

## Human Rights Developments

New international protections pledged in 2000 held out hope for the many children who were exploited as laborers or abused as soldiers around the world. A new optional protocol to the Convention on the Rights of the Child prohibiting the use of children in armed conflict was adopted in May, and quickly garnered signatures from seventy countries. The protocol, achieved after six years of negotiations, raised the minimum age for compulsory recruitment and participation in armed conflict from fifteen to eighteen. A new Worst Forms of Child Labor Convention (International Labour Organization (ILO) Convention 182) went into force and achieved the fastest rate of ratification in ILO history. The convention, adopted by the 1999 International Labor Conference, targeted such practices as child slavery, sexual exploitation, debt bondage, and trafficking.

Despite these new promises and the nearly universal ratification of the Convention on the Rights of the Child, children's rights were widely disregarded and many countries failed to muster the political will to fulfill their legal obligations towards children.

Violence against children—frequently carried out at the hands of the state—remained an issue that governments were loath to address. Countless children continued to suffer violence resulting in physical injury, psychological trauma, and even death. Street children were subject to arbitrary detention and abuse by police; children in correctional or other institutions were beaten or tortured by staff; children in schools were subjected to severe beatings by their teachers; others were victims of summary and arbitrary executions. In many cases, the failure of law enforcement bodies to promptly and effectively investigate and prosecute cases of abuses allowed the abuse to continue.

As in past years, street children continued to suffer serious abuses at the hands of authorities. An egregious example was Hon-

duras, where Casa Alianza reported that over 165 street children under the age of eighteen were killed between January 1998 and September 2000; a total of 320 street youth between the ages of nine and twenty-four were killed during this period. Police and security forces were found to be responsible for the deaths in thirty-six of the 320 cases. Nearly three-quarters of the cases remained unsolved.

In a welcome development, the Committee on the Rights of the Child agreed to focus on state violence against children for its annual day of discussion in September 2000. The committee invited written submissions and participation in two areas: state violence suffered by children in conflict with the law and by children living in the care of the state, including orphanages and other institutions. Based on the discussion in two working groups, the committee recommended that the U.N. General Assembly request the U.N. secretary-general to conduct an in-depth international study on the issue of violence against children. The committee recommended that such a study be as thorough and influential as the landmark 1996 Graça Machel study on the Impact of Armed Conflict on Children and include recommendations of effective actions to address violence against children.

During the year, governments began to prepare for the U.N. General Assembly's Special Session on Children in 2001, scheduled to follow up the 1990 World Summit on Children. At the 1990 Summit, an unprecedented number of world leaders adopted a declaration and plan of action devoted primarily to improving the health and education of children. The 2001 Special Session will review progress towards the goals set in 1990 and identify new commitments that must be made to address current threats and challenges facing children.

From May 30 to June 2, governments met for the first preparatory committee meeting in advance of the Special Session. Representatives admitted that many of the 1990

goals had not been met, that insufficient resources had been allocated to children, and that the continued prevalence of poverty, armed conflict, and the HIV/AIDS pandemic in particular posed continuing and even increased threats to the well-being and rights of children. However, it was unclear whether governments would be willing to make new commitments to implementing the full range of children's rights and move beyond the survival and development agenda that dominated the 1990 Summit.

Nongovernmental organizations struggled in particular to place exploitation and pervasive violence against children on governments' agendas and to insist that governments use the Special Session to commit to full implementation of the Convention on the Rights of the Child. A broad Child Rights Caucus formed to demand that issues such as violence, child labor and contemporary forms of slavery, sexual exploitation, trafficking, juvenile justice, and protection during armed conflicts be addressed in any new commitments resulting from the 2001 Special Session.

The United Nations Children's Fund (UNICEF), charged with producing a draft "outcome" document for the Special Session, was reluctant to address adequately the protection needs for children at risk of violence and exploitation. Despite a stated commitment to uphold the Convention on the Rights of the Child and the full range of children's rights, early drafts reflected a traditional agenda, focused on health, nutrition, basic education, and opportunities for adolescents to participate in and contribute to their societies, but largely ignoring the right of children to protection from exploitation, violence, and abuse.

### **Child Soldiers**

A new international consensus to end the use of child soldiers was reached in January, when governments from around the world agreed on a new optional protocol to the Convention on the Rights of the Child, establishing eighteen as the minimum age for direct participation in armed conflict, for

forced or compulsory recruitment, and for any recruitment or use by nongovernmental armed groups. The Coalition to Stop the Use of Child Soldiers estimated that approximately 300,000 children under the age of eighteen fought in armed conflicts worldwide.

The new child soldiers protocol was adopted by the U.N. General Assembly on May 25. By late September, it had garnered seventy signatures and three ratifications and seemed on course to enter into force in early 2001.

The new protocol represented a great advance over previous international standards, which allowed children as young as fifteen to be recruited and sent into combat. It was also a significant triumph for the global campaign led by the Coalition to Stop the Use of Child Soldiers (see Campaigns).

At a national level, positive developments were seen in Colombia and the Democratic Republic of Congo (DRC). In Colombia, legislation was signed on December 23, 1999, raising the minimum age for recruitment into governmental armed forces to age eighteen. The same month, the Colombian Army announced that it had discharged its final contingent of 980 soldiers under the age of eighteen. In the Democratic Republic of Congo, President Kabila signed a decree on June 9, establishing a national commission and an inter-ministerial committee to oversee the disarmament, demobilization, and reintegration into society of child soldiers.

However, such advances were overshadowed by the continuing recruitment and use of children in approximately thirty conflicts around the world. In Colombia, opposition guerrilla armies and paramilitary forces often linked to the armed forces continued to maintain at least 5,000 children in their ranks and used them as soldiers and spies, according to UNICEF. In January 2000, Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) Commander Manuel Marulanda told reporters that the FARC would not stop recruiting soldiers fifteen and older. "They are going to stay in the ranks," he empha-

sized. The Colombian army also reportedly continued to use captured guerrillas who were children as informants and spies instead of turning them over promptly to child welfare authorities. Facilities to rehabilitate former child soldiers exist in Colombia, but are severely underfunded.

In Sierra Leone, both the Revolutionary United Front (RUF) and pro-government forces continued to forcibly recruit children, including demobilized child soldiers, into their ranks. The RUF forced children to carry military equipment and to loot goods and engage in fighting. Rape of abducted girls was routine. Some forty demobilized child soldiers from a demobilization camp in Makeni were pressured by the RUF to rejoin through the use of threats, false promises, and false rumors. The civil defense militias also remobilized scores of child soldiers. Children continued to be subjected to all forms of violence, primarily by the RUF, including amputation, rape, and abduction.

In Ethiopia, credible sources reported that thousands of teenage boys were forcibly recruited into the Ethiopian army, particularly during the buildup to the major offensive launched against Eritrea in May. Children (primarily from Oromos and Somali ethnic groups) were targeted in schools and also press-ganged from marketplaces and villages. Once recruited, children were reportedly sent to camps for military training and indoctrination and then sent to fight.

Ethiopia also accused Eritrea of using child soldiers and circulated lists of Eritrean children whom Ethiopia had taken as prisoners of war.

In Burundi, children as young as twelve joined armed forces and served as spies, lookouts, scouts, and porters and helped loot property. Known as "doriya," the children wore cast-off military uniforms and received food and portions of loot from older soldiers. Burundian soldiers also forced children to supply firewood and transport supplies, and used girls to bring water from springs or rivers to the soldiers' camps. In March, three boys were wounded when soldiers forced

them to carry food, water, and medicines through an area known for rebel attacks. The rebel National Liberation Forces (FNL) in Burundi also recruited and used "doriya" as soldiers and helpers. Often used initially as cooks and general helpers, some children later took up weapons and became regular fighters.

In the DRC, the civil conflicts in recent years had been marked by widespread recruitment of child soldiers by the Congolese government's forces and rebel groups, as well as by semi-autonomous militias. UNICEF estimated the total number of child soldiers to be about 12,000. Despite President Kabila's June 9 demobilization decree, the extent to which children were actually demobilized was unclear, and early in the year Human Rights Watch received reports that many child soldiers were detained in prison camps for deserting Kabila's forces.

Rebel groups in the DRC also continued to recruit and use child soldiers with the full support of their foreign backers. Of particular concern was the conduct of the Ugandan People's Defence Forces (UPDF), which had admittedly trained thousands of troops, many of them children, for the Movement for the Liberation of Congo (MLC), the main rebel faction supported by Uganda in northwestern Congo. In areas of north Kivu that were nominally controlled by another Ugandan-backed rebel faction, the Congolese Rally for Democracy-Liberation Movement (RCD-ML), the UPDF trained several battalions of young soldiers in the towns of Beni, Lubero, and Bunia in the first half of 2000. In each of these towns, recruitment was largely done along ethnic lines by local warlords loyal to Uganda. In August and September, the RCD-ML's armed wing splintered as a result of leadership disputes within the movement. Among one group of three hundred mutineers that later surrendered to the UPDF, nearly half were reportedly below the age of fifteen.

Although Africa continued to experience the most widespread use of child soldiers, children were also used in other parts of the world. In Nepal, evidence mounted

that children as young as fourteen, including girls, were recruited by members of the armed opposition group, the Communist Party of Nepal (CPN) (Maoist). Between June and August, at least thirty children were reported abducted by the group, including several fourteen-year-olds. In Sri Lanka, the University Teachers for Human Rights reported in July that the Liberation Tigers of Tamil Eelam (LTTE) had initiated a strong new recruitment drive for child soldiers, despite the commitments they made in 1998 to U.N. Special Representative to the Secretary-General Olara Otunnu not to recruit anyone under seventeen years old. Much of the recruitment was forced, with only 5 percent of recruits estimated to be willing volunteers. In one instance, fourteen- and fifteen-year-old girls who resisted were isolated, taken to a room, stripped, and assaulted.

Regional and other intergovernmental bodies paid increasing attention to the issue of child soldiers. Resolutions or declarations urging support for the new optional protocol were adopted in April by member states of the Economic Community of West African States (ECOWAS) and in July by the Organization of American States (OAS), European Parliament, and the G-8 meeting of foreign ministers in Okinawa.

The Organization for Security and Cooperation in Europe (OSCE) identified children and armed conflict as a priority issue during its November 1999 Summit in Istanbul, followed up with a special inter-governmental/NGO seminar in Warsaw in May, and began considering an OSCE ministerial decision on the issue.

In another welcome regional development, the African Charter on the Rights and Welfare of the Child entered into force on November 29, 1999, after receiving fifteen ratifications by OAU member states. The African Charter is the only regional treaty that prohibits the recruitment or use of children in armed conflict. The charter sets a higher standard than the new optional protocol, as it sets eighteen as the minimum age for any form of recruitment (whether forced or "voluntary") and for any participation in

armed conflict. At this writing, twenty-one member states had ratified the charter.

In July, the Security Council held a special debate on children in armed conflict, in follow-up to Security Council resolution 1261, adopted in 1999. The council received its first report on children and armed conflict from the U.N. secretary-general. Key recommendations of the report included ratification and implementation of the new optional protocol (with governments urged to declare a minimum age of at least eighteen years for voluntary recruitment), increased commitment of resources for the demobilization and rehabilitation of child soldiers, and targeted political and economic sanctions against parties to conflict which target and abuse children.

Security Council members held an informal briefing with NGOs on children and armed conflict, inviting representatives of the Coalition to Stop the Use of Child Soldiers, the small arms campaign, humanitarian organizations, and other networks to participate. Following its formal debate, the council adopted Resolution 1314, which condemned the targeting of children, and urged member states to sign and ratify the new protocol, and take other steps to better protect children in armed conflict situations.

In September, representatives from 132 governments, youth, nongovernmental and international organizations, and other experts participated in the first international conference on war-affected children, hosted by the government of Canada. Forty-five foreign ministers took part in the conference, which resulted in the adoption of an "Agenda for War-Affected Children," which called for increased efforts to protect children in conflict situations, end impunity for those who violate international human rights and humanitarian law, and strengthen humanitarian assistance for children affected by war.

### **Refugee, Immigrant, and Stateless Children**

The rights and special protection needs of refugee, immigrant, and stateless children

were frequently neglected. Among the world's most vulnerable, these children were often subjected to hazardous or exploitative labor conditions, sexual violence and other physical abuse, denial of education and health care, and other violations of their basic human rights.

In Malaysia's immigration detention centers, Human Rights Watch found young unaccompanied boys detained with unrelated adult men in camps where detainees were robbed, beaten, inadequately fed, and denied medical care. Girls in immigration detention camps were sometimes sexually solicited and touched by male guards. Girls as young as thirteen were separated from their parents and detained for extended periods with little or no contact. Children were also deported separately from their parents to the Thai-Malaysia border.

Children made up 65 percent of the 300,000 Sierra Leonean refugees in Guinea. Those who had become separated from their parents during flight often took refuge with foster families, where some were neglected, physically abused, denied food, deprived of an education, or exploited for their labor. At times, refugee girls as young as twelve worked as child prostitutes to support themselves. Compounding the risks to refugee children, some of the camps were located dangerously close to the border, with the result that many refugee children were vulnerable to armed raids and forced recruitment for service as child soldiers.

The United States Immigration and Naturalization Service (INS) continued to detain unaccompanied children for lengthy periods of time before deporting them or releasing them to family members or appropriate guardians. Human Rights Watch was particularly concerned that more than a third of the children in INS custody—nearly 2,000 children during the year ending in September 1999—were held in juvenile detention centers and county jails. Of the nearly 1,300 children held in secure confinement for more than three days, 58 percent were waiting to be transferred to a shelter care or similar facility or were there simply because the INS

lacked any alternative for them. By failing to place children in the least restrictive setting appropriate to their circumstances, the INS violated international standards, its own regulations, and the terms of a court order.

International law guarantees all children the right to have their births registered and the right to a nationality. Children in many parts of the world were denied these basic rights, often affecting their access to an education, health services, or other benefits of citizenship.

Children born to Rohingya refugees in Malaysia were frequently turned out of primary schools when they could not prove legal residency. Not recognized as nationals of Burma, these children were not able to gain legal residency of any country. Although Malaysia's constitution provided citizenship to children born on its territory who would otherwise be stateless, it did not extend this provision to Rohingya children. Many could not obtain birth certificates; even those who could were often denied basic education and health services. Older children and adults were subjected to extortion by police and were not protected as refugees by the Malaysian government (see Malaysia chapter).

Children of longtime Bidun residents of Kuwait faced similar discrimination because their parents were considered stateless or otherwise unable to pass on their nationality under Kuwaiti law. Termed "illegal residents" despite their families' residence in Kuwait for decades, even generations, Bidun children were frequently denied birth certificates and other official documents needed to attend public and private schools or receive medical treatment (see Kuwait chapter).

### **Children in Conflict with the Law**

Governments around the world abused youth during arrest and interrogation and held them in overcrowded, unsafe conditions in disregard of international standards. Juvenile detention facilities often failed to provide youth with adequate educational, medical, mental health, or rehabilitative ser-

vices. In many cases, children were commingled with adults, in violation of international law.

The United States' treatment of children in conflict with the law presented particular concerns. It continued to detain and incarcerate large numbers of youth—over 100,000, by one estimate—even though juvenile arrests fell for the sixth year running. With four juvenile offenders executed in the first half of the year, it continued to defy the international standard forbidding the imposition of the death penalty for crimes committed below the age of eighteen.

#### **Abuse in Policy Custody**

Children in conflict with the law were often subjected to human rights violations during arrest and detention, including arbitrary arrest, physical abuse during interrogation, and other denials of due process. In particular, street children throughout the world were subjected to routine harassment and physical abuse by police and by private security guards who often acted with the acquiescence of the government.

According to the Russian Committee for Civil Rights, one third of all youth facing criminal proceedings in Russia are subject to violence during detention and interrogation. One in four youth was subjected to police violence on the street before the age of fifteen.

When Human Rights Watch interviewed a fourteen-year-old boy who had been frequently detained by Russian police, he reported that during one arrest, the police beat him and his friends, spraying tear gas in their eyes. His mother told us that when she picked him up the following day, he had bruises on his head, back, and legs. The bruising on his legs was “mostly on the hips, not round ones but stretched ones, as if they were beating with sticks.” She also stated that his eyes were red and that he vomited shortly after he was released.

Human Rights Watch and other human rights organizations heard reports of similar abuses from children across the world. In Pakistan, a fifteen-year-old boy detained for

the theft of a motorcycle told Human Rights Watch in 1998, “I was whipped with a rubber strap or lash used to rotate a motor, like a fan belt.” In Jamaica, Human Rights Watch researchers heard numerous accounts of beatings with batons, sticks, and electrical cords during and shortly after arrest. In Bolivia, in one case documented by Amnesty International in April 2000, police detained a sixteen-year-old boy in Cochabamba, beat him with hoses and chains, and broke his nose.

The Israeli military reinstated Military Order No. 132 in 1999, permitting its forces to arrest Palestinian children as young as twelve. Originally issued during the Intifada, the order had been suspended in 1993. Following the renewed implementation of the order, groups of Palestinian children reported that they were beaten or threatened with physical abuse during interrogation.

A sixteen-year-old girl continued to be held pending trial in Israel's Ramle prison after being arrested in December 1998. According to her parents, she was placed in solitary confinement and denied family visits for seventeen days after her arrest.

Palestinian security forces carried out sweeping arrests of secondary school and university students in the West Bank in response to violent demonstrations there, detaining many who reportedly took no part in the demonstrations or in acts of violence.

Several of the students reported that they were kicked and beaten in Palestinian General Intelligence and Preventive Security Service detention centers (see Israel, the Occupied West Bank and Gaza Strip, and Palestinian Authority chapter).

In November 1999, the Inter-American Court of Human Rights found Guatemala responsible for the 1990 deaths of five street youth ranging in age from fifteen to twenty. Police officers shot four of the youth in the head and the fifth in the back; the officers then abandoned the bodies in Guatemala City's Bosque de San Nicolás. The court noted that the officers' actions in the case were consistent with a pattern of illegal acts against street children that included threats,

arbitrary arrest, cruel, inhuman, and degrading treatment, and extrajudicial execution. The decision was the first by a regional human rights tribunal to address violations of the rights of street children.

Following the Inter-American Court's decision, Guatemala showed increased willingness to acknowledge abuses committed by its security forces against street children. At a hearing before the Inter-American Commission on Human Rights in March 2000, Guatemala accepted full responsibility for the death of Marcos Fidel Quisquinay, a thirteen-year-old killed in 1994 when two individuals handed him a bag of food containing explosives. In July 2000, Guatemalan authorities arrested a private security guard for the 1994 murder of a seventeen-year-old street youth. Also in July, the Guatemalan Human Rights Ombudsman found members of the National Civil Police's former Special Forces unit responsible for sexually assaulting a fifteen-year-old girl in front of another fifteen-year-old street child.

### Conditions of Confinement

Children throughout the world continued to be confined in conditions that violated international law and standards. In many cases, children in confinement were subjected to violence at the hands of guards and other detainees, commingled with adults, denied access to education, medical, or mental health services, deprived of family visits, religious services, and other important contacts with their communities, and even denied adequate food or basic sanitary facilities.

Palestinian youth held in Israel's Telmond Prison said they were held in overcrowded conditions and experienced difficulties in receiving family visits and medical treatment. In addition, in November 1997, a Tel Aviv court ordered the prison authority to provide detained Palestinian children with an education equivalent to that offered to detained Jewish children, with the exception of instruction in subjects defined only as those that "threaten the security of Israel." According to Defence for Children Interna-

tional/Palestinian Section, the prison authority failed to implement the decision fully.

Children in Russia's investigation and pretrial detention centers were also subjected to cramped, filthy, and dangerous conditions. In December 1999, a representative of a local NGO observed twenty-eight boys in a cell with eighteen beds, only twelve of which had mattresses; the boys slept in rotations. The representative told Human Rights Watch that one boy was severely beaten by other youth: at the instigation of guards, another boy stood in the center of the cell, blindfolded and swinging a plastic bottle full of water; the others repeatedly pushed the first boy within range of the swinging bottle. The representative described the boy who had been beaten as "covered in bruises of every shape and color."

Human Rights Watch received reliable reports that children under eighteen were regularly held in adult detention facilities in Bahrain. Local NGOs in Cambodia, the Dominican Republic, Kenya, Mali, Nicaragua, Pakistan, Russia, South Africa, and Zambia also reported that children and adults were at times commingled, in violation of the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights (ICCPR). Each of these countries was a state party to the Convention on the Rights of the Child; all except for Bahrain and Pakistan were states party to the ICCPR.

In March 1999, the Inter-American Commission on Human Rights ordered Honduras to compensate children detained in adult prisons between 1993 and 1997 to remedy Honduras' violations of the American Convention on Human Rights. By September 2000, however, only a few of the youth had received payment.

In the United States, abuses in South Dakota's juvenile detention facilities came to light after Gina Score, fourteen, collapsed and died during a forced run at the state's boot camp for girls in July 1999. Following her death, other youth and their parents charged that guards routinely shackled youth in spread-eagled fashion after cutting their

clothes off (a practice known as “four-pointing”), chained youth inside their cells (“bumpering”), and placed children in isolation twenty-three hours a day for extended periods of time. Girls held in the State Training School reported that they were strip-searched by male guards, sprayed with pepper spray while naked, and handcuffed spread-eagled to their beds. Human Rights Watch wrote to South Dakota Governor William Janklow in March 2000 to urge him to revamp policies and practices at all state juvenile detention facilities. The governor did not respond to our letter.

Prompted by Human Rights Watch’s 1999 report on children in adult jails in the U.S. state of Maryland, community pressure, federal inquiries, and in some cases the prospect of litigation, detention officials in Maryland took some steps to address deficiencies in education. The Baltimore City Detention Center’s school added additional teachers to its staff and began to offer a full school day to youth in the general population and protective custody sections, but youth in other sections, including segregation, continued to be deprived of regular classroom instruction. The Frederick County Detention Center entered into an agreement with the U.S. Department of Education to provide appropriate special education to all detainees under twenty-one years of age, as required by federal law. In Prince George’s County—where youth were receiving no education at the time of our visit—the Department of Corrections and the county board of education agreed to provide educational services in September 2000, several months after the American Civil Liberties Union Fund of the National Capital Area notified the department that it intended to initiate a lawsuit.

In a welcome development, the Civil Rights Division of the U.S. Department of Justice notified Maryland Gov. Parris N. Glendening on October 16 that it would investigate conditions for all 3,000 detainees at the Baltimore City Detention Center, including an examination of whether youth were “subjected to excessive use of isola-

tion.” The division also planned to examine whether detainees, including youth, received appropriate medical and mental health care and adequate protection from harm.

In September 2000, the U.S. state of Louisiana agreed to implement significant changes in its juvenile detention system to protect youth from physical, sexual, and mental abuse and provide them with rehabilitative services and medical, dental, and mental health care. Under the settlement, health care services will be provided by the Louisiana State University School of Medicine; independent monitors chosen by the U.S. Department of Justice and lawyers for youth in detention will conduct regular compliance inspections. Educational services were addressed in an earlier settlement, reached in November 1999. The settlement brought an end to some twenty-seven years of litigation over juvenile detention conditions in the state. The Department of Justice had intervened in the lawsuits following a 1995 Human Rights Watch investigation and report.

### **Trial and Sentencing Practices**

The trend in the United States of trying more children in the adult criminal system continued in 2000, depriving youth of the variety of rehabilitative dispositions that are available in juvenile proceedings. In California, voters approved a measure in March that made transfer to the adult system mandatory in some cases and gave prosecutors the final word in many others; before the measure’s passage, youth were transferred to the adult system only after a judicial hearing. Even with the procedural safeguards of judicial transfers, minority youth in California and elsewhere in the United States were significantly more likely to be sent to adult courts than their white counterparts. A Justice Policy Institute study found that compared with white youth, children of color in California were 2.8 times more likely to be charged with violent crimes, 6.2 times more likely to be tried in adult court, and seven times more likely to be sentenced to prison when they were tried as adults.

In Pakistan, President Rafiq Tarar announced the promulgation in July of the Juvenile Justice System Ordinance, the country's first federal juvenile justice law. Incorporating the recommendations of Human Rights Watch, local NGOs, and the Pakistan Law Commission, the ordinance prohibited the imposition of the death penalty on children under the age of eighteen, provided a right to legal assistance at the state's expense, authorized the creation of juvenile courts with exclusive jurisdiction over juvenile cases, prohibited joint trials of adults and children, and required probation officers to prepare a report on the child's circumstances prior to adjudication. In addition, Punjab began to apply its provincial juvenile justice legislation, the Youthful Offenders Ordinance, throughout the province; it had previously been in force only in the district of Sahiwal.

### **The Death Penalty**

Five individuals were executed between January and October 2000 for crimes committed when they were under the age of eighteen. Four of these executions took place in the United States; the Democratic Republic of Congo (DRC) carried out the fifth. The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child forbid the imposition of the death penalty on juvenile offenders.

Douglas Christopher Thomas and Steven Roach were put to death in the U.S. state of Virginia in January 2000. The state of Texas executed Glenn McGinnis in January 2000 and Shaka Sankofa (Gary Graham) in June 2000. Texas and Virginia together accounted for over 70 percent of juvenile executions and nearly half of all death sentences carried out nationwide between 1976, when the death penalty was reinstated, and October 2000 (see section on United States).

The highest court of the U.S. state of Georgia postponed Alexander Williams' execution one day before his death sentence was scheduled to be carried out in August 2000; at this writing, the court had not reached a decision on his appeal. Williams would

have been the fifth juvenile offender put to death in the United States during the year. The last time five or more juvenile offenders were executed in a single year in the United States was in 1954, when six people were put to death for crimes they committed as children.

Of the thirty-eight U.S. states that retained the death penalty, twenty-three permitted its imposition for crimes committed under the age of eighteen. Eighteen states allowed executions for crimes committed by sixteen-year-olds. Including Williams, seventy-one juvenile offenders were on death row in the United States as of July 1, 2000.

In Congo, a fourteen-year-old child soldier was executed in January 2000 shortly after being sentenced to death by the country's Court of Military Order. Established in 1997 by a presidential decree that was itself of questionable legality, the military court did not safeguard the due process rights of those brought before it. In particular, those convicted by the court had no right to appeal; the second president of the military court told Human Rights Watch in late 1998 that those condemned to death could legally be executed immediately following judgment. The sole power to commute death sentences lay with President Kabila, who was known to have granted only two pardons, including one for a thirteen-year-old soldier who had been sentenced to death in March 1998 (see Congo chapter).

Iran and Nigeria were the only other countries that were known to continue to permit the death penalty to be imposed on juvenile offenders. Iran executed a seventeen-year-old in October 1999; Nigeria carried out a death sentence against a seventeen-year-old in July 1997 for a crime committed at the age of fifteen.

Pakistan's July 2000 juvenile justice ordinance raised the minimum age at the time of the offense to eighteen for capital punishment to be imposed, three years after its last reported execution of an adolescent offender. China and Yemen banned the execution of juvenile offenders in 1997 and 1994, respectively.

### Child Labor

After its unanimous adoption by 174 nations in June 1999, the new Convention on the Worst Forms of Child Labor (ILO Convention 182) had by mid-2000 achieved the fastest pace of ratification in ILO history. By late September, thirty-seven countries had ratified the convention, which entered into force on November 19, 2000. The new convention represented a global consensus to end the most abhorrent forms of child labor, and required states to take immediate measures to abolish such practices as child slavery, trafficking, debt bondage, child prostitution and pornography, and forced labor, including the forced recruitment of children for use in armed conflict.

A growing international commitment to address child labor was also seen through new and innovative programs for at-risk children and their families. In Latin America, programs in Brazil and Mexico provided monthly stipends for low-income families who kept children in school. The programs, which sometimes also provided after-school activities and income generating projects for families, served over 2.5 million children, and were designed to provide incentives for education and offset the poverty that most often drives poor children into the workplace. Similar initiatives were planned for Ecuador, Honduras, and Nicaragua.

Some ninety countries were engaged in the ILO's International Programme on the Elimination of Child Labour (IPEC). From just one donor country and six participating states in 1992, IPEC in 2000 had nearly twenty-five donors and more than sixty-five participating countries. In partnership with UNICEF, trade unions, the private sector, and nongovernmental organizations, IPEC initiated dozens of programs to prevent child labor, remove children from child labor and provide them with rehabilitation and relevant education, and provide their parents with improved livelihoods, jobs, or income.

The United States increased its contributions to IPEC from U.S. \$3 million per year to \$30 million per year over the last four years—a ten-fold increase that doubled

IPEC's budget. In May, the U.S. Congress also adopted a landmark trade bill, which for the first time conditions U.S. trade benefits on a country's progress in eliminating the worst forms of child labor. The Trade and Development Act of 2000 denies U.S. trade preferences to countries in sub-Saharan Africa, the Caribbean, and Central America that have not implemented their commitments to eliminate the worst forms of child labor as established by ILO Convention 182.

However, despite increased donor support, programs and legal commitments, abusive child labor remained a serious problem around the world. The ILO estimated that 250 million children between five and fourteen worked for a living, and that over 50 million children under age twelve worked in hazardous circumstances. Child laborers hauled wagons underground in coal mines, drew molten glass in stifling temperatures, worked with glues and solvents in the shoe and leather industry, bent over carpet looms, picked garbage from dump sites, and toiled long hours as domestic workers.

One of the most common forms of child labor in both industrialized and developing countries was the use of children in agriculture. In the United States, over 300,000 children worked as hired laborers on commercial farms, frequently under dangerous and grueling conditions. Human Rights Watch found that child farmworkers in the United States worked long hours for little pay and risked pesticide poisoning, heat illnesses, injuries, and life-long disabilities. They accounted for 8 percent of working children in the United States but suffered 40 percent of work-related fatalities.

Children working on U.S. farms often worked twelve-hour days, sometimes beginning at 3:00 or 4:00 a.m. They reported routine exposure to dangerous pesticides that cause cancer and brain damage, with short-term symptoms including rashes, headaches, dizziness, nausea, and vomiting. Young farmworkers became dizzy from laboring in 100°F temperatures without adequate access to drinking water, and were forced to work without access to toilets or

hand washing facilities.

Agriculture was the most dangerous occupation open to children in the United States and caused high rates of injury from work with knives, other sharp tools, and heavy equipment. An estimated 100,000 children suffered agriculture-related injuries during the year.

Long hours of work also interfered with the education of children working in the fields, making them miss school and leaving them too exhausted to study or stay awake in class. Only 55 percent of farmworker children in the United States finished high school.

The plight of child farmworkers in the United States was rooted in poverty-level wages that left adult farmworkers unable to support their children, weak enforcement of child labor laws, and inadequate legal protections that allowed children in agriculture to work at younger ages, for longer hours and under more hazardous conditions than minors in other jobs. Federal laws dating back to 1938 permitted children as young as twelve to work unlimited hours in agriculture, and allowed children of sixteen to work under hazardous conditions. In contrast, children in other occupations could not work before age fourteen, could only work three hours on a school day until age sixteen, and were not allowed to perform hazardous work until age eighteen. Because 85 percent of U.S. farmworkers were racial minorities—the vast majority Latino—the law's double standard amounted to de facto race-based discrimination.

Even to the limited extent that U.S. laws did protect farmworker children, they were not adequately enforced. The U.S. Department of Labor, charged with enforcement of the child labor, wage and hour provisions of federal labor law, cited only 104 cases of child labor violations in fiscal year 1998, even though an estimated one million child labor violations occur in U.S. agriculture every year. Compounding the problem, penalties were typically too weak to discourage employers from using illegal child labor.

On September 25, 2000, Senator Tom

Harkin introduced legislation to amend U.S. labor laws to protect all working children equally. The bill was pending before the Senate Committee on Health, Education, Labor, and Pensions at this writing.

In Egypt, an estimated 1.2 million children took part in controlling cotton leafworm infestations during the summer months, by manually removing damaged portions of leaves. In October 1999, Human Rights Watch conducted an investigation into the use of child labor in Egyptian cotton pest management and found that the children were typically hired well below the minimum age for seasonal agricultural employment in Egypt, labored far in excess of the hours and days permitted under Egypt's Child Law, and were routinely beaten by their foremen. They also faced serious health risks posed by exposure to heat and, in some cases, pesticides.

The children were employed by the agricultural cooperative societies in their respective villages, acting under the authority of the agriculture ministry. According to an agricultural engineer with one of the cooperatives, children were exclusively recruited for the work because they could be paid less than adults, were more obedient, and had the appropriate height for removing damaged leaves. Although the Child Law set the minimum age for seasonal agricultural employment at twelve years, a majority of children engaged in leafworm control operations were below the age of twelve, with a significant proportion employed from the age of seven or eight.

Cooperatives appeared to have little difficulty in recruiting children. Growing rural poverty, coupled with a steady decline in the percentage of farm land allocated to cotton, gave rise to an ample supply of child wage labor in much of rural Egypt. Children typically earned an average of E£3 (about U.S. \$1) per day and worked from 7:00 a.m. to 6:00 p.m. daily, with a one to two hour midday break, seven days a week. Supervising groups of fifteen to thirty, foremen routinely beat children with wooden switches whenever they perceived a child to be slow-

ing down or overlooking leaves.

Measures to protect working children from heat-related illnesses were inconsistent and often inadequate. For example, children in some villages had to bear the cost of purchasing protective caps as well as a pail for storing water. Requests for water were often granted only at the discretion of their foremen.

In some cases, children may have been exposed to toxic organophosphate and carbamate pesticides. Such exposure can lead to pesticide poisoning that is both acute—with effects such as dizziness, vomiting, or diarrhea—and chronic, including disruption of the nervous, endocrine, or reproductive systems. In the villages Human Rights Watch visited, children either resumed work immediately after the fields were sprayed or following a twenty-four to forty-eight hour hiatus, which may still have been inadequate given the heightened susceptibility of children to pesticide intoxication. Although the agriculture ministry adopted an integrated pest management program to reduce pesticide use, farmers addressed a perceived shortfall in pesticide application with additional spraying of their own, often with readily available pesticides identified as highly hazardous by the World Health Organization.

### **Violence and Discrimination Against Students**

Many children around the world experienced violence and discrimination as a regular part of their school experience. In some cases, school officials participated in acts of intolerance, ostracization, and violence directed at particular youth because of their gender, race, ethnicity, religion, nationality, sexual orientation, social group, or other status. In others, authorities failed to intervene to protect students from harassment and attacks by their classmates.

In many parts of the world, minority children did not have access to an education on equal terms with their peers from majority families. In some cases, minority children were placed in separate, inferior schools, or restricted to vocational curricula; in other

instances, they were denied access to schools altogether.

In one case brought in July, a Jerusalem city counselor submitted a petition to the Israeli Supreme Court on behalf of 117 school children who were refused enrollment in Jerusalem public schools, in violation of Israeli law. The petitioner alleged that up to 2,000 children had been turned away in 1999 and thousands more had never applied because they did not know they had a right to public education.

Human Rights Watch also received reports of discrimination against Greek children in Turkey, Turkish children in Greece, Roma children in Bulgaria, Albanian children in Macedonia, Rohingya children in Malaysia, Bidun children in Kuwait, the children of Haitians in the Dominican Republic, and elsewhere.

Girls in many countries endured sexual harassment and abuse in educational settings at the hands of teachers and other students. In South Africa, for example, a 1998 study by CIETAfrica, an NGO researching sexual violence, found that one in every three Johannesburg girls experienced sexual violence at school; two thirds of those subjected to sexual violence did not report the abuse to anyone. Human Rights Watch interviews in March and April confirmed that sexual abuse and harassment of girls by teachers and other students is widespread.

Lesbian, gay, bisexual, and transgender students in the United States and elsewhere were frequently targeted for harassment by their peers. Lesbian, gay, and bisexual youth were nearly three times as likely as their peers to have been involved in at least one physical fight in school, three times as likely to have been threatened or injured with a weapon at school, and nearly four times as likely to skip school because they felt unsafe, according to the 1999 Massachusetts Youth Risk Behavior Survey. Most alarmingly, the survey found that those who identified as lesbian, gay, or bisexual were more than twice as likely to consider suicide and more than four times as likely to attempt suicide than their peers.

Efforts to provide a safe, supportive environment for lesbian, gay, bisexual, and transgender students in the United States were hampered by discriminatory legislation in several states. For example, a South Carolina statute provided that health education in public school “may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.” Similarly, a measure on the November ballot in Oregon would provide that “the instruction of behaviors relating to homosexuality and bisexuality shall not be presented in a public school in a manner which encourages, promotes, or sanctions such behaviors.”

In addition to these challenges, many students also faced hostile school administrations. In two particularly prolonged disputes, school districts in Utah and California attempted to deny students the right to form clubs known as gay-straight alliances, in violation of the federal Equal Access Act. California’s Orange Unified School District settled a lawsuit with El Modena High School students in September 2000, permitting their group to meet on school grounds and use the school’s public address system to announce club meetings. The same month, Utah’s Salt Lake City School Board voted to permit student noncurricular clubs to meet on school grounds, reversing a 1995 decision that had abolished all noncurricular clubs in an effort to bar East High School’s gay-straight alliance.

Several states had legislation or programs in place to address harassment and violence of lesbian, gay, bisexual, and transgender youth. California, Connecticut, Massachusetts, and Wisconsin explicitly prohibited harassment and discrimination against teachers or students on the basis of sexual orientation. Massachusetts and Vermont, the only states to include questions relating to sexual orientation on statewide youth risk behavior surveys, had state programs to provide support to gay, lesbian, and bisexual youth. Challenges remained in

implementing these programs and statutory protections and in preventing their erosion; in Vermont, for example, a backlash against “civil union” legislation enacted in April, which provided same-sex couples with recognition and benefits similar to those of marriage, threatened funding for the state’s youth program.

In a welcome development, Kenyan Education Minister Kalonzo Musyoka announced in June that the government would ban corporal punishment in schools. This positive step followed a 1999 Human Rights Watch report that found that teachers routinely ignored nominal restraints on corporal punishment, caning children for minor 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. Students subjected to corporal punishment suffered physical injuries, psychological scars, and, in extreme cases, death.

In Thailand, the Ministry of Education announced in September that corporal punishment would be banned in schools beginning on November 1. South Africa’s Constitutional Court upheld a prohibition on corporal punishment in August. In Tanzania, in contrast, the Ministry of Education rejected efforts to abolish corporal punishment in the country’s schools.

### **Relevant Human Rights Watch Reports:**

*Burundi: Emptying the Hills: Regroupment Camps in Burundi, 7/00*

*Japan: Owed Justice: Thai Women Trafficked into Debt Bondage in Japan, 9/00*

*Kuwait: Promises Betrayed: Denial of Rights of Bidun, Women, and Freedom of Expression, 10/00*

*Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia, 8/00*

*Tanzania: Seeking Protection: Addressing Sexual and Domestic Violence in Tanzania’s Refugee Camps, 9/00*

*Turkey: Human Rights and the European Union Accession Partnership, 9/00*

*United States: Fingers to the Bone: United States Failure to Protect Child Farmworkers, 6/00*





