

Input for the UPR Working Group Session on Afghanistan
Office of the SRSG for Children and Armed Conflict
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Background

The ongoing conflict in Afghanistan between Government forces, supported by pro-Government militias and international forces, and armed groups as well as the emergence of the Islamic State of the Iraq and the Levant - Khorasan Province (ISIL-KP) in the East of the country, continues to disproportionately affect children. Over 3,400 grave violations against children were verified by the United Nations in 2017 alone, however insecurity and access restrictions continue to hamper verification of documented cases, indicating that the number of violations may be even higher¹.

In the current annual report of the Secretary-General on children and armed conflict (A/72/865-S/2018/465), the Afghan National and Local Police are listed for the recruitment and use of children. In addition, the Haqqani Network, Hizb-I Islami of Gulbuddin Hekmatyar and ISIL-Khorasan Province are listed for recruitment and use and killing and maiming and the Taliban forces and affiliated groups for these violations as well as attacks on schools and hospitals and abduction of children.

Grave violations against children

The United Nations verified the **recruitment and use** of 84 boys and documented an additional 643 cases (all boys). Most of verified cases were attributed to armed groups (61), primarily to the Taliban and ISIL-KP, who used children to fight in combat, gather information or as carriers of person-borne improvised explosive devices. Verified cases attributed to Government forces (23) indicate that children were predominantly used as guards at checkpoints.

The Government made important advances with regards to the implementation of the **action plan to end and prevent the recruitment and use of children** by Afghan National Defence and Security Forces (ANDSF) signed on 30 January 2011, including by establishing child protection units in all 34 provincial Afghan Local Police recruitment centers and the criminalization of recruitment and use by Government forces in the revised Penal Code. However, accountability for those recruiting or using children remains an important gap.

Detention of children on national security related charges, including for their alleged association with armed groups, remains a concern, including due to heightened protection risks in detention settings. As at 31 December 2017, 171 children were detained on national security related charges in juvenile rehabilitation centers across the country. Following sustained United Nations advocacy to release all children from the adult maximum-security detention facility in Parwan, fifty boys were transferred to the Kabul juvenile rehabilitation center. However, following a re-assessment of their age, all but four were reassigned to other detention facilities.

¹ All figures mentioned in this document refer to 2017 unless otherwise indicated.

The **killing and maiming** of children remained the most prevalent violation, with 3,179 child casualties verified. This signifies a 10 per cent decrease of verified cases compared to 2016 although casualty rates remain very high, particularly given that 2016 saw the highest number of children killed or maimed ever reported by the United Nations. Most casualties resulted from ground engagement, followed by IEDs and UXOs. The majority of violations in 2017 were attributed to armed groups. Of concern, complex and suicide attacks by armed groups resulting in child casualties increasing by over a third compared to 2016. With regards to Government and international forces, a continuing increase of casualties caused by aerial attacks remains a concerning trend.

Four cases of **rape and other forms of sexual violence** were verified by the United Nations. All of the victims were boys. Three of these cases were attributed to the ANDSF and one to the Taliban. The majority of cases verified and documented pertain to the practice of bacha bazi (dancing boys) by ANDSF commanders or commanders of armed groups. The revised Penal Code passed by Presidential Decree in 2017 includes provisions criminalizing the practice of bacha bazi, however the lack of accountability for this violation remains a serious concern.

A total of 58 incidents of **attacks on schools, hospitals and protected personnel** were verified by the United Nations in 2017, signifying a decrease of 50 per cent compared to 2016. However, many schools were designated for election-related purposes in 2018 leading to a significant increase of attacks by armed groups in the first half of the year. In 2016, the Government endorsed the Safe Schools Declaration and the Ministry of Education issued a letter calling the national security council to prevent the **military use of schools** by the ANDSF, which may have led to a decrease of cases attributed to Government forces in 2017 (34 in 2016; 10 in 2017).

Nineteen incidents of **abduction** affecting two girls and 41 boys were verified in Afghanistan in 2017, signifying a slight increase of cases compared to 2016. All but one case was attributed to armed groups. Children continued to be abducted for recruitment and use and for sexual violence by armed groups.

Denial of humanitarian access remains a prevalent feature of the conflict in Afghanistan. Twenty-nine incidents were verified, all of which were attributed to armed groups, and included the killing and maiming and abduction of humanitarian personnel. Particularly broad-based Governmental efforts, such as the national polio vaccination campaign, have been affected by direct attacks or broader insecurity in the country.

Recommendations

- Commend the Government for steps taken to end and prevent recruitment and use of children by the ANDSF, including through criminalising recruitment and use by Government forces and establishing child protection units in all provincial Afghan National Police recruitment centres. Call on the Government to replicate these efforts with the Afghan Local Police.
- As party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, in light of the provisions contained in the revised Penal Code, criminalizing the recruitment and use of children, urge the Government to ensure accountability for all perpetrators of recruitment and use.

- Express deep concern over the continuing high number of children killed and maimed in Afghanistan and call on all parties to the conflict to respect their obligations under international law, including those of precaution, distinction and proportionality. In this regard, call on armed groups to immediately cease all indiscriminate attacks against civilian targets and express concern regarding the effects of aerial operations on civilians, including children, and urge those planning and executing such attacks to take all necessary precautions to minimize civilian casualties.
- Express concern regarding children detained on national security related charges in adult prisons and call on the Government to adhere to national and international juvenile justice principles when dealing with these children. Encourage the Government to elaborate alternatives to detention for children formerly associated with armed groups focusing on reintegration and rehabilitation and to use detention only as a last resort and for the shortest period of time.
- Express deep concern regarding reports of sexual violence against children, in particular, the practice of bacha bazi, including by ANDSF commanders or commanders of armed groups. Welcome the passing of the revised Penal Code, which includes provisions criminalizing the practice of bacha bazi, and call on the Government to draw on these provisions to ensure swift accountability for perpetrators.
- Call on all international actors supporting the Government of Afghanistan to abide by their obligations under international human rights and humanitarian law and encourage them to continue building their child protection capacity to support training and strengthen reporting on grave violations against children.
- Welcome the Government of Afghanistan's endorsement of the Safe Schools Declaration in May 2015 and the issuance of ministerial directives prohibiting the military use of schools highlighting its commitment to prevent the use of schools for military purposes as well as attacks against them.