

**Humankind owes the child “the best it has to give”**

1959 UN Declaration on the Rights of the Child

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To guarantee the human rights of children is to invest in the future. Children’s rights are the building blocks for a solid human rights culture, the basis for securing human rights for future generations.

As human beings, children are entitled to all the rights guaranteed by the Universal Declaration on Human Rights (UDHR) and the various covenants that have developed from it. But children also need special protection and care. They must be able to depend on the adult world to take care of them, to defend their rights and to help them to develop and realize their potential. Governments pay almost universal lip service to this ideal, yet have signally failed to ensure that the rights of children are respected.

Children suffer many of the same human rights abuses as adults, but may also be targeted simply because they are dependent and vulnerable. Children are tortured and mistreated by state officials; they are arbitrarily or lawfully detained, often in appalling conditions; in some countries they are subjected to the death penalty. Countless thousands are killed or maimed in armed conflicts, many more have fled their homes to become refugees. Children forced by poverty or abuse to live on the streets are sometimes detained, attacked and even killed in the name of social cleansing. Many millions of children work at exploitative or hazardous jobs, or are the victims of child trafficking and forced prostitution. Because children are “easy targets”, they are sometimes threatened, beaten or raped in order to punish family members who are not so accessible.

The international community has long recognised the need to protect children from such abuses. The 1959 UN Declaration on the Rights of the Child set out ten principles which provided a powerful moral framework for children’s rights, but which were not legally enforceable. The Convention on the Rights of the Child (the CRC) was adopted by the UN General Assembly in 1989, and entered into force the following year. Since then, the CRC has been ratified by every single UN member state in the world, except Somalia -- which has had no central government able to do so for many years -- and the United States of America (USA).

The CRC elaborates rights according to the special needs and perspectives of the child. It is the only human rights treaty that covers the full spectrum of civil, political, economic, social and cultural rights, stressing their indivisible and interdependent relationship. By virtue of its comprehensive nature and near-universal ratification, the CRC stands as a landmark for the international consensus on the basic principles of the universality and indivisibility of all human rights.

According to the CRC, every human being under the age of 18 is a child, unless majority is attained earlier under national law. This stipulation poses important challenges for the application of the CRC, especially in countries where the age of majority is linked to puberty, often different for boys and girls. Under the CRC, all states are required to establish a minimum age of criminal

responsibility, which according to the Beijing Rules<sup>1</sup>, should “not be fixed at too low an age level bearing in mind the facts of emotional, mental and intellectual maturity”. And even though a state may set the age of criminal responsibility below 18, the rights in the CRC still apply, especially those governing the child’s treatment at the hands of law enforcement and judicial authorities.

One of the guiding principles of the CRC is that the “best interests of the child” should be a primary consideration in all decisions or procedures related to the child. Children have the right to be heard and to have their own opinions on matters affecting them taken into account, “in accordance with the age and maturity of the child”. Very young children rely on others to express their views and protect their best interests, as they grow older, they become more and more able to speak for themselves and to engage in decision-making on their own behalf.

It is up to governments to ensure that all children enjoy their rights. No child should suffer discrimination. The rights of the CRC apply, “regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”. The essential message is equality of opportunity. Girls should be given the same opportunities as boys. Poor children, disabled children, refugee children, children of indigenous or minority groups should have the same rights as all others, the same opportunities to learn, to grow, to enjoy an adequate standard of living.

The rights contained in the CRC fall into four broad categories:

- subsistence rights, including the rights to food, shelter and health care;
- development rights, which allow children to reach their fullest potential, including education and freedom of thought, conscience and religion;
- protection rights, such as the right to life, and to protection from abuse, neglect or exploitation;
- participation rights, which allow children to take an active role in community and political life.

One of the key differences between the CRC and other treaties is that it recognises that rights must be actively promoted if they are going to be enforced. People who know their rights are better able to claim them, and Article 42 imposes a responsibility on governments to make the CRC widely known to adults and children alike.

The CRC deals not just with child rights, but with the responsibility of the child to respect the rights of others in their family and community. It recognises that all children should be able to grow up in a happy and loving family environment, and stipulates that the family has a duty to help children understand both their rights and their responsibilities, in order to prepare them to live “in the spirit of peace, dignity, tolerance, freedom, equality and solidarity”.

While the CRC emphasizes that the family is the natural environment for nurturing the child, it places the primary obligation on the state to protect children from all forms of abuse, neglect and

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<sup>1</sup> UN Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

exploitation, even where these are not carried out directly by state agents. In this way, the CRC challenges the traditional perception that states are not responsible for abuses committed within the family or the community. Domestic violence, bonded child labour or child prostitution, for instance, are usually perpetrated by private individuals, but governments can be held accountable for failing in their responsibility to protect children from such abuses.

Implementation of the CRC is overseen by the Committee on the Rights of the Child. The Committee comprises ten experts “of high moral standing and recognised competence in the field”<sup>2</sup>. They are elected by secret ballot of all State Parties, each of which may nominate one national expert. Because the CRC is so wide-ranging, covering social policy as well as law, the Committee usually includes people from a wide variety of professional backgrounds, such as human rights and international law, juvenile justice, social work, medicine, journalism and governmental and non-governmental work.

Governments are obliged to report to the Committee within two years of the treaty coming into effect in their country, specifying the steps taken to bring national laws, policy and practice into line with the principles of the CRC. The Committee examines the facts and hears a wide range of evidence relevant to the government’s report, often from non-governmental organizations (NGOs), and meets with each government to discuss its child rights record. The Committee advises governments on the implementation of the CRC, and engages them in substantive policy discussions on the resolution of specific children’s rights issues. At the end of the process, the Committee adopts “concluding observations”, which provide a series of recommendations on how states can improve their implementation of the provisions of the CRC. Governments must submit progress reports every five years.

The only regional treaty on children’s human rights, the African Charter on the Rights and Welfare of the Child (the African Children’s Charter), was adopted by the Organization of African Unity in 1990. The Charter is rooted in other human rights treaties, such as the UDHR and CRC, but it emerges out of the social and cultural values of Africa, including those relating to family, community and society. In some respects the African Children’s Charter strengthens the protections afforded by the CRC: it stipulates that everyone below the age of 18 is a child, without exception; it enjoins states parties not to recruit children to military service; and internally displaced children are accorded the same rights as refugees. In addition, the Charter seeks to eliminate harmful social and cultural practices, in particular those that are discriminatory or that put the health of the child at risk.

### **AI’s WORK ON CHILDREN**

AI has often highlighted individual cases of children who have been the victims of human rights violations such as torture, ill-treatment or extrajudicial execution. But too often, AI’s work on children has been incidental to its core research and campaigning. As a result, children have often been invisible in AI’s coverage of human rights violations in the adult sphere. In recent years, AI’s membership forums have recognised the need for AI to increase its work on children and adapt its

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<sup>2</sup> An amendment raising the number of members to 18 has been ratified by about 50 state parties, another 70 ratifications will bring it into effect

research and campaigning strategy so that we can play a wider and more constructive role in promoting and protecting children's rights. In the process, AI is hoping to forge closer links with other institutions and NGOs working in this field.

Guided by the framework of the CRC, AI is seeking to develop its work on children around three key themes: juvenile justice; children in armed conflict; and children in the community and family. By concentrating our efforts on these areas, which combine our traditional strengths with new fields of work, we can develop our work in a holistic way and address abuses across a range of social and economic, as well as civil and political, rights.

Although the CRC provides a comprehensive baseline for children's rights, AI will continue to remind states of their obligations under other human rights treaties to protect the rights of the child. In so doing, it hopes to engage other children's rights organization in concerted action in support of human rights protection more generally. The CRC may be the most widely ratified human rights treaty in the world, but it is still a long, long way from universal acceptance to universal observance. Enunciating and confirming children's rights is no more than a first step; we must work to ensure that these rights are enforced.

## **JUVENILE JUSTICE**

*“I shared a cell with three other girls. We had to watch each other receiving electric shocks, while we were all waiting in the same room for our turn to come....”*

**Döne Talun, age 12, Turkey**

The rights of the child to special care and assistance are being disregarded by the very institutions that should be protecting them. Children often suffer neglect, abuse and violence in the administration of juvenile justice. When children are picked up and questioned by police, they are frequently beaten and humiliated. Their legal rights are often ignored: their parents are not informed of their whereabouts; they are held in degrading conditions, and often have to share cells with adults. Some are denied their right to fair trial, and are given sentences that disregard the key objectives of juvenile justice -- the child's rehabilitation and reintegration into society. For the vast majority of children, the reality is not rehabilitation and special care, but punishment, intolerance and greater marginalization.

Yet when children come into conflict with the law, it is most often for minor, non-violent offences -- usually theft -- and in some cases their only “crime” is that they are poor, homeless and disadvantaged. Children forced to live on the streets are particularly vulnerable to arbitrary arrest and ill-treatment. Many survive on begging, petty crime or prostitution, activities which bring them regularly to the attention of the police. Some are detained and ill-treated simply because they are easy prey; others are arrested under laws which make destitution, vagrancy and begging criminal offences.

“Edith” is a 14-year-old Aboriginal girl living in the Northern Territory, Australia. In 1997, when she was 12 years old, she was arrested for stealing to get food for herself and for other hungry and neglected children she was caring for, including a baby. She was kept overnight in an adult cell in the local police station and then released, but ordered to stay with relatives. When she broke the order several times by running away, including to visit the baby in hospital and to see her family, she was rearrested and detained in Don Dale, the only juvenile detention centre in the Northern Territory, which is located some 1,500 kilometres away from Edith's home. Her case did prompt the welfare authorities to start supplying emergency food to her family.

Since July 1998 Edith has repeatedly been detained for up to three weeks at Don Dale, usually for minor offenses such as stealing and repeatedly breaching court orders. In August 1998 short-term juvenile holding cells for children awaiting court hearings were opened at her home town's Aboriginal youth refuge. However, earlier this year, Edith was detained for six more weeks at Don Dale for new offences and breaches of court orders. On one occasion, she reportedly ran away to visit a critically ill relative in hospital. She was arrested and detained for two weeks. Aboriginal children make up only about one third of the child population of the Northern Territory, but account for about 90 per cent of its juvenile detainees.

Poor children and those from indigenous and ethnic minorities are far more likely to be detained than other children. Rajesh, a 14-year-old ragpicker, was dragged into a jeep by several policemen in Trivandrum, Kerala state, India, in May 1996. No reasons were given for his arrest. Police officers reportedly pierced his finger nails with pins, banged his head against the wall, forced him to “sit” on an imaginary chair for long periods, and beat the soles of his feet. The police denied that Rajesh was in their custody and transferred him between police stations to conceal his whereabouts. When he was finally released on bail on 10 June, he had to be hospitalized for the injuries he received in police custody. AI knows of no inquiry into this case.

The CRC sets out the fundamental principles which should guide the treatment of all children who come into contact with the law. In common with the laws of most countries, the CRC prohibits torture and cruel, inhuman or degrading treatment or punishment. Yet legal safeguards are not enforced. In many countries, young women and girls taken into custody by the police are vulnerable to rape and sexual abuse. In Bangladesh, for instance, 14-year-old Yasmin Akhter was raped and killed by three police officers, who later claimed she was a prostitute who had died jumping from the police van. One of the most unusual things about this case is that the police officers were held to account: charged with rape and murder, they were tried and convicted in 1997.

Provision for girls in custody is often arbitrary or improvised. Because girls are much less likely to come into contact with the law than boys, their specific needs are rarely taken into consideration. The authorities in many countries have argued that the number of young female offenders is comparatively low, and does not justify the provision of dedicated custodial facilities. As a result girls are more likely to be detained a long way away from their families and to be held together with boys or adults, putting them at risk of sexual abuse and even rape.

The reality is that many children in detention are not accorded even basic minimum safeguards. Children are detained without charge or trial, denied access to lawyers and relatives, and tortured and ill-treated to obtain confessions. Where children are held without access to relatives or legal counsel, the risk of physical abuse increases dramatically.

In Turkey, torture in police custody is common; the perpetrators make little distinction over the age of their victims, and are rarely brought to justice. Turkish children as young as 12 have reportedly been subjected to torture - including electric shocks, hosing with cold water and beating. Testimony of sexual torture has been received from children as young as 14 who describe being stripped naked, sexually assaulted and threatened with rape. In many cases, the torture testimony of children and juveniles is supported by medical evidence. In March 1997, three boys between the ages of 10 and 12 were arrested while collecting scrap metal from a rubbish dump in Istanbul, and were taken to the Küçükçekmece Police Station. During 32 hours of incommunicado custody the boys were reportedly stripped down to their underwear and locked in the toilet, where officers urinated on them and made them lie on human excrement. The children were asked to “choose” between electric shocks or beating, were beaten with wooden truncheons, sexually assaulted and forced to confess to the theft of a tape recorder. When the boys were brought to the prosecutor, one said he had been given electric shocks. Hospital medical certificates described bruises “measuring 3x1cm, [and] black burns established as having resulted from electricity”. Despite the brutality to which these children were evidently subjected, the three policemen involved were apparently indicted on charges of ill-treatment, rather than torture.

Many children detained in Venezuela suffer torture or ill-treatment. Some are sent to adult prisons, where they are held with convicted criminals, but those held in juvenile detention centres are also at risk. In June 1999, 17-year-old Edgar Almeida went into hiding after escaping from the National Youth Institute in El Valle, where he had apparently been badly beaten. He said that after his arrest, when he was still being held at the Juvenile Division in Coche, two policemen had threatened to have him tortured and killed unless he paid them off. AI has investigated a number of complaints about ill-treatment and beatings at the Juvenile Division in Coche. In 1996, for instance, Arnold Blanco Blanco, aged 15, and 16-year-old Carlos David Fuentes both suffered fractured ribs as a result of beatings by the warders. An AI delegation visited the centre in July 1996, and found that dozens of children, some as young as 12, were being held without charge in squalid surroundings, without adequate water, food or ventilation, and with no access to medical care. Most of the children had been beaten, some brutally; a forensic expert said many showed signs of recent torture, including bone fractures.

Force is often used as a means of keeping order. In the USA, there have been many reports that staff in juvenile facilities have punched, kicked, shackled, sprayed with chemicals and even used electro-shock devices against children in their care. A Department of Justice investigation in Kentucky, for instance, found that staff in one county detention centre regularly used stun guns and pepper spray to control uncooperative youths and to break up fights. Children detained at the facility also reported that they were hit by staff.

According to the CRC, children should only be deprived of their liberty as a last resort and for the shortest appropriate period of time. In some countries, however, administrative detention has been used as a means of controlling children who have not even been accused of a criminal offense. In the United Kingdom, for instance, a 13-year-old girl was detained in a police cell for nine hours in August 1999 after failing to appear at a hearing into her truancy from school. The girl was held without legal representation or access to her parents, and was reportedly taken from the cells to a second hearing in handcuffs. Even in cases in which children have actually committed crimes, an increasingly impressive body of evidence suggests that non-custodial sentences are far more likely to lead to rehabilitation – one of the main goals of juvenile justice. Alternatives to imprisonment can include guidance and supervision orders, foster care, probation, counselling and victim reparation programs.

If children are detained, they have the right to have contact with their families, to be held separately from adults, and to be treated with due respect for their age. Yet in many countries, young offenders are not separated by age or by the seriousness of their offence -- steps which should always be taken in order to minimise the possibility of children being abused or influenced by others. In March 1996 evidence came to light that boys in the João Luis Alves juvenile detention centre, Rio de Janeiro, Brazil, were being sexually abused by a group of older boys, convicted of violent offences. These older boys ran a “parallel administration” within the centre, entering and leaving at will, with access to drugs. They acted in league with a warder, who lent them his gun and took photos of the sexual abuse of the younger boys.

In at least 33 US states, children who are tried and convicted as adults may be sentenced to imprisonment in adult prisons and housed with adult inmates. In September 1998, more than 4,000 such children were in custody. Their welfare was of grave concern because of their extreme vulnerability to physical and sexual abuse by adults.

The prohibition of the death penalty for juvenile offenders is widely accepted in both law and practice. The CRC, like the International Covenant on Civil and Political Rights (ICCPR), unequivocally forbids the imposition of the death penalty for crimes committed before the offender turned 18. Yet in the 1990s AI has documented 18 executions of juvenile offenders in Iran, Nigeria, Pakistan, Saudi Arabia, the USA and Yemen. Ten of these were carried out in the USA.

*“I did not understand what was going on. I was in court all day, every day, and very upset... Then one day they told me that I would be hanged, all was finished. I did not know before that this was coming or could come. I fainted... The police were laughing that night when they took me back to jail. I thought they were going to hang me right away... I kept hoping and praying that I would be released. I did not understand all the things they were talking about. I only kept thinking of death. I was trembling all the time, I was so scared....”*

14-year-old Mohammad Saleem, sentenced to death in Pakistan in 1998

Mohammad Saleem was about 13 years’ old when he was arrested in Karachi in June 1998. He is not sure of his exact age: one of nine children, he is illiterate and has worked as a carpet weaver since he was about six or seven. Police picked him up, along with a number of other men and boys,

after three police officers were murdered in his neighbourhood. In the police station, he later said, “they kept beating me with fists and with a leather strap and a stick all the time to make me confess. But I had nothing to confess.” His frantic family was unable to find him for nearly three weeks, by which time he had been transferred to the Juvenile Jail, where he was held until his trial concluded.

Saleem and three adult defendants were tried and sentenced to death by a military court in Karachi in December 1998; he was then transferred to a death cell in Central Prison, Karachi. He was acquitted on appeal in January 1999 due to the lack of evidence against him. He had only just begun to settle back in with his family when he was rearrested on the same charges on 13 May and subjected to a second trial, in clear violation of the prohibition of double jeopardy. He was again sentenced to death on 2 June and his appeal was pending in the Sindh High Court at the end of August 1999. His second trial was held before an anti-terrorism court, which maintained, on the basis of a police surgeon’s assessment, that Saleem was actually 21 or 22 years old. His parents, who assert that he is about 14 years old, have a birth certificate, which the court did not accept as valid; the official documents of the military court which tried and convicted him in the first place also list him as “13 or 14 years old”. AI continues to regard him as a juvenile.

Saleem’s testimony reveals all too clearly the fear, loneliness and bewilderment that children experience when they are subjected to procedures they do not understand, locked up in a prison cell, cut off from their families, fearing for their lives. Some 50 children are currently on death row in Pakistan.

More than 70 people remain on death rows in the USA for crimes committed when they were under the age of 18. Many have suffered from mental impairment, social and economic deprivation and mental and physical abuse during childhood. Robert Carter and Joseph Cannon were executed in Texas in 1998 for crimes committed when they were 17 years old. Both had been seriously abused as children. Both suffered from brain damage and limited intelligence.

Children are sometimes detained under conditions that pose a serious threat to their health and well-being. When an AI delegation visited the juvenile detention centre in Espírito Santo, Brazil in 1998, they found boys crammed in five to a cell with no running water and a hole in the ground for a toilet. Cells were unpainted, damp and filthy. Most of the boys had skin complaints and some were suffering from dengue fever. They complained that they were kept locked up, had nothing to do all day, that food was often spoiled when it arrived, and that no legal aid lawyers were available to move their cases along. Several thousand children accused of genocide and murder are still being held in prisons and local detention centres in Rwanda, where overcrowding is rife and conditions extremely harsh, amounting to cruel, inhuman or degrading treatment. Children in the Russian Federation charged with minor non-violent crimes are kept in pre-trial detention centres for lengthy periods in conditions described as “torturous” by the UN Special Rapporteur on torture.

### **Justice – every child’s right**

The “best interests of the child” must be the guiding principle behind all procedures and justice systems affecting children. Their overriding aim must be to protect and promote children’s

fundamental rights and to give young offenders the greatest possible chance of reintegrating into society.

Juvenile crime has specific causes. Tackling these causes through social policy before children come into contact with the law is clearly in the best interests of the child, and indeed of society as a whole. The principles of juvenile justice emphasize preventive measures, such as alleviating the social and economic exclusion of children, providing educational opportunities, and ending race and gender discrimination.

The rights of children in custody and before the law are inextricably and indivisibly linked to other basic rights set out in the CRC, such as the right to education, to the highest standard of health and well-being, and to protection from abuse and exploitation. Any meaningful attempt to prevent juvenile crime must involve promoting and protecting all rights for all children.<sup>3</sup>

AI believes that a system of justice adapted to the special needs of children and adolescents, and respecting their fundamental rights as set out in the CRC, is needed to achieve these aims. Such a system must include: a realistic age of criminal responsibility which takes into account the maturity of the child; a juvenile penal law based on children's rights; sanctions for juveniles which prioritize education and training over detention and retribution; specially trained judges and lawyers; special training for the police and military; separate detention facilities for children, including rehabilitation centres; and proper follow-up and coordination with social services.

First steps are being made towards creating equitable systems of juvenile justice. Although practice often lags behind legislation, many countries are using the provisions of the CRC to help protect the rights of children in custody. Viet Nam, France and the Philippines are among the countries that have trained judges and law enforcement professionals on how to apply the CRC. El Salvador and Peru have enacted new justice codes for children, while Pakistan has modified criminal laws regarding minors. Brazil's progressive Statute of the Child and Adolescent of 1990 incorporates most of the CRC's principles. In Rwanda, the United Nations Children's Fund (UNICEF) and the International Committee of the Red Cross (ICRC) have used provisions of the CRC as the basis of their program to transfer some of the children accused of genocide and murder out of the desperately overcrowded adult prisons and into rehabilitation centres. At the end of 1998, however, several thousand children, some under the age of 14, were still being held in prisons and detention centres across Rwanda.

So despite the advances made in the ten years since the CRC came into force, international standards for the treatment and protection of juveniles in custody continue to be flouted on a massive scale. Ultimately, this is because governments have not had the political will to ensure that these standards are put into practice. AI and other organizations working on behalf of children must ensure that governments are not allowed to cite good intentions in place of decisive action -- we

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<sup>3</sup> The rights and treatment of children in conflict with the law are also set out in the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)

must put pressure on governments to promote and enforce the highest possible standards of juvenile justice.

### **Armed conflict**

*“War violates every right of a child -- the right to life, the right to be with family and community, the right to health, the right to development of personality and the right to be nurtured and protected .”*

Graça Machel, during her tenure as Expert of the UN Secretary-General on the Impact of Armed Conflict on Children.

War is an everyday reality for millions of children. Some have never known any other life, they have grown up in the midst of civil wars, guerrilla insurgency, or long-term occupation by a foreign army. For others, the world is suddenly turned upside down when invasion or ethnic cleansing forces them onto the road as refugees or displaced persons, often separated from their families. Untold thousands have been killed, disabled or orphaned. Many more have died or suffered from starvation or malnutrition, or lack of clean water, sanitation and medical care. Many are traumatized by witnessing brutal deaths and being surrounded by violence, fear and hardship. And hundreds of thousands of children around the world are obliged to participate in the killing.

Children are not always the accidental victims of the carnage. Some are killed deliberately by security forces and armed opposition groups, either in retribution or to provoke outrage in each other's communities. Some, mainly girls, are singled out for sexual abuse. Many are killed and tortured because of where they live, or because of the politics, religion or ethnic origin of their family.

*“Two soldiers... threw me in a tub which had no water in it. I got up and ran to my mother at the gate. I held my mum and asked her not to allow them to take me. They snatched me away again. I was put against the wall and one of the soldiers kicked me with his knee in my stomach. I screamed. Then they took me behind their compound. They tied my legs with rope and pulled me upside down. While hanging, I was beaten with netted [twisted] wire about six times. Then they let me down and tied my hands. I was beaten with sticks from the tulip tree.”*

An 11-year-old Tamil boy told this story to AI in August 1997, about a month after he was tortured at a small army camp in the Jaffna peninsula, Sri Lanka. He still bore the marks of the beatings on his buttocks. The soldiers suspected his family of providing food to the Liberation Tigers of Tamil Eelam.

Young people are sometimes picked up without charge, on the assumption that they participate in, or sympathize with, armed opposition groups. It is frightening enough for an adult to be held in secret detention, to be cut off from the outside world, from the support of family and the advice of a lawyer, at the mercy of the detaining authorities. It is even worse for vulnerable children.

In Manipur state in India, children, especially boys, are targeted by soldiers who believe that these boys might be supporters or future members of armed opposition groups. Under a Special Powers act, the security forces enjoy virtual immunity from prosecution, and have attempted to block judicial inquiries into many cases. In an incident on 12 February 1998, soldiers came to the home of 15-year-old student Yumlebham Sanamacha and kicked down the door of his house, where he was studying for his examinations. Two other boys in the village were also arrested and all three of them were taken away in an army jeep. The other two boys have testified that they saw Yumlebham Sanamacha being brutally tortured by army personnel on their way to a nearby army camp. Although the two other boys were released the next day, Yumlebham Sanamacha has not been seen since, and is feared dead. The army has repeatedly claimed that Yumlebham Sanamacha escaped shortly after his arrest and has attempted to block independent investigation of his “disappearance”. In April 1999, an inquiry by a judicial officer found no evidence for the army’s contention that Yumlebham Sanamacha had escaped.

### **Child soldiers**

Children are singled out for recruitment by both armed forces and armed opposition groups, and exploited as combatants. Many children have been forced to join by intimidation, including threats against their families, or abduction. Others volunteer, sometimes because they want to fight, sometimes because their families are destitute, and sometimes because they themselves are homeless and seeking food, shelter and security. Most get only minimal training and equipment before being thrown into the firing line of an adult war. Casualty rates among children are generally high, because of their inexperience, fearlessness and lack of training, and because they are often used for particularly hazardous assignments, such as intelligence work or planting landmines. In Colombia, child soldiers are sometimes called “little bees”, because their size and agility enables them to move quickly and “sting” their enemies.

***“They recruit in the market place. One of my friends joined up. He was ten. He banged the drums when someone had died. He said it was very scary in the camp. He held a grenade and had a gun on his shoulder.”***

A young Tamil boy, interviewed in 1998, describes the recruitment of his friend by an armed opposition group in Sri Lanka some three years earlier.

More than 300,000 children under the age of 18 are thought to be fighting in conflicts around the world, and hundreds of thousands more are members of armed forces who could be sent into combat at any time. Although most child soldiers are between 15 and 18 years old, significant recruitment starts at the age of 10 and the use of even younger children has been recorded. AI has drawn attention to human rights abuses in the context of child recruitment both by governments and armed opposition groups in countries such as Angola, Burundi, Colombia, Democratic Republic of Congo, Rwanda, Sierra Leone, Sri Lanka and Uganda.

In northern Uganda, thousands of boys and girls have been abducted by the Lord’s Resistance Army (LRA), and forced to fight the Ugandan army. The children are subjected to a violent regime.

Those caught trying to escape are killed or tortured, and both boys and girls are brutalized by being made to kill other children. Abducted children are owned by LRA commanders, with girls allocated to commanders in forced marriages and effectively held as sexual slaves. All children are sent to fight. LRA commanders force children to take part in the ritualized killing of others soon after they are seized, apparently to break down resistance, destroy taboos about killing, implicate children in criminal acts and generally to terrorize them. One 15-year-girl who had escaped the LRA told AI: "I would like to give you a message. Please do your best to tell the world what is happening to us, the children. So that other children don't have to pass through this violence." Before she managed to get away, this child had been forced to kill a boy who had tried to escape, and she had watched as another boy was hacked to death for not raising the alarm when a friend ran away.

Those who have escaped the LRA continue to suffer. Reintegration is difficult, with children haunted psychologically and facing an immense struggle to rebuild shattered lives. The medical and social consequences are particularly bad for girls, almost all of whom are suffering from sexually transmitted diseases, and face the social stigma of having been raped. One 16-year-old girl said: "The Commander gave us husbands, except for the young ones, those below 13. But for 13 onwards, we were all given as wives. There was no marriage ceremony. But if you refuse, you are killed."

In Burundi dozens of children are being held in prisons, accused of "collaborating" with the armed opposition. For some of these children, contact with the opposition forces consisted of having been forced to carry weapons or undertake other duties. None has been tried, and at least one was only 12 years old when he was arrested.

Concern for child soldiers is now becoming higher on the international agenda. The CRC currently sets 15 as the minimum age for recruitment into armed forces and participation in hostilities, but NGOs and many governments have been arguing for an end to the use of child soldiers and have campaigned for a minimum age of 18 years for both recruitment into armed forces and participation in hostilities. Strong support for this position has also come from the International Red Cross and Red Crescent Movement, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), and the Expert of the UN Secretary-General on the Impact of Armed Conflict on Children. The UN itself no longer allows under-18s to serve as peacekeepers.

There are a number of reasons why under-18s should be excluded from military service. In most countries, 18 is the legal voting age, and the age which marks the formal transition from childhood to adulthood, with the assumption of adult legal and moral responsibilities. Children who become combatants before they gain emotional maturity can suffer devastating psychological effects -- as the case of Uganda so graphically illustrates. Casualty rates among child soldiers -- who are intrinsically less cautious than adults -- tend to be high, and children are less likely than adults to survive battlefield injuries. Girl soldiers are generally expected to provide sexual services as well as to fight, and so suffer the additional risk of sexually transmitted diseases, pregnancy, childbirth or abortion. Participation in armed conflict is necessarily "hazardous" work, which jeopardizes the health, safety and moral development of child soldiers, and as such would be contrary to Article 32 of the CRC.

However, efforts within the UN to agree an optional protocol raising the age to 18 have been blocked by the USA and a handful of other countries. In response to the failure of these negotiations, AI and five other international NGOs formed the Coalition to Stop the Use of Child Soldiers. The Coalition, launched in 1998, is campaigning for a protocol to the CRC to stop the recruitment of anyone under 18 into both government and opposition armed forces. It also urges that all peace agreements should specifically address the need to demobilize and reintegrate child soldiers back into society, in line with Article 39 of the CRC.

In June 1999 the International Labour Organisation's (ILO) 174 member States unanimously adopted a Convention aimed at ending the worst forms of child labour. The new Convention applies to all people under the age of 18, and includes a ban on forced or compulsory recruitment of children for use in armed conflicts. While AI welcomes the Convention, it believes that the most effective means of preventing children from participating in hostilities is to stop **all** forms of recruitment of under-18s, both voluntary and forced.

### **REFUGEES AND THE INTERNALLY DISPLACED**

Each year, armed conflicts force many thousands of children to flee their homes in search of refuge. Sometimes they go with their families, sometimes alone; many get separated on the way. Their route to safety is often dangerous: in Kosovo, a nine-year-old boy was wounded and a 15-year-old girl killed when Serbian forces surrounded their village of Maljaj, west of Prizren, on 28 March 1999 and gave the inhabitants one hour to leave. The villagers gathered what few possessions they could carry and left on foot. A few kilometres beyond the village, a group of about 10 men, masked and in uniform, opened fire on the column at close range. Nura Ninaj, age 15, was killed and Burim Ninaj was shot in the neck. By the end of May, nearly a million ethnic Albanians, mostly women and children, had fled from Kosovo into neighbouring states.

Eight years of brutal internal armed conflict in Sierra Leone have forced hundreds of thousands of civilians, many of them children, to seek refuge in neighbouring countries, or in other parts of Sierra Leone. Children have not been spared the atrocities of the conflict: many have been killed, deliberately mutilated or maimed, others abducted and forced to fight with the rebel forces. Girls have been raped and forced into sexual slavery. Many of the refugees and displaced are unaccompanied children, who became separated from their parents after being abducted by rebel forces, or after their parents were killed or abducted in attacks on their towns or villages. Following the rebel incursion into Freetown in January 1999, UNICEF registered some 3,400 children as missing: by mid-May 1999 only about 500 had subsequently been traced and reunited with their families.

Many children flee because of abuses directed at them in their own right. Children may engage in political activities, such as joining demonstrations, distributing leaflets or attempting to organise in their schools and workplaces. This is often enough to get them detained and tortured. In many countries, just being a student is dangerous, as schools and colleges are suspected of being hotbeds of radical opposition to the government.

Cases where girls seek asylum in order to escape the practice of female genital mutilation are beginning to appear. In March 1997, two families from Togo were granted asylum in Sweden on the basis that if returned they would be put under pressure to carry out the mutilation of their daughters.

Many of those who are trying to escape from either governmental or non-governmental forces cannot reach an international border and must seek refuge in another area of their country less immediately affected by the violence. Because they are not refugees, the internally displaced normally do not receive international assistance.

In Colombia, internal warfare has displaced nearly a million and a half people, mostly women with children, over the last 12 years. Some are casual victims caught up in the hostilities, some are fleeing guerrilla reprisals, but displacement is often a deliberate strategy used by army-backed paramilitary forces to “cleanse” the civilian population from areas of guerrilla influence. The displaced have to start from scratch, having lost their homes, possessions, livelihood and, in many cases, the family’s main breadwinner. Many of the children are thus trying to cope with the loss of their home and community as well as the recent and violent death of a parent, usually their father. They are seldom welcomed by their new community, which may view them with suspicion or resentment, and they are usually relegated to squalid camps or shanty towns. Many thousands of displaced children have lost both parents, and are left in charge of families and households.

Children in displaced persons’ camps inside their own country are seldom able to carry on with their schooling, and are often subjected to forced recruitment to the armed forces, exploitation and sexual abuse. Often the camps where they have sought security are themselves in the line of fire. In April 1996 over a hundred civilians, including children, were killed in Qana, a UN compound in south Lebanon, when the compound was recklessly shelled by Israeli long-range artillery.

Those children who are forced to flee across international borders, and are thus recognized as refugees, have far better formal guarantees of protection: government parties to the CRC and to the 1951 UN Convention (UN Refugee Convention) and the 1967 Protocol relating to the Status of Refugees are obliged to give them protection and security. Unfortunately these guarantees do not often translate into better treatment.

States that should be able to offer security are increasingly trying to keep refugees out. In developed countries, restrictions include visa requirements that are in practice impossible to fulfil, coupled with punitive fines on transport companies that carry passengers who do not have valid travel documents.

Some countries, particularly those that lack the resources for sophisticated preventative measures, or that face a large-scale influx that would overwhelm any procedures in place, simply close the border. During April and May 1999, as Kosovo’s ethnic Albanian population was pouring into neighbouring countries, the authorities in the Former Yugoslav Republic of Macedonia temporarily closed the border with Kosovo on several occasions, forcing the terrified refugees back into the province, and undoubtedly putting their lives at risk.

In many countries, including Australia, Hong Kong, Japan, the United Kingdom and the USA, children arriving with or without their families and seeking asylum have been detained. Conditions vary, but it is not unusual to find refugee children detained in prison-like conditions, or even in prisons alongside convicted criminals. In some countries detention can last many years. Children of Vietnamese asylum-seekers have been born and grown up in detention centres in Hong Kong and Australia.

### **Children in the community and family**

In ratifying the CRC, governments committed themselves to protecting all the rights of the child -- social and economic, as well as civil and political. Under the CRC, children are not only protected from abuses of state power, but from all forms of physical or mental violence or abuse while in the care of “parents, legal guardians or any other person who has the care of the child,” including schools. The CRC affirms that every child has the right to an adequate education and standard of living. It establishes the right of the child to be free from sexual abuse and exploitation, and the illicit use of drugs. It commits states to protecting children from economic exploitation and work that may interfere with education or damage their health.

Delivering on this commitment is an enormous challenge. Some governments have taken worthwhile initiatives, ranging from legislation against bonded labour to human rights education programs, with varying degrees of implementation and success. But this cannot excuse the way state officials help to perpetuate a wide range of abuses against children in the community and family, either through active collusion and complicity or through tacit toleration and acquiescence.

The spectrum of abuses faced by children in the family and community ranges from ill-treatment in institutions to violence in the family, from child trafficking to child bonded labour. The vulnerability of children to such abuses often depends on other aspects of their identity, such as gender, ethnicity or economic status. This is a powerful reminder of the indivisibility of human rights. The denial of one set of rights leads to the abuse of others. Children denied an education because they are girls or because they are poor and forced to work are condemned to a cycle of marginalization, poverty and powerlessness that involves further violations of their civil, political, economic, social and cultural rights.

AI has been campaigning for nearly forty years to focus the world’s attention on civil and political rights, but we are now engaging in broader human rights debates. We are working towards raising awareness of the full range of human rights in our promotional activities, and are attempting to address the underlying economic and social causes of human rights violations in our reporting. As we adapt our investigative focus, we will be looking more closely at human rights abuses by non-state actors, including businesses and private institutions, and at the state’s role in failing to prevent such abuses.

Children’s rights are at the nexus of state, family and community responsibility, and therefore demand new strategies for research and action. AI is taking its first steps in this direction, with a series of pilot projects exploring different areas of state responsibility for private abuses, and hopes

to move further in a way that will complement the efforts of other NGOs and organizations working in the field of children's human rights.

### **Abuses in private institutions**

Many children are abused in the care of institutions, such as schools and orphanages, that are supposed to look after their needs. Even when the abuses become widely known, the authorities appear unwilling to take decisive action to protect the children.

Many poor parents in Pakistan send their children to the country's 13,000 or so Islamic seminaries or *madrasas*, which provide free food and lodging. They are often run by religious organizations, parties or sects, and offer a religious education, although some also provide intensive political and armed training. Investigations by the Human Rights Commission of Pakistan in 1994 showed that in some seminaries, children in groups of four or five were locked in iron chains to a heavy wooden block to prevent them escaping. Several children were found to have been continuously chained for up to one year. A police raid in March 1996 released 64 students from a *madrasa* near Multan. The children, aged between eight and 14, were held in ropes and chains. The head of the school later said that "parents leave their children with us and ask us to chain them because they have fallen into bad habits of watching satellite television..." Muhammad Azam Dogar, a 14-year-old boy, was killed in September 1997 when he tried to free himself from his iron fetters. He managed to escape from his school but could not remove the fetters. He finally decided to put them on a rail track and was crushed to death by an oncoming train.

Although the authorities are aware of the abuses children suffer in some *madrasas*, no effort has been made to outlaw the beating, chaining or abduction of children from such schools. Leaders of religious parties resent official probing into the functioning of the *madrasas* and threaten retaliation if they are more closely controlled.

### **Bonded and exploitative child labour**

Children all over the world are hard at work -- in fields and sweatshop factories, in mines, brick kilns or brothels, and especially in private homes. They often work in dangerous and unhealthy environments and are deprived of rights promised them in the CRC such as health, education, recreation -- even childhood itself. They grow up illiterate, unskilled and prone to crime. Many are sold or forced into labour by their parents or families.

In other cases, the state itself forces children into dangerous or inappropriate work. Over the past three years, the army in Myanmar has been forcibly relocating hundreds of thousands of civilians from Shan State. Some of them, including children, have been forced into heavy labour, including building roads, cutting and transporting teak logs, building military shelters, and even building a Buddhist temple. Shan refugees reported that children from eight to 15 years of age were often used for this project, and that children also worked in place of their parents, who were busy earning money to support the family.

Child labourers are often employed in rural communities, many as bonded labourers. Some are sold to a rural landlord to work against a debt incurred by the family. Others are born into bondage, simply by being the children of bonded labourers who work in the family unit to pay off a family debt.

Most of the world's 250 million child workers do domestic labour. For many children, this is the only work they can find, while in some societies children from poor families are placed in another home by their parents in return for cash. Child domestics may be forced to work long hours for little or no salary, often endure permanent or long-term isolation from their families and friends, and rarely have the chance to attend school. An unknown number suffer rough treatment at the hands of their employers, sometimes including severe beatings.

In Jakarta, the capital of Indonesia, there are an estimated 700,000 child domestic workers. In Brazil, domestics account for 22% of all working children. Although child domestics can be as young as five years old, most are teenage girls, who are especially vulnerable to sexual abuse.<sup>4</sup>

In Haiti, rural poverty forces many families to send their children, some as young as seven or eight, to work as unpaid domestics in the cities. The parents generally receive no cash payment, they simply hope that the child will be fed. Most of these "*restaveks*" (from the French *rester avec*, to stay with) work in poor households, only slightly above them on the economic ladder. According to a UNICEF study, most work for families with incomes of less than US\$250 a year. They work long hours at very heavy labour, cleaning, cooking and fetching water and food from long distances in scorching heat. They usually eat no more than the family's meagre leftovers, and have no time to play or to make friends. Many are beaten and mistreated, and those who try to run away face severe punishment. Even though this abuse occurs in private households, the CRC, which Haiti has ratified, obliges the country to protect the child "from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment", including sexual abuse.

The issue is complicated, not all child workers are abused, and there is an ongoing debate about the degree to which children should be allowed to contribute to their families economically. Some argue that prohibiting child labour completely would increase the economic deprivation of extremely poor families who often depend on money brought in by children for their basic needs. Others say that removing children from some industries will only force them onto the streets or into more dangerous and exploitative forms of work.

There are no easy answers to this. Under the CRC the "best interests of the child" should be the primary consideration in all decisions affecting them. Child labour can often involve a violation of more than Article 32 of the CRC, which deals with protection from economic exploitation. Children who work are often denied their rights to education, health and physical integrity, and child labour often becomes a critical link in the cycle of deprivation and disadvantage that feeds other abuses. As a minimum, governments must ensure that child workers are protected: including by regulating

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<sup>4</sup> UNICEF

children's working conditions, eliminating small children from the workplace and ensuring that those who abuse child labourers are brought to justice.

In June 1999, the ILO adopted an international Convention obliging member states to end the worst forms of child labour, including all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, forced labour, commercial sex work, or work likely "to harm the health, safety or morals of children."<sup>5</sup> The Convention requires states to "design and implement programmes of action" to eliminate the worst forms of child labour, and to establish mechanisms for monitoring implementation of the Convention, in cooperation with employers and workers organizations. It also obliges states to provide education and rehabilitation to children removed from exploitative work, and to take into account the special situation of girls.

### **Child trafficking and sexual slavery**

Every day, across the world, a miserable cargo of women and children is being trafficked across well-beaten paths. The illegal and highly profitable transport and sale of human beings for the purpose of exploiting their labour, is a human rights abuse with global dimensions. In any given year many thousands of women and girls around the world are lured, abducted or sold into forced labour, forced prostitution, domestic service, or involuntary marriage. On just two established routes, from Nepal to India and from Bangladesh to Pakistan, an estimated 9,000 girls a year are trafficked.

Organized groups kidnap girls and sometimes boys, often very young, and sell them into prostitution, domestic servitude or bonded labour. Smugglers take advantage of the economic vulnerability of young women from disadvantaged and marginalised groups, luring them with the promise of jobs or acquiring them from their impoverished families. The youth of the victims makes it difficult for them to escape or retrace their families. The number of very young children being sold into prostitution is on the increase, apparently because of the preference for virgins and fear of AIDs.

A significant number of trafficked children end up being detained by the authorities on grounds such as prostitution. Many remain in detention for indeterminate periods as they have no money for bail or to make the return journey. In September 1997, 16 Bangladeshi children aged between three and 10, who were allegedly being trafficked into India en route to the United Arab Emirates, were arrested under the Foreigners Act as they did not have valid travel documents. Some of them were believed to be returned to Bangladesh after the intervention of a local NGO, the Bangladesh National Women Lawyers Association, in February 1998, while scores of children were believed to be awaiting repatriation from India.

### **Female Genital Mutilation**

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<sup>5</sup> ILO CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR, which may be cited as the Worst Forms of Child Labour Convention, 1999

"I was genitally mutilated at the age of ten. I was forced to lie flat on my back by four strong women, two holding tight to each leg. Another woman sat on my chest to prevent my upper body from moving. A piece of cloth was forced in my mouth to stop me screaming. When the operation began I put up a big fight because the pain was terrible and unbearable. I was circumcised with a blunt pen-knife."

Hannah Yambasu, Women's Officer with Amnesty International Sierra Leone, recounts her own experience of FGM in Sierra Leone

FGM, the surgical removal of all or part of the genital organs, is generally performed by a traditional practitioner with crude instruments and without anaesthetic: it is painful, terrifying and traumatic. Most of the victims are young girls, usually between the ages of four and ten, although in some cultures FGM is carried out in infancy or on newly-married women. The long-term physical effects include permanent damage to the genital organs and mild to severe impairment of normal body functions, including sex and birth. The psychological trauma is impossible to quantify.

FGM is practised in some 29 countries in Africa and in minority communities in other parts of the world. It is estimated to have afflicted well over 100 million women and girls. In some countries, FGM is prevalent in all sectors of society. In Sierra Leone the practice is carried out by all ethnic groups, apart from the Creoles, and all classes, including the educated elite. FGM is similarly widespread in Ethiopia, Eritrea, Mali and Somalia. In Côte d'Ivoire FGM affects about half of all women, and in some communities is performed on baby girls less than 40 days old.

Some two million African girls are believed to undergo FGM each year. There is a complex web of interrelated cultural factors behind FGM. It is seen by its practitioners as a necessary rite for initiation into womanhood and integration into the culture, without which a woman cannot marry. But it is increasingly opposed by women and men in Africa and elsewhere as a systematic form of violence against women and girls and a denial of their fundamental rights.

Some governments have committed themselves to eradicating the practice. In Côte d'Ivoire, for instance, a bill has been presented banning FGM. In Ethiopia, the government banned FGM in its 1994 Constitution, which prohibits laws, customs and practices that oppress women or cause them mental or physical harm. In December 1997 the Supreme Council in Egypt upheld a Health Ministry decree banning female circumcision from being carried out in state hospitals. By rejecting arguments that FGM is a religious requirement and that medicalization makes the practice acceptable, the court's decision gave a major boost to eradication efforts worldwide. Some 90% of Egyptian girls have reportedly undergone FGM, usually between the ages of three and six.

States are obliged to respect and to ensure the protection and promotion of all human rights, including the right to non-discrimination, the right to physical and mental security and the right to health. AI believes that government failure to take appropriate action to ensure the eradication of FGM violates these rights. More explicitly, article 24 of the CRC requires governments to take appropriate action to abolish traditional practices prejudicial to the health of children.

### **Street Children**

An estimated 100 million children live and work on the streets -- begging, peddling fruit, cigarettes or trinkets, shining shoes, often resorting to petty theft and prostitution to survive. Some of them have family links, but many others have been abandoned, rejected or orphaned, or have run away from home because of abuse or poverty. These children sleep in parks or doorways, under bridges or in abandoned buildings. Many are addicted to drugs; in Central America, street children often use inhalants, such as glue, which are cheap and easily accessible, but which cause irreversible brain damage, as well as a host of physical debilities. Very few street children enjoy the standard of living guaranteed by the CRC, which must be "adequate for the child's physical, mental, spiritual, moral and social development"

Street children often fall victim to "social cleansing" campaigns, in which local business owners pay to have them chased away or even killed. Many are victims of abuse, sometimes murder, by police and other authorities who are supposed to protect them. AI has documented violence against street children in many countries, including Bangladesh, Brazil, Guatemala, India, Kenya, Nepal and Uganda. What these attacks have in common is the almost complete impunity enjoyed by those who perpetrate them.

Recent court judgments in Brazil have taken the first steps towards holding those who abuse street children accountable. In July 1993, a gang of hooded off-duty policemen opened fire on more than 50 street children sleeping rough near the Candelária Church in the centre of Rio de Janeiro. Seven street children and one young adult were killed.

The killings provoked an international outcry and focused attention on the vulnerability of street children. Now, more than six years later, three ex-military police officers have been held responsible for the murders, and the government has taken the first steps towards the creation of a witness protection program. These developments have been hailed as the first successful assault on impunity for human rights violations in Brazil, and follow years of campaigning by AI and other human rights organizations.

One of the convicted police officers was sentenced to 309 years' imprisonment in April 1996, later reduced to 89 years. During the trial the presiding judge noted the "abhorrent nature of the crimes attributed to the defendant, driven by the shameful aim of exterminating socially marginalised children". In August 1998 the third policeman, who had confessed to his involvement in the massacre, was sentenced to 204 years in prison.

Although the testimonies of those who survived the Candelária massacre were crucial to the prosecution's case, many of the survivors continued to sleep on the streets throughout the investigations, where they remained vulnerable to threats and harassment. Despite AI's persistent calls for their protection, all but one were too frightened of reprisals to appear in court. AI is continuing to campaign for adequate witness protection in cases of human rights violations, particularly those involving children.

## RECOMMENDATIONS

The Convention on the Rights of the Child (CRC) puts *the best interests of the child* as the primary consideration in all actions concerning children. AI calls on governments, opposition groups and all other actors who exercise control over children to adhere to this principle in all matters concerning the treatment of children. AI calls on governments to follow these concrete steps to protect children at risk of human rights abuses in custody, in the community and in situations of armed conflict

1. Pass legislation guaranteeing the rights set out in the CRC and make available adequate resources to implement these rights. Cooperate fully with the Committee on the Rights of the Child, by submitting timely reports and ensuring that the Committee's recommendations are implemented fully and disseminated widely.
2. Ensure that children in detention or in the care of public or private institutions are protected from torture or cruel, inhuman or degrading treatment or punishment, including rape and sexual abuse. Recognise that girls are particularly vulnerable to rape and sexual abuse and take appropriate measures to protect them.
3. Ensure that all children who come into contact with the justice system are subject to special procedures based upon the fundamental principles for juvenile justice set out in the CRC.
4. Enforce the worldwide ban on the imposition of the death penalty for crimes committed when the defendant was under 18 years of age.
5. Provide adequate redress, including compensation, to child victims of human rights violations, aimed at their rehabilitation and reintegration into society.
6. Ensure that children are detained only as a last resort, and for the shortest possible time. Children should never be detained solely for being relatives of "wanted" political or criminal suspects. The detention or imprisonment of children along with their mothers must never be used in such a way as to inflict torture or ill-treatment on either.
7. Investigate impartially and thoroughly all reports of "disappearances", extrajudicial executions or other human rights violations committed against children.
8. Prohibit the compulsory or voluntary recruitment of anyone under the age of 18 into government armed forces, and ban people under the age of 18 from participating in armed hostilities.
9. Protect the rights of refugee and internally displaced children, including protection against recruitment and sexual exploitation. Facilitate the return or resettlement of displaced people in safety and dignity.

10. Take immediate steps to end hazardous and exploitative forms of child labour, including bonded labour, commercial sexual exploitation and any other work that threatens the health and welfare of the child. Ensure that all child workers are protected from abuse or exploitation.

11. Develop comprehensive programs of action to promote non-discriminatory treatment of girls and boys and to eradicate harmful traditional practices.