND BARS PENDING TRIAL.

IN THE U.S. STATE OF MARYLAND, HUMAN RIGHTS WATCH FOUND THAT YOUTH HELD IN ADULT JAILS WERE SUBJECTED TO THE RISK OF VIOLENCE AT THE HANDS OF OTHER JUVENILES AND, IN SOME FACILITIES, FROM ADULT DETAINEES. THESE RISKS WERE PARTICULARLY HIGH IN THE BALTIMORE CITY DETENTION CENTER, WHERE SOME 150 ADOLESCENTS FACED DAILY RISKS TO THEIR PERSONAL SAFETY, AT TIMES FROM FIGHTS CONDONED OR EVEN ORGANIZED BY CORRECTIONS OFFICERS. DISCIPLINARY MEASURES THERE OFTEN APPEARED TO BE ARBITRARY AND EXCESSIVE, WITH MANY YOUTH, AND SOMETIMES THE ENTIRE JUVENILE SECTION, RECEIVING THE MAXIMUM SANCTION OF NINETY DAYS CONFINEMENT TO THEIR CELLS. WITH FEW EXCEPTIONS, THE MARYLAND JAILS VISITED BY HUMAN RIGHTS WATCH SUFFERED FROM SERIOUS DEFICIENCIES IN THE AMOUNT OF EDUCATION PROVIDED, A DEARTH OF AGE-APPROPRIATE RECREATIONAL ACTIVITIES, AND AN APPARENT LACK OF SPECIALIZED TRAINING PROGRAMS FOR STAFF IN ADOLESCENT DEVELOPMENT AND BEHAVIOR MANAGEMENT. IN ADDITION, CHILDREN IN ALL FACILITIES REPORTED THAT THEY DID NOT RECEIVE ENOUGH TO EAT.

COMMENDABLY, SOME COUNTRIES TOOK POSITIVE STEPS TO ACKNOWLEDGE AND CORRECT ABUSIVE CONDITIONS OF CONFINEMENT. THE SOUTH AFRICAN GOVERNMENT INITIATED A PROGRAM IN NOVEMBER 1997 TO KEEP CHILDREN OUT OF THE COUNTRY'S PRISONS, ALTHOUGH DELAYS IN IMPLEMENTING THE PROGRAM THREATENED ITS EFFECTIVENESS. ANOTHER DEFICIENCY IN THE PROGRAM WAS THAT CHILDREN BETWEEN THE AGES OF FIFTEEN AND EIGHTEEN WHO WERE ACCUSED OF THE MOST SERIOUS CRIMES WOULD REMAIN IN ADULT PRISONS. IN BANGLADESH, THE GOVERNMENT ACCEPTED THE NEED FOR IMPROVEMENTS IN CONDITIONS OF CONFINEMENT FOR CHILDREN IN CONFLICT WITH THE LAW, IN PARTICULAR NOTING IN ITS 1997 SUPPLEMENTARY REPORT TO THE COMMITTEE ON THE RIGHTS OF THE CHILD THAT "TOO MANY MINORS ARE HELD IN JAILS AND POLICE STATIONS ALONGSIDE ADULT OFFENDERS." IN JAMAICA, FOLLOWING THE JULY 1999 RELEASE OF THE FINDINGS OF A HUMAN RIGHTS WATCH INVESTIGATION OF THE PRACTICE OF DETAINING CHILDREN IN FILTHY AND OVERCROWDED POLICE LOCKUPS, THE GOVERNMENT ANNOUNCED THAT IT WOULD MOVE ALL DETAINED CHILDREN TO JUVENILE FACILITIES.

The Death Penalty and Juvenile Offenders

THE CONVENTION ON THE RIGHTS OF THE CHILD UNEQUIVOCALLY PROHIBITS THE USE OF THE DEATH PENALTY ON JUVENILE OFFENDERS, THOSE WHO WERE UNDER THE AGE OF EIGHTEEN AT THE TIME OF THEIR CRIMES. NEVERTHELESS, SIX COUNTRIES—IRAN, NIGERIA, PAKISTAN, SAUDI ARABIA, THE UNITED STATES, AND YEMEN ARE KNOWN TO HAVE EXECUTED JUVENILE OFFENDERS IN THE 1990S.

THE TEN EXECUTIONS OF JUVENILE OFFENDERS IN THE UNITED STATES DURING THIS PERIOD REPRESENTED MORE THAN HALF THE KNOWN WORLDWIDE TOTAL, MAKING IT THE WORLDWIDE LEADER IN EXECUTING JUVENILE OFFENDERS. FIVE EXECUTIONS TOOK PLACE IN THE U.S. STATE OF TEXAS; THE STATES OF GEORGIA, LOUISIANA, MISSOURI, OKLAHOMA, AND VIRGINIA EACH EXECUTED ONE JUVENILE OFFENDER IN THE SAME PERIOD. SEAN SELLERS, EXECUTED IN OKLAHOMA IN FEBRUARY 1999, WAS THE FIRST SIXTEEN-YEAR-OLD OFFENDER TO BE PUT TO

death in the United States in forty years. Seventy juvenile offenders were on death row in the United States as of July 1, 1999.

In positive developments, the highest court of the U.S. state of Florida ruled that the imposition of the death penalty on sixteen-year-old offenders was cruel and unusual punishment in violation of the state constitution; and effective October 1, 1999, the state of Montana abolished the death penalty for those under eighteen at the time of their crimes. As a result, nineteen of the forty U.S. states that permit capital punishment now prohibit the execution of offenders who were sixteen years old and younger at the time of their crimes; fifteen of the remaining twenty-one states restrict that punishment to adult offenders.

Orphans and Abandoned Children

Throughout the world an unknown number of children, most likely in the hundreds of thousands, if not millions, were kept in orphanages and non-penal custodial institutions. Many were condemned to live a grim existence, and subjected to shocking and at times deadly levels of abuse and neglect.

Many children who ended up in orphanages had at least one living parent but had been abandoned because their families were poor, jobless, ill, or in trouble with the law. In countries that had restrictive population control policies, or where cultural traditions valued boys more highly than girls, babies and girls in particular were abandoned. In other cases, medical personnel pressured parents at birth to give up children born with disabilities, claiming that parents would be ostracized for raising a disabled child. For this reason, healthy children who were given up for financial or domestic reasons were often assumed to be "defective."

In Russia, children were abandoned to the state at a rate of more than 100,000 per year. In a 1998 report, *Abandoned by the State: Cruelty and Neglect in Russian Orphanages*, Human Rights Watch found that children in Russian orphanages were exposed to appalling levels of cruelty and neglect. They were beaten, locked in freezing rooms for days at a time, or sexually abused, and often subjected to degrading treatment by staff.

Russian babies classified as "disabled" were segregated into separate rooms where they were changed and fed, but were bereft of stimulation and without medical care. At age four, these and other children faced another grave violation of their rights: those labeled retarded or "oligophrenic" ("small-brained") were sent to locked and isolated "psycho-neurological internats," which were little better than prisons. Considered "ineducable," children in these facilities were restrained in cloth sacks, tethered to furniture, denied stimulation, and sometimes left to lie half-naked in their own filth. Orphans who survived to the age of eighteen moved on to an adult internat, removed from public view.

Russian orphans who were not categorized as disabled grow up in Dickensian-like institutions where they suffered ill-treatment at the hands of staff and older children within the institutions. In the orphanages, children were physically punished not only by school staff, but by older children who were encouraged to beat up, bully, and intimidate younger ones.

The use of cruel, inhuman and degrading treatment and punishment, including corporal punishment, public shaming, and isolation in freezing rooms was not uncommon. Children had no means of redress or complaint to protest ill-treatment and abuse at the hands of staff and older children.

Shocking abuses were also documented in Chinese orphanages, where infants suffered staggering mortality rates. Deprived of adequate food and basic medical care, orphans admitted into welfare institutions in 1999 faced less than a 50 percent chance of surviving for more than one year. Many institutions appeared to operate as little more than assembly lines for the elimination of unwanted orphans (especially girls), with an annual turnover of admissions and deaths far exceeding the number of beds available. At some facilities, the rate of death reached 90 percent.

In Romania, Human Rights Watch found in 1990 that doctors who were forbidden to acquire medical information from outside the country carried out blood transfusions in a misguided attempt to improve the health of institutionalized orphans. Large numbers of children contracted HIV as a result. Children also suffered from inadequate food, housing, clothing, medical care, lack of stimulation or education, and neglect.

As these conditions came to light, the international community responded. In the past decade, the European Union provided more than (U.S.) \$75 million to improve the plight of abandoned Romanian children. Funds were directed not only towards emergency food, clothing, and medical care but also toward creating and implementing policies to prevent child abandonment. In 1999, the United States Agency for International Development developed a program to channel (U.S.) \$6

million to Russian organizations working to keep families together and further develop foster care and alternatives to institutional care for orphans and abandoned children. In China, staffing and medical care in orphanages improved, and the government worked to encourage adoption of abandoned children. Despite these encouraging developments, orphans and abandoned children continued to be institutionalized at alarming rates and too often failed to receive adequate care and protection.

Finally, while numerous international standards exist which protected the rights of children confined in penal or correctional institutions and settings, no comparable international standards exist to protect the rights of abandoned or orphaned children. Human Rights Watch advocated the use of alternatives to institutionalization of children wherever possible, including support for families or extended families, and foster care, with placement in small residential care facilities as a measure of last resort.

Child Labor

The International Labor Organization (ILO) estimated that 250 million children between the ages of five and fourteen were working in developing countries at least 120 million full time. Sixty-one percent of these were in Asia, 32 percent in Africa, and 7 percent in Latin America. Most working children in rural areas were found in agriculture; urban children worked in trade and services, with fewer in manufacturing, construction and domestic service. Only an estimated 5 percent of child laborers worked in export industries.

Despite the attention devoted to child labor in recent years, those addressing the issue were divided on how to proceed and considered a range of different approaches. Some urged that child labor be eliminated quickly and aggressively, including through the use of trade sanctions when countries or industries failed to act decisively. Others called for reforming the conditions in which children worked with a view toward gradual elimination. Some believed that work plays an important and positive role in children's lives and in their relations with their families, and sought reform, but not an end to child labor.

In tackling the issue of child labor, consideration of the immediate and direct consequences for children and their families could not be underestimated. The removal of children from the workforce had devastating results for some children when not accompanied with nuanced adjustment programs for their rehabilitation and education, and direct assistance. Children discharged from work found themselves on the street in prostitution or crime, or working in even worse conditions and for less pay.

The trade sanction approach seeking boycotts of employers or governments who permitted the use of child labor, or banning the importation of goods made with child labor was extremely difficult to monitor. Employers' assurances that they did not use child labor in manufacturing workplaces around the world were meaningless without effective and independent monitoring mechanisms in place. And trade sanctions or boycotts narrowly targeted to particular export industries, even when effective, had small impact, as only a small portion of child laborers worked in these industries.

Child labor included a range of situations from the clearly hazardous and exploitative, as in the case of four-year-old children tied to rug looms to keep them from running away, to the benign or positive, seventeen-year-olds helping out on the family farm or working after school to earn some pocket money. In many cases, as in the latter examples, children's work was helpful to them and their families, and contributed positively to their development into responsible adults. This depended largely on the age of the child, the conditions in which the child worked, and whether work prevented the child from going to school.

What was clear, and what the international community agreed on, was that certain types of child labor were categorically hazardous to the health, safety, and morals of children and should be banned. The ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (ILO Convention 182), adopted unanimously by the 174 member states of the ILO in June 1999, committed states party to take immediate steps to prevent, prohibit, and eliminate "the worst forms of child labor." The term child referred to anyone under the age of eighteen. Under the convention, the worst forms of child labor included the sale and trafficking of children, debt bondage, forced or compulsory labor (including the forced recruitment of children for use in armed conflict), using children for prostitution or production of pornography, using children for illegal activities, particularly drug trafficking, and other work likely to "harm the health, safety or morals of children."

COGNIZANT OF THE DANGERS OF BANNING CHILD LABOR WITHOUT ALSO PROVIDING CHILDREN WITH ALTERNATIVES TO LABOR, THE CONVENTION OBLIGATES STATES PARTIES TO ENSURE THAT CHILDREN REMOVED FROM THE WORST FORMS OF CHILD LABOR BE GIVEN DIRECT ASSISTANCE TO ENSURE THEIR REMOVAL, REHABILITATION, AND SOCIAL REINTEGRATION. MOST IMPORTANTLY, THE CONVENTION MANDATED THAT CHILDREN REMOVED FROM LABOR BE ENSURED ACCESS TO FREE BASIC EDUCATION, AND WHEREVER POSSIBLE AND APPROPRIATE, VOCATIONAL TRAINING.

HUMAN RIGHTS WATCH WORKED ON THE ISSUE OF CHILD LABOR IN AREAS WHERE THE RIGHTS ABUSES WERE CLEAR AND ACUTE, AND WHICH FELL WITHIN THE NEW ILO CONVENTION'S DEFINITION OF "WORST FORMS OF CHILD LABOR." WE WORKED ON BONDED CHILD LABORERS IN INDIA; THE USE OF CHILDREN AS SOLDIERS IN ARMED CONFLICTS AROUND THE WORLD; AND THE EMPLOYMENT OF LIVE-IN DOMESTIC CHILD SERVANTS IN SRI LANKA. THROUGHOUT, HUMAN RIGHTS WATCH EMPHASIZED THE IMPORTANCE OF PROVIDING EDUCATION AND REHABILITATION IN ASSISTING CHILDREN REMOVED FROM THESE WORST FORMS OF CHILD LABOR TO TRULY END THE PRACTICE.

Violence Against Children in School

FOR MANY CHILDREN AROUND THE WORLD, VIOLENCE WAS A REGULAR PART OF THE SCHOOL EXPERIENCE. IN SOME COUNTRIES, SCHOOL OFFICIALS ROUTINELY USED CORPORAL PUNISHMENT TO MAINTAIN CLASSROOM DISCIPLINE AND TO PUNISH CHILDREN FOR POOR ACADEMIC PERFORMANCE. IN OTHER COUNTRIES, AUTHORITIES FAILED TO INTERVENE TO PROTECT MINORITY CHILDREN FROM HARASSMENT AND ATTACKS BY OTHER STUDENTS. THE FAILURE OF SCHOOL OFFICIALS TO PROTECT CHILDREN FROM VIOLENCE IN SCHOOL DENIED THEM THEIR RIGHT TO BE FREE FROM ALL FORMS OF PHYSICAL OR MENTAL VIOLENCE AND THE FULL ENJOYMENT OF THEIR RIGHT TO EDUCATION.

School Corporal Punishment

SCHOOL CORPORAL PUNISHMENT REMAINED WIDESPREAD AND AN ACCEPTED PART OF THE CLASS ROOM EXPERIENCE FOR MILLIONS OF CHILDREN AROUND THE WORLD, WHERE THE HUMAN RIGHTS VIOLATIONS INHERENT IN ITS USE WENT UNRECOGNIZED. IN MANY COUNTRIES, THE USE OF CORPORAL PUNISHMENT BY TEACHERS AGAINST CHILDREN WAS EXPLICITLY AUTHORIZED BY LAW, MAKING IT A LEGALIZED FORM OF VIOLENCE AGAINST CHILDREN.

THE U.N. COMMITTEE ON THE RIGHTS OF THE CHILD, THE U.N. COMMITTEE AGAINST TORTURE, THE U.N. HUMAN RIGHTS COMMITTEE, AND THE EUROPEAN COURT AND COMMISSION OF HUMAN RIGHTS TOOK A STRONG STAND AGAINST CORPORAL PUNISHMENT IN SCHOOLS ON THE GROUNDS THAT IT MAY RISE TO THE LEVEL OF TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. THE COMMITTEE ON THE RIGHTS OF THE CHILD WAS PARTICULARLY OUTSPOKEN, STATING THAT THE USE OF CORPORAL PUNISHMENT AGAINST CHILDREN WAS INCOMPATIBLE WITH THE CONVENTION ON THE RIGHTS OF THE CHILD, AND IT FREQUENTLY PROPOSED THE REVISION OF EXISTING LEGISLATION AND THE DEVELOPMENT OF EDUCATION CAMPAIGNS TO PREVENT THE PHYSICAL PUNISHMENT OF CHILDREN. THE USE OF CORPORAL PUNISHMENT VIOLATED THE RIGHT OF CHILDREN TO BE FREE FROM VIOLENCE, DEBASED THEIR DIGNITY AND PHYSICAL INTEGRITY, INTERFERED WITH THE DEVELOPMENT OF THEIR PHYSICAL AND MENTAL HEALTH, AND INFRINGED ON THEIR BASIC RIGHT TO EDUCATION. HUMAN

RIGHTS WATCH WORKED TO HIGHLIGHT THESE ABUSES, UNDERTAKING A FACT-FINDING MISSION TO KENYA AND ISSUING ITS FINDINGS IN AUGUST 1999. KENYA'S SCHOOL DISCIPLINE REGULATIONS AUTHORIZED THE USE OF CORPORAL PUNISHMENT IN SCHOOLS BUT FAILED EFFECTIVELY TO REGULATE ITS USE. NOMINAL RESTRAINTS WERE ROUTINELY IGNORED BY TEACHERS AND THE REGULATIONS RARELY ENFORCED.

TEACHERS CANED CHILDREN FOR "OFFENSES" SUCH AS TARDINESS, TALKING IN CLASS, WEARING TORN OR DIRTY UNIFORMS, BEING UNABLE TO ANSWER A QUESTION, OR FAILING TO ACHIEVE TARGET MARKS SET ON EXAMS. THESE MEASURES OFTEN RESULTED IN BRUISING, SWELLING, AND SMALL CUTS; AT TIMES, HOWEVER, CHILDREN SUFFERED MORE SERIOUS INJURIES SUCH AS SPRAINED OR BROKEN FINGERS OR WRISTS, KNOCKED-OUT TEETH, INTERNAL INJURIES, AND EVEN DEATH.

UNSURPRISINGLY, SCHOOL CORPORAL PUNISHMENT DID LITTLE TO FURTHER ITS SUPPOSED EDUCATIVE PURPOSE AND HAD FAR-REACHING AND HARMFUL CONSEQUENCES FOR CHILDREN. ASIDE FROM THE COMMON PHYSICAL INJURIES AND THE EXTREME CASES OF DEATH WHICH RESULTED, THE PRACTICE PRODUCED PSYCHOLOGICAL SCARS THAT STAYED WITH CHILDREN FOR THE REST OF THEIR LIVES. RESEARCH IN KENYA FOUND THAT THE USE OF CORPORAL PUNISHMENT INSTILLED A FEAR OF THE CLASSROOM FOR SOME CHILDREN THAT IMPAIRED LEARNING AND AT TIMES LED CHILDREN TO DROP OUT OF SCHOOL ALTOGETHER. OTHER RESEARCH SHOWED THAT CORPORAL PUNISHMENT COULD BE A SIGNIFICANT FACTOR IN THE DEVELOPMENT OF VIOLENT ATTITUDES AND ACTIONS IN CHILDHOOD AND LATER LIFE.

Violence Based on Sexual Orientation

IN THE UNITED STATES AND IN OTHER COUNTRIES AROUND THE WORLD, GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED STUDENTS TOO OFTEN EXPERIENCED SCHOOL AS A PLACE THAT ACCEPTED INTOLERANCE, OSTRACIZATION, AND VIOLENCE AGAINST THOSE PERCEIVED TO BE DIFFERENT. FOR THE MOST PART, SCHOOL OFFICIALS REFUSED TO INTERVENE TO PROTECT THESE STUDENTS, ALLOWING WHAT BEGAN AS HARASSMENT TO ESCALATE TO PHYSICAL VIOLENCE. STUDIES BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE STATES OF MASSACHUSETTS AND VERMONT, AND THE SEATTLE, WASHINGTON SCHOOL DISTRICT FOUND THAT STUDENTS WHO WERE SUBJECTED TO HARASSMENT AND VIOLENCE AT THE HANDS OF THEIR PEERS FREQUENTLY SUFFERED FROM DEPRESSION, LOW SELF-ESTEEM, AND AN INABILITY TO FOCUS ON SCHOOLWORK; MOST ALARMINGLY, THE STUDIES CONCLUDED THAT GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED STUDENTS WERE TWO TO THREE TIMES MORE LIKELY TO ATTEMPT SUICIDE THAN THEIR HETEROSEXUAL COUNTERPARTS.

Relevant Human Rights Watch reports:

DETAINED AND DEPRIVED OF RIGHTS: CHILDREN IN THE CUSTODY OF THE U.S. IMMIGRATION AND NATURALIZATION SERVICE, 12/99

ABANDONED TO THE STATE: CRUELTY AND NEGLECT IN RUSSIAN ORPHANAGES, 12/99

NOBODY'S CHILDREN: JAMAICAN CHILDREN IN POLICE DETENTION AND GOVERNMENT INSTITUTIONS, 7/99

FORGOTTEN CHILDREN OF WAR: SIERRA LEONEAN REFUGEE CHILDREN IN GUINEA, 7/99

SPARE THE CHILD: CORPORAL PUNISHMENT IN KENYAN SCHOOLS, 9/99

NO MINOR MATTER: CHILDREN IN MARYLAND'S JAILS, 11/99

PRISON BOUND: THE DENIAL OF JUVENILE JUSTICE IN PAKISTAN, 11/99