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Children in South Asia: their rights, the region's future

TIME TO DELIVER

Children are the most vulnerable members of society and need special protection and assistance. Their right to grow up without fear of abuse and exploitation is paramount. The state has a duty to protect children from abuse and to provide them with the means to develop and realize their potential.

Children in South Asia, who make up just under half the region's population, suffer the hardships faced by people throughout the region, be it poverty, discrimination, war or disease. Governments in South Asia have committed themselves to improving the situation of children, pledging to protect them and their right to develop. However, this commitment has so far proved to be little more than a paper promise.

Across South Asia, governments are allowing children to suffer violations of their civil and political rights as well as their economic, social and cultural rights. Children are being tortured and ill-treated by law enforcement officials. Others are being killed or are "disappearing" in situations of armed conflict. Children living on the streets are being arbitrarily detained, and millions of children are being exploited through bonded labour, child trafficking and forced prostitution, often carried out with official collusion.

Only when governments give clear signals that agents of the state should respect the rights of children and back this up with action against those who perpetrate violations, can the rhetoric of protection of children's rights be fully believed.

CHILDREN HAVE RIGHTS

The rights of children have been recognized in international human rights standards such as the Universal Declaration of Human Rights through which nations of the world acknowledged that childhood is entitled to special care and assistance. These rights were further developed in the Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989. Virtually all countries in the world have demonstrated their commitment to children's rights by ratifying this Convention, including every state in South Asia.

The Convention ensures rights for children without discrimination, regard-less of their race, colour, sex, language, religion, national, ethnic or social origin, disability, birth or other status, or that of their parent or legal guardian. Some of its main principles are:

* Every child has the inherent right to life (Article 6).

Thousands of children in Afghanistan should not have been killed in deliberate and indiscriminate rocket attacks on residential areas. Pakkirajah Vasanthini, a four-year-old girl from Kumarapuram, Sri Lanka, and 12 other children from her village, six of whom were under 12 years old, should not have been killed by government soldiers in February 1996.

* Capital punishment or life imprisonment shall not be imposed for crimes committed before the age of eighteen (Article 37a).

Shamun Masih should not have been executed in Hyderabad Central Jail, Pakistan, in September 1997 for a crime he allegedly committed when he was 14 years old.

* Children must not be tortured or suffer cruel, inhuman or degrading treatment or punishment (Article 37a).

Police should not have pierced pins through the nails of 14-year-old Rajesh from Kerala, India. Nor should 14-year-old Yasmin Akhtar have been raped and killed by three policemen in Bangladesh in August 1995.

No child shall be deprived of his or her liberty unlawfully or arbitrarily. In addition, the arrest, detention or imprisonment of a child should be used only as a last resort and for the shortest appropriate time (Article 37 (b)).

Police in Pakistan should not have detained 17-year-old Deedar for three months after he tried to file a complaint with them about the rape of his sister. In India, children such as Narendra Narayan and Naina Mansukh from Ahmedabad, both 16-year-old boys, should not be arrested and detained without being produced before a magistrate simply because they are found on the streets by police at night. Narendra and Naina were detained for 10 days in April 1995 before being sent to an observation home by a magistrate.

* All children who are detained should be separated from adult detainees (Article 37(c)).

The authorities of Kathmandu Central Prison should not have held 15 children, aged between 12 and 14, alongside adults in August 1997. The children had been working in Kathmandu, Nepal, and living on the city's streets.

* States are obliged to respect and ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child. States are also obliged to ensure the protection and care of children affected by an armed conflict (Article 38).

Thirteen-year-old Maroof Ahmad should not have been sent by an Islamic school in Karachi, Pakistan, where he was studying, to fight in Afghanistan. His parents were not even consulted.

* Special protection is to be given to refugee children. States shall cooperate with international agencies to this end and also help to reunite children separated from their families (Articles 22 and 10).

Child refugees should not be dying from malnutrition and preventable diseases in relief camps in India to which they have fled to escape ethnic violence between Bodos and Santhals in Assam. Under the Convention, children have many other rights, including the right to:

- * freedom of expression;
- * enough food and clean water for their needs;
- * fair trial.

States are obliged to promote respect for human rights and fundamental freedoms among children and make the principles and provisions of the Convention widely known to adults and children alike.

Obligations of armed opposition groups

All armed opposition movements are bound, like governments, to observe principles of international humanitarian law in their treatment of children and others in the context of armed conflict. These principles include the prohibition of the killing, torture, rape or hostage-taking of anyone who is not taking an active part in armed conflict. These principles are widely ignored by

armed opposition groups in South Asia. The cruel consequences for children include psychological damage, recruitment into fighting units, displacement, sexual and other violence, and death.

WHAT YOU CAN DO

Amnesty International is campaigning to raise awareness of children's rights in South Asia and to encourage people to take responsibility for future generations. It is also urging the governments in South Asia to take immediate steps to protect children from violations and grant them their full rights under the Convention on the Rights of the Child. It has published a report, *Children in South Asia: securing their rights*, April 1998 (AI Index: ASA 04/01/98), which details abuses against children in the region and makes recommendations for their prevention in the future.

If you would like to help raise awareness of children's rights and add your voice to those campaigning for the full realization of children's rights in your country, there are several things you can do:

- * Approach your political representative to raise with your government concerns about the violations of the rights of children and implementation of the Convention on the Rights of the Child in South Asia.
- * Write to officials of your government urging them to work towards full implementation of the Convention and to ensure the protection of children in countries of South Asia.
- * Ask your local schools, libraries, shops, book-shops, police stations, courts, army barracks, prisons, colleges or places of worship to display this leaflet along with a copy of the Convention on the Rights of the Child (copies of the Convention should be available from UN offices in your country).
- * Join Amnesty International in its worldwide fight against human rights violations. There are also many local and national organizations focusing specifically on the rights of children which you could support.

This campaign coincides with Amnesty International's year-long worldwide campaign to celebrate the 50th anniversary of the Universal Declaration of Human Rights (UDHR) on 10 December 1998. People all over the world are being invited to make a personal pledge to the principles contained in the UDHR — principles which specifically refer to the need to protect children. After all, as human beings, children are entitled to all human rights as enshrined in the UDHR.

JOIN THE CAMPAIGN

Amnesty International is a worldwide campaigning movement that works to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards. In particular, Amnesty International campaigns to free all prisoners of conscience; ensure fair and prompt trials for political prisoners; abolish the death penalty, torture and other cruel treatment of prisoners; and end political killings and "disappearances". It also opposes human rights abuses by opposition groups.

Amnesty International has around a million members and supporters in 176 countries and territories. Activities range from public demonstrations to letter-writing, from human rights

education to fundraising concerts. Amnesty International is impartial and independent of any government, political persuasion or religious creed.

If you would like to know more about Amnesty International's campaign for children's rights in South Asia or anything else about our work, please contact us at:

Or: Amnesty International's Asia Pacific Regional Office,
Unit D, 3F, 32-36 Ferry Street,
Kowloon, Hong Kong

The leaflet is also available in the following languages: Hindi, Urdu, Punjabi, Nepali, Bengali, Tamil, Sinhalese, Gujarati, Marathi, Kannada, Telegu, Malayalam, and Oriya.

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