



Office of the Special Representative
of the Secretary-General for

CHILDREN AND ARMED CONFLICT

MISSION REPORT



Visit of the Special Representative for
Children & Armed Conflict to

AFGHANISTAN

20-26 February 2010

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1- INTRODUCTION

From 20-26 February 2010 the Special Representative undertook a follow-up mission to her previous visit to Afghanistan in July 2008. In close consultation with UNAMA and the UNCT, the Special Representative had the following objectives:

1. First hand assessment of the situation of children in Afghanistan to enhance global advocacy for protection and program interventions for war-affected children.
2. Follow up on her previous visit to Afghanistan in July 2008, with special emphasis on specific commitments, including;
 - Discussion with national authorities on measures taken in respect to protecting children during and after conflict.
 - Dialogue with national authorities to ensure that child protection provisions are taken into consideration in future peace negotiations, as well as in prospects for reconciliation and re-integration of armed groups and the initiation of SCR 1539 mandated action plans with armed relevant groups.
 - Dialogue with Afghan National Security Forces (ANSF) on child protection issues, including key elements of Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).
 - Dialogue with national authorities on how to combat sexual violence.
 - Dialogue with national and international forces on children in detention for alleged association with armed groups.
 - Dialogue with national and international forces on the protection of children during conflict.
3. Follow-up on recommendations of the first Secretary-General's Report on Children and Armed Conflict in Afghanistan (S/2008/695) and on the subsequent conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2009/1).
4. Work with UNAMA, the UNCT and other partners to advocate for the strengthening of the MRM mechanism in Afghanistan, including greater outreach at field level as well as increased capacity throughout the Country Task Force on Monitoring and Reporting (CTFMR) and its partners.
5. Dialogue with NGOs and civil society networks, including women and religious groups, as well as children themselves, to better understand their concerns so as to enhance advocacy on their behalf.

3- RECRUITMENT AND USE AND ASSOCIATION OF CHILDREN WITH ARMED FORCES AND GROUPS

Reports of recruitment and use of children have been received from all regions, and particularly from the south, south-east and eastern regions, but the security environment and the lack of human resources dedicated to monitoring and verifying cases has limited reporting on these trends of abuse. Internally Displaced People (IDP) and isolated populations in conflict-affected areas in particular are at risk of child recruitment into non-state armed groups, including the Taliban, Haqqani network, Hezb-i-Islami and Jamat Sunat al-Dawa Salafia. The Taliban have been listed in the 8th report of the Secretary-General on children and armed conflict for the recruitment and use of children under the age of 18 years (A/63/785-S/2009/158).

Documented cases show that children are also used as suicide bombers by the Taliban. Children involved range from 13-16 years of age and, according to testimonies of failed bombers, have been tricked, promised money or otherwise forced to become suicide bombers. However, some children who have attempted suicide attacks have been heavily indoctrinated, many times in foreign countries, and efforts must be undertaken to combat this practice. That said, some reports suggest that, in the latest incidents of children used in bombings, they may not have been aware of what they were carrying, and explosives were set off remotely without their knowledge.

There are also concerns of children present in Afghan National Army (ANA) and Afghan National Police (ANP) forces due to insufficient age determination procedures, though ANA and ANP policy is clearly designed to prevent this. Furthermore there are consistent reports of children coming into harm's way by being associated with Afghan police units at checkpoints, including as messengers.

A) Commitments

The Special Representative met with the Ministers of the Interior and Defense and was briefed by senior recruitment officials as well as ISAF on the matter of the prevention of association of children with armed forces and groups. Furthermore, her team met with senior recruitment officials from the ANA and ANP at a technical level. She received the following commitments:

1. The Minister of Defense, H.E. General Abdur-Rahim Wardak, will appoint a high-level focal point, his Officer for Policy and Development, to liaise with the UN on allegations of child recruitment as well as policy questions concerning issues of Standard Operating Procedures should ANA forces encounter children among non-state actors as well as reporting back to monitoring partners.
2. The Minister of Interior, H.E. Mr. Mohammad Hanif Atmar, has tasked his newly-formed Human Rights, Gender and Children's unit with tracking and investigating any and all allegations of under-age recruitment into the ANP or any other abuses. He further ordered that the Head of the Human Rights Gender and Children's Unit report to him daily at his high-level management meetings, stressing the high priority he attaches to the issue. He requested the UN to provide training to the unit and assistance to its work in the provinces.
3. The Minister of Justice, H.E. Mr. Habibullah Ghalib, assured the Special Representative that he would prepare legislation, in line with national law and relevant international legal instruments to criminalize recruitment of children under the age of 18 years in the security forces.

4. ANP/ANA Recruitment Commanders in a later technical-level meeting welcomed UNICEF and UNAMA child protection staff to undertake regular and open visits to their training camps in Kabul and in the provinces to verify procedures and assist in ensuring that no children are recruited.

B) Follow-up

1. In later discussions with ANA¹ and ANP recruitment staff and ISAF liaison officers it became clear that, though a number of elements were in place to verify minimum age of recruits² at both the provincial and training camp levels, there were certain opportunities for manipulation of age in the national identity document, the “Tazkera”. As formal birth registration is rare, UNICEF and UNAMA should assist the ANA and ANP, in coordination with the Ministry of Interior, to take due diligence measures to verify age at the provincial level, including through assistance to provincial officials in their age determination procedures when age is in doubt. In addition UNAMA child protection and UNICEF should make advocacy presentations regarding prevention of under-age recruitment at the quarterly ANA recruitment conferences in Kabul.
2. The Ministry of the Interior should be encouraged to issue a directive forbidding the association of any children with ANP forces, including as domestic assistants or as messengers, and stipulating the penalties which would ensue in the case of breach of the directive.
3. UNICEF should assist the Minister of Justice in the preparation of legislation to criminalize the recruitment and/or use of children by the Afghan National Security Forces.
4. The Code applying to ANSF should include special provisions and sanctions for ANA and ANP recruiters who knowingly recruit minors under the age of 18 years.
5. The United Nations in Afghanistan, and in particular UNICEF and UNAMA, should devise a training and support package in conjunction with the Ministry of the Interior for capacity building for the newly-formed Human Rights, Gender and Children’s Unit.



¹ The ANA Recruitment records show that 2,537 individuals under the age of 18 years were rejected at National Army Volunteer Centers (NAVC) around the country in 2009. The ANP should be encouraged to undertake similar records.

² The Government of Afghanistan has acceded to the Optional Protocol of the Convention on the Rights of the Child on the involvement of children in armed conflict, and Presidential Decree 97 concerning recruitment into the ANA and ANP clearly stipulates a minimum age of 18 years for recruitment into the ANA or ANP forces.

4. DETENTION OF CHILDREN FOR ALLEGED ASSOCIATION WITH ARMED GROUPS

Detention of children for alleged association with armed groups remains a concern. The detention of children in Afghanistan on security-related charges is in contravention to provisions of the Afghan juvenile code. Since 2001, an unknown number of children have been captured and arrested by security/law enforcement forces as well as International Military Forces. Many children reported no legal assistance or legal documentation, and some reported ill-treatment or threats against their person during interrogation. Of particular concern are children arrested under security-related charges held by the National Directorate of Security (NDS), which also receives cases arrested by ISAF. However, although access to these children remains a challenge, the NDS has begun sharing names of children detained in NDS facilities on a fairly regular basis with the United Nations.

Although previously the United States Government acknowledged the presence of children in detention in its Bagram facility, the Special Representative was informed by ISAF Commander General McChrystal that all minors previously held in the Bagram facility had been released and that the newly-built Parwan facility was open to visits from UNICEF and UNAMA child protection staff. There were no minors present at the Parwan facility as informed by the ISAF commander and confirmed by protection partners with access to the facility. Furthermore, Afghan national Mohammad Jawad, previously held in detention in the Guantanamo detention facility, was repatriated to Afghanistan in 2009. Mr. Jawad was 15 years of age at the time of his arrest and remand to US forces.

A) Commitments

1. H.E. President Karzai committed to the Special Representative that UN child protection staff would have full and immediate access to all NDS facilities to screen for children present in the NDS facilities both in the capital and in the provinces.
2. The Special Representative, in her discussion with ISAF Commander General McChrystal, was assured that United Nations child protection actors would be allowed regular access to the new Parwan detention facility to ensure that no children were present.
3. The Minister of Justice confirmed to the Special Representative his intention to continue to allow access to the UN and child protection partners to children in detention.

B) Follow-up

1. UNICEF and UNAMA child protection and human rights units should work with NDS to develop a regular pattern of visits as well as a clearer notification procedure for juvenile detainees and any necessary response under the Afghan juvenile law.
2. UNAMA and UNICEF should work with ISAF forces to develop a standard operating procedure to UNAMA and UNICEF for suspected minors handed over to NDS in Kabul and at the provincial level.

5- KILLING AND MAIMING OF CHILDREN

The issue of civilian casualties, particularly child casualties, continues to be of great concern. With the deterioration of the security situation since the Special Representative's last visit, children have increasingly been victim of suicide attacks by Taliban and other anti-government elements (AGE) which targeted national and international security forces, government structures and associated individuals. Children have also suffered due to the lack of respect for the principle of distinction of civilians and combatants among AGE forces when they militarily engage national and international forces.

Children have also continued to be victim of air strikes and other ANSF and ISAF operations. The Special Representative noted that the UN had confirmed that 131 children were killed as a result of air strikes and 22 in night raid operations by ISAF and ANSF in 2009. However, it is encouraging to note that positive steps have been taken to reduce the impact of the conflict on civilians, including children. Indeed, in her conversation on the matter with the Minister of Defense, General Wardak, the Special Representative was informed that the on-going operations in Marjah, in Helmand Province, were slow due to the intense amount of care being taken to avoid civilian casualties. ISAF Commander, General McChrystal, also outlined his efforts to undertake all measures to avoid civilian casualties. ISAF has also initiated a Civilian Casualty Tracking Cell, which works closely with UNAMA and the humanitarian community to track civilian casualties.

The killing of civilians, including children, in Uruzgan province during the Special Representative's visit reminded her that the only sure way to reduce civilian casualties was to stop the fighting. She repeated the call of the Security Council Working Group on children and armed conflict for ISAF and the ANSF to continuously review tactics and procedures and after-action reviews in cases where civilian casualties have occurred.

A) Commitments

1. Both the ISAF Commander Gen. McChrystal and Afghan Defense Minister Gen. Wardak are committed to continue to undertake continuous review of tactics and procedures to avoid civilian casualties.
2. The Special Representative was made aware of new directives by ISAF to take specific precautions regarding night raid operations to minimize civilian casualties and to ensure greater respect for Afghan customs when undertaking the raids.

B) Follow-up

1. UNAMA human rights and the UN country Task Force on Monitoring and Reporting (CTFMR) as mandated by SCR 1612 (2005) will continue to monitor and follow up on child casualties of both AGE and national and international military forces in Afghanistan.

6 – SEXUAL VIOLENCE AGAINST CHILDREN

Sexual violence in the context of armed conflict in Afghanistan remains an important though under-reported issue. Children, especially boys, continue to be sexually abused and exploited by armed forces and groups. The issue of *Baccha Baazi* or “boy plays” [literal translation] was raised in the Special Representative’s previous visit to Afghanistan by religious authorities and community leaders, who condemned the practice as against Islam.

Though the Security Council Working Group advised the UN country team to support the Government’s efforts to prevent and punish sexual violence, little has been done to date. 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 who may be perpetrating such acts. That said, more research and engagement with civil society is needed to bring about grass-roots efforts to combat these crimes and hold perpetrators accountable.

A) Commitment

1. The Minister of the Interior outlined to the Special Representative that the newly formed Human Rights, Gender and children’s unit, within the Ministry, will be tasked with the investigation of all cases of sexual violence.
2. Afghan Defense Minister Gen. Wardak committed to writing a directive to military forces condemning the practice of *Baccha Baazi* and fighting impunity against perpetrators within the ANA.

B) Follow-up

1. The UN country team, including the CTFMR members, should re-double its efforts with religious leaders and civil society to engage in a national strategy to combat the practice of sexual violence in general and the practice of *Baccha Baazi* in particular and work with the Ministry of Justice to combat impunity in this area.
2. The Minister of the Interior sought the support of the UN to undertake training and technical back-stopping of this newly created unit. Such training should be made a high priority for the UN, as its potential to positively affect the lives of women and children subject to sexual violence is great.

7- ATTACKS ON SCHOOLS AND HOSPITALS

Schools have been a prime target in the Afghan conflict and, in the most conflict affected provinces, between 50 and 80% of schools have been closed due to either AGE attacks or so-called “night letters” from armed groups or their allies threatening attack on schools or on students or teachers. Girl students and girl’s schools are particularly hard-hit by these attacks. Community involvement in curriculum development, school building and school security has had a positive effect on the protection of schools, teachers and students. However, many communities remain affected and many girls are still precluded from attending schools. The Minister of Education, H.E. Mr. Ghulam Farooq Wardak, informed the Special Representative that the Government has been able to re-open 223 schools in the last period out of a total of 673 schools closed due to the insurgency, positively affecting 200,000 children and 3,000 teachers.

The Minister also relayed that, since the fall of the Taliban regime, when under 1 million children, all boys, were attending formal schooling, the number has increased to 7 million students, 30% of whom are girls, and that expanding girl’s education was a top priority for his ministry. Currently 5 million children in Afghanistan do not have access to education, approximately 43 % of the total school-age population.

The Minister of Education also outlined his aim to provide *Madrassa* education, which also respects the basic education outlines of the Ministry, and sought to put a stop to children being sent to *Madrassas* in neighboring countries which were unregulated and many of which espoused violence. Tellingly, the Minister informed the Special Representative that where education was not accessible, insurgent activities were always more acute.

Health facilities also continued to bear the consequences of the armed conflict and the deterioration in security during the reporting period. Attacks on both health facilities and personnel increased significantly since the last visit of the SRSG in Afghanistan. The UN and the Ministry of Health relayed incidents that include abductions, killing and assault of medical staff, and increasing personal threats from armed groups. Burning, looting and forced closure of health centres and programmes, as well as the use of explosives in and around health facilities also increased.

Most incidents were attributed to anti-Government elements; however the UN has documented evidence of national and international forces failing to respect health facilities and their protection. For instance, search operations conducted by national and international military forces in health facilities, as well as the occupation of facilities, were mentioned as a serious breach of international standards, that disrupts the neutrality of health facilities and the confidence of civilians who seek medical assistance.

Finally, the United Nations in Afghanistan, as well as UN partners, reported to the Special representative that advocacy efforts undertaken by humanitarian actors to prevent the use of schools and of health facilities as polling stations during the August 2009 elections had limited success. August 2009 saw a marked increase of 249 reported incidents against schools, in comparison to 48 reported in July 2009, and 38 in September 2009. Attacks reported against health facilities also almost doubled that of the previous month.

Follow-up

1. The Special Representative felt that education should be highlighted in the up-coming Kabul Conference following the London conference on international assistance to Afghanistan and will be advocating with conference participants for the strengthening of social assistance, especially education as a key bridge to peace in Afghanistan.
2. The Special Representative calls upon the Government of Afghanistan and the international community, guided by UNICEF, to expand the “schools as zones of peace” program in the country, including community-based advocacy for greater access for girls.
3. The Special representative calls upon all relevant actors to develop alternatives to the use of school and health facilities as polling stations during elections.



8- DENIAL OF / IMPEDIMENTS TO HUMANITARIAN ACCESS TO CHILDREN

The aggravated security conditions prevailing in the conflict-affected areas of the south, south-east, central and eastern regions as well as in isolated areas of the north continue to hamper humanitarian aid delivery. UN Department of Safety and Security has designated 79 districts as “extreme risk” that are inaccessible to program delivery by UN agencies. Subsequently, UN agencies and NGOs have been restricting the scale and scope of their delivery assistance. The World Food Programme, for example, has not been able to fully implement its “food for education program”, which benefits approximately 1.5 million children daily due to the deterioration of the security environment and the reluctance of road transport firms to risk attacks by AGE.

Furthermore, the protection of aid workers, especially national workers, has been compromised by threats, intimidation and attacks against them or community leaders in areas they serve. Health services have also been negatively impacted due to AGE attacks on health centers and workers, especially female staff. This has had a very negative effect on pre- and neo-natal care for women especially.

The Special Representative also visited the Charhai Qambar IDP camp in west Kabul where many people have fled previous and on-going violence in Helmand province. The situation of the IDPs in this camp was of concern, as not all children were able to attend schools and families had very little support and family leaders felt discriminated against when looking for work.

Follow-up

1. Reaching and providing for children in the most conflict-affected areas of Afghanistan will continue to be problematic and the UN and its partners should continue to search for new and creative ways to seek community-based security guarantees for the delivery of crucial humanitarian aid for children.
2. Longer-term IDPs, especially those from very poor areas of conflict affected provinces like Helmand, who may never return to their home places should be engaged in food for work and other projects to assist them to send their children to school and to provide the basics of health care for their children.



9- STRENGTHENING THE MONITORING AND REPORTING MECHANISM

The Security Council Working Group on Children and Armed Conflict (SCWG-CAAC) asked the UN system to seek ways to strengthen the Monitoring and Reporting Mechanism (MRM) established under Security Council resolution 1612 (2005) to all areas of the conflict with a view toward enhancing child protection in Afghanistan. Accordingly, the Special Representative engaged with the Government ministries as well as ISAF and the ANSF to seek, in coordination with the UN Country Task Force on Monitoring and Reporting (CTFMR), a system of child violation “alerts” among all battlefield entities, as is common practice in other MRM country situations. These “alerts” will serve to notify UN MRM partners of alleged violations, especially in insecure areas, which will then be followed up for verification/ further investigation by appropriate UN MRM staff.

The Special Representative also met with NATO Senior Civilian Representative, Mr. Mark Sedwill, and engaged in a similar discussion regarding the initiation of an “alert” system with the Provincial Reconstruction Teams (PRTs). The SRSG noted that, though humanitarian actors had their own modalities for interacting with the PRTs, the Monitoring and Reporting Mechanism (MRM) outreach for alerts respected their concerns and tied in more actors on the ground for the necessary “alerts” for UN country team members for further investigation. Mr. Sedwill welcomed the engagement on this issue and offered his full support.

The Special Representative also welcomed that UNAMA had established its Child Protection Unit and had one child protection adviser on the ground with one additional child protection officer expected in the near future. UNICEF had likewise strengthened its outreach in the field and hired five field-level consultants to assist the implementation of the MRM at regional level and to increase the quantity and quality of monitoring and reporting on grave child rights violations from the field. The Special Representative also noted the engagement of other UN Agencies, particularly WHO, and their sizeable contribution to the MRM. However, she noted that, for UNAMA to play its central role as co-chair of the CTFMR as well as the need for increased reporting from UNAMA field offices, the Child Protection Unit should be expanded quickly to ensure that UNAMA fulfills its child protection mandate adequately, as requested by Security Council Resolutions on Afghanistan 1868 (2009) and 1917 (2010).

The Special Representative was also pleased to note the Government of Afghanistan’s appointment of a focal point on children and armed conflict, Ms. Abeda Osman, in the Ministry of Foreign Affairs. Ms. Coomaraswamy met with Ms. Osman, and was assured of the high-level commitment of the Government of Afghanistan to respond to issues arising from annual and regular reporting on the situation of children and to ensure that the Government took all appropriate measures in its cooperation with its United Nations partners to better protect children from the effects of the conflict.

The Government has also announced the implementation of a high-level Steering Committee of all relevant ministries and authorities of the Government to interact with the CTFMR and to ensure effective and timely response of the Government. This initiative was strongly welcomed by the Special Representative.

Follow-up

1. The UN Country Task Force co-chairs are currently undertaking rapid consultation on the parameters for the MRM “alert” system with ISAF forces and PRTs. It is hoped that Headquarters focal points will be nominated at the earliest and that directives are issued to both ISAF forces and PRTs by the appropriate authorities.
2. The Co-chairs of the UN CTFMR in Afghanistan should continue to support the Government’s focal point and to assist the planned Steering Committee in its work.

10- CHILDREN AND PEACE PROCESS

The Special Representative was briefed on the Peace Jirga which is being planned by the Government with non-state actors, including Taliban elements, for April of this year. She pressed for the need to include specific provisions in any agreement emanating from the Peace Jirga for the protection of children. H.E. President Karzai and his minister charged with the Jirga, H.E. Mr. Farooq Wardak, expressed their firm support for the inclusion of child provisions in any peace negotiations and outcome document, including the immediate release and reintegration of any children associated with armed groups.

A) Commitment

- President Karzai gave his express support for the inclusion of child protection provisions and dialogue in the Peace Jirga planned for April of 2010.

B) Follow-up

- The Special Representative, in conjunction with UNAMA and UNICEF will assist the Government of Afghanistan in any appropriate provisions for child protection in the discussion and any hoped-for outcome document emanating from the Peace Jirga planned for April of 2010.



11- CONCLUSIONS

In her remarks to the international community and to the press, the Special Representative stressed that she felt that there is strong political will on the part of the Government of Afghanistan to protect its children and to heed the recommendations of the Security Council Working Group on Children and Armed Conflict. She also noted the productive engagement and high-level contact she had with ISAF forces and with NATO Senior Civilian Representative on issues of concern to her mandate. However, there remains much to be done to halt violations against children in Afghanistan.

One major caveat to the advances made since her last visit is the difficulty for the UN to engage with non-state actors who commit violations against children as suggested by the Security Council Working Group in its conclusions on Afghanistan (S/AC.51/2009/1). It is critical that the UN communicate to them their responsibility to respect and comply with international law and to cease and desist on-going violations against children and to alert them on their responsibility to engage and to conclude action plans to bring these grave abuses to an end. In this sense, the Special Representative hopes for a successful Peace Jirga in April which would incorporate these elements for children. Peace remains the only hope for the future of Afghanistan and its children.

