
AFGHANISTAN

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Population: 29.9 million (15.8 million under 18)

Government armed forces: 50,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 24 September 2003

Other treaties ratified (see glossary):

CRC, ICC

There were anecdotal reports of under-18s serving in the armed forces. There were reports of the use of children as suicide bombers by anti-government elements including the Taleban, and of both forcible and voluntary recruitment by the Taleban of children in southern provinces and parts of Pakistan.

Context

Presidential elections were held in October 2004 and Hamid Karzai was subsequently declared president. National Assembly elections were held in September 2005. Early in 2006 the Afghan government and the international community committed themselves to the Afghanistan Compact, a strategic framework for the rebuilding of Afghanistan. Close to 50,000 international troops remained in Afghanistan: 39,500 under the NATO-led International Security Assistance Force (ISAF) and nearly 10,000 under the US-led coalition forces.¹ The UN Assistance Mission in Afghanistan (UNAMA) continued to provide support to the government including on the peace process, the implementation of the Afghanistan Compact, and human rights.

Resurgent Taleban forces challenged government control in many of the southern provinces and gained full control in some districts. In other areas commanders against whom there were credible allegations of grave human rights abuses and who controlled armed militias became further entrenched, and some were elected to parliament.²

Weak government and an increase in insurgency, in particular in the southern provinces, diverted time and resources from development and reconstruction programs and led to disillusionment among many Afghans, which was reported to have fuelled recruitment to and support for armed groups.³

There were concerns over the increasing number of civilian casualties resulting both from operations against insurgents by coalition forces and the Afghan National Army (ANA) and

from operations by the Taleban and other armed groups. In 2006 more than 4,000 people were reported to have died as a result of the conflict, one third of them civilians.⁴ There was a sharp increase in 2006 in civilian deaths from insurgent attacks, including deliberate attacks on civilian targets.⁵ President Karzai, the Afghanistan Independent Human Rights Commission (AIHRC), the UN and non-governmental organizations (NGOs) all expressed concern over civilian casualties resulting from coalition forces and NATO/ISAF operations.⁶ ISAF publicly stated that civilian casualties were its single biggest failure in 2006 and measures would be taken to reduce them.⁷

There was a significant increase in suicide attacks in 2006 and 2007 which were reported to have been carried out by anti-government elements, including al-Qaeda, the Taleban and Hizb-e Islami. A study by UNAMA concluded that the bombers “appear to be young (sometimes children), poor, uneducated, easily influenced by recruiters and drawn heavily from madrasas (Islamic religious schools) across the border in Pakistan”.⁸

There was a sharp rise in attacks on teachers, students and schools in the first half of 2006. In 2006 over 200 schools were burned, attacked or partially destroyed, at least 15 teachers killed and some 200,000 students affected by school closures.⁹ Although reduced from earlier levels, there were still many attacks on schools and threats to teachers and students in 2007.¹⁰

In 2006 the government launched a National Strategy for Children at Risk. Designed by the Ministry of Martyrs, Disabled and Social Affairs, with the support of UNICEF and other partners, it was intended to improve care for vulnerable children and their families.¹¹

Government

National recruitment legislation and practice

Afghanistan’s declaration on acceding to the Optional Protocol stated that “according to the Decree No. 20 dated 25 May 2003 on the voluntary enrolment to the Afghan National Army ... the minimum age for recruitment of Afghan Citizen to an active military service is limited by the age of 22 to 28. All recruitments of personnel in the Afghan National Army is voluntary and is not forced or coerced”.¹² A presidential decree (No. 97) issued in December 2003 amended the minimum age of recruitment into the ANA to 18. There was anecdotal evidence of the recruitment of under-18s by the ANA and unconfirmed reports of under-18s falsifying their identification records to join.¹³

The minimum recruitment age for the Afghan National Police (ANP) was 18. There were reports that ill-equipped and under-trained ANP were

used inappropriately as a fighting force to tackle insurgency.¹⁴ In September 2006 a presidential decree officially established the Afghan National Auxiliary Police (ANAP) in a scheme covering 124 districts in 21 mainly southern and eastern provinces. ANAP recruits were reportedly provided with only ten days' training and given weapons and a salary equivalent to ordinary police. Concerns were raised that the ANAP scheme conferred an official status on privately owned and operated militias and that there were inadequate command and control structures in place to supervise them.¹⁵ A reportedly lax approach to recruitment and vetting meant that it was impossible to rule out the recruitment of under-18s into the ANP and ANAP. There were reports of the "informal" recruitment of children by ANP commanders to perform duties in police check posts in Kandahar province.¹⁶

Armed groups

A number of armed groups were involved in insurgency including tribal factions, criminal networks and groups ideologically opposed to the government, including the Taliban and the Hizb-e Islami. Most armed groups had been responsible for the recruitment of child soldiers during the previous period of conflict.¹⁷

There were reports of both forcible and voluntary recruitment by the Taliban of children in southern provinces and parts of Pakistan,¹⁸ as well as reports of the increasing use of children by the Taliban as messengers, couriers and fighters.¹⁹ There were unconfirmed reports that the Taliban had issued a statement early in 2007 claiming that they did not recruit or use children, in response to allegations by NATO forces that they were using children as human shields in provinces in the south. National and international agencies were reportedly unable to independently verify the allegations of the use of children as human shields.²⁰

In June 2007 it was reported that a 12-year-old boy wearing an explosive vest had been picked up by ISAF forces in Ghazni province. He had reportedly been instructed by armed insurgents to target an ISAF patrol in the area.²¹ In the same month ISAF claimed to have defused an explosive vest placed on a six-year-old who had been told to attack army forces in Ghazni province.²² In response, a Taliban spokesman denied the use of child soldiers, saying it was against Islamic and humanitarian law and that the report was propaganda.²³ In July 2007 it was reported that a 14-year-old boy from Pakistan was detained wearing an explosive vest to target a provincial governor of Khost province. He claimed to have been forced at gunpoint by the Taliban, while at a madrasa in Pakistan, to put on the vest and attack the governor. He was publicly pardoned by President Karzai and reportedly returned to Pakistan.²⁴ A study by UNAMA of suicide attacks

documented the cases of children aged 15 and 16 who had been tricked, promised money and forced into becoming suicide bombers.²⁵

In April 2007 the Taliban released a video of a 12-year-old boy beheading a Pakistani man accused of spying. Asked why they used a boy, a Taliban official was reported as saying, "We want to tell the non-Muslims that our youngsters are also Mujahideens [holy warriors] and fight with us against you ... These youngsters will be our Holy War commanders in the future and continue the jihad for freedom. Islam allow boys and women to do jihad against occupying non-Muslim troops and their spies and puppets."²⁶

In 2006 it was widely reported that the Taliban Rule Book (issued by the Taliban command during Ramadan in 2006) included as its Rule 19 that "Mujahideen are not allowed to take young boys with no facial hair onto the battlefield or into their private quarters."²⁷

Children had been detained by US forces at Bagram airbase in the past,²⁸ but it was not possible to verify whether children continued to be detained there. There were concerns at the apparent absence of any mechanisms among international and national armed forces to determine the age of detainees.²⁹ Detainees were generally transferred by NATO forces to the National Directorate of Security (NDS) but access to those detainees was severely restricted.³⁰

Disarmament, demobilization and reintegration (DDR)

A community-based demobilization and reintegration program, established by UNICEF in collaboration with NGOs, the Ministry of Labour and Social Affairs, and the National Commission for Disarmament, Demobilization and Reintegration, which was launched in February 2004, continued to facilitate demobilization through the support of the local demobilization and reintegration committees in their respective communities. As of June 2007 reintegration support was being provided in 29 provinces to a total of 12,590 war-affected and at-risk children, including 5,042 former child soldiers, combining information education, skills training, life skills and psychosocial support.³¹

Developments

At a February 2007 ministerial meeting in Paris, Afghanistan and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global

consultation jointly sponsored by the French government and UNICEF.

- 1 Report of the UN Secretary-General on the situation in Afghanistan and its implications for international peace and security, UN Doc. A/62/345-S/2007/555, 21 September 2007.
- 2 International Crisis Group (ICG), *Afghanistan's New Legislature: Making Democracy Work*, Asia Report No. 116, 15 May 2006, www.crisisgroup.org.
- 3 ICG, *Afghanistan's Endangered Compact*, Asia Briefing No. 59, 29 January 2007.
- 4 Report of the UN High Commissioner for Human Rights on the situation of human rights in Afghanistan, UN Doc. A/HRC/4/98, 5 March 2007.
- 5 Human Rights Watch (HRW), *The Human Cost: Consequences of Insurgent Attacks in Afghanistan*, April 2007.
- 6 See, for example, Report of the High Commissioner for Human Rights, above note 4, and "Backlash from Afghan Civilian Deaths", *Time*, 23 June 2007.
- 7 Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, UN Doc. A/61/799-S/2007/152, 15 March 2007.
- 8 UN Assistance Mission in Afghanistan (UNAMA), *Suicide Attacks in Afghanistan (2001–2007)*, September 2007, www.unama-afg.org.
- 9 Report of the High Commissioner for Human Rights, above note 4.
- 10 Report of the Secretary-General, above note 1.
- 11 US Department of State, *Country Reports on Human Rights Practices 2006*.
- 12 Declaration on accession to the Optional Protocol, www2.ohchr.org.
- 13 US Department of State, above note 11.
- 14 ICG, *Reforming Afghanistan's Police*, Asia Report No. 138, 30 August 2007.
- 15 Ibid.
- 16 Confidential source.
- 17 UNICEF, Rapid Assessment on the Situation of Child Soldiers in Afghanistan, July 2003, cited in *Child Soldiers: Global Report 2004*.
- 18 "Afghanistan: Civilians paying the price in Taliban conflict", IRIN, 16 July 2007; "Recruiting Taleban 'child soldiers'", BBC News, 12 June 2007.
- 19 Confidential source.
- 20 Confidential source, August 2007.
- 21 Confidential source, June 2007.
- 22 "Nato accuses Taliban of using children in suicide missions", *Guardian*, 23 June 2007.
- 23 "Six-Year-Old Afghan Boy Foils Taliban Plot to Use Him in Suicide Attack on Americans", Associated Press, 25 June 2007.
- 24 "Boy forced by Taliban to become would-be bomber is pardoned", *Guardian*, 16 July 2007.
- 25 UNAMA, above note 8, refers to the cases of Amir, aged 15, and Ghulam, aged 16, who were interviewed by UNAMA staff in detention, held on charges of involvement in suicide attacks.
- 26 "Taliban video of boy executioner causes anger", Reuters, 26 April 2007, at www.alertnet.org.
- 27 Henry Schuster, "The Taliban's rules", CNN, 7 December 2006.
- 28 See, for example, Amnesty International (AI), *USA: Human dignity denied: Torture and accountability in the war on terror* (AMR 51/145/2004), 27 October 2004.
- 29 Confidential source, September 2007.
- 30 The Afghanistan Independent Human Rights Commission (AIHRC) and five countries contributing troops to NATO forces (Canada, Denmark, Norway, the Netherlands and the United Kingdom), were party to memorandums of understanding which ensured that a list of detainees handed over to the National Directorate of Security (NDS) would be provided to the AIHRC. However, as of September 2007 these lists did not contain information about the age of the detainees. AIHRC access to NDS detainees was limited. Confidential source, September 2007.
- 31 Confidential source, August 2007.