

# Setting the Right Priorities:

Protecting Children Affected  
by Armed Conflict in Afghanistan



# Watchlist Mission Statement

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision makers to create and implement programs and policies that effectively protect children.

Watchlist works within the framework of the provisions adopted in UN Security Council Resolutions 1261, 1314, 1379, 1460, 1539, 1612, 1882, the principles of the Convention on the Rights of the Child and its protocols and other internationally adopted human rights and humanitarian standards.

General supervision of Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this report do not represent the views of any one organization in the network or the Steering Committee.

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# Setting the Right Priorities: **Protecting Children Affected by Armed Conflict in Afghanistan**

WATCH LIST ON CHILDREN AND ARMED CONFLICT

June 2010

## Notes on Methodology

- Information contained in this report is current through March 1, 2010.
- This report primarily reflects information drawn from secondary sources available in the public domain. Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multidisciplinary team of people with expertise and/or experience in the particular context. Some sources are confidential and are not listed to protect their safety. When citing this report, information should be attributed to the original source to the extent possible.
- Due to insecurity and access restrictions, there is limited information on the human rights and humanitarian situation in the areas of ongoing armed conflict.
- The report deals mainly with Afghanistan but many of the protection concerns are in fact occurring along the Afghanistan-Pakistan border and demand a cross-border or regional approach. Information on these cross-border concerns is limited due to access restrictions.

## Notes on Terminology

- The report follows the UN definition of eight regions in Afghanistan: central highlands, eastern, southeastern, southern, western, northern, and northeastern, and the capital region around Kabul.
- Afghanistan uses the Persian calendar whose dates do not correspond to the Gregorian calendar, the internationally accepted civil calendar. This report uses the Gregorian calendar dates and also includes the Persian calendar dates if they were provided in the original source publication, e.g. 1387 (2008-2009).
- Afghan Security Forces comprise the army, the army air corps and the national police.

## Important Updates

- On March 22, 2010, the UN Security Council, in its Resolution 1917, extended the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) for one year through March 23, 2011. The new mandate repeated the Council's call for the implementation of Security Council Resolutions (SCR) 1612 (2005) and SCR 1882 (2009) on children and armed conflict and its request to the Secretary-General to further strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisors.
- The Marjah offensive, a joint Afghan-NATO military operation that took place in February 2010, was intended to serve as a testing case for NATO's new strategy to focus on protecting civilians in counterinsurgency efforts. Despite these efforts, The Afghan Red Crescent Society (ARCS) estimated that 35 civilians had died and an additional 37 were injured during the military operation. Surveys among 400 men from Marjah, Lashkar Gah and Kandahar also indicate that the offensive negatively impacted local perceptions of NATO forces, according to the International Council on Security and Development (ICOS).
- Watchlist report notes that there had been a reduction of civilian casualties by international military forces in Afghanistan from 2008 to 2009. On May 12, 2010, the U.S. Department of Defense announced that the number of civilians killed by U.S. and NATO forces had increased by 76 percent (to 90 reported civilian deaths) from January to April 2010 compared to the same period in 2009 (51 deaths). The U.S. government attributes this rise to the stepped-up efforts in the war against the Taliban, according to Reuters, "Civilians Casualties Rising in Afghanistan," May 12, 2010. The U.S. Department of Defense did not comment on the percentage of children killed by international military forces.

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# List of Acronyms

<b>AI</b>	Amnesty International
<b>ACBAR</b>	Agency Coordinating Body for Afghan Relief
<b>AIHRC</b>	Afghan Independent Human Rights Commission
<b>ANDS</b>	Afghanistan National Development Strategy
<b>ANSO</b>	Afghanistan NGO Safety Office
<b>AREU</b>	Afghanistan Research and Evaluation Unit
<b>ARV</b>	Antiretroviral Treatment
<b>BPHS</b>	Basic Packages of Health Services
<b>CAC</b>	Children and Armed Conflict
<b>CAAC</b>	Children affected by Armed Conflict
<b>CEDAW</b>	UN Committee on the Elimination of Discrimination Against Women
<b>CIVIC</b>	Campaign for Innocent Victims in Conflict
<b>CPA</b>	Child Protection Advisor
<b>CPAN</b>	Child Protection Action Network
<b>CTFMRM</b>	Country Task Force on the Monitoring and Reporting Mechanism
<b>DIAG</b>	Disbandment of Illegal Armed Group
<b>ERW</b>	Explosive Remnants of War
<b>FATA</b>	Federally Administered Tribal Areas
<b>FRU</b>	Family Response Unit
<b>GBV</b>	Gender-Based Violence
<b>GOA</b>	Government of Afghanistan
<b>HAP</b>	Humanitarian Action Plan for Afghanistan
<b>HRW</b>	Human Rights Watch
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee of the Red Cross
<b>IDMC</b>	Internal Displacement Monitoring Centre
<b>IDPs</b>	Internally Displaced Persons
<b>IEC</b>	Independent Election Commission
<b>IED</b>	Improvised Explosive Device
<b>ILO</b>	International Labour Organization
<b>INGO</b>	International Nongovernmental Organization
<b>ISAF</b>	International Security Assistance Force
<b>MACCA</b>	Mine Action Coordination Centre of Afghanistan
<b>MoU</b>	Memorandum of Understanding
<b>MRE</b>	Mine Risk Education
<b>MRM</b>	Monitoring and Reporting Mechanism
<b>MSF</b>	Médecins Sans Frontières
<b>NATO</b>	North Atlantic Treaty Organization
<b>NDS</b>	National Directorate for Security
<b>NGO</b>	Nongovernmental Organization
<b>NLD</b>	National League for Democracy
<b>NSAG</b>	Non-State Armed Groups
<b>NWFP</b>	North West Frontier Province
<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>OEF</b>	Operation Enduring Freedom
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>PRT</b>	Provincial Reconstruction Teams
<b>RI</b>	Refugees International
<b>SCR</b>	UN Security Council Resolution
<b>SCWG-CAC</b>	UN Security Council Working Group on Children and Armed Conflict
<b>SOP</b>	Standard Operating Procedure
<b>SRSG</b>	Special Representative of the Secretary-General
<b>SRSG-CAC</b>	Special Representative on Children and Armed Conflict
<b>UN</b>	United Nations

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<b>UNAMA</b>	UN Assistance Mission in Afghanistan
<b>UNDP</b>	UN Development Programme
<b>UNDSS</b>	UN Department of Safety and Security
<b>UNHCR</b>	UN High Commissioner for Refugees
<b>UNICEF</b>	UN Children's Fund
<b>UNIFEM</b>	UN Development Fund for Women
<b>UNODC</b>	UN Office on Drugs and Crime
<b>UNSC</b>	UN Security Council
<b>USDA</b>	Union Solidarity and Development Association
<b>USFOR-A</b>	U.S. Forces Afghanistan
<b>USDOS</b>	U.S. Department of State
<b>UXO</b>	Unexploded Ordnance
<b>WHO</b>	World Health Organization

# Indicators

INDICATORS	Afghanistan
<b>Population</b>	23.8 million people in 2005; <sup>1</sup> as of 2008, 46.5% were younger than 14 <sup>2</sup>
<b>Gross National Income (GNI) per Capita</b>	US\$466 in 2008 (UN Statistics Division)
<b>Refugees and Internally Displaced Persons (IDPs)</b>	As of the end of December 2009, an estimated 297,000 IDPs in Afghanistan, including 161,000 children As of January 2010, approximately 1.6 million registered refugees in Pakistan, including about 1.18 million children, and approximately 1 million registered refugees in Iran, including 345,000 children <sup>3</sup>
<b>Infant Mortality</b>	165/1,000 in 2008 <sup>4</sup>
<b>HIV/AIDS</b>	Afghanistan's National AIDS Control Program registered 559 cases as of November 2009; UNAIDS and WHO put the number of reported cases much higher at 1,000 to 2,000. <sup>5</sup>
<b>Education</b>	Estimated 74% national net enrollment rate for boys and 46% for girls <sup>6</sup> ; only 11% of boys and 5% of girls enrolled in primary school continue on to grade 12. <sup>7</sup>
<b>Gender-Based Violence (GBV)</b>	Rape is a "widespread phenomenon" that affects women, boys and girls. Acts of sexual violence are committed by armed groups or criminal gangs as well as family members, guardians or caretakers. As a result of the taboo surrounding the issue, there are few publicly reported cases and no comprehensive or official data available on rape and gender-based violence. <sup>8</sup> Child marriage is also common, with nearly half of all marriages involving boys and girls under the age of 18. <sup>9</sup>
<b>Trafficking</b>	Trafficking of children within the country and into Pakistan and Iran is a serious concern; some children are exploited by armed groups or criminal gangs to carry out illegal activities such as smuggling. <sup>10</sup>
<b>Landmines and Explosive Remnants of War (ERW)</b>	As of December 2009, there were 630 km <sup>2</sup> of mine-affected land; 734 recorded instances of children injured or killed by landmines and other explosives in 2008 and 2009; 626 were males and 105 females. <sup>11</sup>
<b>Small Arms</b>	Estimates for numbers of small arms range from 1.5 million to 10 million; <sup>12</sup> no statistical data is available on children injured or killed by small arms.
<b>Child Soldiers</b>	Afghan Security Forces and armed opposition groups have recruited an unknown number of children throughout the country. Most of the reported cases of child recruitment in national security forces were due to poor birth registration systems, weak age verification, and the rising demand for police and soldiers. Armed groups have recruited children to be used as fighters, camp guards or suicide bombers, particularly along the Afghanistan-Pakistan border. <sup>13</sup>
<b>Abductions and Disappearances</b>	Most cases of abduction and disappearance are related to trafficking by criminal networks; there is some confirmed information of children abducted or transferred to Pakistan where they have received military training. <sup>14</sup>
<b>Attacks on Humanitarian and Human Rights Workers</b>	Afghanistan represents one of the most violent environments for aid workers, especially national staff, worldwide. <sup>15</sup> A reported 19 NGO staff and at least 11 UN staff were killed in 2009. <sup>16</sup>

**Please note:** Due to extremely limited access to certain areas of Afghanistan, especially where active fighting is taking place, there is a severe gap in reliable nationwide data. The general lack of socio-economic and demographic data is further compounded by weak institutional and technical capacities to produce information.

# International Standards<sup>17</sup>

International Treaties Signed (S)/ Ratified (R)/ Acceded (A) (Year)	International Treaties Not Signed
<ul style="list-style-type: none"> <li>• <a href="#">Convention on the Rights of the Child (R, 1994)</a></li> <li>• <a href="#">Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (A, 2003)</a></li> <li>• <a href="#">Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (A, 2002)</a></li> <li>• <a href="#">The Geneva Conventions I, II, III and IV of 1949 (R, 1956)</a></li> <li>• <a href="#">Protocol I of the Geneva Conventions, Relating to the Protection of Victims of International Conflicts (A, 2009)</a></li> <li>• <a href="#">Protocol II of the Geneva Conventions, relating to the Protection of Victims of Non-International Armed Conflicts (A, 2009).</a></li> <li>• <a href="#">Convention on the Prevention and Punishment of the Crime of Genocide (A, 1956)</a></li> <li>• <a href="#">Convention on the Elimination of All Forms of Discrimination against Women (R, 2003)</a></li> <li>• <a href="#">International Covenant on Economic, Social and Cultural Rights (A, 1983)</a></li> <li>• <a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (R, 1987)</a></li> <li>• <a href="#">International Covenant on Civil and Political Rights (A, 1983)</a></li> <li>• <a href="#">Convention Relating to the Status of Refugees (A, 2005)</a></li> <li>• <a href="#">Protocol Relating to the Status of Refugees (A, 2005)</a></li> <li>• <a href="#">Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (A 2002)</a></li> <li>• <a href="#">Convention on Cluster Munitions (S, 2008)</a></li> <li>• <a href="#">Rome Statute of the International Criminal Court (A, 2003)</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Protocol III of the Geneva Conventions, relating to the Adoption of an Additional Distinctive Emblem</a></li> <li>• <a href="#">ILO Convention 182 on the Worst Forms of Child Labor</a></li> <li>• <a href="#">Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime</a></li> <li>• <a href="#">Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</a></li> <li>• <a href="#">International Labour Organization (ILO) Convention 29 on Forced Labor</a></li> <li>• <a href="#">ILO Convention 87 on Freedom of Association and Right to Organize</a></li> <li>• <a href="#">Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</a></li> </ul>
<b>UN Security Council Actions Relating to Children and Armed Conflict in Afghanistan</b>	
UN Security Council Resolutions on Afghanistan	The UN Security Council passed 27 resolutions on Afghanistan between 2001 and March 1, 2010 of which six specifically referred to children. These are <a href="#">1419 (2002)</a> , <a href="#">1833 (2008)</a> , <a href="#">1806 (2008)</a> , <a href="#">1868 (2009)</a> , <a href="#">1890 (2009)</a>
UN Security Council Resolutions on Children and Armed Conflict (CAC)	<a href="#">1882 (August 2009)</a> ; <a href="#">1612 (July 2005)</a> , <a href="#">1539 (April 2004)</a> , <a href="#">1460 (January 2003)</a> , <a href="#">1379 (November 2001)</a> , <a href="#">1314 (August 2000)</a> , <a href="#">1261 (August 1999)</a>
UN Security Council Working Group Conclusions on CAC in Afghanistan	<a href="#">S/AC.51/2009/1 (July 2009)</a>

# Executive Summary

## **Children bear the brunt of the ongoing armed conflict in Afghanistan.**

In 2009, at least 346 children were killed in aerial strikes and search-and-raid operations by international special forces as well as by assassinations and suicide bombings by anti-government elements. In addition, landmines, explosive remnants of war and other explosives have killed or severely injured hundreds of children, particularly boys who play outside, tend animals, or collect food, water or wood. Armed groups have also damaged and destroyed schools, targeting students (especially girls), teachers and others who are seen as supportive of Afghanistan's education system.

Thousands of Afghan families have been forced to flee their homes due to armed conflict and economic hardships. More than half of the country's internally displaced – approximately 161,000 people – are children; an additional 1.5 million children are refugees in Pakistan and Iran.

Despite some progress in expanding basic health services to a wide population, infant and maternal mortality is alarmingly high. Afghanistan remains the worst place in the world for a newborn child, according to child protection agencies.

## **Current strategies of the Afghan government and its international supporters – though aimed at protecting civilians - have largely neglected the specific needs of children affected by armed conflict.**

This reluctance to commit to the protection of children is reflected in policy and funding decisions. The London Conference<sup>18</sup> communiqué of January 2010 which served as the "roadmap" to address security, governance and economic concerns in Afghanistan over the next five years, did not refer to children's needs despite the severe impact that its decisions, such as planned offers of amnesty to

Taliban soldiers, will have on their security. Only one child protection advisor has been stationed at the United Nations Assistance Mission in Afghanistan (UNAMA), despite repeated calls by the UN Security Council to allocate more resources to bolster UNAMA's child protection capacity.

Key decision makers have also neglected the advice of child protection agencies. During the 2009 presidential election for instance, Afghanistan's Independent Election Commission ignored repeated warnings of UN agencies, nongovernmental organizations and some governmental agencies not to use health facilities and school buildings as polling stations. This disregard ultimately resulted in multiple attacks on schools and hospitals.

## **The protection of children's rights should not be limited to "safe" areas, or stop at Afghanistan's borders.**

In 2009, approximately 43 percent of the country was cut off from humanitarian assistance, particularly in the conflict-affected south, southeast and parts of the west. Limited access resulted in thousands of children missing out on urgently required services offered via national health and education campaigns.

The lack of access due to insecurity has also severely hampered the work of the UN-led Monitoring and Reporting Mechanism (MRM) in Afghanistan which was set up to address the six grave violations against Children and Armed Conflict (CAC) in accordance with UN Security Council Resolutions 1612 and 1882, which include killing or maiming of children, abductions, recruitment or use of child soldiers, attacks against schools and hospitals, rape or other grave sexual violence against children, and the denial of humanitarian access to children.

In addition, there is insufficient information available on the extent of violations that are cross-border in nature, including child recruitment or trafficking and the exploitation of children to smuggle drugs or illegal goods. In order to hold perpetrators of these violations accountable and to

provide more systematic responses to children, protection actors should make a concerted effort to engage with all parties to conflict, concerned governments and local communities.

The protection of war-affected children merits special attention and must be made a strategic priority as the Afghan government, with support from the international community, lays out plans to bring lasting peace and stability to the country.

The following are key recommendations from Watchlist's report:

**1. Ensure that the protection of children from conflict-related violence becomes a top priority in policy and funding decisions on Afghanistan**

- **The Government of Afghanistan (GoA) and its international supporters** should set specific benchmarks on child protection against which progress can be measured. This could include developing an "Agenda for Children Affected by Armed Conflict" along the lines of the Afghanistan Compact, which sets out specific goals for the next five years and establishes a coordination mechanism to ensure implementation and monitoring of this plan.
- **The UN Security Council Working Group on Children and Armed Conflict (SCWG-CAC)** should ensure that core concerns relating to children affected by armed conflict are reflected in the terms of reference of the upcoming Security Council field visit planned for mid-2010. This includes following up on the commitments made by the GoA and international military forces to the Special Representative on Children and Armed Conflict (SRSG-CAC) during her recent visit.
- **The UN Secretary-General** should ensure the immediate deployment of additional child protection advisers throughout the country in an effort to strengthen the child protection component of UNAMA, as recommended by the UN Security Council.
- **The SCWG-CAC and relevant donors** should request an informational briefing with child protection actors and civil society representatives in order to better understand the role of community-based mechanisms in Afghanistan to prevent attacks against schools, and how to better support these initiatives.

- **The SCWG-CAC** should request an independent assessment of the impact of projects that are funded or operated by Provincial Reconstruction Teams (PRTs) on the security and well-being of children in Afghanistan. The assessment should explore alternative ways to assist children living in areas that are not accessible by UN agencies or NGOs.
- **Donors** should follow the Good Humanitarian Donorship Principles so that funding is allocated in proportion to the needs of the most vulnerable populations, including children, and not to further political goals.

**2. Take effective measures to prevent violations against children in armed conflict and end impunity for perpetrators**

- **Non-state armed groups** should immediately halt all violations perpetrated against the security and rights of Afghan children.
  - Halt all suicide and improvised explosive device (IED) attacks on civilian targets.
  - Refrain from attacks and threats of attacks against schools, teachers, education staff, students and parents at the local and national level.
  - Stop operating out of schools and other civilian facilities, and end the use of humans as shields.
- **The GoA and international military forces** should ensure that systems for investigating alleged violations against civilians are transparent, timely and independently monitored. The results of these investigations should be publicly shared and include data disaggregated by age on combatant and civilian casualties.
- **All parties to the conflict** should fully cooperate with the Country Task Force on the Monitoring and Reporting Mechanism (CTFMRM) to prepare and implement action plans to end the recruitment and use of child soldiers, rape and other grave acts of sexual violence and killing and maiming of children in line with UN Security Council Resolutions 1540, 1612 and 1882. Commanders should equally work towards halting all violations against children.

- **The GoA** should repeal the reconciliation and general amnesty law and hold all perpetrators of violations against civilians, including children, accountable in accordance with national and international law.
  - **The GoA** should under all circumstances avoid the use of education and health facilities in the upcoming elections and for other political purposes.
  - **The GoA** should adapt the Elimination of Violence against Women Act to include a definition of rape that complies with international standards and brings perpetrators to justice in accordance with UN Security Council Resolutions 1820 and 1888.
  - **The GoA** should criminalize child recruitment and the use of child soldiers, and actively prosecute those who exploit children as soldiers. The GoA should work closely with UN agencies to refine age determination procedures and grant full access to all training and detention facilities, including those of the National Directorate of Security (NDS), for monitoring purposes.
- 3. Strengthen monitoring, reporting and response on all violations committed against children, including those committed in Afghanistan's conflict zones and across its borders**
- **The UN Country Team in Afghanistan**, under the dedicated leadership of the Special Representative of the Secretary-General for Afghanistan (SRSG), should commit staff and resources to prioritize child protection within their respective agencies, including the full implementation of Security Council Resolutions 1612 and 1882 throughout the country.
  - **The Country Task Force on the Monitoring and Reporting Mechanism (CTFMRM)** should work with all parties to the conflict to capture critical information that could prevent violations against children and more effectively assist survivors, including monitoring early warning signs as well as the circumstances surrounding the attacks and their impact. Quarterly reports from their evaluations should be used to track trends and inform evidence-based advocacy.
  - **Donors** should support strengthening the capacity of Child Protection Action Networks (CPAN), which consist of governmental and nongovernmental organizations in Afghanistan, to respond more effectively to violations against children.
  - **The SCWG-CAC** should request the UN High Commissioner for Refugees (UNHCR) and/or the Representative of the Secretary-General on the human rights of internally displaced persons (IDPs) to lead a study to determine vulnerabilities and risks for displaced and refugee children from Afghanistan. The study's findings would be the first step towards enacting a comprehensive action plan to find durable solutions for displaced children from Afghanistan.
  - **The Government of Pakistan** should invite the Special Representative on Children and Armed Conflict (SRSG-CAC) to conduct a mission in Pakistan to identify potential ways to improve coordination in ending "cross-border violations" that impact children affected by armed conflict such as the drug trade, trafficking and small arms trade.
  - **The Secretary-General** should request the UN Country Teams in Afghanistan and Pakistan, under the leadership of the SRSG-CAC, to establish a UN regional strategy to contribute actively to the protection of children affected by cross-border violations.
  - **The UN Country Team in Pakistan** should establish a Working Group on Children affected by Armed Conflict to more effectively address the concerns of Afghan refugee children, and cooperate with the CTFMRM and other child protection agencies in Afghanistan to address issues of common concern, including cross-border recruitment of child soldiers and trafficking.
  - **The Afghan Independent Human Rights Commission (AIHRC)** should coordinate closely with the independent Human Rights Commission of Pakistan (HRCP) to conduct joint monitoring and reporting along their common border areas.

# Context

## Major Armed Conflicts

In 1979 at the height of the Cold War, Soviet forces invaded Afghanistan to fight a proxy war. After the withdrawal of the Soviet forces in 1989, factional fighting among various armed groups continued until 1996, when the capital, Kabul, was taken by the Taliban, a fundamentalist Islamic group. By 2001, the Taliban controlled 90 percent of the country and imposed a new regime based on the strictest version of Sharia, or Islamic law, denying basic rights to women and children, including access to education, and subjecting them to cruel punishments.

Following the terrorist attacks of September 11, 2001, a U.S.-led coalition intervened in Afghanistan and with the Northern Alliance, an Afghan opposition armed group, soon removed the Taliban, which had harbored Al Qaeda, a terrorist network, from power. This intervention initiated a process of political, security and social reforms aimed at establishing a democratically elected Afghan government and rebuilding peace in the society after nearly three decades of war.

## International Efforts for Peace and Security

The Bonn Agreement of December 2001 laid the foundation for Afghanistan's future government, which led to the establishment of a transitional authority in 2001, the adoption of a new constitution in 2004, and presidential and parliamentary elections in 2005. In order to support the Afghan Security Forces to maintain security, the UN Security Council authorized member states to form the International Security Assistance Force (ISAF), which operates under Chapter VII of the UN Charter. Since 2003, ISAF has been led by NATO and as of March 5, 2010, is comprised of approximately 89,480 troops from 44 different countries. More troops are anticipated to arrive in the first half of 2010, bringing the total number of ISAF troops to about 100,000. In addition to ISAF, at least 12,000 mostly U.S. forces are deployed along the Afghanistan-Pakistan

border under the mandate of Operation Enduring Freedom (OEF), a joint U.S., UK and Afghan operation. All international military forces operating in Afghanistan – whether under ISAF or OEF – are placed under the operational control of the U.S. Forces Afghanistan (USFOR-A). Linked to these military efforts, ISAF member states have also deployed 26 Provincial Reconstruction Teams (PRTs) in Afghanistan, which include military and civilian components to facilitate development, reconstruction and governance efforts in various parts of Afghanistan.

Since 2002, the UN Assistance Mission in Afghanistan (UNAMA) has been mandated by the Security Council to support the government to build peace through the promotion of human rights, reconstruction and development. UNAMA works as an "integrated" mission, meaning that it aims to address development and humanitarian issues, as well as political affairs. UNAMA has also assisted the government in implementing key frameworks for cooperation with the United Nations and the international community, including the Afghanistan Compact of 2006 and the Afghanistan National Development Strategy (ANDS). With a staff of 1,500 military and civilian employees, most of which are national staff, UNAMA is one of the smaller UN operations worldwide. In the beginning of 2009, UNAMA added a child protection advisor, who works closely with the mission's various sections, particularly the Human Rights Unit.

## The Return to Violence

The new government and international support for the peace-building process sparked hope among many Afghans, instigating the voluntary repatriation of millions of refugees from Iran and Pakistan to Afghanistan immediately after the defeat of the Taliban. However, the security situation deteriorated significantly after 2004.<sup>19</sup> From 2004 to 2010, the areas experiencing ongoing attacks have extended from the south and southeast to the areas that were earlier deemed secure, including the northern and

eastern regions. Violence against civilians has not only spread throughout the country but has also intensified in the last few years, as demonstrated by the rise in civilian casualties from about 1,500 civilians killed in 2007, to over 2,100 killed in 2008 and more than 2,400 civilians killed in 2009, according to UNAMA's annual reports on the protection of civilians in armed conflict.<sup>20</sup>

Many Taliban forces and other armed groups never left their strongholds in Afghanistan. Others regrouped into areas along the Afghanistan-Pakistan border and gained strength, largely operating from the semi-autonomous tribal-dominated area of western Pakistan, including the Federally Administered Tribal Areas (FATA), Baluchistan and the North West Frontier Province (NWFP). Given the Taliban's frequent cross-border attacks, Afghan authorities and the international community have increased pressure on the Pakistani government to take stronger action against the insurgents in northwest Pakistan, including through military operations.<sup>21</sup>

These armed opposition groups have used insurgency tactics to undermine the government and push out international forces. They have also specifically targeted those seen as supporting government efforts such as teachers, health professionals and students. Common tactics include attacks on schools and hospitals, the use of indiscriminate improvised explosive devices (IEDs) and employing suicide attacks in highly populated areas. The authority of the central government is further limited by the existence of shadow governments established by the Taliban in many provinces, warlords claiming ownership of certain areas and the expansion of criminal networks. In some areas, local militias – allegedly with clandestine support from the Afghan and American governments – also conduct military operations against insurgents which risk undermining the rule of law due to their lack of formal training and accountability structures.<sup>22</sup>

Intensified aerial attacks by international military forces have also killed civilians. In several instances, the Afghan government and international and national human rights organizations have questioned whether aerial bombardments were proportional and necessary.<sup>23</sup> In response, the commander of U.S. and NATO forces in Afghanistan, General Stanley McChrystal, revised the strategy of international military operations and issued tactical directives to troops under his command with the specific goal of avoiding civilian casualties and increasing transparency and accountability of military operations.<sup>24</sup> This strategy has resulted in a reduction of recorded civilian casualties by international forces in 2009 and in the first few months of 2010.<sup>25</sup> Yet, the continuing deterioration of the security situation and the lack of basic health and social services in

many areas have made it difficult for international military forces to gain the Afghan people's support for counterinsurgency and reconstruction efforts.

## Rebuilding the Country

After decades of conflict and corrupt governance, Afghanistan currently depends almost entirely on international support for maintaining safety, rebuilding its economic, political and legal structures and paying for such basic services as policing, health care and education. Despite progress achieved in the health and education sector in recent years, Afghanistan has been consistently ranked near the bottom of the Human Development Index with the majority of Afghans living in extreme poverty.<sup>26</sup> In contrast, economic activity in the black market – often coupled with criminal activity – has been growing, partly due to the government's inability to enforce the rule of law, particularly in the border areas. For instance, a significant share of the estimated US\$4 billion net profit of drug trafficking goes to armed groups through direct involvement, bribery and taxation, according to the UN Office for Drugs and Crime (UNODC).<sup>27</sup> Extortion and misbehavior as well as impunity by the police and senior government officials have left local people in some parts of the country resentful towards their own government.<sup>28</sup>

Moreover, institutionalized corruption prevents the government from establishing the rule of law and instilling trust among citizens in their state institutions. Local powerbrokers have been accused of bribing government officials and law enforcement agencies, or using patronage linkages to evade prosecution, according to the 2009 report of the UN Office of the High Commissioner for Human Rights on the situation of human rights in Afghanistan.<sup>29</sup> In the 2009 elections, Hamid Karzai was affirmed as President of Afghanistan after the first round was declared fraudulent by a UN-backed commission and the subsequent second round withdrawal of Karzai's main rival who cited a lack of transparency in the proceedings. Such reports of corruption by high-level state officials risk undermining not only the credibility of the Afghan government but also of the UN and the wider international community backing it.

At the London Conference in January 2010, the Afghan leadership and its international partners agreed to a "roadmap" setting out a five-year military and civilian strategy to address the security, governance and economic concerns of the country. Conference participants agreed that international military forces would gradually transfer responsibility for Afghan security to the national government and by the end of 2011, the Afghan army would expand troop levels from 97,000 to 171,600, and the national police forces from 94,000 to 134,000.<sup>30</sup> Further,

donor nations promised to support the government's plans for an Afghan-led National Peace and Reintegration Programme to lure low- and mid-level insurgents away from violence by offering economic incentives. They also welcomed the government's plans to hold a loya jirga that would bring government officials, tribal leaders and some moderate Taliban leaders together to discuss steps towards resolving the current conflict. The London Conference participants announced US\$1.6 billion in debt relief, and appealed to donors for US\$870 million in humanitarian aid. The specifics of the five-year plan are expected to be determined at a conference in Kabul in mid-2010.

# Humanitarian Access

## Deterioration of Humanitarian Access

There were approximately 1,300 national NGOs, 300 international NGOs and 16 UN organizations engaged in humanitarian and development assistance in Afghanistan as of January 2010, according to the Agency Coordinating Body for Afghan Relief (ACBAR). Intense fighting, landmines and targeted attacks or threats against staff members often prevent these aid organizations from assisting children and their communities in the areas most affected by the conflict.<sup>31</sup> Afghanistan represents one of the most violent environments for aid workers worldwide, according to the Humanitarian Policy Group, an independent think tank.<sup>32</sup> In 2009, approximately 43 percent of the country was considered "high-risk" by the UN Department of Safety and Security (UNDSS) and was cut off from humanitarian assistance, particularly the conflict-affected south, southeast and parts of the west.<sup>33</sup> As a result of limited access, national health and education campaigns miss thousands of children in need, and the campaign's effectiveness is undermined. For example, 130,000 children did not benefit from the UN-led vaccination campaign against polio in 2009 (see below: Health).

Despite large-scale internal displacement, ongoing conflict and natural disasters, most donor states have largely neglected growing humanitarian needs.<sup>34</sup> The 2010 UN Humanitarian Action Plan for Afghanistan (HAP), the main mechanism for coordinating humanitarian response, requests a total of US\$870 million from international donors, a 30 percent increase in requested funding compared to the 2009 HAP. However, the desire of troop-contributing nations to reinforce development in the provinces where they are active means that aid is not necessarily channeled to the areas with the highest needs for humanitarian or development aid.

In addition to depriving children of their basic rights, the lack of access to some of the areas most affected by the conflict makes it difficult for aid organizations to define the needs of children and other vulnerable groups. For

example, the campaign of the Afghan government, with support from the United Nations Children's Fund (UNICEF), to register all newborn children by 2009 had to leave out all children living in remote or insecure areas.<sup>35</sup> With only 1 percent of Afghans holding a birth certificate as of 2008, information from this registration exercise would have allowed the government to obtain accurate and comprehensive numbers of children to inform its planning for building schools and health facilities, as well as vaccination initiatives. Moreover, the possession of a birth certificate endows children with the right to benefit from the special legal protection framework, including the specific laws on juvenile justice, and on the recruitment and use of children by armed groups or forces.

## Violating Humanitarian Principles

The military involvement in development activities has endangered Afghan civilians and aid workers as these projects often become the targets of armed opposition groups, leading to the blurring of lines between the military and humanitarian mission.<sup>36</sup> The UN Office for the Coordination of Humanitarian Assistance (OCHA) re-established its presence in Afghanistan in October 2008 to advocate for more principled humanitarian action and to strengthen independent humanitarian coordination by the UN.<sup>37</sup> Despite this positive development, on a structural level OCHA remains connected to UNAMA – and thereby its political mandate – as it is led by the Humanitarian Coordinator who also functions as Deputy Special Representative of the Secretary-General and Resident Coordinator.

The deterioration of aid delivery in Afghanistan is to a significant extent due to the nature of PRTs and the way they have been implemented. PRTs, which usually consist of a military and a substantially smaller civilian contingent, carry out relief work but are directly managed by ISAF member states. PRTs tend to operate in some of the most insecure areas that are off limits to the UN, the Afghan

government and many NGOs. However, their underlying political agenda – to gain support for the government and the international presence – undercuts humanitarian principles of neutrality and impartiality and makes it even harder for aid agencies to retain their space in other areas, according to a study by Tufts University's Feinstein Institute.<sup>38</sup> Moreover, NGOs have criticized PRTs for their lack of technical expertise and the absence of a coherent nationwide strategy among the various PRTs, which are currently only accountable to their home governments.<sup>39</sup> Instances where PRT-led projects have proven unsustainable tend to negatively affect how communities view and accept international aid workers.

In order to clarify the specific roles and responsibilities of civil and military actors, UN agencies, ISAF and NGOs agreed to non-binding Civil-Military Guidelines in May 2008.<sup>40</sup> The Guidelines affirm that in principle, government and humanitarian actors are responsible for providing humanitarian assistance. In contrast, the role of the military is only to assist civilian actors to provide basic infrastructure and urgent reconstruction assistance in exceptional cases and as a “provider of last resort.” This usually refers to cases where the protection of the person’s physical security requires a military presence. In addition, the Guidelines call for the clearly visible distinction between humanitarian

and other actors. However, some military actors have violated the Guidelines and international humanitarian principles by engaging in relief activities for force protection purposes.<sup>41</sup> Humanitarian actors have also noted a lack of awareness of the Guidelines among PRT staff or lack of commitment among troop-contributing countries to implement them due to their voluntary nature. In addition, the impact of the Guidelines is limited as the US-led OEF has not agreed to its provisions and the Taliban and other armed opposition groups remain largely unaware of it.<sup>42</sup>

In the recent presidential elections, Afghanistan’s Independent Election Commission (IEC) used health facilities and school buildings as polling stations, citing the lack of alternative public buildings for this use. UNICEF, the World Health Organization (WHO), OCHA, the UN Educational, Scientific and Cultural Organization (UNESCO), NGOs and several government officials repeatedly warned of the severe risks to the security of students and patients given the Taliban’s opposition to the elections.<sup>43</sup> In August 2009, the month of the elections, there were 249 reported incidents against education compared to 48 reported incidents in the month of July, according to the UN-led Country Task force on the Monitoring and Reporting Mechanism (CTFMRM). In many of these cases, insurgents had attacked polling stations located in schools.

## Recommendations on Humanitarian Access

- **UN agencies, ISAF and NGOs** should integrate child protection best practices and relevant provisions of Security Council Resolutions 1612 and 1882 into the Civil-Military Guidelines, including prohibitions against the use of schools and students for political purposes. Adherence to the Guidelines should be reported to the Expert Committee on Protection of Civilians to inform its recommendations regarding UNAMA’s mandate renewal.
- **International military forces** should ensure that their standard operating procedures (SOPs) are in line with the Civil-Military Guidelines. This includes providing regular trainings on the Guidelines for all staff, including civilians and PRTs and highlighting the relevant provisions related to the protection of children.
- **The SCWG-CAC** should request an independent assessment of the impact of projects that are funded or operated by Provincial Reconstruction Teams (PRTs) on the security and well-being of children in Afghanistan. The assessment should explore alternative ways to assist children living in areas that are not accessible by UN agencies or NGOs.
- **The GoA** should under all circumstances avoid the use of education and health facilities in the upcoming elections and for other political purposes.
- **Humanitarian organizations** should involve local community members in the planning, execution and evaluation of development assistance projects to increase their applicability and long-term impact.
- **Donors** should follow the Good Humanitarian Donorship Principles so that funding is allocated in proportion to the needs of the most vulnerable populations, including children, and not to further political goals.

# Killing and Maiming

## Military and Other Attacks

The number of civilians killed and injured since 2006 as a result of the armed conflict has risen at an unprecedented rate. Nearly 6,000 civilians were injured or killed due to conflict-related violence in 2009, and of this number 2,412 were killed, according to UNAMA's annual report, *Protection of Civilians in Armed Conflict in Afghanistan, 2009*.<sup>44</sup> This marks a 14 percent increase in civilian deaths as compared to the same time period the previous year. Most of the incidents were recorded in the south, southeast and eastern regions where aid organizations have limited access and hostilities have escalated. In 2009, 346 children were reportedly killed due to conflict-related violence, including 131 through air strikes and 22 in night raids by Special Forces, and 128 were killed through assassinations, suicide bombings and other attacks by armed opposition groups, according to UNAMA.<sup>45</sup> This number does not include incidences where children were killed by landmines and explosive remnants of war (ERW), and might only be a fraction of the actual cases as human rights monitors have limited access to conflict zones due to insecurity. The Afghan Independent Human Rights Commission (AIHRC) reported 520 children killed by warring parties between March 2009 and March 2010, which also includes mine-related victims. The Afghanistan Rights Monitor (ARM), a local human rights group, reported at least 1,050 children killed by suicide attacks, air strikes, improvised explosive devices (IEDs), ERWs and in cross-fire between warring parties in 2009.<sup>46</sup>

While the Taliban's Code of Conduct instructs "every member of the Mujahideen [to] do their best to avoid civilian deaths, civilian injuries and damage to civilian property," armed opposition groups have at times directed their violence at civilians to intimidate them and undermine the government, staging suicide bombings in highly populated areas, detonating IEDs on busy civilian roads, and attacking schools and hospitals (see below: Education and Health). Children have also been targeted by these armed groups and executed on allegations of spying for

government or international military forces, according to UN sources. There are also reports of armed groups deliberately using children as human shields.<sup>47</sup>

Most of the civilian deaths attributed to pro-government forces were as a result of airstrikes and, to a lesser extent, night raids often involving excessive use of force. For example, in May 2009, the U.S. claimed that it responded to calls by Afghan Armed Forces for protection against insurgent attack by using aerial bombardments, which killed at least 65 children and 21 women in a village in the Bala Bulok district of Farah Province, southwestern Afghanistan, according to AIHRC. Independent human rights organizations have struggled to verify such claims due to the lack of transparency in investigations conducted by international military forces.<sup>48</sup> In many of these cases, the use of unreliable sources or faulty intelligence have contributed to increased civilian casualties.<sup>49</sup>

One of the most problematic aspects for child protection actors is that contrary to the Convention on the Rights of the Child's definition, ISAF's Civilian Casualties Tracking Cell defines a child as a person under the age of 15. This makes it extremely difficult to accurately assess the impact of military attacks on children and may lead to underestimates of the number of children associated with armed groups.

Children have also been caught in the cross-fire as fighting between the Afghan forces and international military forces against armed opposition groups continues. Similarly, landmines, ERW and other explosives placed by armed forces and other groups have killed hundreds of children and inflicted permanent injuries on others throughout the conflict (see below: Landmines and ERW).

## Assistance to Survivors and Impunity for Perpetrators

Following an attack, children and their families usually do not even receive basic information as to who has committed the crime, the circumstances of the incident or the status and follow-up of investigations, including potential

prosecutions.<sup>50</sup> To date, there has never been an indictment or conviction of Taliban combatants for crimes against humanity or war crimes, which can be punished under international and domestic criminal law. Moreover, in February 2010, the Afghan government put into force the reconciliation and general amnesty law which gives immunity to prosecution for those engaged in the current hostilities if they agree to engage with the government on reconciliation. Human Rights Watch (HRW), the Transitional Justice Coordination Group, which consists of 24 Afghan civil society organizations and other human rights organizations have raised serious concerns regarding the amnesty law, arguing that it would ultimately undermine the reconciliation and peace process and violate international law.<sup>51</sup>

The responses of international military forces to attacks involving the injury or death of civilians has varied depending on the troops involved. However, the lack of public acknowledgement, prosecution and compensation have increasingly caused Afghan civilians to lose faith in international troops, according to AIHRC.<sup>52</sup> In August 2009, General Stanley McChrystal, the commander of NATO ISAF and U.S. Forces, put the protection of civilians from attacks, the reduction of civilian casualties and transparency and accountability for military operations at the center of his counter-insurgency strategy.<sup>53</sup> As part of this strategy, General McChrystal issued a series of Tactical Directives to ISAF and U.S. Forces in Afghanistan that provide specific instructions to troops regarding "force protection," air strikes and night-time raids.<sup>54</sup> ISAF's Civilian Casualties Tracking Cells and a parallel unit within USFOR-A, the command and control headquarters for U.S. forces operating in Afghanistan, were established to ensure a more systematic monitoring and response to reported incidents, including investigations and compensation.

As a result of these initiatives, fewer civilians were reportedly killed in airstrikes in 2009 than in 2008, according to UNAMA's figures. The focus on civilians is also reflected in some of the drastic responses that some troops have taken in instances where civilians have become the victims of military operations: The order of German NATO forces to carry out an air strike in Kunduz on September 3, 2009, which appeared to contravene McChrystal's directives and ISAF standard operating procedures, led to the resignation of three German senior officials. A NATO investigation confirmed that the military had withheld information that civilians had been killed in the incident.<sup>55</sup>

However, there is still no transparent, comprehensive and independently monitored system to investigate violations committed by military forces and to hold perpetrators accountable or a uniform strategy for compensating

civilians. Compensation also largely depends on the troops perpetrating the attack and is provided on a case-by-case basis, according to the Campaign for Innocent Victims in Conflict (CIVIC).<sup>56</sup> While most troops offer an *ex gratia* payment to civilians suffering losses in combat operations, survivors face serious obstacles in obtaining this assistance in a timely manner due to the difficulty in identifying the military unit responsible, the lengthy bureaucratic process involved and the lack of access to offices receiving complaints.<sup>57</sup>

A number of NGOs have thus called for a more pro-active and systematic approach in contacting victims and their families to offer official apologies, inform them about the circumstances of the incident and to explain to them how they can raise complaints and have them heard by ISAF. They also urged all troop-contributing countries to develop a systematic, transparent way of compensating families and victims that is standardized by all troop-contributing countries.<sup>58</sup>

## Children Living with Disabilities

More than 200,000 children in Afghanistan live with permanent injuries and disabilities suffered during hostilities or as a result of inadequate medical support, according to the most recent survey by Handicap International in 2005. The government pays a monthly pension of US\$6 to US\$10 to persons with disabilities, which barely covers the cost of medical treatment, according to Handicap International.<sup>59</sup> School facilities and teachers are not equipped to address the special needs of students with disabilities, which further casts the children into disadvantage and isolation, according to officials at the Ministry of Education.<sup>60</sup> Only 22.4 percent of the 196,000 children with disabilities in Afghanistan who would have qualified for school were able to attend school, according to the International Organization of Persons with Disabilities.<sup>61</sup>

Afghanistan has not signed the UN Convention on the Rights of Persons with Disabilities, which asks signatory states to ensure that "children with disabilities are not excluded from free and compulsory primary education, or from secondary education." National legislation related to persons with disabilities is currently in the process of being approved. In order to facilitate integration of children with disabilities, the Ministry of Education has introduced awareness-raising components in the school curriculum and is working on strategies to provide specialized and inclusive education.<sup>62</sup>

## Recommendations on Killing and Maiming

- **All parties to the conflict** must take all possible measures to avoid civilian casualties. All alleged perpetrators should be held accountable in accordance with national and international law.
- **The GoA and international military forces** should ensure that their investigations into alleged violations against civilians are transparent, timely and independently monitored. The results of these investigations should be publicly shared and include data disaggregated by age on combatant and civilian casualties.
- **The GoA** should repeal the reconciliation and general amnesty law and hold perpetrators of violations against civilians, including children, accountable in accordance with national and international law.
- **International military forces**, in coordination with the related national mechanism (Presidential Fund and the Ministry of Labor, Social Affairs, Martyrs & Disabled compensation mechanism), should devise a uniform strategy for compensating civilian survivors of attacks and ensure that these compensation systems are made easily accessible to victims, including children.
- **The GoA** should immediately sign and implement the UN Convention on the Rights of Persons with Disabilities and, with international support, more effectively assist children with disabilities.

# Refugees and IDPs

## Internally Displaced Persons

Thousands of Afghan children and their families have been forced to flee their homes due to armed conflict and economic hardship. In addition, more and more Afghan refugees are returning from other countries only to fall again into displacement in their own country due to insecurity in their places of origin or lack of access to their previously owned land. Large and mounting numbers of the internally displaced remain “invisible” to the government and international organizations due to ongoing hostilities and serious access constraints.

As of the end of 2009, an estimated 297,000 internally displaced persons (IDPs) were living in makeshift camps, informal settlements, or being hosted by Afghan families to which they have close ties, according to the UN High Commissioner for Refugees (UNHCR), which co-chairs the National IDP Task Force together with the Afghan Ministry of Refugees and Repatriation Affairs. More than half of these IDPs – approximately 161,000 – are children, according to UNHCR estimates. Despite their large number and special needs, humanitarian agencies on the ground confirmed that there was a dearth of comprehensive, disaggregated data on their situation to inform policy and programmatic responses.

Assistance to IDPs – whether residing in camps, settlements or outside the camps, including in urban areas of major Afghan cities – remains minimal, uncoordinated and partially ad-hoc. Health workers frequently describe children suffering from preventable diseases like measles, dysentery and diarrhea as a result of the lack of vaccinations, unhygienic conditions in IDP settlements and the lack of access to safe drinking water.<sup>63</sup> Many of these children are deprived of access to educational opportunities in the settlements as one-third of all sites lack education facilities and virtually none offer access to higher education.<sup>64</sup> Displaced parents residing in Kabul’s makeshift

camps have reportedly even sold their children to criminal and trafficking circles to survive or provide for their other children.<sup>65</sup>

Moreover, the state of displacement often deprives children of protective community or family structures and exposes them to a greater risk of recruitment into armed forces or groups. While more evidence is needed, available data seems to indicate a correlation between child recruitment and high levels of displacement, according to the 2008 Secretary-General report on CAC in Afghanistan (see below: Child Soldiers). In fact, the threat of child recruitment has caused some families to flee their homes, according to the same report.

In particular, finding durable solutions for children at risk, including unaccompanied and orphaned children, remains a challenge, according to UNHCR. While the Government of Afghanistan’s 2006 National Strategy for Children at Risk focused on developing community and family based support for vulnerable children and reducing the emphasis on institutional care, the orphanages run by the government and the Afghan Red Crescent Society provide mostly temporary shelter and do not always admit boys of 15 years and older.<sup>66</sup> Child protection agencies have also warned of the poor living conditions in some orphanages. For example, a survey conducted by AIHRC with 43 children in Alahuddin Orphanage in Kabul found most children to be dissatisfied with the facilities, citing poor food quality, lack of sanitation facilities and physical and verbal violence.

## Refugees

In the mid-1990s, at the peak of the displacement crisis, an estimated 8 million Afghan refugees lived in neighboring countries, mainly in Pakistan and Iran, representing one of the largest refugee populations worldwide.<sup>67</sup> With the arrival of a new government, international forces and funding, more than 5.6 million people decided to return

to their home country between 2002 and 2009.<sup>68</sup> Of the 4.4 million assisted returnees from Pakistan and Iran, over 2 million were under the age of 18, according to UNHCR; the agency further reports approximately 1.6 million registered refugees living in Pakistan and about 1 million in Iran as of January 2010.<sup>69</sup> While updated data on Afghan refugee children in Pakistan and Iran is not available, UNHCR estimates about 1.18 million children among Afghan refugees in Pakistan and 345,000 children among Afghan refugees in Iran based on statistics from registration exercises conducted in 2007.<sup>70</sup>

Pakistan is not a signatory to the 1951 Refugee Convention and its 1967 Protocol, which establish the international legal standards for refugee protection. While Iran is a signatory to both the Convention and the Protocol, regimes after 1979 have refused to abide by the provisions of the 1951 Convention. The prolonged refugee presence and security issues due to cross-border migration and crime have led to concerns that the countries would close their borders and put pressure on Afghan refugees to return home, according to the International Crisis Group.<sup>71</sup> Since 2004/2005, both Pakistan and Iran have tightened their asylum policies and increased pressure on Afghans to leave the country by closing refugee camps, cutting off assistance and in some instances arresting and deporting refugees.

Most of the registered refugees in Pakistan (around 85 percent) are living in the two provinces adjacent to Afghanistan – North West Frontier and Baluchistan – two of the most destitute provinces. There are serious protection concerns for refugees living in these areas as some armed groups have reportedly used the camps as bases for their military operations in Afghanistan.<sup>72</sup>

Citing security concerns, the Government of Pakistan has limited the access of aid organizations and only allows aid to be provided to refugees through its own programs despite its limited expertise on protection issues and its direct political involvement in the conflict.<sup>73</sup>

In March 2010, a new Tripartite Agreement between the governments of Pakistan and Afghanistan, and UNHCR on voluntary repatriation was signed, which extends the stay of registered refugees through December 31, 2012. Between 2005 and the beginning of 2010, about 25 Afghan unaccompanied minors – largely undocumented labor migrants – were deported from Pakistan, according UNHCR's statistics from border monitoring.

The situation for refugees in Iran also remains precarious. Since 2002, about 5,818 Afghan unaccompanied minors have been deported from Iran, according to UNHCR. While the majority of these child deportees are undocumented labor migrants, human rights organizations warn that child

deportees may be at a heightened risk of sexual exploitation, physical abuse, human trafficking and various exploitations and abuses upon their return, according to AIHRC.<sup>74</sup> Some deportees have accused the Iranian police of beatings, illegal and arbitrary detention, and the Iranian security forces of insults before their expulsion.<sup>75</sup> The Iranian government has also made it more difficult for Afghan refugees to stay in the country by banning them from 22 provinces as part of its “no-go area” policy and gradually cutting off their access to subsidized education, health care and food.<sup>76</sup> In 2009, the government took some steps to ease these restrictive policies by beginning to give work permits to registered Afghan refugees and allowing all school-age children, including registered and unregistered refugees, to enroll in grades 1 -12 in the same manner.<sup>77</sup> However, gaps in the implementation of these policies remain, according to UNHCR.

Most registered Afghan refugees do not want to return to their home country due to the deteriorating security situation, the limited absorption capacity of communities in Afghanistan and the lack of socio-economic opportunities. Without land, jobs, access to basic services and with ongoing security risks, returnees are at a high risk of renewed displacement within Afghanistan or forced re-migration to neighboring countries.<sup>78</sup> UNHCR alluded to the specific protection concerns of returnee children, including child labor, smuggling and human trafficking, and early or forced marriage.<sup>79</sup> Moreover, about half of all refugees grew up in another country and 80 percent have lived there for more than two decades, making it difficult for them to reintegrate upon their return to Afghanistan.<sup>80</sup>

## **Recommendations on Refugees and IDP Children**

- **The UN Security Council Working Group on Children and Armed Conflict (SCWG-CAC)** should request UNHCR and/or the Representative of the Secretary-General on the human rights of IDPs to lead a study to determine vulnerabilities and risks for displaced and refugee children from Afghanistan. The study's findings would be the first step towards enacting a comprehensive action plan to find durable solutions for displaced children from Afghanistan.
- **The GoA** should ensure that unaccompanied and separated children receive adequate interim care until they are reunited with their families, placed with foster parents or other long-term arrangements for care are made, in accordance with the Inter-agency Guiding Principles on Unaccompanied and Separated Children. The government should monitor that the standards of protection and care provided by private and public orphanages are met.
- **The Government of Iran** should comply with the 1951 Refugee Convention and its 1967 Protocol; **the Government of Pakistan** should sign and comply with the 1951 Refugee Convention and its 1967 Protocol. In particular, they should provide refugee children from Afghanistan with access to education, health and documentation to facilitate opportunities for local integration or repatriation and ensure that their protection against harassment or deportation is in line with international standards.
- **The Governments of Afghanistan, Pakistan and Iran** should work with UNHCR to ensure that children can continue their education or vocational training upon their return.
- **AIHRC** should coordinate closely with the independent Human Rights Commission of Pakistan (HRCP) to conduct joint monitoring and reporting on human rights and child rights violations along their common border areas and to take specific measures to prevent them.

# Health

## Access to Services

The destruction from the war and ensuing political and economic instability have left Afghanistan's health care system in shambles, and nearly fully dependent on external funding and assistance. Since 2002 the government has taken some important steps in improving health care, which have resulted in the increase of health facilities from 400 in 2002 to 1,788 in 2009 and a substantial increase in trained health personnel, according to the Ministry of Public Health.<sup>81</sup> With the expansion of basic health services, preventable fatalities among infants and young mothers have marginally decreased. However, intensified conflict, attacks and intimidation against health workers, and low quality services, have continued to keep infant and maternal mortality rates alarmingly high.

Afghanistan is still the worst place for a newborn in terms of access to health care and survival opportunities, according to UNICEF and Save the Children.<sup>82</sup> One in four Afghan children do not reach their fifth birthday, partly due to lack of access to adequate health care.<sup>83</sup> Save the Children reports that 15 percent of vulnerable people, including children, in urban settings and 30 percent of those in rural areas do not have access to any government, nongovernmental organization or privately run health facilities in Afghanistan.<sup>84</sup> Newly developed national health care policies to provide people with basic health services (Basic Packages of Health Services – BPHS) generally do not reach people living in the southern and western parts of the country, partly due to insecurity.<sup>85</sup> As a result, children have contracted or died of diseases that are easily preventable or controlled in most countries around the world, including respiratory infections, diarrhea and vaccine preventable deaths, especially measles, according to WHO.<sup>86</sup>

At least 1 million Afghans (15 percent of the population) were deprived of basic health care services due to attacks on health care facilities and health workers in 2008, and insufficient coverage by the BPHS system. This number has

doubled since 2007, according to the Ministry of Public Health and WHO (see above: Humanitarian Access).<sup>87</sup> The situation in the conflict-affected southern region (Helmand, Kandahar, Zabul and Nimroz) is particularly severe and continues to degrade. Some health facilities have been closed, damaged or destroyed by the armed opposition and the deliberate targeting of health facilities and workers limits access to health services for much of the population living in insecure areas. Many security incidents involving the harassment, intimidation and kidnapping of health workers remain unreported because of fear of retaliation. As of November 2008, 13 southern districts had no functional public health facilities, potentially affecting hundreds of thousands of people, including children, according to the UN.

Armed groups have largely been responsible for attacking health facilities, staff members and patients. For example, armed opposition groups destroyed several NGO-run clinics in the east and abducted staff between July 1<sup>st</sup> and September 30, 2009.<sup>88</sup> Afghan Security Forces and international military forces have also not always respected the special protection afforded to medical personnel and facilities under international law. For example, in August 2009, Afghan military forces reportedly occupied two Basic Health Centers in Helmand province.<sup>89</sup> The Swedish Committee for Afghanistan also accused ISAF of invading its hospital on September 6, 2009.<sup>90</sup> In order to prevent further incidents involving the occupation of health facilities by military forces, the Health Cluster members, who coordinate the health response among UN, government, NGO, academic and private actors, have developed a code of conduct for all military actors regarding entry into health facilities (see above: Humanitarian Access). In addition, the Health Cluster – in coordination with the UN-led Country Task Force on the Monitoring and Reporting Mechanism (CTFMRM) – established a mechanism for members to report attacks against health staff and facilities (see below: UN Security Council Actions).

There is also a critical shortage of health care workers in conflict-affected or remote areas.<sup>91</sup> On average, one doctor is responsible for treating more than 5,500 patients, and 80 percent of health clinics lack adequate equipment.<sup>92</sup> In particular, the lack of female medical staff poses a serious obstacle to providing essential services to women and children. In Paktika province, for example, there is not a single female doctor and only a few female nurses and midwives in the entire province, where more than 180,000 women live, according to Afghanistan's Central Statistics Office.<sup>93</sup>

Without access to medical supplies and professional staff, some Afghans have relied on informal medical advice from family elders or bought medicine from local drug sellers such as opium, with harmful consequences.<sup>94</sup> In particular, the small number of female health workers discourages girls and women from seeking medical assistance, especially for reproductive health concerns, according to the same report. Currently, less than one-third of health facilities have at least one female health worker, according to the Secretary-General's report on Women, Peace and Security, September 16, 2009 (S/2009/465, para. 16).

## Maternal Death and Reproductive Health

In spite of improvements, Afghanistan continues to have one of the highest maternal mortality rates worldwide with 1,800/100,000 live births.<sup>95</sup> One mother dies every half hour in Afghanistan because of birth-related problems, according to UNICEF.<sup>96</sup> The infant mortality rate stands at 165 for every 1,000 live births.<sup>97</sup> The prevalence of early marriage has resulted in girls giving birth at a young age when they are not yet physically mature, which carries serious health risks for the mother and infant. For example, an adolescent girl is two to five times more likely to die from pregnancy-related complications than a 20-year-old woman, according to Save the Children.<sup>98</sup>

In addition, traditional gender norms prevent women and girls from learning about reproductive health, visiting male doctors or accessing health facilities without a male person accompanying them, according to UNICEF. The agency further reports that the high maternal mortality rate is due to very limited access to comprehensive emergency obstetric care for women living in rural areas, poor awareness about safe delivery practices and the scarcity of professional health workers, particularly females.<sup>99</sup> More than 70 percent of births take place at home without any medical support and any "emergency plan" in place.<sup>100</sup> While the number of midwives has increased substantially from 400 in 2001 to approximately 2,500 in 2008, more than 4,500 more midwives are required to meet current needs.<sup>101</sup>

The enrollment of students for community midwifery schools is hampered by the low literacy rates among females in the rural and remote areas and even more by the threats and intimidation of their families by the armed opposition groups, according to WHO. Some of its implementing partners operating in "security challenging districts" reported dropout rates of between 30 – 40 percent. Progress in improving the access to skilled birth attendants is likely to be slow, especially in areas where this would be most needed, namely in rural, remote and insecure locations.

## Infectious Diseases

Untreated communicable diseases threaten individuals and communities in Afghanistan. Of the cases reported to the Disease Early Warning System administered by the Ministry of Public Health, more than 60 percent posed the threat of developing into a major epidemic, according to WHO. This situation is especially dire in insecure areas where government and humanitarian agency operations are restricted due to conflict. Sources at WHO report that 50 percent of outbreaks are taking place in insecure areas, where even access to emergency health care is impossible. For example, during the cholera outbreak of 2009, a fatality rate of 13 percent was recorded in unstable parts of the southern region. These untreated, often serious diseases contribute to Afghanistan's under-five mortality rate of 25 percent, which is one of the highest in the world.<sup>102</sup>

Nationwide campaigns by the Afghan government with UN support to eradicate polio have resulted in the near-eradication of the pandemic in the last two to three years within the country, according to WHO. However, insecurity has prevented agencies from accessing 110,000 children in the conflict-affected southern provinces, where 20 of the 23 cases were registered in 2009, according to a WHO 2009 report on the polio eradication campaign. Health agencies consider the Afghanistan-Pakistan region as a primary risk area for polio as it involves two of the four remaining countries where polio still remains endemic due to insecurity and displacement, according to WHO.<sup>103</sup> While insecurity has prevented access to certain areas, parties to conflict have not directly obstructed vaccination efforts in areas under their influence or control, and the Taliban publicly declared that it would not oppose immunization campaigns.<sup>104</sup> The successful engagement of humanitarian agencies with non-state armed groups in negotiating access for immunization campaigns has allowed WHO and its partners to include 30,000 children from difficult-to-reach areas, and to establish additional Diseases Early Warning Systems for the identification and response to outbreaks.<sup>105</sup>

## Malnutrition

The Humanitarian Action Appeal warned of severe malnutrition among under-five children, and in pregnant and lactating women in 2008 due to drought, rising food prices and insecurity. In fact, 40 percent of children under five in Afghanistan are underweight and 54 percent display severe signs of stunting according to UNICEF, *State of the World's Children 2008*. According to the same survey, 24 percent of lactating women are malnourished and over 19 percent of pregnant women have poor nutritional status. There are strong indications that young mothers and children regularly die of malnutrition-related diseases, according to UNICEF and the Afghan Ministry of Public Health.<sup>106</sup> UN initiatives focus on feeding children under five and pregnant and breastfeeding women through feeding centers and offer daily lunches to students to encourage parents to send their children to school.<sup>107</sup>

## Water and Sanitation

Inadequate access to clean water and sanitation further exacerbates the health situation for children in Afghanistan. Less than one-quarter of all Afghans currently have access to safe water sources, and less than one-third of the population is able to use adequate sanitation facilities.<sup>108</sup> Three out of four public schools do not have safe sanitation facilities for students and approximately 2 million students attending these schools do not have access to safe drinking water, according to UNICEF.<sup>109</sup>

Basic hygienic measures such as washing hands with soap after visiting the toilet or before eating can reduce the risk of a child dying of diarrheal diseases by half, according to UNICEF. UNICEF further affirms that especially older girls are extremely unlikely to attend schools that lack gender-separated latrines. Improving access to water and sanitation at schools can thus contribute to both increasing school attendance and reducing child mortality in Afghanistan.

## Drug Addiction

The large supply of opium together with poverty, unemployment, mental illness, lack of awareness and widespread despair has created an increasing demand for drugs in Afghanistan's war-torn society. The most recent UN Office on Drugs and Crime *Drug Use Survey 2005* estimated that nearly 1 million Afghans, including 60,000 children under the age of 15, were addicted to drugs. Children were mostly reported as using inhalant tranquilizers. Figures on drug abuse among youth are believed to be much higher today and encompass a wider range of substances due to availability and continuing stresses, according to UNODC. Most of the women using

opium are of reproductive age, making babies they may have more susceptible to withdrawal syndromes, prematurity, accidental poisoning and other health issues.<sup>110</sup>

More recently, a few health agencies have reported entire families in Afghanistan becoming addicted to drugs.<sup>111</sup> An AIHRC study found that 15 percent of drug users surveyed gave their children drugs to keep them quiet while they work.<sup>112</sup> The use of drugs has particularly harmful consequences for children because they are more easily addicted and suffer permanent mental and physical damage.<sup>113</sup> In their drive to acquire more drugs, some children join criminal networks or armed groups, according to UNAMA's 2007 report. Health experts also warn of the impending risks relating to diseases that can be transmitted by sharing needles such as HIV/AIDS and hepatitis C (see below: HIV/AIDS).

Only one out of four reported drug addicts in Afghanistan receives the necessary treatment and rehabilitation services, according to UNODC. Patients expecting treatment often have to wait months for one of the 100 beds reserved for treatment.<sup>114</sup> The fear of being stigmatized also keeps many women and children from seeking information and services.

## Psycho-Social Disorders

Traumatic events experienced or witnessed during the conflict continue to haunt many children, making it difficult for them to readjust to normal life. A recent survey found that 22 percent of 1,011 children between the ages of 11 and 16 years attending government-operated schools in Kabul, Bamiyan and Mazar-i-Sharif exhibited signs of psychiatric disorder; girls were two-and-a-half times more likely to have disorders than boys.<sup>115</sup>

However, there is limited psycho-social trauma support provided in the country, according to Handicap International. Standard health responses for victims of violence – even rape victims – focus on physical care with little attention paid to the patient's mental well-being.

The profession of counseling does not even exist in public health services. Some child protection initiatives engage conflict-affected children in activities to promote creativity and play as an alternative to more traditional psycho-social interventions, including skateboarding and staging a children's circus. While such programs may benefit a few, more systematic interventions are needed for children to help them deal with their war experiences.



## **Recommendations on Health (*Compare, Recommendations on Humanitarian Access*)**

- **Donors** should substantially increase health funding to reduce child mortality and maternal mortality and address existing and emerging health needs including psycho-social care. Health was the "worst-funded" cluster in 2009 with only 2 percent of covered funding.
- **The GoA** should expand health care services on an equitable and sustainable basis offering a continuum of care from local health care workers to hospitals that reach girls and boys in both rural and urban areas (compare, HIV/AIDS).
- **The GoA** should devise a strategy to improve maternal and child health that includes increasing the number of female health workers in rural areas.
- **The GoA** should systematically integrate psycho-social support into the standard health response for victims of violence, with a special focus on GBV survivors, and ensure that these initiatives are adapted according to the patient's age.
- **Donors** should continue to support youth information community centers where children and youth learn about reproductive health issues, HIV/AIDS and drug-related problems in a safe setting. These centers should also be expanded to rural areas.
- **The GoA**, with the support of the UN, should conduct a public awareness campaign to warn of the harmful consequences of drug abuse during pregnancy for the short and long-term health of the mother and the baby.

# HIV/AIDS

## The Spread of HIV/AIDS

Official numbers on HIV prevalence are likely to underestimate the severity of the situation due to stigmatization and the low levels of surveillance and testing in the country. Afghanistan's National Aids Control Program registered 559 cases, including children, as of November 2009.<sup>116</sup> UNAIDS and WHO put the number of reported cases much higher at 1,000 to 2,000.<sup>117</sup>

Despite low reported prevalence rates, experts warn that armed conflict exacerbates risk factors contributing to the spread of HIV/AIDS in Afghanistan. In particular, criminal networks are likely to exploit the vulnerable situation of orphans and street children, forcing them into prostitution or introducing them to drugs. For instance, street children are regularly forced to earn a living as sex workers without protecting themselves from sexually transmitted infections, according to UNICEF. Out of school youth rarely receive vital education messages regarding the prevention of HIV/AIDS, according to UNODC. Inadequate health facilities during birth have also intensified the risk of mother to child transmission.<sup>118</sup>

Cross-border migration is another factor in the spread of the HIV epidemic. For example, the thousands of young male Afghans who work illegally in Iran visit sex workers and use intravenous drugs without any protection, according to the Iran government and UNHCR. There are currently no initiatives to raise awareness about HIV among Afghan migrants in Iran, according to health officials in Kabul and Herat.<sup>119</sup>

## Treatment and Care

Despite repeated warnings of the particular risks for children, the national school curriculum has not incorporated classes on HIV/AIDS. About 59 percent of almost 20,000 high school students between the ages of 15 and 24 in Kabul believed that people living with HIV must be isolated from the rest of the community, and many would bar them from school or work.<sup>120</sup> Lack of knowledge of HIV and fears of social stigmatization keep many Afghans from accessing existing centers offering treatment and care.<sup>121</sup> Overall, most services are confined to urban centers where a small number of medical facilities offer free checkups, anonymous counseling services or affordable medicine for HIV/AIDS.

## Recommendations on HIV/AIDS

- **The GoA** should expand prevention, treatment and care of HIV/AIDS to reach girls and boys in both rural and urban areas.
- **The humanitarian community** should develop easy-to-use, culturally sensitive information on HIV/AIDS in local languages and widely distribute them through the media, schools and communities in Afghanistan and neighboring countries. They should also devise regional strategies aimed at raising awareness among children who migrate or are trafficked to neighboring countries.
- **Donors** should support national initiatives to introduce the prevention of mother to child transmission and pediatric HIV treatment services into Afghanistan's general health care.

# Education

## School Enrollment and Attendance

During their rule, the Taliban denied millions of children the right to education and banned girls from attending school. The return of girls and boys to school became a policy priority of subsequent reconstruction efforts in Afghanistan and a benchmark for the peace-building process in Afghanistan. As of February 2010, 7 million children were attending school, of which approximately one-third were girls.<sup>122</sup>

Yet, more than 5 million school-age children continue to miss out on education opportunities, according to aid agencies and the Ministry of Education.<sup>123</sup> Few of the long-term IDPs living in camp settings have access to primary or secondary education, according to AIHRC. Many students are forced to drop out of primary school and even fewer are able to move onto higher education due to insecurity, poverty or early marriage.<sup>124</sup> Dropout rates are disproportionately higher for girls as parents are more restrictive with their daughters. At the lower secondary level, only 27 percent of students were girls.<sup>125</sup>

There are hardly any options for children, especially girls, who graduate from primary school to proceed to secondary education. Currently, only 11 percent of boys and 5 percent of girls enrolled in primary school continue on to grade 12.<sup>126</sup> As attention and funding is focused on primary education, there are few secondary schools and even less opportunity to attend university. Most of these schools are far apart from each other and rarely provide for gender segregation making them largely inaccessible to children, especially girls.

## Monitoring and Reporting on Attacks

The Ministry of Education, UNICEF, UNAMA, the World Food Programme and the Afghanistan NGO Safety Office (ANSO) regularly gather information on attacks against schools. However, the database formats and numbers of UNICEF and the Ministry of Education on school attacks do not match, making it difficult to understand the phenomenon,

as noted by CARE International in *Knowledge on Fire: Attacks on Education in Afghanistan: Risks and Measures for Successful Mitigation*, September 2009. The study also identified cases of underreporting, partial reporting or misreporting as well as double counting of cases in the UNICEF and Ministry of Education databases. As part of the UN-led Monitoring and Reporting Mechanism, the Country Task Force set up an information management system in 2008/2009 to clean existing databases of information about attacks against schools to ensure that recorded data is consistent and that double-counting is avoided.

While various organizations monitor attacks against schools, none of them systematically collect critical information that could prevent attacks, including early warning signs such as "night letters," which are secretly sent out or posted in public places at night to intimidate parents, teachers and students. None of the databases records the source of funding for the attacked schools, whether it is a standardized school building or community based, and whether there is a PRT relationship with the school. All of this information could provide significant insights on why schools are attacked. For example, Afghan communities perceive schools built by PRTs or that have PRT involvement to be at greater risk of attack, according to the report. Similarly, studies show that schools are more protected when communities are involved in the building and opening of the school and in curriculum development.<sup>127</sup> The databases also do not track information regarding other conflict-related factors that inhibit school attendance such as the presence of landmines in the school's vicinity. Nor do they capture the wider impact that school attacks may have on parents' decisions to send their children to school.

## Attacks against Schools, School Children and Teachers

Even with the limited monitoring and reporting system currently in place, it is clear that attacks on schools by armed opposition groups are widespread. Armed

opposition groups have damaged and destroyed schools, brutally killed students and their teachers and threatened anybody seen as supportive of Afghanistan's education system. Criminal gangs are responsible for some of these attacks, at times acting as proxies to armed groups. In 2009, the UN Country Task Force documented 610 incidents affecting education compared to 348 recorded incidents in 2008. The majority of attacks are related to the burning of school buildings or inventory, explosions close to or in school buildings and direct attacks against students and education personnel, according to the UNICEF school security database. Armed groups have also used "night letters" to threaten families and deter them from sending their children to government-run schools.<sup>128</sup>

While school attacks have occurred throughout Afghanistan, the type of attacks – whether arson, explosives or others – has varied, depending on the province and the location of the school. For example, schools built near highways close to the frontlines and international borders are more likely to face attacks. In addition, visits of international military forces to schools or their direct assistance to education programs through the PRTs is likely to increase the risk of attacks by attracting untoward attention by anti-government elements. For example, following a visit by a PRT to an all girls' school, a violent demonstration took place which included attacks on the district judge and the district manager's house. This response was triggered when the Mullah claimed that the girls danced to music and were filmed and photographed by the PRT.<sup>129</sup> Although some of the threats or attacks against schools seem linked to PRT support, more statistical evidence is needed to verify whether there is indeed a correlation.

Girls face significantly higher risks of being attacked than boys. While only 19 percent of all schools in the country are designated girls' schools, attacks against girls' schools account for 40 percent of all attacks.<sup>130</sup> For example, in May 2009, an armed group reportedly poisoned 90 girls between the ages of 8 and 12 years old using gas in Mahmud Raqi, the capital of Kapisa province, leading to severe nausea and in at least five cases, short-term comas.<sup>131</sup> In another case, in November 2008, Taliban militants reportedly threw acid into the faces of more than a dozen girls and several of their teachers en route to school in Kandahar, leaving some severely disfigured, according to the 2008 Secretary-General's annual report on children and armed conflict (A/63/785/S/2008/158 and Corr. 1 para 14). The militants were reportedly paid 100,000 Pakistani rupees for each girl they burned. To date, the perpetrators of the crime have not been convicted.<sup>132</sup>

There have also been incidents where teachers and students have been caught in the cross-fire as checkpoints, police posts or military camps were established in the immediate vicinity of schools. For example, on March 15, 2009, an IED exploded in front of a school and close to a military base in Kabul, injuring among others a school teacher and a 12-year-old student, and destroying some of the school's windows, according to the Ministry of Education.<sup>133</sup>

## Protecting Schools from Attacks

Afghan local communities play a critical role in protecting schools against violence, according to CARE. In contrast to the government or the police, which may attract further attacks, community members dissociate themselves from political agendas. In many cases community members know the armed group involved and are able to establish a dialogue with them, according to the study. While communities have developed strategies to communicate with armed groups, they face more difficulties in dealing with criminal gangs as they rarely know their identity and are more afraid of contacting them. In these cases, the hiring of guards and patrols may be a more appropriate strategy, especially during the night and in the early months of the school year when most of the attacks occur. Community-based schools also appear less likely to be the targets of attacks as they are less visible (usually run from homes) and not seen as symbols of the government like the PRT-affiliated schools. Approximately 25 percent of schools in Afghanistan are community-based.<sup>134</sup>

The Ministry of Education has also engaged with armed groups directly or through local elders and religious scholars to obtain assurances for the safe passage of students in the southern provinces of Kandahar, Helmand and Uruzgan, according to the Ministry of Education.<sup>135</sup> The government is also planning to open up its own madrassas or religious schools, which would integrate basic Islamic education into the basic school curriculum, to discourage parents from sending their children to madrassas in Pakistan. Some of the madrassas in Pakistan promote Islamic radicalism and demand personal sacrifice for jihad, including suicide.<sup>136</sup>

## Conflict-Related Barriers to Education

Attacks against schools and related insecurity resulted in the closure of an estimated 700 schools in 2008 and 670 schools at the beginning of 2009, according to UNICEF.<sup>137</sup> In the southern provinces, 65 to 81 percent of schools were forced to close due to insecurity, according to CARE.

Moreover, violence against the education system has evoked fear among parents of sending their children to school, undermining the massive efforts that have been made to encourage student enrollment; this violence particularly affects the school attendance of girls.<sup>138</sup>

Further, the destruction and damage to school buildings and inventory has made it extremely difficult to ensure quality education for children attending school. Half of public schools operate without a building and classes are held in tents or outside, according to the Ministry of Education. In addition, school facilities are rarely constructed with a view to the special needs of children with mental or physical disabilities, including ramps, wider gates and sensitization programs.<sup>139</sup>

There is also a lack of qualified teachers in Afghanistan to support an increasing student body. Approximately 80 percent of teachers had not completed their high-school or post-secondary education as of February 2009, according to the Ministry of Education.<sup>140</sup> This shortage appears to be less a result of the direct threats against them but rather related to the emigration of teachers during the war, low salaries, complicated accreditation procedures and general insecurity. Out of the people interviewed for CARE's survey, only 3 percent believed that male teachers quit their job following an incident and 7 percent believed the same for female teachers. Yet, given the high number of attacks, the aggregate loss in teachers is significant. This results in students only receiving a minimal two-and-a-half hours of education per day, according to ACBAR.<sup>141</sup> Due to the low number of Afghan girls finishing their education, schools are now particularly struggling to find female teachers, which in turn negatively affects girls' school attendance.<sup>142</sup> In Badakhshan, for example, the recruitment of a small number of qualified female teachers increased the number of girls attending a primary school from 70 to over 1,000 students in 2009.<sup>143</sup>

The present armed conflict has also exacerbated economic strains on families so that many are not able to afford education for their children. Although education in Afghanistan is compulsory and free from grades one through nine, and free up to undergraduate level of university, some parents are not able to afford school supplies or transport, or need their child to work at home for the family's survival (see below: Child Labor). The 2007-08 National Risk and Vulnerability Assessment conducted by the Ministry of Rural Rehabilitation and Development and the Central Statistics Organization confirmed that working children are less likely to attend school than non-working children.<sup>144</sup> At the same time, households are more likely to send their children to school if they believe their children will receive a quality

education.<sup>145</sup> Programs to improve school proximity are also believed to have a positive effect on school attendance as many students are unable to pay the transport costs or fear potential attacks on their way to school.<sup>146</sup>

The conflict has also exacerbated violence levels at school, both between teachers and students and among children, according to Save the Children. Physical and humiliating punishment has become a seemingly accepted disciplinary method as school discipline or guards committees, comprised of teachers and students, are authorized to use physical punishment on students. Half of all interviewed teachers believe that they have a right to beat children (commonly with a stick), according to the Save the Children report. The report further highlights the particular protection needs of boys who, in several reported instances, were raped by male teachers and subjected to sexual harassment by older boys. Many of the students own guns and knives; children frequently commit violence against other children.<sup>147</sup>

## Recommendations on Education

- **Armed opposition groups** should immediately abstain from all attacks or threats of attack against schools, teachers, education, education staff, students and parents.
- **The UN Security Council** should request that security forces and armed groups vacate schools and refrain from entering educational facilities, and encourage national and international forces to remove all check posts located in the vicinity of schools.
- **The CTFMRM** should monitor the impact of attacks and capture critical information that could prevent attacks, including early warning signs such as "night letters," sources of funding for schools and education related projects and the presence of security forces. Quarterly reports from their evaluations should be released to track trends in attacks against schools and inform evidence-based advocacy.
- **The GoA** should investigate all incidents affecting schools, teachers, staff, students and parents and prosecute those found guilty in accordance with national and international law.
- **The GoA**, with support from international donors, should encourage girls to attend school by ensuring that schools are accessible, training and hiring more female teachers, and by building gender-separated school latrines.
- **The GoA** should continue its efforts to increase school attendance at the primary level and make the provision of secondary education a long-term priority.
- **The GoA** should conduct a national campaign to raise awareness among teachers and students on violence against children in school and hold those responsible for abuses accountable. The police should actively investigate how students obtain guns and other weapons to inform policy responses.
- **Donors** should make meaningful community participation a prerequisite for supporting education projects in order to reduce security risks and increase local ownership and sustainability.

# Abduction

There are few documented cases of child abduction due to conflict in Afghanistan which seem for the most part connected to trafficking by criminal networks (see below: Trafficking).<sup>148</sup> However, the UN-led Country Task Force on the MRM has received confirmed information of children abducted or transferred to Pakistan where they received military training, according to a protection worker. While the documented incidents are very few, they raise concerns about the extent of the phenomena given the lack of the access of the Task Force to the area where the children were held and also the lack of follow-up of cases where children have disappeared.

Other reports also indicate the risk of children being abducted by armed elements. On October 26, 2009, unknown armed men reportedly abducted 13 boys between the ages of 8 and 13 years while the children were collecting firewood in Haska Meena District, Nangarhar Province, near the Afghanistan-Pakistan border, according to Pajhwok Afghan News (PAN), Afghanistan's leading independent news agency. While three children returned to their families a week after their capture, the remaining ones were brought to Pakistan's Dogar area in the Tirah Valley but escaped during aerial bombardments on November 16, 2009. The Pakistan Taliban denied involvement in the abduction but one of the children's relatives claimed that the armed men let the Pakistan Taliban ask the children about their family's relation to the Afghan Security Forces, according to PAN.<sup>149</sup>

## Recommendations on Abduction

(Please see relevant recommendations in chapters on Trafficking and Child Soldiers)

# Gender-Based Violence

## Prevalence of Gender-Based Violence

Fear of stigmatization, exclusion and reprisals prevents Afghan survivors of gender-based violence (GBV) from speaking out and thus conceals the extent of this violence in the country. In Afghan society, sexual acts committed outside marriage are widely believed to "dishonor" families and communities. In order to "save" their honor, some families have reportedly rejected or even killed the child or woman who was raped. The social pressure put on the survivor and the family to hide the incident has also resulted in a number of forced abortions.<sup>150</sup>

As a result of the silence surrounding the issue, there are few publicly reported cases and no comprehensive or official data available on rape and GBV in Afghanistan. However, available information indicates that rape is a "widespread phenomenon" that affects women and children throughout the country.<sup>151</sup> The UN Special Representative on Children and Armed Conflict and others have repeatedly brought attention to the sexual abuse of boys, a practice which Afghans refer to as *bacha bazi* or "boy play." Data gathered by AIHRC from 2003 to 2010 suggested that boys may even be at a higher risk of sexual abuse than girls.<sup>152</sup>

Children, particularly girls, are also regularly forced into marriage at an early age. According to Afghan law, the legal age of marriage for boys is 18 while it is 16 for girls.<sup>153</sup> These legal provisions rarely reflect current practice in rural communities where the vast majority of girls are married when they are younger than 16 years old and without their consent, often for economic reasons or conflict resolution ("blood money"). Save the Children estimated that 48 percent of marriages involve boys and girls under the age of 18.<sup>154</sup> Even though civil law prohibits forced and child marriage, there are no known cases of parents being prosecuted for child marriage to date, according to AIHRC.<sup>155</sup> Children married at this early age may face serious psycho-social and health problems and are more likely to drop out of school or become victims of domestic abuse.<sup>156</sup> For example, one-third of married girls between

10 and 14 years old reported sexual violence, twice the number of the age group of females 15 years and older, according to Global Rights.<sup>157</sup>

The Ministry of Women's Affairs, with support from the UN Development Fund for Women (UNIFEM), has developed a database of cases of violence against women. The database includes only violations against girls and women despite the reports of abuses against boys. The data that is included is based on information provided by the Department of Women's Affairs at the provincial level and by the Ministry of Women's Affairs at the national level. In contrast, reports from independent groups or from the Ministry of Public Health are not included.

## Silence and Impunity

Acts of sexual violence are reportedly committed by armed groups or criminal gangs as well as family members, guardians or caretakers. This includes staff of prisons, juvenile rehabilitation centers, police stations and orphanages, according to UNAMA/ Office of the High Commissioner for Human Rights (OHCHR).<sup>158</sup> However, few if any perpetrators of sexual violence are ever brought to justice. AIHRC estimates that only one out of four abusers are detained based on victims' accounts.<sup>159</sup> Police officers often ignore complaints or refuse to register cases for fear of retaliation or because they received bribes. For example, three police officers were paid for assisting the escape of a man charged with the rape of a 7-year-old boy in the northern city of Mazar-i-Sharif.<sup>160</sup> The police also do not guarantee the protection of survivors and witnesses, according to UNAMA/OHCHR. Women and children reporting on GBV cases have at times reportedly been put into "protective" custody, putting them at risk of further violations, including rape, while in prison.

Afghan penal law fails to criminalize rape against women and minors. In the absence of specific laws on rape, most judges and law enforcement agencies resort to the concept of *zina* when dealing with rape cases, which is covered under Chapter 8 of the Penal Code. However, *zina*

focuses on adultery, pederasty and violation of "honor" but does not adequately define coercion to differentiate the victim and the perpetrator of rape. As a result, GBV survivors – even if they were children – have been erroneously prosecuted for adultery. The vague definition of *zina* has led courts to prosecute children, particularly girls, for running away from their homes, even if they were escaping domestic violence. Authorities are also regularly accused of discarding accusations of rape, especially if children file the complaint.

In order to strengthen the legal framework, the Elimination of Violence against Women Act was passed by presidential decree in July 2009.<sup>161</sup> While the law includes specific provisions on rape and punishes anybody involved in child or forced marriage with up to 10 years imprisonment, it still has to explicitly criminalize rape and to include a definition of rape that is in accordance with international standards.<sup>162</sup> Moreover, concerns remain over its implementation given the ambivalence of the legal provisions, widespread corruption, weak law enforcement mechanisms, impunity and a propensity of judges to apply traditional or Sharia law that conflicts with constitutional law, according to AIHRC. Women and girls also face difficulties in accessing courts and legal bodies, particularly in the provinces.

In some cases of rape against children involving Afghan Security Forces, judicial authorities have sentenced perpetrators to 10 or 15 years imprisonment, according to the 2008 Secretary-General's report on CAC in Afghanistan. However, local power structures regularly affect the outcome of the legal process as power brokers use their influence to shield themselves from prosecution. In 39 percent of cases in the northern region analyzed by UNAMA's Human Rights Unit, perpetrators enjoyed direct links to local power brokers.<sup>163</sup> For example, in May 2009, a local commander who was accused of raping a woman and her daughter convened a *jirga* or traditional assembly of local leaders, who requested that the survivors and their family leave the district instead of prosecuting the alleged perpetrator.<sup>164</sup>

Negative experiences with formal legal mechanisms or the lack of awareness of these mechanisms have motivated survivors to resort to traditional forms of conflict settlement, either privately or through local community councils such as *jirgas*, which often mean further abuses for the survivor. For example, families have married off their daughters to the suspected rapist to disguise the alleged crime.<sup>165</sup> In other cases, the girl from the perpetrator's family was offered to the son of the victim's family. In this harmful traditional practice, commonly referred to as *Baad*, the family marries off young girls to families to settle inter-clan or family disputes. In a small percentage of cases, the victim's family receives monetary compensation.

## Lack of Services for GBV Survivors

There are currently some minimal in-country support services for survivors of rape and other forms of gender-based violence, including forced marriages and domestic violence, according to women's organizations in Afghanistan. For example, through the Ministry of Women's Affairs, there are a number of mechanisms in place to serve women, including the provision of legal advice, referral to the justice system, provision of defense lawyers and referral to women's shelters. However, these governmental services are currently only offered at the provincial, not the district level.

There is a lack of awareness and willingness of government officials or community elders to treat sexual violence as a priority and provide an appropriate response.<sup>166</sup> There are still only a few NGO-run women's shelters so many victims are forced to remain in abusive homes or continue to experience or witness violence. In their despair, some survivors have tried to commit suicide by setting themselves on fire, resulting in serious burn injuries or death.<sup>167</sup> A hospital in Herat province that specializes in burn injuries recorded 81 cases of self-immolation in 1387 (2008/2009). An estimated 80 percent of the victims were children and young women between the ages of 13 and 25, according to the hospital.<sup>168</sup>

The national Child Protection Action Network (CPAN),<sup>169</sup> which consists of governmental and nongovernmental organizations in Afghanistan, has set up a working group on the prevention, response and protection of child victims of sexual violence, including conflict-related sexual violence. In several instances, this network has responded to reported cases of sexual violence by advocating on the survivor's behalf or by providing services. For example, CPAN wrote a letter to the Ministry of Labor, Social Affairs, Martyrs & Disabled to alert them to the case of a military commander who was accused of abducting and raping an 11-year-old girl in 2008. The commander was sentenced to 15 years imprisonment partly due to CPAN's advocacy.<sup>170</sup>

In order to improve women and girls' access to justice mechanisms, the Afghan government has established family response units (FRUs) in some police stations to register cases of domestic violence, including sexual violence and child marriage. However, few police stations are currently able to offer this service due to a lack of qualified female police officers and facilities that allow officers to conduct interviews in confidential settings.<sup>171</sup> Most NGOs or civil society members are unaware of existing FRUs and thus unable to use them for referrals.

## Recommendations on GBV

- **The GoA** should adapt the Elimination of Violence against Women Act to include a definition of rape that complies with international standards. The government must ensure that the law is implemented at all levels and that those found guilty of violence against women and children, including boys, are prosecuted.
- **The GoA** must develop a systematic response to reports of rape and other forms of GBV. This should include the presence of family response units with adequate female staff and facilities, training of law enforcement officials (judges, prosecutors and police), adequate psycho-social and medical support, and the provision of shelters throughout the country where women, girls and boys can be safe from violence and abuse.
- **The GoA** must facilitate better access for survivors of GBV to formal legal mechanisms that treat survivors with dignity throughout the justice process, protect and provide redress for their suffering and bring perpetrators to justice, in accordance with UN Security Council Resolutions 1820 and 1888.
- **The GoA** should adapt the database on violations against girls and women to include sexual abuses committed against boys and share relevant information with the CTFMRM.
- **The humanitarian community** should collaborate with women's associations and civic groups at all levels to educate the public about the hazards and problems associated with early marriage.

# Child Soldiers

## Recruitment by Afghan Security Forces

A presidential decree of 2003 raised the minimum age of recruitment into the Afghan army and the police to 18 and acceded to the Optional Protocol to the CRC on the involvement of children in armed conflict on September 24, 2003. However, there have been reported cases of child recruitment into the Afghan police in the north, south and southeast, according to the 2008 Secretary-General's report on CAC in Afghanistan. Most of the reported cases were due to poor birth registration systems and weak age verification.<sup>172</sup>

With unemployment rates at a record 40 percent high, adolescents face severe economic and social pressures to find a job, even if this means joining the Security Forces.<sup>173</sup> Some children have reportedly falsified their identification records to join the forces, often with the express objective to use the money to support their family. There are also indications that police officers knowingly falsify identity cards to respond to the rising demand for police and soldiers.<sup>174</sup>

During her visit to Afghanistan in February 2010, the Special Representative on Children and Armed Conflict raised this issue with relevant ministries and government officials who made commitments to enhance age verification procedures.

## Recruitment by Private and Auxiliary Forces

Semi-trained auxiliary forces or private security companies hired by the government to support its own forces have also neglected to vet new recruits to avoid the recruitment of children. In 2007, AIHRC reported at least 200 boys under 18 in the Afghan National Police and in a semi-formal auxiliary police force in Kandahar province in southern Afghanistan.<sup>175</sup> While the government has discontinued its use of the auxiliary police force, efforts to build other semi-professional security forces are underway (see below: Small Arms).

Private security companies have proved impervious to attempts by the government and the AIHRC to monitor and revise their recruitment practices. Human rights organizations documented the presence of boys in security companies in Kandahar and Helmand provinces in 2007, according to AIHRC.<sup>176</sup>

## Recruitment by the Taliban and Other Armed Opposition Groups

The Taliban, Haqqani network, Hezbi-i-Islami, Jamat Sunat al-Dawa Salafia and other armed groups have recruited children to be used as fighters, camp guards or suicide bombers, particularly along the Afghanistan-Pakistan border. In some cases, children had been trained in foreign countries to undertake suicide missions. In other cases, children have been involuntarily involved in the insurgency as explosives were hidden in their bags or clothing unbeknownst to them.<sup>177</sup> For example, on April 12, 2009, a young boy was killed when a bomb planted in his wheelbarrow exploded 50 feet from a government building in Aybak city, in Samangan. The boy was not aware that he was carrying the explosive device, according to UNAMA.

There are no precise figures on child soldiers in Afghanistan but several reports attest to the severity of the concern. In particular, widespread displacement and the consequent absence of protective community structures have increased the vulnerability of children to recruitment. The March 2009 Secretary-General's report on Children and Armed Conflict noted that forced recruitment of children by armed groups is "prevalent in areas with high concentrations of returnees or internally displaced persons, particularly in the south and southeastern provinces." The surge in international armed forces is feared to trigger a new rise in the recruitment and use of child soldiers by armed opposition groups as part of new large-scale recruitment drives.

## **Disarmament, Demobilization and Reintegration for Children**

The most recent formal Disarmament, Demobilization and Reintegration (DDR) process facilitated the release and reintegration of 7,444 children associated with armed forces and groups between April 2003 and June 2006.<sup>178</sup> This number corresponds closely to UNICEF's initial estimate of 8,000 child soldiers that was based on a rapid assessment. Despite ongoing reports of child recruitment in all regions, the DDR process did not provide for the monitoring of potential recruitment or re-recruitment of children, according to the 2008 Secretary-General's Report on Children and Armed Conflict in Afghanistan. As a result, there remains a lack of knowledge about the scope of the problem and the factors contributing to or preventing child recruitment. Significant challenges to the successful reintegration of children formerly associated with armed forces or groups include the presence of an armed conflict and armed groups, high unemployment rates and deteriorating socio-economic conditions in the child's home community.

While the formal DDR program was concluded in June 2006, UNICEF in collaboration with NGOs has continued to provide reintegration support for war-affected and at-risk children, including education, skills training and psychosocial services in Afghanistan and Pakistan. To date however, Pakistan only hosts one rehabilitation center. This center is unable to absorb the increasing number of former child soldiers referred to the center by parents and armed groups and does not accept any girls. The opening of additional centers is not encouraged as it is feared to draw unwanted attention to the program, which might put the facility, including its staff and the children, at risk of attack.

## **Detention of Children Formerly Associated with Armed Groups**

Afghan law enforcement agencies have detained children due to their alleged association with armed groups.<sup>179</sup> The National Directorate of Security has reportedly arrested children as young as 12 years old, subjecting them in some cases to interrogations on account of their alleged role within armed groups.<sup>180</sup> Some children reported ill-treatment while in detention and a lack of access to legal assistance or documentation, according to the 2008 Special Representative of the Secretary-General's report on CAC in Afghanistan. In response to repeated requests by the UN and NGOs, the Ministry of the Interior officially granted the UN access to these and other children in similar detention situations in April 2009. The 2008

national law on combating terrorist offenses specifically states that the 2005 juvenile code applies to any offense committed by an individual under the age of 18.

International military forces have also held children in detention facilities in Afghanistan.<sup>181</sup> The United States admitted to having held 90 individuals who were under 18 years old at the time of their arrest in detention facilities in Afghanistan during the 2002-2008 period.<sup>182</sup> At present, U.S. officials denied that there were any more children in ISAF detention facilities, which was also confirmed by protection partners with access to the facilities, according to the Office of the Special Representative on Children and Armed Conflict (OSRSG-CAC). During her visit to Afghanistan in February 2010, the Special Representative on Children and Armed Conflict (SRSG-CAC) also received the commitment of the military leadership that protection partners would be allowed to visit ISAF facilities in order to ensure that no children were detained there.

In two of 12 alleged cases of child detention in Guantanamo Bay, the U.S. refuted claims that these were children and continued to keep the individuals in detention conditions.<sup>183</sup> In one case, that of Mohammed Jawad, a U.S. court ordered his release after seven years in July 2009 on the basis that he had been tortured into confession by the Afghan government prior to his being transferred to U.S. authorities. However, the case of Omar Khadr, who was reportedly 15 at the time of his recruitment, is still awaiting trial by a U.S. military commission at the Guantanamo facility on charges of murder.<sup>184</sup> The Special Representative on Children and Armed Conflict has advocated for the release of Mohammed, Omar and other individuals as their prosecution for war crimes committed when they were still underage contravenes international legal standards and practice for children in conflict.<sup>185</sup>

## **Recommendations on Child Soldiers**

- **The GoA** should, as a matter of priority, introduce the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict into national law.
- **The GoA** should criminalize child recruitment and the use of child soldiers, and actively prosecute those who exploit children as soldiers. They should work closely with UN agencies to refine age determination procedures and grant full access to all training and detention facilities, including those of the National Directorate of Security (NDS), for monitoring purposes.
- **Armed opposition groups** should immediately release all children held in their ranks and enter into dialogue with the UN to prepare and implement time-bound action plans to prevent future recruitment and use of children in armed conflict in line with UN Security Council Resolutions 1540, 1612 and 1882.
- **ISAF** should immediately inform UNICEF and UNAMA of cases where children are detained on allegations of their alleged association with armed groups.
- **The Country Task Force on MRM (CTFMRM)** should work with protection organizations and local groups in Pakistan and Afghanistan to assess the scope and nature of recruitment of children by armed groups operating in the Afghanistan-Pakistan border areas. The CTFMRM should also develop a set of joint actions to be taken at the local, national and regional level to facilitate the release and reintegration of children affected by armed groups or forces.
- **The GoA and the international community** should establish reintegration programs for children formerly associated with armed forces or groups and ensure that DDR programs are consistent with international standards.
- **The UN Secretary-General** should encourage the establishment of a task force to find lasting solutions to the problem of youth unemployment in Afghanistan and the region in order to utilize the potential of children and youth and prevent their recruitment into armed forces or other groups or into criminal networks (following similar models used in West Africa). The task force should consist of relevant UN agencies, the Secretary-General's Youth Employment Network (YEN), civil society organizations and individual experts, and work closely with the Government of Afghanistan.

# Small Arms

## Scope of the Problem

In the absence of an effective disarmament process, rising numbers of small arms circulate illegally among armed groups, criminal bands and private individuals in Afghanistan. Estimates on the number of uncontrolled small arms in Afghanistan range from 1.5 to 10 million, according to *Small Arms Survey 2003*. Recent arms flows are commonly traced to Pakistan, which is involved in the trade of small arms and the production of ammunition.

There is no statistical data available on children injured or killed by small arms. However, the easy availability of small arms poses a severe risk of their abuse, and may undermine the effective protection of civilians, especially children, according to Amnesty International (AI).<sup>186</sup> More and more students bring guns and knives to school and use them as weapons to threaten their classmates (see above: Education). The Secretary-General's report to the UN Security Council (March 6, 2008) similarly highlights the need to make progress on security sector reform, to combat pervasive corruption and improve weapons accountability systems.

Illegal arms are mainly remnants from the Soviet invasion, or reach Afghanistan from the tribal areas along the Afghanistan-Pakistan border where many of the armed groups operate.<sup>187</sup> Surrounded by four major arms producers, including Russia, China, India and Pakistan, Afghanistan can depend on a steady supply of weapons through trade rather than domestic production. In addition, the flourishing drug trade contributes to the spread of small arms as warlords obtain weapons to retain control of opium fields.<sup>188</sup>

The Afghan and international forces have further promoted the illicit ownership of small arms by employing private security companies or militias that evade government control. Some of the U.S. funded programs aimed at establishing civilian forces have contributed to the further spread of illicit arms.<sup>189</sup> For example, in 2008, the U.S.

supported the Afghan Public Protection Program which arms and trains communities to protect themselves against attacks by the Taliban and other armed opposition groups. These community forces receive the same equipment and salary as the police and operate as official units of the Interior Ministry but only receive a basic two-month training. Security experts have warned that this and other programs might eventually result in the further proliferation of illegal small arms and create armed groups that operate independently from the government. Moreover, the high level of discretion left to the local councils responsible for selecting community members for the program might encourage abuse of power and could potentially increase the risk of recruitment and use of child soldiers, especially given the difficulty of age verification in Afghanistan (see above: Child Soldiers).

There is also a significant portion of NATO arms supplies intended for use by Afghan Security Forces that remain unaccounted for, raising concerns about their potential abuse by armed groups or criminal elements, according to a 2008 report by the U.S. Government Accountability Office (GAO). The GAO report attributes these leaks to pervasive corruption among Afghan Security Forces, poor depot security in a high-risk environment, and limited capacities of the Afghan Security Forces to manage the storage, movement and usage of military equipment. In January 2009, the U.S. Defense Ministry directed the Defense Security Cooperation Agency to lead an effort to establish a weapons registration and monitoring system in Afghanistan.

## Disarmament Efforts

The Government of Afghanistan only clarified the distinction between legal and illicit arms possession through a Presidential Decree in July 2004, which specified punishment for the possession of arms by armed groups not associated with the Afghan military forces. To date, there has not been a concerted national or international effort

to effectively disband and disarm the various armed groups and individuals in the country. However, two major national initiatives have been established.

From 2003 to 2005, the UN-led DDR program, the Afghan New Beginnings Programme, focused on forming a new national army and targeted semi-legitimate and formal militias. The program resulted in the demobilization of more than 60,000 former combatants and the collection of more than 57,000 weapons, according to *Small Arms Survey 2009*. However, as the program was never intended as a disarmament program, most commanders only submitted the bare minimum of their weapons – largely the unserviceable ones – to benefit from reintegration assistance.<sup>190</sup>

As a second phase of the UN effort, in 2005, the government-led Disbandment of Illegal Armed Group (DIAG) project aimed to disarm the tens of thousands of armed individuals that comprise illegal militias, which had not participated in the formal DDR process, according to *Small Arms Survey 2009*. The program primarily relied on local community leaders to negotiate compliance with illegally armed individuals and offered incentives to communities in exchange for supporting disarmament. If the armed groups still refused to submit their weapons voluntarily, DIAG provided for forced compliance by Afghan Security Forces. In practice, few groups have disbanded voluntarily, and the Afghan government has not enforced compliance with DIAG in a single case.

As of June 2006, the DIAG resulted in the collection of 24,182 weapons of which only 40 percent were rated as serviceable.<sup>191</sup> Further, the program reportedly left out government officials who used to be military commanders and had retained their links to armed groups, according to the report. The Afghan government extended DIAG's mandate until 2011, citing the presence of warlords, weak law enforcement institutions and regional networks supplying arms across the country's porous borders as severe obstacles to the ongoing disarmament initiatives.<sup>192</sup>

Security experts remain concerned about the lack of political will in the Afghan government for initiatives to curb small arms distribution. Due to their close linkages with armed groups, some government officials have countered any substantial progress. Further, donors have been hesitant to accelerate disarmament and demilitarization to avoid upsetting power balances.<sup>193</sup>

## Recommendations on Small Arms

- **The GoA**, with the support of international military forces, should increase the capacity of the Afghan Security Forces to manage the movement of small arms and establish independent monitors to conduct regular checks. National laws should be established to put strict penalties on handing guns out to children under the age of 18.
- **The GoA and other governments** must immediately end the support and training of community self-defense militias and ensure the disarmament and demobilization of the militias; special attention should be paid to the potential presence of children among the militias.
- **The UN Security Council** should call on the Government of Afghanistan to enforce compliance with the DIAG project by 2011.

# Landmines and Explosive Remnants of War

## Scale of Contamination and Impacts

Afghanistan is considered to be one of the countries most contaminated by landmines and explosive remnants of war (ERW) worldwide with an estimated 630 sq km of mine-affected land as of December 2009, according to the UN-supported Mine Action Coordination Centre of Afghanistan (MACCA).<sup>194</sup> An estimated 2,130 communities are affected by landmine/ERW contamination with most incidents concentrated in the conflict-affected provinces of the south, including Kandahar and Helmand.<sup>195</sup> Most of the landmines originate from armed conflicts in the 1980s and 1990s but armed groups have continued to use mines throughout the current conflict.<sup>196</sup> However, in contrast to previous conflicts, individual mines now tend to be laid randomly rather than in "mine belts" and often built into IEDs, which are detonated remotely and intended to destroy a specific military or civilian target, according to MACCA.

More than 70,000 people have been killed or disabled due to landmines and ERW in Afghanistan since the beginning of the conflict.<sup>197</sup> In addition, thousands more were injured or disabled. Landmine experts estimate that 95 percent of landmine injuries result in disabilities.<sup>198</sup> Other civilians were displaced from their homes and livelihoods or cut off from schools and hospitals due to landmine contamination.<sup>199</sup>

The majority of the mine incidents, an estimated 61 percent, involve children, with boys being disproportionately affected. Of the 734 recorded instances of children injured or killed by ERWs in 2008 and 2009, 626 were males and 105 females, according to MACCA's national database. This can be explained by culturally-based gender differences, including the greater restrictions placed on girls' mobility and the different set of responsibilities assigned to boys in Afghan society. The data reveals that most children died while playing outside, tending animals, collecting food, water or wood or travelling. Most of the mine incidents affected children between the ages of eight and 17 years old.

## Demining and Mine Risk Education

From 2005 to 2009, the average number of mine victims per month fell from 100 per month to less than 46 per month, owing to demining and mine risk education activities, according to MACCA. The Mine Ban Treaty requires Afghanistan to clear all mines in areas under its control by March 1, 2013. Afghanistan confirmed in its latest Article 7 report under the Mine Ban Treaty that it had completed its stockpile destruction obligation under Article 4. Afghanistan further committed under the 2006 Afghanistan Compact to clear 70 percent of the land contaminated by mines and unexploded ordnance (UXO) by March 2011 and to destroy all stockpiled anti-personal mines by the end of 2007, and all unsafe, unserviceable and surplus ammunition by the end of 2010. As of January 2010, mine action programs have cleared 58 percent of the area required to achieve the 2011 benchmarks of the Afghan Compact, and cleared 41 percent of the area required to achieve the 2013 benchmarks of the Mine Ban Treaty, according to MACCA.

Through the Mine Action Programme of Afghanistan (MAPA), the largest mine action program worldwide, more than 12,000 hazardous areas have been cleared in the last 20 years, according to MACCA. However, an estimated 630 sq km are still contaminated, affecting over 2,000 communities.<sup>200</sup> Particularly in those areas where armed opposition groups are active and most landmine/ERW incidents occur, mine risk education (MRE) and demining efforts are regularly stalled due to a lack of access, rising criminality, conflict and the need for demining groups such as MAPA to retain their political neutrality. To address these problems, MAPA has begun to employ a community-based approach to demining involving local implementing partners. Through this effort, implementing partners are beginning to access some of the more volatile areas in the south, such as Kandahar and Helmand.

MRE is integrated into the national school curriculum of Afghanistan in accordance with a memorandum of understanding (MoU) between the Ministry of Education and MACCA in 2007. The MoU also envisions a gradual transfer of responsibility from the UN to the Ministry of Education on MRE. The Ministry of Education has worked closely with MACCA in a training-of-trainers initiative for governmental child protection officers who educated teachers from 9,000 schools in MRE in 2008/2009. Several MRE initiatives intend to reach children by using mobile cinemas and mini circuses. From January to July 2009, more than 1 million Afghans received MRE; of this number, 69 percent were children, according to MACCA. However, children can still be seen herding, collecting firewood or playing in areas marked as dangerous.

Assistance to survivors of landmine/ERW incidents in Afghanistan largely consists of low-quality services concentrated mainly in urban areas (see above: Children with Disabilities).<sup>201</sup> Whether children hit by a landmine receive life-saving assistance almost entirely depends on the location of the incident. Transport may take up to three days, according to Handicap International. Proximity to specialized medical facilities is also critical, as children with disabilities require frequent adjustments of their prosthetics and other medical devices. However, the majority of mine victims interviewed by Handicap International in its 2009 survey stated that services were never or almost never adapted to their age, a significant number considering that most of them had incurred injuries during childhood.

## Recommendations on Landmines and ERW

- **The international community and the GoA** should invest sufficient funds to remove all hazards. With increased funding of US\$60-70 million a year, the hazards in Afghanistan could be brought to a residual level in 6 to 7 years.
- **The GoA** should improve stockpile management and storage of explosive material to ensure that unexploded and abandoned ordnance is not diverted to armed groups who may use the materials to manufacture IEDs.
- **The GoA**, with the help of the international community, should expand assistance for survivors of landmine/ERW incidents to rural areas and develop systems to provide emergency transport and/or to deploy mobile health units to hard-to-reach areas.
- **The humanitarian community**, under the leadership of OCHA, should seek new and innovative ways to provide mine action and mine risk education activities to highly affected communities that are difficult to access due to insecurity. This should include engaging with the armed groups to stop the use of landmines or other indiscriminate weapons that have a direct impact on civilians and to gain full, unimpeded access to contested areas for the purpose of clearing mines, providing MRE and assistance to survivors of landmine/ERW incidents.
- **The humanitarian community** should pay specific attention to the distinct needs and realities of males and females of different age groups in identifying the impact and mitigating the threats of landmines and ERW.

# Other Violations and Vulnerabilities

## Child Labor

Armed conflict has exacerbated the socio-economic hardship of many Afghan families due to displacement, the death of one or both breadwinners or the loss of livelihood. While children have traditionally contributed to household income, child protection organizations have noted an increase in children who are begging on the street or are active in the informal sector in recent years. As of November 2009, an estimated 38 percent of Afghan children were forced into hard labor in violation of international and national law, according to AIHRC.<sup>202</sup> In some provinces this number is substantially higher. For example, in the western Ghor province, 80 percent of the children between 7 and 16 years of age are forced into labor, according to a survey conducted by AIHRC. Children's working hours often exceed 45 hours per week; children often must engage in activities that are harmful to their health such as inhaling dusty air or carrying heavy sacks. These activities also render them susceptible to economic exploitation, sexual abuse or, in some cases, landmine injuries. Boys are usually involved in work outside the house while girls are more involved in domestic labor or married off at an early age. Another impact of child labor is that working children are less likely to attend school whereas regular school attendance can effectively protect children from full-time work (see above: Education).<sup>203</sup>

## Exploitation and Trafficking

Trafficking of children within the country and into Pakistan and Iran remains a serious human rights concern, according to the U.S. Department of State, *Trafficking in Persons Report 2009*. Extreme poverty has also led some parents in Herat, Kunduz and Takhar provinces to sell their daughters to criminal trafficking networks, according to AIHRC.<sup>204</sup> In one of the cases reported by AIHRC in January 2008, a displaced family in Shaydayee camp in Herat Province reportedly sold one of their twin four-month-old daughters for approximately US\$40 due to their inability to provide for both babies. While girls are trafficked for sexual

exploitation, indentured service and early marriages, boys are often lured by armed groups into paramilitary training under the premise that they would attend Islamic schools in Pakistan.

The armed conflict has also created a security vacuum that allows armed groups or criminal gangs operating along the border areas to exploit children for illegal activities. For example, criminal elements have reportedly used 1,000 to 1,600 children between the ages of eight and 17 in the Afghan border town of Torkham in Nangarhar province to carry flour illegally across the border into Pakistan, according to aid agencies and provincial authorities.<sup>205</sup> Other children living in these border areas were reportedly involved in smuggling arms, according to the same article. As many UN agencies and NGOs operate independently from their counterparts in Pakistan and Iran, information on trafficking and violations involving children used for transnational illegal activities is scarce.

In 2004, the government, in coordination with AIHRC, UN agencies and civil society actors, developed a National Plan of Action on Combating Child Trafficking that lays out actions to be taken to stop child trafficking, including awareness-raising campaigns, technical capacity-building of police and security forces, monitoring of borders, and drafting of legislation on human trafficking. In practice, these mechanisms have not proven to be effective, according to AIHRC. For example, Afghanistan's new anti-trafficking legislation, which was enacted in July 2008, has not led to any prosecutions.<sup>206</sup> Some of the reported cases clearly implicated the border police who accept bribes on the border and allow crossings without investigating the nature of the movement, according to UNODC. Afghan government officials further complained that Pakistani authorities do not always cooperate on joint investigation on trafficking cases, according to the U.S. Department of State's *Trafficking in Persons Report 2009*. The U.S. Department of State further reports that government efforts to prevent trafficking or assist victims have been insufficient to date. As most trafficking services are for girls

only, most boy victims of human trafficking are placed in government-run orphanages or juvenile justice centers, according to the report.<sup>207</sup>

In addition to trafficking, smuggling of migrants, particularly male unaccompanied minors, is highly prevalent from Afghanistan into the Gulf region, Europe, Asia, the Americas, Canada and Australia, according to UNODC. Some families pay for the journey of their children working in these countries to supplement their household incomes. This puts these children at risk of being held captive by smugglers for extra monies, and of violence and exploitation while travelling.

## Illegal and Arbitrary Arrest of Children

The detention of children often serves as a punitive measure rather than a measure of last resort in Afghanistan despite its harmful consequences for children. A joint survey by AIHRC and UNICEF revealed that children in juvenile centers were often detained for one year or longer even though they were first-time offenders and had committed only minor offenses such as theft. Police officers have arrested children for vaguely defined "moral offenses," including disobeying their parents, or even for adultery, sodomy or other sexual offenses regardless of their young age or if they were being forced into sex (see above: GBV).<sup>208</sup> In some cases, law enforcement agents have put unaccompanied and street children or victims of abuse into juvenile rehabilitation centers as a place to "house" them, according to the same report.<sup>209</sup> The lack of a

functioning birth registration system poses a major obstacle in providing legal protection to minors as most children lack legal means of identification.

The juvenile justice system lacks the capacity to deal with children in conflict with the law. Although Afghanistan passed its Juvenile Code in March 2005, many law officials are not aware of its provisions.<sup>210</sup> As of October 2008, only three provinces, in Kabul, Mazar and Jalalabad, had juvenile primary courts and five provinces had juvenile prosecutor's offices. Juvenile rehabilitation centers existed in several locations but UNICEF noted gaps in coordinating their responses leading to delays in legal and social support for children.<sup>211</sup>

During detention, children have reportedly suffered beatings, torture and other verbal and physical abuse. Law enforcement agencies rarely inform families about the arrest of their child or provide children with the legal assistance to which they are entitled. Children also frequently complain about the lack of food, medical services and recreational and education facilities in juvenile justice centers. As most juvenile justice centers are exclusively for boys, girls are usually held in prison together with adult female prisoners and have even less access to education and other opportunities.<sup>212</sup> To date, there are no social services to support the release and reintegration of children from detention facilities despite the stigma attached to children in conflict with the law, particularly related to "moral offenses," according to AIHRC/UNICEF.<sup>213</sup>

## Recommendations on Other Violations and Vulnerabilities *(For further recommendations on trafficking, please see relevant recommendations in chapter on Child Soldiers)*

- **The GoA** should immediately end the detention of children for vaguely defined "moral offenses" and with the support of UNICEF, increase the capacity of law enforcement agencies to deal with children in conflict with the law in line with international standards. The GoA should also develop and implement guidelines for the police and justice sectors to respond to situations involving minors.
- **The GoA** should vigorously investigate and prosecute trafficking offenses and seek conviction under its anti-trafficking legislation; conduct public awareness-raising campaigns on trafficking and ensure that both boys and girls receive adequate protection and services.
- **The GoA** should immediately ratify the International Labour Organization (ILO)'s Convention on Worst Forms of Child Labour and the ILO Convention on Minimum Age of Employment, and incorporate provisions of the ILO conventions into national legislation. It should also regularly consult with child protection action networks to share best practices and identify gaps in responding to child labor.
- **The humanitarian community** should launch a national awareness-raising campaign on the hazardous and worst forms of child labor in order to provide information about the harmful effects of child labor and about the services available for affected children. They should also adopt a community-based approach to all child labor interventions.

# UN Security Council Actions

## UNSC Resolutions on Children and Armed Conflict

Since 1999, the UNSC has adopted a series of resolutions to improve the protection of children caught in armed conflict. In its landmark UNSC Resolution (SCR) 1612 (2005), the Security Council called for the establishment of a UN-led MRM to collect data on six grave violations, including killing or maiming of children, abductions, recruitment or use of child soldiers, attacks against schools and hospitals, rape or other grave sexual violence against children, and the denial of humanitarian access for children. The mechanism was to be established in those countries where parties to conflict were listed in the Secretary-General's annual report on the recruitment and use of child soldiers. Through SCRs 1539 and 1612, the Security Council further requested that UN Country Teams enter into a dialogue with all parties to conflict to develop and implement time-bound action plans to end the recruitment and use of child soldiers and to demobilize children associated with armed forces and groups.

SCR 1882 (2009) expanded the mechanism by requesting the Secretary-General to list in his annual reports those parties that engaged in patterns of killing or maiming and rape or other sexual violence against children in conflict situations. As part of this expansion, the resolution also called on UN Country Teams to engage parties to the conflict in action plans to halt these violations and abuses. Further, the resolution called on member states to hold persistent perpetrators of violations accountable and to bring them to justice through national and international justice mechanisms, criminal courts and tribunals. In this context, the Security Council reaffirmed its intention to use sanctions against persistent perpetrators of crimes against children and strengthened the links between the Council's Working Group on Children and Armed Conflict and pre-existing sanctions committees.

## UNSC Actions on Afghanistan

The UN Security Council passed 27 resolutions on Afghanistan between 2001 and March 1, 2010 of which five specifically referred to children. Only after the Taliban's inclusion in the Secretary-General's annexes in 2007 did the UN Security Council resolutions on Afghanistan start to include references to the grave violations against children affected by armed conflict. SCR 1806 (2008) for the first time condemned the recruitment and use of children by Taliban forces and expressed concern over the killing and maiming of children as a result of the conflict, in contravention of applicable international law. In this resolution, the Security Council also stressed the importance of implementing SCR 1612 (2005) and requested the appointment of a child protection advisor (CPA) to be part of UNAMA. SCR 1868 (2009) renewed its request for a CPA and called for those responsible to be brought to justice for violations against children. In addition to the recruitment and use of child soldiers and killing and maiming, the resolution condemned attacks against schools. SCR 1890 (2009) called for the implementation of both SCR 1612 (2005) and SCR 1882 (2009) and reiterated its request to the Secretary-General to further strengthen the child protection component of UNAMA, in particular through the appointment of child protection advisors.

## Implementation of UNSC Resolutions on Children and Armed Conflict in Afghanistan

### UN Secretary-General's Annual Reports on CAC

The 2007 Secretary-General's annual report on children and armed conflict for the first time listed the Taliban, in Annex 1, focusing on its use of children to carry out suicide attacks and as human shields. In addition, the report highlighted attacks against schools and the killing and maiming of children in insurgency-related violence. The report further documented incidents in which air strikes by international military forces caused the death of civilians, including women and children. In its 2009 report, the

Secretary-General again named the Taliban for the recruitment and use of child soldiers, the killing and maiming of children, attacks on schools and hospitals and the denial of humanitarian access to children.

### The Country Task Force on the MRM (CTFMRM)

In 2008, following the visit of the Special Representative on Children and Armed Conflict to Afghanistan, a UN-led Country Task Force on the MRM (CTFMRM) was established to monitor, report and respond to the grave violations committed against children in accordance with SCR 1612. The CTFMRM is co-chaired by UNICEF and UNAMA and includes UNHCR, UNODC, WHO, AIHRC and an international NGO, which requested to remain anonymous. OCHA joined in 2009. Some organizations take the lead in monitoring, reporting and responding to at least one type of violation based on their specific expertise. For example, WHO acts as the focal point for incidents affecting health care for children.

Current high levels of insecurity prevent both national and international NGOs from fully participating in the MRM. Many NGOs are reluctant to be associated with the UN-led Task Force as they are afraid to lose their already limited operational space. As mentioned above, only one international NGO formally participates in the CTFMRM on the condition of anonymity and only a few national NGOs channel information to the Task Force informally. UNICEF is taking the lead in coordinating with the Protection Cluster and four Child Protection Action Networks (CPAN) operating in 29 provinces in the eastern, central, south-eastern and western regions to strengthen the policy and programmatic response.

CPAN has successfully responded to violations against children including reaching out to lawyers to provide urgent legal advice to children in juvenile rehabilitation centres and mobilizing communities to prevent attacks against schools. However, few national and community-based NGOs that work on CAC, GBV or human rights are familiar with the mechanism or know how to feed information to the MRM in a confidential and safe manner. Some of these local organizations have information that may be highly relevant to the MRM. For example, one local NGO, the Afghan Rights Monitor, which operates through a network of researchers in 24 provinces, reported more than 2,080 grave violations, including the recruitment of children as suicide bombers and soldiers, murder, rape, forced labor and the denial of essential services by warring parties and criminal groups.

Access constraints to locations where fighting is ongoing pose a major impediment to the functioning of the Task Force MRM. It is also limited in its ability to document and

respond to violations that are at least partially committed in neighboring countries such as the recruitment of Afghan children to carry out suicide attacks in Pakistan. UNICEF, as co-chair of the Task Force has held initial meetings with UNICEF, UNHCR and WHO in Pakistan to explore possibilities for a more active coordination on the MRM. Similar models of cross-border coordination have been pursued in other countries, including Chad/Sudan and Thailand/Myanmar. To date, the mechanism has not yet been adjusted to reflect the specific circumstances in Afghanistan and its neighboring countries Pakistan and Iran.

Finally, several CTFMRM members expressed frustration due to the lack of high-level political support within the Government of Afghanistan, UNAMA, international military forces and the wider international community.

### UN Secretary-General's Report on CAC in Afghanistan

In 2008, the Secretary-General submitted his first report on Afghanistan to the Security Council based on input from the CTFMRM, covering the period from July 1, 2007 to August 15, 2008 (S/2008/695). The report includes information on all six grave violations. The report provides information on the recruitment and use of children in armed forces and other groups. It also highlights the illegal detention by the Afghan government and international military forces of children accused of association with armed groups in violation of national law and international practice. While the Task Force has documented the use of children in the Afghan National Police, it mainly relates these cases to the insufficient age verification in the recruitment process. The report also emphasizes the increasing attacks against schools and hospitals as well as targeted attacks against children and other civilians by non-state armed groups. At the same time, it sheds light on the unintentional killing of children during the military operations of Afghan and international forces. Finally, the report draws attention to sexual violence committed against children, particularly boys, in the ongoing armed conflict. The report acknowledges existing information gaps due to lack of access and resources.

### The UN Security Council Working Group on CAC

On December 19, 2008, the UN Security Council Working Group on Children and Armed Conflict (Working Group) considered the first report of the Secretary-General on CAC in Afghanistan and subsequently issued a set of conclusions in July 2009 (S/AC.51/2009/1 (July 2009)).<sup>214</sup> Most notably, the Working Group issued a public statement to all listed armed groups, including the Taliban, requesting them to work with the UN-led Task Force in developing and implementing concrete time-bound action plans. The

Working Group also encouraged the Afghan government to support the MRM and to work with the UN Country Team to develop action plans to address violations against children and strengthen the programmatic response to assist children. The conclusions also requested ISAF and the Afghan government to continue their review of military tactics and procedures in order to prevent civilian casualties and bring perpetrators to justice.

Several of the Working Group's recommendations aimed at strengthening the in-country MRM system were at least partially implemented: In order to expand the MRM to all conflict areas, the Working Group suggested that the Country Task Force explore the best ways to interact with the government, international military forces and other relevant parties. In response to the conclusions, the Government of Afghanistan appointed a high level focal point to interact with the CTFMRM on a regular basis on October 18, 2009. The government also committed to launch an inter-ministerial Steering Committee on CAC consisting of deputy ministers (Interior, Justice, Education, Foreign Affairs, Advisor to President on Health and Education, National Directorate for Security) in early 2010. The Steering Committee's goal is to devise an action plan to address concerns regarding children affected by armed conflict; it will meet with the Task Force's co-chairs to discuss the Task Force's bimonthly reports. This is the first time such a ministerial steering committee has been set up with a focus on CAC in the context of the MRM. Based on its close interactions with the government, the Task Force has started to work with Afghan officials to review the age verification mechanism and to explore alternatives to detention for children accused of association with armed forces or groups.

In order to reach some of the most dangerous areas of the country, the Special Representative on Children and Armed Conflict also initiated discussions with the government, ISAF, PRTs and the Afghan Security Forces during her visit in February 2010 to establish an "alert system" that would notify MRM partners of alleged violations and allow for independent verification and follow-up by the CTFMRM. ISAF forces and PRTs have welcomed this proposal and are in the process of working with the UN Task Force to set up the mechanism.

In March 2009, UNAMA responded to the request of the Security Council to establish a Child Protection unit, which is currently staffed by one CPA. The new position has already led to notable impacts in integrating child protection into UNAMA's activities. For example, UNAMA's 2009 civilian casualties report for the first time published disaggregated data on children killed in war-related incidents; earlier reports had simply referred to the

"vulnerabilities of women and children." The advisor also provides training and guidance to international and national military forces. In addition, UNICEF recruited five field-level consultants focused on the MRM who were deployed in regional offices (east, southeast, south, north and west). However, Task Force members highlighted the need to obtain commitments from heads of agencies to affirm the importance of the mechanism and to allocate more dedicated staff to work on the MRM.

Despite the notable progress, important elements of the Working Group's recommendations remain unaddressed. In contrast to progress achieved in building relations with the government, the CTFMRM has not been able to engage with non-state armed groups on action plans due to the current political and military situation. Increasing troop levels are likely to strain relations between the UN and armed insurgents and, according to one Task Force member, will make it virtually impossible to involve insurgents in any protection issues. At the same time, recent successes in engaging with armed insurgents on humanitarian concerns, such as vaccination campaigns, the reopening of schools and the safe passage for humanitarian delivery, may open up some potential avenues for collaboration. Moreover, the upcoming peace jirgas are yet another opportunity for the Afghan government and non-state armed groups to highlight child protection concerns with non-state armed groups, including the Taliban.<sup>215</sup>

## **Recommendations on the Country Task Force on the MRM (CTFMRM)**

- **All parties to conflict** should fully cooperate with the UN-led Country Task Force on the MRM (CTFMRM) to prepare and implement action plans to end the recruitment and use of child soldiers, rape and other grave acts of sexual violence and the killing and maiming of children in line with UN Security Council Resolutions 1540, 1612 and 1882. Commanders should equally work towards halting all violations against children.
- **International military forces** should work closely with the UN-led Country Task Force to establish an MRM “alert” system to immediately inform MRM partners of alleged violations, as envisioned by the SRSG-CAC.
- **The UN Country Team in Afghanistan**, under the dedicated leadership of the Special Representative of the Secretary-General for Afghanistan (SRSG), should commit staff and resources to prioritize child protection within their respective agencies, including the full implementation of Security Council Resolutions 1612 and 1882.
- **The Global MRM Steering Committee** should consult with the UN Country Team on specific measures to be taken at the national and international level to overcome challenges in monitoring, reporting and response to violations committed against children in Afghanistan and to encourage organizations to participate in the CTFMRM. This includes providing guidelines and training to government authorities, UN agencies and local and international NGOs regarding the implementation of the MRM.
- **The UN Secretary-General** should ensure the immediate deployment of additional child protection advisers throughout the country in an effort to strengthen the child protection component of UNAMA, as recommended by the UN Security Council.
- **The CTFMRM** should strengthen the capacities of the Afghan government’s newly-formed Human Rights, Gender and Children’s Unit to enable it to effectively monitor and investigate all allegations of human rights violations committed against children in Afghanistan.
- **The CTFMRM** should intensify efforts to inform local human rights and women’s rights NGOs on the MRM and offer safe channels for information sharing. This also requires strengthening their technical and financial capacities.
- **Donors** should support strengthening the capacity of Child Protection Action Networks (CPAN), which consist of governmental and nongovernmental organizations in Afghanistan, to respond more effectively to violations against children.
- **The Government of Pakistan** should invite the SRSG-CAC to conduct a mission in Pakistan to identify potential ways to improve coordination in ending “cross-border violations” that impact children affected by armed conflict such as the drug trade, trafficking and small arms trade.
- **The UN Country Team in Pakistan** should establish a Working Group on Children affected by Armed Conflict to more effectively address the concerns of Afghan refugee children and cooperate with the CTFMRM and other child protection agencies in Afghanistan to address issues of common concern, including cross-border recruitment of child soldiers and trafficking.
- **The Afghan Independent Human Rights Commission (AIHRC)** should coordinate closely with the independent Human Rights Commission of Pakistan (HRCP) to conduct joint monitoring and reporting along their common border areas.
- **The UN Secretary-General** should request the UN Country Teams in Afghanistan and Pakistan, under the leadership of the SRSG-CAC, to establish a UN regional strategy to contribute actively to the protection of children affected by cross-border violations.

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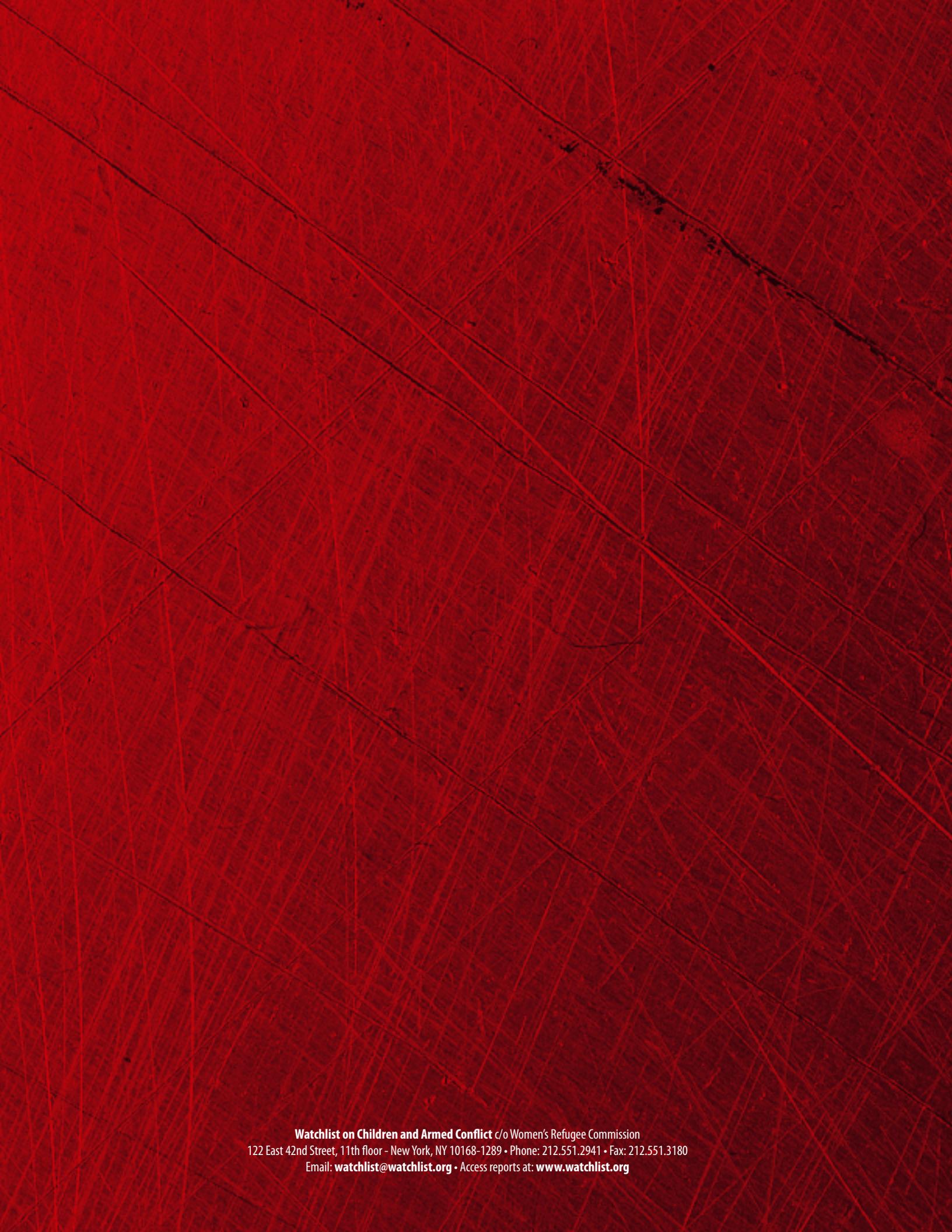
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