

## CHILDREN'S RIGHTS NETWORK

# AMNESTY INTERNATIONAL

Aotearoa New Zealand



June 2009

Co-ordinators – Joan & Peter Sutton, Jan Marsh

### Referendum on Section 59

As the postal referendum on the repeal of Section 59 of the Crimes Act approaches, it is important to remember that this parliamentary decision was a major victory for children's rights. The Children's Rights Network was proud to take an active part in the campaign for the repeal and welcomed the outcome. It gave children the same rights to protection against violence as adults and honoured this country's commitment to the Convention on the Rights of the Child (CRC).

The opponents of that decision have used emotive wording to slant the referendum question and misrepresentation of the facts to try to get a result which they can use to discredit the present law. The question is nonsense and has no bearing on the legal situation. However it is essential that we do not ignore the referendum because if we do, we can be certain that the pro-smacking lobby will not.

Despite the statements of some politicians that they will probably not vote and that the result will not change their policies because the law is working, it is important that we treat the referendum seriously. It is planned as an attack on children's right to protection against violence.

Ignore the references to "good parental correction" and treat the question as "Should violence against children be a criminal offence in NZ?". Clearly the answer is "YES" and that is the way we should vote. We know that the police will continue to use their discretion not to prosecute trivial cases.

Seek to convince your family, friends and acquaintances to vote "YES" because the pro-violence lobby would use a majority negative vote to create a clamour for change.

**Children do not have a vote – they rely on us to stand up for their rights.**



### Day of the African child: the unending plight of African children



On June 16th 2009 Africa observed the Day of the African Child, in memory of, thousands of black school children who were maimed and killed in 1976 Soweto uprising, as they took to the streets to protest the inferior quality of their education and to demand their right to be taught in their own language. To honour the memory of those killed and to meet the Millennium Development Goals (MDG) relating to the welfare and safety of African children, the UN Millennium Campaign calls on African states, Civil Society Organisations and the private sector to tackle child and maternal mortality, school dropout, gender inequality in Universal Primary Education (UPE) and poor quality standards of UPE.

As many as 50,000 African children under the age of five years will lose their lives as a result of preventable or curable diseases and up to 38 million primary school age children in Africa still remain out of school, due to the cost of fees and books, child labour and HIV/AIDS. The conditions are more devastating for girls: the higher they climb the ladder of

education the greater the rate of dropout..

“Child survival, protection and development are not only universal aspirations enshrined in the MDGs, they are also human rights issues ratified in the International Convention on the Rights of Children and the African charter on the rights and welfare of the child” Says the UN Millennium Campaign Communications Coordinator and Acting Deputy Director for Africa, Ms. Sylvia Mwachuli.

When political commitment is present, the results are often significant. Countries like Rwanda, Malawi, Zambia, Uganda, Kenya and Ghana are good cases. Malawi for example has moved from a hungry country that it has consistently been to a regional food supplier in recent years. It is also only second to Costa Rica globally in reducing child mortality by more than one-third in the past three years!

When it seemed impossible for pastoral communities in Kenya to access education, the government designed mobile classrooms in which the children of the nomads access education as they wander about in search of water and pasture for their cattle. In all of these cases the reason for success has been the country's political will.

### Amnesty Partnership with UNICEF

In line with the Demand Dignity campaign Amnesty is looking at partnerships with other organisations. UNICEF has set out goals for children in the Pacific which are in harmony with our new focus.



In a recent paper, UNICEF calls for the development of a knowledge management system to enhance the organisation, integration, sharing, delivery and use of high quality data for children in Pacific Island countries.

UNICEF's response to challenges in the Pacific is to place children at the centre of Pacific Island development with a programme that has three main features:

- It is based on the human rights of children as stipulated by the CRC and complemented by the Convention to End All Forms of Discrimination Against Women (CEDAW).
- It is based on the life-cycle approach starting from conception to the age of 18 years, underlining the holistic and indivisible nature of the response. The focus is on the four windows of opportunity – pregnancy, early childhood, primary school-age and adolescence/young adulthood – which are critical for investments that improve the results for children. The four stages can be compared to a relay race. You can only do best in the final race if you performed well in preceding events.
- It is results-focused, placing emphasis on three main areas: policy/systems reform; quality/coverage of services; and family and community-based outcomes for children.

The UNICEF Pacific Multi-country Programme 2008-2012 will cover Health and Sanitation, Education, HIV and AIDS, Child Protection and Policy, Advocacy, Planning and Evaluation. CRN looks forward to developments from this partnership.

### POSITIVE NEWS

#### USA: Mohammed el Gharani (m), Chadian national, aged 22



Mohammed el Gharani was transferred from Guantanamo Bay to Chad on 11 June, almost five months after a US federal judge ordered that he be released. Detained when he was 14 years old, he had been in US custody for more than seven years.

Amnesty International has no further details of Mohammed el Gharani's transfer or his current condition.

The US Justice Department's announcement of the transfer did not explain why it had taken so long since the judicial order to release Mohammed el Gharani. The announcement noted the federal judge's ruling, but also said that the transfer was the result of the executive review of Guantanamo cases ordered by President Barack Obama on 22 January 2009 ( see *The promise of real change. President Obama's executive orders on detentions and interrogations*, 30 January 2009, [www.amnesty.org/en/library/info/AMR51/015/2009/en](http://www.amnesty.org/en/library/info/AMR51/015/2009/en)).

District Court Judge Richard Leon had ruled on 14 January that Mohammed el Gharani's detention was unlawful and that he should be released immediately. El Gharani, a Chadian national who was born and brought up in Saudi Arabia, had been held at Guantanamo since February 2002. He was taken into custody by Pakistani forces in Pakistan in late 2001, at the age of 14, handed over to the US authorities and taken to Kandahar air base in Afghanistan, before being transferred to Guantanamo. He was ill-treated in US custody (see *USA: Judge orders release of detainee held in*

*Guantánamo as child 'enemy combatant'*, 15 January 2009, [www.amnesty.org/en/library/info/AMR51/006/2009/en](http://www.amnesty.org/en/library/info/AMR51/006/2009/en)).

No further action is requested. Many thanks to all who sent appeals.

## ACTIONS

### SAUDI ARABIA: Death Penalty/Alleged juvenile offenders



Raid Halassa Sakit (m), aged about 20, Iraqi national  
Abbas Fadil Abbas (m), aged 20, Iraqi national  
Othman Ali (m), aged 20, Iraqi national  
Aqil Matsher (m), aged 22, Iraqi national

The four Iraqi nationals named above are at risk of imminent execution for alleged offences reported to have been committed while they were below the age of 18. They were convicted and sentenced to death after unfair trials. All four were not given legal assistance or representation and they were sentenced after secret and summary trials. They all claim that they are innocent. They are held in

Rafha prison, near the border with Iraq.

According to information received by Amnesty International, Raid Halassa Sakit was arrested and detained by the General Intelligence in the town of Rafha in 2005. He was charged and tried for drug-related offences and for links with armed groups in Iraq. He had been around 16 years old at the time of these alleged crimes. He was allegedly tortured by being subjected to electric shocks and then beaten until he signed a "confession" which, because he is illiterate, he could not read.

Raid Halassa Sakit was tried in secret without legal assistance by the Criminal Court in Rafha and was initially sentenced to five years' imprisonment. According to a report received by Amnesty International, when the judge announced the sentence Raid Halassa Sakit insisted on his innocence, to which the judge apparently replied, "You had signed", referring to the fact that he had signed a "confession". When three months later Raid Halassa Sakit was again brought back to the Criminal Court in Rafha he was informed that he was sentenced to death.

Because of the secrecy of the criminal justice system in Saudi Arabia, Amnesty International has been unable to obtain extensive details about the cases of the other three men. However, the organization has received reports that they were all aged between 15 and 18 at the time of their alleged crimes. Othman Ali and Aqil Matsher were arrested in 2004 and would have been around 15 years and 17 years old respectively at the time. Abbas Fadil Abbas is also reported to have been under 18 at the time of his arrest.

Prisoners in Saudi Arabia may be put to death without a scheduled date for execution being made known to them or their families. The four alleged juvenile offenders could be executed at any time.

Saudi Arabia is a state party to the Convention on the Rights of the Child, which expressly prohibits the execution of juvenile offenders – those convicted of crimes committed when they were under 18. However, Saudi Arabia continues to execute alleged juvenile offenders in breach of their obligations under international law and applies the death penalty for a wide range of offences. Court proceedings fall far short of international standards for fair trial. Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. They may be convicted solely on the basis of confessions obtained under duress or deception.

#### **Please write to Saudi Arabian authorities:**

- urging them to halt the execution of Raid Halassa Sakit, Abbas Fadil Abbas, Othman Ali and Aqil Matsher, all of whom may have been under 18 at the time of their alleged crimes;
- calling on them to commute the death sentences of Raid Halassa Sakit, Abbas Fadil Abbas, Othman Ali and Aqil Matsher, particularly given Saudi Arabia's obligations as a state party to the Convention on the Rights of the Child;
- reminding them that they should act in accordance with international law, particularly Article 37 of the Convention of the Rights of the Child, and end the use of the death penalty against juvenile offenders.

#### **Addresses:**

His Majesty King 'Abdullah Bin 'Abdul 'Aziz Al-Saud

The Custodian of the two Holy Mosques

Office of His Majesty the King, Royal Court, Riyadh, Kingdom of Saudi Arabia

Fax: (via Ministry of the Interior) +966 1 403 1185 (please keep trying)

Salutation: Your Majesty

His Royal Highness Prince Naif bin 'Abdul 'Aziz Al-Saud  
Second Deputy Prime Minister and Minister of the Interior  
Ministry of the Interior, P.O. Box 2933, Airport Road, Riyadh 11134, Kingdom of Saudi Arabia  
Fax: +966 1 403 1185 (please keep trying)  
Salutation: Your Royal Highness

**Copies to:**

Mr Bandar Mohammed Abdullah Al Aiban  
President, Human Rights Commission  
P.O. Box 58889, King Fahad Road, Building No. 373, Riyadh 11515, Kingdom of Saudi Arabia  
Fax: +966 1 461 2061  
Email: [hrc@haq-ksa.org](mailto:hrc@haq-ksa.org)

PLEASE SEND APPEALS IMMEDIATELY.

**AUSTRALIA: Christmas Island - No place to detain children**



Despite the "new direction" the Australian Federal Government has taken in detention policy, children and unaccompanied minors remain in immigration detention arrangements on Christmas Island.

Eighty six children, including 51 unaccompanied minors, are currently being held on Christmas Island. The detention arrangements in which children are kept, such as the 'construction camp' facility which currently holds 68 children, is inappropriate for children even for the briefest period. The 'construction camp' consists mostly of metal, concrete and gravel, with small claustrophobic bedrooms and no ways to communicate with the outside world.

A further 18 unaccompanied minors are currently held in community detention.

Although the Federal Government has committed to no longer keeping children in detention centres, these alternative detention arrangements with their restrictive conditions and lack of services have similar detrimental psychological impacts on children.

No child seeking asylum should be detained on Christmas Island.

**Use the following sample letter or write your own to:**

**Senator Chris Evans**

Minister for Immigration and Citizenship  
Parliament House  
Canberra ACT 2600  
Email: [minster@immi.gov.au](mailto:minster@immi.gov.au)

**SAMPLE LETTER:**

*Dear Minister*

*I am saddened that children and unaccompanied minors continue to be held on Christmas Island.*

*I commend the Federal Government on recent changes to the Australian refugee system, such as the termination of the Pacific Solution and Temporary Protection visas, which should be maintained.*

*However, I strongly urge the Government to fully commit to its vision of creating a more humane refugee system by immediately ending the detention of all children, particularly unaccompanied minors, and moving all children from Christmas Island to the Australian mainland.*

*Detaining children on Christmas Island violates the Australian Government's international obligations under the Convention of the Rights of the Child (CRC). The immigration detention arrangements, including the construction camp facility where children are currently detained, are inappropriate for minors. The restrictive conditions of detention and lack of services have been well documented to cause long-term psychological and physical damage.*

*Australia has received repeated international criticism for its policy of mandatory detention and excision. The practice of detaining asylum seekers on Christmas Island, as a whole, breaches your obligations under the UN Refugee Convention.*

*I urge the Australian Government to meet its international obligations towards children seeking asylum by ensuring that once it is clear that a child does not pose a risk to the Australian community, that s/he be housed immediately and appropriately on the Australian mainland*

Yours sincerely,  
(Your name)

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**This newsletter prepared for Amnesty International  
by Jan Marsh with Joan and Peter Sutton.**

**Contact us by email - [childrensrightsnetwork@amnesty.org.nz](mailto:childrensrightsnetwork@amnesty.org.nz)**



