

# CHILD NOTICE AFGHANISTAN 2013

Child Rights INFO on Afghanistan compiled by UNICEF Netherlands  
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## INTRODUCTION

In the Netherlands, like many other countries, the Government (i.c. the Ministry of Foreign Affairs) issues formal country reports. These country reports serve a dual purpose: to directly inform policy makers and, indirectly, inform the general public on the situation in a country. These reports are used to support government agencies in informed decision-making. UNICEF Netherlands signaled the need for child-specific information about countries in policy processes, mainly with regard to asylum policy, processes and decision-making in individual asylum cases. To respond to this need UNICEF Netherlands compiled this 'CHILD NOTICE' about Afghanistan. A 'CHILD NOTICE' can assist as an up-to-date overview document on the most recent information concerning the situation of children. Afghanistan is the subject of this first notice, as Afghan minors form a major part of the group of (unaccompanied) minor asylum seekers in the Netherlands and the EU.

The need for child-specific information is not limited to Afghanistan and is not limited to the scope of this document. Similar documents on other countries with large amounts of (unaccompanied) minors such as Iraq or Somalia could be of use, as could be to expand the scope and involve more regionally specified information and contacts. Depending on demand and practical follow-up, the ambition for 'CHILD NOTICES' on other countries and their scope will be formulated in 2013.

The 'CHILD NOTICE' will be useful for policy makers and case workers, primarily in the field of asylum. Main sources of information are UNICEF Afghanistan, UNICEF international, the UN Special Representative for Children and Armed conflict, the Dutch Ministry of Foreign Affairs and the UN Committee on the Rights of the Child.

The document is structured according to questions arising from the UN Convention on the Rights of the Child and its principles, starting with the basic principles, followed by the basic rights and specific mention of (sub)groups of children and their situations. All Parties to the Convention are bound to ensure that in all actions concerning children the best interests of the child shall be a primary consideration (article 3, UN Convention on the Rights of the Child).

## EXECUTIVE SUMMARY

In Afghanistan, the total population of children under 18 years old is 16.78 million in 2010. 5.5 million children are aged under five and almost 50 percent of the population is under 15 years old. Although Afghanistan signed and ratified the Convention on the Rights of the Child (CRC), enforcement is problematic and the country is amongst the worst in the world when considering indicators for children. In its concluding observations on Afghanistan of February 2011, the Committee on the Rights of the Child expressed its concern as the CRC has not been systematically incorporated into the domestic legal system.

**Discrimination** is in some parts of the country part of daily reality, causing tribal and ethnic factionalism. Severe discrimination exists towards girls and women and gender disparity is widespread. Westernised girls and boys run a high risk of not being accepted in the community.

**Violence and other insecurity** are no exceptions: the year 2011 was the most violent year since the collapse of the Taliban in 2001, children are often victims of mines, road-side explosives and improvised explosive devices and natural disasters have taken many lives over the past years.

**The basic rights of children** that are distinguished in the CRC are usually to be categorized in five groups: health; nutrition; water, sanitation and hygiene (WASH); education and child protection.

Access to health services is a crucial problem in Afghanistan: only 52 per cent of the people living in rural areas have access to a health facility. Maternal health is a severe problem: Afghanistan has the world's highest rate of maternal deaths. Afghan children suffer very high levels of under- and malnutrition, there is a lack of safe and sustainable and quality drinking water and sanitation is deteriorating.

School-age children (in Afghanistan those under 15 years old) represent almost 50 per cent of the population. Nearly 4.5 million children (42 per cent) are not in education – of which 60 per cent is a girl child. Due to insecurity, between 50 and 80 per cent of the schools have been closed in conflict affected areas. Sexual abuse and exploitation of both boys and girls are on the rise.

**Child labour** is a widespread phenomenon: 25 per cent of children aged between 5 and 14 years old participate in labour activities. The minimum age for work in Afghanistan is 15 years old. Because of widespread poverty and inadequate educational opportunities, many households make a choice of sending their children to look for work. Despite these attempts, children are and have been used by all parties throughout the thirty years of armed conflict in Afghanistan.

A Juvenile Justice Code exists since 2005, yet its application remains limited and unsystematic. An unknown number of children has been captured and arrested as from 2001. Detention of children on security-related charges for alleged association with armed groups remains a concern. In 2011, 204 incidents of detention of children (all boys) for alleged support to armed groups were documented. In 2009 there were 134.830 children IDP's, a number increasing until 2011. The number is higher when taking in consideration IDP's who moved into urban centres, often informal settlements

where children face severe dangers as adequate housing, food and health care are absent. An estimate of 1.5 million children are refugees within the region.

Regarding specific vulnerable groups (orphans, unaccompanied minors, separated children and disabled children) numbers as well as systems are very unclear. Child trafficking and exploitation is a serious problem. The lack of paternal support as well as migration to the cities and cross-border migration enlarge the risk of abuse and exploitation and potentially sexual exploitation. Trafficking and (sexual) violence rarely is prosecuted or makes it to the court. Children are and have been used by all parties throughout the thirty years of armed conflict in Afghanistan.



## COUNTING CHILDREN & GENERAL SITUATION

In Afghanistan, the total population consists of nearly 31.5 million people.<sup>1</sup> The total population of children under 18 years old is 16.78 million (53 per cent of the total population) in 2010,<sup>2</sup> of whom 5.5 million children are aged under five (18 per cent)<sup>3</sup>. Children under-15 years old (school-age children) represent almost fifty per cent of the entire Afghan population.<sup>4</sup>

On September 27, 1990 Afghanistan signed the Convention on the Rights of the Child (CRC), followed by ratification on March 28, 1994.

In 2002 and 2003 Afghanistan also acceded the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. Until date, the Afghan state did not sign the Optional Protocol to the CRC on a communications procedure. In 2010, the Afghan Parliament has ratified the 1999 Convention Concerning the Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization and Convention 138 which defines the minimum age for admission of children to employment.<sup>5</sup>

There is a commitment on the side of the Government of Afghanistan to protect its children.<sup>6</sup> The Constitution of Afghanistan prohibits child labour and forced labour; promotes education, rehabilitation and protection of orphans, disabled and separated children and women in the articles 49, 53 and 54.<sup>7</sup> As the main poverty reduction strategy policy, the Afghanistan National Development Strategy (ANDS) 2008-2013 was developed to identify national development priorities and to outline a plan of action for achieving Afghanistan's Millennium Development Goals (MDGs) through the enhanced delivery of health services, expanded access to education, improved water and sanitation facilities, and the entrenchment of the rule of law. To protect the legal rights of children in conflict, ANDS calls upon the Government to enhance the legal and policy framework related to the juvenile offenders and children in conflict, and also calls for improved access to the formal legal system for women and children.

The Government submitted its First State Party Report to the Committee on the Rights of the Child in Geneva in 2009<sup>8</sup>. In the same year, Afghanistan celebrated the 20th anniversary of the CRC through high level advocacy. This included a joint declaration by the Government of Afghanistan, UNICEF and the European Union. The declaration reaffirmed the commitment to collaborate in promoting children's rights in Afghanistan. Furthermore, as of 2010, child protection action networks led by the Ministry of Labour, Social Affairs, Martyrs and Disabled and supported by UNICEF are in place in 28 provinces.<sup>9</sup> Based on the global commitment to meeting the MDGs, several national policies and strategies aimed at improving the wellbeing of children and women, have

1 UNICEF (2012) (b), p. 88.

2 UNICEF Regional Office for South Asia (2012), p. 1.

3 Ibid.

4 UNICEF Afghanistan (2011), p. 1.

5 United Nations Security Council (2008), p. 3. See as well the web-page of the International Labour Organization: [www.ilo.org](http://www.ilo.org), "Labour standards", "Ratification by country", "Afghanistan". Last visit on December 10, 2012.

6 United Nations Office of the Special Representative of the Secretary-General for Children Affected by Armed Conflict (2010), p. 15. See as well the Statement of the Permanent representative of the Islamic Republic of Afghanistan to the United Nations (2010) of 15 October 2010.

7 The Constitution of the Islamic Republic of Afghanistan (2004).

8 United Nations Committee on the Rights of the Child (2010).

9 UNICEF Afghanistan (2010).

been adopted. These include the National Action Plan for the Women of Afghanistan, 2007-2017 (NAPWA), the National Child and Adolescent Health Policy, 2009-2013, the National Strategy for Street Working Children, the National Strategy for the Protection of Children at Risk, the National Education Strategic Plan of Afghanistan (NESP), and the National Social Protection policy, among others. With the support of UNICEF, Afghanistan is developing a comprehensive Child Act<sup>10</sup> and procedural guidelines for the Afghan Police to diverge children from the formal judicial system.<sup>11</sup>

However, challenges remain. The past thirty years of Afghanistan's history are a patchwork of war, droughts, heavy snowfall and floods. This created a vicious circle of poverty and insecurity. The circle restrains children from enjoying their right to education and basic needs such as the access to safe water and health care services. Indicators for women and children are amongst the worst in the world. Both state and non-state actors perpetrate grave violations against children. For international actors and the Government of Afghanistan, it is difficult to engage with non-state actors who commit violations against children.<sup>12</sup> Afghanistan is on the low end of the Human Development Index: in 2011, the country ranked 172 out of 187 countries in 2011.<sup>13</sup>

A general note concerns the reliability of the data used. The last census has taken place in 1979.<sup>14</sup> The number of children registered at birth is estimated to be 12 per cent in urban areas, and only 4 per cent in rural areas.<sup>15</sup> Dark numbers are inevitable given the circumstances.<sup>16</sup> This has a negative effect on children; given the issues on access and security issues, not all incidents automatically come to the attention. This means that available data is likely to underrepresent the actual impact of conflict on children.

10 Central Statistical Organisation and UNICEF (2012).

11 UNICEF Afghanistan (2011).

12 Office of the Special Representative of the Secretary-General for Children Affected by Armed Conflict (2010), p. 15.

13 United Nations Development Programme (2011).

14 Committee of the Rights of the Child (2010).

15 UNICEF (2012), p. 134.

16 United Nations Security Council (2008), p. 2.



## GENERAL PRINCIPLES OF THE CONVENTION ON THE RIGHTS OF THE CHILD

The general principles of the CRC are: non-discrimination (art. 2); the best interest of the child (art. 3); the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

### Non-discrimination

- To what extent are certain groups of children discriminated? If so, what is the situation they face?
- To what extent are children of certain minorities able to develop – concerning culture, religion and language?

In some parts of the country, ethnic discrimination is part of daily reality, causing tribal and ethnic factionalism.<sup>17</sup> The ethnic groups in Afghanistan are the Pashtuns, the Hazara, the Gujuren, the Kuchi nomads (8 per cent of the population<sup>18</sup>), the Jogi populations<sup>19</sup> and the Ismaelits.<sup>20</sup> Afghanistan is a multi-ethnic, multi-cultural and traditional society. The daily lives for many are governed by customary practices.<sup>21</sup>

There are tensions between the Taliban and people or families perceived to sympathize with the central government or that do not take a clear stand against the government.<sup>22</sup> This tension is expressed in so-called nightletters<sup>23</sup> – threats and intimidations usually hand-delivered or delivered via mail at doors or mosques by insurgent groups, often during night.<sup>24</sup> The Taliban and armed opposition groups are said to be executing those who work with or sympathize with the central government or support the American military efforts.<sup>25</sup>

Severe discrimination exists towards girls and women. Deeply rooted patriarchal social values and violence against women continues to define gender relations within households. Gender disparity is large.<sup>26</sup> This disparity hinders the access of females to education, health services, protection and employment. The Sharia law entered into force on 27 July 2009, exacerbating gender disparity.<sup>27</sup>

<sup>17</sup> UNICEF Afghanistan (2011), p. 4.

<sup>18</sup> Idem, p. 1.

<sup>19</sup> Idem, p. 4.

<sup>20</sup> Dutch Ministry of Foreign Affairs (2011) (a), July 2011, p. 70-72.

<sup>21</sup> Committee of the Rights of the Child (2010), p. 7.

<sup>22</sup> UNICEF Afghanistan (2010).

<sup>23</sup> Dutch Ministry of Foreign Affairs, (2011) (b).

<sup>24</sup> Human Rights Watch (2010).

<sup>25</sup> UNICEF Afghanistan (2010) (a).

<sup>26</sup> UNICEF Afghanistan (2010) (b), p.4.

<sup>27</sup> UNICEF Afghanistan (2009) (a), p.8.

Another form of gender discrimination and human rights violations is seen in the phenomenon of early - and often forced - marriages. One in five women aged between 15 and 19 years old is already married. Overall, 15 per cent of women surveyed were married before the age of 15, while 46 per cent were married before the age of 18.<sup>28</sup> These marriages are a taboo in the Afghan society and clear statistics are rare, as marriages are not registered with the State.<sup>29</sup> There is a disparity between the legal age for marriage between boys for girls: this is set at 16 years old for girls and at 18 years old for boys.<sup>30</sup> There are several reasons for this: marriages are used to settle debts or to strengthen family status through social alliances. Poor families consider a daughter as an economic burden who must be married quickly to reduce the financial strain. With the ongoing conflict in Afghanistan, and to protect daughters from extra marital relationships, many parents aim to marry their daughter at a young age to secure her future. There is an established link between being the victim of forced marriage and being a victim of trafficking: according to a 2011 report of the Afghanistan Independent Human Rights Commission, 81 per cent of the interviewed victims of trafficking were married before they reached the age of 18 years old.<sup>31</sup>

### Best interest of the child

- Is it in the best interest of the child to return to the country of origin, considering the issues to safety, development and family reunion?
- In the country of origin: are the interests of the child central in the decision-making with regards to the child?

Westernised girls and boys run a high risk of not being accepted in the community.<sup>32</sup> The only law which defines the best interest of the child is the Juvenile Code of 2005.<sup>33</sup> Unfortunately, this Code is applicable only for children in conflict with the law, for the procedures that need to be adopted for their detention or diversion from detention. Over 80 per cent of the criminal and civil cases are dealt with by informal justice systems which may not necessarily follow international human rights principles. There are some harmful traditional practices like baad and badel in which children - especially young girls - are exchanged and used for compensation or to settle disputes.<sup>34</sup>

The Afghan Ministry of Labour, Social Affairs, Martyrs and Disabled is responsible for ensuring safe placement of children whose families are not capable of supporting them or are not traceable. They are also responsible for ensuring tracing and placement of children in families. The systems responsible for the reunification of children and families do not have the professional competencies needed at present to ensure determination of the best interest of the child<sup>35</sup>. Therefore, the Ministry of Labour, Social Affairs, Martyrs and Disabled has recruited personnel on positions similar to those of social workers to respond in 33 provinces. They provide services to child victims of abuse, separated children and children in conflict with law. Due to lack of formal training, these social workers are yet to gain the skills to manage their jobs. Efforts have been made to formalize this service through curriculum development and (the development of) training by UNICEF in 2012.<sup>36</sup> The right to life, survival and development

28 Central Statistical Organisation and UNICEF. (2011).

29 UNICEF Afghanistan (2010).

30 UNICEF Regional Office for South Asia (2012), p. 3.

31 Afghanistan Independent Human Rights Commission (2011), p. 2.

32 Dutch Ministry of Foreign Affairs (2011) (b).

33 Government of Afghanistan (2005).

34 Email correspondence Child Protection team, UNICEF Afghanistan, May, 2012

35 Ibid.

36 Email correspondence Child Protection team, UNICEF Afghanistan, November, 2012

This concerns the development of the child in the largest sense possible, as laid down in article 6 CRC and other human rights instruments such as the ICCPR. This right includes the cognitive, emotional, affective, moral, social, physical and sexual development of minors. Key questions that arise from this provision are:

- Do children face severe risks and do they have to fear for their life within the country of origin?
- To what extent can the safety of children and their family be guaranteed within their country of origin?
- Do children have the opportunity to develop themselves safely within the country of origin?

The year 2011 was the most violent year since the collapse of the Taliban in 2001: the United Nations Department of Safety and Security (UNDSS) recorded a rise of 69 per cent in security incidents in 2010; in 2011 it reported again a rise of 20 per cent in security incidents on top of the 2010 increase.<sup>37</sup> This boils down to 2.000 incidents on a daily basis.<sup>38</sup> Afghan civilians have increasingly become a target of the conflict; from 1 August to 31 October 2012 Afghanistan saw 2.557 civilian casualties, an increase of 28 per cent compared to the same quarter in 2011.<sup>39</sup> In 2009 at least 346 of these civilians were children,<sup>40</sup> while in 2011 1.325 children were killed or injured.<sup>41</sup> The nature of the incidents has changed as well, with more suicide attacks, improvised explosive devices (IED's), night letters, kidnappings and direct attacks on schools, teachers, students, health centres and health workers.<sup>42</sup> Schools and health facilities continue to be targets of violence. Consequences for children are various. They represent 81 per cent of mine and explosive remnants of war casualties.<sup>43</sup> Children are the main victim of mines,<sup>44</sup> roadside explosives and improvised explosive devices (IED).<sup>45</sup> The eastern region of Afghanistan is mostly affected.<sup>46</sup> Landmine experts estimate that 95 per cent of landmine injuries result in disabilities.<sup>47</sup> This means that a high number of children are disabled due to the presence of landmines. More than 70.000 people have been killed or disabled due to landmines in Afghanistan since the beginning of the conflict.<sup>48</sup>

Children are maimed during military operations, and participate in military operations of both sides.<sup>49</sup> The recruitment and use of under-aged emerged as an increasing concern.<sup>50</sup> There are repeated reports of non-state actors' deliberate use of children as human shields and of children being recruited into the armed forces and groups.<sup>51</sup> In 2011, 316 cases of recruitment of children were reported from the following armed groups: Taliban, Tora Bora, Jamat Sunat al-Dawa Salafia, the Latif Mansur Network, the Haqqani network and Hezb-e-Islam<sup>52</sup>. This is likewise reported of the units of the Afghan National Police, the Afghan National Army, and the Afghan Local Police (mostly

37 UNICEF Afghanistan (2011), p. 2.

38 Idem, p. 1.

39 United Nations Security Council (2012) (b), p.8

40 Watch List on Children and Armed Conflict (2010), p. 1.

41 UN Security Council (2011), p. 3.

42 UNICEF Afghanistan (2010), p.4.

43 UNICEF (2012) (a).

44 Dutch Ministry of Foreign Affairs (2010), p. 40.

45 United Nations Security Council (2008), p. 10.

46 UNICEF (2012) (a).

47 Watch List on Children and Armed Conflict (2010), p. 14.

48 Watch List on Children and Armed Conflict (2010), p. 16.

49 UNICEF Afghanistan (2009), p. 10.

50 UNICEF (2012) (a).

51 Office of the Special Representative of the Secretary-General (2010), p.5.

52 United Nations Security Council (2011), p. 2.

in the eastern and southern regions).<sup>53</sup> Although the Government has signed an Action Plan to address and prevent under age recruitment on the 31st of January 2011, its implementation has made slow progress.

In 2011, 11 children conducted suicide attacks and were killed.<sup>54</sup> Besides suicide attacks, children were used to plant IEDs and to transport goods.<sup>55</sup> Cases are reported in which children were used as human shields.<sup>56</sup> The verification of all reports of recruitment and use of children remained a serious challenge due to the conflict and security constraints.<sup>57</sup> Lastly, insecurity is a pervasive constraint<sup>58</sup> hampering children's access to schools and (health-) care facilities.<sup>59</sup> In 2011, 185 attacks on schools and hospitals were reported and 58 incidents of attacks on health facilities and personnel.<sup>60</sup>

Violence is not the only factor endangering children; natural disasters such as floods and droughts (e.g. in June 2011, affecting 14 provinces<sup>61</sup> and three million Afghans<sup>62</sup>) similarly have an impact on children's lives and their rights. As the state is incapable of protecting its citizens, security is primarily a matter of relationships and networks.<sup>63</sup>

- Is the right to life, survival and development of the child embedded in national legislation?

In 1994 Afghanistan ratified the Convention on the Rights of the Child (CRC). Eight years later Afghanistan ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and a year after that, the Optional Protocol to the CRC on the Involvement of Children in Armed. The CRC and the Optional Protocols are embedded in national legislation. The Constitution of Afghanistan prohibits child labour and forced labour; promotes education, rehabilitation and protection of orphans, disabled and separated children and women (Articles 49, 53 and 54). The Afghan Labour Law (under review) prohibits compulsory work, regulates employment of women and young workers, promotes reduced hours of work for workers between 14 and 18 years old and sets forth conditions for employment. This law is under review and efforts are made towards including a chapter on child labour. Furthermore, there is an Afghanistan Independent Human Rights Commission<sup>64</sup> (AIHRC),<sup>65</sup> including a Child Rights Unit addressing the problems of children and juveniles. It focuses on the execution of the provisions of the Juvenile Code.<sup>66</sup> This Juvenile Code includes various laws – most of them in line with CRC.<sup>67</sup> Unfortunately, some provisions are not in compliance with the CRC, e.g. the prohibition of child marriage.

<sup>53</sup> Idem, p. 2-3.

<sup>54</sup> Ibidem.

<sup>55</sup> Ibidem.

<sup>56</sup> Office of the Special Representative of the Secretary-General (2010), p. 4.

<sup>57</sup> United Nations Security Council (2011), p. 1.

<sup>58</sup> UNICEF Afghanistan (2010), p. 4.

<sup>59</sup> UNICEF Afghanistan (2009), p. 10.

<sup>60</sup> United Nations Security Council (2011), p. 4.

<sup>61</sup> UNICEF Afghanistan (2011), p. 2.

<sup>62</sup> UNICEF 2012 (a).

<sup>63</sup> Dutch Ministry of Foreign Affairs (2010), p. 38.

<sup>64</sup> The mandate of AIHRC is as follows: to monitor the situation of human rights in the country; to promote and protect human rights; to investigate and verify cases of human rights violations and to take measures for the improvement and promotion of the human rights situation in the country. The AIHRC has a Child Rights Unit that receives and processes human rights complaints made by or on behalf of children. When the complaint represents a violation of the child's rights, the AIHRC pursues the case with relevant authorities. When it does not do so, the Child Rights Unit will often provide mediation and referral services for the complainant. It monitors juvenile rehabilitation centres, administrative detention centres, police holding cells, orphanages, schools and other public facilities for children.

<sup>65</sup> Committee of the Rights of the Child (2010), p. 11.

<sup>66</sup> Idem, p. 12.

<sup>67</sup> Idem, p. 14.

Nevertheless, legal enforcement is problematic and the government is incapable of establishing a rule of law.

In its concluding observations on Afghanistan of February 2011, the Committee on the Rights of the Child expressed its concern as Afghanistan does not consider the CRC as a legally binding instrument in the internal order, because it has not been systematically incorporated into the domestic legal system.<sup>68</sup> The Committee noted as well that children's rights continue to be negatively affected by the application of different sources of law, such as customary and sharia laws, and that legislation contradictory to the CRC remains in force. As a result, the Committee recommended to the State party to develop a comprehensive Child Act which will supersede all legislations which are not compliant with the CRC. Furthermore, the Committee recommended to ensure that existing domestic laws are brought into compliance with the Convention. The Government of Afghanistan is currently in the process of drafting such a comprehensive Child Act.

### **Respect for the views of the child**

- Are children able to express themselves freely?

Even though the freedom of speech is embedded in the Constitution under article 34, reality is different.<sup>69</sup> Even less so for children: children's views on matters concerning them are not heard and they are actively or passively discriminated against – girls especially.<sup>70</sup>

<sup>68</sup> Committee on the Rights of the Child, 2011

<sup>69</sup> Idem, p. 25.

<sup>70</sup> Email correspondence Child Protection team, UNICEF Afghanistan, May, 2012





## BASIC RIGHTS

The basic rights of children that are distinguished in the CRC, are the role of the parents (art. 5), the right to a family (art. 9 and 10), the right to a name and nationality (art. 7 and 8), right to basic health services (art. 24), the right to a certain living standard (art. 27), right to education and culture (art. 28, 29 and 31), the protection against (sexual) abuse (art 19 and 37), the protection against child labour (art. 32) and the protection against torture and arbitrary detention (art 37). These basic rights are usually to be categorized in five groups: health; nutrition; water, sanitation and hygiene (WASH); education and child protection.

### Key questions that arise are:

- Are these basic rights of children ensured?
- Do children have the opportunity to exercise their basic rights – such as education, health services, and sports?

### Health

Access to health services is a crucial problem in Afghanistan: only 52 per cent of the people living in rural areas have access to a health facility.<sup>71</sup> Due to the conflict, floods and droughts, health services do not have the capacity they ought to have.<sup>72</sup> Health facilities continue to bear the consequences of the armed conflict and the deteriorating in security: they are not protected from the direct impact of military operations and health workers have been abducted, threatened and even killed.<sup>73</sup>

The problem of access to health becomes clear in the issue of maternal health. Afghanistan has the world's highest rate of maternal deaths: 1.400 women out of 100.000 die in childbed.<sup>74</sup> Large discrepancies exist between urban and rural maternal deaths: the chances of dying during pregnancy are four times higher in rural areas than in urban areas.<sup>75</sup> Afghanistan has the second highest under-five mortality rate of the world: 102 children die per 1.000 live births.<sup>76</sup> The AMICS estimates Afghanistan's infant mortality rate at 74 per thousand live births.<sup>77</sup>

The access to services is limited: there are a few, sparsely dispersed hospitals where the capacity of health workers is low. Furthermore, the absence of female staff directly off sets care-seeking behaviour for safe deliveries as women are reluctant to seek care from male health professionals.<sup>78</sup> Being a child in Afghanistan still means for many boys and girls to grow up without a mother, because she died giving birth.<sup>79</sup> For girls in Afghanistan, this poses an extra threat to their lives.

Measles outbreaks are common (1.606 reported cases between August and December 2011). Afghanistan is one of the four polio endemic countries.<sup>80</sup> There has been a steady

<sup>71</sup> UNICEF (2012) (a), p. 20.

<sup>72</sup> Ibidem.

<sup>73</sup> United Nations Security Council (2008), p. 12.

<sup>74</sup> UNICEF Regional Office for South Asia (2012), p. 3.

<sup>75</sup> UNICEF Afghanistan (2011), p. 2.

<sup>76</sup> Central Statistical Organisation and UNICEF (2012).

<sup>77</sup> Ibid.

<sup>78</sup> UNICEF Afghanistan (2010).

<sup>79</sup> Ibidem.

<sup>80</sup> UNICEF (2012) (a).

decline in polio cases over the years. Nevertheless, by the end of 2011, there was an explosive outbreak of polio, confirming 80 confirmed cases.<sup>81</sup> Kandahar, Helmand and Farah are the areas where polio is most endemic<sup>82</sup> – concentrated in southern conflict regions.<sup>83</sup> Afghanistan as a country has a very low level of immunization coverage.<sup>84</sup>

### Nutrition

Afghan children suffer very high levels of under- and malnutrition and Afghanistan has the highest rate of stunting in the world; 55 per cent of the children is stunted.<sup>85</sup> Some 525.000 children under the age of five are at risk of severe acute malnutrition and trends registered in the second half of 2011 projected that roughly 60.000 children nationwide were to need nutrition therapeutic care in 2012.<sup>86</sup> The amount of wasted children doubled nationwide in the period 2004-2010.<sup>87</sup> The underweight prevalence for children under five years is 33 per cent.<sup>88</sup>

### Water, Sanitation and Hygiene (WASH)

In Afghanistan, there is a lack of safe and sustainable and quality drinking water, sanitation is deteriorating, increasing the risks of waterborne or water shortage disease outbreaks.<sup>89</sup> Only 48 per cent of the population uses improved drinking water sources and 37 per cent uses improved sanitation facilities.<sup>90</sup> Moreover, child health and survival are impaired by the prevalence of preventable diarrhoeal diseases resulting from poor hygiene practices. Hygiene standards in schools are poor as well.

### Education

School-age children (those under 15 years old) represent almost 50 per cent of the population. By law, the compulsory school age in Afghanistan is set between six and fourteen years old.<sup>91</sup> Nearly 4.5 million children (42 per cent) are not enrolled in schools – of which 60 per cent is a girl child.<sup>92</sup> The enrolment and attendance rate is low due to the closure of schools by insurgents, the lack of infrastructure, insecurity and poverty that urges the child to make a living. The quality of education is low: schools are understaffed for the amounts of students they have to serve and there is a need for teacher capacity building. The children that do go to school receive their education from teachers that mostly are not qualified: 68 per cent of teachers do not meet the minimum requirements.<sup>93</sup> There is a lack of female teachers in rural areas, negatively impacting girl enrolment and retention rates.<sup>94</sup> School enrolment has increased from 4.800.210 in 2010 to 5.112.728 in 2011. This constitutes a 7 per cent increase of school attendance among all Afghan children.<sup>95</sup> Not all children are able to come to school due to multiple challenges, including poverty, social and cultural norms, conflict and natural hazards.<sup>96</sup>

81 UNICEF Afghanistan (2011), p. 1.

82 *Idem*, p. 9.

83 UNICEF Afghanistan (2009) (a), p. 9.

84 UNICEF Afghanistan (2011), p. 2.

85 *Idem*, p. 1 and p. 2.

86 UNICEF 2012 (a).

87 UNICEF Afghanistan (2011), p. 1.

88 UNICEF Regional Office for South Asia (2012), p. 3.

89 UNICEF (2012) (a).

90 UNICEF (2012) (b), p. 96.

91 Dutch Ministry of Foreign Affairs (2011), p. 3.

92 UNICEF Afghanistan (2011), p. 2.

93 *Ibidem*.

94 *Idem*, p. 26.

95 UNICEF Afghanistan (2011), p. 25.

96 *Idem*, p. 26.

The Special Representative of the Secretary-General for Children in Armed Conflict reported in 2010 that due to insecurity, between 50 and 80 per cent of the schools have been closed in conflict affected areas.<sup>97</sup> As schools are deemed to represent the central Government or perceived as foreign interference,<sup>98</sup> they are prime targets in the Afghan conflict.<sup>99</sup> This has increased, due to the fact that schools were used as polling stations during the elections of 2009.<sup>100</sup> Girl students and girl schools are particularly hard-hit by these attacks: (girl)schools are a special target for the Taliban and Hemkatyar.<sup>101</sup> Conflict is not the only reason for the closing of schools: natural disasters cause discontinuity as well. On November 1, 2009, Afghanistan's National Disaster Management Commission declared a health emergency status due to a polio outbreak, shutting down all schools and universities. More than nine millions students and teachers were affected by this decision.<sup>102</sup>

### Child protection

- Are children protected against threats for their well being – such as child abuse, child labour, torture and detention?

Child right's violations in this category concern child labour, recruitment into armed forces and armed groups, violence and the abuse, prostitution and trafficking of children.

Reports of recruitment and use of children by both state and non-state actors have been received from all regions, and particularly from the south, south-east and eastern regions.<sup>103</sup> More details about the recruitment of child soldiers can be found earlier in this report (see p. 7).

Violence against children, specifically of a sexual nature, occurs particularly during times of instability.<sup>104</sup> Sexual abuse and exploitation of both boys and girls are on the rise.<sup>105</sup> Boys become victim of the phenomenon *Bacha Bazi* (literally translated 'boy plays'), where boys become property of warlords. Sexual violence in the context of armed conflict in Afghanistan remains an important though under-reported issue due to social conventions, discriminatory practices, and distrust towards government institutions.<sup>106</sup> In particular, street children are extremely vulnerable to sexual abuse. The estimated number of street and working children in Kabul only is 37.000.<sup>107</sup> These children are exposed to various dangers and hazardous circumstances and different forms of abuse (physical, sexual, trafficking and exploitation). An assessment report of the Government of Afghanistan indicates that the following factors cause children to come to the streets: child poverty, domestic violence, family breakdown, death of parent(s), lack of access to school and playgrounds, sent away by parents, adults who rent children for begging (deliberate abuse actions).<sup>108</sup>

97 Office of the Special Representative of the Secretary-General (2010), p. 10.

98 *Idem*, p. 11.

99 *Idem*, p. 10.

100 UNICEF Afghanistan (2010), p. 4.

101 Dutch Ministry of Foreign Affairs (2010), p. 80.

102 UNICEF Afghanistan (2009) (b).

103 United Nations Security Council (2011), p. 5

104 United Nations Security Council (2011), p. 10

105 Office of the Special Representative of the Secretary-General (2010), p. 9.

106 UNICEF Afghanistan (2009) (a), p. 10.

107 Islamic Republic of Afghanistan, Ministry of Labour Social Affairs, Martyrs and Disabled – Social Affairs Division (2010), p. 11

108 *Ibidem*.

An estimated 68 per cent of the population in Afghanistan is under 25 years of age, of which the adolescent population (aged 10-19 years old), comprised 24 per cent of the total population in 2009.<sup>109</sup> At the same time, extreme poverty led to more risk behavior among some populations, including the reliance on exchanging sex for goods or money. From an assessment conducted among adolescents from six provinces, among the age group of 15-19 year-olds mainly street working or working in cross border areas, almost 33.8 per cent were found to be engaged in some sexual activity. There are also high levels of drug use, especially opium, heroin and hashish. Selling sex for drugs is common among the adolescent injecting drug users (7 per cent).<sup>110</sup>

Child labour is a widespread phenomenon: 25 per cent of children aged between 5 and 14 years old participate in labour activities.<sup>111</sup> The minimum age for work in Afghanistan is 15 years old.<sup>112</sup> Because of widespread poverty and inadequate educational opportunities, many households make a choice of sending their children to look for work.<sup>113</sup> More boys than girls are at risk of forced labour, commercial sexual exploitation and forced smuggling of drugs: the incidence of female child labour is 23 per cent, as opposed to 28 per cent male child labour.<sup>114</sup> Major variances are observed across residence, the mother's education level, household socio-economic status, and region. Almost twice as many children in rural areas (28 per cent) are involved in child labour than their counterparts in urban areas (15 per cent).<sup>115</sup>

An assessment of the International Labour Organization (ILO) on child and bonded labour in brick kilns, published in 2012, provides basic information on the situation in the brick kilns in the Deh Sabz and Surkhroad Districts. An estimated 63,000 people work in the Deh Sabz kilns and almost 9,000 people work in the kilns in Surkhroad, mostly children: 56 per cent of the brick makers are children, most of them below 14 years of age, in the surveyed kilns.<sup>116</sup>

The Child Protection Action Network – an initiative of the Government and UNICEF – is established in several regions and has addressed 2,770 child protection cases (2,248 boys, 522 girls) in 2012 and referred them to appropriate services.

## SPECIFIC VULNERABLE GROUPS OF MINORS

- Is there a criminal law for juveniles within Afghanistan?

Since 2002, the Government has adopted legislative changes specifically dealing with juvenile justice policies and programmes.<sup>117</sup> A Juvenile Justice Code exists since 2005,<sup>118</sup> yet its application remains limited and unsystematic.<sup>119</sup> An unknown number of children has been captured and arrested as from 2001. Detention of children on security-related charges for alleged association with armed groups remains a concern. The minimum age for criminal responsibility is 12 years old<sup>120</sup> and children as young as 12 have been detained by the National Directorate of Security.<sup>121</sup> Furthermore, the will to enforce the 2002 law is absent: cases are reported in which children are tried by the military court instead of in a juvenile court.<sup>122</sup> The rights of children in conflict with the law, many of them victims in need of care and protection, are routinely violated at all stages of the criminal justice process.<sup>123</sup> Many children reported incommunicado imprisonment (which entails among others solitary confinement), ill-treatment and no legal assistance or legal documentation.<sup>124</sup> Incidents of ill-treatment during detention, including beatings, electrical shocks and threats of sexual violence, have been reported.<sup>125</sup> The Government has adopted several national programmes to reform the judicial sector. Part of these reforms is the establishment of an open rehabilitation centre for children in conflict.<sup>126</sup>

In 2011, 204 incidents of detention of children (all boys) for alleged support to armed groups were documented. The exact number of children held in International Military Forces is unknown, but there are concerns about the duration of detention and the handover to national authorities.<sup>127</sup> There are no reports suggesting the abuse of children in detention by International Military Forces.<sup>128</sup>

The Government has passed a law on Juvenile Rehabilitation and Correction Centres in 2009 and claims to have established correction and rehabilitation centres in 30 provinces.<sup>129</sup> This information is of 2010 and it remains unclear at what stage the development of these centres presently is.

There are an estimated 800 children in Juvenile Rehabilitation Centres across the country on various charges. UNICEF facilitated the process of an interagency referral mechanism: a 'Letter of Agreement' which was formally signed in 2010 between six Ministries and Institutions including the Ministry of Labour Social Affairs, the Ministry of Interior Affairs, the Ministry of Justice, the Supreme Court, the Ministry of Education and the Attorney General's office. This Letter was signed to institutionalize so-called

<sup>109</sup> Central Statistics Organization of the Islamic Republic of Afghanistan (2010).

<sup>110</sup> Maimaiti. (2010).

<sup>111</sup> Central Statistical Organisation and UNICEF (2012), p. 127.

<sup>112</sup> UNICEF Regional Office for South Asia (2012), p. 3.

<sup>113</sup> Islamic Republic of Afghanistan, Ministry of Labour Social Affairs, Martyrs and Disabled – Social Affairs Division (2010), p. 6.

<sup>114</sup> UNICEF Afghanistan (2011), p. 4.

<sup>115</sup> Central Statistical Organisation and UNICEF (2012), p. 127.

<sup>116</sup> International Labour Organization (2011).

<sup>117</sup> United Nations Security Council (2008), p. 15.

<sup>118</sup> Committee of the Rights of the Child (2010), p. 14.

<sup>119</sup> Committee of the Rights of the Child (2011).

<sup>120</sup> UNICEF Regional Office for South Asia (2012), p. 1.

<sup>121</sup> United Nations Security Council (2008), p. 8.

<sup>122</sup> United Nations Security Council (2008), p. 7.

<sup>123</sup> UNICEF Afghanistan (2009) (a), p. 10.

<sup>124</sup> United Nations Security Council (2008), p. 8.

<sup>125</sup> United Nations Security Council (2012) (a), p. 3.

<sup>126</sup> Committee of the Rights of the Child (2010), p. 14.

<sup>127</sup> United Nations Security Council (2012) (a), p. 3.

<sup>128</sup> United Nations Security Council (2012) (a), p. 3.

<sup>129</sup> Committee of the Rights of the Child (2010), p. 18.

Social Inquiry Reports to be prepared by social workers based on family assessment to enable the police and prosecutors to rely on community based alternatives rather than detention as a punishment. In addition, it has been identified that another three new parties to the letter of agreement should be added, being the Ministry of Public Health, the Ministry of Women's Affairs and the National Directorate of Security.<sup>130</sup>

<sup>130</sup> Email correspondence UNICEF Afghanistan, November 2012



## CHILDREN OF REFUGEES AND INTERNALLY DISPLACED PEOPLE (IDP'S)

- Are children of refugees and IDP's sufficiently protected?
- What measures are taken to protect children (and their families) fleeing their country?

In 2009 there were 235.000 IDP's, of which 134.830 are children.<sup>131</sup> The number of IDP's increased towards more than 440.000 (68.151 families<sup>132</sup>) in 2011. <sup>133</sup> These figures do not include IDP's who moved into urban centres, often informal settlements where children face severe dangers as adequate housing, food and health care are absent.<sup>134</sup> In Kabul, during the winter of 2011, at least 22 children froze to death.<sup>135</sup> The housing conditions are hazardous in these informal urban settlements; in the three big cities in Afghanistan (Kabul, Herat, Kandahar) a UNHCR story showed that 60 per cent of the population lives in a tent, temporary shelter or shack.<sup>136</sup> In Kabul alone, around 35.000 displaced people are living in improvised settlements.<sup>137</sup> The fact that IDPs in urban settlements compete with the urban poor for access to various resources, makes the situation very complex.<sup>138</sup> Poor urban households and IDP household composition consist of a high number of dependent children on adults, making the whole household very vulnerable.<sup>139</sup>

2.6 million Afghans are refugees within the region, of which it is estimated that 1.5 million are children.<sup>140</sup> A total of 147.661 people were displaced between January and August 2011 only.<sup>141</sup> Generally speaking, children of refugees and IDP's find themselves in situations where they are obstructed in their development. Refugees and IDP's face circumstances in which health and nutrition shortages are rampant, education is scarce and water supply is not safe. IDP's and isolated populations in conflict-affected areas in particular are at risk of child recruitment into non-state armed groups, including the Taliban, the Haqqani network, the Hezb-i-Islami and the Jamat Sunat al-Dawa Salafia.<sup>142</sup>

<sup>131</sup> UNICEF Afghanistan (2009) (a), p. 20.

<sup>132</sup> UNHCR and the World Bank (2011), p. 6.

<sup>133</sup> UNICEF (2012) (a).

<sup>134</sup> UNHCR and the World Bank (2011), p. 6.

<sup>135</sup> Amnesty International (2012), p. 13.

<sup>136</sup> Idem, p. 32.

<sup>137</sup> Amnesty International (2012), p.13.

<sup>138</sup> Idem, p. 13.

<sup>139</sup> Idem, p. 22.

<sup>140</sup> Watch List on Children and Armed Conflict (2010), p. 1. According to the statistical snapshot of UNHCR these figures are still up to date: <http://www.unhcr.org/pages/49e486eb6.html> (visited December 12, 2012).

<sup>141</sup> UNICEF (2012) (a).

<sup>142</sup> Office of the Special Representative of the Secretary-General (2010), p. 5.

## ORPHANS, UNACCOMPANIED MINORS AND SEPARATED CHILDREN

- Are (unaccompanied) minors sufficiently protected?
- To what extent is family reunification possible?

The Ministry of Labour, Social Affairs, Martyrs and Disabled has the mandate to provide, manage, regulate, and monitor social services for children and families at the national level. However, the mechanisms and systems necessary to successfully accomplish this mandate are weak.<sup>143</sup> Much is unknown about the position of orphans, unaccompanied minors and separated children in Afghanistan.

According to a report of the Ministry of Labour Social Affairs Martyrs and Disabled there were 64 orphanages registered by the Government with 12.209 children in 2008. On the basis of various assessments it became apparent that over 80 per cent of the children residing in these institutions were no orphans. In order to establish this evidence, the EU supported an 'Orphanage Assessment', ongoing and to be completed in 2012, to formulate recommendations on how to improve the orphanage services and to make sure that these services are reaching the most vulnerable and needy children.

## DISABLED CHILDREN

- Do disabled children receive special attention, assistance and care, in order to let them lead a life as self-reliant as possible, participating actively in the community?

On 18 September 2012, Afghanistan has ratified the Convention on the Rights of Persons with Disabilities (CRPD). Afghanistan adopted The National Strategy for Children with Disabilities in 2008. However, no clear achievements can be reported to date.<sup>144</sup> The Afghanistan National Disability Action Plan 2008-2011 was developed in 2008. The Plan sets out specific provisions for services and access to education for disabled children. Systematic data collection on this issue is absent and there is very limited information on children in this area.

The position of children with a handicap in Afghanistan remains unclear. Exact numbers are unknown and estimates vary. The UN argues that more than 400.000 Afghans are reported as disabled; 13 per cent are disabled because of mines, explosives, conflict and war.<sup>145</sup> The Afghan government estimates that 1 million people were disabled during conflict, 196.000 children among them.<sup>146</sup> 90 per cent of the disabled children do not have access to education.<sup>147</sup>

<sup>143</sup> Committee of the Rights of the Child (2010), p. 38.

<sup>144</sup> International Disability Alliance (2011), p. 6.

<sup>145</sup> UNICEF Afghanistan (2009) (a), p. 7.

<sup>146</sup> Committee of the Rights of the Child (2010), p. 48.

<sup>147</sup> International Disability Alliance (2011), p. 7.

## VICTIMS OF CHILD TRAFFICKING

- Are children victim of or prone to child trafficking and exploitation?

Children are prone to become a victim of child trafficking and exploitation. According to interviews of the Afghanistan Independent Human Rights Commission, 1.889 cases of trafficking in women and children were reported:<sup>148</sup> 19 per cent of the cases relate to boys, 45 to girls and 38 to women.<sup>149</sup> Most of the trafficking is internal trafficking: 60 per cent does not cross a border.<sup>150</sup> Children are extremely vulnerable: 54 per cent of the victims of trafficking lack paternal support.<sup>151</sup> Three groups are widely involved in the issue of trafficking: local powerful people, domestic and international organized groups, the Taliban and other opposition groups. Child labour is widespread. Examples of activities of exploitative child labour are: prostitution (e.g. Bacha Bazi for boys); recruitment into armed forces; transports of goods; collection of garbage and firewood; assistance in shops; begging and smuggling (as children are less suspicious). Criminal kidnapping of children is reported frequently as well.<sup>152</sup> 31 incidents of abduction of children by armed groups were reported – all cases involved boys and with the purpose of recruitment.<sup>153</sup>

Migration to the cities and cross-border migration poses as well a larger risk of abuse and exploitation and potentially sexual exploitation. Taking into account the economic situation of a large percentage of families and the growing urbanization especially in the cities, various factors could lead to forced sex work by children or children entering the sex work industry by their own motion. These children lack the insight in the consequences and the harm which they may encounter as a result of such high risk behaviour. As this takes place within closed community settings, they are not easy to recognize or targeted for interventions. Children like these, engaging in high risk behavior, are likely to become part of the emerging community of injecting drug users; this is especially true for children on the streets.

- Is trafficking illegal by law and are perpetrators persecuted?

A Law on Countering Abduction and Human Trafficking has been drafted by the Government; it is yet to be cleared by Parliament for implementation. The Government has made efforts to address the issue of child rape; this is an offence according to the Afghan Penal Code.<sup>154</sup> The Afghanistan Independent Human Rights Commission states that the majority of perpetrators of trafficking are not prosecuted (83 per cent).<sup>155</sup>

- Is the victim protected during the trial of the perpetrators?

There is insufficient protection for victims of or witnesses to (sexual) violence, and very few cases reach the stage of prosecution. Fear of violent retaliation against victims and

<sup>148</sup> Afghanistan Independent Human Rights Commission (2011), p. 5. These are only the reported cases in 2010-2011; many cases are unreported.

<sup>149</sup> Ibidem.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> United Nations Security Council (2008), p.11.

<sup>153</sup> United Nations Security Council (2012), p. 4.

<sup>154</sup> Committee on the Rights of the Child (2010), p. 14.

<sup>155</sup> Afghanistan Independent Human Rights Commission (2011).

families was cited as a factor. Victims are often arrested and charged with adultery.<sup>156</sup>

- Is child prostitution prohibited by law?

The Afghan Penal Code has specific provisions for 'Rape' or 'Violation of Honour', which also has reference to sexual abuse of children or pederasty. A person who violates the chastity of another (male or female) through violence, threat or deceit is to be punished with long term imprisonment. Under article 427, a person committing adultery or pederasty is to be sentenced to long imprisonment. In case the victim is a child, the offender is to be sentenced to long imprisonment not exceeding ten years (article 429). The government has done little to prevent and punish (sexual) violence against children. This is most probably due to the social stigma attached to the issue, as well as the inability of the Government to fully control armed group leaders. More research and engagement with civil society is needed to bring about grass-roots efforts to combat these crimes and hold perpetrators accountable.<sup>157</sup>

- What happens to victims of child prostitution?

There is a lack of sufficient evidence clearly stating the impact of child prostitution on children. A collaborative study conducted by UNICEF and the Ministry of Public Health in 2009 reveals that 61 per cent of adult MSM (males having sex with males) reported sexual debut by the age of 15.<sup>158</sup> 89 per cent of them stated that it was transactional.<sup>159</sup>

## (EX)CHILD SOLDIERS

- To what extent do child soldiers have the opportunity to end the activities of child soldiering?
- Is there any guidance and counseling for ex-child soldiers?
- Are child soldiers persecuted?
- If so, are the circumstances and age taken into consideration?

The minimum age for criminal responsibility is 12 years. A Juvenile Justice Code is in place since 2005, yet its application remains limited and unsystematic.<sup>160</sup> Strengthening the Juvenile Justice systems is on the agenda of both the government and the NGO community. Despite these attempts, children are and have been used by all parties throughout the thirty years of armed conflict in Afghanistan.<sup>161</sup> The minimum age of recruitment into the Afghan National Security Forces and the Afghan National Auxiliary Police is 18 years. Due to insufficient age determination processes, children are still recruited. Likewise, minors are not treated differently from adults while being in detention and after arrest.<sup>162</sup> More information about detention of alleged child soldiers can be found on page 13 of this report.

<sup>156</sup> United Nations Security Council (2008), p.13.

<sup>157</sup> Office of the Special Representative of the Secretary-General (2010), p. 9.

<sup>158</sup> ILO (2009).

<sup>159</sup> Ibid.

<sup>160</sup> Committee of the Rights of the Child (2010), p. 14; UNICEF Afghanistan (2010).

<sup>161</sup> United Nations Security Council (2008), p. 6.

<sup>162</sup> United Nations Security Council (2008), p. 3.

## POTENTIAL VICTIMS OF FEMALE GENITAL MUTILATION

- Is FGM a (widespread) phenomenon in Afghanistan?

FGM is not practiced in Afghanistan.<sup>163</sup>

## CHILDREN OF PERSECUTED PARENTS

- What is the position of children of parents that are persecuted?
- Are the authorities willing to protect these children?

Opposition leaders, leaders of labour unions and journalists face difficulties. Journalists often apply self-censorship on their work and operate under a secret name.<sup>164</sup> It happens that families (including children) of suspects are detained until the suspect turns himself in with the authorities.<sup>165</sup> Non-state actors also involve children in measures of revenge: children can become a victim of abduction, murder and rape by other families in the name of the family honour.<sup>166</sup> Little is known about the care for children after their parents are persecuted.

Many a time children of parents persecuted are placed in a juvenile rehabilitation centres due to a shortage of other options or because the (extended) families were not willing to take care of them. The Government is not yet prone to provide care services for these children due to the stigma attached to the crime committed by the parent(s).<sup>167</sup>

## OTHER VULNERABLE MINORS

- Does the situation in Afghanistan endanger other minors – not discussed above – to the extent that they become more vulnerable?

In Afghanistan, minors face different circumstances, living conditions and challenges throughout the country. Large differences exist between the urban/rural settings, wealth quintiles and between boys and girls. Minority ethnic groups (e.g. Kuchi nomads) are especially vulnerable.<sup>168</sup> Many development agencies find it difficult to reach the most vulnerable populations in remote and insecure areas. Due to the aggravated security situation, humanitarian aid deliverers (UN and NGOs) have restricted the scale and scope of their delivery assistance.<sup>169</sup>

Another area of concern is the use of drugs: an increasing number of drug addicts have being reported.<sup>170</sup> In 2005, 60.000 children were addicted to narcotics.<sup>171</sup> The UN Office on Drugs and Crime (UNODC) argues that figures are higher today and

<sup>163</sup> Email correspondence Child Protection team, UNICEF Afghanistan, May, 2012

<sup>164</sup> Dutch Ministry of Foreign Affairs (2010), p. 73.

<sup>165</sup> Idem, p. 65.

<sup>166</sup> Idem, p. 80.

<sup>167</sup> Email correspondence Child Protection team, UNICEF Afghanistan, November 2012

<sup>168</sup> UNICEF (2010).

<sup>169</sup> Office of the Special Representative of the Secretary-General (2010), p. 12.

<sup>170</sup> Committee of the Rights of the Child (2010), p. 5.

<sup>171</sup> Committee of the Rights of the Child (2010), p. 71.

encompasses a wider range of types of drugs.<sup>172</sup>

A 2011-study conducted with the support from UNICEF, showed clear evidence of drug abuse among the three groups of respondents: 57.2 per cent of the adolescents working on the streets, 80.8 per cent of the adolescents working in cross borders areas and 72.2 per cent of the adolescents in Juvenile Rehabilitation Centres had heard of people who use addictive drugs.<sup>173</sup> This was in addition to the adolescent users injecting drugs that were also part of the cohort. The common drugs were identified as heroin (31.65 per cent), followed by hashish (30.04 per cent).

<sup>172</sup> Watch List on Children and Armed Conflict (2010), p. 14.

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## PHOTO CREDITS

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Girls attend an informal school outside a mosque in the Mian Poshteh Bazaar, a former trading centre for opium and weapons in Helmand Province. The area is currently occupied by military forces. Attacks on schools and girl students throughout the country have deterred many families from sending their children to official schools.

**Photo at p. 4** ©UNICEF/AFGA2010-01090/Shehzad Noorani

Sitting on floor, Holia (8 years old) from Jogi ethnic group, write Dari in her textbook at UNICEF supported Mowla Ali community based school (CBS) in Khurasan neighbourhood in the city of Mazar in northern Afghanistan. Jogi, a minority ethnic group that mainly survive by providing street entertainment or begging. They live in groups and often migrate from place to place depending on opportunities. Because of constant movement, Jogi children are not able to attend any school. This is first time ever that they are able to attend this tented community based school. Commenting Holia said, "I am regularly coming to school since last 8 months. I love to study. I try my best to never miss my classes. It is first time I have the opportunity to attend school. Not only I could read and write all Dari alphabets, I can also write my name. I can also add and subtract."

**Photo at p. 7** ©UNICEF/NYHQ2010-0804/Kate Holt

Hafisa holds her son, Zabihullah at their home in Kandahar, capital of Kandahar Province. Zabihullah is malnourished, but receives nutritional support from a programme supported by UNICEF and its partner NGO, Afghan Health and Development Services. Due to ongoing conflict, few humanitarian groups can operate safely in the area.

**Photo at p. 10** ©UNICEF/AFGA2011-00128/Aziz Froutan

A child in a community health facility established by UNICEF in Daikundi province in eastern Afghanistan. In this country, nine out of ten mothers do not give birth in a health facility, as the cost of transport is prohibitive. UNICEF has ambitious plans for the Daikundi region, aiming to invest in the neglected province and provide a minimum package of care - health, nutrition and better water and sanitation - for most of the women and children.

**Photo at p. 16** ©UNICEF/AFGA2010-00948/Shehzad Noorani

Using a pushcart, a young boy transports water in plastic jerry canes in Kaj Guzar neighbourhood on the outskirts of the city of Mazar in northern Afghanistan.

**Photo at p. 22** ©UNICEF/AFGA2011-00116/Aziz Froutan

Children in a village in Kunar province in eastern Afghanistan. Their lives are beginning to change for the better as a result of wells and water pumps, improved sanitation and hygiene education that Japanese funding has provided.

**Photo at p. 28** ©UNICEF/AFGA2010-00522/Shehzad Noorani

A group of women dressed in burqa, walk through a dirt street in the city of Old Herat in western Afghanistan.

**Photo at p. 33** ©UNICEF/AFGA2010-00195/Shehzad Noorani

Nazmin (8 years old) sweeps floor of Aryana brick kiln in Surkh Road District. She and her younger brother Hazrat Omar (7 years old) came to visit their uncle from Peshawar. Their uncle has put them to work at this brick kiln.

**Photo at p. 35** © UNICEF/Holt

A girl walks along a street of in Kandahar, capital of Kandahar Province. Attacks on schools and girl students throughout the country have deterred many families from sending their children to official schools. Afghanistan, 2010





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