

AFGHANISTAN: *Children Traumatized by Civil War*

"I told people to bury them where they were as I did not know how much of them could be pulled out of that hole."...

...The words of a mother on seeing the remains of her young son and daughter after an unexpected artillery attack on their home in Kabul in early 1994. During the attack, the parents had taken their youngest child to their basement, but did not have time to find their two other children. After a lull in the bombing, they ran upstairs and found the bodies of the two children driven into the ground by the force of a bomb.

During 19 years of bitter, civil conflict in Afghanistan, thousands of children have been killed in deliberate or indiscriminate attacks against their homes, schools or playing fields. Hundreds of others have been subjected to torture, including rape, at the hands of the numerous armed political groups.

In September 1997, around 70 civilians, including children, were deliberately and arbitrarily killed by armed guards of a warring faction in Qezelabad village near Mazar-e Sharif. Survivors said the massacre was carried out by *Taleban* guards retreating from positions they had captured in the area. *Taleban* officials denied this. All of the victims reportedly belonged to the Hazara minority. Among them was a boy of about eight who was reportedly killed and decapitated. Other reports stated that victims had their eyes gouged out with bayonets. Two boys of about 12 were reportedly held by the guards and had their arms and hands broken with stones.

Almost every family in Afghanistan has been affected by the conflict. Even children who have not been victims of human rights abuses themselves have witnessed acts of violence. Many have seen people killed and injured in rocket or artillery attacks, or watched their homes destroyed by shelling.

Young children have been left alone, either abandoned by their families for their own

safety, or orphaned by killings. Often they have found themselves totally isolated, with no one or no organization to turn to for help. Their families for whatever reason are not there to support them, and community protection systems have broken down.

Exposure to such horrors has taken its toll on Afghanistan's children, many of whom bear deep psychological scars.

In October 1997, the UN Children's Fund, UNICEF, revealed the findings of a first study of its kind in Afghanistan on the effects of the conflict on children. It found that trauma experienced by children in Kabul was chronic, influencing their emotional development and affecting their views of themselves and of their future. A disturbing 90 per cent of children interviewed believed they would die during the conflict. A majority of them said they trusted adults less now than before the fighting. Most were suffering from nightmares, anxiety and concentration problems, which also affected their appetite and their ability to play. Almost all of the children interviewed felt sometimes or often that life was not worth living.

The parties to the conflict in Afghanistan are bound by the principles of international humanitarian law that provide safeguards for the life and security of civilians, and therefore of all children. These principles have been persistently flouted by the armed political groups in Afghanistan.

Amnesty International is once again urging all parties to the conflict in Afghanistan to respect fundamental human rights standards and the principles of humanitarian law. These principles include the prohibition of killing, torture, rape or

hostage-taking of anyone who is not taking an active part in the conflict.

Recognizing that the ongoing armed conflict in Afghanistan creates a climate in which human rights abuses - of children as well as adults - are more likely to occur, Amnesty International is calling on all the armed political factions to find a solution to the conflict, in which the fundamental rights of all Afghanistan's tribal, ethnic and social groups are respected.

Amnesty International also recognizes that the conflict in Afghanistan is fuelled by outside countries who, for strategic, ideological and economic reasons, provide political and material support for the warring factions. The organization therefore believes that all the countries that support the warring factions must accept responsibility for human rights abuses that Afghan civilians, including children, endure.

Please send appeals to your own government:

- ◆ Expressing concern at human rights abuses, particularly of children, in Afghanistan.
- ◆ Urging that they raise these concerns with any or all of the warring factions with whom they may have contact;
- ◆ Urging your government to use its influence with the warring factions in Afghanistan to put pressure on them to respect human rights and principles of humanitarian law, and to seek a political solution to the conflict where the fundamental rights of all Afghanistan's tribal, ethnic and social groups, including children and women, are respected.



BANGLADESH: *Girl children raped in custody*

Yasmin Akhter was 14 years old when she was raped and killed by three police officers in August 1995. She was picked up by the police in their patrol car as she was on her way to her mother's house in Dinajpur. The police officers assured Yasmin that they would see that she got safely home. They lied. Instead, they brutally raped and strangled her, and dumped her body by the roadside.

When Yasmin's body was discovered, there was an outcry from local people who stormed the district police station. Following a judicial inquiry and a police investigation, three police officers were charged with the rape and murder of Yasmin Akhter. In a rare example of the security forces being held to account for human rights violations, the three policemen were tried and convicted in 1997.

In the above cases, as in others, police officers in Bangladesh abused their position of authority. At times, it distinctly appears as if police have arrested girl children and women in order to rape them.

The ill-treatment and torture, including rape, that girl children and young women are particularly at risk of in the custody of police officers in Bangladesh is a reflection of the violence that women are subjected to in society as a whole. This violence is rooted in discriminatory attitudes which deny women their fundamental rights to education, employment, political participation and even life, as equal to men.

"Every child has the inherent right to life"
CRC, Article 6

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."

Convention of the Rights of the Child, Article 37 [a], ratified by the Government of Bangladesh in 1990.

Girl children and young women in Bangladesh cannot rely on the authorities to protect their human rights. Not only do the police fail to investigate reports of human rights abuses perpetrated against girl children and women, but they are themselves responsible for such violations, including custodial rape. And while it may be true that only a fraction of reported rapes are committed by police officers, the fact that

The custodial rape of Yasmin Akhter is not an isolated incident. Two months after Yasmin's rape and death, another 14-year-old girl was allegedly raped by two police officers and a local man at Chuadanga in October 1995. The girl had been travelling on a train to her brother-in-law's house in Khustia district, when she was ordered off the train by the two policemen on the pretext that she was travelling without a ticket. The authorities announced an investigation into the incident, but there have been no reports of any charges being brought.

law enforcement officials are in most cases seen to be able to rape women with impunity, signals to society at large that the authorities do not treat the crime seriously. In July 1997, Bangladesh appeared before the UN Committee on the Elimination of Discrimination against Women. The Committee expressed serious concern at the alarming levels of violence against girl children and women in all its forms and especially its most cruel forms, such as acid-throwing, stoning and dowry death.

It strongly urged the Government of Bangladesh to strengthen its enforcement and monitoring of existing laws, policies and mechanisms on violence against girl children and women, so as to provide effective measures of protection and to prevent further violence. It also recommended the strengthening of gender sensitisation and training programmes for the judiciary, police and health professionals

The present government of Prime Minister Sheikh Hasina Wajed has made a number of positive statements about improving human rights protection in Bangladesh. Whilst welcoming the Government's commitment to upholding the fundamental rights of girl children and women, Amnesty International believes that the government has to do far more to ensure that these rights are respected in practice. Amnesty International is urging the Government of Bangladesh to take practical concrete steps to strengthen institutional capacity at all levels - local, district and central - to protect and promote human rights.

Please send appeals in English or your own language:

- ◆ expressing concern at the incidents of custodial rape of girl children in Bangladesh;
- ◆ welcoming the Government of Bangladesh's ratification of the Convention of the Rights of the Child, and urging them to ensure that children in Bangladesh enjoy the full rights guaranteed to them by the Convention on the Rights of the Child;
- ◆ calling on the authorities to promptly investigate all cases of custodial rape and to ensure that any member of the security forces responsible for custodial rape is brought to justice;
- ◆ urging the government to act on the recommendation of the CEDAW Committee that the police, judiciary and health workers be given gender sensitisation training;
- ◆ Recommending also that public officials be given training to sensitise them to the special needs and protection of children.

To:

Prime Minister Sheikh Hasina Wajed

The Hon. Rafiqul Islam

*Office of the Prime Minister
Gona Bhaban
Sher-e Bangla Nagar
Dhaka
Bangladesh*

*Minister of Home Affairs
Home Ministry
School Bldg, 2nd & 3rd Floors
Bangladesh Secretariat
Dhaka*

Salutation: Dear Prime Minister

Salutation: Dear Minister



INDIA: *Arbitrary detention and torture of children*

Eleven-year-old Ravi and 12-year-old Ramesh were arrested by police at the end of 1995 in Ahmedabad in the Western state of Gujarat, India, on suspicion of stealing copper wire. Ravi was handcuffed and Ramesh was tied with a rope around his neck and waist and the two boys were beaten. When they arrived at the police station, Ravi was given electric shocks several times on his hands, while Ramesh looked on. The two boys were kept at the police station for two and a half days during which time they were tied to the bars of the lock-up.

On the third day they were produced before a magistrate after being threatened by police not to reveal anything about their time in police custody.

"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment"

Convention on the Rights of the Child,
Article 37(a)

ratified by the Government of India in 1992

The magistrate sent them to a remand home (known as an Observation Home) where they were interviewed by members of a Committee appointed by the Gujarat High Court to look into conditions at Observation Homes in Gujarat. The boys were interviewed in December 1995, a month and a half after their arrest. At this time they had still not been brought before a Juvenile Justice Court or formally charged with an offence.

Ravi and Ramesh's stories are similar to those of thousands of children in South Asia. Ravi's parents died when he was six and at the time of his arrest, he was earning his living rag-picking and doing other manual work. Ramesh's mother died several

years before and he was working in a market where he earned money to send home to his family.

"No child shall be deprived of his or her liberty unlawfully or arbitrarily"

Convention on the Rights of the Child
Article 37 (b)

Despite the existence of legislation -- the **Juvenile Justice Act 1986** -- enacted to provide for "the care, protection, treatment, development and rehabilitation of neglected juveniles." Reports from India indicate that children are regularly and

arbitrarily picked up by police, subjected to ill-treatment and are often illegally detained for periods of time. It is clear that Section 18 (2) of the Act, which specifies that no child can be put in a jail or police lock-up, is not being implemented in India.

14 year-old Ramesh from Chennai in the southern state of Tamil Nadu was not as lucky as Ravi and Rannesh. He didn't manage to escape with his life. He was arrested by police in August 1997 on suspicion of stealing a bicycle. Ramesh's parents went to the police station to see their son, only to find that he had been beaten by police. His 12-year-old brother who was detained briefly with him, recounted that Ramesh had been beaten on his head by police and that they had been chained together, tied to a window and beaten for more than two hours with *lathis* (wooden poles). Despite assurances by police that he would be released, Ramesh's body was found on a nearby railway track later that evening.

Ramesh was just 14 years old but had been working for four years and was the main bread winner in his family. At the time of his death, he was earning around Rs.50 (c US\$1)per day at a metal factory.

Please send appeals to the authorities in India:

- ◆ Expressing concern about the illegal detention and torture of children in India. Urge the authorities to ensure that all allegations of torture or ill-treatment are immediately investigated by an independent and impartial authority and that all those found responsible are brought promptly to justice.
- ◆ Welcoming the Government of India's ratification of the Convention on the Rights of the Child, and the fact that the Juvenile Justice Act 1986 exists to protect the rights of children but express concern that there are regular reports of the torture and ill-treatment of children in the custody of police as well as in the custody of state institutions;
- ◆ Urge the authorities to ensure that all law enforcement personnel are trained in the basic principles of international human rights law and are familiar with those international treaties which India is bound by, including the Convention on the Rights of the Child which states that no child shall be subjected to torture or arbitrary detention. In addition, urge the authorities to ensure that law enforcement personnel are familiar with provisions of the Juvenile Justice Act designed to protect children.

Please send polite appeals to:

(Dear Minister)
Minister of Home Affairs
Ministry of Home Affairs
North Block, New Delhi 110001
India

(Dear Minister)
Minister of Human Development
Department of Women and Child Welfare
Ministry of Human Development
C Wing Shastri Bhawan, New Delhi 110001
India



NEPAL: *Children tortured in custody*

13-year-old Indra Prasad Devkota [m] was reportedly kicked and beaten with sticks by police officers in Sindhulimadi Police Station, while they interrogated him about his father's whereabouts. He had been taken into police custody in April 1996, reportedly in order to make his father, who was wanted by police, hand himself over to authorities.

Indra Prasad Devkota is one of many children who have reportedly been subjected to torture and other cruel, inhuman and degrading treatment in police custody in Nepal. Beaten with sticks and pipes on their upper bodies and the soles of their feet, kicked, sexually harassed and raped, and denied food for days, children in detention are subjected by agents of the state to many forms of ill-treatment also suffered by adults, either as punishments or to extract information or confessions. Those who are particularly at risk are children living and working on the streets, or children in areas where there is armed opposition to the government.

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment"

Convention of the Rights of the Child,
Article 37 [a]

ratified by the Government of Nepal in 1990.

Like Indra Prasad Devkota, many children have been detained with adults in Nepal, in contravention to internationally recognized principles. Those held in custody with adults include children who have been arbitrarily detained; children who are suspected

or convicted of criminal acts, and children detained with convicted parents. They suffer from harsh conditions in police custody and prisons, including overcrowding and denial of medical care, which may sometimes amount to cruel, inhuman and degrading treatment.

"All children who are detained should be separated from adult detainees"

Convention on the Rights of the Child
Article 37 [c]

The right of children in Nepal not to be tortured is guaranteed by international human rights treaties to which the government is party, such as the United Nations Convention on the Rights of the Child (CRC), and the United Nations Convention against Torture (CAT). While the CAT places an obligation on the government to make torture a criminal offence, the specific act of torture has still not been made a criminal offence in Nepali law. To Amnesty International's knowledge, no prosecution of individuals suspected to have tortured children or adults in Nepal has taken place. "Departmental action" is the only punishment recommended by domestic law for governmental officials who are found to have committed torture.

The CRC places an obligation on governments to ensure that all children are detained separately from adult detainees, unless in the best interest of the child. The 1992 Children's Act makes provisions for the establishment of juvenile detention centres and courts for children held in custody. To Amnesty

International's knowledge, six years since the act was passed these provisions remain largely unimplemented.

Please write appeals in English or your own language:

- ◆ Expressing your concern at reports of the torture of children in detention, and urging authorities to investigate impartially and thoroughly all reports of torture and any other human rights violations committed against children, and bring those responsible to justice;
- ◆ Welcoming the Government of Nepal's ratification of the UN Convention on the Rights of the Child, and urging that the government ensure children in Nepal enjoy the full rights guaranteed to them by the Convention, as well as by the International Covenant on Civil and Political Rights and the UN Convention Against Torture;
- ◆ Urging the government to make torture a criminal offence, in line with its obligations under the UN Convention Against Torture;
- ◆ Urging the government to ensure that all law enforcement personnel are trained in the provisions of international human rights law and domestic law that safeguard the rights of children.

To:

Khum Bahadur Khadka
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Salutation: Dear Minister

Siddhiraj Ojha
Minister of Law & Justice
Ministry of Law & Justice
Babar Mahal
Kathmandu
Nepal

Salutation: Dear Minister

Achyut Krishna Kharel
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal, Kathmandu
Nepal

Salutation: Dear Inspector

Sharat Singh Bhandari
Minister of Youth, Sports and Culture
Ministry of Youth, Sports and Culture
Tripureshwor
Kathmandu
Nepal

Salutation: Dear Minister

General



PAKISTAN: Children sentenced to death

Shamun Masih was executed in Hyderabad Central Jail on 30 September 1997. He had been arrested and charged in connection with a murder and bank robbery which took place in Karachi in 1988. He was 13 or 14 years old at the time he committed the offence for which he was tried and sentenced to death in 1990.

Unfortunately, Shamun Masih's case is not unique. Pakistan remains one of the few countries in the world which allows children to be sentenced to death. According to the non-governmental Human Rights Commission of Pakistan there are currently 52 children on death row in the province of Punjab alone.

In February 1995, Salamat Masih, a Christian boy from the Punjab, was sentenced to death for blasphemy. At the time he allegedly scribbled blasphemous words on the walls of a mosque he was only 14 years old. He was also illiterate. He was acquitted on appeal within a month of being sentenced as there were no witnesses and no material evidence against him.

As juveniles, Shamun Masih and Salamat Masih should not have been sentenced to death at all. The sentences were passed despite ratification by Pakistan of the UN Convention on the Rights of the Child (CRC).

"... Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age". Convention on the Rights of the Child (CRC) Article 37 [a], ratified by the Government of Pakistan in 1990

As a state party to the Children's Convention, the Government of Pakistan is obliged to bring its laws into conformity

with the provisions of the Convention. As yet, it has failed to do so.

In Pakistan the death penalty can be legally imposed for a variety of offences, including blasphemy, armed robbery, theft, rape, fornication, and certain offences against the state. Under the Pakistan Penal Code (PPC) an offender above the age of 12, or between the ages of seven and 12, if he or she has attained "sufficient maturity of understanding to judge the nature and consequences of (his) conduct" can be sentenced to all the relevant punishments, including death. The PPC does not set an age limit below which the death penalty cannot be imposed.

Under the Hudood laws of 1979 the protection of children is further reduced. These laws prescribe *hadd*, or fixed punishments, including stoning to death, judicial amputation or public flogging for those found to have committed armed robbery, theft, rape, fornication, false accusation of fornication or alcohol consumption. As the Hudood laws consider a child who has reached puberty to be adult, it is possible that children who have reached puberty may be subjected to the above punishments.

In theory, a girl of 12 who has reached puberty is legally an adult and could be sentenced to *hadd* punishments, including stoning to death. In practice, in the majority of cases, judges take the age of the defendant into consideration and pass lenient sentences. However, the imposition of lesser sentences for children is not a matter of right but dependent on subjective compassion.

Please send appeals in English or your own language:

- ◆ urging the Government of Pakistan to commute all death sentences currently passed against children;
- ◆ welcoming the Government of Pakistan's ratification of the United Nations Convention on the Rights of the Child, and urging that it ensure that children in Pakistan enjoy the full rights guaranteed to them by the Convention;
- ◆ calling on the Government of Pakistan to live up to its obligations under the Convention on the Rights of the Child to raise the age to 18 below which a person committing an offence cannot be sentenced to death;
- ◆ urging authorities to ensure that all law enforcement personnel are familiar with and respect all provisions of those international treaties by which Pakistan is bound, including the Convention on the Rights of the Child.

to:

Prime Minister Nawaz Sharif
Office of the Prime Minister
Islamabad
Pakistan

Minister of Law & Justice
Ministry of Law & Justice
Pak Secretariat
Islamabad
Pakistan

Salutation: Dear Prime Minister

Salutation: Dear Minister

President Rafiq Tarar
Office of the President
Aiwan-e Sadar
Islamabad, Pakistan
The Hon Khalid Anwar

Amnesty International is campaigning to raise awareness of children's rights throughout the world and to encourage people to take responsibility for future generations. Its report, *Children in South Asia, Securing their Rights* (AI Index: ASA 04/01/98) details the human rights situation of children in South Asia. The report can be obtained from the office of Amnesty International in your country, or from the International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

Salutation: Dear President



SRI LANKA: Children “Disappeared”

Natkunasingam Sivathisini, a three-year-old girl, and **Venuraj**, her four-month-old brother have not been seen since 9 September 1990, when they were detained from their village by soldiers from the Boys Town Army Camp. Sixty-eight Tamil children “disappeared” after being detained on that day in Batticaloa with members of their families.

It is feared that they were subsequently extra-judicially executed. As of March 1998 no-one has been prosecuted for their “disappearance”.

No child shall be deprived of his or her liberty unlawfully or arbitrarily.”

Convention on the Rights of the Child (CRC), article 37 [b]

ratified by the Government of Sri Lanka,
12 July 1991.

Scores of children, aged between several months and 17 years, are among the thousands of people who are reported to have “disappeared” after detention by security forces and members of armed groups engaged in hostilities, during the last 15 years of civil conflict in Sri Lanka. Many who subsequently “disappeared”, were arrested arbitrarily: for example **Pranaban Kumarasamy**, 16, was arrested in September 1996 after he made enquiries about the “disappearance” of his sister **Krishanthi Kumarasamy**, 18, at the same military check-point where she had been arrested. A large number of children who have “disappeared” are feared to have been tortured in custody and extra-judicially executed. Pranaban Kumarasamy’s dead body was found several weeks later in a shallow grave, together with that of his sister, mother and neighbour. The trial of

those suspected of their murder is continuing.

“Every child has the inherent right to life”
CRC, Article 6

Children continue to “disappear” in the custody of agents of the state in the north and east of the country. For example, the relatives of Jeganathan Janagan, a 17-year-old student, have not seen him since he was taken from his home at Nallur, Jaffna at around 2 am on 14 July 1996 by soldiers suspected of being attached to the Kailasa Pillayar Kovil army camp.

In recent years, as a result of considerable pressure from relatives of the “disappeared”, and local non-governmental organizations, investigations have been opened into “disappearances.” Three presidential commissions set up in late 1994 recently completed investigations of “disappearances” reported since 1988. While some members of the security forces have been prosecuted for their part in “disappearing” children and adults, the proceedings have either not reached a conviction or have continued for years without a conclusion. To this date no judgement has been passed in a court of law against those suspected to have perpetrated these grave human rights violations. It is hoped that the government will act on its promise to bring to justice those officials against whom there is strong evidence of involvement in “disappearances”.

The government must make clear to state officials that they are bound in their duties to safeguard the rights of children, and that past, present and future violations of these rights will not go unpunished

Please send appeals in English or your own language:

- ◆ Expressing concern at reports of the “disappearances” of children in Sri Lanka;
- ◆ Welcoming the Sri Lankan Government’s ratification of the United Nations Convention on the Rights of the Child and urging that it grant children in Sri Lanka the full rights guaranteed to them by the Convention,
- ◆ Expressing the hope that those found by the Presidential Commissions of Inquiry into “Disappearances” to be responsible for human rights violations, particularly against children, will be investigated; and urging that those suspected to be responsible for all “disappearances” of children are brought to trial under ordinary criminal proceedings at the earliest opportunity, and
- ◆ Urging authorities to ensure that all law enforcement personnel are familiar with their obligations under the provisions of those international treaties by which Sri Lanka is bound, including the United Nations Convention on the Rights of the Child.

To:

Her Excellency
Chandrika Bandaranaike Kumaratunga
President
Presidential Secretariat
Temple Trees
Colombo 3
Sri Lanka
Salutation: Dear President

The Hon (General) Anuruddha Ratwatte
Deputy Minister of Defence
Ministry of Defence
15/5 Baladaksha Mawatha
POB 572
Colombo 3
Salutation: Dear General

Justice Sarath Silva
Attorney General
Attorney General's
Department
Hulftsdorp
Colombo 12

The Hon S B Dissanayake
Minister of Youth Affairs
4th Floor, Inland Revenue Building
111/1 Sir Chittampalam A
Gardiner Mawatha
POB 510, Colombo 2

Salutation: Dear Attorney General

Salutation: Dear Minister

W B Rajaguru
Inspector General of Police
Sri Lanka Police Headquarters
New Secretariat, Colombo 1

Salutation: Dear Inspector General

Amnesty International is campaigning to raise awareness of children’s rights throughout the world and to encourage people to take responsibility for future generations. Its report, *Children in South Asia, Securing their Rights* (AI Index: ASA 04/01/98) details the human rights situation of children in South Asia. The report can be obtained from the office of Amnesty International in your country, or from the International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom

