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Ongoing Recruitment and Use of Children by Parties to the Armed Conflict in Afghanistan

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Summary of concerns

The Afghan National Police (ANP) including the Afghan Local Police (ALP) and three armed groups, the Haqqani network, Hezb-e-Islami of Gulbuddin Hekmatyar and *Taliban* forces, are listed as persistent perpetrators in the 2015 Annual Report of the UN Secretary-General to the Security Council on children and armed conflict for the recruitment and use of children.

In 2011 the Afghan government signed a Joint Action Plan for the Prevention of Underage Recruitment (the Action Plan) with the UN. In 2014, the government's Inter-Ministerial Steering Committee on Children and Armed Conflict endorsed a 15-point Road Map toward compliance with the Action Plan, drafted jointly by the Afghan Government and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG), UNICEF and the UN Assistance Mission in Afghanistan (UNAMA).

Measures outlined in the Road Map include the criminalisation of the recruitment and use of children (any person under 18 years of age); the development of a policy to ensure that children arrested and detained on national security charges are treated in line with international juvenile justice standards; and improved age-verification mechanisms.

Despite commendable progress by the government on some of the targets contained in the Road Map, Child Soldiers International received information regarding the recruitment of three children by the Afghan National Army (ANA) in 2015. In addition, research conducted by Child Soldiers International in Afghanistan between October and December 2015 in six provinces[1] (Uruzgan, Kunar, Kunduz, Kabul, Kandahar, and Jalalabad), confirms that:

- The recruitment and use of children by the ANP and ALP is on-going, and is significantly more prevalent within the ALP than within the ANP. Of particular concern is the prevalence of informal recruitment into the ALP, whereby official recruitment procedures are bypassed, which is a major factor contributing to the recruitment of children;

[1] A total of 64 interviews were conducted. Interviewees included current and former soldiers, including children, government officials, local villagers and elders, journalists, NGO staff and social workers. Officials and child detainees were among those interviewed in ten ANP and seven ALP outposts, as well as four Juvenile Rehabilitation Centres, district and provincial police headquarters, the National Directorate of Security (NDS, the government intelligence agency), the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Justice.

- Inadequate age verification procedures, overall low levels of birth registration, and a prevalence of opportunities to falsify identity documents continue to contribute to on-going underage recruitment and use in the Afghan National Security Forces[2] (ANSF);
- The unlawful and arbitrary detention of children continued to be reported, as did torture and ill treatment while in custody;

- The sexual abuse of children by named commanders of the ANSF in the context of the practice of *Bacha Bazi*[3] continued to be reported, although it was not possible to document evidence of specific incidents;

- Efforts to verify the presence of children in the ranks of the ANSF, demobilise and rehabilitate them have been impeded by access constraints and serious security concerns.

Key recommendations

To the Afghan Government

- Implement the Action Plan fully, and in particular: Strengthen recruitment procedures and oversight across all recruitment sites in the country; Ensure that all military and civilian personnel involved in military recruitment have received training and are aware of the prohibition on recruiting anyone under 18 years of age; Ensure that Child Protection Units (CPUs) are created within ANP recruitment centres in all provinces, in addition to the six already functioning;

- Identify, register and immediately discharge all children present in the ranks of the ANP, ALP, ANA and other pro-government armed groups; in particular, establish a central database with personal information of individual ANP and ALP recruits with the purpose of identifying and removing all those who are underage from the ranks;

- Ensure the robust implementation of the new National Age Assessment Guidelines, endorsed on 21 December 2015 and launched on 8 February 2016, throughout all ANP recruitment centres; ensure that all military and civilian personnel involved in military recruitment have received child protection and age verification training;

- Address without delay existing widespread impunity on violations against the rights of children in the situation of armed conflict in Afghanistan. Systematically conduct prompt and effective investigations into all credible reports of child recruitment and use. Suspend from duty personnel suspected of these offences pending completion of investigations, and, if allegations are verified, take appropriate disciplinary actions against them;

- Take immediate measures to put an end to and prevent the perpetration of sexual violence by members of the ANSF, in particular the practice of *Bacha Bazi;* explicitly criminalise the practice, and ensure that perpetrators are brought to justice;

[2] The ANSF include the ANA and the ANP comprising the Afghan Uniform Police (AUP), Afghan Border Police (ABP) and the Afghan Highway Police. The ALP was approved by the Afghan government in July 2010 and established by presidential decree on 16 August 2010. Funded by the US military, the ALP has been deployed across the country to defend rural communities in areas where there is limited ANA and ANP presence.
[3] Literally, 'boy play', see section below on sexual violence.

- In collaboration with the UN and other child protection actors, collect authoritative data on the numbers of current and former child soldiers requiring assistance (including those over-18 on release). Conduct a full needs assessment of the nature, scope, duration, funding and expertise needed for the provision of "appropriate assistance" to former child soldiers, including rehabilitation, education and vocational training;

- Establish permanent infrastructure for the quality temporary care of children, assistance for their physical and psychosocial recovery, and support to family reunification and social reintegration.

Recommendations to armed groups

- Release all children in the ranks without fear of reprisal for the children and/or their families;

- Undertake a dialogue with the UN CTFMR in Afghanistan to halt the recruitment and use of children as called for in Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

Recommendations to the international community and donors

- Provide flexible, timely and sufficient resources and support to the Afghan government and the CTFMR to implement the Action Plan. In particular, sufficient resources should be made available to support the implementation of the newly endorsed National Age Assessment Guidelines, and monitoring units established under the Ministry of Interior (MoI) with a mandate to maintain oversight of recruitment procedures;

- Support the training of all military and civilian personnel involved in military recruitment to raise awareness of the prohibition on recruiting anyone under 18 years of age;

- Support the training of all military and civilian personnel involved in the arrest and detention of children suspected of association with non-state armed groups on the provision of appropriate follow-up services in the form of recovery, rehabilitation and reintegration;

- Support the development and provision of sustainable release and reintegration programmes for all children formerly associated with the ANSF and armed groups, including on psychosocial support, socio-economic reintegration and livelihood generation;

- Support efforts to promote universal birth registration as a means to build lasting prevention of the recruitment and use of children by the ANSF.

Recommendations to the US Government

- List the Afghan Government under the Child Soldier Prevention Act (CSPA) in the annual Trafficking in Persons report to ensure improved compliance in ending the recruitment and use of children in line with the 2011 Action Plan and Road Map; Make the provision of security assistance for military training and equipment to the ANSF conditional on specific reform to address the issue of child recruitment and use;

- Develop and implement internal procedures to ensure that when allegations of abuse by the ANSF are received by the US Armed Forces they are handed over to the relevant Afghan government authorities for appropriate action; Ensure that US Armed Forces send all allegations of abuse against children to the CTFMR for urgent verification and documentation and to press for appropriate disciplinary or criminal action;

- Fully implement the Leahy Law,[4] which vets US assistance to foreign security forces as well as Department of Defence training programs, to ensure that recipients have not committed gross human rights violations, such as torture or cruel, inhuman or degrading treatment or punishment and "flagrant denial of the right to life, liberty or the security of the person" and that "effective measures" are being taken to bring those responsible to justice.

Recommendations to the leadership of the NATO Resolute Support Mission

- Make the provision of security assistance for military training and equipment to the ANSF conditional on specific reform to address the issue of child recruitment and use;

- Develop and implement internal procedures to ensure that when allegations of abuse by the ANSF are received by troops operating under the NATO Resolute Support Mission they are handed over to the relevant Afghan government authorities for appropriate action; Ensure that troops operating under the NATO Resolute Support Mission send all allegations of abuse against children to the CTFMR for urgent verification and documentation and to press for appropriate disciplinary or criminal action.

Current context in which the recruitment and use of children takes place

There has been a continued intensification of the armed conflict in 2015, marked by significant advances by the *Taliban* and other armed groups, an increase in direct attacks on civilians and record numbers of civilian casualties.[5] From late September to mid-October, the *Taliban* captured and temporarily occupied the northern city of Kunduz, the first time a provincial capital has fallen out of government control since the conflict began. UNAMA received "consistent, credible reports that the Taliban used large numbers of child soldiers" during the fighting in Kunduz.[6] The Taliban have maintained a number of assaults on provincial capitals in the south and the east and it is anticipated that this will continue in 2016.

Recruitment and use of children by the ANSF is triggered by a complicated set of factors including filial duty, patriotism and honour. However, the primary reason that children join is economic difficulty. On average an ALP officer receives a monthly salary of 6,000-9,000

[4] When a process under the Leahy vetting uncovers credible evidence that an individual or unit has committed a gross violation of human rights, US assistance is withheld, consistent with US law and policy. This obligation to vet foreign security forces can be found in section 620M of the Foreign Assistance Act of 1961 (FAA).
[5] UNAMA and OHCHR, *Afghanistan: Annual Report 2015, Protection Of Civilians In Armed Conflict*, February 2016, http://www.ohchr.org/Documents/Countries/AF/ProtectionCiviliansAnnualReport2015.pdf
[6] UNAMA / OHCHR, Afghanistan: Human Rights and Protection of Civilians in Armed Conflict - Special Report on Kunduz Province, page 18, https://unama.unmissions.org/sites/default/files/special_report_on_kunduz_province_12_december_2015.pdf; See also, Human Rights Watch, Afghanistan: Taliban Child Soldier Recruitment Surges - Children Trained in Madrasas to Fight, Plant IEDs, 17 February 2016, https://www.hrw.org/news/2016/02/17/afghanistan-taliban-child-soldier-recruitment-surges

Afghanis (US$103-155), as well as 4,000 Afghanis (US$69) for food and training.[7] An ANP officer may receive a monthly salary of 10,000 to 18,000 Afghanis (US$172-310). However paltry, a steady source of income is coveted in Afghanistan, and the absence of alternative vocational and educational opportunities continues to drive young children into joining the ANSF. Children are also attracted to the status that comes with having access to motorbikes, guns and walkie-talkies, a fact which is known to often be exploited by commanders.[8]

Aside from formal recruitment, informal association of children with the ANP often begins with volunteering as support staff, sometimes to support the work of their older male siblings who are official police officers. These children perform a range of functions such as cooking and tea making, before eventually "picking up the gun."[9] In most cases, children are provided basic weapons training before being allowed to handle weapons. Information gathered by Child Soldiers International shows that these children receive a stipend or a salary for the tasks they deliver.

Whilst Child Soldiers International was not able to conduct comprehensive research throughout the country due to security constraints, information gathered from research in six provinces showed that child recruitment by the ANSF and the *Taliban* tended to be higher in areas experiencing higher levels of violence and insecurity.

The unlawful and arbitrary detention of children continued to be reported, as did torture and ill treatment while in custody. Following a mission to the country in February 2016, the OSRSG noted that as of 17 March 2016 "the detention of children on national security-related charges, including for association with armed groups, is an issue of concern – particularly where these children are not held in juvenile facilities and dealt with by the juvenile justice system…There are currently over 160 detainees who were arrested as children, including over 50 who are still minors, being held on national security-related charges in Parwan, a high-security facility for adults [in Parwan Province]."[10] A February 2015 joint UNAMA-OHCHR report on torture and ill-treatment in detention noted that of 105 children interviewed in detention for crimes related to the armed conflict, 44 had been subjected to torture or ill-treatment (42 per cent).[11]

Sexual abuse of children in the context of *Bacha Bazi* continued to be reported, and is considered a deeply ingrained cultural tradition in some areas. However, access constraints impede the collection of more comprehensive information that would enable an analysis of specific patterns in particular provinces.

The few deterrents put in place by the government to prevent child recruitment in the ANP and ALP, such as the introduction of monitoring units, appear so far to have been inadequate. In July 2015, the MoI made a commitment to establish CPUs in all ANP and ALP recruitment centres. However, by December, only six had been established in ANP recruitment centres. An absence

[7] Child Soldiers International interview with Major General Ali Shah Ahmadzai, head of the ALP, May 2015.
[8] "They join for the guns and the glory." Child Soldiers International interview with Dawood Gulzar, Member of Provincial Council of Zabul province, May 2015.
[9] Michael Vinay Bhatia and Mark Sedra, *Afghanistan, Arms and Conflict: Armed Groups, Disarmament and Security in a Post-war Society*, Contemporary Security Studies, 2008.
[10] Leila Zerrougui, Op ed, 16 March 2016, UNAMA, https://unama.unmissions.org/two-years-%E2%80%98children-not-soldiers%E2%80%99-campaign-bring-tangible-progress-afghanistan
[11] UNAMA-OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody: Accountability and Implementation of Presidential Decree 129, February 2015, https://unama.unmissions.org/sites/default/files/old_dnn/UNAMA/human%20rights/2015/UNAMA%20Detention%20Report%202015_revised.pdf

of capacity and dedicated resources has impeded efforts to expand these CPUs to all 34 provinces in Afghanistan.

The legal protection of children from recruitment and use in hostilities

Afghanistan's international law obligations

Afghanistan ratified the Convention on the Rights of the Child (CRC) in 1994, thereby committing itself to respecting, protecting and fulfilling the rights of children, including protecting children from taking direct part in hostilities (Article 38). In 2003 it also ratified the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC), which contains an extensive set of obligations applicable to states aimed at ending the recruitment and use of children. Afghanistan has not ratified ILO Convention 29 concerning forced labour, but it is a party to ILO Convention 138 concerning the Minimum Age for Admission to Employment and ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. It is a party to the Rome Statute of the International Criminal Court, which codifies the war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities. Afghanistan is also a party to the 1949 Geneva Conventions and its Additional Protocols.

Afghanistan's national law prohibits the recruitment of children into the armed forces. Directive no. 30 of 2008 states that the minimum age of conscription to the armed services is 18 years of age.[12] Other legal provisions include: order number 8 of 5/2/1389 in the Afghan calendar, which prevents the recruitment of children into the police force;[13] and decree 2312 of 2003, which prohibits the recruitment of children into the ANSF.[14] A landmark presidential decree criminalising underage recruitment into the ANSF was legislated and signed by President Ashraf Ghani in February 2015.[15]

The Juvenile Code was adopted in March 2005[16] to provide support for the rehabilitation of children in conflict with the law, including educational and welfare support. It recognises, *inter alia*, that all children have the right to legal counsel during all stages of investigation and trial.[17] Additionally, Afghanistan adopted the Law of Juvenile Rehabilitation Centres in 2009, which provides for the rehabilitation and education of children placed in juvenile detention centres.[18]

The responsibility of states to protect children from involvement in armed conflict does not end with its official armed forces or with those armed groups that are "associated" with or "allied" to states. Article 4.2 of OPAC defines the responsibility of states to prevent recruitment by armed

[12] UN CRC, *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: initial report of State parties due in 1996: Afghanistan*, CRC/C/AFG/1, 13 June 2010, http://www.refworld.org/docid/4dc7b8f42.html.
[13] UNAMA, *Treatment of Conflict-Related Detainees in Afghan Custody*, January 2014.
[14] International Committee of the Red Cross, *Report on the Critical Infrastructure Protection Program (CIP) in RC (N)*, November 2011.
[15] UNAMA, *Annual Report on Protection of Civilians*, February 2015, https://unama.unmissions.org/sites/default/files/2014-annual-report-on-protection-of-civilians-final.pdf
[16] Juvenile Code, articles 4, 8, 11, 13-15, 22 and 30, http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70278/97836/F566579256/AFG70278%20English.pdf
[17] UN CRC, *Consideration of reports submitted by States parties under article 44 of the Convention: initial report of State parties due in 1996: Afghanistan*, 13 June 2010, CRC/C/AFG/1, http://www.refworld.org/docid/4dc7b8f42.html.
[18] Ibid.

groups. Specifically, states are required to "take all feasible measures to prevent" the recruitment and use of children by such groups.[19]

A Child Act is currently being drafted by the Ministry of Justice, with assistance from UNICEF as well as the European Union mission in Afghanistan. It is anticipated that the law will be tabled in Parliament in 2016. The current draft specifically prohibits recruitment and involvement of anyone under 18 years of age in any job associated with "the police, military, security and fighting."[20] If adopted, it will help in clarifying that all forms of formal and informal association of children with the armed forces is prohibited. However, the recruitment and use of children by non-state armed groups has yet to be criminalised under Afghan law.[21]

Ongoing recruitment and use of children by the ANSF

ANA

The ANA, which operates under the Ministry of Defence, was established with international assistance in 2002, after the need to rebuild Afghanistan's armed forces was identified in the Bonn Agreement signed the previous year.[22] International military forces have provided substantial operational and training support to the ANA since its inception, including the International Security Assistance Force (ISAF), formed pursuant to UN Security Council resolution 1386[23] in 2001 and subsequently led by NATO from 2003 until the end of the ISAF mission at the end of 2014.[24] According to NATO:

> Since its creation in 2002, the [ANA] has incrementally progressed from an infantry-centric force to an army, developing both fighting elements and enabling capabilities – such as military police, intelligence, route clearance, combat support, medical, aviation, and logistics. By December 2014, the ANA numbered more than 175,800.[25]

At the start of 2015, the ANSF formally took lead responsibility for the management of security in the country, and NATO forces ceased combat operations, replacing ISAF with the Resolute Support Mission (RSM), with a mandate to "train, advise and assist the Afghan security forces and institutions."[26] Potential ANA Officers undergo a year-long training programme mentored by troops from several NATO member states at the UK funded Afghan National Army Officer

[19] No formal relationship exists between armed insurgents and the Afghan state. The state endorses the presence of UNAMA in Afghanistan, with the understanding that part of UNAMA's mission is to encourage the *Taliban* to respect the rules of war.
[20] Article 13, Para 7, Draft Child Law.
[21] See for instance: Child Soldiers International, *Afghanistan: Amend Draft Law on Child Soldiers*, 11 November 2014, http://www.child-soldiers.org/news_reader.php?id=791
[22] The agreement called for the establishment of an interim governing authority with support of the UN and broader international community following the US-led invasion of the country and the overthrow of the Taliban in 2001: Agreement on Provisional Arrangements in Afghanistan pending the Re-Establishment of Permanent Government Institutions, signed in Bonn, Germany, 5 December 2001. http://www.un.org/News/dh/latest/afghan/afghan-agree.htm
[23] UN Security Council Resolution 1386 (2001) on the situation in Afghanistan, 20 December 2001, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N01/708/55/PDF/N0170855.pdf?OpenElement
[24] ISAF's mission in Afghanistan (2001-2014) (Archived), NATO, http://www.nato.int/cps/en/natohq/topics_69366.htm
[25] NATO, Building the Capacity of afghan Forces, NATO and Afghanistan, http://www.nato.int/cps/en/natohq/topics_8189.htm#
[26] NATO, Resolute Support Mission (RSM): Key Facts and Figures, 26 February 2015, http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_02/20150227_1502-RSM-Placemat.pdf;

Academy in Kabul.[27] In resolution 2274 (2016), extending the mandate of UNAMA until 17 March 2017, the UN Security Council encouraged continued military assistance to the ANA, including through NATO's RSM.[28]

The ANA and other components of the ANSF continue to receive significant international financial assistance. As of February 2015, the ANA Trust Fund, created in 2007 to enable ISAF supporting states to provide funds for equipment, logistics and training, had contributed over a billion US$ to the ANA alone,[29] with further funding pledges of around US$450 million per year until the end of 2017.[30] According to the US Special Inspector General for Afghanistan Reconstruction (SIGAR), as of 31 December 2014, the US Congress had appropriated more than $US 65 billion to support the ANSF as a whole.[31]

While the ANA is often cited as a successful example of institution building in Afghanistan, it has been beset by structural flaws, management problems and internal tensions.[32] As the conflict in Afghanistan has intensified, there have been reports of increasing casualties[33] and desertion rates[34] within the ANSF. While the current troop strength of the ANA is difficult to determine,[35] some reports have suggested that the ANA is experiencing serious recruitment problems.[36]

Concerns regarding the informal association of children with the ANSF, including the ANP, ALP and ANA were noted by the by the UN in 2012, as were documented attempts by children to enlist in the ANA.[37] Child Soldiers International received credible information of the recruitment of three children by the ANA in 2015 in two separate incidents.[38]

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[27] NATO, Training Afghan Army Officers (NATO and Afghanistan), 17 February 2015, https://www.youtube.com/watch?v=PXaUULKNZ0I&ebc=ANyPxKoP6h9CU7fa1pDABhR7gATxFljLSuNGVTtjaidvjJRykHOWsxGm9qgjElYH8dkMeq8lT2AhxPp9HeVEfv0eU3SLsGb7cw; British Army, Afghan Academy Welcomes First Officer Cadets, 24 October 2014, http://www.army.mod.uk/news/25868.aspx

[28] UN Security Council Resolution 2274 (2016), S/RES/2274 (2016), 15 March 2016, paras 29-30, https://www.youtube.com/playlist?list=PL_vlwQEsZAbzNWqj9NYMWo7DXGAUlUw8d

[29] NATO, ANA Trust Fund, http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_02/20150227_2015-02-ANA-TF.pdf

[30] NATO, Financial Sustainment of the Afghan National Defence and Security Forces, NATO and Afghanistan, http://www.nato.int/cps/en/natohq/topics_8189.htm#.

[31] SIGAR, Quarterly Report to the US Congress, 30 January 2015, p.91 https://www.sigar.mil/pdf/quarterlyreports/2015-01-30qr.pdf

[32] International Crisis Group, A Force in Fragments: Reconstituting the Afghan National Army, 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/190%20A%20Force%20in%20Fragments%20-%20Reconstituting%20the%20Afghan%20National%20Army.ashx

[33] Joseph Goldstein, Afghan Security Forces Struggle Just to Maintain Stalemate, New York Times, 22 July 2015, http://www.nytimes.com/2015/07/23/world/asia/afghan-security-forces-struggle-just-to-maintain-stalemate.html

[34] Josh Smith, Tide of desertions — among highest in recent history — strains Afghan forces, Stars and Stripes, 3 September 2015, http://www.stripes.com/news/middle-east/tide-of-desertions-among-highest-in-recent-history-strains-afghan-forces-1.366071

[35] SIGAR, Supplement to SIGAR's January 2015 Quarterly Report to the United States Congress, 30 January 2015, pp.7-8, https://www.sigar.mil/pdf/quarterlyreports/Supplement_2015-01-30qr.pdf

[36] Dr Antonio Giustozzi and Ali Mohammad Ali, The Afghan National Army After ISAF, Afghanistan Research and Evaluation Unit, March 2016, http://www.areu.org.af/EditionDetails.aspx?EditionId=896&ContentId=7&ParentId=7

[37] Input for the 18th UPR Working Group Session on Afghanistan, United Nations Office of the Special Representative on Children and Armed Conflict also noted that "Child centres established within ANP recruitment centres in Ghor, Badghis, Herat and Farah provinces documented attempts of enlistment of children into ANP and ANA. As a result, 122 underage recruits were rejected in 2012." https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=355&file=EnglishTranslation

[38] Confidential interviews, London, 18 March 2016.

ANP

The ANP, which operates under the MoI, was also established in 2002 following the Bonn Agreement and UN Security Council Resolution 1386. As part of a comprehensive security sector reform programme, Germany assumed the role of "lead nation" in supporting the development and reform of the ANP following a G8 conference in Geneva in 2002, with the US taking lead responsibility for developing the military.[39]

In 2007 the "lead nation" model was replaced by a more multilateral approach, with ISAF and the European Union taking more prominent roles,[40] including with the launch of the European Union Police Mission in Afghanistan (EUPOL), which at the time of writing was mandated to continue until the end of 2016.

As with the ANA, despite the sustained high levels of international assistance, the ANP continues to face significant challenges, including corruption, low levels of education and a lack of public trust.[41] Moreover, frequent involvement in counter-insurgency operations coupled with a lack of adequate training, resources and leadership, has often meant that the ANP have borne the brunt of the conflict against the Taliban, at times sustaining as many as three times the number of casualties as the ANA.[42]

Across the country, recruitment processes within the ANP are not standardised. There is significant regional variation, and the process generally lacks adequate age verification measures and is vulnerable to manipulation. First, a recruit must fill in an application form with basic personal details, then they visit several government agencies for criminal records checks and physical aptitude tests. The only formal identity document required is a *Tazkira* (national ID card).

In the absence of a universal and centralized system for storing population data, there are no adequate measures in place to prevent the falsification of a recruit's age during the process. Attempts to introduce such a system are ongoing, but have been plagued by technical problems and mired in political controversy.[43] While the process for obtaining a *Tazkira* is standardised, it remains extremely bureaucratic and the many layers of approvals present opportunities for corruption.

Low levels of birth registration compound this problem. *Tazkiras* should be issued to children during the process of registering them at birth, but often families will only apply for a *Tazkira* in response to a specific need, for example when a child enrols in school or is seeking employment, presenting an easy opportunity to falsify the applicant's age. Remoteness and insecurity in much of the country also remains a serious obstacle to conducting universal birth registration. Under

[39] United States Institute of Peace, Afghanistan's Police: The Weak Link in Security Sector Reform, August 2009, http://www.usip.org/sites/default/files/afghanistan_police.pdf
[40] United States Institute of Peace, The Afghan National Police in 2015 and Beyond, May 2014, http://www.usip.org/sites/default/files/SR346_The_Afghan_National_Police_in_2015_and_Beyond.pdf
[41] Law and Order Trust Fund for Afghanistan (LOTFA), 1 July 2015 – December 2016, Phase VIII Project Document, page 4, http://www.af.undp.org/content/dam/afghanistan/docs/crisisprev/LOTFA/LOTFA-ProjectDocument-30072015.pdf?download
[42] Op. Cit, United States Institute of Peace, 2009.
[43] See for example, Martine van Bijlert and Jelena Bjelica, *The Troubled History of the E-tazkera (Part 1): Political upheaval, Afghanistan Analysts Network*, 25 January 2016 https://www.afghanistan-analysts.org/the-troubled-history-of-the-e-tazkera-part-1-political-upheaval/; *The Troubled History of the E-tazkera (Part 2): Technical stumbling block*, 26 January 2016, https://www.afghanistan-analysts.org/the-troubled-history-of-the-e-tazkera-part-2-technical-stumbling-blocks/

the Road Map, the government committed to strengthening birth registration, and in September 2014, a National Birth Registration Strategy was endorsed by the MoI, with support from UNICEF, in order to strengthen protection against underage recruitment. In 2006, four per cent of children had birth certificates, and in 2015 under 50 per cent had *Tazkiras*.[44] Through the National Birth Registration Strategy, more provinces have been remotely connected to the central system in Kabul.

Age verification procedures therefore remain ineffective and individuals are often informally recruited without *Tazkiras* because of the difficulties in obtaining them. In an environment where economic incentives to obtain regular employment are high, individuals pay bribes to fake a child's age in a *Tazkira*, thus enabling them to be recruited.

In the absence of reliable biometric data, officers involved in the recruitment process employ other methods to identify underage recruits. These include asking them to bring their younger or older siblings to the recruitment centre so they can be compared physically, checking for hair on their bodies, and referring to social markers such as their marital status, all of which are manifestly unreliable means of determining age. In Jalalabad, in practice the responsibility for verifying the age of prospective recruits lies with the deputy governor, who employs visual checks of an applicant's physique and face to determine their age.

National Age Assessment Guidelines were endorsed by the Inter-Ministerial Steering Committee on Children and Armed Conflict in December 2015, and launched on 8 February 2016. The guidelines, developed by the MoI and other key ministries with support from UNICEF, focus on a series of questions including reference to circumstantial factors to verify age. The new guidelines will provide an easier and more reliable means of determining the age of recruits than the current practice.[45]

UNICEF is supporting the MoI to review current curriculum and training modules with the objective of developing a standardized child protection module to be integrated in regular ANP trainings. However, no progress has been reported on this thus far. In addition to weak political will, another challenge in developing prevention activities on child recruitment is a lack of funding. All ANSF recruits are supposed to go through trainings which contain information about human rights, including those related to child recruitment, although Child Soldiers International was unable to confirm the extent to which such trainings are actually conducted. Child Soldiers International received information but was unable to confirm that in Uruzgan, these training programs have not taken place for a year due to funding cuts. Often these training sessions are the only times when commanders might be informed about the regulations surrounding child recruitment. The broader issue of the funding and capacity challenges that beset the criminal justice system in Afghanistan was underscored in Kunduz, where Child Soldiers International discovered that the local prosecutors of the Attorney General's office, charged with investigating and prosecuting cases of underage recruitment, were found to be working out of a temporary office space underneath a stairwell in a provincial police headquarters compound.

Many officials are underpaid. In Uruzgan, it was not possible to document specific incidents of corruption, but interviews with locals and government officials suggest widespread corruption, with bribes paid in exchange for falsifying the age of a recruit on a *Tazkira*.

[44] Child Soldiers International confidential interview, May 2015.
[45] Child Soldiers International confidential interview, December 2015.

Child Soldiers International documented one case of underage recruitment within the ANP, a 17-year-old boy from Kunar province working in a police post in Watapur District. He joined in early 2014 when he would have been 15 or 16,[46] using a falsified *Tazkira*. During the five-day process of his recruitment, the only person who questioned the authenticity of his *Tazkira* and asked his age was the doctor who completed his medical examination. On completion of the process, the boy joined a group of approximately 60 new recruits for training in Kabul.[47] He estimated that about a quarter of his group were younger than him.

Due to security constraints, the Gender and Child Rights focal point within the MoI, tasked with monitoring recruitment centres, faces significant obstacles, and outside of Kabul has only been able to visit recruitment centres in Herat, Mazar-e-Sharif and Jalalabad. The biggest challenge in firmly addressing child recruitment appeared to be official denial of the problem. Many officials who were interviewed for this research, including the governor of Panjwayi district, Kandahar Province, declared that the problem was no longer a pressing concern and had been eradicated with the start of their tenure.

Gul Agha Mayar, commander of the recruitment centre at the former US base Camp Wright in Asadabad, Kunar province, said that child recruitment ceased to be a problem after he received a letter containing a directive stating that if a child was to be found working within the unit, then the commander would be sentenced to a year in jail.[48] Mirza Nur Safi, a military prosecutor in Jalalabad, also referred to a letter he had received from the presidential palace highlighting the problem of child recruitment.

ALP

Within the ANSF, child recruitment is most prevalent in the ALP, whose units are inadequately trained, poorly paid, and are subject to much weaker systems of monitoring, control and oversight than the ANP. The ALP was established in August 2010 as a temporary scheme under the guidance of US Special Operations Forces, in an attempt to bolster security at the village level in areas where the presence of the regular ANSF was limited. The ALP continues to be mentored by the Special Operations Joint Task Force-Afghanistan, which coordinates US Special Forces' activities in the country. However, with the Afghan government facing serious budget shortfalls and a risk that international donor funding will decrease over the next few years, there may be increased pressure to rely on the relatively less expensive ALP to provide security in many areas of the country. As of August 2015, there were 30,000 ALP officers, with plans to increase this to 45,000 and extend the ALP program beyond its original end date of 2018.[49]

Because the ALP often operates in areas of limited central government control, the government's ability to maintain sufficient oversight of the recruitment process is also limited and in some places non-existent.

The procedure for recruitment into the ALP is uncomplicated: all that is required is a *Tazkira* and a guarantor to vouch for the applicant. The guarantee is often provided by local villagers who would have an incentive to help a neighbour, family member or a tribal affiliate secure paid employment. The age verification process is highly flawed. ALP officers involved in the

[46] Child Soldiers International confidential interview, October 2015.
[47] All ANP recruits must undergo training in one of a number of zonal regional training centres.
[48] Child Soldiers International interview with Gul Agha Mayar, December 2015. A copy of the letter was not made available.
[49] International Crisis Group, *The Future of the Afghan Local Police*, Asia Report N°2684, Jun 2015, http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/268-the-future-of-the-afghan-local-police.aspx

recruitment process look at a recruit's *Tazkira* and visually check their face, and if their age is disputed, they will be sent to a doctor who conducts a medical examination, which is not a reliable method of determining age.

Often, formal recruitment processes are abandoned altogether. The ALP is strongly underpinned by local patronage networks. Often, when a man joins the ALP, male members of his entire extended family are also recruited into the same unit en masse, and put on the government payroll while bypassing the official recruitment procedures. This includes children. When a recruit dies on duty, often a younger sibling will be recruited to fill the vacancy.

For example, when former *Taliban* commander Abdul Samad joined the ALP in Khaus Uruzgan district of Uruzgan province in 2011, his three brothers, several other male members of his family and some of his neighbours joined with him. Child Soldiers International interviewed three officers in Abdul Samad's unit who said that they had enlisted as children and had joined to secure paid employment. One of the boys explained that when he approached a local ALP post looking for work, he was taken in, taught how to shoot a gun, and made a member of the unit without going through any formal recruitment process. He earns a salary of US$150 a month, which is equivalent to the combined income of his father and brothers who work as farmers.

According to the MoI Directorate of ALP, the ALP was formed "to protect those villages and districts most vulnerable to insurgent attacks."[50] Indeed, children in the ALP both actively participate in hostilities and face the risk of reprisals for being associated with the armed forces in a situation of armed conflict. In 2015, Khaus Uruzgan district saw fierce fighting, and some of the ALP recruits interviewed by Child Soldiers International who had joined as children recounted stories of staying under siege for as long as 25 days with severe injuries, including a broken arm or bullet wounds. The wider risks of association with the armed forces were tragically underlined when the *Taliban* shot dead Abdul Samad's nephew Wasil Ahmad, reported to be approximately 10 years old, in the Uruzgan provincial capital of Tirin Kot on 1 February 2016.[51] Wasil had previously gained local notoriety for serving with Abdul Samad's ALP unit.[52]

Sexual violence

The practice of *Bacha Bazi,* whereby local men in positions of power or influence, including ANSF commanders, keep young boys to perform menial tasks during the day, such as washing dishes or clothes, and to rape or otherwise sexually abuse them in the evenings continued to be reported.[53] Children in such positions may also be expected to take part in armed combat when needed. Some commanders are said to host social events with music and food for the guests,

[50] MoIA's Directorate of ALP Website: http://moi.gov.af/en/page/directorates/directorate-of-local-police
[51] AP, *Kabul, Taliban kill 10-year-old hailed as militia hero*, http://www.theguardian.com/world/2016/feb/03/taliban-kill-10-year-old-militia-hero. Child Soldiers International did not have an opportunity to interview Wasil Ahmad.
[52] While Dost Mohammad Nayab, Spokesman for the Uruzgan Provincial Governor reportedly told CNN that Wasil had not been officially recruited into the ALP due to his age, Abdul Samad claimed that Wasil had taken command of his men for a period of 43 days during armed hostilities with the Taliban. Masoud Popalzai, *11-year-old Afghan boy, hailed as hero for fighting Taliban, killed by militants,* CNN, 5 February 2016, http://edition.cnn.com/2016/02/04/asia/afghanistan-boy-hero-taliban-killed/
[53] See, for example: Joseph Goldstein, *U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies*, New York Times, 20 September 2015, http://www.nytimes.com/2015/09/21/world/asia/us-soldiers-told-to-ignore-afghan-allies-abuse-of-boys.html; Afghanistan Independent Human Rights Commission, *National Inquiry on the causes and consequences of Bacha Bazi in Afghanistan*, 18 August 2014, http://www.aihrc.org.af/home/press-release/3319; Ben Anderson, *This is What Winning Looks Like*, Vice News, 27 May 2013, http://www.vice.com/video/this-is-what-winning-looks-like-part-1

culminating with the boy being raped by the commander or more commonly, also by the dinner guests, who will return the favour by hosting other similar events.[54]

During interviews with local elders and community leaders in Kunduz, Child Soldiers International received anecdotal reports that some ALP commanders engage in the practice of *Bacha Bazi, but* was not able to verify specific incidents.

To Child Soldiers International's knowledge, there is no Afghan government policy aimed at combating *Bacha Bazi*, which is not a distinct criminal offence. As a follow up to its national inquiry report, the Afghanistan Independent Human Rights Commission (AIHRC) is leading a committee that is working on a law that would address the issue. An absence of criminalisation, widespread poverty and insecurity, corruption, a lack of accountability and weak rule of law has enabled the practice to persist.

Conclusion

International pressure and assistance are required to ensure both the armed forces and mom-state armed groups address child recruitment and use in their ranks. Prevention of the recruitment of children and their use in hostilities should be mainstreamed in the international assistance provided to Afghanistan, including through the provision of technical assistance to strengthen ANSF recruitment procedures. The necessary age verification monitoring and accountability mechanisms should be put in place to prevent underage recruitment and use. Additionally, all children formerly associated with armed groups should only be detained as a measure of last resort and for the shortest possible time in line with international juvenile justice standards, and should be provided with appropriate recovery, rehabilitation and reintegration services. More broadly, the international community, through the UN and other initiatives supporting conflict resolution, should ensure that any peace processes address the protection needs of children in line with the UN operational guidelines on addressing children's issues in peace agreements.

Recommendations

Recommendations to the Afghan government

- Implement the Action Plan and the Road Map fully, and in particular:
- Strengthen recruitment procedures and oversight across all recruitment sites in the country;
- Ensure that child protection units are created within ANSF recruitment centres in all provinces in addition to the six already functioning;
- Identify, register and immediately discharge all children present in the ranks of the ANA, ANP, ALP and other pro-government armed groups; in particular, establish a central database with personal information of individual ANP and ALP recruits with the purpose of identifying and removing all children from the ranks;

[54] Child Soldiers International confidential interviews with three elders and an NGO worker in Kunduz city, December 2015.

- Ensure the full implementation of the new National Age Assessment Guidelines throughout all ANSF recruitment centres; ensure that all military and civilian personnel involved in military recruitment have received child protection and age verification training and are aware of the prohibition on recruiting children;

- Allow national and international child protection bodies regular access to all detention facilities at all levels, including those of the NDS, and ensure due process for all juveniles detained for alleged association with armed groups;

- Draft and widely disseminate simplified guidelines on national standards on juvenile justice in line with best international practices, and at the same time strengthen oversight and accountability measures to ensure compliance with juvenile justice standards;

- Strengthen measures to make birth registration accessible in law and practice, in order to strive towards universal birth registration;

- Investigate reports of falsification of *Tazkira* ID cards and put in place measures to prevent it;

- Develop legislation to prohibit and criminalise the recruitment of children into non-state armed groups and their use in hostilities, in line with international law and standards, and ensure its implementation;

- Widely disseminate legislation prohibiting and criminalising child recruitment and use by armed forces to all members of the armed and security forces;

- Address without delay existing widespread impunity on violations against the rights of children in the situation of armed conflict in Afghanistan; Systematically conduct prompt and effective investigations into all credible reports of child recruitment and use;

- Suspend from duty personnel suspected of these offences pending completion of investigations, and, if allegations are verified, take appropriate disciplinary actions against them;

- If sufficient admissible evidence is gathered, bring to justice those alleged to be responsible for child recruitment and use by the ANSF, including those with command responsibility and others who assist in the unlawful recruitment of children;

- Take immediate measures to put an end to and prevent the perpetration of rape and other forms of sexual violence by members of the ANSF, in particular the practice of *Bacha Bazi*; explicitly criminalise the practice, and ensure that perpetrators are brought to justice;

- Regularly make public information on the number of investigations and prosecutions, of disciplinary actions taken and the outcome of these proceedings;

- Promptly implement measures to improve the conduct, oversight, accountability and field-level monitoring and mentoring of the ALP;

- Ensure that all disarmament, demobilisation and reintegration programmes and security sector reform take into account the specific needs of children affected by the armed conflict and the protection of their rights;

- In collaboration with the UN and other child protection actors, collect authoritative data on the numbers of current and former child soldiers requiring assistance (including those over-18 on release). Conduct a full needs assessment of the nature, scope, duration, funding and expertise needed for the provision of "appropriate assistance" to former child soldiers, including rehabilitation, education and vocational training;

- Establish permanent infrastructure for the quality temporary care of children, assistance for their physical and psychosocial recovery, and support to family reunification and social reintegration.

Recommendations to armed opposition groups

- Release all children in the ranks without fear of reprisal for the children and/or their families;

- Undertake a dialogue with the CTFMR in Afghanistan to prepare, adopt and implement without delay time-bound action plans to halt the recruitment and use of children as called for in Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

Recommendations to the international community and donors

- Provide flexible, timely and sufficient resources and support to the Afghan government and the CTFMR to implement the Action Plan. In particular, sufficient resources should be made available to support the implementation of the newly endorsed National Age Assessment Guidelines, and monitoring units established under the MoI with a mandate to maintain oversight of recruitment procedures;

- Support the training of all military and civilian personnel involved in military recruitment to raise awareness of the prohibition on recruiting children;

- Support the training of all military and civilian personnel involved in the arrest and detention of children suspected of association with non-state armed groups on the provision of appropriate follow-up services in the form of recovery, rehabilitation and reintegration;

- Support the development and provision of sustainable release and reintegration programmes for all children formerly associated with the ANSF and non-state armed groups, including on psychosocial support, socio-economic reintegration and livelihood generation;

- Support efforts to promote universal birth registration as a means to build lasting prevention of the recruitment and use of children by the ANSF.

Recommendations to the US Government

- List the Afghan Government under the Child Soldier Prevention Act (CSPA) in the annual Trafficking in Persons report to ensure improved compliance in ending the recruitment and use of children in line with the 2011 Action Plan and Road Map; Make the provision of security assistance for military training and equipment to the ANSF conditional on specific reform to address the issue of child recruitment and use;

- Develop and implement internal procedures to ensure that when allegations of abuse by the ANSF are received by the US Armed Forces they are handed over to the relevant Afghan government authorities for appropriate action; Ensure that US Armed Forces send all allegations of abuse against children to the CTFMR for urgent verification and documentation and to press for appropriate disciplinary or criminal action;

- Fully implement the Leahy Law, which vets US assistance to foreign security forces as well as Department of Defence training programs, to ensure that recipients have not committed gross human rights violations, such as torture or cruel, inhuman or degrading treatment or punishment and "flagrant denial of the right to life, liberty or the security of the person" and that "effective measures" are being taken to bring those responsible to justice.

Recommendations to the leadership of the NATO Resolute Support Mission

- Make the provision of security assistance for military training and equipment to the ANSF conditional on specific reform to address the issue of child recruitment and use;
- Develop and implement internal procedures to ensure that when allegations of abuse by the ANSF are received by troops operating under the NATO Resolute Support Mission they are handed over to the relevant Afghan government authorities for appropriate action; Ensure that troops operating under the NATO Resolute Support Mission send all allegations of abuse against children to the CTFMR for urgent verification and documentation and to press for appropriate disciplinary or criminal action.