

## **EASY TARGETS: VIOLENCE AGAINST CHILDREN WORLDWIDE**

Inside front cover:

Human Rights Watch is dedicated to protecting the human rights of people around the world.

We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice.

We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those who hold power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

Acknowledgements: Written by Jo Becker, advocacy director of the Children's Rights Division of Human Rights Watch, drawing on previously published Human Rights Watch reports, with contributions by Michael Bochenek, counsel to the Children's Rights Division. Editors: Lois Whitman, executive director of the Children's Rights Division; Joanne Csete, director, HIV/AIDS and Human Rights Program; Michael McClintock, deputy program director of Human Rights Watch; and Wilder Taylor, legal and policy director. Photo editor: Shalu Rozario. Design: Melinda Moore.

### **Table of Contents:**

1. Summary and Recommendations
2. Torture During Police Interrogation
3. Violence in Detention
4. Capital Punishment
5. Police Violence Against Street Children
6. Violence in the Schools
  - Corporal punishment
  - Sexual Violence
  - Harassment of gay, lesbian, bisexual and transgender youth
7. Violence in the Workplace
8. Orphanages
9. Children and Armed Conflict
  - Child Casualties of War
  - Child Soldiers
  - Refugee Children
10. Impunity
11. Legal Standards

12. Conclusion
13. Detailed Recommendations

## SUMMARY AND RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

The Convention on the Rights of the Child, ratified by nearly every country in the world, obliges governments to protect children from all forms of physical or mental violence.<sup>1</sup> Yet, millions of children continue to suffer violence and abuse. These acts of violence are often seen as lamentable yet isolated incidents rather than as global phenomena demanding a concerted international response.

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

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

Human Rights Watch considers a child to be any person under the age of eighteen, in line with the Convention on the Rights of the Child, which defines a child as “every human being

under the age of eighteen unless, under the law applicable to the child, majority is obtained earlier.”

## **Recommendations**

Human Rights Watch makes the following recommendations to the United Nations and national governments. More detailed recommendations appear at the end of this report.

### ***To the United Nations:***

- The General Assembly should request the *Secretary-General* to conduct an in-depth international study on the issue of violence against children, as thorough and influential as the “Impact of Armed Conflict on Children: Report of the Expert of the Secretary-General, Mrs. Graça Machel.” In line with the recommendations of the Committee on the Rights of the Child, such a study should examine the causes, extent and effects of violence against children, and present a clear action plan for eliminating violence against children.
- The Office of the High Commissioner for Human Rights should organize a special workshop for all relevant treaty bodies, special procedures, and U.N. bodies and agencies to examine violence against children and ways in which existing U.N. human rights mechanisms can more effectively address this issue.
- U.N. agencies should undertake a major campaign to end violence against children. The United Nations Children’s Fund should act as the lead agency in such a campaign, supported actively by the World Health Organization, United Nations High Commissioner on Refugees, the International Labor Organization, and other relevant organizations.
- The Commission on Human Rights should appoint a special rapporteur on violence against children, in order to bring needed international attention to the pervasive violence against children, monitor adherence to the standards that protect children, investigate abuses, and present recommendations to better protect children from violence and abuse.
- The Special Rapporteur on the Right to Education should make special efforts to examine corporal punishment, harassment, and violence in schools and their effect on children’s right to education, as set forth in articles 28 and 29 of the Convention on the Rights of the Child and the Convention against Discrimination in Education.
- Other relevant special rapporteurs, including the Special Rapporteur on Torture and the Special Rapporteur on Violence Against Women, should make violence against children a priority during their investigations, and include their findings in subsequent reports.

### ***To National Governments:***

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

- Thoroughly and promptly investigate instances of violence against children and take appropriate action against those responsible, including counseling, probation, suspension, and termination. Where appropriate, criminal charges should be brought against perpetrators.
- Institute training programs in children's rights for teachers, principals, police, staff of both correctional and non-penal institutions, and others who work with children. Such training should address how to treat children, including non-physical means of discipline, and issues such as sexual violence, harassment, and discrimination based on gender or sexual orientation.
- Ensure that children know and understand their human rights.
- Establish effective and confidential complaint procedures for children and their families; ensure that complaints are promptly and thoroughly investigated by an independent outside authority.
- Ensure that children are placed in institutions only when there is no reasonable alternative, and ensure that children are never detained with adults.
- Ensure that conditions of detention and incarceration meet international standards.
- Ensure that the death penalty is never applied for crimes committed before age eighteen.
- Remove from institutions abandoned children and children with disabilities wherever possible; reallocate resources devoted to institutional care to develop alternative humane, nondiscriminatory care.
- Ensure the protection of children from the dangers of armed conflict and strictly adhere to the provisions of international humanitarian law.
- End all recruitment of children as soldiers and ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, depositing a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment into national armed forces.
- Ratify and implement International Labor Organization Convention 182 on the Worst Forms of Child Labor.

## **TORTURE DURING POLICE INTERROGATION**

*In Pakistan in May 1998, a thirteen-year-old boy, Ghulam Jilani, died just hours after being arrested and taken to a police station in Mansehra. Though officially reported as a suicide, an account provided to Human Rights Watch by another boy who was arrested with Jilani indicated that he died after severe and prolonged torture. The autopsy report stated that Jilani had died of head injuries; the other boy had also been physically abused while in custody, and sustained contusions on his arm and leg.<sup>2</sup>*

In many countries, children are detained by police without sufficient cause, for too long, without notification to their parents or guardians, or simply as a mechanism of intimidation. Such detention is often accompanied by brutal interrogations and torture. Illegal conduct by police is rarely prosecuted, even when children die in custody. This impunity contributes to conditions for further police abuse of children. Additional factors contributing to such practices

include police prejudices (for instance against street children, Roma, or members of other minorities), poorly paid and trained police forces, and a culture of violence within police departments that fosters abusive behavior.

Pakistani police frequently torture children in police custody in order to extract confessions or obtain information. Children interviewed by Human Rights Watch in 1998 experienced abuse ranging from slaps in the face following arrest to sustained torture over the course of several days, including being hung upside-down, beaten, whipped with rubber belts or leather slippers, or deprived of sleep. A fifteen-year-old boy told us he was held at a police station and whipped with a rubber strap for fifteen days. A seventeen-year-old was beaten for four days until he was unable to walk. A sixteen-year-old reported that he was held at a police station for five or six days where “they used to tie me with a rope, and turn me upside down, with my head facing the ground.”<sup>3</sup>

A medical team interviewed 200 Pakistani children in Karachi’s Youthful Offenders Industrial School in 1997 and found that while in police custody, nearly 60 percent of children had been subjected to forms of torture including severe beatings, electric shocks, hanging, *cheera* (stretching apart of the victim’s legs, sometimes in combination with kicks to the genitalia), cuts, and burns.<sup>4</sup>

Street children in Kenya also reported abuse during interrogations. Fifteen-year-old John B. described his experience in a roundup: “Two police men in uniforms questioned me. They asked me questions, like where I was from, where my parents were. Every time I didn’t answer a question, they whipped me on my back with a cable brake from a motorcycle.”<sup>5</sup> Seventeen-year-old Minga S. described his detention in a station in Nairobi: “I stayed in the cell for three days. The first day, I was hit on the head with a piston and kicked and punched. Whichever policeman would come into the cell and do the head count would hit me.”<sup>6</sup>

In Jamaica, a sixteen-year-old boy accused of stealing money was brought to a police station, where he was beaten with an electrical cord, both in his cell and in the guard room. According to the boy, the police beat him in order to get him to confess to stealing the money.<sup>7</sup>

During a 1996 Human Rights Watch investigation in Bulgaria, children reported severe police brutality both at the time of arrest and particularly during interrogation sessions at police stations. Children reported being beaten by police with electric shock batons, clubs, chains, rubber hosing, boxing gloves, and a metal rod with a ball at the end of it (known as a *beech*). One boy was stripped of his clothing, doused with water, and beaten on the soles of his feet with an electric shock baton.<sup>8</sup>

An eleven-year-old boy told us:

This past spring, the police handcuffed me and took me to the station. They thought I stole something but I didn’t. They put me in a cell with bars. They kept me there for six days. I was handcuffed the whole time . . . There were always two policemen on duty and they beat me all the time. Sometimes they used their truncheons. They hit me all over, in my ribs, on my head, while they questioned

me and asked me why I stole. I told them that I was only begging for food, that I didn't steal anything.<sup>9</sup>

In Russia, a two-year investigation from 1997 to 1999 found that police violence against children appeared to be widespread, in particular against boys accused of having committed small-scale theft or other petty crimes.<sup>10</sup> According to the Moscow-based Committee for Civil Rights, the frequency of police violence against children increased significantly between 1994 and 1998. The group estimated that about one-third of all children facing criminal proceedings are subjected to violence during the detention and investigation process, and that every fourth child has been subjected to police violence on the street, unrelated to the criminal investigation process, before the age of fifteen.<sup>11</sup>

Fifteen-year-old Oleg F. was taken from his school by police officers to a police station, where he was accused of stealing a jacket from another schoolboy. When he refused to confess, police tortured him. According to his account, police first beat him, kicked him, and dragged him around on the floor. Then they handcuffed him, tied him to a chair, and put a gas mask over his head. They cut the oxygen supply several times for about a minute. Oleg F. said he twice almost lost consciousness.<sup>12</sup>

In India, the case of Anand K., a thirteen-year-old ragpicker, was typical. Anand K. was asked by the police to come to the station to pick up some garbage. He told Human Rights Watch:

When we were inside the station, the police started to beat me with their lathis and fists, calling me a thief and asking me to tell them where some stolen articles were. I said I had no idea what they were talking about. The beating continued for some twenty or thirty minutes. ... At around 4:00 p.m., the police let me go, one of the constables having first grabbed me by the shirt, slapped me, and told me to get out. No charges were filed, and no case was registered. It was the second time I've been detained without justification or explanation by the police.<sup>13</sup>

The Indian police regularly torture children to obtain evidence and confessions. One boy, Shantanu G., was accused of committing a robbery at a wedding. He was arrested eight days later and taken to the station. There, his hands were beaten with a baton for an hour until the complainant came and identified Shantanu G. as the robber. Once identified, Shantanu G. was taken back to the enquiry room, hung from the ceiling, and beaten for about forty-five minutes with police batons on the shoulders, back, and thighs. Following this, he was forced to lie on a block of ice while his legs were held in place by police. The police hit him whenever he tried to move. Then he was taken outside and made to lie in the sun for two hours while police asked him where the stolen property was kept. Two days later, Shantanu G.'s parents were brought in and threatened with beating if he did not confess. He confessed, the property was recovered, and his parents were released. He was held for another ten days, and was tortured so badly that two officers had to hold him up in court when he appeared. He was sent to an adult prison, and then to an observation home when the prison inspector-general discovered his age. Immediately after

his release, Shantanu G. spent twenty days in the hospital as a result of the torture he received in police custody and in the observation home.<sup>14</sup>

## **VIOLENCE IN DETENTION**

*It was a nightmare when they took him out. First of all, he had such a bruise on his head, they beat him on the head with something, a nightstick or something else. . . . Then I looked, he didn't tell me right away, and it turned out that they had worked on him with tear gas! Red eyes . . . . He was all hysterical! He had to throw up.*

*On his back there were red spots, the next day bruises appeared and we photographed them on Polaroid. . . . There were also bruises on Igor's legs. Mostly on the hips, not round ones but stretched ones, as if they were beating him with sticks.*

— Mother of Igor A., fourteen when detained in Russia's Irkutsk Province<sup>15</sup>

Once placed in police lock-ups or detention facilities, children are frequently subjected to severe corporal punishment, torture, isolation, restraints, sexual assaults, harassment, and humiliation. Negligent practices can also facilitate physical and sexual abuse by other children. Prohibitions against ill-treatment frequently are not enforced, in part because it is the officers of enforcement themselves who perpetrate such violence. Fellow officers rarely report such abuse, and supervisors often fail to investigate reports of ill-treatment. Grievance procedures frequently are ineffective, and children's reports of abuse often are not taken seriously or considered credible.

In the United States, Human Rights Watch found that children in juvenile detention facilities in Georgia were bound to a bed at the wrists and ankles for several hours, often face down, as a form of discipline.<sup>16</sup> A subsequent investigation by the U.S. Department of Justice found that staff persistently used excessive physical force against detainees, hitting or slamming youth onto the ground and into walls. Suicidal detainees were forcibly stripped, shackled to beds or even toilets, and sprayed with chemical pepper spray. In Georgia's "boot camp" programs, where children are sent as an alternative to detention, staff routinely punished children by placing them on the ground and twisting their arms behind their backs, up to the neck, for up to a half hour or more. In November 1997, a staff supervisor broke a child's arm in this fashion. A month earlier, the same individual broke a child's eardrum when he hit the youth in the head for talking in line.<sup>17</sup>

In the U.S. state of Colorado, a 1996 Human Rights Watch investigation found that in some juvenile detention facilities, attacks and sexual assaults among residents were described as routine events. None of the children we interviewed in one center said that they felt safe; they

described staff members as physically abusive and said that assaults by other residents were unreported or ignored by staff.<sup>18</sup>

In the Baltimore City Detention Center in the U.S. state of Maryland, guards sometimes allowed youths to fight with each other in what is called the “square dance.” The two boys who were going to fight were allowed into a little area about eight feet by eight feet, and everyone else was locked in their cells.

Jackson F. described a square dance:

There’s a lot of yelling from everybody, but if it gets too loud the officers will tell you you need to be quiet or they’ll break up the dance. It ends up with busted heads, slashes over your eyes, broken fingers, cut lips, maybe a broken nose. But you don’t go to the hospital for the cuts. If you did, there’d have to be a report, and the guards would have to explain why two guys were out in the square while everybody else was locked in.<sup>19</sup>

In Kenya, children reported that guards in remand prisons (temporary detention centers) were indifferent to their complaints of abuse by other inmates:

There were two older boys in the room who supervised everyone. They might beat you up, or sell your clothes to buy cigarettes, or take your food. One of them tried to seduce me, but I refused, so I was beaten up and had my clothes taken away from me. They smeared excrement from the toilet all over my body. I tried to complain to the prison guards about it, but they wouldn’t listen.<sup>20</sup>

In correctional schools in Kenya, children consistently complained about the use of corporal punishment. They told us they were caned for offenses as minor as having buttons missing from a uniform, not doing homework, making noise, accidentally breaking a window pane, fighting with other children, and “going to the gate of the school.”<sup>21</sup> In a borstal facility,<sup>22</sup> one boy said, “everyone who comes on duty canes you when you’re in there.”<sup>23</sup> Boys also described public beatings:

The boy was stripped naked, and made to bend over a stand, shackled at the hands and ankles. They put a wet salted cloth on his back side, and give him strokes of a young supple bamboo cane. The other boys were assembled around to watch. This punishment was used for things like homosexual acts, or trying to escape, or smoking cigarettes or smoking *bhang* [marijuana].<sup>24</sup>

In Guatemala, Human Rights Watch found troubling abuses in rehabilitation centers run by a Spanish evangelical Christian organization called REMAR (Rehabilitación de los Marginados). REMAR ran these centers on behalf of the government (children were sent to them by the courts) but received almost no oversight, monitoring, or control by the government. Over and over again during a 1996 investigation, boys told us of the beatings they had suffered at the hands of REMAR staff. A sixteen-year-old boy told us:

They hit you with aluminum baseball bats. They put you face down on the ground and hit you on the back with the bat. Once I saw them hit a boy so hard they broke his ribs. Then they threw him into isolation. Later, because of his broken ribs, they had to call an ambulance.<sup>25</sup>

In Bulgaria, seventeen-year-old Boyan W. reported the following punishment while in a Labor Education School:

Once I made a mistake on a dictation test. The teacher took me to the director's office. They made me sit in a chair. They tied my hands behind my back and started to beat me with cable wires. The director took out a thin steel stick, and struck me on my wrist. The day after the beating, my wrist hurt so much I went to see the nurse. She told me my wrist was broken and sent me to the hospital in Pleven. I wore a cast for several weeks after that.<sup>26</sup>

Punishments in the schools routinely included beatings, denial of home vacations, confinement in an "isolator," heavy labor, and reductions in diet. Further, there was no recourse to complaint procedures—one eighteen-year-old girl said "[c]omplaining here is like a voice in the desert"<sup>27</sup>—and children at some schools were severely punished for attempting to speak out about what went on at the school to outsiders. One young boy, who was beaten by teachers so severely that he had to be sent to the hospital for treatment of head injuries, was warned by school staff not to talk to doctors about the reason for his injuries or else he would never be able to leave the Labor Education School.<sup>28</sup>

Boys and girls alike may be subject to sexual abuse. In April 1999, children in the juvenile ward of a Pakistani prison rioted after members of the prison staff beat a thirteen-year-old boy for complaining of sexual abuse by the head warden.<sup>29</sup> A legal aid center reported that such cases were far from isolated, and that they received many reports of sexual abuse of juveniles by both prison staff and adult inmates.

Julia, a fifteen-year-old Jamaican girl who ran away from home, was picked up by police as a child "in need of care and protection" and taken to the local police station. During her second night in the lockup, she said, a police officer came to her and asked her age. When she told him, he asked if she had ever had sex. She said no and said that he tied her down with a belt, and raped and beat her.<sup>30</sup>

In clear violation of the Convention on the Rights of the Child, children who have been taken into police custody are frequently detained with adult offenders. In some cases, children who are charged as adults are automatically detained in adult facilities, in other cases children are held in adult facilities because there is simply not enough room for them in juvenile facilities. In either case, little effort may be made to maintain separation between children and adults, as mandated by international law. As a result, children are exposed to physical and sexual abuse and psychological and developmental harm.

In the United States, at least forty states adopted legislation in the 1990s making it easier for children to be tried as adults. One of the immediate results in that increasing numbers of children are detained in adult jails while they await trial and sentenced to adult prisons.

In 1995, sixteen-year-old Rodney Hulin, Jr. (his real name) was sentenced to eight years for arson, and sent to an adult prison in the U.S. state of Texas. Older inmates immediately started to threaten and harass him; within a week he was raped. Hulin requested protective custody, but was denied. His father testified in 1997:

For the next several months, my son was repeatedly beaten by the older inmates, forced to perform oral sex, robbed and beaten again. Each time, his requests for protection were denied by the warden. The abuses, meanwhile, continued. On the night of January 26, 1996—seventy-five days after my son entered Clemens—Rodney attempted suicide by hanging himself in his cell. He could no longer stand to live in continual terror. It was too much for him to handle. He laid in a coma for the next four months until he died.<sup>31</sup>

One seventeen-year-old in a Maryland jail reported that the adult inmates in his section continually harassed him by throwing urine and excrement into his cell. When the guards refused to move him, he told them he was suicidal and was removed to the mental health unit. When he returned to his section, he asked to be housed in an isolation cell because it had a steel door and nothing could be thrown into his cell. In the cell, he said, there “[a]in’t nothing in it, just a toilet and a bed. I’m the only person in there. I stay there twenty-four hours a day, only come out Tuesday and Friday for a five-minute shower, then get locked back in.”<sup>32</sup>

Many children in Guatemala are also incarcerated with adults. Three boys interviewed by Human Rights Watch had been sent to an adult prison where minors and adults were not separated. One boy said that the “adult prisoners make you take your clothes off, they make you ‘trade’ your clothes. Otherwise they’ll beat you up.”<sup>33</sup> According to another boy, “in the adult prisons, you have to pay money to get a place to sleep. Otherwise you sleep on the floor, in the garbage. ... Boys who are put in with the adults are often raped. This is very common. ... The guards don’t pay any attention.”<sup>34</sup>

## **CAPITAL PUNISHMENT**

In the last five years, eleven individuals are known to have been executed for crimes committed when they were under the age of eighteen. Eight of these death sentences were carried out in the United States, the only country in the world that continues to claim the legal authority to execute juvenile offenders. The Democratic Republic of Congo, Iran, and Nigeria each carried out one such execution; each has now expressly renounced the practice, which violates the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.<sup>35</sup>

The U.S. state of Texas has executed four juvenile offenders since 1995. Joseph Cannon and Robert Carter were put to death in 1998; Glen McGinnis and Shaka Sankofa (Gary Graham)

were executed in 2000. All were seventeen at the time of the crimes for which they received the death penalty.<sup>36</sup>

The state of Virginia executed Dwayne Allen Wright in 1998 and Douglas Christopher Thomas and Stephen Roach in 2000, each seventeen years of age at the time of his crime. The state of Oklahoma carried out the death sentence against Sean Sellers in 1999, the first person in forty years to have been executed in the United States for an offense committed at the age of sixteen.<sup>37</sup>

Several other juvenile offenders received last-minute stays of execution after their attorneys presented new evidence or raised constitutional issues on appeal. On August 15, 2001, 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 2001. Sixteen at the time of his crime, Richardson may be mentally retarded; his case is on hold while the Supreme Court resolves another case that questions the constitutionality of imposing the death sentence on persons with mental retardation.<sup>38</sup>

Similarly, the highest court of the state of Georgia postponed Alexander Williams' execution one day before it was scheduled in August 2000, with two justices noting that another case had challenged the method of execution used in the state.<sup>39</sup>

In all, twenty-three U.S. states allow the death penalty to be imposed on juvenile offenders, but only fifteen states actually have juvenile offenders on their death rows. Including Beazley, Richardson, and Williams, eighty-five juvenile offenders were on death row as of July 1, 2001. With thirty-one juvenile offenders on death row, Texas accounts for over one-third of the national total.<sup>40</sup>

In the Democratic Republic of 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 does not safeguard the due process rights of those brought before it. In particular, those convicted by the court have no right to appeal; the second president of the military court told Human Rights Watch in late 1998 that those who are condemned to death may legally be executed immediately following judgment.<sup>41</sup>

In a positive step that followed a meeting with Human Rights Watch in May 2001, the Democratic Republic of Congo agreed to spare the lives of four child soldiers who were arrested and sentenced to death by the Court of Military Order when they were between fourteen and sixteen years of age.<sup>42</sup>

Elsewhere in the world, 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.

## **POLICE VIOLENCE AGAINST STREET CHILDREN**

*The police treat us badly. They hit us. Not for any particular reason. . . just because they feel like it. They've hit me lots of times. They hit with their rifles, or with sticks, on our backs and stomachs. And sometimes they just punch us in the stomach with their hands. They also take our paint thinner and pour it over our heads. They've done that to me five times. It's awful, it hurts really bad. It gets in your eyes and burns; for half an hour you can't see anything.*

- Beto R., fifteen, Guatemala<sup>43</sup>

Street children risk violence at the hands of the authorities much more frequently than other children. Children on the street are beaten, tortured, sexually assaulted, and sometimes killed. Several factors contribute to this phenomenon: police perceptions of street children as vagrants and criminals, widespread corruption and a culture of police violence, the inadequacy and non-implementation of legal safeguards, and the level of impunity that officials enjoy.

Street children are easy targets because they are young, often small, poor, ignorant of their rights, and frequently do not have responsible adults to look out for them. Police also have financial incentives to resort to violence against children. They beat children for their money or demand payment for protection, to avoid false charges, or for release from (often illegal) custody.

In Bulgaria, police have harassed and beaten street children, chased them away from areas of safety and shelter, jabbed them with electric shock batons, smeared the glue that the children sniff on their faces and clothing, and sprayed them with gas. Police robbed street children of their money, and sought out girls on the street for sexual harassment. Several adolescent girls we interviewed in 1996 said that police often requested or demanded oral sex from them; they said some of the girls comply but most run away or scream for attention when they are approached. The Roma (gypsy) ethnic identity of the majority of street children contributed to their discriminatory treatment by the police and was reflected in one police officer's response to being asked why street children ran away when he approached. He answered, "[f]irst, most of those kids are not Bulgarians, they're Roma."<sup>44</sup>

Thousands of children living in Guatemala's streets have faced routine beatings, thefts and sexual assaults at the hands of the National Police and private security guards. During a 1996 Human Rights Watch investigation, nearly every child we spoke with told us of habitual assaults and thefts by the police. These assaults occurred on busy city streets in broad daylight, on quiet streets in the middle of the night, in alleys and deserted areas, and in police stations. Often, they were witnessed by passersby or other police officers.

A youth who spent nine years on the street told us:

The police bother us every single day. They hit us and steal our money, our shoes, our jackets. If you don't give them what they want, they'll beat you up or arrest you . . . .We can't say anything, or they'll hit us harder.<sup>45</sup>

Girls on the street are additionally vulnerable to sexual attacks. Susana F., a sixteen-year-old, reported that she was raped by two police officers while a third kept watch. The officers threatened to put her in prison for having marijuana if she made any noise. "I'm sure this has happened to many other girls. But usually they won't say anything about it. . . .Ugly things happen on the street."<sup>46</sup>

Guatemalan street children have also been killed in extrajudicial executions. In September 1996, sixteen-year-old Ronald Raúl Ramos was shot and killed by a drunken Treasury Police officer. More than ten other street children in Guatemala were murdered that year under suspicious circumstances, yet by April of the following year, all of the perpetrators were still at large.

In India, where more than 18 million children live and work on the streets, street children have been routinely detained illegally, beaten, and tortured and sometimes killed by police. In 1995 and 1996, Human Rights Watch interviewed one hundred street children; all reported a fear of the police, and sixty reported police abuse in the form of detentions, beatings, extortion, or verbal abuse.<sup>47</sup>

Fifteen-year-old Rakesh P., a porter in India, told us of being awoken by police on a railway platform and taken with three other boys to the police station. At the station, Rakesh P. was made to lie on his back with his arms outstretched. A policeman stood on each of his hands, then his legs were tied and placed in the air. He said that this happened to all four boys. Another policeman started to beat their legs and feet with lathis (a police baton) while the police called them thieves and sons of prostitutes. Rakesh P. said he was beaten for a long time and so badly that his legs and feet bled. The next morning the police sent the other children to observation homes, but they did not send Rakesh P. because they had injured him so badly they did not want a magistrate to see him. Instead he was carried to the street by two strangers. He was not charged with any offense. Rakesh P. had to walk with a cane for eight weeks because of the injuries he sustained.<sup>48</sup>

The scale of violence against street children in India sometimes included custodial deaths of children. Between 1986 and 1995, fourteen children are known to have died in custody in Andhra Pradesh province, but no police officers were prosecuted in that period.<sup>49</sup>

Street children in Kenya experience similar abuse at the hands of police. Children told Human Rights Watch in 1996 that they were frequently kicked, slapped, or hit with a rifle butt for no reason other than the fact that they were street children. Street children were often subject to extortion, and street girls were asked for sex in addition to money to avoid arrest or to be released from police custody. One girl recounted her experience:

The police are always calling us names, threatening us, saying we're whores, trash, homeless, and beating us. Sexual abuse happens too. It happened to me once. Four policemen came and arrested me. They started taking me to the Central Police Station, and brought me here to the park. One of them hit me and I fell down, and he came down on top of me. Another held me down while the policeman raped me. After he raped me, they walked me over to Central Police Station, and just let me go.<sup>50</sup>

In 1996, eighteen months after the acquittal of one Kenyan police reservist for killing a street boy, another street boy was killed by a police reservist. Children present at the shooting could identify the police officers who came toward them with a whip and guns. Two boys had hidden in a ditch. One of them escaped through a tunnel, but the policeman pointed into the ditch and shot the other. The boy who escaped told Human Rights Watch that his friend was shot at point blank range, that he had his arms raised in surrender when he was shot, and that the reservist spat on his body before he walked away.<sup>51</sup>

## **VIOLENCE IN THE SCHOOLS**

Many children around the world experience violence as a regular part of their school experience. Instead of facilitating the healthy development of children, schools are too often the source of violence and abuse that undermine children's opportunities to learn, cause children to drop out of school altogether, or cause psychological trauma, physical injury, disability, and even death.

In the past two years, Human Rights Watch has conducted three investigations into violence against children in schools, examining the use of corporal punishment in Kenya, harassment and violence against gay, lesbian, bisexual, and transgender students in the United States, and sexual violence against schoolgirls in South Africa.

In Kenya, we found that schoolchildren were routinely subject to caning, slapping, and whipping by their teachers, sometimes on a daily basis. Such school "discipline" regularly results in bruises, cuts, and humiliation and in some cases serious injury or death. Although recently banned (but still practiced) in Kenya, corporal punishment is still allowed by law in many other countries around the world and is practiced contrary to law in others.

In the United States, we found that children were often victimized because of their sexual orientation or gender identity. Lesbian, gay, bisexual, and transgender youth who attend public schools were relentlessly harassed and sometimes physically attacked. They were beaten, kicked, spit on, cut with knives, strangled, thrown against lockers, and dragged down flights of stairs.

Girls are also at particular risk. In South African schools, we found that rape, assault, and sexual harassment of girls was widespread and committed by both teachers and male students. Girls were raped in school toilets, in empty classrooms and hallways, and in hostels and

dormitories. They were frequently fondled, subjected to aggressive sexual advances, and verbally degraded.

In some countries, including South Africa, schoolgirls may also be subjected to virginity examinations. Such examinations were recently reinstated for girls studying in government medical high schools in Turkey. A July 2001 decree allowed tests on girls “known to be having sex or engaging in prostitution.” Those girls who fail the virginity examinations are to be expelled from school. The examinations, banned since 1999, involve intimidation and pain and violate girls’ right to bodily integrity. In the past, girls have attempted suicide rather than submit to this abusive examination.

In addition to the specific acts of violence that they endure, children are also victimized by the routine failure of teachers and school authorities to act effectively to prevent violence and abuse or to respond adequately when it occurs. Rather than punish perpetrators, school authorities frequently choose inaction or compound the problem by encouraging the victim to move to another school.

The results of school violence can be devastating. Children may become depressed and anxious and have difficulty concentrating on their studies. They may use alcohol or other drugs or engage in risky sexual behaviors as a way of dealing with stress. Many skip classes while others change schools or drop out altogether. Some commit suicide.

### **Corporal Punishment**

*In one of my classes one girl was slapped so hard that two of her teeth came out. The teacher was very angry because some of the girls failed a test, and so the teacher gave these girls a choice: three slaps from his hand or ten strokes with his cane. This girl chose the three slaps and so he hit her on her face three times, very hard, and her mouth was bloody and her two teeth came out. And the other girls cried to the teacher, saying, “Look, you have taken out her teeth!,” and then the teacher was so angry that he caned everyone again.<sup>52</sup>*

- Elizabeth B., age twelve, Kenya

In at least sixty-five countries, corporal punishment is permitted as a method of school discipline.<sup>53</sup> Children may be spanked, slapped, caned, strapped, or beaten by teachers as a result of misbehavior, poor academic performance, or sometimes for no reason at all.

In 1999 Human Rights Watch investigated the use of corporal punishment in Kenyan schools, visiting twenty different schools and interviewing more than 200 children. We found that the use of corporal punishment was widespread, arbitrary, and brutal.<sup>54</sup>

Kenyan children were commonly hit with a wooden cane, though they were also subject to flogging with whips made of rubber, slapping, kicking, or pinching. Boys were commonly hit on the buttocks, while girls were hit on the palms of their hands. Children were also beaten on the back, the arms, the legs, the soles of the feet, and even the face and head.

Children received anywhere from two to twenty or more cane strokes at one time. At some schools, caning happened only once or twice a week, while in others, children reported that they and others were caned on and off throughout the day, nearly every day, routinely receiving five or more strokes each time. A twelve-year-old girl from Central Province reported that “If you are a bad child, you can be caned even the whole day. If you are a good child, you may be caned only twice, or thrice, or even not at all.”<sup>55</sup> A boy from Coast Province told Human Rights Watch investigators that “We were being punished all the time . . . we were caned every day, by all the teachers, as a lesson, so that we would always show respect.”<sup>56</sup>

Corporal punishment was used against Kenyan students for a wide range of disciplinary infractions, some serious, others extraordinarily minor. Children received corporal punishment for coming to school late, missing school without permission (even for unanticipated illnesses), having a dirty or torn school uniform, rudeness, graffiti, fighting, stealing, drug use, and any form of disruptive classroom behavior (writing notes to other students, fidgeting, talking to another student, “noise making,” and so on).

Corporal punishment was widely used to punish unsatisfactory academic performance. In Kenyan classes, for example, it was not uncommon for teachers to strike children for giving the wrong answer to a problem. If a school did not perform well on national exams, an entire class might be caned regardless of the individual performance of each student.

Children were also caned for not being able to afford school fees. One child who dropped out of school because he could not afford schools fees said:

If you couldn't pay fees, you would be caned six times, and sent home to bring the money from your parents. You would go home, and there is no money, and then you would go back to school because you still want to learn, and you would be caned again.<sup>57</sup>

Bruises, swelling, and cuts have been regular by-products of school punishment in Kenya. More serious injuries, including broken bones, temporary or permanent hearing loss, knocked-out teeth, or internal injuries were not infrequent.

In the most extreme cases, children have died as a result of corporal punishment; several such deaths were reported in the Kenyan press over the past several years. In the few cases that led to prosecutions, the teachers were acquitted because they had not known that the child suffered from a preexisting medical condition which made the child particularly vulnerable to injury. Post-mortem results for one child, who died in 1996 after being caned by three teachers, showed that the child had a heart condition. This condition—rather than the beating—was found to be the cause of death and the case against the teachers involved was dismissed.

Many severe beatings have never been reported to authorities, as children and parents fear retaliation from teachers and headteachers. Human Rights Watch received numerous reports of serious retaliation against people who challenged severe corporal punishment. According to many interviewees, complaints from parents about excessive punishment could lead to more severe punishments in the future for the child, or punishment of the child's siblings or cousins.

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 corporal punishment and its implementation. Human Rights Watch welcomes this positive development but remains concerned that the official notice did not provide penalties for teachers who continue to carry out corporal punishment and that there has been no plan to provide teachers with training in alternative methods of discipline. Many teachers continue to express strong disagreement with the ban, illustrating the need for widespread in-service training and education for teachers on the harmful effects of corporal punishment and effective alternative methods for maintaining classroom discipline.<sup>58</sup>

## Sexual Violence

*"I left [school] because I was raped by two guys in my class who were supposedly my friends."*

- thirteen-year-old girl, South Africa<sup>59</sup>

Girls constitute nearly two-thirds of the 130 million children out of school in the developing world, according to estimates by the United Nations Children's Fund in 1998. While much attention has been directed towards this gender gap and barriers girls face in getting to school, the obstacles girls encounter at school also merit serious consideration—gender-based violence chief among them. It is no surprise that girls, much more frequently than boys, are raped, sexually assaulted, abused, and sexually harassed by their classmates and even by their teachers.

In 2000, Human Rights Watch investigated the phenomenon of gender-based violence in the schools of South Africa. Based on interviews with dozens of students, teachers, and government officials, Human Rights Watch found that on a daily basis, South African schoolgirls of every race and economic group encounter sexual violence and harassment. In each of the three provinces visited, we documented cases of rape, assault, and sexual harassment of girls committed by both teachers and male students. Girls were raped in school toilets, in empty classrooms and hallways, and in hostels and dormitories. Girls were also fondled, subjected to aggressive sexual advances, and verbally degraded at school.

A seventeen-year-old pupil from Durban told Human Rights Watch that she was afraid of her male classmates especially the two who attempted to rape her behind the school building between classes:

I am afraid. I feel like leaving this school, I cry. I am thinking how am I going to face these guys. We attend classes together. How am I going to be myself like before? How am I going to be the same again? I would leave this school if I could.<sup>60</sup>

A thirteen-year-old girl in Johannesburg did leave school, not because she wanted to abandon her education but because she was gang raped by male classmates and felt unsafe at

school while the boys remained there. “I left school because I was raped,” she said, “My mom asked me if I wanted to go back to school. I said no.”<sup>61</sup>

A medical research study found that among those South African rape victims who specified their relationship to the perpetrator, 37.7 percent said their schoolteacher or principal had raped them.<sup>62</sup> Girls interviewed by Human Rights Watch reported routine sexual harassment by teachers, as well as psychological coercion to engage in “dating relationships.”

In some cases, girls acquiesced to sexual demands from teachers because of fears that they would be physically punished if they refused. In other cases, teachers abuse their position of authority by promising better grades or money in exchange for sex. In the worst cases, teachers operated within a climate of seeming entitlement to sexual favors from students.

One fifteen-year-old girl spent weeks away from school because she was scared of the teacher who had sexually assaulted her. She said, “I didn’t go back to school for one month after... everything reminds me of what happened. I have dreams. He is in my dreams. He is in the classroom laughing at me. I can hear him laughing at me in my dreams.”<sup>63</sup> The trauma associated with the assault that caused the girl to miss so much school has cost her academically: “My grades are horrible,” she told Human Rights Watch.<sup>64</sup>

Many girls interrupted their schooling or left school altogether because they felt unsafe in such a violent environment. Most girls, however, remained at school and suffered in silence, having learned a lesson that sexual violence at school was inevitable and inescapable. Interviews with girls subjected to sexual attacks, their parents, teachers, and social workers showed that these girls were not performing up to full potential, were losing interest in outside activities, and were failing their higher education matriculation exams.

Too often, school authorities concealed sexual violence and delayed disciplinary action against perpetrators of violence. Schools responded with hostility and indifference to girls who complained about sexual violence and harassment. Girls described a persistent response pattern whereby schools discounted or failed to take seriously their reports of sexual violence and harassment. Sometimes school officials appear to have failed to respond adequately because they simply did not know what to do; other times they ignored the problem; still other times they appeared to have been afraid to assist. In many instances, schools actively discouraged victims of school-based sexual violence from alerting anyone outside the school or accessing the justice system. At several South African schools, school administrators not only failed to prosecute perpetrators, they even refused to cooperate with official investigators. A prosecutor told Human Rights Watch that in her experience schools could not be relied upon to assist with investigations, particularly where a school employee was the accused perpetrator.<sup>65</sup>

While the South African government has publicly recognized the problems of its criminal justice system in prosecuting violence against women and girls, Human Rights Watch found that coordination between the education and justice systems on investigating cases of sexual violence was often ineffective, ill-conceived, or nonexistent. Human Rights Watch found a great deal of confusion over responsibility for resolving problems and repeatedly encountered breaks in the

chain of communication between school officials, police, and prosecutors, with all actors shifting responsibility and sexually abused girls getting lost in the shuffle.

One seventeen-year-old girl who had been sexually assaulted at school told Human Rights Watch: “I don’t think they [the school administration] really know how it affects us. Maybe to them it is just a big joke—but to me—it is not to me. I was not laughing or playing. It’s not a joke or game—it really bothers me.”<sup>66</sup>

Acts of sexual violence and violence against girls at school that remain unchallenged by school officials exact a terrible cost to educational quality and equality in South Africa in addition to violating girls’ rights to bodily integrity. A school environment where sexual violence and harassment is tolerated compromises the right of girls to enjoy education on equal terms with boys—a lesson that is damaging to all children.

### **Harassment and Discrimination against Lesbian, Gay, Bisexual, and Transgender Youth**

*“People would yell “dyke” down the hallway. Someone slipped a card in my locker that said ‘KKK’ on it, and on the back it said, “You dyke bitch, die dyke bitch.” I wouldn’t go to school for the whole week, I was so scared.”*

- Dahlia P., sixteen, United States<sup>67</sup>

A 2001 Human Rights Watch report found that lesbian, gay, bisexual, and transgender youth in many U.S. schools are subjected to unrelenting harassment from their peers. Despite the pervasiveness of the abuse, few school officials intervene to stop the harassment or to hold the abusive students accountable. Over time, verbal harassment may escalate into sexual harassment and other forms of physical violence. These violations are 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.<sup>68</sup>

Such abuses are 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, have reached similar conclusions about the pervasiveness of antigay violence in schools.<sup>69</sup> The Europe Region of the International Lesbian and Gay Association concludes that teachers and other adults are “more likely to reject than support” gay and lesbian youth.<sup>70</sup> Amnesty International reports that gay youth elsewhere in the world suffer torture and ill-treatment because of their sexual orientation or gender identity.<sup>71</sup>

Harassment and violence against lesbian, gay, bisexual, and transgender youth takes many forms, including taunts, obscene notes or graffiti, the destruction of personal property, unwelcome sexual advances, mock rapes, and brutal physical attacks.

A Texas student told Human Rights Watch:

It was small pranks at first, like thumbtacks on my chair. Or people would steal my equipment. Then things elevated. I’d hear “faggot” and people would throw things at me. They’d yell at me a lot. One time when the teacher was out of the

room, they got in a group and started strangling me with a drafting line. That's about the same consistency as a fishing line. It was so bad that I started to get blood red around my neck, and it cut me.<sup>72</sup>

Later in the school year, the student's classmates also cut him with knives. On another occasion, he reports, "I was dragged down a flight of stairs by my feet."<sup>73</sup>

Lesbian, gay, and bisexual youth were nearly three times as likely as their peers to have been involved in at least one physical fight at 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 a 1999 survey of youth risk behaviors administered to Massachusetts students.<sup>74</sup>

Discrimination, harassment, and violence hamper students' ability to get an education and take a tremendous toll on their emotional well-being. Perhaps because so many lesbian, gay, bisexual, and transgender youth experience abuses on a daily basis, these youth are 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 attempt or consider 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.<sup>75</sup>

The abuse of lesbian, gay, bisexual, and transgender youth is 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 is linked to stereotypical gender roles. Boys are expected to be athletic, strong, stoic, and dominant relative to girls. Girls are expected to be attentive to boys and to accept a subordinate status to them. Regardless of their sexual orientation or gender identity, youth who violate these rules run the risk of punishment at the hands of their peers and at times by adults. Transgender youth are the most vulnerable to violence by peers and harassment by adults.<sup>76</sup>

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

The most common response to harassment, according to the students we interviewed, was no response at all. "I reported it," one Georgia student said of the harassment he was experiencing:

I took a folder, wrote down dates and times every time I was harassed. I took it down to the principal. He said, 'Son, you have too much time on your hands to worry about these folks. I have more important things to do than to worry about what happened two weeks ago.' I told him, "I wanted to give you an idea of what goes on, the day-to-day harassment." He took the folder away from me and threw it in the trash. That was my freshman year, first semester. After that I realized [the school] wasn't going to do anything.<sup>77</sup>

Even more disturbing were the accounts we heard of teachers and administrators who actually took part in acts of harassment. “It’s one thing to talk about being gay in a negative sense,” a Massachusetts girl stated. “It’s another thing to see an adult, a person you respect, talking negatively. Once you see a role model degrading you, it tears you apart.”<sup>78</sup>

Even teachers who were themselves lesbian, gay, bisexual, or transgender admitted to us that they did not always stand up for students who were being harassed. In every one of the seven U.S. states that we visited, we spoke with teachers who were reluctant to be open about their sexual orientation at school because they feared losing their jobs.

Nevertheless, the help of teachers and other adults is critical in ensuring that students are safe in their schools and able to enjoy their right to an education. In virtually every case where lesbian, gay, bisexual, and transgender youth reported to Human Rights Watch that their school experience was positive, they attributed that fact to the presence of supportive teachers.

Schools also play an important role in securing the rights of youth to free association and expression, particularly the freedom to seek, receive, and impart information. This right includes the right to have access to information about sexual orientation and gender identity.

Many lesbian, gay, bisexual, transgender, and heterosexual students in the United States have formed school clubs, often known as “gay-straight alliances,” to provide each other with peer support, seek information about issues related to sexual orientation and gender identity, and ensure that schools respect their rights. Despite the benefits of such student groups, many of the youth we interviewed had to overcome opposition from school administrators, their local school boards, and their communities before they could start gay-straight alliances at their schools.

Failing to protect gay youth ultimately harms all youth. When adults fail to teach respect for all youth, and indeed for all human beings, they send a message that it is acceptable to demean, attack, and discriminate against others because they are different or are perceived to be different. This is a message that can only hurt its recipients.

## **VIOLENCE IN THE WORKPLACE**

*I got beaten if I arrived late or if I made a mistake; he was constantly abusing me. He hit me on the back and on my hand. I worked with three other children, and he hit them also. If I did not go to work, he would come to my house and catch me and beat me.*<sup>79</sup>

—Munni G., a nine-year-old carpet weaver, India

The International Labor Organization estimates that 250 million children between the ages of five and fourteen work in developing countries— at least 120 million full time. Children are often expected to work long hours that keep them out of school, and subjected to grueling conditions and health and other hazards. In addition, many children are also subjected to beatings or other forms of violence by their employers or supervisors.

In the cotton fields of Egypt, where over a million children work each year to remove pests that damage the crops, physical abuse by foremen is routine. Children typically gauged the leniency of a foreman by the severity and frequency of the beatings that he administered. One ten-year-old boy worked under two foremen. "One of them I hate; the other one I like," he told Human Rights Watch in late 1999. "The one I hate used to beat and kick me whenever I missed a leaf. The other one beats and kicks me lightly."<sup>80</sup>

Severe maltreatment caused some children to quit work entirely or seek employment under the supervision of a different foreman. A nine-year-old Egyptian girl described a steady process of attrition from her work group. "The last group I was in started with twenty-two [children]," she said, "but you know, children don't like to be hit, so they turn up in another foreman's group. Our group ended up with twelve."

In India, an estimated 15 million children are bonded laborers, working in conditions of servitude in order to pay off debts incurred by their family. Most work in the agricultural sector, while others work in domestic servitude, prostitution, or the production of silk, beedi (hand-rolled cigarettes), handwoven carpets, jewelry, leather and other products. During an investigation in late 1995 and early 1996, Human Rights Watch found that bonded child laborers were frequently punished for arriving late, working slowly, making a mistake in the work, talking to other workers, or even missing work because of illness.

With very few exceptions, the beedi rollers we interviewed all complained of being beaten. A ten-year-old bonded beedi roller told us:

The agent would beat me with a stick if I was not there on time, he beat me if I could not roll 1,500 beedies a day, and he beat me if I was tired. I had to roll eight beedies a minute. If I failed he would beat me. If I looked around, he beat me. He made me put a matchbox under my chin; if it fell, he beat me.<sup>81</sup>

Girls were subjected to sexual abuse, and those working inside Indian factories were frequently targeted for sexual assault by the factory owners. The practice was so prevalent that it was difficult for these girls later to get married. Because of the high rate of abuse, everyone assumed that the factory girls had been "touched," that is, molested or raped by their employers. As a consequence, they were shunned as potential brides.

Girls subjected to sexual abuse by employers may also risk contracting HIV/AIDS. In Kenya, a study of girls working as housemaids found that of twenty-five girls aged nine to sixteen years who were interviewed in depth, eighteen were HIV-positive. Of those eighteen, most had worked in several homes and reported being sexually abused in all or most of them. Fifteen of the girls said their first sexual experiences were coerced and were with their employer or someone in his family or circle of friends.<sup>82</sup> Kenya is estimated to have about 1 million children who have lost parents to AIDS and many more whose parents are ill with the disease. In Kenya and many other African countries, these AIDS-affected children are likely to have to leave school and seek work, and they may wind up on the streets or in jobs that put them at risk of violence.

In Sri Lanka, Human Rights Watch spoke to about seventy children during a 1998 investigation of the treatment of child domestic workers. Almost all of the children reported being punished by their employer for being “naughty,” for being careless, or for not completing assigned tasks. The punishment ranged from deprivation of privileges, to smacking, and beatings with a cane or stick. Several children had been deliberately burnt. Some of the children had been badly injured during these “punishment” sessions and many had scars caused by beatings.<sup>83</sup>

Several of the Sri Lankan girls we interviewed also experienced sexual abuse at the hands of their employer, their employer’s children, or their employer’s friends. Such abuse is frequently known to agents who arrange for the children’s employment. One agent told us of how he had recruited over a thousand children for domestic service when he knew that the primary purpose of the recruitment was sexual.<sup>84</sup>

In Ecuador, where Human Rights Watch interviewed forty-five children who had worked on banana plantations in early 2001, we learned that girls working in banana packing plants routinely experience sexual harassment in the workplace. “He goes around touching girls’ bottoms. . . . I was taking off banana plastic coverings, and he touched my bottom. He keeps bothering me,” one twelve-year-old girl said, speaking of one of her supervisors. “He gave my cousin the nickname ‘whore.’” Another twelve-year-old girl told us, the boss of the packing plants makes lewd remarks “when we bend down to pick up plastic bags.”<sup>85</sup>

In Burma, the government has forced millions of people, including many children as young as twelve years old, to work without pay on the construction of roads, railways, and bridges. Many of these forced laborers have died from beatings, exhaustion and lack of medical care. In 1996, Human Rights Watch witnessed a group of schoolchildren being forced to clear streets of small rocks. One of the children, a young boy about twelve years of age, was kicked in the face by a soldier when he temporarily stopped working.<sup>86</sup>

## **ORPHANAGES**

In some countries, children are abandoned at alarming rates, due to poverty, restrictive population control policies, and cultural traditions that value boys more than girls. Prejudice or policies against children with disabilities may lead parents to institutionalize children who are disabled or perceived to have disabilities. Once institutionalized, orphans and abandoned children may experience such extreme neglect or abuse that their lives may be endangered. They may be denied interaction, stimulation, medical care, and education and frequently learn to live in fear of the people who are their only providers of care.

In Russia in the 1990’s, children were abandoned to the state at a rate of more than 100,000 per year. Many were placed in orphanages, where they were exposed to appalling levels of cruelty and neglect. They were often beaten, locked in freezing rooms for days at a time, or sexually abused, and were often subjected to degrading treatment by staff.<sup>87</sup>

We found in a 1998 investigation that Russian babies who were classified as disabled were segregated into separate rooms where they were changed and fed, but were bereft of stimulation and lacking in medical care. Confined to cribs, they stared at the ceiling and were not encouraged

to walk or talk. At age four, these and other children who are labeled retarded or “oligophrenic” (“small-brained”) were sent to locked and isolated “psycho-neurological *internats*.” According to one Russian doctor, these *internats* were “like a prison to the brain. There’s a total lack of sensory stimulation. There’s no input, no competition with other children if the others are even more retarded. It’s just a process of slowing down, slowing down, then idling – and then – stop.”<sup>88</sup>

At least 30,000 children at the time of our inquiry had been labeled “ineducable,” and relegated to the psycho-neurological *internats*, where many were confined to cots, often on bare rubber mattresses, and left to lie half-naked in their own urine and feces. Children deemed “too active” or “too difficult” were often placed in dark and barren rooms, sometimes tethered to a bench or their bed by a limb. Others were restrained in makeshift straightjackets made of dingy cotton sacks pulled over the torso and drawn at the waist and neck.

One child welfare advocate estimated that the death rate in *internaty* was twice the rate in the general population.<sup>89</sup> Similar findings were made in other parts of the former Soviet Union. A 1996 national statistic from Ukraine indicated that “approximately thirty percent of all severely disabled children in special homes – a staggering figure – die before they reach eighteen.”<sup>90</sup>

Children deemed “educable” and who passed a test at age four were sent to a *dyetskii dom*, or children’s home. While conditions in these standard orphanages were better than in the *internats*, children were also subject to abuse, neglect, and gratuitous cruelty. In some cases, adult staff members, with the informal consent of the orphanage director, struck and humiliated children. In other instances, the adults engaged other orphans with them to punish a child “collectively.” One student recalled that one teacher would grab a student, strip off his or her clothes, and force the student to crawl on all fours in front of everyone. “Then the rest of us children had to kick the child and sit on him like a horse – to humiliate him. The kids push and kick and pull hair and ride him like an animal. [The teacher] was an active sadist.”<sup>91</sup>

This pattern was particularly insidious because the favored children developed a repertoire of vicious and injurious punishments which the older, stronger orphans inflicted upon the younger or weaker ones. Some of the punishments included forcing a smaller child into a small wooden clothes chest and throwing him out the window; “in the wind,” where smaller children were held upside down outside a window; and “velociped” (“bicycle”), an army technique where balls of cotton were stuck between a child’s toes and then lit on fire.<sup>92</sup> One boy recalled:

They did a torture called “electric chair” on me. I was laid on a metal bed, naked. Then someone takes wires that are connected to 220 volt electricity and touches the metal bed. The power runs through it and the kid lying on the bed shakes.<sup>93</sup>

Abuse by staff members included beatings, shoving a child’s head in the toilet, squeezing a hand in a vise, squeezing testicles during interrogation, locking children in a freezing, unheated room for days, and engaging children in sexual relations. Public shaming was also utilized. One child was thrown out a first floor window by the staff psychologist, a teacher, and the deputy director of the orphanage. After complaining about this treatment, he was subsequently punished

by being stripped in front of an entire classroom of both boys and girls. The teacher took off all his clothes and threw them away.

A 1996 report by Human Rights Watch on China's state orphanages found a horrifying pattern of cruelty, abuse and malign neglect.<sup>94</sup> The most recent nationwide figures available at the time (for 1989) showed that the majority of abandoned children admitted to China's orphanages were dying in institutional care, with mortality rates in some institutions exceeding 75 percent. In China's best-known and most prestigious orphanage, the Shanghai Children's Welfare Institute, the *majority* of infants brought to the Institute before 1993 died within a few months of arrival. Between 1986 and 1992 alone, the brutal treatment of orphans in Shanghai, which included deliberate starvation, torture, and sexual assault, led to the unnatural deaths of well over 1,000 children.<sup>95</sup>

Medical records and testimony obtained by Human Rights Watch from official inquiries that had been suppressed showed that deaths at the Shanghai orphanage were in many cases deliberate and cruel. Child-care workers reportedly selected unwanted infants and children for death by intentional deprivation of food and water—a process known among the workers as the “summary resolution” of children's alleged medical problems. When an orphan chosen in this manner was visibly on the point of death from starvation or medical neglect, orphanage doctors were then asked to perform medical “consultations” which served as a ritual marking the child for subsequent termination of care, nutrition, and other life-saving intervention. Deaths from acute malnutrition were then, in many cases, falsely recorded as having resulted from other causes, often entirely spurious or irrelevant conditions such as “mental deficiency” and “cleft palate.”<sup>96</sup>

At the Shanghai orphanage older children in particular were subject to many forms of cruel and degrading treatment, including beatings and torture at the hands of orphanage employees. A number of girls also reported that they had been raped or sexually assaulted by various men on the orphanage staff, including the orphanage director.<sup>97</sup>

One six-year-old girl suffered brutal abuse by a senior staff member over a period of over twenty-four hours. After stealing several pieces of candy, the girl was beaten by the staff member with a plastic shoe and wooden mop handle. The staff member tied the girl's wrists to the metal frame of a high window, forcing her to stand on tiptoe, and then began pummeling the girl with her fists. The girl was left hanging from the window for the remainder of the day. Once she was finally taken down, she was not allowed to sleep, but was kept tied in a standing position throughout the night. The following morning, she was beaten again.<sup>98</sup>

In another instance, a fifteen-year-old boy was knocked to the ground and beaten for some ninety minutes by the orphanage director, and then locked inside a shed for four days with little food. Although the beating was witnessed by a number of other orphans as well as staff, the director later forced staff members to deny that the incident had taken place. One who refused to do so was demoted as a result.<sup>99</sup>

Brutal punishments were often inflicted for relatively minor disciplinary infractions, or simply on the whim of child-care workers. These included:

- forcing children to assume the “airplane” and “motorcycle” positions for long periods of time (respectively, bent forward horizontally at the waist with arms held vertically upward, and sitting unsupported at half-squat with arms stretched forward horizontally). In some cases, children were also forced to balance bowls of hot water on their wrists, heads, or knees or to squat over bowls of boiling water, so that scalding occurred when the child fell;
- forcing children to kneel on ridged washboards for long periods of time;
- hanging children upside down with their heads submerged in water, until nosebleeds and near-suffocation ensued. This technique, known as *qiang shui* (“choking on water”), was reportedly the one most feared by children.

## ARMED CONFLICT

### Child Casualties of War

*As my mother and I tried to run out of the house we saw about eight Kamajors [civil defense forces]. Most had guns and a few had machetes. My mother dashed down the verandah but they caught her and then shot her. She fell about five meters from the house. By this time several of them had surrounded me. They ordered me to sit down and one held me tight by the head while the other cut my neck with his machete. I tried to protect my neck with my left hand but they slashed it. They said in the Kono language, “you’ll be dead—all of you are RUF [Revolutionary United Front, a rebel group] wives.” After cutting me, I lay still, pretending to be dead. I was bleeding so much. After a while I heard them say, “she done die.” Then I crawled into the bush and hid until my family came to help me.<sup>100</sup>*

- twelve-year-old girl, Sierra Leone

In conflict situations, children are the frequent targets of brutal, indiscriminate acts of violence. In an oft-repeated statistic, UNICEF estimates that during a recent ten-year period, two million children died as a direct result of armed conflict, and an additional six million were injured or disabled.

In Sierra Leone, children have been murdered, mutilated, tortured, beaten, raped, and enslaved for sexual purposes. Some of the atrocities committed by the rebel Revolutionary United Front (RUF) were unthinkable. Infants and children were thrown into burning houses, the hands of toddlers as young as two were severed with machetes, and girls as young as eight were sexually abused.<sup>101</sup>

A farmer in Sierra Leone told Human Rights Watch of a rebel attack against his wife and six children: “They shot my wife, killed two of the children, shot my seven-year old through the stomach, and cut another on the buttocks. Two got away.”<sup>102</sup> Dozens of similar cases were reported to Human Rights Watch.

Medical records from one hospital showed that out of 265 war wounded admitted during a three-month period in 1998, approximately one-quarter were children. During a nine-day period

in February of that year, 111 children died during rebel attacks in the Bo area, according to reports from humanitarian agencies.<sup>103</sup>

Another Sierra Leonean farmer told Human Rights Watch of a July 11, 2001 attack by the RUF:

We tried to run but they caught five of us, including the children aged ten, five and about two. They tied us together at the waist and told us to start walking. One of the RUF was carrying the two-year-old. They said, “today some of you will die; you people are Kamajors.” As we walked the children were crying and slowing us down. The commander was complaining and about half an hour later, he ordered us to halt and then took his machete and started hitting us. First he hit me twice on the head and on my left arm, and then he started hitting the children one after the other. It was pathetic. The children were crying and begging but he killed them anyway.<sup>104</sup>

Rape and sexual assault of girls are common in armed conflicts. A newspaper reporter in Sierra Leone told Human Rights Watch. “There was rampant raping. I saw a fifteen-year-old girl raped right before me. They left her, but they captured others, and among them was a seven-year-old girl.”

Pro-government militias in Sierra Leone, like the Kamajors have also committed atrocities against civilians. Over twenty civilians were killed by militias, including nine children, in four attacks documented by Human Rights Watch in June and July 2001. Some nineteen more civilians, including eleven children, were wounded.

### **Child Soldiers**

*I remember the first time I was in the front line. The other side started firing, and the commander ordered us to run through the bullets. I panicked. I saw others falling down dead around me. The commanders were beating us for not running, for trying to crouch down. They said if we fall down, we would be shot and killed by the soldiers.*

- Timothy A., fourteen, Uganda<sup>105</sup>

During the last five years, Human Rights Watch has documented the recruitment of children as soldiers in armed conflicts in Burma, Colombia, the Democratic Republic of Congo, Lebanon, Sierra Leone, and Uganda. The use of children as soldiers places their lives and well-being at great risk. They may use high-caliber weapons at the front lines of combat, lay explosives and serve as human mine detectors, participate in suicide missions and commit atrocities. They may risk attack while carrying supplies or collecting intelligence. Apart from the inherent risks of combat, child soldiers are also frequently subjected to sexual abuse and other forms of brutal treatment by fellow soldiers or their commanders.

In Uganda, the rebel Lord’s Resistance Army (LRA) has abducted thousands of children to fight against the government of Uganda and the Sudan People’s Liberation Army. The rebels

prefer children of fourteen to sixteen, but have also taken children as young as eight or nine. They tie the children to one another, and force them to carry heavy loads of looted goods as they march them off into the bush. Children who protect or resist are killed. Children who cannot keep up or become tired or ill are killed. Children who attempt to escape are killed.

Their deaths are not quick— a child killed by a single rebel bullet is rare. If a child attempts to escape, the rebels force the other abducted children to kill the would-be escapee, usually with clubs or machetes. Any child who refuses to participate in the killing may also be beaten or killed.

In 1997, Human Rights Watch interviewed dozens of children who had escaped from the LRA. Fourteen-year-old Thomas C. told us:

I saw quite a number of children killed. Most of them were killed with clubs. They would take five or six of the newly abducted children and make them kill those who had fallen or tried to escape. It was so painful to watch. Twice I had to help. And to do it, it was so bad, it was very bad to have to do.<sup>106</sup>

Christine D., seventeen, described what happened to a boy that escaped:

They found him in his home, and called him outside. They made him lie down on the ground, and they pierced him with a bayonet. They chopped him with the bayonet until he was dead. Seeing this, at times, I felt like I was a dead person – not feeling anything. And then sometimes I would feel like it was happening to me, and I would feel the pain.<sup>107</sup>

In the Democratic Republic of Congo, thousands of children have been recruited by government forces, pro-government militias, and rebel forces. A 2001 Human Rights Watch report on the recruitment of children by the Rwandan-backed Congolese Rally for Democracy-Goma (RCD-Goma) found that children were beaten, ill-treated, and used as cannon-fodder. A former recruiter for the RCD-Goma told us:

They were trained on how to use arms and how to shoot, and that was the end of it. Some of the kids were even sent to battle without arms. . . . They were ordered to make a lot of noise, using sticks on tree trunks and the like. When they succeeded in diverting the attention of government troops, that is to say when they drew government fire on their unarmed elements, these units, known as the Kadogo Commando, would be literally allowed to fall like flies under government fire. The experienced troops would then attack the government troops when their attention was diverted to the Kadogo Commando.<sup>108</sup>

Thousands of children have also been recruited by the Rally for Democracy-Liberation Movement (Rassemblement Congolais pour la Démocratie-Mouvement de Libération (RCD-ML) with the assistance of the Uganda army. In 2000, Human Rights Watch found that recruiters for the RCD-ML would routinely tour villages on recruitment missions lasting several days to a week.<sup>109</sup> Teams typically returned from these missions with a truckload of 100 to 200 children

and youth, aged 13 to 18. Ugandan army instructors would then provide three to six months of infantry and weapons training at Nyaluke camp. According to one news agency, conditions at Nyaluke were deplorable: “living conditions are terrible, and many children die before completing the training, due to abuse and lack of health assistance.”<sup>110</sup>

In Burma, unknown thousands of children have been forcibly recruited by the Burmese Army. These children are used as porters, guards, and combatants. A 1996 Human Rights Watch report found that some porters were extrajudicially executed or accidentally killed, and all were subjected to cruel, inhuman, and degrading treatment. We interviewed one fifteen-year-old boy who was beaten when he could not carry his load. His father said he was lucky to be alive. Children used as guards are also beaten if they fell asleep during duty, or left their posts even briefly.

One former Burmese soldier told Human Rights Watch he was recruited at age fifteen. At the military training school where he was sent there were five hundred other recruits, none older than himself. He described the brutal and brutalizing treatment he and all the recruits experienced in this training camp, which included beatings, sleep deprivation, and starvation. Several boys who joined the army at age thirteen told us of being sent to front-line action after just one year of training – when they were still only fourteen years old.<sup>111</sup>

In Colombia, thousands of children have been recruited into guerrilla forces and pro-government, military backed paramilitaries. In late 2000, independent observers reported to Human Rights Watch that dozens of children were among the guerrillas registered as killed or captured after an encounter between government troops and the 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.<sup>112</sup>

Thousands of children have been killed during the Colombian conflict. Children who escape the guerrillas are considered deserters and can be subjected to on-the-spot execution. If guerrillas believe a child has given information to the Colombian security forces, the punishment is death. Even children who have been captured by the authorities, convicted, and placed in juvenile detention centers are at risk of being killed. Between 1994 and 1996, the Public Advocate’s Office found, 13 percent of the children convicted of belonging to guerrilla groups and imprisoned were killed while in custody, apparently by other child guerrillas in the same facilities.<sup>113</sup>

The Colombian paramilitaries have recruited children as young as eight years old, and according to some estimates, up to fifty percent of some paramilitary units are made up of children. Girls are reportedly subjected to high levels of sexual abuse by adult members of the paramilitaries.

## **Refugee Children**

Refugee children have not only suffered from war and been forced to flee from their homes, but many continue to suffer human rights abuses in countries of asylum. Even after traveling

across an international border to seek refuge, they remain vulnerable to physical abuse, sexual violence and exploitation, and cross-border attacks.

Despite the obvious safety risks involved, families sometimes send children back into the land they fled to forage for food. Human Rights Watch interviewed Sierra Leonean refugee children in Guinea who encountered rebels while returning to search for food, resulting in abduction, mutilation, or even the murder of others with them.

In Guinean refugee camps, Human Rights Watch found that children who had been separated from their families were particularly vulnerable. Many were taken in by other refugees, who subjected the children to physical abuse. Many separated children told us that they were beaten by their caregivers on a regular basis; almost all of them said they had been beaten within the week prior to the interview. Children reported that they were usually beaten because they “waste time” or “make a mistake in the work.”

Bondu L, a twelve-year-old girl, told us that her caregiver beat her with a stick on her back two days before she spoke to Human Rights Watch because she “took too long” gathering firewood. “If I don’t work, she starves me. She also flogs me with a stick, over all parts of the body.”<sup>114</sup>

Refugee girls are vulnerable to rape, sexual assault and other forms of sexual violence. While investigating the conditions of Burundian refugees in Tanzanian refugee camps in 1998 and 1999, Human Rights Watch found that girls were subject to high levels of sexual abuse. A 1997 survey by the International Rescue Committee of 3,800 women and girls found that approximately 26 percent of girls and women in the twelve to forty-nine age range reported having been subjected to violence either during flight from Burundi or while in the camp. We found that girls were often attacked while carrying out routine daily tasks such as gathering firewood, collecting vegetables, farming, or seeking local employment.<sup>115</sup>

Human Rights Watch received a number of testimonies from girls who had been raped in or near the Tanzanian camps. Mary U., a fifteen-year-old girl, reported that she was raped by two Tanzanian villagers in April 1999 while in the forest gathering firewood with a female friend. Adelina R., sixteen, was raped in October 1999, while collecting firewood outside a camp, by a refugee she described as a fifteen-year-old boy. Marie-Claire E., sixteen, was raped by two men while traveling to visit her uncle with her younger brother. “The two men took off my clothes, in the presence of my brother. They blindfolded me and raped me, one after the other. I would like the assailants to be punished for raping me.” Although all three of these girls reported the rapes to the police, only one of the assailants was apprehended. He was released and subsequently fled.

## **IMPUNITY**

Over and over again, Human Rights Watch has found that acts of violence against children are ignored or covered up. Incidents are rarely investigated and perpetrators even less often punished. Many perpetrators enjoy impunity for their actions and go on to abuse other children.

The result is that many children are victimized not only by the initial abuse, but also by the failure of authorities to take effective action against the perpetrator or by acts of retaliation in response to their attempts to seek justice.

For street children who suffer police violence, reporting is seriously hampered by the fact that children must complain directly to the police about police abuse. The threat of repercussions by police is a serious deterrent to any child coming forward to make complaints or testify. Thus, the majority of cases of police abuse of street children go undetected and unreported.

The cases that are reported are often only superficially investigated. One Kenyan boy, who witnessed a police reservist shoot and kill another street child in 1996, told Human Rights Watch that police investigating the incident never interviewed any of the other street children present. Although an inquest file was opened, the reservist was never charged. One child said, “The *afande* [a Kiswahili term of respect for the police] is still around. He still comes after us and tries to beat us.”<sup>116</sup>

Two years earlier, another Kenyan reservist shot and killed a fifteen-year-old street boy at close range less than two months after having shot and killed five other street boys. The reservist admitted to the shootings but claimed he had acted in self-defense. A judge found insufficient evidence that the most recent victim was armed, but acquitted the defendant, saying that the boy “was killed in the course of arrest after having committed a crime.”<sup>117</sup> Street children interviewed after the ruling said that it signaled to police that they could shoot street children at any time and claim that children were stealing as justification for their conduct.

In Guatemala, the rape of sixteen-year-old Susana F. by police officers (described earlier in this report), also illustrates the failure of police to investigate properly attacks against children. In this instance, Susana F. and another girl who was also detained during the incident provided the police with physical descriptions of the men, as well as the following information: one of the officers claimed to have been transferred from the Petén to Guatemala City, where he was stationed at the First Precinct; one of the officers had “Cruz” on his name tag, the other, “Velásquez.” Despite this information, only two police officers were ever interviewed, and the investigating officer did not even check the First Precinct duty roster to see if any Cruz or Velásquez was working that night. When asked why the leads provided weren’t pursued, the investigating officer said, “We can’t go bothering half a dozen officers on this if they aren’t specifically named!”

Children in institutions also face formidable challenges to reporting violence. Children are frequently not told of mechanisms for reporting abuse, if they exist. Reprisals are a frequent concern. One boy in a detention facility said that boys could complain to the prison inspector, but that boys were afraid to do so because “once the inspector’s gone, they’ll beat you again, so you don’t bother to complain.”<sup>118</sup>

Children in Bulgarian detention facilities have been severely punished for attempting to speak to outsiders about abuse. One child told us:

In February, a young woman came with a camera man. Before she came, the educators told us that we should not say anything bad about the director or else he would be fired. When she came, me and some of the boys talked to her. After she left, we were beaten by the educators and locked in the isolator. My back was blue from that beating.<sup>119</sup>

Children who were caught attempting to send letters of complaint to outsiders were confined in the “isolator” for ten days, according to one Bulgarian NGO. One boy who was beaten by teachers so severely that he had to be sent to the hospital for treatment of head injuries was warned by staff not to discuss the reason for his injuries with doctors or else he would never be able to leave the school.<sup>120</sup>

In South Africa, we found that schoolgirls who reported sexual abuse by their male classmates or teachers were treated by school officials with indifference, disbelief, and hostility. Repeatedly, parents in South Africa told Human Rights Watch that schools asked them not to get the police involved or draw publicity to problems of sexual violence at school. In one instance, a school principal persuaded a parent to drop rape charges against a teacher, promising “to take care of the matter.” Nothing was done, and the teacher continued to teach at the school.<sup>121</sup> In another instance, it was found that a teacher accused of raping a student had been reported at other schools for similar offenses. None of the schools reported him to the police, leaving him free to continue his pattern of abuse in new schools and against additional children.

In Kenyan schools, teachers who have injured children through caning or whipping are rarely disciplined, let alone dismissed or prosecuted. In some cases, parents press charges against abusers. However, in almost every case known to Human Rights Watch, teachers have either been acquitted, the cases have been dismissed, or teachers have been convicted but handed extremely light penalties—generally just a small fine. Most continued to have children in their care, teaching in the same schools in which they previously abused children.

Many Kenyan children have been reluctant to report corporal punishment for fear of reprisals. A twelve-year-old girl told us, “Even if you have been beaten unfairly and your parents are angry at the teacher, it is better for them not to complain, because if they complain, the teacher may then form a grudge against you and then you will suffer more.”<sup>122</sup> Another child said that if a child “reported badly to the parent, sometimes the teachers will be angry and cane more strokes.”<sup>123</sup>

In the United States, we heard numerous accounts of teachers and administrators who refused to act to protect lesbian, gay, bisexual and transgender students from harassment out of the belief that they get what they deserve. The director of a Houston group for lesbian, gay, bisexual, and transgender youth described a case involving a boy who openly identified as gay at school. “The harassment began to get physical,” she told us. “The assistant principal told him that if he didn’t walk around telling people he’s gay, there wouldn’t be any problems.”<sup>124</sup>

In orphanages, Human Rights Watch found that authorities have generally reacted to critiques of their facilities by blocking access to the institutions; punishing or threatening to fire workers if they speak about abuses; and in some instances, promoting those who are responsible

for wrongdoing. A Russian journalist who had visited an orphanage told Human Rights Watch that “We were told last time that the nurses who talked with us were fired, but the director stayed on.” An Russian advocate reported:

The problem with all the institutions is that the director hires all the personnel. That means that the doctors and nurses are required to write papers according to what the director wants. So if something is done by the director, they can’t report it because they will be fired.<sup>125</sup>

When workers in Shanghai’s orphanage tried to expose abuses, they were demoted and harassed. The orphanage director, accused of abusing and raping children in the orphanage, used his control over bonuses, staff assignments and housing allocations to harass his opponents and reward supporters. A speech therapist was suspended from her duties and transferred to a position cleaning bathrooms and windows. An orphanage driver was attacked and badly beaten by a group of employees loyal to the director. Eventually, all of the critical staff were forced from their jobs.

## **LEGAL STANDARDS**

International law establishes that every person, including children, has the right to protection from physical and mental violence.

The protection of children from violence is a key component of the Convention on the Rights of the Child. The convention is the most comprehensive treaty on the human rights of children and has been ratified by every country in the world except Somalia and the United States.

Reflecting almost universal consensus on children’s human rights, the convention recognizes that children are entitled to special care and assistance and that the best interests of the child must be a primary consideration in all actions concerning children. Under article 19 of the convention, youth have the right to protection from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.”<sup>126</sup>

Article 19 of the convention protects youth from private acts of violence and harassment as well as from acts committed by state agents. By its terms, the state’s obligation to protect extends to “all forms” of violence or neglect committed against a child while that child is in the care of another person. In fact, the Committee on the Rights of the Child’s concluding observations on country reports have addressed problems of violence or threats of violence by youth against other youth in schools and other institutions.<sup>127</sup>

The right of children to protection from violence is also found in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under article 24 of the ICCPR, children enjoy the right “to such measures of protection as are required by [their] status” as minors. In addition,

both the ICCPR and the Convention against Torture prohibit cruel, inhuman, or degrading treatment.<sup>128</sup>

Human Rights Watch views the obligation to protect youth from violence, as delineated in article 19 of the Convention on the Rights of the Child, as one aspect of the “measures of protection . . . required by [one’s] status as a minor” to which youth are entitled under article 24 of the ICCPR. This view is consistent with the Human Rights Committee’s general comment on the scope of article 24, which notes that “every possible economic and social measure should be taken . . . to prevent [children] from being subjected to acts of violence and cruel and inhuman treatment.”<sup>129</sup>

Protection from violence is also an essential component in securing other human rights. Violence in schools may deprive children of their right to an education on equal terms with their peers. Violence of any type may have serious mental health consequences and infringe on the right of children to the enjoyment of the highest attainable standard of health and development.<sup>130</sup>

The obligation to protect requires more than having laws on the books. When children are subjected to abuse and other forms of violence, the Convention on the Rights of the Child requires the state to “promote [their] physical and psychological recovery” in a setting that “fosters [their] health, peer-respect, and dignity.”<sup>131</sup>

## CONCLUSION

Unconscionable violence is perpetuated against children in every part of the world. Children are at risk of life-threatening abuses on the streets, in schools, where they work, and in institutions. In too many cases, children are betrayed by the very individuals responsible for their protection and well being: their teachers, their employers, their guardians, the police and members of the armed forces.

The shocking scale of violence against children demonstrates the obvious failure of many governments to fulfill their obligations under the Convention on the Rights of the Child. Since 1990, nearly every government in the world has ratified the convention, which requires government action to protect children from all forms of physical or mental violence. The brutality that many children endure raises grave questions as to whether these government commitments were genuine or simply a matter of political expediency. Not only is violence against children pervasive in all regions of the world, but as illustrated throughout this report, abuses are frequently perpetrated by individuals in government employ, or occur in institutions under the direct control of government.

Violence against children is inexcusable, and it will not end without effective action by the state. States must ensure that violence against children, including corporal punishment, is prohibited by law and such laws strictly enforced. Individuals who have contact with children must be trained in the law and the rights of children. Children and their families must have access to effective mechanisms to file complaints of abuse. Perhaps most significantly, states

must address impunity by vigorously investigating reports of violence and ensuring that perpetrators are appropriately punished.

Civil society groups are working to eliminate violence against children in all its terrible forms in virtually all the countries included in this report. Violence against children—including torture, beatings, sexual violence and murder—is so horrific that even concerned individuals may be tempted to assume it is a distant phenomenon and tuck the issue away for lack of immediacy. These accounts, however, demonstrate how widespread this deadly epidemic is and how close to home. It is our hope that this report will prompt governments to action and individuals to support efforts to eliminate the scourge of violence against children.

## **DETAILED RECOMMENDATIONS REGARDING VIOLENCE AGAINST CHILDREN**

These recommendations supplement those made in the summary and recommendations section of this report.

### **Recommendations to national governments regarding treatment in detention facilities:**

- Investigate violence against children in both correctional and detention facilities; protect children from such violence, and bring those responsible to justice.
- Institute training programs for judges, police, and staff of correctional and other institutions in handling and treating children, and in the basic human rights to which children are entitled.
- Ensure that children have knowledge and understanding of their basic human rights.
- Establish effective and confidential complaint mechanisms in state institutions, with the authority to initiate and conduct investigations. Such mechanisms should be directly accessible to children, and its actions subject to review by outside authorities, including NGOs.
- Ensure that children are not held with adults in detention or correctional facilities, where they are particularly vulnerable to abuse.

### **Recommendations to national governments regarding police violence against street children:**

- Investigate police violence against street children, protect children from such violence, and discipline appropriately those responsible.
- Investigate police round-ups of children, in which children are detained arbitrarily and often abused physically and sexually.
- Ensure that police officers who are specially trained in children's rights and in working with children are delegated the responsibility of handling all police work in involving children. Female police officers should be recruited, with the goal of reducing and eliminating sexual violence by police against street girls.
- Institute education campaigns to ensure that street children know and understand their basic human rights.

**Recommendations to national governments regarding corporal punishment in schools:**

- Adopt or amend legislation as necessary to abolish the use of corporal punishment in the schools, both public and private.
- Support programs that educate parents, teachers, school inspectors, and society at large about the harm of corporal punishment and the existence of effective alternatives.
- Ensure that all teachers are trained in methods of disciplining students that are not physically abusive.
- Ensure that teacher's training colleges include instruction on classroom management techniques and the harm of corporal punishment. Make instruction on alternatives to physical means of discipline a mandatory and significant part of the curriculum.
- Ensure that school inspectors are trained to investigate issues of violence against children as a regular part of their responsibilities.
- Establish an independent complaints board charged with investigating individual complaints and press and other reports of corporal punishment. Create an ombudsperson to facilitate the lodging of such claims by parents and children.
- Investigate thoroughly every incident of corporal punishment reported by parents, children, teachers, the media or other sources, and take appropriate and immediate disciplinary action against accused teachers found to have physically abused students, including counseling, probation, suspension, or termination.

**Recommendations to national governments regarding sexual violence in schools:**

- Prohibit sexual violence, harassment, and other sexual misconduct in schools.
- Take appropriate legal action against teachers who sexually assault or rape students, and ensure that individuals who have been convicted of sexual assault or rape are not permitted to teach in the school system.
- Provide for compulsory education and training for pupils, teachers, school inspectors, and principals on issues related to sexual violence and harassment and gender discrimination, including methods for the early identification of, and intervention to prevent, abusive behavior.
- Provide for pupils facing allegations of sexual assault or rape to receive guidance and counseling and to face disciplinary or judicial action as appropriate if the allegations are sustained. Such action should have rehabilitation as a central aim and should ensure that children are dealt with in a manner that is appropriate to their well-being, proportionate both to their circumstances and the offence, and consistent with their right to education.

**Recommendations to national governments regarding harassment of gay, lesbian, bisexual and transgender students:**

- Enact legislation to protect students from harassment and discrimination on the basis of sexual orientation and gender identity.
- Ensure that schools comply with the principle of nondiscrimination and include sexual orientation and gender identity in any data collection tools measuring discrimination in education.
- Ensure that teacher education programs include mandatory training on working with students of diverse backgrounds, including those who are lesbian, gay, bisexual, and transgender and those who are questioning their sexual orientation or gender identity.

- Enact legislation to protect administrators, teachers, and other school staff, and all other employees from discrimination on the basis of sexual orientation or gender identity.

**Recommendations to national governments regarding violence against children in the workplace:**

- Ratify and implement International Labor Convention 182 on the Worst Forms of Child Labor.
- Ensure that children who flee abusive employers receive appropriate assistance, including medical care, counseling, education, and reunification with their families.
- Investigate the abuse of children by employers, and prosecute such employers as appropriate.

**Recommendations to national governments regarding care in orphanages:**

- Ensure that children held in orphanages or other non-correctional custodial facilities are not subjected to physical or psychological abuse or corporal punishment of any kind.
- Investigate incidents of abuse of children and bring to justice staff members found guilty of such abuse.
- Appoint an independent commission, including experts from the fields of pediatrics, psychology, neurology, and early childhood education, vested with full authority to conduct unannounced visits to institutions and to order sanctions for violations of children's rights.
- Establish effective and confidential complaint procedures for children and their families; ensure that complaints are investigated by an independent outside authority.
- Ensure that staff members receive training in handling and treating children and in the basic human rights to which children are entitled.
- Ensure that children are placed in institutions only where there is no reasonable alternative; urge states to remove from institutions abandoned children and children with disabilities wherever possible; reallocate resources devoted to institutional care to develop alternative humane, non-discriminatory care.

**Recommendations to national governments regarding children and armed conflict:**

- Protect children in armed conflict situations and strictly adhere to the provisions of international humanitarian law.
- Protect children from any recruitment as soldiers and ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, depositing a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment into national armed forces.
- Ensure that refugee camps are located in secure, accessible areas, to protect children from cross-border attacks and possible recruitment and use by armed groups.
- Implement programs and policies necessary to effectively protect and promote the rights of refugee children, including training for those who work with children in the special protection needs of children.

- Ensure that police investigate incidents of sexual violence against refugee children and are given sufficient guidance and training on steps they must follow in the collection of evidence in rape and domestic violence cases.

**Previous Human Rights Watch Publications Cited in this Report:**

*In the Shadow of Death: HIV/AIDS and Children's Rights in Kenya* (2001)

*No Escape: Male Rape in U.S. Prisons* (2001)

*Democratic Republic of Congo: Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu* (2001)

*Uganda in Eastern DRC: Fueling Political and Ethnic Strife* (2001)

*Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools* (2001)

*Scared at School: Sexual Violence Against Girls in South African Schools* (2001)

*Underage and Unprotected: Child Labor in Egypt's Cotton Fields* (2001)

*Seeking Protection: Addressing Sexual and Domestic Violence in Tanzania's Refugee Camps* (2000)

*Confessions at Any Cost: Police Torture in Russia* (1999)

*Prison Bound: The Denial of Juvenile Justice in Pakistan* (1999)

*No Minor Matter: Children in Maryland's Jails* (1999)

*Getting Away with Murder, Mutilation, and Rape: New Testimony from Sierra Leone* (1999)

*Spare the Child: Corporal Punishment in Kenyan Schools* (1999)

*Forgotten Children of War: Sierra Leonean Refugee Children in Guinea.* (1999)

*"Nobody's Children": Jamaican Children in Police Detention and Government Institutions.* (1999)

*Abandoned to the State: Cruelty and Neglect in Russian Orphanages.* (1998)

*Sowing Terror: Atrocities against Civilians in Sierra Leone* (1998)

*War Without Quarter: Colombia and International Humanitarian Law.* (1998)

*The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda.* (1997)

*High Country Lockup: Children in Confinement in Colorado.* (1997)

*Guatemala's Forgotten Children: Police Violence and Arbitrary Detention.* (1997)

*Juvenile Injustice: Police Abuse and Detention of Street Children in Kenya.* (1997)

*Burma: Children's Rights and the Rule of Law.* (1997)

*Police Abuse and Killings of Street Children in India.* (1996)

*The Small Hands of Slavery: Bonded Child Labor in India.* (1996)

*Children of Bulgaria: Police Violence and Arbitrary Confinement.* (1996)

*United States: Modern Capital of Human Rights? Abuses in the State of Georgia.* (1996)

*Death by Default: A Policy of Fatal Neglect in China's Orphanages.* (1996)

---

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

<sup>2</sup> Human Rights Watch, *Prison Bound: The Denial of Juvenile Justice in Pakistan* (New York: Human Rights Watch, 1999), p. 2.

<sup>3</sup> *Ibid.*, p. 26.

<sup>4</sup> *Ibid.*, p. 24.

<sup>5</sup> Human Rights Watch, *Juvenile Injustice: Police Abuse and Detention of Street Children in Kenya* (New York: Human Rights Watch, 1997), p. 40.

<sup>6</sup> *Ibid.*, p. 41.

<sup>7</sup> Human Rights Watch, *Nobody's Children: Jamaican Children in Police Detention and Government Institutions* (New York: Human Rights Watch, 1999), p. 60.

<sup>8</sup> Human Rights Watch, *Children of Bulgaria: Police Violence and Arbitrary Confinement* (New York: Human Rights Watch, 1996), p. 4.

<sup>9</sup> *Ibid.*, pp. 27-28.

<sup>10</sup> Human Rights Watch, *Confessions at Any Cost: Police Torture in Russia* (New York: Human Rights Watch, 1999).

<sup>11</sup> *Ibid.*, p. 78.

<sup>12</sup> *Ibid.*, p. 79.

<sup>13</sup> Human Rights Watch, *Police Abuse and Killings of Street Children in India* (New York: Human Rights Watch, 1996), p. 17.

<sup>14</sup> *Ibid.*, p. 35-36.

<sup>15</sup> Human Rights Watch, *Confessions at Any Cost*, pp. 80-81.

<sup>16</sup> Human Rights Watch, *United States: Modern Capital of Human Rights? Abuses in the State of Georgia*, (Human Rights Watch, New York, 1996), p. 120.

<sup>17</sup> Letter from Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to the Honorable Zell Miller, Governor of Georgia, February 13, 1998.

<sup>18</sup> Human Rights Watch, *High Country Lockup: Children in Confinement in Colorado* (New York: Human Rights Watch, 1997).

<sup>19</sup> Human Rights Watch, *No Minor Matter: Children in Maryland's Jails* (New York: Human Rights Watch, 1999), p. 73.

<sup>20</sup> Human Rights Watch, *Juvenile Injustice*, p. 83.

<sup>21</sup> *Ibid.*, p. 89.

<sup>22</sup> Borstal institutions are correctional institutions under the administration of the Kenyan Prisons Department, to which children fifteen years old and above may be committed after being found guilty of criminal offenses.

<sup>23</sup> Human Rights Watch, *Juvenile Injustice*, p. 96.

<sup>24</sup> *Ibid.*, p. 97.

<sup>25</sup> Human Rights Watch, *Forgotten Children*, p. 76.

- 
- <sup>26</sup> Human Rights Watch, *Children of Bulgaria*, p. 61.
- <sup>27</sup> *Ibid.*, p. 65.
- <sup>28</sup> *Ibid.*, p. 65.
- <sup>29</sup> Human Rights Watch, *Prison Bound*, p. 51.
- <sup>30</sup> *Ibid.*, p. 59.
- <sup>31</sup> Human Rights Watch, *No Escape: Male Rape in U.S. Prisons* (New York: Human Rights Watch 2001), p. 61.
- <sup>32</sup> Human Rights Watch, *No Minor Matter*, p. 69.
- <sup>33</sup> Human Rights Watch, *Forgotten Children*, p. 66.
- <sup>34</sup> *Ibid.*, p. 66.
- <sup>35</sup> See Texas Department of Criminal Justice, “Executed Offenders,” [www.tdcj.state.tx.us/stat/executedoffenders.htm](http://www.tdcj.state.tx.us/stat/executedoffenders.htm) (accessed on August 28, 2001).
- <sup>36</sup> See NAACP Legal Defense and Education Fund, Inc., *Death Row USA: Summer 2001* (New York: NAACP Legal Defense and Education Fund, Inc., 2001), [www.deathpenaltyinfo.org/DeathRowUSA1.html](http://www.deathpenaltyinfo.org/DeathRowUSA1.html) (accessed on August 28, 2001).
- <sup>37</sup> See Jim Yardley, “Texas Execution Is Halted by State Court of Appeals,” *New York Times*, August 16, 2001, p. A14.
- <sup>38</sup> See *Richardson v. Luebbers*, No. 00-8810 (U.S. Mar. 6, 2001) (granting stay of execution).
- <sup>39</sup> See *Williams v. Head*, 533 S.E.2d 714 (Ga. 2000) (granting stay of execution).
- <sup>40</sup> Telephone interview with Anne James, director, Project for the Advancement of International Human Rights Law, Washington College of Law, American University, August 28, 2001.
- <sup>41</sup> See Human Rights Watch, *Human Rights Watch World Report 2001* (New York: Human Rights Watch, 2000), p. 243; Human Rights Watch, *Casualties of War: Civilians, Rule of Law, and Democratic Freedoms* (New York: Human Rights Watch, 1999), pp. 8-10.
- <sup>42</sup> Human Rights Watch interview with Leonard She Okitundo, foreign minister, Democratic Republic of Congo, in New York, New York, March 2, 2001.
- <sup>43</sup> Human Rights Watch, *Guatemala’s Forgotten Children: Police Violence and Arbitrary Detention* (New York: Human Rights Watch, 1997), p. 22.
- <sup>44</sup> Human Rights Watch, *Children of Bulgaria*, p. 17.
- <sup>45</sup> *Ibid.*
- <sup>46</sup> *Ibid.*, pp. 25-26.
- <sup>47</sup> Human Rights Watch, *Police Abuse and Killings of Street Children in India*.
- <sup>48</sup> *Ibid.*, p. 57.
- <sup>49</sup> *Ibid.*, p. 84.
- <sup>50</sup> Human Rights Watch, *Juvenile Injustice*, p. 27.
- <sup>51</sup> *Ibid.*, p. 30.
- <sup>52</sup> Human Rights Watch, *Spare the Child: Corporal Punishment in Kenyan Schools* (New York: Human Rights Watch, 1999) pp. 35-36.
- <sup>53</sup> Global Initiative to End All Corporal Punishment of Children, [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org), (accessed on August 28, 2001).
- <sup>54</sup> Human Rights Watch, *Spare the Child*.
- <sup>55</sup> *Ibid.*, p. 28.
- <sup>56</sup> *Ibid.*, p. 27.
- <sup>57</sup> *Ibid.*, p. 29.
- <sup>58</sup> See David Aduda, “Minister Outlaws Caning in Schools,” *The Nation* (Nairobi), April 11, 2001.
- <sup>59</sup> Human Rights Watch, *Scared at School: Sexual Violence Against Girls in South African Schools* (New York: Human Rights Watch 2001), p. 4.
- <sup>60</sup> *Ibid.*, p. 64.
- <sup>61</sup> *Ibid.*, p. 48.
- <sup>62</sup> Medical Research Council, “The South African Demographic and Health Survey of 1998,” in Ros Hirschowitz, Seble Worku, and Mark Orkin, *Quantitative Research Findings on Rape in South Africa* (Pretoria: Medical Research Council, 2000), pp. 16-21.
- <sup>63</sup> Human Rights Watch, *Scared at School*, p. 4.
- <sup>64</sup> *Ibid.*, p. 61.
- <sup>65</sup> *Ibid.*, p. 85.

- 
- <sup>66</sup> Ibid., p. 71.
- <sup>67</sup> Human Rights Watch, *Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools* (New York: Human Rights Watch, 2001), p. 64.
- <sup>68</sup> Human Rights Watch, *Hatred in the Hallways*. One's *sexual orientation* is one's attraction to the same sex, the opposite sex, or both sexes. The distinct concept of *gender identity* refers to a person's internal, deeply felt sense of being male or female (or something other than male or female). The term *transgender* refers to individuals whose identity or behavior falls outside of stereotypical gender norms, including transsexuals, cross-dressers, and intersex persons. For a glossary of other terms relating to this subject, see Human Rights Watch, *Hatred in the Hallways*, pp. xiii-xvi.
- <sup>69</sup> See Michel Dorais, *Mort ou vif: La face cachée du suicide chez les garçons* (Montréal: VLB Editeur, 2000) (gay youth in Québec); "L'École, lieu de déni et de souffrance pour les jeunes 'pédés,'" *Le Monde*, June 23, 2001 (gay youth in France); John J. Fenaughty, "Life on the Seesaw: An Assessment of Suicide Risk and Resiliency for Bisexual and Gay Male Youth in Aotearoa/New Zealand" (Master's Thesis, Department of Psychology, University of Auckland, 2000) (gay youth in New Zealand); David Plummer, *One of the Boys: Masculinity, Homophobia, and Modern Manhood* (New York: Harrington Park Press, 1999) (gay youth in Australia); Ian Rivers, "Social Exclusion, Absenteeism and Sexual Minority Youth," *Support for Learning: British Journal of Learning Support*, vol. 15 (2000), p. 13 (gay youth in the United Kingdom).
- <sup>70</sup> ILGA -Europe, *Equality for Lesbians and Gay Men* (Brussels: ILGA -Europe, 1998), p. 16. See also ILGA -Europe, *Equality for Lesbians and Gay Men: A Relevant Issue in the EU Accession Process* (Brussels: ILGA -Europe, 2001).
- <sup>71</sup> Amnesty International, *Crimes of Hate, Conspiracy of Silence: Torture and Ill-Treatment Based on Sexual Identity* (London: Amnesty International, 2001), pp. 45-46.
- <sup>72</sup> Human Rights Watch, *Hatred in the Hallways*, p. 42.
- <sup>73</sup> Ibid.
- <sup>74</sup> See Massachusetts Department of Education, *1999 Massachusetts Youth Risk Behavior Survey* (Boston: Massachusetts Department of Education, 2000), [www.doe.mass.edu/lss/yrebs99/](http://www.doe.mass.edu/lss/yrebs99/) (accessed on April 3, 2001).
- <sup>75</sup> Human Rights Watch, *Hatred in the Hallways*, pp. 68-76.
- <sup>76</sup> The rigidity of stereotyped roles for men and women and their contribution to gender-based discrimination is recognized in article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women, which requires states to "take all appropriate measures . . . [t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."
- <sup>77</sup> Human Rights Watch, *Hatred in the Hallways*, p. 81.
- <sup>78</sup> Ibid., p. 87.
- <sup>79</sup> Human Rights Watch, *The Small Hands of Slavery: Bonded Child Labor in India* (New York: Human Rights Watch 1996), pp. 109.
- <sup>80</sup> Human Rights Watch, *Underage and Unprotected: Child Labor in Egypt's Cotton Fields* (New York: Human Rights Watch 2001), p. 15.
- <sup>81</sup> Human Rights Watch, *The Small Hands of Slavery*, pp. 51-52.
- <sup>82</sup> Human Rights Watch, *In the Shadow of Death: HIV/AIDS and Children's Rights in Kenya* (New York, Human Rights Watch 2001), p. 16.
- <sup>83</sup> Human Rights Watch interviews, Batticaloa, Badulla, Kandy, and Kalutara districts, Sri Lanka, November and December 1998.
- <sup>84</sup> Ibid.
- <sup>85</sup> Ibid.
- <sup>86</sup> Human Rights Watch interviews, Balao, Ecuador, May 19, 2001.
- <sup>87</sup> Human Rights Watch, *Abandoned to the State: Cruelty and Neglect in Russian Orphanages* (New York: Human Rights Watch, 1998).
- <sup>88</sup> Ibid., p. 76.
- <sup>89</sup> Ibid., p. 22.
- <sup>90</sup> Ibid., p. 23.
- <sup>91</sup> Ibid., p. 120.
- <sup>92</sup> Ibid., p. 123-125.
- <sup>93</sup> Ibid., p. 123.

- 
- <sup>94</sup> *Death by Default: A Policy of Fatal Neglect in China's Orphanages* (New York: Human Rights Watch, 1996).
- <sup>95</sup> *Ibid.*, p. 4, pp. 127-128.
- <sup>96</sup> *Ibid.*, pp. 146-154.
- <sup>97</sup> *Ibid.*, pp. 265-267.
- <sup>98</sup> *Ibid.*, pp. 262-263.
- <sup>99</sup> *Ibid.*, pp. 261-262.
- <sup>100</sup> Human Rights Watch, *Sierra Leone: Most Serious Attacks in Months*, press release, July 24, 2001
- <sup>101</sup> Human Rights Watch, *Getting Away with Murder, Mutilation and Rape: New Testimony from Sierra Leone* (New York: Human Rights Watch, 1999), p. 50.
- <sup>102</sup> Human Rights Watch, *Sowing Terror: Atrocities against Civilians in Sierra Leone* (New York: Human Rights Watch, 1998), p. 17.
- <sup>103</sup> *Ibid.*, pp. 16-17.
- <sup>104</sup> *Ibid.*
- <sup>105</sup> Human Rights Watch, *Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda* (New York: Human Rights Watch, 1997), pp. 1-2.
- <sup>106</sup> Human Rights Watch, *Scars of Death*, p. 15.
- <sup>107</sup> *Ibid.*, p. 19.
- <sup>108</sup> Human Rights Watch, *Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu* (New York: Human Rights Watch, 2001), p. 11.
- <sup>109</sup> Human Rights Watch, *Uganda in Eastern DRC: Fueling Political and Ethnic Strife* (New York: Human Rights Watch, 2001).
- <sup>110</sup> MISNA, "RCD-Butembo-Beni: Enfants soumis à l'exercice militaire au camp de Nyaleke," January 13, 2000, cited in Human Rights Watch, *Uganda in Eastern DRC*, p. 25.
- <sup>111</sup> Human Rights Watch, *Burma: Children's Rights and the Rule of Law*.
- <sup>112</sup> Human Rights Watch Letter to Commander Manuel Marulanda, Revolutionary Armed Forces of Colombia- People's Army (FARC-EP), July 10, 2001
- <sup>113</sup> Human Rights Watch, *War Without Quarter: Colombia and International Humanitarian Law* (New York: Human Rights Watch, 1998), p. 197.
- <sup>114</sup> Human Rights Watch, *Forgotten Children of War: Sierra Leonean Refugee Children in Guinea* (New York: Human Rights Watch, 1999), p. 28.
- <sup>115</sup> Human Rights Watch, *Seeking Protection: Addressing Sexual and Domestic Violence in Tanzania's Refugee Camps* (New York, Human Rights Watch, 2000).
- <sup>116</sup> Human Rights Watch, *Juvenile Injustice*, p. 33.
- <sup>117</sup> *Ibid.*, p. 28
- <sup>118</sup> *Ibid.*, p. 98
- <sup>119</sup> Human Rights Watch, *Children of Bulgaria*, p. 65.
- <sup>120</sup> *Ibid.*
- <sup>121</sup> Human Rights Watch, *Scared at School*, p. 83.
- <sup>122</sup> Human Rights Watch, *Spare the Child*, p. 40.
- <sup>123</sup> *Ibid.*
- <sup>124</sup> *Ibid.*, p. 83.
- <sup>125</sup> Human Rights Watch, *Abandoned to the State*, p. 130.
- <sup>126</sup> Convention on the Rights of the Child, arts. 3 and 19, *adopted* November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990).
- <sup>127</sup> See Rachel Hodgkin and Peter Newell, *Implementation Handbook for the Convention on the Rights of the Child* (New York: UNICEF, 1998), p. 246.
- <sup>128</sup> International Covenant on Civil and Political Rights, arts. 24 and 7, *opened for signature* December 19, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 16, *adopted* December 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987).
- <sup>129</sup> *General Comment 17, Rights of the Child (Art. 24)*, para. 3, Human Rights Committee, 35<sup>th</sup> sess., 1989.
- <sup>130</sup> Convention on the Rights of the Child, arts. 28 and 24(1).
- <sup>131</sup> *Ibid.*, art. 39.