



ADVOCACY FORUM-NEPAL

एड्भोकेसी फोरम नेपाल

Lawyers Forum for Human Rights & Rule of Law



**STOP
CHILD
TORTURE**

Press Release

“Torture of Juveniles in Nepal: A Serious Challenge to the Justice System”

In Nepal, one in every four children arrested by police are tortured. Children as young as 7 have been arrested and taken into police custody, often for minor offences such as the theft of small food items. Although the Interim Constitution of Nepal 2007 established torture as a criminal offense, it is functionally still only a civil offense in that no bill providing criminal penalties for torture has been ever passed by the Nepalese legislature. Therefore, human rights abuses of this nature are carried out, especially by the state security apparatus with a wider with impunity. Whilst laws exist to protect children from the use of violence by police and security forces, namely the Children Act 1992 and the Juvenile Justice Regulations 2006, in practice they are rarely implemented. Approximately 99% of children detained are currently held in adult facilities in direct contravention to both international standards and the Supreme Court directives. Depending on the nature of the crime, children can be held in pre-trial detention for up to 90 days, which is sometimes longer than the possible sentence for the crimes alleged against them.

As part of its ongoing work, over the last year, Advocacy Forum-Nepal has interviewed nearly 1000 children in detention and recorded details of the continuing use of torture by police. Executive Director, Mandira Sharma, says: “We have found that, on average, 22.3% of those interviewed reported incidents of torture or other ill-treatment. In some districts the statistics are even more shocking. For example, in Dhanusha 54.8% of children interviewed reported incidents of torture or other ill-treatment. Furthermore, while there is a positive trend overall, where the numbers of children tortured is gradually coming down, in the Terai region the reverse is happening. We are seeing a steady increase in torture of children, especially in Dhanusha, Morang, Udayapur and Kapilvastu.”

In a report to be released on the 26th June to mark the UN International Day in Support of Torture Victims 2010, Advocacy Forum details the methods and patterns of torture used against children in police detention facilities. Children have reported being brutally beaten on all parts of their body with canes, pipes and rifle butts; having their fingernails squeezed with pliers; being beaten on the soles of their feet with sticks or plastic pipes before being forced to run and jump and receiving threats not only to sever their limbs but also to kill them if they do not confess or sign doctored statements.

One child interviewed told us of his experience in police detention:

“I was taken in a police van...I was tortured inside the police van by the two policemen sitting next to me. They pressed my legs with their heavy boots and also kicked me with their boots. They scolded me using abusive language. A policeman ... also pulled my hair out by the roots...The next morning ... policemen interrogated me. The policeman tried to force me to confess and started torturing me. The policeman beat me with a plastic pipe ... all over my body.

While interrogating me about the case, he beat me with a plastic pipe...This continued for about half an hour...The policeman tied both my hands and knees with plastic rope inserting a stick between my knees...The policemen hung me from the inserted stick and beat me forcefully on the soles of my feet with a plastic pipe...They threatened to chop off my hands and legs and kill me if I continued to deny the charge.. From the fear of death and the unbearable torture, I finally confessed.”

Whilst the focus of this report is on the torture of juveniles, the torture of adults also continues to represent a major problem in Nepal. In 2009, Advocacy forum interviewed over 3,800 detainees in 69 government detention centres across 20 districts. Of those who were allowed to be interviewed by Advocacy Forum, 20.1% reported that they had been tortured in detention.

Whilst this figure is down from 21.7% in 2008, it does not reflect the significant increases in torture that have been reported in some areas of the Terai, or significant increases in the severity of the torture reported.

Advocacy Forum has found that the police were using various ingenious methods to avoid the discovery of their use of torture. The use of private houses to detain and torture victims, torture in a manner that does not leave visible marks and torture during transport are all examples that have been frequently reported to Advocacy Forum.

Common methods of torture and ill-treatment in police detention centres include;

- Beating victims with fists, rifle butts, steel and plastic pipes with cement inserted, wooden sticks, pieces of cane, solid bamboo sticks and slapping on their faces, sometimes with both hands simultaneously.
- Beating detainees on the soles of their feet, hips, rear and other parts of body with sticks and rubber pipes; forcing detainees to jump up and down (allegedly to increase blood circulation in order to reduce visible signs of torture).
- Kicking with combat boots, stubbing out cigarette butts on the detainees' body.
- Forcing detainees to strip naked and then beating them, administering electric shocks, tying hands and legs of detainees.
- Pouring water into nose and mouth causing suffocation, forcing detainees to stand in unusual and uncomfortable positions such as half sitting position for extended periods of time.
- Rolling bamboo sticks up and down the shins until the skin is lacerated.
- Sexual assault.
- Forced labour, such as cleaning office premise and dish washing.
- Psychological methods of torture and ill-treatment such as mock executions; intimidation, threats of death and rape, deprivation of food, sleep and water; threats of further beatings; threats of charging detainees with false allegations; threatening detainees to confess to fabricated charges and to sign confessions and statements which they have not been allowed the opportunity to read.

As the government has systemically failed to introduce legislation to criminalize torture, Advocacy Forum took the lead in drafting anti-torture legislation and published this in 2009, on the UN International Day in Support of Torture Victims. Even with these efforts, the government has not taken the necessary steps to criminalise torture, or bring those responsible to justice.

Despite the dedicated work of organisations such as Advocacy Forum, only 3 victims of torture have made successful applications for compensation in 2009. Despite this dismal level of compensation, this figure actually reflects a change in the judicial thinking and approaches to torture cases. Given Advocacy Forums recent work in publishing the Essex University manual on, 'Combating torture for judges and prosecutors' in Nepali and it's recent workshops with members of the Judiciary, it is hoped that attitudes and practices will change and that more torture victims will receive both justice and compensation.

We have regularly been assisting victims in filing FIRs in torture cases. In many instances, the authorities concerned have denied registering them. We also launched a collective FIR campaign in our twenty working districts this morning but the authorities flatly refused to register them. This, among other things, shows the extent of impunity in Nepal.

To show commitment to the 'UN International Day in Support of Victims of Torture' on the 26th June, Advocacy Forum is calling on the government and people of Nepal to help eliminate the use of torture against children, to uphold the rights of children laid down in law, make torture a crime and to investigate and punish those who commit torture.

Please, show your support and help us to end child torture by signing our petition today at www.advocacyforum.org