

HUMAN RIGHTS WATCH WORLD REPORT 2002

CHILDREN'S RIGHTS



A street child in Bombay, India.

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CHILDREN'S RIGHTS

Violations of children's rights were all too common in 2001. Children were beaten and tortured by police, forced to work long hours under hazardous conditions, or warehoused in detention centers and orphanages. Millions crossed international borders in search of safety or were displaced within their own countries. Hundreds of thousands served as soldiers in armed conflicts.

In documenting human rights abuses, Human Rights Watch has traditionally focused its efforts on monitoring state compliance with civil and political rights. But the denial of economic and social rights, such as the right to education, health, or shelter, often bars individuals from the effective enjoyment of their civil and political rights.

Children are especially vulnerable to this dynamic. They frequently do not benefit from the progressive realization of economic and social rights—to the contrary, they often suffer discrimination in basic education, health care, and other services. In particular, girls are often subjected to intentionally discriminatory treatment or disproportionately affected by abuses. The deprivation of these fundamental rights prevents children from realizing their full potential later in life. With limited capacity to participate as equals in civil society, they are ill-equipped as adults to defend their rights and to secure these rights for their own children.

In recognition of these facts, Human Rights Watch examined children's access to education, focusing on violence and discriminatory treatment in schools—often at the hands of other students with official acquiescence or encouragement, in extreme cases perpetrated by teachers and other staff members. We also began to examine the devastating effect of the human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) pandemic on children around the world. At the same time, we continued to monitor the human rights abuses suffered by child soldiers, children in conflict with the law, children who were refugees, migrants, stateless, or deprived of the benefits of citizenship, and children who labored under hazardous conditions.

Effective remedies for these children must include a reaffirmation of their civil and political rights. No girl or boy should be made a child soldier or a bonded laborer. No child should be excluded from school because of her caste, color, religion, or gender. At the same time, real protection from such abuses requires measures to ensure that children enjoy access to education and health services and protection for their other economic and social rights.

VIOLATIONS OF THE RIGHT TO EDUCATION

“Children do not lose their human rights by virtue of passing through the school gates.”

*United Nations Committee on the Rights of the Child,
General Comment No. 1, The Aims of Education, April 2001*

The Convention on the Rights of the Child establishes that children enjoy the right to an education. Article 29 of the convention specifies five goals of education, including “the development of the child’s personality, talents and mental and physical abilities to their fullest potential,” “the development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own,” and “the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendships among all peoples, ethnic, national and religious groups and persons of indigenous origin.”

Children have the right to freedom from discrimination in education. This right flows from the nondiscrimination provisions of the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination. It is explicitly guaranteed in the Convention against Discrimination in Education, which had ninety states party as of July 2001.

As with other economic, social, and cultural rights, the right to education may be achieved progressively. A state party to the International Covenant on Economic, Social and Cultural Rights agrees “to take steps . . . to the maximum of its available resources” to realize the right to education. But the prohibition on discrimination in education is not progressive. As the Committee on Economic, Social and Cultural Rights has observed, the right to freedom from discrimination in education “is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination.”

Instead of facilitating the healthy development of children and providing them with equal opportunities for education, schools were too often sites of intolerance and discrimination. In some cases, school officials failed to protect students from harassment or attacks by classmates. In others, they themselves participated in harassment or violence against particular youth because of their gender, race, ethnicity, religion, nationality, sexual orientation, social group, or other status.

In many parts of the world, children from minorities and other socially disadvantaged groups were denied education or segregated in inferior educational programs that limited their opportunities for growth and restricted their access to higher education and employment.

A 2001 Human Rights Watch investigation found pervasive and systematic discrimination against nearly one-fourth of Israel’s 1.6 million schoolchildren—Palestinian Arab citizens—who were educated in a public school system that was

wholly separate from the schools of the Jewish majority. The Israeli government spent less per Palestinian Arab child than per Jewish child, and Arab schools were inferior to Jewish schools in virtually every respect. Arab schools offered fewer facilities and educational opportunities than were offered other Israeli children, and some lacked basic learning facilities like libraries, computers, science laboratories, and recreation space. Palestinian Arab children attended schools with larger classes and fewer teachers than those in the Jewish school system, with some children having to travel long distances to reach the nearest school. Palestinian Arab children with disabilities were particularly marginalized. Many Palestinian Arab communities lacked kindergartens for three- and four-year-old students, despite legislation making such schools—and attendance—obligatory. Jewish three-year-olds attended kindergarten at four times the rate of their Palestinian Arab counterparts; Jewish four-year-olds at three times the rate.

Palestinian Arab students studied from a government-prescribed Arabic curriculum that was derived from the Hebrew curriculum: common subjects were developed with little or no Palestinian Arab participation, and they were translated years after the Hebrew language material was published. The government devoted inadequate resources to developing the subjects unique to Arab education, and Palestinian Arab teachers had significantly less choice in textbooks and teaching materials than did Jewish teachers. The curricula's content often alienated students and teachers alike, particularly the study of Jewish religious texts, which was required in secondary-level Hebrew language classes.

Palestinian Arab students dropped out of school at three times the rate of Jewish students and were less likely to pass the national exams common to the two systems for a high school diploma. Only a handful made it to university. Among Palestinian Arabs, the Negev Bedouin and children in villages not recognized as legal by the Israeli government fared the worst in every respect. In its 2001 report to the Committee on the Rights of the Child, Israel acknowledged the gaps between Arab and Jewish education, but as of October 2001 it had failed to take necessary steps to equalize the two systems.

In countries throughout Europe, Romani children, sometimes known as Gypsies, received substandard education when they attended schools at all. In November 2000 the parents association of Greece's Halastra Public School closed the school to prevent enrollment of thirty-two Romani children. The Romani children were split up and sent to different schools, often quite far from their homes. Segregation also took the form of educational tracking, in which Romani children were arbitrarily sent to "special schools" for children with cognitive deficits or behavioral problems. According to the European Roma Rights Center, Romani children in the Czech Republic were fifteen times more likely to be placed in remedial education, placement that greatly restricted their secondary school opportunities. When Romani children did attend integrated schools, they often faced harassment by other students and lowered expectations from teachers, factors that contributed to their high dropout rates.

In many countries in Asia and Africa, including Nepal, Sri Lanka, and Japan, children whose parents belonged to lower-caste or other shunned descent-based social groups faced widespread discrimination in access to education and had markedly lower literacy rates and school attendance rates than the general popula-

tion. In India, Dalit children, also called “untouchables,” were largely segregated from others and restricted to the worst government schools, deficient in basic infrastructure, classrooms, teachers, and teaching aids, where they faced abusive, discriminatory treatment at the hands of their teachers and fellow students. Half of all Dalit children did not complete primary school, and less than one-quarter completed secondary school, despite state assistance in primary education and constitutional provisions guaranteeing free, compulsory primary education for all children up to age fourteen. Those children who did stay in school were typically enrolled in vernacular schools, whose graduates suffered serious disadvantages in a job market that favored English-language school graduates.

Children in detention were frequently denied their right to an education on equal terms with their peers. We found that, with the exception of the few juvenile institutions, Pakistan’s prisons did not provide education to children in juvenile wards. Religious foundations provided religious instruction; secular subjects were rarely available and when they were, were taught by adult prisoners not necessarily trained as teachers. Children in the three detention facilities specifically designed for youth receive education through the eighth grade, but educational facilities were understaffed and provided with few or no teaching aids. In Kenya, we found that some juvenile detention centers provided secondary school instruction only to boys, while other facilities offered no secondary education at all. Palestinian children detained in Israel’s Telmond Prison continued to be denied an education equivalent to that of detained Jewish children. In the United States, Human Rights Watch’s investigation of detention facilities in the states of Louisiana and Maryland found that the education offered was in many cases seriously deficient; some facilities offered no classes whatsoever for some or all of their juvenile detainees. Detention officials implemented changes only after the release of our reports, pressure by local groups, and investigations by the U.S. Department of Justice or the U.S. Department of Education.

Noncitizen children were often denied any education at all when states set impossibly high barriers to education for refugee, asylum seeker, immigrant, and stateless children. Many countries required schools to report on students’ or parents’ legal status, knowing that undocumented migrants’ fear of deportation would lead them to keep their children at home. In February 2001, the Greek parliament considered draft legislation that would have required migrant children to provide documentation showing their legal status in Greece in order to enroll in public schools. The requirement of such documentation would have effectively barred school attendance for children of undocumented or irregular migrants. The provisions were dropped from the final bill following protests by Greek nongovernmental organizations, migrants groups, and Human Rights Watch (see Greece).

A 2000 Human Rights Watch report found that Kuwaiti government officials frequently denied children of Bidun residents the birth certificates and other official documents needed to attend public and private schools, claiming they were “illegal residents” even when their families had lived in Kuwait for decades, or even generations. Human Rights Watch’s 2000 report on Rohingya refugees from Burma found that Malaysian officials frequently expelled Rohingya children from primary schools when they could not prove legal residency, despite a provision in Malaysia’s

constitution that granted citizenship to children born on its territory who, like these refugees, would otherwise be stateless.

Children born in the Dominican Republic to Haitian parents were routinely denied identity documents even though the Dominican constitution conferred citizenship on all persons born within the country. Lacking legal documentation, children of Haitian descent were frequently denied access to Dominican schools. Although primary schools tended to be flexible with regard to the admission of undocumented children, policies varied from district to district. Undocumented children were generally denied high school diplomas, and, in many cases, were not allowed to take the mandatory national examinations that were a prerequisite for entry into secondary school. In July 2001, the Dominican vice president announced that public schools would be instructed to admit all children, regardless of documentation, but as of this writing it was not clear that this decision was being implemented.

Children in conflict zones braved tremendous dangers to reach those schools still in operation. Following the September 29, 2000 renewal of violent clashes in the Israeli-occupied West Bank and Gaza Strip (see Israel, the Occupied West Bank and Gaza Strip, and Palestinian Authority Territories), Palestinian children were frequently blocked from attending school by widespread road closures, curfews, and attacks by armed Israeli soldiers and settlers. Those who did reach school did not always find safety. In dozens of reported incidences, schools have been tear gassed, hit by live ammunition, or damaged by artillery shell fragments. Some Jewish Israeli children living in illegal but government-sponsored settlements in the West Bank and Gaza Strip faced difficulties in reaching schools as armed Palestinians increasingly targeted for attacks Israelis traveling or living in these areas. For example, on November 20, 2000, five Israeli children from the Kafr Darom settlement in the Gaza Strip were injured, three seriously, when Palestinian militants detonated a roadside bomb as a caravan of military and civilian vehicles passed. The children were on their way to a school in a nearby settlement. A teacher and a school worker traveling with them were killed.

Human Rights Watch investigations during the clashes found that in the Israeli-controlled H-2 section of Hebron, Palestinian schools serving some 12,000 children were closed for almost five months during almost continuous curfews imposed on Palestinians. Israel announced in January 2001 that schools in the area would be allowed to operate during curfews, but Israeli soldiers continued to prevent some teachers and students from reaching these schools, and three major schools serving 1,845 students remained closed because Israel had turned their grounds into military bases. Children living in the H-2 area who transferred to schools in Palestinian-controlled areas were still subject to the curfew, and Israeli soldiers often prevented them from returning home at night if a curfew was reimposed. Palestinian primary school students in Hebron told Human Rights Watch that they were frequently cursed, stoned, or beaten by armed settlers while on their way to or from school. Israeli soldiers or police rarely intervened, they said, except to beat or arrest Palestinian children who struck back.

In Northern Ireland, parents and politicians complained that police failed to adequately protect Catholic minority school children from attacks in September

2001 by Loyalist protesters. (Some Unionists—those who want to maintain the union between Northern Ireland and the United Kingdom—call themselves “Loyalists,” some of whom support the use of violence for political ends.) The protesters sought to keep the children from reaching the Holy Cross Primary School, a Catholic school located near a Protestant-dominated enclave in the Ardoyne section of Belfast. Loyalist protesters spit, cursed, and threw bottles and stones at the children and their parents. A Loyalist paramilitary organization took responsibility for a petrol bomb explosion outside the school while children and parents were approaching. Loyalist paramilitaries warned parents to keep their children away from the school and police informed some parents that death threats had been issued against them.

In eastern Democratic Republic of Congo, a December 2000 investigation by Human Rights Watch found that schools were a common site of child recruitment by rebel groups backed by Rwanda. Frequent targeting of schools for such recruitment caused some parents to keep their children from attending school and some schools to be shut down. Because soldiers are known to abduct children from school, the mere appearance of soldiers in the vicinity of a school can cause the children to panic. In December 2000, soldiers approached a secondary school near Goma one morning while classes were underway; the students scattered and ran. The school suspended classes for some time afterward as parents and pupils were not prepared to risk further raids by soldiers bent on seizing students to serve as child soldiers.

Elsewhere in the region, a Burundi rebel group abducted more than 150 students from two schools in November 2001 and burned several classrooms.

Worldwide, children of many social groups were all too often subject to violence and harassment that undermined their opportunities to learn, caused them to drop out of school, or resulted in psychological trauma, physical injury, and even death.

Lesbian, gay, bisexual, and transgender youth in many U.S. schools were subjected to unrelenting harassment from their peers. A 2001 Human Rights Watch report found that harassment and violence against lesbian, gay, bisexual, and transgender youth took many forms, including brutal physical attacks, mock rapes, unwelcome sexual advances and other acts of sexual harassment, taunts, obscene notes or graffiti, and the destruction of personal property.

Over time, verbal harassment often escalated into physical violence. These abuses were compounded by the failure of federal, state, and local governments to enact laws that would provide students with express protection from discrimination based on their actual or perceived sexual orientation or gender identity.

Such abuses were not limited to the United States. Researchers studying lesbian, gay, bisexual, and transgender youth in Australia, Canada, France, New Zealand, and the United Kingdom, among other countries, reached similar conclusions about the pervasiveness of antigay violence in schools. The Europe Region of the International Lesbian and Gay Association concluded that teachers and other adults were “more likely to reject than support” gay and lesbian youth. Amnesty International reported that gay youth elsewhere in the world suffered torture and ill-treatment because of their sexual orientation or gender identity.

Discrimination, harassment, and violence hampered students’ ability to get an

education and took a tremendous toll on their emotional well-being. Perhaps because so many lesbian, gay, bisexual, and transgender youth experienced abuses on a daily basis, these youth were more likely than their heterosexual peers to use alcohol or other drugs, engage in risky sexual behaviors, or run away from home. A disproportionate number of lesbian, gay, bisexual, and transgender youth attempted or considered suicide—youth who report attractions to or relationships with persons of the same sex were more than twice as likely as their heterosexual counterparts to attempt suicide, a 1998 study found.

The abuse of lesbian, gay, bisexual, and transgender youth was frequently predicated on the belief that girls and boys must adhere strictly to rigid rules of conduct, dress, and appearances based on their sex. That is, homophobia was linked to stereotypical gender roles. Boys were expected to be athletic, strong, stoic, and dominant relative to girls. Girls were expected to be attentive to boys and to accept a subordinate status to them. Regardless of their sexual orientation or gender identity, youth who violated these rules ran the risk of punishment at the hands of their peers and at times by adults. Transgender youth were the most vulnerable to violence by peers and harassment by adults.

Discussions of antigay violence in schools often focused on the youthful perpetrators of these acts and failed to consider the responsibility of teachers and other school officials to maintain a safe learning environment for all youth.

Despite the pervasiveness of the abuse, few school officials intervened to stop the harassment or to hold the abusive students accountable. The most common response to harassment, according to the students we interviewed, was no response at all. More disturbing, some teachers and administrators actually took part in acts of harassment.

In addition, teachers and administrators were themselves subjected to harassment, often with few legal recourses. In every one of the seven U.S. states that Human Rights Watch visited—California, Georgia, Kansas, Massachusetts, New York, Texas, and Utah—teachers were reluctant to be open about their sexual orientation at school because they feared losing their jobs. Of the states we visited, only California and Massachusetts prohibit discrimination in private employment on the basis of sexual orientation. Nationwide, only eleven states and the District of Columbia offer protection against sexual orientation-based discrimination in private employment; eighteen states and the District of Columbia prohibit such discrimination in private employment.

Corporal punishment was permitted as a method of school discipline in at least sixty-five countries, according to EPOCH (End Physical Punishment of Children) Worldwide. Children were spanked, slapped, caned, strapped, or beaten by teachers as a result of misbehavior, poor academic performance, or sometimes for no reason at all.

Human Rights Watch investigated the use of corporal punishment in Kenyan schools in 1999, visiting twenty schools and interviewing more than 200 children. We found that schoolchildren were routinely subjected to caning, slapping, and whipping by their teachers, sometimes on a daily basis. Such school “discipline” regularly resulted in bruises, cuts, and humiliation and in some cases serious injury or death.

Corporal punishment was used against Kenyan students for a wide range of disciplinary infractions, some of which were serious and others extraordinarily minor. For example, children were physically punished for coming to school late, missing school without permission (even for illness), or having a dirty or torn school uniform. They were also punished for unsatisfactory performance or for not being able to afford school fees.

In a welcome development in April 2001, Kenya's minister of education formally banned corporal punishment in the schools as a matter of policy and proposed to Parliament the elimination of the sections of the Education Act of 1968 that provided for such punishment. However, the official notice did not establish penalties for teachers who continued to carry out acts of corporal punishment or provide for training in alternative methods of discipline. Many teachers expressed dissatisfaction with the ban, asserting that they would be unable to maintain order in the classroom without resorting to corporal punishment.

Girls constituted nearly two-thirds of the 130 million children out of school in the developing world, according to 1998 estimates by the United Nations Children's Fund. In part, this disparity reflected the serious obstacles girls faced at school. Gender-based violence—rape, sexual assault, sexual abuse, and sexual harassment—was chief among these obstacles.

In 2000, Human Rights Watch investigated gender-based violence in South Africa's schools. Based on interviews with dozens of students, teachers, and government officials, we found that South African schoolgirls of every race and economic group encountered sexual violence and harassment on a daily basis. Girls reported that they were raped in school bathrooms, in empty classrooms and hallways, and in hostels and dormitories. Girls were also fondled, subjected to aggressive sexual advances, and verbally degraded at school. They suffered such abuses at the hands of both teachers and other students.

Too often, school authorities concealed sexual violence and delayed disciplinary action against those who committed such acts. Some school officials failed to respond adequately because they simply did not know what to do; some responded with hostility and indifference toward girls who complained of sexual violence and harassment. Others were afraid to assist their students. In many instances, schools actively discouraged the victims of school-based sexual violence from alerting anyone outside the school.

The South African government has recognized publicly the problems faced in prosecuting cases of violence against women and girls in its criminal justice system. Human Rights Watch's research confirmed that coordination in such cases between the education and justice systems was often ineffective, ill-conceived, or nonexistent. School officials, police, and prosecutors were often confused about their responsibility for resolving such cases, and the tendency of all actors to shift responsibility meant that cases of violence against girls were regularly ignored.

In some countries, school officials used the threat of denial of education to intimidate or punish students whose behavior or religious belief was seen to challenge mainstream norms or dominant political trends. Girls were frequent targets of such policies. For example, beginning in 1994, and increasingly after 1997, female Muslim students of all ages in Uzbekistan faced harassment and even expul-

sion for wearing hijab, a religious head covering, to government schools. Turkey prevented girls from attending most government schools if they chose to wear hijab, and after 1997 enforced this policy increasingly energetically. Girls who continued to wear religious attire to school could be charged with "interrupting education," a criminal offence punished by incarceration for up to two years. Turkish law also allowed schools to expel girls deemed to be "unchaste," an accusation officials often made against girls who challenged conservative social norms. A 1995 Ministry of Education circular provided for high school students' "expulsion from the formal education system" based on "proof of unchastity," and in July 2001 Minister of Health Osman Durmus decreed that "virginity tests" could be performed on medical high school students "known to be having sex or engaging in prostitution." Banned since 1999, such gynecological exams involved intimidation and pain and violated girls' right to bodily integrity. Prior to the ban, some girls attempted suicide rather than submit to this abusive examination. The minister of health indicated that the implementation of such examinations was not planned, but the circular remains in force.

Girls in Taliban-controlled areas of Afghanistan were often banned from receiving all but elementary levels of education. Some girls were able to attend home-based schools secretly, but these schools were forcibly closed upon discovery. A teacher told Human Rights Watch that she and her students, girls in grades one through seven, were beaten in June 2001 by members of the Taliban's Religious Police. "The Taliban have paralyzed half of society—half of society is dead in Afghanistan because the women are prevented from working or studying," another woman explained to Human Rights Watch in September 2001 (see Afghanistan and Women's Rights).

The rapid spread of HIV/AIDS posed a particular and complex threat to children's realization of their right to education, especially in sub-Saharan Africa where the epidemic has been most destructive. In December 2000 UNICEF made its first global call for free and compulsory primary education at the African Development Forum on leadership and HIV/AIDS.

Reaching children with appropriate information on HIV transmission and care for those with AIDS is arguably the most effective means of combating the epidemic over the long term, yet schools in Africa were called upon to be part of the solution to AIDS at a time when the epidemic itself had left them weaker than ever. In many countries in eastern and southern Africa, teachers died of AIDS at rates much higher than those of the general population. The government of Zambia, for example, began reporting in 1998 that teachers in government primary and secondary schools were dying faster than they could be replaced. In many countries rural and marginal areas were particularly affected by teacher shortages when teachers ill with AIDS chose to be near the larger and better equipped hospitals in urban areas. In Botswana, the country with the highest HIV prevalence rate in the world, some government schools closed for lack of qualified staff.

Education too often became unaffordable for children in AIDS-affected families when the illness caused the incapacitation and death of breadwinners as well as expenditure of scarce household resources on medical services. As ill or dying parents became unable to pay school fees, children were called upon to leave their stud-

ies and earn income or become heads of household. A study in a heavily AIDS-affected region of Zimbabwe in 2000 found that 48 percent of primary school-age orphans had dropped out, and none orphaned by AIDS in secondary school were unable to continue their studies. In many countries, government statistics confirmed that, particularly among primary school-aged children, girls in AIDS-affected families were more likely than boys to be withdrawn from school when parents were short of resources or needed help caring for the family.

The belief that schools themselves were a locus for HIV transmission served as a barrier to children's exercising their right to education. A 1999 Oxfam study in Mozambique reported that parents cited the fear that their daughters would contract HIV at school as the principal reason for keeping their daughters out of school. Children themselves, including many of those interviewed by Human Rights Watch in Kenya in 2001, described stigmatization and ostracism of AIDS-affected children or orphans in school.

HIV/AIDS AND CHILDREN'S RIGHTS

HIV/AIDS continued to pose an acute threat to children's human rights in general. Unlike many virulent epidemics in history that have killed mainly young children and the elderly, AIDS for the most part infects and kills adults aged eighteen to forty years, in or near the most productive years of their lives. Globally, most persons in this age group are parents. Thus, for children, the epidemic too often represents both the loss of a parent or parents and exposure to the stigma and discrimination that go hand in hand with AIDS throughout the world.

In heavily affected countries, for each child who had lost a parent to AIDS, one or two school-age children were likely to be caring for an ill parent, acting as breadwinners for the household, or otherwise unable to attend school because of AIDS. Children who were not orphaned were also affected when orphans were brought into their homes or when they themselves were infected with HIV. Thus, AIDS-affected children comprised a much larger population than just orphans.

In sub-Saharan Africa—the most heavily AIDS-affected region of the world—AIDS orphaned children at a rate unprecedented in history. The United Nations conservatively estimated that by December 2000, about 13 million children under age fifteen in sub-Saharan Africa had lost their mother or both parents to AIDS. In July 2000, the United States Bureau of the Census, which keeps data on AIDS independent of the United Nations, estimated that there were about 15 million children under age fifteen who had lost at least one parent to AIDS in Africa and that by 2010 this number would be at least 28 million, including over 30 percent of all children under age fifteen in five countries of eastern and southern Africa. The percentage of the child population represented by orphans will remain very high in some African countries for decades, according to the Census Bureau.

AIDS's impact on children was felt far beyond Africa as the epidemic's devastation spread to other regions of the world. In Thailand, the estimated 300,000 deaths from AIDS since the beginning of the epidemic have resulted in many orphans, of which a large percentage are thought to be in the care of a grandparent or other rel-

ative. The most rapid spread of HIV/AIDS was experienced in Eastern Europe and the former Soviet states, where widespread use of injected drugs drove the epidemic. Children were affected both as they were drawn into drug use at a young age and as they lost their parents. Globally, access to services such as syringe exchange or simple materials for syringe sterilization, which would reduce the likelihood of HIV transmission, was limited, partly due to the stigmatization of drug users and their families. Numbers of children orphaned and otherwise made vulnerable by AIDS also grew rapidly in the heavily affected countries of the Caribbean basin.

But African children saw the worst of it. The United Nations estimated in December 2000 that 92 percent of children orphaned by AIDS were in sub-Saharan Africa, where AIDS ate away at communities already wracked by poverty, war, and corruption. In the African countries hardest hit by HIV/AIDS, the extended family was traditionally the source of support and care for orphans and other children needing special protection. In the face of enormous numbers of children without parental care, the extended family became increasingly overextended, if not completely unraveled, and unable to provide its traditional level of protection and support. The pattern was all too commonly seen: a parent became ill, the loss of his or her labor in the household or income generated outside the household and increased medical expenses impoverished the family, and school fees became unaffordable. Children were withdrawn from school and required to care for sick household members and young children, engaged in income-generating activities, or some combination of these.

Unskilled children who had to become the family breadwinners were particularly vulnerable to exploitation and being forced into the worst forms of child labor, a situation greatly exacerbated by the stigma of AIDS. The United Nations Children's Fund (UNICEF) reported in July 2001 that AIDS was pushing large numbers of children into hazardous labor in Kenya, Uganda, Mozambique, Ethiopia, Lesotho, and South Africa. An investigation of the experience of one hundred children orphaned by AIDS in South Africa, summarized in a June 2001 report by the Nelson Mandela Children's Fund, found widespread hunger and other deprivation among these children and a number of girls as young as eight being forced to engage in prostitution to survive. Other research in Africa in 2000 and 2001 attributed the large rise in the number of street children in countries such as Zambia and Kenya to HIV/AIDS.

Loss of inheritance rights was another common problem of children orphaned by AIDS, as documented by Human Rights Watch's investigation of the problem in Kenya in a report released in June 2001. AIDS orphaned over a million children in Kenya by the end of 2000 and affected many more in other ways. A large percentage of the children interviewed by Human Rights Watch experienced the unlawful appropriation of property, usually by distant relatives, that the children were entitled to inherit. NGO reports suggested that thousands of children in the country have had this experience. Property-grabbing from children on a large scale is a relatively recent phenomenon in the country, related again both to AIDS and to the deterioration of the extended family. Human Rights Watch concluded that the existing institutions of the judicial system in Kenya did not allow for adequate consideration of property cases of children and recommended that the gov-

ernment establish a streamlined, user-friendly mechanism for civil court hearings of these cases.

One of the most frequent AIDS-related rights violations suffered by children worldwide was that of their right to information on HIV/AIDS, a matter of life and death for children where the epidemic has a foothold. While most government HIV/AIDS programs in Africa have focused on information in some form, a number of reports released in 2001 showed young people to have poor access to appropriate information across Africa. This problem was compounded by the effect of AIDS on school enrollment, but even for children able to stay in school, appropriate AIDS information—particularly in the later primary school years, where it was arguably most needed—is absent from too many government curricula. In Kenya, for example, resistance by Roman Catholic leaders to education on sex and reproductive health impeded the development of an AIDS curriculum for primary and secondary schools until 2000 and continued to handicap its full implementation in 2001.

The U.N. General Assembly Special Session on HIV/AIDS in June agreed that all countries should work toward implementation by 2005 of comprehensive national programs to protect and support children affected by AIDS, including “providing appropriate counseling and psychosocial support, ensuring their enrolment in school and access to shelter . . . and protect[ing] orphans and vulnerable children from all forms of abuse, violence, exploitation, discrimination, trafficking and loss of inheritance.” The emergency already faced by children affected by AIDS urgently demanded a comprehensive response.

CHILD SOLDIERS

Support continued to grow for an international treaty prohibiting the use of children in armed conflict. The optional protocol to the Convention on the Rights of the Child, adopted by the U.N. General Assembly in May 2000, established 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. From November 2000 to mid-November 2001 the number of nations that signed the protocol grew from seventy to eighty-seven, and the number of ratifications increased from three (Canada, Bangladesh, and Sri Lanka) to ten, with the addition of Andorra, Morocco, Panama, Iceland, Vietnam, Holy See, the Democratic Republic of Congo and New Zealand. Having reached the ten ratifications needed, the protocol will enter into force on February 12, 2002.

Demobilizations of child soldiers took place in several countries. In late February, the United Nations Children’s Fund (UNICEF) coordinated the demobilization of over 2,500 children between the ages of eight and eighteen from the Sudan People’s Liberation Army (SPLA) in Southern Sudan, airlifting them to transition camps. By September 2001 the last of the group had been reunited with their families. UNICEF indicated that the process of demobilization would continue in 2002 until all SPLA child soldiers—an estimated 10,000 before the February initiative—were demobilized. From May through November over 2,903 children, including 1,506 from the rebel Revolutionary United Front and 1,303 from gov-

ernment-allied militias were released and/or disarmed in Sierra Leone. In mid-May, the government of the Democratic Republic of Congo (DRC) decreed the demobilization of child soldiers serving in its army who, according to conservative estimates, numbered in the thousands. In June, President Joseph Kabila announced that the DRC would no longer recruit child soldiers, and ordered an education campaign for military commanders to facilitate the demobilization of children. By July, teams of government and civil society workers were touring military barracks to identify child soldiers and prepare for family reunification and their reintegration into society.

However, the recruitment and use of children remained a global problem. The Coalition to Stop the Use of Child Soldiers released its first global survey in June, finding that more than half a million children were subject to recruitment into national armed forces, paramilitaries, or non-state armed groups in a total of eighty-seven countries, and at least 300,000 of these children were actively participating in armed conflicts in forty-one countries.

In the eastern Democratic Republic of Congo, rebel groupings backed by the governments of Uganda and Rwanda coerced and forced children to join their ranks. Instructors from the two occupying armies trained the recruits for their respective local surrogates, and in certain cases Congolese children were taken to Uganda and Rwanda for further training. A December 2000 U.N. report estimated that between 15 and 30 percent of all newly recruited combatants in the DRC were children under eighteen years of age, and a substantial number were under age twelve. The Rwandan-backed Congolese Rally for Democracy-Goma (Rassemblement Congolais pour la Démocratie-Goma, RCD-Goma) conducted an intensive recruitment drive in late 2000 and abducted children from schools, roadsides, markets, and their homes. In some communities, schools were closed and children and young men began sleeping outdoors, away from their homes, to avoid recruitment.

A Rutshuru resident reported that RCD-Goma and Rwandan Patriotic Army (RPA) soldiers abducted boys and girls from his community in November 2000, targeting children and youth between the ages of thirteen and twenty. In other cases, Human Rights Watch received reports of children aged twelve and even younger being recruited and sent to camps for military training.

International criticism prompted the RCD-Goma to pledge in early April 2001 to end the recruitment of child soldiers and demobilize those in their ranks. But just a few days later at a ceremony marking the end of a training program at the Mushaki military camp, nearly 1800 of the 3000 graduates were observed to be children aged twelve to seventeen. By mid-year, it became apparent that the RCD recruitment plan had continued unabated in rural areas.

The opposition Army for the Liberation of Rwanda (Armée pour la Libération du Rwanda, ALIR) abducted children as young as ten in the eastern Democratic Republic of Congo. Children recruited by ALIR were given weapons training and used to fetch water, do other domestic chores, and transport supplies. Children were also used by ALIR to shout or bang on pots to create diversions during battle. Some older children, aged sixteen and seventeen, were used to participate directly in combat. At least one fifteen-year-old also served in the ranks of the Local Defense Force, a Rwandan auxiliary force, which engaged in combat against ALIR.

At least several dozen ALIR children were killed in combat between May and

September; the actual number may have been far higher. In early August, 280 children from ALIR were in Rwandan government custody after having been captured or surrendered. Over fifty of these children were Congolese and were handed over to RCD rebel authorities in eastern Congo, while the Rwandan children were sent to a rehabilitation center south of Kigali.

In Burundi, military and civilian authorities recruited hundreds of children as paramilitaries known as “Guardians of the Peace.” One source estimated that between 750 and 900 children aged seven to twelve years of age were recruited and trained in one year in Burundi. Recent recruitment spared very young children, but recruitment of those fourteen and older continued. Recruits were subjected to harsh conditions, and frequently beaten by soldiers. In one training program, three young recruits—aged twelve, fifteen, and seventeen years—died as a result of beatings suffered during their training. Many others died in combat after being sent into battle ahead of regular soldiers.

A Burundian rebel group, the Forces for the Defense of Democracy (Forces pour la Défense de la Démocratie, FDD), abducted thirty students in grades four to six from Kirambi primary school in the eastern province of Ruyigi on November 6, 2001. Three days later, other FDD rebels abducted more than one hundred students from Musema high school in Kayanza province and burned the school to the ground. The rebels forced the students to transport good stolen from nearby homes and shops and beat those who faltered en route. Rebels reportedly told the students that they would turn them into soldiers to help in their war against the government, now in its eighth year. As of November 15, the FDD had released the students from Musema high school, but twenty-three Kirambi primary school boys between the ages of twelve and sixteen were still in the hands of the rebel group.

In Liberia children fleeing the fighting in the north of the country were forcibly recruited and later trained by government forces to help fight insurgents. Credible sources reported to Human Rights Watch that from January through April 2001 scores of children as young as nine were taken off of buses as they fled the fighting, at military checkpoints, or from camps for the internally displaced. They were reportedly later trained for military service by government forces. Other aid agencies reported that Liberian insurgents from the Liberians United for Reconciliation and Democracy (LURD), based in Guinea, abducted numerous children during raids on villages in northern Liberia.

In Colombia, the government estimated that up to 10,000 members of the armed groups operating there, including guerrillas and army-backed paramilitaries, were under eighteen. In late 2000, independent observers reported to Human Rights Watch that dozens of children were among the supposed guerrillas registered as killed or captured after an encounter between government troops and the FARC-EP (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP). The Colombian Army announced that thirty-two of those captured were aged seventeen or under, including several younger than fourteen, and a third were females. Of those killed, twenty were said by the army to be children.

Colombian paramilitaries linked to the army also continued to recruit and use children. In July, paramilitaries reportedly seized a youth detention center and abducted ten children in an apparent recruitment drive.

In July, UNICEF criticized the rebel Liberation Tigers of Tamil Eelam in Sri Lanka for recruiting and using child soldiers as young as age twelve. The United Nations reported increased recruitment activity by the Tigers in or near schools, despite assurances given in 1998 to the special representative to the U.N. secretary-general on children and armed conflict, Olara Otunnu, to end the recruitment of children under the age of seventeen.

CHILDREN IN THE JUSTICE SYSTEM

The treatment of children in the justice system continued to raise concerns in 2001. Abuses often began with the first contact with law enforcement officials, during which children were at risk of ill-treatment, torture, and even death. Asma Jahangir, the United Nations special rapporteur on extrajudicial executions, highlighted an extreme example in September, charging that up to 800 children and young adults had been murdered in Honduras since 1998, many at the hands of police.

In June, the Inter-American Court of Human Rights ordered Guatemala to pay nearly U.S. \$500,000 in a case brought on behalf of five street children killed by police. The court also directed Guatemala to name a youth educational center for the children, establish a memorial to them, and provide other nonmonetary reparations. The case was the first in which the Inter-American Court had ordered reparations, including monetary damages, in a case involving violations of children's rights.

Once arrested and charged, children were often held in poor conditions of confinement, sometimes together with adults. A former child soldier under sentence of death died on September 26 after contracting tuberculosis in Kinshasa's central prison, a local group reported. In Paraguay, Amnesty International and Defence for Children International-Paraguay Section reported that children were warehoused in overcrowded prisons for adults, where they were subjected to constant ill-treatment and daily isolation. Palestinian children held in Israel's Telmond Prison reported that they were subjected to attacks by adult inmates and severe beatings by guards. Yemen reported to the Committee on the Rights of the Child in 1999 that its reformatories and penal institutions housing children lacked educational and social services, provided poor quality and insufficient food, and frequently used corporal punishment and torture. In Saudi Arabia, the 1977 Detention and Imprisonment Regulations permitted flogging and other corporal punishment as disciplinary measures for children in detention.

Because of the low numbers of girls typically in detention, they were at particular risk of being housed with adults. For example, Yemen, which lacked separate facilities for girls awaiting trial or after sentencing, housed girls with adult prisoners in penal facilities. Saudi Arabia's 1975 Statutes of the Welfare Institutions for Young Women also allowed girls to be held with adult detainees.

Sentencing practices also raised serious human rights concerns. Countries around the world continued to detain children for "status offenses," acts that would not be crimes if committed by an adult. In Yemen, for example, the vast majority of

children in custodial institutions were “potential delinquents,” a category that included children found begging, orphans, and children whose fathers were absent or whose parents were divorced or separated, according to its 1999 report to the Committee on the Rights of the Child.

In Egypt, a boy between the ages of fifteen and seventeen was sentenced to three years of imprisonment for “indecent and debauchery” by a juvenile court in September. One of at least fifty-five men arrested during the year in a crackdown against homosexuality, the boy was convicted on the basis of a confession that he said had been extracted under torture. Police made most of the arrests in a May 11 raid on a Cairo discotheque popular with gay men. Egypt does not criminalize consensual sexual relations between members of the same sex; the adult men, who also claimed that they were subject to beatings and other abuses while detained, were charged with “obscene behavior” and “contempt of religion” (see Egypt chapter).

Many countries continued to impose corporal punishment on children as part of their sentence. The Committee on the Rights of the Child found that in Saudi Arabia, judicial authorities regularly sentenced people who were children at the time of their offenses to flogging, stoning, and amputation. In Nigeria’s Kebbi State, a fifteen-year-old boy was reportedly sentenced to the amputation of one of his hands after he was convicted of stealing 32,000 Naira (approximately U.S. \$285). It was not known if the sentence had been carried out at the time of writing.

Following a trend that began in the early 1990s, the United States continued to try children as adults for a large number of offenses that had traditionally been handled in the juvenile justice system.

The United States was also virtually alone in imposing sentences of death on those who were children at the time of the crimes for which they were convicted. On October 22, 2001, the state executed Gerald Lee Mitchell, who became the eighteenth juvenile offender executed in the U.S. and the tenth in Texas since 1976. Eighty-three juvenile offenders were on death rows in fifteen U.S. states as of October 1. With twenty-nine juvenile offenders on its death row, Texas accounted for over one-third of the national total. In all, twenty-three U.S. states continued to allow the death penalty to be imposed for crimes committed by those below the age of eighteen.

Two juvenile offenders received last-minute stays of execution after their attorneys presented new evidence or raised constitutional issues on appeal. On August 15, Napoleon Beazley, convicted in Texas for a murder he committed at age seventeen, came within hours of execution when the Texas Court of Criminal Appeals issued a stay to enable it to consider whether his first appellate attorney provided ineffective assistance. Missouri death row inmate Antonio Richardson received a stay from the U.S. Supreme Court in March. Sixteen at the time of his crime, Richardson may be mentally retarded; his case was on hold while the Supreme Court resolved another case that questioned the constitutionality of imposing the death sentence on persons with mental retardation.

In Pakistan, where a July 2000 ordinance raised the minimum age for capital punishment to eighteen, forty-nine people remained on death row for crimes they committed as children, the *Dawn* reported in July 2001.

The Democratic Republic of Congo and Iran had mixed records on capital pun-

ishment during the year. Following a meeting with Human Rights Watch in May 2001, the Democratic Republic of Congo agreed to spare the lives of four child soldiers. The four were arrested and sentenced to death by the Court of Military Order when they were between fourteen and sixteen years of age. President Joseph Kabila subsequently commuted the sentences of these children, along with that of a fifth former child soldier, to five years' imprisonment. At least one additional former child soldier remained under sentence of death, according to the World Organization Against Torture (Organisation mondiale contre la torture, OMCT). In Iran, the death sentence of a thirteen-year-old boy was commuted to life imprisonment, Amnesty International reported; the reduced sentence may still violate international standards, which prohibited the imposition of capital punishment or life imprisonment without possibility of release for offenses committed by persons below the age of eighteen.

REFUGEE AND MIGRANT CHILDREN

Refugee and migrant children, among the world's most vulnerable populations, were at particular risk of abuse when they were separated from their parents and other caregivers.

In July, local authorities in the Spanish autonomous enclaves of Ceuta and Melilla stepped up summary expulsions of unaccompanied Moroccan children living there. The children, including some as young as eleven, were reportedly beaten and threatened by both Spanish and Moroccan police and did not receive individualized review of their cases before Spanish authorities dumped them on the Moroccan side of the border.

In Greece, unaccompanied children were largely excluded from participation in the June 5 to August 2 program that gave legal status to undocumented immigrants who could prove they had arrived in Greece before June 2, 2000. Under the terms of the program, undocumented migrants who could not provide extensive documentation of their presence—including proof of identity, wage receipts, utility payment receipts, and other documents unaccompanied children could not be expected to have—were subject to forced deportation if they did not leave the country voluntarily.

In the United States, the Immigration and Naturalization Service (INS) continued to detain a substantial proportion of the unaccompanied children in its custody in jail-like settings, sometimes holding them in cells with juvenile offenders. The agency was criticized for denying full access to independent monitors, including the Women's Commission for Refugee Women and Children and the lawyers who represented detained children in a successful class-action lawsuit challenging the conditions of confinement for youth in INS custody. In a positive development, Senator Dianne Feinstein proposed legislation that would correct these and other abusive conditions for unaccompanied children in the United States.

CHILD LABOR

With the addition of Estonia at the end of September, one hundred countries had ratified the International Labor Organization's Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (ILO Convention 182), which prohibits debt bondage, forced or compulsory labor (including forced recruitment into military service), prostitution and the production of pornography, and other work likely to "harm the health, safety or morals of children." Nevertheless, far too many children around the world worked under conditions that were hazardous to their health and safety. In Ecuador, a 2001 Human Rights Watch investigation found that children were routinely employed in the banana industry, where they were exposed to pesticides and required to perform hazardous labor. In addition, two girls interviewed by Human Rights Watch reported that they were often subjected to sexual harassment by their supervisors.

In a tragic development, Carlos Alberto Santos de Oliveira, president of the Sergipe Citrus Fruit Workers' Union and known for his advocacy in opposition to child labor, was killed on September 23 by two gunmen who shot him eight times at point-blank range in the Brazilian town of Pedrinhas, in Sergipe state.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Eighty heads of state and over 1,000 nongovernmental organizations were expected to attend a U.N. General Assembly Special Session for Children in New York from September 19-21. The session was intended to evaluate progress made in meeting the goals of the 1990 World Summit on Children and to adopt a declaration and plan of action for the future. The draft plan of action identified four priority areas: health, education, HIV/AIDS, and protection from violence, abuse, neglect, and exploitation. Following the September 11 attacks on New York and Washington, the session was postponed until 2002.

Hundreds of nongovernmental organizations from around the world participated in two preparatory committee sessions held during the year. A Child Rights Caucus led by Human Rights Watch and Save the Children won the support of governments for the inclusion of key issues in the draft plan of action, notably concerning protection for children from violence, abuse and exploitation.

The draft declaration and plan of action did not break significant new ground, however, as many governments were unwilling to move beyond previously agreed commitments to children. The United States, one of only two states that have failed to ratify the Convention on the Rights of the Child, opposed a rights-oriented plan of action and sought to minimize references to the convention. Joined by the Holy See and a grouping of primarily Islamic countries, the United States also sought to roll back international agreements regarding the access of adolescents to sexual and reproductive health care, information, and services. Issues related to child labor, armed conflict, and mobilization of resources were also contentious.

The Committee on the Rights of the Child continued a focus on violence against

children by holding a second general day of discussion on the topic, focused on violence against children in the home and in schools. A similar discussion day had been held in 2001 on violence against children in state-run institutions and in the context of "law and public order." Among its final recommendations, the committee urged the General Assembly to initiate an in-depth study of violence against children, comparable to the ground-breaking U.N. study led by Graça Machel on the impact of armed conflict on children. In late November, the U.N.'s Third Committee passed a resolution requesting the secretary-general to "conduct an in-depth study on the issue of violence against children . . . and to put forward recommendations, for consideration by member states, for appropriate action, including effective remedies and preventive and rehabilitation measures."

Relevant Human Rights Watch Reports

To Protect the People: The Government-Sponsored "Self-Defense" Program in Burundi, 12/01.

Israel: Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools, 12/01

Humanity Denied: Systematic Violations of Women's Rights in Afghanistan, 10/01

Caste Discrimination: A Global Concern, 9/01

Easy Targets: Violence Against Children Worldwide, 9/01

Kenya: In the Shadow of Death: HIV/AIDS and Children's Rights in Kenya, 6/01

Democratic Republic of Congo: Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu, 5/01

United States: Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools, 5/01.

Israel, the Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories: Center of the Storm: A Case Study of Human Rights Abuses in Hebron District, 4/01

South Africa: Scared at School: Sexual Violence Against Girls in South African Schools, 3/01

Egypt: Underage and Underprotected: Child Labor in Egypt's Cotton Fields, 1/01