



Home Office

# Country Policy and Information Note Afghanistan: Unaccompanied children

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# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 20 April 2021

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by state actors, anti-government elements (AGEs), and/or by wider society due to their vulnerability as an unaccompanied child.

### 1.2 Points to note

1.2.1 Full consideration of the child's asylum claim must take place before consideration is given to any other forms of leave.

1.2.2 A decision on whether a child faces a risk of serious harm or persecution should be based on their individual circumstances and the country situation at the time of the decision.

1.2.3 For further analysis and information on additional profile-specific characteristics see the relevant [Country Policy and Information Notes](#) on:

- Hindus and Sikhs
- Hazaras
- Anti-government elements
- Security & Humanitarian situation
- Women fearing gender-based harm/violence
- Sexual orientation and gender identity or expression
- Afghans perceived as 'Westernised'.

1.2.4 For a definition of an unaccompanied child, see the [Asylum Instruction on Children's asylum claims](#).

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Particular social group (PSG).
- 2.3.2 In the reported determination of [LQ \(Age: immutable characteristic\) Afghanistan \[2008\] UKAIT 00005](#), heard 6 October 2006 and promulgated on 15 March 2007, the Asylum and Immigration (AIT) Tribunal concluded that a person's age was an immutable characteristic so that children from Afghanistan constituted 'a particular social group' for the purposes of the Refugee Convention (para 7).
- 2.3.3 In the country guidance case [HK & Ors \(minors, indiscriminate violence, forced recruitment by Taliban, contact with family members\) Afghanistan CG \[2010\] UKUT 378 \(IAC\)](#), heard on 15 July 2010, the Upper Tribunal found that [LQ](#) is not to be regarded as any form country guidance nor precedent for any general proposition that all children in Afghanistan form a particular social group irrespective of their particular family circumstances (para 42).
- 2.3.4 The Court of Appeal (England and Wales) in [HK \(Afghanistan\) & Ors v Secretary of State for the Home Department \[2012\] EWCA Civ 315](#), heard on 9 February 2012 and promulgated 16 March 2012, concurred with the findings in [HK & Ors](#), noting that the UT held that if the unaccompanied child has family to whom they can return, then [LQ](#) will be inapplicable (para 8).
- 2.3.5 Although unaccompanied children from Afghanistan with no family to return to could form a PSG, this does not mean that establishing such membership is sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular child has a well-founded fear of persecution on return on account of their membership of such a group.

- 2.3.6 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Children's asylum claims](#).

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## 2.4 Family tracing and links with Afghanistan

- 2.4.1 In the reported case [JS \(Former unaccompanied child – durable solution\) \(Afghanistan\) \[2013\] UKUT 568 \(IAC\) \(29 August 2013\)](#), heard on 14 March 2013 and 25 June 2013, and promulgated on 29 August 2013, the Upper Tribunal held ‘...in practice, where the appellant has positively stated he does not want his family to be traced, has every incentive to mislead about his family history if advancing a false picture of events, and where in the absence of reliable data from the appellant the respondent would have no information with which to make tracing inquiries in Afghanistan, that it is improbable that a failure of the tracing duty is likely to be material’ (para 39).
- 2.4.2 The Court of Appeal held in [EU \(Afghanistan\) & Ors v Secretary of State for the Home Department \[2013\] EWCA Civ 32 \(31 January 2013\)](#), heard on 17 December 2012, that ‘Unaccompanied children who arrive in this country from Afghanistan have done so as a result of someone, presumably their families, paying for their fare... The costs incurred by the family will have been considerable, relative to the wealth of the average Afghan family... [the family] are unlikely to be happy to cooperate with an agent of the Secretary of State for the return of their child to Afghanistan...’ (para 10). The Court dismissed EU’s appeal on the grounds that there was no link between the Secretary of State’s breach of duty to endeavour to trace his family and EU’s claim to remain in this country (para 22).
- 2.4.3 Afghan migrants usually maintain contact with their families in their home country but the quality of the contact may depend on how long the person has been abroad, if they lived elsewhere before they left the region, for example in Iran or Pakistan, and whether their family still lives in Afghanistan (See [Family contacts and networks](#) and [Family tracing](#)).
- 2.4.4 For further guidance on tracing the family members of unaccompanied asylum seeking children see the [Asylum Instruction on Family Tracing](#) and [Asylum Instruction on Children's asylum claims](#).

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## 2.5 Risk

- a. On the basis of being a child
- 2.5.1 Simply being a child from Afghanistan does not of itself give rise to a well-founded fear of persecution for a Convention reason. The Court of Appeal considered unaccompanied children in [HK \(Afghanistan\) \[2012\]](#) and held that ‘The onus is on the asylum seeker to make good the asylum claim, and that applies to children as it does to adults’ (para 34).
- 2.5.2 In [LQ](#), the Tribunal held that ‘At the date when the appellant's status has to be assessed he is a child and although, assuming he survives, he will in due course cease to be a child, he is immutably a child at the time of assessment. (That is not, of course, to say that he would be entitled



indefinitely to refugee status acquired while, and because of, his minority. **He would be a refugee only whilst the risk to him as a child remained)**' (para 6 – emphasis added).

- 2.5.3 In the case of [ST \(Child asylum seekers\) Sri Lanka \[2013\] UKUT 292 \(IAC\) \(25 June 2013\)](#), heard 30 April 2013 and promulgated on 25 June 2013, the Tribunal made clear findings that risk on return must be assessed as at date of decision; and this assessment cannot be negated by granting another form of leave to remain. The Tribunal held that 'It is clear that the grant of the status of refugee cannot be evaded by the respondent in effect saying that although there is a risk of ill-treatment today, the Secretary of State proposes to grant discretionary leave to remain until the risk has diminished. Where an asylum claim is determined substantive and the criteria for the status are met, there is a right to the status...' (para 27).
- 2.5.4 Equally, the Court of Appeal held in [EU \(Afghanistan\) & Ors v Secretary of State for the Home Department \[2013\] EWCA Civ 32 \(31 January 2013\)](#), heard 17 December 2012, that '... to grant leave to remain to someone who has no risk on return, whose Convention rights will not be infringed by his return, and who has no other independent claim to remain here... is to use the power to grant leave to remain for a purpose other than that for which it is conferred' (para 6).
- 2.5.5 [ST](#) held that any risk of serious harm that **might** happen to a child in his or her country of origin does not necessarily make that child a refugee (para 22 – emphasis added).
- 2.5.6 In the case of [KA \(Afghanistan\) & Ors v Secretary of State for the Home Department \[2012\] EWCA Civ 1014 \(25 July 2012\)](#), the Tribunal considered 'the eighteenth birthday point':
- 'Although the duty to endeavour to trace does not endure beyond the date when an applicant reaches that age [18], it cannot be the case that the assessment of risk on return is subject to such a bright line rule. The relevance of this relates to the definition of a "particular social group" for asylum purposes. In [DS](#), Lloyd LJ considered [LQ \(Age: immutable characteristic\) Afghanistan \[2008\] UKAIT 00005](#) in which the AIT held that "for these purposes age is immutable", in the sense that, although one's age is constantly changing, one is powerless to change it oneself. Lloyd LJ said (at para 54):
- "that leaves a degree of uncertainty as to the definition of a particular social group. Does membership cease on the day of the person's eighteenth birthday? It is not easy to see that risks of the relevant kind to who as a child would continue until the eve of that birthday, and cease at once the next day."
- 'Given that the kinds of risk in issue include the forced recruitment or the sexual exploitation of vulnerable young males, persecution is not respectful of birthdays – apparent or assumed age is more important than chronological age. Indeed, as submissions developed there seemed to be a degree of common ground derived from the observation of Lloyd LJ.' (para 18).

- 2.5.7 In the case of [ZH \(Afghanistan\) v Secretary of State for the Home Department \[2009\] EWCA Civ 470 \(07 April 2009\)](#), on eligibility for UASC Discretionary Leave, the Court of Appeal held that:

‘The mere fact that a child applicant for asylum falls within the policy of the Secretary of State is not in my judgment of itself sufficient to discharge the burden on the child applicant to demonstrate that he is at real risk, or there is a serious possibility that he will be persecuted if returned. The threshold for what amounts to persecution is relatively high, the policy sidesteps that difficulty by being broader in scope. The unaccompanied child does not have to demonstrate that he would be at real risk of persecution if returned to fall within the Secretary of State's policy. All he has to demonstrate is that he is unaccompanied, that his parents cannot be traced and that adequate reception arrangements cannot be made for him. Thus the policy is plainly broader in scope for perfectly understandable policy reasons than the narrower definition of what amounts to refugee status. Thus it does not follow automatically, simply from the fact that a child falls within the Secretary of State's broader policy, that there is a real risk or a serious possibility that that particular child's basic human rights will be so severely violated that he will suffer what amounts to persecution’ (paragraph 10).

- 2.5.8 For guidance on the UASC leave policy see the [Asylum Instruction on Children's asylum claims](#).
- 2.5.9 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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#### b. General risk

- 2.5.10 There are reports that the security forces use children in combat and non-combat roles, including as bodyguards, drivers and working at checkpoints. General unemployment and poverty has increased due to the COVID-19 pandemic, which may be linked to a rise in recruitment and use of children (see [Recruitment by government forces](#)).
- 2.5.11 Across all provinces, boys may be subject to sexual abuse and exploitation by members of the security forces, or other figures in authority, with impunity. Some boys who reported sexual abuse and sex trafficking to police reported police officers then raped them (see [Bacha bazi](#)).
- 2.5.12 In addition to the general risks resulting from insecurity and the humanitarian situation, children may face additional human rights violations including: physical abuse, sexual abuse, trafficking, forced labour and disruption to their education (see [Violence against children](#), [Child labour](#) and [Education](#)). The COVID-19 pandemic has exacerbated some risks, with child marriage and child labour all on the rise. Discrimination and social stigma faced by children with disabilities continued hindering their access to education, employment and health care (see [Impact of COVID-19](#) and [Children with disabilities](#)).
- 2.5.13 Boys may be at risk of forced dancing and sexual exploitation (bacha bazi) – typically by men in authority, tribal leaders, warlords, members of organized crime groups and clergy – and may face criminal charges and detention as a

result (see [Bacha bazi](#) and [Judicial and penal rights](#)). Girls may be at risk of illicit underage and/or forced marriage (see [Child marriage](#)), and ‘honour’ killing (see the [Country Policy and Information Note Afghanistan: Women fearing gender-based violence](#), for information on ‘honour’ and ‘moral crimes’, which may affect girls as well as women).

- 2.5.14 Street children, not all of whom are orphans, face threats of violence and exploitation, and have little or no access to government-run services (see [Street children](#)).
- 2.5.15 In the CG case of [HK and others \(minors- indiscriminate violence – forced recruitment by Taliban – contact with family members\) Afghanistan CG \[2010\] UKUT 378 \(IAC\)](#), heard 15 July 2010, the UT held that while forcible recruitment by the Taliban cannot be discounted as a risk, particularly in areas of high militant activity or militant control, evidence is required to show that it is a real risk for the particular child concerned and not a mere possibility (para 34) (see [Recruitment by non-state armed groups](#)).
- 2.5.16 Recruitment of children by non-state armed groups continues to be reported to carry out suicide bombings and other armed attacks. Evidence continues to indicate that boys, typically madrassa-educated young Pashtuns from rural communities, may be recruited by non-state armed groups, including the Taliban, and used in armed conflict. A study on 3 Taliban-controlled areas indicated that direct forced recruitment by the Taliban did not generally occur. However, children may be coerced into joining the Taliban or other armed non-state groups through, for example, indoctrination or financial benefit (see [Recruitment by non-state armed groups](#)).
- 2.5.17 Available country information does not indicate that there are very strong grounds supported by cogent evidence to justify a departure from the findings in [HK and Others](#).
- 2.5.18 In regard to unaccompanied children, in the Country Guidance case of [AA \(unattended children\) Afghanistan CG \[2012\] UKUT 16 \(IAC\) \(01 February 2012\)](#), heard on 28 October 2010 and 23 May 2011, the UT held ‘... the background evidence demonstrates that unattached children returned to Afghanistan, depending upon their individual circumstances and the location to which they are returned, may be exposed to risk of serious harm, inter alia from indiscriminate violence, forced recruitment, sexual violence, trafficking and a lack of adequate arrangements for child protection’ (para 93ii).
- 2.5.19 As held by the UT in [AA \(unattended children\)](#), decision makers must take into account such risks when addressing the question of whether a return is in the child’s best interests, a primary consideration when determining a claim to humanitarian protection (para 93ii).
- 2.5.20 Available country information does not indicate that there are very strong grounds supported by cogent evidence to justify a departure from the findings in [AA \(unattended children\)](#). Evidence continues to indicate that unaccompanied children may be at risk of, among other things, violence, sexual abuse, forced recruitment, abduction and trafficking, child marriage and child labour. However, each case must be considered on its facts and decision makers must establish whether such treatment is sufficiently

serious by its nature and repetition that it will reach the high threshold of being persecutory or otherwise inhuman or degrading treatment.

- 2.5.21 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Children's asylum claims](#).
- 2.5.22 For information that may also be relevant to the child, including guidance on assessing risk, see [Country Policy and Information Notes](#) on:
- Hindus and Sikhs
  - Hazaras
  - Anti-government elements
  - Security & Humanitarian situation
  - Women fearing gender-based harm/violence
  - Sexual orientation and gender identity or expression
  - Afghans perceived as 'Westernised'

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### c. Security situation

- 2.5.23 As with adults, the prevalence of child casualties as a consequence of internal conflict varies depending on the location (see [Conflict-related violence](#)).
- 2.5.24 In [AA \(unattended children\)](#) the UT held that 'The evidence before us does not alter the position as described in [HK](#), namely that when considering the question of whether children are disproportionately affected by the consequences of the armed conflict in Afghanistan, a distinction has to be drawn between children who were living with a family and those who are not.' The Tribunal did not accept that the conflict-related violence had reached such a level as to lead to the conclusion that all children would qualify for international protection (para 93i).
- 2.5.25 In the country guidance case [AS \(Safety of Kabul\) Afghanistan \(CG\) \[2020\] UKUT 130 \(IAC\)](#) (1 May 2020), heard on 19 and 20 November 2019 and 14 January 2020, the Upper Tribunal, which considered evidence up to January 2020, held that 'There is widespread and persistent conflict-related violence in Kabul. However, the proportion of the population affected by indiscriminate violence is small and not at a level where a returnee, even one with no family or other network and who has no experience living in Kabul, would face a serious and individual threat to their life or person by reason of indiscriminate violence [para 253(ii)].'
- 2.5.26 The Upper Tribunal in [AS](#) found 'the level of indiscriminate violence in Kabul is not sufficient to meet the threshold in Article 15(c) QD [paragraph 255].' The Upper Tribunal held that previous country guidance in [AK \(Article 15\(c\)\) Afghanistan CG \[2012\] UKUT 00163\(IAC\) \(18 May 2012\)](#), heard on 14-15

March 2012 and promulgated on 18 May 2012, in relation to Article 15(c) of the Qualification Directive, and the country guidance in [AA \(unattended children\)](#), remained unaffected by its decision (paras 253(vi) and (viii)).

- 2.5.27 The number of child casualties has remained relatively constant between 2017 and 2020, although there was a decrease in the number of casualties in 2020 compared to the previous 3 years (see [Conflict-related violence](#)). The evidence continues to support the position held in [AA \(unattended children\)](#) in that conflict-related violence has not reached such a level to conclude that all children will qualify for international protection.
- 2.5.28 Even though there is no general Article 15(c) risk, decision makers must consider whether there are particular factors relevant to the child's individual circumstances, which might place them at risk.
- 2.5.29 For guidance on humanitarian protection and Article 15(c), including consideration of enhanced risk factors, see the [Asylum Instruction on Humanitarian Protection](#).
- 2.5.30 For further guidance on Article 15c and information on the security situation see the [Country Policy and Information Note Afghanistan: Security and humanitarian situation](#).

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## 2.6 Protection

- 2.6.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to avail themselves of the protection of the authorities.
- 2.6.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection. Any past persecution or past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the person to demonstrate why they would be unable to access effective protection (see also the [Asylum policy guidance on Children's asylum claims](#)).
- 2.6.3 In 2019, the Child Protection Act was passed by the President and aims to protect child rights, for example the right to education and healthcare, and prohibits discrimination, physical, mental and sexual abuse. As at time of writing this CPIN the Act was awaiting ratification by parliament (see [Domestic legislation](#)).
- 2.6.4 Child Protection Action Networks (CPAN) seek to monitor and protect children at risk of violence, exploitation and abuse and work across most provinces. However, implementation and enforcement of domestic laws relevant to child rights is poor and continue to be negatively affected by the application of codified, customary and sharia laws (see [Legal context](#) and [Government support and protection](#)).
- 2.6.5 As at 2016, there were 42 government-run and 45 charity-run care homes and training centres for vulnerable children around the country. Family guidance centres in 19 provinces provide non-residential legal and social services for women and children, including trafficking victims (see

[Government support and protection](#)). There are insufficient shelters for boys and at times child trafficking victims were placed in orphanages for lack of shelters (see [Judicial and penal rights](#) and [Trafficking](#)). Conditions in orphanages are poor with limited access to basic services and reports of mental, physical and sexual abuse, as well as becoming victims of trafficking (see [Orphans, orphanages and care homes](#)).

- 2.6.6 Although the state may be willing, in general it is unable to provide effective protection to children who experience serious harm or harassment amounting to persecution and there continues to be a lack of adequate arrangements in place for child protection, as held in [AA](#) (para 93ii). Each case must be considered on its merits. The onus is on the person to demonstrate why they would be unable to seek and obtain state protection.
- 2.6.7 For guidance on assessing the availability of state protection for additional profile-specific characteristics, see also the [Country Policy and Information Notes](#) on:
- Hindus and Sikhs
  - Hazaras
  - Anti-government elements
  - Security & Humanitarian situation
  - Women fearing gender-based harm/violence
  - Sexual orientation and gender identity or expression
  - Afghans perceived as ‘Westernised’
- 2.6.8 For general background on the justice system, see the [Country Background Note Afghanistan](#).
- 2.6.9 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Children’s asylum claims](#).

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## 2.7 Internal relocation

- 2.7.1 Where the person has a well-founded fear of persecution from the state and there is no safe part of the country where they would not be at risk from the state, they are unlikely to be able to relocate to escape that risk.
- 2.7.2 Where the person has a well-founded fear of persecution from non-state actors, decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.
- 2.7.3 The Court of Appeal in [SC \(Jamaica\) v Home Secretary \[2017\] EWCA Civ 2112](#) held that: ‘the evaluative exercise is intended to be holistic and ... no burden or standard of proof arises in relation to the overall issue of whether it is reasonable to internally relocate’ (para 36).
- 2.7.4 In the absence of an adult male relative who is willing and able to provide care and support for the child, internal relocation is likely to be unreasonable.

- 2.7.5 The CG case of [AK \(Article 15\(c\) Afghanistan\)](#) may also be relevant. The Upper Tribunal held that it would be unreasonable to expect lone women and female heads of household to relocate internally without the support of a male network (para 249B (v)).
- 2.7.6 For guidance on assessing internal relocation for additional profile-specific characteristics, see also the [Country Policy and Information Notes](#) on:
- Hindus and Sikhs
  - Hazaras
  - Anti-government elements
  - Security & Humanitarian situation
  - Women fearing gender-based harm/violence
  - Sexual orientation and gender identity or expression
  - Afghans perceived as ‘Westernised’
- 2.7.7 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Children’s asylum claims](#).

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## 2.8 Return and reception arrangements

- 2.8.1 In [HK \(Afghanistan\) \[2012\]](#) the Court of Appeal held that it would not, in all cases, be appropriate to draw an adverse inference that the child would be safely received merely from the failure of the child to try to make contact with his or her family (para 35). Conversely, nor did it necessarily follow that a child with no family to receive them in Afghanistan could not safely be returned (para 36).
- 2.8.2 In the reported case of [LQ](#), heard in October 2006, the Tribunal found there would be no adequate reception facilities for an orphan child if he were to be returned to Afghanistan, and that in those circumstances he would be at risk of exploitation and ill-treatment (para 4). The evidence continues to support this conclusion (see [Childcare and protection](#)). However, [LQ](#) is not a country guidance decision and the fact that the evidence in that case satisfied the IAT that the applicant, an orphan, faced a real risk of serious harm if returned to Kabul does not mean that all tribunals thereafter will have to reach identical findings of fact (para 36).
- 2.8.3 In [ST \(Child asylum seekers\) \[2013\]](#) the Tribunal confirmed that an assessment of risk (of conditions on return) is required on the hypothesis that the child will be removed at the time of decision (para 29).
- 2.8.4 Therefore, decision makers must make an assessment of risk using the hypothetical scenario that the unaccompanied child will return to Afghanistan at the time of the decision, taking into account that return of the child would only take place where:
- family contact is established and ongoing
  - adequate reception arrangements are in place

- it is in the best interests of the child, as a primary consideration, to leave the UK, return to their home country and reunite with their family members
- safe and practical return arrangements are confirmed, such as being fully escorted in transit, to the point of reunification with family members at Kabul International airport.

- 2.8.5 If all points in the hypothetical scenario above are met – taking into account the guidance provided by the Tribunal in [ST \[2013\]](#) (para 78), in which there is no requirement to provide detailed evidence of a ‘removal plan’ when there is no proposal to remove – then the risk factors for an unattached child identified in [AA \[2012\]](#) are not engaged.
- 2.8.6 In addition, the safety of the child on their journey to adequate reception facilities needs consideration. For information concerning the presence of anti-government elements in specific provinces see the most recent [EASO Country of Origin Report: Afghanistan: Security Situation](#) and, for roadway security, the [EASO COI Report Afghanistan: Key socio-economic indicators. Focus on Kabul City, Mazar-e Sharif and Herat City](#).
- 2.8.7 In the case of [Ravichandran \[1995\] EWCA Civ 16](#) the Tribunal held that ‘... in asylum cases the appellate structure... is to be regarded as an extension of the decision-making process’. Thus applying the general principle that an appellate tribunal must consider asylum cases on the basis of the latest evidence when considering return, including any which postdates the original decision, whilst also taking into account the hypothetical scenario, utilised in [ST \[2013\]](#), that return and reception arrangements are in place.
- 2.8.8 If adequate and sustainable reception arrangements with family members cannot be made, and there is no current prospect of them being made, and but for this it would be reasonable for the child to return, decision makers must consider granting UASC leave under paragraphs [352ZC to 352ZF of the Immigration Rules](#).
- 2.8.9 For further guidance on reception arrangements for the return of unaccompanied children, see the [Asylum Instruction on Children’s asylum claims](#).

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## 2.9 Certification

- 2.9.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.9.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 15 April 2021

## 3. Demography

### 3.1 Population

3.1.1 Estimates of the total population varied from between 32.2 million (2019-2020 estimate)<sup>1</sup> and 37.4 million (July 2021 estimate)<sup>2</sup>. The CIA World Factbook estimated 40.62% of the population was under the age of 15<sup>3</sup>. More than 50% the population was under 18<sup>4</sup> <sup>5</sup>. The median age was 19.5 years<sup>6</sup>. According to the Afghanistan Demographic and Health Survey 2015, 58% of children under the age of 5 were unregistered, and only 20% of those registered had birth certificates<sup>7</sup>.

3.1.2 For further information on demography and documentation, see the [Country Background Note: Afghanistan](#).

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### 3.2 Family structure and dynamics

3.2.1 Cultural Atlas, a collaborative project between SBS (Special Broadcasting Service – Australia), International Education Services (IES) and Multicultural NSW (New South Wales), noted in regard to family dynamics, 'Family roles vary between ethnicities, socio-economic statuses and regions. Nevertheless, a traditional patriarchal age hierarchy prevails throughout all. The eldest male has the most authority and decision-making power and usually controls all family spending. Every decision has to be approved by the husband or father.'<sup>8</sup>

3.2.2 UNICEF noted in its Child Notice Afghanistan 2018, which provided the situation for children based on publicly available information as at November 2018:

'Family structure follows a very traditional, patriarchal structure and is centred on notions of honour and shame, governed by tribal codes and interpretations of Islam. The father is seen as the breadwinner, and the wife is seen as the mother. The man generally is the primary decision maker and discipliner in the family. Within the home, the parents are seen as responsible for the upbringing of the child, with support from extended family. Outside of the family, religious leaders, community elders, teachers and mullahs are all seen as responsible for providing guidance in upbringing. Sons are raised to help their father, learning how to provide for the family and become a future breadwinner for their own future family. Daughters are

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<sup>1</sup> NSIA, '[Afghanistan population estimates](#)' (page 1), June 2019

<sup>2</sup> CIA World Factbook, '[Afghanistan](#)' (People and society), updated 25 January 2021

<sup>3</sup> CIA World Factbook, '[Afghanistan](#)' (People and society), updated 25 January 2021

<sup>4</sup> NRC, '[If you're a 13-year-old living in Afghanistan](#)', 30 January 2019

<sup>5</sup> Saleem, Z, '[An overview of Child's Rights in Afghanistan: Legislation...](#)', 11 May 2020

<sup>6</sup> CIA World Factbook, '[Afghanistan](#)' (People and society), updated 25 January 2021

<sup>7</sup> CSO, '[Afghanistan Demographic and Health Survey 2015](#)' (page 11), January 2017

<sup>8</sup> Evason, N, Cultural Atlas, '[Afghan Culture](#)' (Family), updated January 2019

raised to focus more on domestic skills, with social norms attaching honour to preparing for a future marriage.’<sup>9</sup>

3.2.3 The UNICEF Child Notice Afghanistan also noted ‘Households in Afghanistan have on average 7.7 members and 3.7 children under the age of 15. Household with 6 to 8 persons are the most common household sizes, but more than half of the Afghan population lives in household with nine persons or more.’<sup>10</sup>

3.2.4 A study by the research organisation, Samuel Hall, published June 2020, referred to family attitudes towards the responsibilities of children:

‘Prevailing narratives of childhood present a picture of young adulthood that begins quite early. Past research had shown that children are frequently in positions where they have to work, support families, and even act as spouses or parents before age 18. “There is a general rule in Afghanistan: when a person is above 10, he is no longer a child,” confirmed a social worker. As soon as a child hits puberty, according to this narrative, they may be considered an adult, with adult responsibilities.

‘Our research reveals, however, a more nuanced vision of this narrative. On the one hand, children take on significant responsibilities in their household – especially where the head of household is absent or unable to work, the burden of providing for the family most commonly falls on the child...

‘On the other hand, parents acknowledge their child’s right to childhood, even in later stages of adolescence. One father emphasised this: “My child was young, and I saw him as a child, but because of economic problems he went to Iran with my approval; he was 15-16 years old when he migrated to Iran”.’<sup>11</sup>

3.2.5 The UNICEF Child Notice Afghanistan cited an undated report by War Child UK on juvenile justice in Afghanistan, in which it stated:

‘Afghan life and culture very much revolve around families and clans. The laws and moral standards are based on these blood ties much more than on the state and the “rule of law” like in countries such as the UK. Less emphasis is placed on individual rights, and the notion of children’s rights isn’t as understood or enshrined in the same way as in other countries. Given the decades of conflict that have plagued the country, families do their best to protect their children – especially the girls. Home is usually considered to be the safest place for them, but this sometimes comes at the cost of their education or social life.’<sup>12</sup>

See also [Decision to migrate](#) and [Family contacts and networks](#).

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<sup>9</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 21), 2018

<sup>10</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 21), 2018

<sup>11</sup> Samuel Hall, ‘[Coming back to Afghanistan: Deported minors’ needs...](#)’ (pages 3-4), June 2020

<sup>12</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 22), 2018

## 4. Legal context

### 4.1 Constitution

- 4.1.1 The Constitution of Afghanistan has 2 Articles that make specific reference to the rights of children: Article 49 prohibits the forced labour of children, and Article 54 states: 'The State shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.'<sup>13</sup>

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### 4.2 International law

- 4.2.1 Afghanistan ratified the Convention on the Rights of the Child (CRC) on 28 March 1994, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 24 September 2003, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 19 September 2002<sup>14</sup>. Afghanistan also ratified the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2011 and the ILO Minimum Age Convention in 2010<sup>15</sup>.

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### 4.3 Domestic legislation

- 4.3.1 Legal ages according to Afghan law:

Right or responsibility	Age (years)	Legal source
Age of majority	18	Afghan Civil Code <sup>16</sup>
Criminal responsibility	12	Juvenile code <sup>17</sup> , Child Protection Law <sup>18</sup>
Marriage age	18: male, 16: female	Afghan Civil Code <sup>19</sup>
Sexual consent	Upon marriage	Criminal Code <sup>20</sup>
Identity documents	0-17: with parents 18: independently	Ministry of Interior <sup>21</sup>

<sup>13</sup> [Constitution](#), 26 January 2004

<sup>14</sup> OHCHR, '[Ratification status for Afghanistan](#)', no date

<sup>15</sup> UNICEF, '[Child Notice Afghanistan](#)' (page 25), 2018

<sup>16</sup> [Civil Code of the Republic of Afghanistan](#) (Article 39), 5 January 1977

<sup>17</sup> [Juvenile Law \(Juvenile Code\)](#) (Article 5), 23 March 2005

<sup>18</sup> [Law on Protection of Child Rights](#) (Article 77(2)), 11 March 2019

<sup>19</sup> [Civil Code of the Republic of Afghanistan](#) (Article 70), 5 January 1977

<sup>20</sup> UNICEF, '[Child Notice Afghanistan](#)' (pages 33-34), 2018

<sup>21</sup> UNICEF, '[Child Notice Afghanistan](#)' (pages 33-34), 2018

Compulsory education	Enrolment between 6 and 9	Education Law <sup>22</sup>
Working age	15 (18 for hazardous work)	Labour Law <sup>23</sup>
Voting age	18	Afghan Election Law <sup>24</sup>
Military service (voluntary)	18	Ministry of Defence <sup>25</sup>

- 4.3.2 Although the age of majority is 18<sup>26</sup>, the UNICEF Child Notice Afghanistan noted ‘Customary practices in Afghanistan make decisions on the age of maturity based on physical and mental maturity. A study by the Peace Training and Research Organization shows that social norms in Afghanistan view transition from child to adult as occurring sometime starting from 13-18 years old.’<sup>27</sup>
- 4.3.3 The [UNICEF Child Notice Afghanistan](#) provided a list of Afghan laws and strategies, and national institutions and ministries, relevant to children<sup>28</sup>.
- 4.3.4 In March 2019, the President passed the [Law on Protection of Child Rights](#) (Child Protection Act) in which a child is defined as a person under the age of 18<sup>29</sup> <sup>30</sup>. However, the Afghanistan Analysts Network (AAN) noted on March 2020, that ‘... a small group of MPs, mostly religious scholars and/or with a jihadi background, continue to block its ratification. They say the definition of a child as under-18 contravenes sharia law.’<sup>31</sup> The Child Protection Act aims to protect child rights, for example the right to education and healthcare, and prohibits discrimination, physical, mental and sexual abuse<sup>32</sup>. In line with the 2018 Penal Code, the Act also includes provisions prohibiting bacha bazi (sexual exploitation of boys) and the recruitment and use of children<sup>33</sup>. At the time of writing, the Child Protection Act had yet to be ratified.

See also [Bacha bazi](#), [Recruitment by government forces](#), and [Recruitment by non-state armed groups](#).

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<sup>22</sup> [Education Law](#) (Article 5), 2008

<sup>23</sup> USDOL, [‘2019 Findings on the Worst Forms of Child Labor’](#) (section II), 30 September 2020

<sup>24</sup> [Afghanistan Election Law](#) (Article 37), 25 September 2016

<sup>25</sup> UNICEF, [‘Child Notice Afghanistan’](#) (pages 33 to 34), 2018

<sup>26</sup> [Civil Code of the Republic of Afghanistan](#) (Article 39), 5 January 1977

<sup>27</sup> UNICEF, [‘Child Notice Afghanistan’](#) (page 59), 2018

<sup>28</sup> UNICEF, [‘Child Notice Afghanistan’](#) (pages 25 to 26), 2018

<sup>29</sup> AAN, [‘Child Rights Protection Law in Afghanistan: Can the parliamentary chaos...’](#), 18 March 2020

<sup>30</sup> [Law on Protection of Child Rights](#) (Article 77 (2)), 11 March 2019

<sup>31</sup> AAN, [‘Child Rights Protection Law in Afghanistan: Can the parliamentary chaos...’](#), 18 March 2020

<sup>32</sup> [Law on Protection of Child Rights](#), 11 March 2019

<sup>33</sup> UNAMA, [‘Annual Report 2019’](#) (page 23), February 2020

## 5. Social and economic rights

### 5.1 Education

5.1.1 The US Department of State's human rights report for 2020 (USSD HR Report 2020) noted 'Education is mandatory up to the lower secondary level (six years for primary school and three years for lower secondary), and the law provides for free education up to and including the college level.'<sup>34</sup>

5.1.2 The Special Inspector General for Afghanistan Reconstruction (SIGAR), created by the US Congress to 'provide independent and objective oversight of Afghanistan reconstruction projects and activities'<sup>35</sup>, noted in their February 2018 report on schools in Kabul province that:

'The Afghan Ministry of Education (MOE) is responsible for administering general education, Islamic education, technical and vocational education, and teacher and literacy training in Afghanistan. The MOE-administered education system consists of three levels:

'1. Primary Education: Grades 1 through 6, where students age 7 to 12 learn reading, writing, arithmetic, and national culture.

'2. Lower Secondary Education: Grades 7 through 9, for students age 13 to 15.

'3. Higher/Upper Secondary Education: Grades 10 through 12, where students age 16 to 18 choose between continuing an academic path that could lead to university or studying subjects such as applied agriculture, aeronautics, arts, commerce, and teacher training.'<sup>36</sup>

5.1.3 In a 2017 report, Human Rights Watch (HRW) cited 4 main types of schools for primary and secondary education: government-run, CBE (community-based education), madrassas and privately-run schools<sup>37</sup>.

5.1.4 An evaluation on access to education by The Konterra Group, commissioned by USAID, published in May 2019, described the CBE framework, which included Community Based Schools (CBS) and Accelerated Learning Centres (ALS)<sup>38</sup>. The report noted:

'Community Based Schools are classes established in community buildings or houses in remote, sparsely populated villages where no gender appropriate schools exist within a radius of three kilometers and with an expected average of 25-30 students per class. CBS offer an opportunity for children to begin (and in some cases, complete) primary grades in their own communities. ALCs are available to girls and boys between 10-15 years to be able to complete their primary school cycle in three instead of six years.'<sup>39</sup>

5.1.5 According to Education Management Information System (EMIS) data for Afghan fiscal year 1397 (December 2017 to December 2018), 9.2 million

<sup>34</sup> USSD, '[2020 Human Rights Report](#)' (section 6), 30 March 2021

<sup>35</sup> SIGAR, '[About SIGAR](#)', no date

<sup>36</sup> SIGAR, '[Schools in Kabul Province...](#)' (page 4), February 2018

<sup>37</sup> HRW, '[Girls' Access to Education in Afghanistan](#)' (pages 9 and 12), 17 October 2017

<sup>38</sup> The Konterra Group, '[Mid-Term Evaluation of the Increasing Access...](#)', May 2019

<sup>39</sup> The Konterra Group, '[Mid-Term Evaluation of the Increasing Access...](#)', May 2019

children were enrolled in school (about 3.5 million were girls)<sup>40</sup>. UNICEF noted in its 2019 annual report that an estimated 3.7 million children do not attend school, 60% of whom were girls<sup>41</sup>. Citing the 2016-17 Living Conditions Survey, the European Asylum Support Office (EASO) noted in its August 2020 report on key socio-economic indicators, based on a range of sources, 'Most of the out-of-school children lived in rural areas while the attendance rates, particularly for women, were considerably higher in urban areas than in rural Afghanistan.'<sup>42</sup>

5.1.6 The Australian Department of Foreign Affairs and Trade (DFAT) noted in its June 2019 report:

'The Hazara have traditionally placed a high value on educational achievement, including for girls ..., which has represented a means to escape marginalisation in Afghan society. While reliable statistics are unavailable, credible sources report that a considerably higher percentage of Hazara children receive formal education relative to the children of other Afghan ethnicities. Hazara children are generally encouraged to consider further education options where family circumstances allow... The Hazara also operate a number of private schools in Kabul for the benefit of their community. The quality of these schools tends to be higher than many other schools in Afghanistan, demonstrated by relatively high university acceptance rates. Some families from the Hazarajat reportedly send their children to Kabul for instruction during the winter months.'<sup>43</sup>

5.1.7 The EASO noted in its August 2020 report that:

'MoE [Ministry of Education] 2018-2019 survey indicated a total number of 16,328 schools with 9,171,724 students, including 3,513 757 female students, studying in primary, secondary, professional, teacher training, vocational, and religious schools. The total number of teachers working in government-financed schools in 2018 was 203,201, 66,076 of whom were women; additionally, 28,748 teachers were employed in private schools. In 2018, 11,911 literacy courses were offered with 197,032 persons taking part in literacy education.'<sup>44</sup>

5.1.8 The USSD HR Report 2020 indicated 'Only 16 percent of the country's schools were for girls, and many of them lacked proper sanitation facilities. Key obstacles to girls' education included poverty, early and forced marriage, insecurity, a lack of family support, lack of female teachers, and a lack of nearby schools.'<sup>45</sup>

5.1.9 The USSD 2019 International Religious Freedom (IRF) Report noted that the Ministry of Hajj and Religious Affairs (MOHRA) did not have access to much of the country, particularly in rural areas, MOHRA officials said:

'... there were up to hundreds or thousands of unregistered mosques and madrassahs located in Taliban-controlled areas. They said in rural areas and

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<sup>40</sup> EMIS, '[General Education Statistics](#)', no date

<sup>41</sup> UNICEF, '[Afghanistan Annual Report 2019](#)' (page 11), August 2020

<sup>42</sup> EASO, '[Key socio-economic indicators...](#)' (page 41), August 2020

<sup>43</sup> DFAT, '[Country of Origin Information Report Afghanistan](#)' (paragraph 2.40), 27 June 2019

<sup>44</sup> EASO, '[Key socio-economic indicators...](#)' (page 41), August 2020

<sup>45</sup> USSD, '[2020 Human Rights Report](#)' (section 6), 30 March 2021

most villages, mosques were used as madrassahs, and because most mosques were not registered, most madrassahs were not either. According to MOHRA, there was no system or mechanism for opening a new madrassah, particularly at the district level and in villages. MOHRA officials said it did not have a database or information on the number of madrassahs or mosques, except for information on the number of mosques located at provincial or district centers with imams on the MOHRA's payroll. According to the ministry, there were 4,500 registered madrassahs and "Quran learning centers" throughout the country. The government registered additional madrassahs during the year but did not report how many. More than 300,000 students were enrolled in these registered madrassahs during the year, mostly in Kabul, Balkh, Nangarhar, and Herat Provinces, according to MOHRA's estimates...

'Mosques continued to handle primary-level religious studies. Eighty MOE-registered public madrassahs offered two-year degree programs at the secondary level. An estimated 1,200 public madrassahs were registered with the MOE, each receiving financial support from the government. There were no estimates of unregistered madrassahs available.'<sup>46</sup>

5.1.10 The USSD HR Report 2020 noted:

'The expansion of Taliban control in rural areas left an increasing number of public schools outside government control. The Taliban operated an education commission in parallel to the official Ministry of Education. Although their practices varied among areas, some schools under Taliban control reportedly allowed teachers to continue teaching but banned certain subjects and replaced them with Islamic studies; others provided only religious education. The Taliban continued to limit education for girls, especially for those past puberty.'<sup>47</sup>

5.1.11 The Afghanistan Independent Human Rights Commission (AIHRC) report on the human rights situation of children, based on a study of a sample population of 5,248 children between 5 and 18 years of age from 33 provinces, published March 2020, found 'Out of 5,248 children included in the study, 2,414 people (66%) said they were going to school, while 2,661 (50.7 %) said they were not going to school. The remaining 173 (3.3%) did not respond to this question.'<sup>48</sup> The number of eligible children deprived of schooling increased by 6.5% in 2020<sup>49</sup>.

5.1.12 Reasons given for not attending school included insecurity, the child worked for a living, economic problems, distance to school, the family did not allow attendance and school closures<sup>50 51</sup>. In addition, schools were closed for the first 5 months of 2020 due to the COVID-19 pandemic<sup>52</sup>.

5.1.13 A survey by the AIHRC, that took place between August 2019 to March 2020 with a sample population of 2,610 people from 32 provinces, noted the main

<sup>46</sup> USSD, '[2019 Report on International Religious Freedom: Afghanistan](#)' (section II), 10 June 2020

<sup>47</sup> USSD, '[2020 Human Rights Report](#)' (section 2a), 30 March 2021

<sup>48</sup> AIHRC, '[Summary Report on the Human Rights Situation of Children...](#)' (page 2), 23 March 2020

<sup>49</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

<sup>50</sup> AIHRC, '[Summary Report on the Human Rights Situation of Children...](#)' (page 2), 23 March 2020

<sup>51</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

<sup>52</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

reasons for children not attending school 'The traditions and customs dominating the Afghan society are among the top reasons why 32.2 % of children in the sample population do not attend schools. The other reasons are as follows: lack of schools, especially in rural areas (21.4 %); distance of school from home (13.7 %); security issues (15.7 %); financial problems (12.5 %); administrative issues at schools like lack of qualified teachers, books or proper classrooms (4.5 %).'<sup>53</sup>

5.1.14 The Diplomat, an international current-affairs magazine for the Asia-Pacific region, published an article in November 2020 that, according to the MoE, 5 million children were out of school even before the impact of Covid-19<sup>54</sup>. The article added:

'PenPath, a non-profit education organization in Afghanistan, disputes the estimate, putting their own estimate at 6 million children. As many as 1,500 schools remain closed, according to PenPath, but as the war drags on, more schools could be closed.

'The Education Ministry acknowledges that 6,000 schools have no buildings at all and 50 percent of the country's 17,000 schools lack adequate facilities. In Kabul, the capital, schools are overcrowded and students study under tents and ruined buildings. Throughout Afghanistan's 34 provinces, 75 percent of students face textbook shortages.'<sup>55</sup>

5.1.15 The Household Emergency Assessment Tool (HEAT) for December 2020 indicated that, of the 1,507 households (9,633 individuals) assessed across 19 provinces, 99% reported they had school aged children not attending school and 81% of those reported this was due to a lack of documentation<sup>56</sup>.

5.1.16 As at December 2020, the Education in Emergencies Working Group (EiEWG) noted over 194,000 children were enrolled in temporary classrooms and community-based schools, with over 14,000 teachers recruited to teach in such facilities<sup>57</sup>.

5.1.17 SIGAR noted in its quarterly report to US Congress, dated 30 January 2021, that '... the United Nations Children's Fund (UNICEF) announced in December [2020] that it had reached an agreement with the Taliban to establish 4,000 community-based classes in Taliban-controlled areas in Helmand, Kandahar, Uruzgan, and Faryab Provinces, aiming to reach 140,000 boys and girls.'<sup>58</sup>

5.1.18 In December 2020, Human Rights Watch (HRW) reported that many children, especially in rural areas, attend madrassas, which are not obliged to follow the national curriculum and mostly teach religious education<sup>59</sup>.

5.1.19 Few schools were able to accommodate disabled children<sup>60</sup>. See also [Children with disabilities](#).

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<sup>53</sup> AIHRC, '[Report Summary: Access to Health and Education Rights in Afghanistan](#)', May 2020

<sup>54</sup> The Diplomat, '[Inside Afghanistan's Education Crisis](#)', 17 November 2020

<sup>55</sup> The Diplomat, '[Inside Afghanistan's Education Crisis](#)', 17 November 2020

<sup>56</sup> REACH Initiative, '[HEAT Afghanistan](#)', December 2020

<sup>57</sup> EiEWG, '[Dashboard – Jan-Dec 2020](#)', December 2020

<sup>58</sup> SIGAR, '[Quarterly Report to the United States Congress](#)' (pages 86 and 146), 30 January 2021

<sup>59</sup> HRW, '[Afghan Children Need Full Access to Education](#)', 7 December 2020

<sup>60</sup> Aga Khan Foundation, '[Girls' education in Afghanistan](#)', 17 February 2020



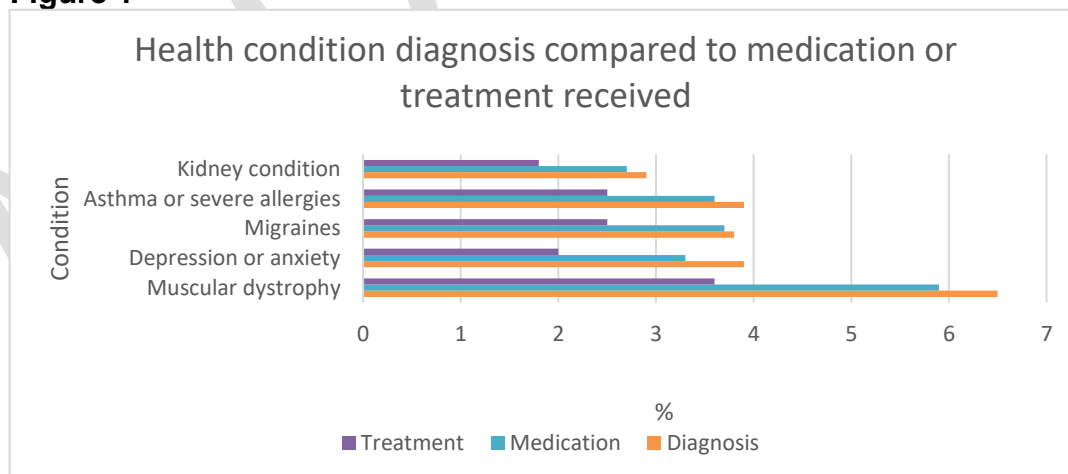
- 5.1.20 Due to the coronavirus pandemic, the MoE announced in November 2020 that it would close all schools until spring 2021<sup>61</sup>. Many students were unable to access the MoE's online education programme due to family poverty, lack of internet availability, and lack of electricity for telephones and computers<sup>62</sup>. See also [Attacks on schools and education personnel](#).

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## 5.2 Health and welfare

- 5.2.1 Under-5 mortality rate has steadily declined in the last 10 years, from 91.4 per 1,000 live births in 2009, to 60.3 per 1,000 live births in 2019<sup>63</sup>. The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) noted that, in 2020, 9.7 million children were in need of humanitarian aid (exacerbated by the coronavirus pandemic)<sup>64</sup>, compared to 5.3 million in 2019<sup>65</sup>. In 2020, nearly one in two children under the age of 5 (3.1 million out of 7 million) faced acute malnutrition, requiring life-saving treatment<sup>66</sup>.
- 5.2.2 According to the Model Disability Survey of Afghanistan 2019 (MDSA 2019), by the non-governmental organisation (NGO), The Asia Foundation, 'muscular dystrophy, depression or anxiety, and migraines were the most commonly reported health conditions across all children.'<sup>67</sup> Figure 1 shows the top 5 health conditions, extracted from MDSA 2019<sup>68</sup>, giving the percentage of children who have a diagnosed condition, who have been given medication for the condition in the last 12 months and who have been given any other treatment for the condition.

**Figure 1**



- 5.2.3 See also [Children with disabilities](#) and, for further information on medical and healthcare provision in general, see the [Country Policy and Information Note on Afghanistan: Medical and healthcare provision](#).

<sup>61</sup> SIGAR, '[Quarterly Report to the United States Congress](#)' (pages 126 and 146), 30 January 2021

<sup>62</sup> AIHRC, '[Impact of Covid-19 on the Human Rights Situation of Children...](#)', 21 November 2020

<sup>63</sup> UNICEF, '[Afghanistan – Key demographic indicators](#)' (Trends in under-5 mortality rate), no date

<sup>64</sup> UNOCHA, '[Humanitarian Needs Overview 2021](#)' (pages 5 and 10), December 2020

<sup>65</sup> UNOCHA, '[Humanitarian Needs Overview 2020](#)' (page 7), December 2019

<sup>66</sup> UNOCHA, '[Humanitarian Needs Overview 2021](#)' (page 35), December 2020

<sup>67</sup> The Asia Foundation, '[MDSA 2019](#)' (page 19), May 2020

<sup>68</sup> The Asia Foundation, '[MDSA 2019](#)' (page 94), May 2020

### 5.3 Impact of COVID-19

#### 5.3.1 Reporting on the year 2020, the UNOCHA noted:

‘The economic, psychological and social stress from the COVID-19 pandemic has exacerbated risks for children with recruitment into armed groups, child marriage and child labour all on the rise. COVID-19 has quickly changed the context in which children live. Quarantine measures, school closures and restrictions on movement have disrupted children's routine and social support structures, while also placing new stressors on parents and caregivers who often have to find new childcare options or forgo work. Stigma and discrimination related to COVID-19 may make children more vulnerable to violence and psychosocial distress. Of the 18 per cent of households who reported a change in behaviour (indicating a sign of distress/mental health problems) in the 2020 WoA [Whole of Afghanistan] assessment, half reported angry, aggressive and violent behaviour change due to poverty and distress, which increases the risk that children experience greater levels of domestic and GBV [gender-based violence] in their homes.’<sup>69</sup>

#### 5.3.2 Analysis by World Vision, dated November 2020, noted:

‘COVID-19 in Afghanistan is having a catastrophic impact on millions of vulnerable families. Even before the pandemic emerged, 93 percent of Afghan households survived on less than [US]\$2 per day so the vast majority of families have virtually no capacity to absorb the economic shock of COVID-19 and the resulting loss of livelihoods. Border closures have also meant a drastic reduction in exports and a sharp decline in remittances. In addition, the price of staple foods continues to increase, making it harder and harder for families to feed themselves, support their children and meet basic needs....

‘The children of Afghanistan, especially those already suffering from poverty and inequity, are among the most vulnerable to the harsh socioeconomic impact of COVID-19. A third of the population – including 7.3 million children will face food shortages due to the impacts of the current pandemic according to Save the Children. Child mortality, malnutrition, forced marriages, sexual abuse, child labour and other forms of violence and exploitation and are all common challenges for the average child. With the addition of COVID-19 and its immediate and secondary impacts, children are now more anxious and worried than ever before and at greater risk of facing physical, sexual and emotional violence, especially as the economic impacts of the crisis set in with poverty rates and hunger in the country rising.’<sup>70</sup>

#### 5.3.3 Reporting specifically on the risk of child laborers, the USSD HR Report 2020 noted:

‘According to the International Labor Organization and UNICEF, millions more children were at risk of child labor due to COVID-19, because many families lost their incomes and did not have access to social support. Child

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<sup>69</sup> UNOCHA, ‘[Humanitarian Needs Overview 2021](#)’ (page 35), December 2020

<sup>70</sup> World Vision, ‘[Breaking point: COVID-19 and the Child Protection...](#)’ (page 2), 12 November 2020

labor was a key source of income for many families and the rising poverty, school closures, and decreased availability of social services increased the reliance on child labor. Many children already engaged in child labor were experiencing a worsening of conditions and working longer hours, posing significant harm to their health and safety.<sup>71</sup>

5.3.4 For more information on COVID-19 see the UNOCHA's [situation reports](#).

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## 5.4 Children with disabilities

5.4.1 Human Rights Watch (HRW), reporting on the barriers faced by women and girls with disabilities, dated April 2020, noted 'In 2012, Afghanistan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In 2013, the Afghan parliament approved legislation, the Law on Rights and Privileges of Persons with Disabilities, ensuring the rights of persons with disabilities to participate actively in all aspects of society. However, there are very few services to assist and support persons with disabilities in Afghanistan.'<sup>72</sup>

5.4.2 The Child Protection Act aimed to protect the rights of disabled children<sup>73</sup>.

5.4.3 The April 2020 HRW report noted, 'Afghanistan has one of the largest populations per capita of persons with disabilities in the world. At least one in five Afghan households includes an adult or child with a serious physical, sensory, intellectual, or psychosocial disability.'<sup>74</sup> The report added 'Poor prenatal health care is directly related to some childhood disabilities, including cerebral palsy, which is characterized by motor difficulties, often accompanied by visual, hearing, and learning disabilities. Cerebral palsy is the most prevalent childhood disability in Afghanistan.'<sup>75</sup>

5.4.4 The MDSA 2019 indicated that muscular dystrophy was the most reported health condition in children<sup>76</sup>. The same source noted that 17.2% of children aged 2-17 had either a mild, moderate, or severe disability<sup>77</sup>, as depicted in Figure 2, which shows the prevalence of child disability, extracted from MDSA 2019<sup>78</sup>.

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<sup>71</sup> USSD, '[2020 Human Rights Report](#)' (section 7c), 30 March 2021

<sup>72</sup> HRW, "[Disability is not a weakness](#)"... (Summary), 28 April 2020

<sup>73</sup> [Law on Protection of Child Rights](#) (Articles 34-41), 11 March 2019

<sup>74</sup> HRW, "[Disability is not a weakness](#)"... (Summary), 28 April 2020

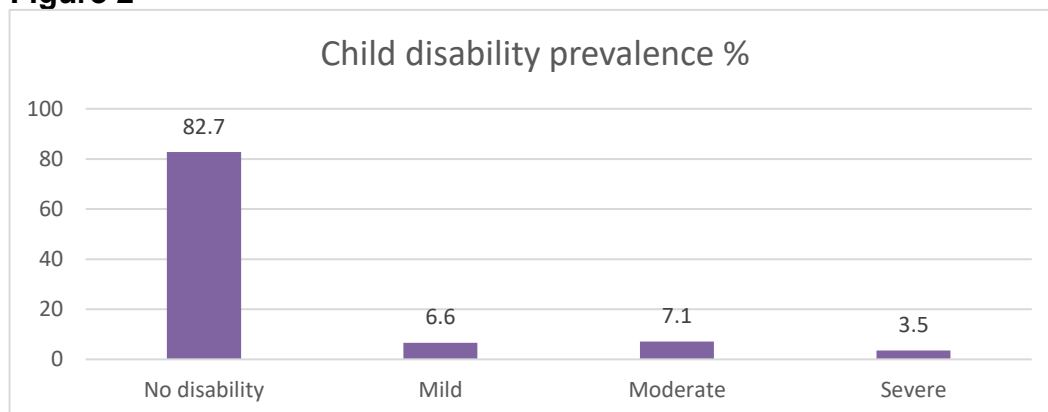
<sup>75</sup> HRW, "[Disability is not a weakness](#)"... (Barriers to health services...), 28 April 2020

<sup>76</sup> The Asia Foundation, '[MDSA 2019](#)' (page 94), May 2020

<sup>77</sup> The Asia Foundation, '[MDSA 2019](#)' (page 19), May 2020

<sup>78</sup> The Asia Foundation, '[MDSA 2019](#)' (page 87), May 2020

**Figure 2**



5.4.5 Describing the social stigma faced by persons with disabilities, HRW noted ‘Entrenched discrimination means that persons with disabilities face significant obstacles to education, employment, and health care’ and that they also faced ‘... social isolation, being humiliated in public or within their own families, being considered a source of shame for the family, and being denied access to public spaces and community or family social events.’<sup>79</sup>

5.4.6 The UNOCHA noted ‘Assessments indicate that during situations of hostilities and displacement, children with disabilities are at heightened risk of separation from their families, violence, abuse, neglect and exploitation. Many struggle with marginalisation, stigma and discrimination, while displacement impedes dignified access to basic services.’<sup>80</sup>

5.4.7 HRW noted, regarding access to education:

‘Afghan government schools have failed to develop the institutional capacity to provide inclusive education or assist children with disabilities. Children with disabilities who attend regular schools generally receive no reasonable accommodations or specific assistance. Very few specialized schools for children with hearing or visual disabilities exist in urban areas, and they are of very limited scope. Major constraints include the long distance from children’s homes to schools and the absence of dedicated transportation and lack of assistants or other persons to accompany a child with limited mobility to school. Because there is no system to identify, assess, and meet the particular needs of children with disabilities, they are excluded from the education system.’<sup>81</sup>

5.4.8 With special reference to girls living with a disability, HRW found:

‘Girls with disabilities often lose out entirely on education. Many students, especially girls, face long journeys to their nearest government school, and girls with physical disabilities may not be able to make the daily journey without dedicated transportation, which is not available. Public schools are not equipped to accommodate the needs of students with disabilities to attend classes or participate in activities, and very few private schools include children with disabilities. Families who have children with disabilities

<sup>79</sup> HRW, “[Disability is not a weakness...](#)” (Social stigma and discrimination), 28 April 2020

<sup>80</sup> UNOCHA, ‘[Humanitarian Needs Overview 2021](#)’ (page 97), December 2020

<sup>81</sup> HRW, “[Disability is not a weakness...](#)” (Barriers to education), 28 April 2020

incur additional costs for treatment if they seek medical care. Even minor costs can mean that treatment is out of reach for many.<sup>82</sup>

- 5.4.9 The HRW report also stated ‘A number of non-governmental assistance programs provide educational services to children with disabilities, though they reach only a small percentage of those who need them. ICRC [International Committee of the Red Cross] orthopedic centers in Herat and Kabul assist families with in-home tutoring for children with disabilities, and skills training for girls over 15 and women with disabilities.’<sup>83</sup>
- 5.4.10 The AIHRC noted in its Annual Report 2020 that ‘... a care center for children with mental disabilities was established in Kabul.’<sup>84</sup>
- 5.4.11 The Enabled Children Initiative (ECI), a charity, noted that it: ‘... supports children in Afghanistan with disabilities with residential, educational and income generation support for families. Through our 5 programs, we support children with disabilities who are the most vulnerable – abandoned by families living in extreme poverty who have no resources to cope, or unclaimed by family after the death of one or both parents. We also work with families with disabled children, providing educational and income generation support, in order to prevent the abandonment or institutionalization of children with disabilities.’<sup>85</sup>
- 5.4.12 However, the ECI did not indicate how many children and families it supported or for how long support was offered<sup>86</sup>.

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## 5.5 Illegitimate children

- 5.5.1 UNICEF noted that children born outside of marriage, known as harami (illegitimate), were not addressed in the Afghan Civil Code or other related laws<sup>87</sup>. Sex outside of marriage (zina) is a criminal offence<sup>88</sup>. Children born out of wedlock may be denied their right to birth registration<sup>89</sup>. Article 18 of the Child Protection Act indicates that the father’s name must be given on the birth registration form<sup>90</sup>. For further information on documentation, including birth certificates, see the [Country Background Note: Afghanistan](#).

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Section 6 updated: 15 April 2021

## 6. Juvenile justice

### 6.1 Judicial and penal rights

- 6.1.1 The [Juvenile Code](#), 2005, provides the legal framework for Afghanistan’s criminal juvenile justice system and outlines the procedures for a juvenile’s

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<sup>82</sup> HRW, “[Disability is not a weakness](#)...” (Summary), 28 April 2020

<sup>83</sup> HRW, “[Disability is not a weakness](#)...” (Barriers to education), 28 April 2020

<sup>84</sup> AIHRC, ‘[Annual Report 2020](#)’ (page 13), 4 February 2021

<sup>85</sup> ECI, ‘[Our Story](#)’, no date

<sup>86</sup> ECI, ‘[Our Story](#)’, no date

<sup>87</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 59), 2018

<sup>88</sup> CAB, ‘[Country of Origin Report Afghanistan](#)’ (page 98), March 2019

<sup>89</sup> UNCRC, ‘[Convention on the Rights of the Child](#)’ (paragraph 33), 8 April 2011

<sup>90</sup> [Law on Protection of Child Rights](#) (Article 18), 11 March 2019

(defined as a person aged between 12 and 18) arrest, prosecution, and detention<sup>91</sup>.

6.1.2 According to the Juvenile Code and Child Protection Law, no child under the age of 12 can be held criminally responsible<sup>92 93</sup>.

6.1.3 In a report commissioned by the UK-based charity, Children in Crisis, published in August 2017, Samuel Hall, an independent think tank, noted:

‘Police are required to report the arrest and detention of children to their guardians within 24 hours, and prosecutors have the authority to release children on bail without money. But, the reality diverges from theory, especially for children without legal awareness, strong family support or negotiation power. Of particular concern are long timelines for investigations and children who must idly wait in the JRC [Juvenile Rehabilitation Centre] without any information while their dossiers are completed, unable to integrate in the JRC until properly sentenced, but exclude from life outside.’<sup>94</sup>

6.1.4 The Samuel Hall report noted:

‘Upon completing their 18<sup>th</sup> year, children are to be transferred to an adult prison ... The practice of age determination and lack of birth certificates, however, mean that some children may stay in the JRC well after completing their 18th year, something that is informally known amongst staff and the children, and sometimes pushed for by guardians in [preference of] adult prisons. At the same time, children determined to be older than their actual age may be transferred to an adult prison prematurely.’<sup>95</sup>

6.1.5 UNICEF highlighted the issues faced by child offenders who lack identification (tazkira) to prove their age, noting:

‘... some of the young offenders allegedly below the age of 12 are facing challenges and in some cases they could be detained in Juvenile Correction Centers. The Afghan Penal Code amended and issued in July 2017 [no English translation available] identifies the challenge of identification and age confirmation of the child. Article 102 states if there is no ID or if his or her physical appearance indicates an age difference from that indicated in the ID, the court or prosecution office shall seek the opinion of an expert. If the court and prosecution still find a contradiction, or if the defendant or his or her defence attorney objects, the court shall refer the redetermination of the age to a medical team of at least three doctors.’<sup>96</sup>

6.1.6 UNICEF cited some of the relevant articles of the Penal Code 2017, which deal with the criminal responsibility of children and replace Article 39 of the Juvenile Code relating to punishment:

‘Article 97: A child who has reached the age of 12 but not yet reached the age of 16, and commits a felony shall not be sentenced to more than one-

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<sup>91</sup> [Juvenile Law \(Juvenile Code\)](#), 23 March 2005

<sup>92</sup> [Juvenile Law \(Juvenile Code\)](#) (Article 5), 23 March 2005

<sup>93</sup> [Law on Protection of Child Rights](#) (Article 77(2)), 11 March 2019

<sup>94</sup> Samuel Hall, ‘[Hope behind bars](#)’ (page 19), August 2017

<sup>95</sup> Samuel Hall, ‘[Hope behind bars](#)’ (page 21), August 2017

<sup>96</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 69), 2018

quarter (1/4) of the maximum punishment of the same crime as determined for adults of more than 18 years in this law’.

‘Article 98: A child who has reached the age of 16 but not yet reached the age of 18, and commits a felony shall not be sentenced to more than one-third (1/3) of the maximum punishment of the same crime as determined for adults of more than 18 years in this law’.

‘It is against the law to sentence a child to life imprisonment or death penalty (Article 99).’<sup>97</sup>

6.1.7 UNICEF also noted ‘In March 2018 the Afghanistan government approved an annex to the penal code on the use of alternatives to imprisonment and (juvenile) detention. The annex mentions different kinds of alternatives such as counselling sessions, vocational training, skills development, compensation to the victim, community service, treatment of psychological, behavioural and physical disorders.’<sup>98</sup>

6.1.8 UNICEF noted in its 2019 Annual Report that:

‘Free Legal Aid for all children in detention along with psychosocial support and psychological counselling was mandated by the Council of Ministers in 2019. This provided reprieve for over 1,700 children who had been detained on non-terrorist related offences. The cases of 140 children held on “terrorism charges” were then transferred from an adult prison to a Juvenile Rehabilitation Centre, creating a more supportive environment for detained children.’<sup>99</sup>

6.1.9 As noted in the USSD HR Report 2020:

‘Detained children frequently did not receive the presumption of innocence, the right to know the charges against them, access to defense lawyers, and protection from self-incrimination. The law provides for the creation of special juvenile police, prosecution offices, and courts. Due to limited resources, special juvenile courts functioned in only six provinces (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz). Elsewhere children’s cases went to ordinary courts. The law mandates authorities handle children’s cases confidentially.’<sup>100</sup>

6.1.10 The USSD HR Report 2020 further noted:

‘Some children in the criminal justice system were victims rather than perpetrators of crime. In the absence of sufficient shelters for boys, authorities detained abused boys and placed them in juvenile rehabilitation centers because they could not return to their families and shelter elsewhere was unavailable. In addition some victims of bacha bazi were charged with “moral crimes” and treated as equally responsible perpetrators as the adult.’<sup>101</sup>

See also [Juvenile detention](#) and [Bacha bazi](#).

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<sup>97</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 69), 2018

<sup>98</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 71), 2018

<sup>99</sup> UNICEF, ‘[Afghanistan Annual Report 2019](#)’ (page 38), August 2020

<sup>100</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 1d), 30 March 2021

<sup>101</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 1d), 30 March 2021

6.1.11 For general background on the justice system, see the [Country Background Note Afghanistan](#).

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## 6.2 Juvenile detention

- 6.2.1 The Law on Juvenile Rehabilitation and Correction Centres (JRC Law) and the Regulation on Juvenile Rehabilitation Centres (JRC Regulation) prescribe the rights to juveniles detained in Juvenile Rehabilitation Centres<sup>102</sup>. The JRC Law provides the standards and requirements for detention conditions, and requires JRCs to provide access to education, vocational training and healthcare; and opportunities to study, work, and practice religion; family contact and visits; and a complaints mechanism<sup>103</sup>. The JRC Regulation enhances these rights<sup>104</sup>.
- 6.2.2 In its assessment of Juvenile Rehabilitation Centres (JRC), which took place between September 2015 and March 2016, UNAMA's Rule of Law Unit noted that there were 34 JRCs, located in the capital cities of each province<sup>105</sup>. Of the 31 JRCs surveyed for the UNAMA report, 22 were located in privately-rented facilities and 9 were in facilities owned and designed by the Ministry of Justice<sup>106</sup>. Five JRCs reported they were unable to accommodate female detainees<sup>107</sup>.
- 6.2.3 The Samuel Hall August 2017 report noted 'An alternative to full detention is the Open JRC, where children spend daytime in rehabilitation and evenings and weekends at home. The Open JRC in Kabul nevertheless remains a detention facility... What crimes and what child profiles qualify for the Open Centre are up to the judge's discretion'.<sup>108</sup>
- 6.2.4 In April 2020, the BBC reported on the JRC in Kabul and noted 'The centre generally holds approximately 300 inmates, aged between 12 and 18. On average, around half are accused of being in militant groups: the Islamic State (IS) or the Taliban.'<sup>109</sup> The report added 'The staff try and keep the categories of detainees separate, to avoid fights between those linked to the Taliban and to the Islamic State group – which have clashed with each other in the outside world – and to prevent the boys accused of "general crimes" from becoming radicalised.'<sup>110</sup>
- 6.2.5 The UNAMA Rule of Law report stated, 'Overcrowding was not a concern in most JRCs surveyed... UNAMA Rule of Law calculated that over 50% of JRCs comply with both the ICRC's [International Committee of the Red Cross] minimum recommended standard (3.4 square meters per adult

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<sup>102</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 4), November 2016

<sup>103</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 4), November 2016

<sup>104</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 4), November 2016

<sup>105</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 3), November 2016, [url](#).

<sup>106</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 4), November 2016, [url](#).

<sup>107</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 14), November 2016, [url](#).

<sup>108</sup> Samuel Hall, '[Hope behind bars](#)' (pages 15 and 21), August 2017

<sup>109</sup> BBC News, '[Afghanistan: The detention centre for teenage Taliban members](#)', 21 April 2020

<sup>110</sup> BBC News, '[Afghanistan: The detention centre for teenage Taliban members](#)', 21 April 2020



prisoner) and the European Rules Commentary's minimum recommended standard (4 square meters per juvenile in shared accommodation).<sup>111</sup>

- 6.2.6 The UNAMA Rule of Law report continued 'Additionally, juveniles had regular access to quality food, appropriate clothing, clean drinking water, sanitary facilities, and bedding..., conditions at purpose-built JRC facilities were better than at rented facilities operated out of residential homes.'<sup>112</sup> The report added, however, 'At most JRCs, access to educational and vocational training aimed at preparing juveniles for re-entry into society is limited.'<sup>113</sup>
- 6.2.7 The USSD HR Report 2020 noted 'Reports indicated children in juvenile rehabilitation centers across the country lacked access to adequate food, health care, and education... There were reports of children being abused while in custody, to include girls who were raped and became pregnant.'<sup>114</sup>
- 6.2.8 The USSD HR Report 2019 noted 'According to NGOs and media reports, authorities held children younger than age 15 in prison with their mothers, due in part to a lack of capacity of separate children's support centers. These reports documented insufficient educational and medical facilities for these minors.'<sup>115</sup>
- 6.2.9 The AIHRC noted in its report on the human rights situation for children in 2019, that of the 591 children in correction centres that the Commission interviewed, 101 (17.1%) said they had been mistreated during their detention<sup>116</sup>. In 2020, 112 (18.7%) of 598 children alleged torture and ill-treatment during their detention<sup>117</sup>.
- 6.2.10 The USSD 2020 Trafficking in Persons (TiP) report, covering the period April 2019 to March 2020, noted 'Multiple organizations reported JRCs lacked adequate food and education and reported allegations of sexual violence, including against child sex trafficking victims and child soldiers. JRC authorities reportedly presumed detained children to be guilty and did not provide them with knowledge of the charges against them or access to lawyers.'<sup>118</sup>
- 6.2.11 In a report on the treatment of security- or terrorism-related detainees in the custody of Afghan police, border guards, armed forces and intelligence, published February 2021 and covering the period from January 2019 to March 2020, UNAMA noted that, as in the 2017-2018 monitoring period, children remained at higher risk of being subjected to torture and ill-treatment when in the custody of the National Directorate of Security (NDS)<sup>119</sup>.
- 6.2.12 A study by AIHRC, published November 2020, found '... before the Coronavirus crisis, there were 746 children in child correction centers across the country, of whom 27 (3.6%) were girls and 719 (96.4%) were boys.

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<sup>111</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (pages 2 and 12), November 2016

<sup>112</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 2), November 2016

<sup>113</sup> UNAMA, '[Juvenile Rehabilitation Centers](#)' (page 2), November 2016

<sup>114</sup> USSD, '[2020 Human Rights Report](#)' (section 1d), 30 March 2021

<sup>115</sup> USSD, '[2019 Human Rights Report](#)' (section 1c), 11 March 2020

<sup>116</sup> AIHRC, '[Summary Report on the Human Rights Situation of Children...](#)' (page 2), 23 March 2020

<sup>117</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

<sup>118</sup> USSD, '[2020 Trafficking in Persons Report](#)', 25 June 2020

<sup>119</sup> UNAMA, '[Preventing Torture and Upholding the Rights of Detainees...](#)' (page 20), February 2021

During the Coronavirus crisis, according to the President's Decree on the release of some prisoners and detainees due to the Coronavirus outbreak, 294 (39.4%) were released, of whom 3 (1%) were girls and the rest, 291 (99%) were boys.<sup>120</sup>

- 6.2.13 The USSD HR Report 2020 stated ‘Security forces kept child detainees in juvenile detention centers run by the Ministry of Justice, except for a group of children arrested for national security violations who stayed at the detention facility in Parwan, the country’s primary military prison. NGOs reported these children were kept separate from the general population but still were at risk of radicalization.’<sup>121</sup>

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Section 7 updated: 15 April 2021

## 7. Violence against children

### 7.1 Attacks on schools and education personnel

- 7.1.1 The Global Coalition to Protect Education from Attack (GCPEA) noted in its 2020 report, which documented attacks on education between 2017 and 2019, that, in Afghanistan:

‘GCPEA collected reports of over 300 attacks on schools between 2017 and 2019, which injured or killed at least 410 students, teachers, or education personnel. Reported attacks on schools escalated during the three-year period, substantially increasing in 2018. Non-state armed groups including “ISKP” were reportedly responsible for violently targeting, and forcing the closure of, schools, particularly girls’ schools, and for the majority of attacks on schools, which often included explosive weapons, arson, crossfire, and threats. Afghan government forces were responsible for a minority of attacks on schools, with at least one recorded attack on a madrassa; the attack reportedly targeted the Taliban, according to Afghan officials.’<sup>122</sup>

- 7.1.2 According to a survey of 600 parents and 90 children, conducted by Save the Children in April 2019 in selected districts of Kabul, Balkh, Faryab and Sar-e Pul provinces, ‘Only 30 percent of children feel safe at school, with girls feeling less safe than boys. Many of the children who were interviewed were too scared to even go outside.’<sup>123</sup> Two-thirds of parents said their children feared ‘... explosions, kidnappings or other forms of extreme violence on their journeys to school...’<sup>124</sup>

- 7.1.3 Regarding attacks on schools and education-related personnel, in its Annual Report for 2020, the UN Assistance Mission Afghanistan (UNAMA) verified 62 incidents impacting access to education<sup>125</sup>, compared to 70 incidents in 2019 and 192 (including 92 incidents of election-related violence when schools were used as polling stations) in 2018<sup>126</sup>.

<sup>120</sup> AIHRC, ‘[Impact of Covid-19 on the Human Rights Situation of Children...](#)’, 21 November 2020

<sup>121</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 6), 30 March 2021

<sup>122</sup> GCPEA, ‘[Education under Attack 2020](#)’ (page 99), 2020

<sup>123</sup> Save the Children, ‘[Many Afghan Children are Afraid to go Outside...](#)’, 19 November 2019

<sup>124</sup> Save the Children, ‘[Many Afghan Children are Afraid to go Outside...](#)’, 19 November 2019

<sup>125</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 38), February 2021

<sup>126</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 27), February 2020

- 7.1.4 In 2019 and 2020, UNAMA reported that incidents included attacks targeting schools and madrassas and the incidental damage of such facilities, the killing, injury, and abduction of education personnel and students, as well as threats against education facilities and personnel<sup>127 128</sup>. In 2020, 30 students were killed and 53 injured<sup>129</sup>, compared to 9 killed and 29 injured in 2019<sup>130</sup>. Most incidents occurred in east, central, north and northeastern regions<sup>131</sup>  
<sup>132</sup>.
- 7.1.5 Citing various sources, the EASO report on key socio-economic indicators noted:  
‘Schoolgirls and schools for girls continued to be targeted during the armed conflict. According to UNOCHA, “the combination of actual exposure to and potential fear of violence has left parents with little choice but to take pre-emptive measures to protect their children from harm.” According to the WOA [2019 Whole of Afghanistan] Assessment, referred to by UNOCHA, around 18% of shock-affected households reported that their girl-children did not attend school in 2019 “due to security concerns about their child travelling to or being at school”. Next to it, 32% of households reported cultural reasons as the main barrier. In the communication with EASO in 2018, Fabrizio Foschini added that in Afghan society it was usually considered inappropriate that girls moved around because of a real or perceived insecurity and cultural reasons. According to HRW, cultural barriers led to lower enrolment numbers more among Pashto speakers, compared to Dari speakers.’<sup>133</sup>
- 7.1.6 In its report for the third quarter of 2020, UNAMA verified ‘... a total of 45 attacks against schools and education-related personnel between 1 January and 30 September 2020, with more than half of these incidents reported in the third quarter of 2020.’<sup>134</sup>
- 7.1.7 As noted in the USSD HR Report 2020, ‘Violent attacks on schoolchildren, particularly girls, hindered access to education, particularly in areas controlled by the Taliban. The Taliban and other extremists threatened and attacked school officials, teachers, and students, particularly girls, and burned both boys’ and girls’ schools.’<sup>135</sup>

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## 7.2 Conflict-related violence

- 7.2.1 In November 2020, Save the Children reported ‘Between 2005 and 2019, at least 26,025 children have been killed or maimed in Afghanistan – an

<sup>127</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 27), February 2020

<sup>128</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 38), February 2021

<sup>129</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 38), February 2021

<sup>130</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 27), February 2020

<sup>131</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 38), February 2021

<sup>132</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 27), February 2020

<sup>133</sup> EASO, ‘[Key socio-economic indicators...](#)’ (page 42), August 2020

<sup>134</sup> UNAMA, ‘[Third Quarter Report: 1 January to 30 September 2020](#)’ (page 7), October 2020

<sup>135</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 6), 30 March 2021

average of five children every single day over the past 14 years.<sup>136</sup> In 2019 and 2020, children accounted for 30% of all civilian casualties<sup>137 138</sup>.

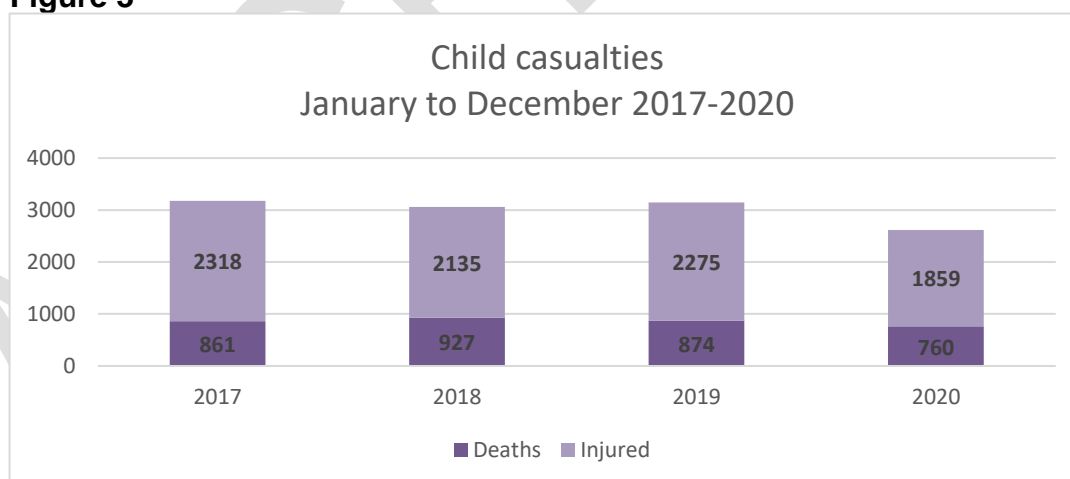
7.2.2 Having made comparable findings in 2019<sup>139</sup>, the UNOCHA noted in its Humanitarian Needs Overview, covering 2020:

‘Children throughout Afghanistan continue to face pervasive violence and a range of protection risks... Grave child rights violations are a significant concern, with children in Afghanistan consistently killed and injured, recruited and used in hostilities, detained, abducted, made victims sexual violence, exposed to deliberate attacks on schools and hospitals, and denied humanitarian assistance by parties to the conflict.’<sup>140</sup>

7.2.3 A survey conducted by Save the Children in April 2019 in selected districts of Kabul, Balkh, Faryab and Sar-e Pul provinces, noted that children lived ‘in fear of explosives, gun violence and the sound of attack helicopters on their way to and at school’ as well as going to the market or playing outside<sup>141</sup>.

7.2.4 Data relating to the impact of the conflict on children, extracted from UNAMA’s Annual Reports for 2017<sup>142</sup>, 2018<sup>143</sup>, 2019<sup>144</sup> and 2020<sup>145</sup>, is shown in Figure 3, and compares the number of child casualties (deaths and injured) between January and December 2017-2020.

**Figure 3**



7.2.5 UNAMA reported a 17% decrease in the total number of child casualties in 2020 (2,619)<sup>146</sup> compared to 2019 (3,151)<sup>147</sup>.

<sup>136</sup> Save the Children, ‘[Shocking new data: five children killed or maimed...](#)’, 23 November 2020

<sup>137</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 9), February 2020

<sup>138</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 30), February 2021

<sup>139</sup> UNOCHA, ‘[Humanitarian Needs Overview 2020](#)’ (page 68), December 2019

<sup>140</sup> UNOCHA, ‘[Humanitarian Needs Overview 2021](#)’ (page 35), December 2020

<sup>141</sup> Save the Children, ‘[Many Afghan Children are Afraid to go Outside...](#)’, 19 November 2019

<sup>142</sup> UNAMA, ‘[Annual Report 2017](#)’ (page 11), February 2018

<sup>143</sup> UNAMA, ‘[Annual Report 2018](#)’ (page 11) February 2019

<sup>144</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 21), February 2020

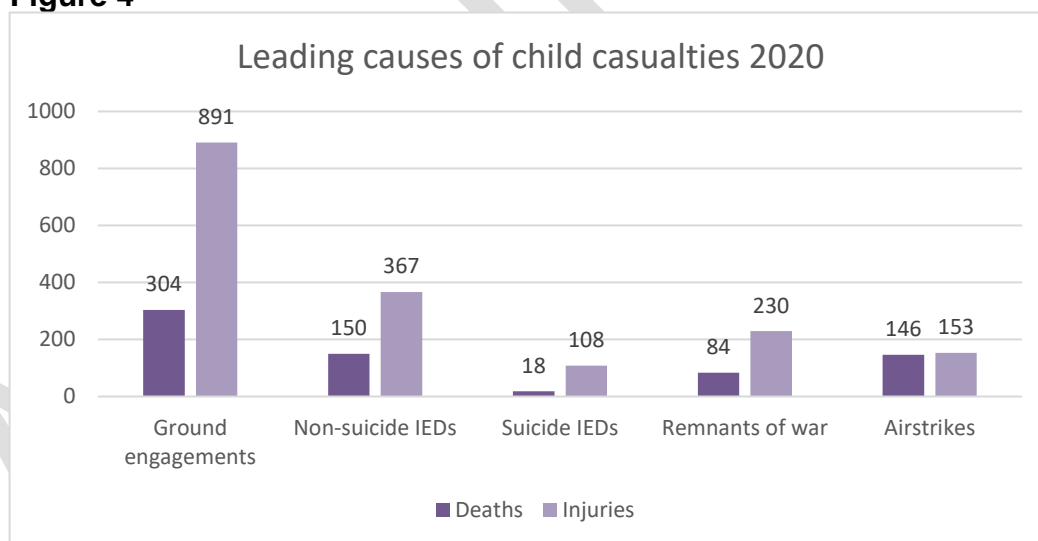
<sup>145</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 30), February 2021

<sup>146</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 30), February 2021

<sup>147</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 21), February 2020

- 7.2.6 Compared to UNAMA, the AIHRC recorded more child casualties in total in 2019 and 2020, though figures may differ according to the [Persian calendar](#) year or methodology of data collection. According to its report on civilian casualties in 2020, there was a 25% decrease in the number of child casualties in 2020 (a total of 2,019 with 565 deaths and 1,454 injured) compared to 2019 (total 2,696 with 445 deaths and 2,251 injured)<sup>148 149</sup>.
- 7.2.7 The UN Human Rights Council (UNHRC) published the Report of the United Nations High Commissioner for Human Rights (UNHCHR), on the situation of human rights in Afghanistan, dated 15 January 2021, covering the period between January and November 2020, which noted that 42% of child casualties were attributed to anti-government elements (AGEs), and 37% attributed to pro-government armed forces<sup>150</sup>. The same data was presented in UNAMA's Annual Report for 2020, which also noted that 21% of child casualties were jointly attributed to both parties of the conflict (when the exact perpetrator could not be determined), and to cross-border shelling by Pakistan armed forces<sup>151</sup>.
- 7.2.8 UNAMA's Annual Report for 2020 recorded the leading causes of child casualties (see Figure 4)<sup>152</sup>, 68% of whom were boys<sup>153</sup>.

**Figure 4**



- 7.2.9 For detailed information about the situation in specific provinces, refer to the European Asylum Support Office (EASO) [country reports](#) on Afghanistan: Security Situation.
- 7.2.10 The Long War Journal (LWJ) provided a '[living map](#)' of areas under government and Taliban control, as well as contested areas<sup>154</sup>.

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<sup>148</sup> AIHRC, '[Report Summary: Civilian Casualties in 2020](#)', 28 January 2021

<sup>149</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

<sup>150</sup> UNHRC, '[Situation of human rights in Afghanistan...](#)' (paragraph 24), 15 January 2021

<sup>151</sup> UNAMA, '[Annual Report 2020](#)' (page 31), February 2021

<sup>152</sup> UNAMA, '[Annual Report 2020](#)' (pages 31-32), February 2021

<sup>153</sup> UNAMA, '[Annual Report 2020](#)' (page 30), February 2021

<sup>154</sup> LWJ, '[Mapping Taliban Control in Afghanistan](#)', no date

### 7.3 Retaliatory and targeted attacks

- 7.3.1 According to the UNHCR's Afghanistan Eligibility Guidelines, dated August 2018, which cited a range of sources, anti-government elements (AGEs) have been reported to target family members of persons who are associated with, or perceived to be supportive of: the government and international community, the Afghan National Defence and Security Forces (ANDSF), which includes police and security services, aid workers and human rights activists, tribal elders and religious leaders, women in the public sphere or persons perceived as 'Westernised'<sup>155</sup>. The guidelines noted that targeting takes place '... both as acts of retaliation and on a "guilty by association" basis. In particular, relatives, including women and children, of government officials and members of the ANDSF have been subjected to harassment, kidnappings, violence, and killings.'<sup>156</sup> The report also highlighted that 'The ANDSF and AGEs are reported to abduct children for various purposes, including reprisals and punishment of the victim's family members. Children are also reported to be abducted and/or killed on the basis of accusations of having assisted the opposing party.'<sup>157</sup>
- 7.3.2 In July 2019, the New York Times reported that the Taliban undertook retaliatory attacks against the families and homes of Afghan soldiers and police officers, including burning down the homes of soldiers' families when the men served elsewhere<sup>158</sup>.
- 7.3.3 EASO noted in its July 2020 report on criminal law and customary justice that:  
  
'In January 2020, Afghan officials accused the Taliban of executing at least six members of the same family, including an infant girl, in a remote village in Faryab province. According to Afghan officials, the Taliban sentenced the family to death for 'immoral acts', accusing them of working in prostitution. However, according to Andkhoy district chief Sultan Mohammad Sanjer, locals claimed that the real reason behind this execution was the fact that a family member was a former Taliban militant who recently took part in the peace process.'<sup>159</sup>
- 7.3.4 On 10 July 2020, 3 civilian family members of a former local police commander in Panjwai District, Kandahar Province, were killed by Taliban who entered their house. Another 3 were injured<sup>160</sup>.
- 7.3.5 On 1 January 2021, journalist and activist, Bismillah Adil Aimaq, was murdered after gunmen opened fire on his car in Ghor province<sup>161 162</sup>. Just under 2 months later, on 25 February 2021, 3 of his family members were killed, one of whom was a 12 year-old girl, and another 5 children were

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<sup>155</sup> UNHCR, '[Eligibility Guidelines...](#)' (page 48), 30 August 2018

<sup>156</sup> UNHCR, '[Eligibility Guidelines...](#)' (page 48), 30 August 2018

<sup>157</sup> UNHCR, '[Eligibility Guidelines...](#)' (page 85), 30 August 2018

<sup>158</sup> New York Times, '[Seeking Revenge, Taliban Target Afghan Soldiers' Families](#)', 10 July 2019

<sup>159</sup> EASO, '[Criminal law, customary justice and informal dispute...](#)' (page 21), July 2020

<sup>160</sup> New York Times, '[Afghan War Casualty Report: July 2020](#)', 30 July 2020

<sup>161</sup> DW, '[Afghanistan: Gunmen kill prominent journalist and activist](#)', 1 January 2021

<sup>162</sup> BBC News, '[Afghanistan violence: Bismillah Aimaq is fifth journalist to die](#)', 1 January 2021

wounded, by gunmen at their home in Ghor<sup>163</sup> <sup>164</sup>. No one claimed responsibility for the killings<sup>165</sup>.

- 7.3.6 Noting a 33% decrease in casualties from deliberate targeting of civilians compared to 2019, UNAMA stated, in its 2020 Annual Report, that it continued to document targeted attacks, by AGEs, against civilian family members of Afghan national security forces personnel and persons supportive of the Government of Afghanistan<sup>166</sup>. The Taliban were also reported to have burnt down houses belonging to family members of ISIL-KP combatants<sup>167</sup>.
- 7.3.7 Referring to attacks by state actors, UNAMA noted in its 2019 Annual Report that it ‘... documented a number of incidents in which members of the Afghan national security forces intentionally killed family members of Taliban fighters in retaliation for Taliban attacks carried out against them.’<sup>168</sup>
- 7.3.8 Similarly, in 2020 UNAMA said it ‘... documented cases in which pro-government armed groups and the Afghan Local Police attacked civilians because they were related to members of the Taliban or a rival pro-government armed group, or because of the belief that they had supported the Taliban.’<sup>169</sup>
- 7.3.9 Referring to targeted attacks by parties in the conflict in 2020, the AIHRC noted that 74 children were killed and 290 injured, although the report did not elaborate on the reason, nature or perpetrator of such attacks<sup>170</sup>.

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#### 7.4 Physical and sexual abuse

- 7.4.1 EASO noted in a December 2017 report, ‘Child abuse is endemic in Afghan society, and sexual abuse of children remains a pervasive problem, with girls being most frequently abused in their families or communities, and boys being subjected to abuse by men external to their families.’<sup>171</sup>
- 7.4.2 In its Annual Report for 2020, when referring to conflict-related sexual violence against children, including rape and bacha bazi, UNAMA noted it was ‘rarely reported and inadequately addressed...’<sup>172</sup>
- 7.4.3 In regard to under-reporting, UNAMA noted ‘... there is a “culture of silence” and stigmatization in which shame is placed on the victims rather than the perpetrators. Victims feel unable to share reports of the harm they suffered due to feelings of guilt and humiliation; many are themselves blamed for being sexually abused or raped, and are often shunned by their communities – or even threatened – if the allegations come to light.’<sup>173</sup>

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<sup>163</sup> Gandhara, ‘[Three Killed In Attack Targeting Slain Afghan Reporter's Family](#)’, 26 February 2021

<sup>164</sup> AMN News, ‘[Afghanistan: Family of murdered journalist Bismillah Aimag...](#)’, 26 February 2021

<sup>165</sup> VoA, ‘[Attack Targets Afghan Reporter's Family, Kills 3](#)’, 26 February 2021

<sup>166</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 51), February 2021

<sup>167</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 55), February 2021

<sup>168</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 67), February 2020

<sup>169</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 70), February 2021

<sup>170</sup> AIHRC, ‘[Report Summary: Civilian Casualties in 2020](#)’, 28 January 2021

<sup>171</sup> EASO, ‘[Individuals targeted under societal and legal norms](#)’ (page 67), December 2017

<sup>172</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 35), February 2021

<sup>173</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 35), February 2021

- 7.4.4 In a study based on 1,000 children from the provinces of Balkh, Jowzjan, Sar-e Pul, Nangarhar, and Kabul (street working children only), published in August 2017, Save the Children found that 91% of children in Afghanistan in the study faced some sort of abuse<sup>174</sup>. Corporal punishment was routinely used against children in schools and at home<sup>175 176</sup>.
- 7.4.5 According to the same 2017 Save the Children study, child respondents experienced high levels of all types of violence, including exposure to violence, psychological violence, physical and emotional neglect, physical violence, and sexual abuse. According to the study, sexual abuse was very likely to be underreported. Only 9% of children reported not experiencing any type of violence. Children from urban areas reported experiencing more violence than children in rural areas. Almost 50% of the children experienced at least one form of psychological violence at home, including shouting, insults, blaming for parent's misfortune, cursing, public embarrassment, threats of abandonment, and locking out of home<sup>177</sup>. Lack of awareness, unemployment, drug abuse and poverty were given as the main reasons for violence against children<sup>178</sup>.
- 7.4.6 The AIHRC report on the human rights situation of children in 2020, based on a study of 5,318 children, published February 2021, found that children were victims of psychological, physical, sexual and economic violence<sup>179</sup>. The report stated 'In the fiscal year 1399 (2020), of the 5,318 children included in the study, 1,391 (26.2%) were victims of violence, while in 1398 (2019), 535 (10.2%) of the 5,248 children included in the study were victims of violence; thus, in 1399 (2020) incidents of violence against children increased by 16%. Among 1,391 children who were victims of violence, 948 (68.2%) were boys and 443 (31.8%) were girls.'<sup>180</sup>
- 7.4.7 Of those 1,391 children who were exposed to violence in 2020, the AIHRC reported '511 (36.7%) incidents were perpetrated by police officers, 241 (17.3%) by family members, 111 (8%) by employers, and 81 (5.8%) by teachers, 55 (4%) by other children and 392 (28.2%) by other people.'<sup>181</sup>
- 7.4.8 A study by AIHRC on the impact of Covid-19 on children, published November 2020, noted:  
 'According to the Commission's database, the level of violence against children in the first six months of this year [2020], during the quarantine period, was 141 cases, indicating a 13.5% decrease compared to the first six months of 1398 [2019], with 163 cases registered. Data from the Ministry of Interior also show that there have been 30 cases of violence against children during the quarantine, indicating a decrease of 68.4% compared to first six months in which 95 cases of violence against children were recorded. This reduction may be due to limitations on travel and movement during the

<sup>174</sup> Save the Children, '[A Baseline Study](#)' (page 1), August 2017

<sup>175</sup> IWPR, '[Afghanistan: Spare the Rod, Spoil the Child](#)', 17 March 2017

<sup>176</sup> Save the Children, '[A Baseline Study](#)' (page 1), August 2017

<sup>177</sup> Save the Children, '[A Baseline Study](#)' (page 36), August 2017

<sup>178</sup> Save the Children, '[A Baseline Study](#)' (page 1), August 2017

<sup>179</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

<sup>180</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021

<sup>181</sup> AIHRC, '[The Human Rights Situation of Children in 1399 \(2020\)](#)', February 2021



quarantine period, which restricted victims' opportunity to go to the judiciary and register the case, while the actual level of violence against children may have been much higher.

'According to the Ministry of Interior, 9.6% of violence against children has been committed by their parents, 12% by other family members, and 78.4% by non-family members.'<sup>182</sup>

- 7.4.9 The USSD 2020 TiP report noted 'In 2019, activists spent six months investigating and interviewing hundreds of boys aged 14 to 20 in Logar province across three high schools, and found evidence that at least 165 were sexually abused by teachers, principals, vice-principals, fellow students, and at least one local law enforcement official.'<sup>183</sup> A government committee set up to investigate the allegations of sexual abuse identified 21 suspects and, as at November 2020, had arrested 9 of them, some of whom had been convicted of crimes including harassment, rape and gang rape<sup>184</sup>.
- 7.4.10 For further information on gender-based violence relating to girls, see the [Country Policy and Information Note on Afghanistan: Women fearing gender-based violence](#).

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## 7.5 Bacha bazi

- 7.5.1 The USSD 2020 TiP report noted that although bacha bazi is a criminal offence, the practice continued to occur with impunity and the government showed little political will to prevent it<sup>185</sup>. Instances of bacha bazi were likely to be extremely underreported<sup>186</sup>. Though yet to be ratified, the Child Protection Act prohibits bacha bazi<sup>187</sup>.

- 7.5.2 The US Department of Labor (USDOL) noted in its 2019 report on child labour that:

'Boys across the country are subject to commercial sexual exploitation through the practice of bacha bazi, which typically entails keeping a male or transgendered child for the purpose of sexual gratification. Although bacha bazi is illegal, it is defended by some as a cultural practice. The perpetrators include police commanders, military members, tribal leaders, warlords, members of organized crime groups, clergy, and other men, typically with some authority or financial influence, who conspire to make boys available for sex. In some cases, these boys may also be forced to serve tea or dance at parties. According to the Afghanistan Independent Human Rights Commission (AIHRC), the practice exists in all provinces of the country. Orphans, runaways, school dropouts, and other marginalized youth are particularly at risk. Some boys are often sold into the practice by their families, while others are abducted from the street, including by police officers. Members of the Afghan National Police, the Afghan Local Police, the Afghan National Army, and the Afghan Border Police, especially

<sup>182</sup> AIHRC, '[Impact of Covid-19 on the Human Rights Situation of Children...](#)', 21 November 2020

<sup>183</sup> USSD, '[2020 Trafficking in Persons Report](#)', 25 June 2020

<sup>184</sup> UNHRC, '[Situation of human rights in Afghanistan...](#)' (paragraph 34), 15 January 2021

<sup>185</sup> USSD, '[2020 Trafficking in Persons Report](#)', 25 June 2020

<sup>186</sup> USSD, '[2020 Trafficking in Persons Report](#)', 25 June 2020

<sup>187</sup> [Law on Protection of Child Rights](#) (Article 99), 11 March 2019

checkpoint commanders, exploit boys for bacha bazi. Some victims are boys who work for government officials as tea servers or errand boys, but are also subjected to rape or other forms of sexual assault. NGOs reported that Afghan security forces and pro-government militias – some of whom may have received direct financial support from the government – recruited boys specifically for use in bacha bazi.<sup>188</sup>

7.5.3 The June 2019 DFAT reported noted:

‘Human rights observers have reported that bacha bazi saw a resurgence in the years following the removal of the Taliban (who outlawed the practice), including in political circles and among senior members of the police and Afghan security forces. Article 677 of the 2017 Penal Code specifically criminalises bacha bazi, while the Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants (2017) includes legal provisions criminalising the various acts associated with it, including sexual exploitation of a minor, and forced dancing. The law prescribes punishments ranging from eight to 12 years’ imprisonment. It is too soon to say whether this new legal framework will result in a significant reduction in the prevalence of bacha bazi.’<sup>189</sup>

7.5.4 The DFAT report also indicated that ‘Although it occurs nationwide, the practice [of bacha bazi] is reportedly most prevalent in conservative rural areas, particularly among Pashtun groups in the south and southeast and Tajik groups in the north.’<sup>190</sup>

7.5.5 The USSD 2020 TiP report indicated:

‘Afghan security forces, in particular the ANP and ALP, recruited boys for bacha bazi in every province of the country... In the northern provinces, many bacha bazi traffickers were community elders or private citizens. In southern provinces, by contrast, bacha bazi perpetrators were more commonly police, military, and local government officials. Local authorities overwhelmingly acknowledged many police, especially checkpoint commanders, recruited boys for sex trafficking in bacha bazi nationwide but especially in Kandahar province.’<sup>191</sup>

7.5.6 The same report also noted that:

‘Despite local officials’ widespread acknowledgement that many police, especially commanders at remote checkpoints, recruited boys for Bacha bazi, some high-level and provincial authorities, including at the Ministry of Interior (MOI), categorically denied the existence of bacha bazi among police and would not investigate reports. Additionally, despite consistent reports of bacha bazi perpetrated by Afghan National Army (ANA), ANP, and Afghan Local Police (ALP) officials, the government has never prosecuted a police officer for bacha bazi.’<sup>192</sup>

See also [Recruitment by government forces](#).

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<sup>188</sup> USDOL, ‘[2019 Findings on the Worst Forms of Child Labor](#)’ (section I), 30 September 2020

<sup>189</sup> DFAT, ‘[Country of Origin Information Report Afghanistan](#)’ (paragraph 3.81), 27 June 2019

<sup>190</sup> DFAT, ‘[Country of Origin Information Report Afghanistan](#)’ (paragraph 3.80), 27 June 2019

<sup>191</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>192</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

7.5.7 The USSD 2020 TiP report also said, ‘Observers noted perpetrators of bacha bazi often paid bribes to, or had relationships with, law enforcement, prosecutors, or judges that protected them from prosecution. A public health official who conducted forensic exams for criminal cases reported state prosecutors pressured him not to report confirmed evidence of abuse, including in cases of bacha bazi.’<sup>193</sup>

7.5.8 UNAMA noted in its Annual Report for 2020 ‘As with broader concerns relating to sexual violence, rampant impunity remains despite the criminalization of bacha bazi in Afghanistan. There are very few investigations and prosecutions of alleged perpetrators and victims face ongoing social stigma and ostracization from family and/or society.’<sup>194</sup>

7.5.9 The USSD 2020 TiP report noted that ‘Some boys who reported sexual abuse and sex trafficking to police reported police officers then raped them.’<sup>195</sup> The report added:

‘Victims, especially of bacha bazi, feared abuse and penalization by law enforcement, threats of retaliation from traffickers and one’s community, and even for their lives. The stigma associated with trafficking also prevented the vast majority of trafficking victims from bringing cases forward to law enforcement or seeking care. Multiple bacha bazi victims reported police sexually abused them when they tried to report their exploitation and then treated them as criminals, sometimes detaining and penalizing them. In two high-profile investigations into sex trafficking by a high-ranking sports official and Afghan school teachers and police in Logar state, victims reported widespread retaliation from alleged perpetrators and, due to a lack of victim protection, fled Afghanistan. Due to a lack of victim protection, family members and the Taliban murdered at least eight child sex trafficking victims, including some as young as 13 years old, for dishonor.’<sup>196</sup>

See also [Physical and sexual abuse](#)

7.5.10 The USSD 2020 TiP report also noted ‘Authorities prosecuted bacha bazi victims as equally responsible “criminals” as their adult traffickers. Authorities remanded boy sex trafficking victims to Juvenile Rehabilitation Centers (JRCs) on criminal charges and detained them for several years.’<sup>197</sup>

See also [Juvenile detention](#).

7.5.11 The USSD 2020 TiP report added that some steps were taken to protect children, noting, ‘The President ordered several ministries to create a National Child Protection Committee to address bacha bazi with representatives from AGO, AIHRC, the Ministry of Education, and other bodies.’<sup>198</sup>

See also [Trafficking](#).

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<sup>193</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>194</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 35), February 2021

<sup>195</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>196</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>197</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>198</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

## 7.6 Child marriage

- 7.6.1 According to Radio Free Europe/Radio Liberty (RFE/RL), reporting in August 2019, boys in rural areas were ‘... often impelled to marry because of long-held local or tribal traditions – customs on the inheritance rights of widows, the settlement of blood feuds, or prearranged agreements between families to exchange their children for marriage’. The source mentioned that child marriages of boys were less frequent than child marriages of girls and tended to be underreported<sup>199</sup>.
- 7.6.2 For further information on early and forced marriage, see the [Country Policy and Information Note on Afghanistan: Women fearing gender-based violence](#).

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## 7.7 Recruitment by government forces

- 7.7.1 The recruitment and use of children by government forces was noted to be widely underreported<sup>200 201</sup>.
- 7.7.2 As well as various laws prohibiting the recruitment of children, in its report submitted to the UN Committee on the Rights of the Child (UNCRC) on the involvement of children in armed conflict, received August 2020 and published in November 2020, the Government of Afghanistan noted that Child Protection Units had been established in all provinces of Afghanistan and the new Penal Code 2018 prohibits the enlistment of children in armed forces<sup>202</sup>.
- 7.7.3 According to the USSD 2020 TiP report, during the reporting period (April 2019 to March 2020), ‘The government increased the number of Child Protection Units (CPUs) at Afghan National Police (ANP) recruitment centers, which prevented the recruitment of 357 child soldiers. However, some NGOs reported CPUs were not sufficiently equipped, staffed, or trained to provide adequate oversight and noted they did not oversee ALP recruitment centers, which also recruited children.’<sup>203</sup>
- See also [Childcare and protection](#).
- 7.7.4 In its Annual Report for 2020, UNAMA reported on the progress made by the Ministry of Interior to prevent underage recruitment through Child Protection Units and noted that 187 underage boys were prevented from enlisting in the Afghan National Police<sup>204</sup>, compared to 439 in 2019<sup>205</sup>. However, unverified reports continued to be received by UNAMA on children used by Afghan government forces for combat and support roles, such as bodyguards, drivers for generals and working at checkpoints<sup>206</sup>.

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<sup>199</sup> RFE/RL, ‘[Boys With Brides: Afghanistan's Untold Dilemma Of Underage...](#)’, 12 August 2019

<sup>200</sup> UNHRC, ‘[Situation of human rights in Afghanistan...](#)’ (paragraph 24), 15 January 2021

<sup>201</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 34), February 2021

<sup>202</sup> UNCRC, ‘[Report submitted by Afghanistan under article 8 \(1\)](#)’ (paragraph 8), 13 November 2020

<sup>203</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>204</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 34), February 2021

<sup>205</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 25), February 2020

<sup>206</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 34), February 2021

- 7.7.5 UNAMA stated, ‘While Afghan national security forces have made progress overall in preventing child recruitment and use, the use of children by Afghan National Police for service and sexual purposes, and to a lesser extent Afghan National Army-Territorial Force and Afghan Local Police [ALP] use of children for combat functions, remains of grave concern.’<sup>207</sup>
- 7.7.6 The USSD 2020 TIP report noted ‘Afghan security forces, including the ANA, ANP, ALP, and NDS, continued to recruit and use children in combat and non-combat roles with impunity.’<sup>208</sup> The report added:  
‘Despite consistent identification of child soldiers among Afghan security forces for several years, MOI, MOD, and NDS denied all allegations. The government has never prosecuted any military or police official for recruitment or use of child soldiers. Pro-government militias that may have received direct financial support from the Afghan government reportedly recruited and used child soldiers, primarily in non-combat roles. The government denied and did not investigate such claims. Some officials accepted bribes to produce identity documents for boys stating they were at least 18 years old.’<sup>209</sup>
- 7.7.7 The 2020 UNAMA report also noted:  
‘... the advent of the COVID-19 pandemic seems to have increased vulnerability of children to recruitment and use. Various non-governmental organisations, international organizations, and interlocutors have confirmed to UNAMA an increase in general unemployment and poverty due to the pandemic, which may be linked to the rise in recruitment and use of children; many children are forced to seek employment in order to support their families, and in doing so attempt to join the ranks of parties to the conflict.’<sup>210</sup>
- 7.7.8 The UNAMA report noted that the ALP was abolished in September 2020, with most members transferred to the Afghan National Army-Territorial Force or Afghan National Police<sup>211</sup>.

See also [Bacha bazi](#).

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## 7.8 Recruitment by non-state armed groups

- 7.8.1 The Long War Journal (LWJ) provided a ‘[living map](#)’ of areas under government and Taliban control, as well as contested areas<sup>212</sup>.
- 7.8.2 The Government of Afghanistan noted in its November 2020 report to the UNCRC ‘Anti-government armed groups recruit the children from religious schools (madradas) to educate them the group’s ideologies, and after being brainwashed under the guise of Jihad, these children are used to carry out suicide bombing and other terrorist attacks.’<sup>213</sup>

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<sup>207</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 33), February 2021

<sup>208</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>209</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>210</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 34), February 2021

<sup>211</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 33), February 2021

<sup>212</sup> LWJ, ‘[Mapping Taliban Control in Afghanistan](#)’, no date

<sup>213</sup> UNCRC, ‘[Report submitted by Afghanistan under article 8 \(1\)](#)’ (paragraph 14), 13 November 2020

7.8.3 According to the USSD 2020 TiP report:

‘Insurgent groups, including the Taliban and the Islamic State in Khorasan Province, use children in direct hostilities, to plant and detonate improvised explosive devices (IEDs), carry weapons, spy, and guard bases. The Taliban recruits child soldiers from its madrassas in Afghanistan and Pakistan that provide military training and religious indoctrination, and it sometimes provides families cash payments or protection in exchange for sending their children to these schools. Armed groups target children from impoverished and rural areas, particularly those under Taliban control.’<sup>214</sup>

7.8.4 Referring to recruitment by the Taliban, the EASO report on Anti-Government Elements, dated August 2020, noted:

‘The Taliban typically recruit young males from rural communities who are unemployed, educated in madrasas and ethnically Pashtun, according to independent Afghanistan expert, Borhan Osman. Recruitment usually occurs through the group’s Military Commission and outreach in mosques, as well as through personal networks and families of fighters, many of whom are motivated by “deep loathing for the Western institutions and values the Afghan government has taken up from its allies”. Rather than paying salaries, the Taliban cover expenses; while the movement has become entrenched in crime and narcotics as fighters keep the spoils of these activities.’<sup>215</sup>

7.8.5 According to an article in the LWJ, dated February 2020, ‘The Taliban continues to highlight the training of its fighters at its “military camps” that are located somewhere in Afghanistan or Pakistan.’ The report noted that the Mahmud Ghaznawi Military Camp, the location of which was not known, was ‘... one of more than 20 training facilities that have been celebrated by the Taliban since 2014.’<sup>216</sup> Another LWJ report, dated 1 April 2020, cited Taliban training camps known as Abu Ubaidah bin Jarrah (in Badakhshan), Abu Dardaa (in Faryab) and Abu Bakr Al-Siddiq (location unknown). The Taliban claimed to have training camps across the country<sup>217</sup>.

7.8.6 The EASO report on the security situation, dated September 2020, referred to recruits to ISKP (Islamic State Khorasan Province), noting:

‘While the Taliban recruited “typically” unemployed, madrasa-educated young Pashtuns from rural communities, ISKP had cells in urban centres and recruited men and women from middle-class families, with many university students of non-Pashtun origin, predominantly from Kabul City and the surrounding urban centres of Parwan, Kapisa, and Panjsher provinces. According to the research, “with the exception of a minority made up of original Kabulis and a number of Uzbeks from Jawzjan, Takhar, and Faryab provinces in the far north of the country, the membership of ISKP’s Kabul cell is composed of youth from the areas of muqawamat (anti-Taliban resistance)”, who have either settled in Kabul or visit it regularly.’<sup>218</sup>

<sup>214</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>215</sup> EASO, ‘[Anti-Government Elements](#)’ (page 21), August 2020

<sup>216</sup> LWJ, ‘[Taliban promotes “mujahideen” graduates from one of its military...](#)’, 5 February 2020

<sup>217</sup> LWJ, ‘[Taliban touts training camps “still going on” that prepare fighters for “war”](#)’, 1 April 2020

<sup>218</sup> EASO, ‘[Security Situation](#)’ (page 51), September 2020

- 7.8.7 According to a 2018 Save the Children report on experiences of child returnees from Europe, 10 out of the 53 respondents, who returned to Kabul and Herat, stated that ‘someone “attempted to recruit them to fight in combat, commit acts of violence, or otherwise engage with armed groups”.’<sup>219</sup>
- 7.8.8 The GCPEA noted that, between 2017 and 2019, ‘No incidents of child recruitment were reported at school or while children were en route to or from school during the reporting period. However, there was evidence that families at least perceived that recruitment was a risk for their children in and around school settings... GCPEA also received anecdotal evidence that non-state armed groups recruited children from madrassas during the reporting period.’<sup>220</sup>
- 7.8.9 UNAMA noted in its Annual Report for 2020 that, throughout the year, children continued to be recruited by the Taliban<sup>221</sup>. UNAMA verified the recruitment and use of 196 boys in 2020, mostly in the north and northeast of the country, and 172 recruits were attributed to the Taliban<sup>222</sup>. In 2019, UNAMA verified 58 children were recruited by the Taliban<sup>223</sup>.
- 7.8.10 In 3 separate studies exploring Taliban rule in territories under their control, the Afghanistan Analysts Network (AAN) looked at Andar district in Ghazni province<sup>224</sup>, Nad Ali district in Helmand province<sup>225</sup>, and Dasht-e Archi district in Kunduz province<sup>226</sup>, and in each study, referred to Taliban recruitment methods, which indicated that the Taliban did not use direct force to recruit young male conscripts although some may be coerced.
- 7.8.11 In its first study of Andar district, Ghazni, published 19 October 2020, the AAN noted:
- ‘During our interviews, no one reported young men being conscripted into Taleban ranks. This contrasts with the 1990s when the Taleban were fighting against the Jamiat-led United Front, better known as “Northern Alliance”, and demanded conscripts, including from Andar. Then, Taleban would go to villages to take young students (taleban) either from village mosques or from local madrassas to the frontline for fighting. In addition, the madrasa graduates who were staying at home were also likely to be conscripted.
- ‘When AAN asked the key informants whether this happened nowadays, they unanimously said that the Taleban did not do so, mainly because of the absolute requirement for loyalty from fighters and the danger of infiltration. Voluntary recruitment proved more dependable... Most join for ideological reasons, not for financial gain, according to the interviewees... they [Taliban] do not suffer a shortage of fighters locally.’<sup>227</sup>

<sup>219</sup> Save the Children, ‘[From Europe to Afghanistan](#)’ (page 37), 2018

<sup>220</sup> GCPEA, ‘[Education under Attack 2020](#)’ (pages 102-103), 2020

<sup>221</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 33), February 2021

<sup>222</sup> UNAMA, ‘[Annual Report 2020](#)’ (pages 33-34), February 2021

<sup>223</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 24), February 2020

<sup>224</sup> AAN, ‘[Living with the Taleban \(1\): Local experiences in Andar district...](#)’, 19 October 2020

<sup>225</sup> AAN, ‘[Living with the Taleban \(2\): Local experiences in Nad Ali district...](#)’, 18 January 2021

<sup>226</sup> AAN, ‘[Living with the Taleban \(3\): Local experiences in Dasht-e Archi district...](#)’, 25 January 2021

<sup>227</sup> AAN, ‘[Living with the Taleban \(1\): Local experiences in Andar district...](#)’, 19 October 2020

- 7.8.12 In Nad Ali district, Helmand province, the AAN reported ‘The Taleban do not conscript young men into their ranks, partly because they have no shortage of recruits and partly because, unlike the late 1990s/early 2000s, they do not need to forcibly occupy areas.’<sup>228</sup> However, one informant said “‘When somebody from the Taleban, for example a commander or a head of a group, is killed, the Taleban pass his duty on to his brother or someone else from his family. If he doesn’t have a brother or close relative in his family who can fight in the Taleban’s ranks, his duty is then given to his wider relatives”.’<sup>229</sup>
- 7.8.13 Reporting on Dasht-e Archi district in Kunduz province, the AAN noted ‘The Taleban do not need conscripts as they can recruit from the madrassas. According to a key informant who lives in a Taleban-controlled area, instead of forcing people to join them, the Taleban encourage villagers to send their children to madrassas for religious study. He said that all madrasa teachers are pro-Taleban and encourage students to join the cause.’<sup>230</sup>
- 7.8.14 A BBC report dated April 2020, indicated that some teenagers were inspired to join the Taliban or Islamic State after viewing their propaganda videos or attending madrassas in Taliban-controlled areas<sup>231</sup>.
- 7.8.15 The USSD 2020 TiP report noted that, rather than referring children to reintegration support, ‘The government ... arrested, detained, and prosecuted for terrorism-related crimes children younger than 12 years old that non-state armed groups had forcibly recruited.’<sup>232</sup>

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## 7.9 Street children

- 7.9.1 A report by the Institute for War and Peace Reporting (IWPR), dated December 2016, noted that UNICEF estimated that about 60,000 children were working in the streets of Kabul, although the Afghanistan Independent Human Rights Commission (AIHRC) estimated this to have exceeded 100,000<sup>233</sup>. The IWPR added that children begging or selling goods were a familiar sight in cities across the country, adding that not all street children were orphans; some were sent out to earn money by their families as they had no other means of support<sup>234</sup>. The IWPR report cited Sadiq Sadiqi, then spokesman for the Ministry of Interior Affairs, who said ‘street children faced a constant threat of violence.’<sup>235</sup>
- 7.9.2 EASO reported in 2017 that most street children were boys, adding ‘In the cities, street children in particular face a lot of threats: risk of trafficking, sexual abuse, kidnapping, drug addiction and recruitment by insurgents or as drug runners’ and that urban displaced youth in Kabul were ‘... vulnerable

<sup>228</sup> AAN, ‘[Living with the Taleban \(2\): Local experiences in Nad Ali district...](#)’, 18 January 2021

<sup>229</sup> AAN, ‘[Living with the Taleban \(2\): Local experiences in Nad Ali district...](#)’, 18 January 2021

<sup>230</sup> AAN, ‘[Living with the Taleban \(3\): Local experiences in Dasht-e Archi district...](#)’, 25 January 2021

<sup>231</sup> BBC News, ‘[Afghanistan: The detention centre for teenage Taliban members](#)’, 21 April 2020

<sup>232</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>233</sup> IWPR, ‘[No Respite for Kabul's Street Children](#)’, 9 December 2016

<sup>234</sup> IWPR, ‘[No Respite for Kabul's Street Children](#)’, 9 December 2016

<sup>235</sup> IWPR, ‘[No Respite for Kabul's Street Children](#)’, 9 December 2016



to being targeted for recruitment and pressured to engage in criminality or gangs.<sup>236</sup>

- 7.9.3 A 2018 research report on child labour, by the independent Afghanistan Public Policy Research Foundation (APPRF), noted:

‘Children working “in the street” as well as in other families’ households may be particularly vulnerable to sexual exploitation. Presence on the streets, unprotected, presents a grave danger to many young boys who are at risk of being kidnapped, sexually assaulted or enslaved, and sometimes killed... There is a substantial amount of anecdotal evidence about the sexual abuse of young boys who work on the streets as beggars, peddlers, shoe shiners, tea makers, and car cleaners.’<sup>237</sup>

See also [Child labour](#), [Physical and sexual abuse](#) and [Bacha bazi](#).

- 7.9.4 The USSD HR Report 2020 noted ‘Although the government banned street begging in 2008, NGOs and government offices reported large numbers of children begging and living in the streets of major cities.’<sup>238</sup>

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## 7.10 Abductions

- 7.10.1 According to the UNHCR’s Afghanistan Eligibility Guidelines, dated August 2018, ‘The ANDSF and AGEs are reported to abduct children for various purposes, including reprisals and punishment of the victim’s family members. Children are also reported to be abducted and/or killed on the basis of accusations of having assisted the opposing party.’<sup>239</sup>

See also [Retaliatory and targeted attacks](#).

- 7.10.2 In 2020, there was an increase in incidents of child abduction compared to 2019. In 2020 UNAMA verified ‘... 19 incidents of abduction of children involving 55 children, 18 of which were attributed to the Taliban and one to a pro-government armed group’<sup>240</sup>, compared to 2019, which saw ‘... nine incidents of abduction of children involving 14 boys, seven of which were attributed to the Taliban, one to Afghan National Police and one to a pro-Government armed group.’<sup>241</sup>

See also [Recruitment by government forces](#) and [Recruitment by non-state armed groups](#).

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## 7.11 Trafficking

- 7.11.1 Although the trafficking of persons is prohibited by law<sup>242 243</sup>, the USSD 2020 TiP report noted ‘The government made inadequate efforts to prevent trafficking’, and ‘Law enforcement and judicial officials continued to have a

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<sup>236</sup> EASO, ‘[Key socio-economic indicators](#)’, (pages 116, 120 and 121), August 2017

<sup>237</sup> APPRF, ‘[Chronic Conflict, Poverty, and Child Labor...](#)’ (page 15), April 2018

<sup>238</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 6), 30 March 2021

<sup>239</sup> UNHCR, ‘[Eligibility Guidelines...](#)’ (page 85), 30 August 2018

<sup>240</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 32), February 2021

<sup>241</sup> UNAMA, ‘[Annual Report 2019](#)’ (page 23), February 2020

<sup>242</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (pages 77-78), 2018

<sup>243</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

limited understanding of trafficking.<sup>244</sup> Protection efforts were also reported as inadequate<sup>245</sup>.

- 7.11.2 The USSD 2020 TiP report noted ‘Internal trafficking is more prevalent than transnational trafficking.’<sup>246</sup> The same source noted:

‘Most Afghan trafficking victims are children forced to work in carpet making, brick kilns, domestic servitude, commercial sex, begging, poppy cultivation and harvesting, salt mining, transnational drug smuggling, and truck driving. Some Afghan families force their children into labor with physical violence or knowingly sell their children into sex trafficking, including bacha bazi. Opium-farming families sometimes sell their children to settle debts with opium traffickers, and some drug-addicted parents subject their children to sex trafficking or force them into labor, including begging. Some orphanages run by NGOs and overseen by the government subjected children to trafficking.’<sup>247</sup>

See also [Orphans and orphanages](#).

- 7.11.3 Although reporting that transnational trafficking was less common than internal trafficking, the USSD 2020 TiP report noted ‘Trafficking networks smuggle Afghan nationals living in Iran to Europe and subject them to sex trafficking and force them to work in restaurants to pay off debts incurred by smuggling fees. Some Afghan traffickers subjected Afghan boys to bacha bazi in Germany, Hungary, Macedonia, and Serbia.’<sup>248</sup>

- 7.11.4 According to the same report, ‘The Iranian government and the Islamic Revolutionary Guards Corps continue to force and coerce Afghan migrants, including children as young as 12 years old, to fight in Iranian-led and -funded Shia militias deployed to Syria by threatening them with arrest and deportation to Afghanistan.’<sup>249</sup>

See also [Bacha bazi](#).

- 7.11.5 The USSD 2020 TiP report further noted:

‘MOI organized and conducted four regional training sessions for approximately 590 provincial anti-trafficking unit officers, Afghan Border Police [ABP], and police Criminal Investigation Department officers in four provinces. MOI continued to operate dedicated trafficking/smuggling units in each of the 34 provinces and in Kabul, with two officers in each province. NDS, the ABP, and a Kabul-based INTERPOL unit also had mandates to address human trafficking. The agencies did not have a clear delineation of responsibilities, so NDS investigated most human trafficking cases. While ABP was best-positioned to identify and investigate trafficking at the borders, and some of its officers received anti-trafficking training during the reporting period, many officials still lacked anti-trafficking training. In addition, the force as a whole lacked the resources to identify and investigate trafficking.

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<sup>244</sup> USSD, [‘2020 Trafficking in Persons Report’](#), 25 June 2020

<sup>245</sup> USSD, [‘2020 Trafficking in Persons Report’](#), 25 June 2020

<sup>246</sup> USSD, [‘2020 Trafficking in Persons Report’](#), 25 June 2020

<sup>247</sup> USSD, [‘2020 Trafficking in Persons Report’](#), 25 June 2020

<sup>248</sup> USSD, [‘2020 Trafficking in Persons Report’](#), 25 June 2020

<sup>249</sup> USSD, [‘2020 Trafficking in Persons Report’](#), 25 June 2020

Officials acknowledged personnel, resources, and knowledge of trafficking remained inadequate across all units.<sup>250</sup>

7.11.6 The same report further highlighted the following protection gaps:

‘... the government’s formal justice system, informal justice system in rural areas, and the justice system administered by the Taliban all routinely arrested, imprisoned, and penalized adult and child trafficking victims. Some female trafficking victims could not access the formal justice system because cultural norms precluded their engagement with male law enforcement and judicial officials. When female sex trafficking victims did access formal justice, officials penalized some of them for “moral crimes” such as sex outside of marriage. In rural areas, the lack of access to formal justice systems also disproportionately affected females. Male community leaders in some cases settled both criminal and civil disputes and penalized female sex trafficking victims for “moral crimes.” Through its justice system, the Taliban detained and forced into labor some child and adult sex trafficking victims charged with “moral crimes.” Authorities equally penalized male sex trafficking victims. Authorities prosecuted bacha bazi victims as equally responsible “criminals” as their adult traffickers.’<sup>251</sup>

7.11.7 According to a report in January 2021, Kabul police rescued several children from being trafficked to Pakistan, preventing them from being sent for training and education at Taliban seminaries<sup>252</sup>.

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Section 8 updated: 15 April 2021

## 8. Child labour

### 8.1 Prevalence

8.1.1 By law, the minimum age for work is 15, or 18 for hazardous work<sup>253</sup>.

8.1.2 The USSD HR Report 2020 noted ‘Child labor remained a pervasive problem.’<sup>254</sup> The USDOL noted in its 2019 report that ‘Children in Afghanistan engage in the worst forms of child labor, including in armed conflict and forced labor in the production of bricks and carpets, each sometimes the result of human trafficking.’<sup>255</sup>

8.1.3 The USSD HR Report 2020 expanded on other forms of child labour, noting: ‘Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coal mines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining, including mining salt; commercial sexual exploitation including bacha bazi... transnational drug smuggling; and

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<sup>250</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>251</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>252</sup> Business World, ‘[Afghan Police Rescue Children's Trafficking For Terror...](#)’, 20 January 2021

<sup>253</sup> USDOL, ‘[2019 Findings on the Worst Forms of Child Labor](#)’ (section II), 30 September 2020

<sup>254</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 7c), 30 March 2021

<sup>255</sup> USDOL, ‘[2019 Findings on the Worst Forms of Child Labor](#)’ (section II), 30 September 2020

organized begging rings. Some forms of child labor exposed children to land mines. Children faced numerous health and safety risks at work.<sup>256</sup>

- 8.1.4 The same report further noted that ‘Some children were forced by their families into labor with physical violence. Particularly in opium farming, families sold their children into forced labor, begging, or sex trafficking to settle debts with opium traffickers. Some Afghan parents forcibly sent boys to Iran to work to pay for their dowry in an arranged marriage. Children were also subject to forced labor in orphanages run by NGOs and overseen by the government.’<sup>257</sup>
- 8.1.5 The same source reported that the Afghan government failed to enforce the law against child labour because of poor institutional capacity and inefficiency to conduct inspections<sup>258</sup>.
- 8.1.6 In a study on the impact of COVID-19 on children, the AIHRC noted ‘According to the Ministry of Labor and Social Affairs (Child Protection Secretariat) data there have been 2.1 million working children before the Coronavirus crisis, of which 1.3 million were engaged in hard labor, but this figure has risen dramatically since the outbreak of Coronavirus, and the overall number of working children has reached 2.5 million, of whom 1.5 million are engaged in hard labor.’<sup>259</sup>
- 8.1.7 Reporting on the impact of COVID-19, Save the Children noted in 2020, ‘... there is a rise in exploitation of children as a negative coping mechanism, including child labour with children aged between 10 and 16 years increasingly involved in carrying loads, shoe polishing, car washing and collection of garbage in the street, which also presents further exposure to COVID-19.’<sup>260</sup>
- See also [Impact of COVID-19](#).
- 8.1.8 The Household Emergency Assessment Tool (HEAT) for December 2020 indicated that, of the 1,507 households (9,633 individuals) assessed across 19 provinces, 99% of households reported their children did not attend school and of those, 19% said they had stopped sending their children to school so they (the children) could work<sup>261</sup>.
- 8.1.9 A study by Samuel Hall on behalf of War Child UK (WCUK) on the return and reintegration needs of minors deported from Iran to the Western region (Herat and Badghis) of Afghanistan, published February 2021, found that ‘Many children work upon return. 62% of minor deportees surveyed were employed in some capacity; when compared to national child labour rate estimates of 40%, child labour seems to be more prevalent and a higher risk for deportees than for non-deportees, increasing deportee vulnerability.’<sup>262</sup>

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<sup>256</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 7c), 30 March 2021

<sup>257</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 7c), 30 March 2021

<sup>258</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 7c), 30 March 2021

<sup>259</sup> AIHRC, ‘[Impact of Covid-19 on the Human Rights Situation of Children...](#)’, 21 November 2020

<sup>260</sup> Save the Children, ‘[“Everything has changed”...](#)’ (page 8), 2020

<sup>261</sup> REACH Initiative, ‘[HEAT Afghanistan](#)’, December 2020

<sup>262</sup> Samuel Hall, ‘[Coming back to Afghanistan...](#)’ (page 26), 24 February 2021

## 9. Childcare and protection

### 9.1 Government support and protection

#### 9.1.1 UNICEF noted in its 2019 Annual Report:

‘Afghanistan’s first Child Protection law that is fully aligned with the Convention on the Rights of the Child was passed via a presidential decree – parliamentary approval is awaited. The long-awaited law and a corresponding National Child Protection Strategy have placed child protection in the legal ambit for the first time and signal an effort to protect every child from violence and exploitation [see also [Domestic legislation](#)].

‘UNICEF-supported Child Protection Action Networks (CPAN), which seek to monitor and protect children at risk of violence, exploitation and abuse, identified over 50,000 children in dire circumstances across all provinces and referred nearly 19,000 to case managers and social workers for support. UNICEF advocated with the Ministry of Labour and Social Affairs regarding the success of this community based network causing Ministry-funded social workers to double to 245 in 2019.

‘Due to ongoing advocacy by UNICEF and partners, the child protection budget of the Ministry of Labour and Social Affairs was increased by 47 per cent in the year.’<sup>263</sup>

#### 9.1.2 UNAMA noted in 2019 that CPAN operated in more than 30 provinces<sup>264</sup>.

#### 9.1.3 The USSD 2020 TiP report noted:

‘In theory, the Ministry of Women’s Affairs (MOWA) would provide services for female trafficking victims and the Ministry of Labor and Social Affairs (MOLSA) would provide services for boy trafficking victims; in practice, neither MOWA nor MOLSA offered victims much support.

‘Family guidance centers in 19 provinces provided non-residential legal and social services for women and children, including trafficking victims. The government also hired additional social workers, including those specifically trained to assist child victims of crime, bringing its total number of social workers to 250. The Child Protection Action Network (CPAN), a conglomerate of NGOs, civil society, and government entities overseen by MOLSA, was active in 170 districts – an increase from 151 districts the previous year – and could provide shelter and some services to child victims of crime. CPAN was the only entity that addressed child protection issues, including child trafficking, outside of Kabul.’<sup>265</sup>

#### 9.1.4 However, the same source added, in regard to victims of trafficking, that, ‘Police did not consistently refer trafficking victims to shelters, and the dearth of shelters impeded victim protection’ and ‘The government did not screen returnees for trafficking or refer them to services. In cases of parental complicity in child trafficking, authorities often returned children to their

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<sup>263</sup> UNICEF, ‘[Afghanistan Annual Report 2019](#)’ (page 34), August 2020

<sup>264</sup> UNAMA, ‘[Protection of Children Affected by the Conflict - Focus of Workshops](#)’, 14 February 2019

<sup>265</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

parents without sufficient efforts to ensure parents would not subject their children to trafficking again.<sup>266</sup>

See also [Trafficking](#).

- 9.1.5 In an opinion piece, Zabihullah Saleem, a law student at Ahmad Ibrahim Faculty Of Laws, International Islamic University Malaysia, wrote in May 2020:

‘Corruption in Afghanistan is another major obstacle that prevents children from getting legal protection. Many in the country do not trust law enforcement officers. Most of the families of these victims complained to the police but never had their cases referred to the attorney’s office. According to child rights activists in the country, when reports are made, local police units generally fail to pursue these reports, preferring to refer them to tribal mediation instead. As a result, he said, only ten to 15 cases were registered each year. Many claims that the police were reluctant to pursue cases and that widespread corruption had made it difficult to get access to justice.’<sup>267</sup>

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## 9.2 Non-governmental support

- 9.2.1 Giving examples of support offered to children and families who had experienced harm due to the conflict, UNICEF noted in its 2019 Annual Report, ‘... 700 children maimed by remnants of war received prosthetic limbs and around 65,000 children received psychosocial support in 245 child-friendly support centres. In addition, about 55,000 children received explosive weapons risk education. In 2019, 266 child combatants were released or captured from armed opposition groups and supported in reintegration.’<sup>268</sup>
- 9.2.2 A fact sheet on the protection of children, covering January to November 2020, noted that child protection services were provided to 357,376 children during the reporting period, which included psychosocial and mental health support services, family tracing and reunification, placement into alternative care for children in need of protection, and community-based reintegration services<sup>269</sup>.
- 9.2.3 Save the Children and its partners indicated that it worked across 18 provinces and, in 2019, it reached over 650,000 children, providing and supporting children with protection, education, health and nutrition, and humanitarian aid<sup>270</sup>.
- 9.2.4 For further information on mental health services in general, see the [Country Policy and Information Note on Afghanistan: Medical and healthcare provision](#).
- 9.2.5 The USSD 2020 TiP report noted ‘NGOs operated two shelters for boy victims of crime that could assist male trafficking victims younger than 18.’<sup>271</sup>

<sup>266</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>267</sup> Saleem, Z, ‘[An overview of Child’s Rights in Afghanistan: Legislation...](#)’, 11 May 2020

<sup>268</sup> UNICEF, ‘[Afghanistan Annual Report 2019](#)’ (page 38), August 2020

<sup>269</sup> UNICEF, ‘[Afghanistan Child Protection AoR](#)’, 15 December 2020

<sup>270</sup> Save The Children, ‘[Afghanistan Annual Report 2019](#)’, 2020

<sup>271</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

See also [Trafficking](#).

9.2.6 The February 2021 Samuel Hall study noted:

‘Interviews conducted for this study with AIHRC [Afghanistan Independent Human Rights Commission] staff in Herat and Kabul highlighted that, while deported children and victims of sexual abuse, or their parents, have the ability to register a formal complaint by contacting their nearest AIHRC representative, the capacity to effectively respond to these complaints and offer justice in court is low, due in part to challenges inherent in identifying perpetrators. This is especially true when it comes to abuses committed on children in Iran.’<sup>272</sup>

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### 9.3 Financial aid

9.3.1 Reporting on assistance available to people directly affected by the conflict, UNAMA noted:

‘Victims assistance sources included payments from the State Ministry of Martyrs and Disabled Affairs, payments from the Code 90s fund of the Government of Afghanistan, ex-gratia payments from NATO RS/USFOR-A, and victim assistance from the United States Agency for International Development-funded Conflict Mitigation Assistance for Civilians (COMAC) project and the International Committee of the Red Cross, as well as employers, non-governmental organizations, and the local community.’<sup>273</sup>

9.3.2 Most victims of conflict-related harm told UNAMA they needed financial compensation ‘... due to the loss or incapacitation of a breadwinner, damage to their homes or properties, and the cost of medical care for their loved ones.’<sup>274</sup> In its report, UNAMA provided further details of the assistance mechanisms cited above as well as its serious shortcomings due to backlog of cases, low funding, not always providing emergency or immediate care, and COVID-19 restrictions<sup>275</sup>.

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### 9.4 Orphans, orphanages and care homes

9.4.1 According to the 2015 Afghanistan Demographic and Health Survey, 4% of children under the age of 18 were orphaned, meaning one or both their parents were dead<sup>276</sup>. Just over 9% of households were reported to have resident foster and/or orphan children<sup>277</sup>. Save the Children noted that, in 2016, there were 72 orphanages in Afghanistan<sup>278</sup>.

9.4.2 In 2016, the IWPR reported that ‘According to the ministry of labour and social affairs, there are 42 government-run care homes and training centres

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<sup>272</sup> Samuel Hall, ‘[Coming back to Afghanistan...](#)’ (page 26), 24 February 2021

<sup>273</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 86), February 2021

<sup>274</sup> UNAMA, ‘[Annual Report 2020](#)’ (page 88), February 2021

<sup>275</sup> UNAMA, ‘[Annual Report 2020](#)’ (pages 87-88), February 2021

<sup>276</sup> CSO, ‘[Afghanistan Demographic and Health Survey 2015](#)’ (page 12), January 2017

<sup>277</sup> CSO, ‘[Afghanistan Demographic and Health Survey 2015](#)’ (page 21), January 2017

<sup>278</sup> Save The Children, ‘[Civil Society Alternative Report](#)’ (page 15), July 2019

for vulnerable children around the country. Private charities run another 45.<sup>279</sup>

- 9.4.3 UNICEF reported in its Child Notice Afghanistan 2018, which provided the situation for children based on publicly available information as at November 2018:

‘The Afghanistan parliament passed the Law on Guardianship of Children in 2013. The Afghan Court is responsible for guardianship. Based on the child guardianship law Afghanistan does not use the kafalah (Islamic guardianship model) system. There is no foster care policy. The UN Committee on the Rights of the Child noted with concern that Afghanistan does not practice adoption or kafalah (Islamic guardianship model), stating that there is no system to provide special protection and assistance to children deprived of a family environment.’<sup>280</sup>

- 9.4.4 The same report further highlighted:

‘The Department of Orphanages in MoLSAMD is tasked with providing quality care for vulnerable children, by creating a clean, safe, healthy and affectionate environment, as well as providing relevant education and training that will give them every opportunity to gain employment and to develop their full potential as citizens of Afghanistan. The mechanisms and systems necessary to successfully accomplish this mandate are weak. There is no legislation in Afghanistan governing alternative care in family environment besides institutionalization.’<sup>281</sup>

- 9.4.5 The USSD HR Report 2020 noted:

‘Living conditions for children in orphanages were poor. NGOs reported as many as 80 percent of children between ages four and 18 in orphanages were not orphans but from families unable to provide them with food, shelter, schooling, or all three. Children in orphanages reported mental, physical, and sexual abuse and occasionally were victims of trafficking. They did not have regular access to running water, heating in winter, indoor plumbing, health-care services, recreational facilities, or education.’<sup>282</sup>

- 9.4.6 The USSD 2020 TiP report stated that ‘At times, the government placed child trafficking victims in orphanages, and some orphanages subjected children to trafficking.’<sup>283</sup>

- 9.4.7 In a study on the impact of Covid-19 on children, the AIHRC noted ‘The findings of this study show that of 9,794 children who were in orphanages before the Coronavirus outbreak, 8,133 of them were handed over to their families or relatives, and only 1,661 of them remained and were quarantined in the orphanages.’<sup>284</sup>

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<sup>279</sup> IWPR, ‘[No Respite for Kabul’s Street Children](#)’, 9 December 2016

<sup>280</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 62), 2018

<sup>281</sup> UNICEF, ‘[Child Notice Afghanistan](#)’ (page 65), 2018

<sup>282</sup> USSD, ‘[2020 Human Rights Report](#)’ (section 6), 30 March 2021

<sup>283</sup> USSD, ‘[2020 Trafficking in Persons Report](#)’, 25 June 2020

<sup>284</sup> AIHRC, ‘[Impact of Covid-19 on the Human Rights Situation of Children...](#)’, 21 November 2020



## 10. Documentation

- 10.1.1 For information on documentation, see the [Country Background Note: Afghanistan](#).

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## 11. Internal displacement

- 11.1.1 According to the Internal Displacement Monitoring Centre's (IDMC) 2020 Global Report, Afghanistan rated fifth among the 10 countries with the highest number of internally displaced persons (IDPs) due to conflict and violence, and first for the highest number of people displaced due to natural disasters<sup>285</sup>.
- 11.1.2 The UNOCHA noted in its Humanitarian Needs Overview, covering 2020, 'It is estimated that almost 4.8 million people displaced since 2012 remain displaced in host communities. Almost half (47 per cent) of longer-term displaced people surveyed in the WoA Assessment indicate that they never intend to return to their areas of origin, making their recovery and prosperity a significant challenge for the country over the years ahead.'<sup>286</sup>
- 11.1.3 UNICEF reported 'Between January and October 2020, nearly 225,000 people fled their homes due to conflict.'<sup>287</sup> The UNOCHA indicated over 294,000 were displaced by conflict during the first 11 months of 2020, compared to over 441,000 in 2019<sup>288</sup>. Anecdotal evidence suggested less people were displaced due to uncertain financial circumstances during the coronavirus pandemic<sup>289</sup>. In June 2020, the International Organization for Migration (IOM) indicated that over 4.7 million people were internally displaced<sup>290</sup>. Around 3 million people were displaced due to conflict and violence, half of whom were children<sup>291</sup>.
- 11.1.4 UNOCHA noted that displacement often results in people living in precarious conditions, due to inadequate shelter, food insecurity, insufficient access to sanitation and health facilities, as well as a lack of protection<sup>292</sup>. UNOCHA also noted that conflict and displacement have resulted vulnerable people, including IDPs, resorting to 'severe negative coping mechanisms such as early/forced marriages, child labour and begging – a situation that is only exacerbated by COVID19.'<sup>293</sup> The source further added 'Insecure housing, land and property rights are a key source of vulnerability for many people in Afghanistan, particularly IDPs, returnees and women. The risk of eviction is

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<sup>285</sup> IDMC, '[Global Report on Internal Displacement 2020](#)' (page 2), April 2020

<sup>286</sup> UNOCHA, '[Humanitarian Needs Overview 2021](#)' (page 14), December 2020

<sup>287</sup> UNICEF, '[Humanitarian Action for Children – Afghanistan](#)', December 2020

<sup>288</sup> UNOCHA, '[Humanitarian Needs Overview 2021](#)' (page 20), December 2020

<sup>289</sup> UNOCHA, '[Humanitarian Needs Overview 2021](#)' (page 20), December 2020

<sup>290</sup> IOM, '[Afghanistan: Displacement Tracking Matrix \(DTM\)](#)', June 2020

<sup>291</sup> UNICEF, '[Lost at Home](#)' (page 9), May 2020

<sup>292</sup> UNOCHA, '[Afghanistan: Conflict Induced Displacements](#)', 28 February 2021

<sup>293</sup> UNOCHA, '[Humanitarian Response Plan Afghanistan 2018-2021](#)' (page 6), June 2020

especially real for both returnees and those unable to pay their rent because of COVID-19.<sup>294</sup>

See also [Impact of Covid-19](#) as well as the [Country Policy and Information Note Afghanistan: Security and humanitarian situation](#).

- 11.1.5 For more detailed information on IDPs see the IOM's [Displacement Tracking Matrix](#) and the UNOCHA's [Internal Displacement due to Conflict](#).

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Section 12 updated: 15 April 2021

## 12. Migration

### 12.1 Decision to migrate

- 12.1.1 A European Asylum Support Office (EASO) report on Afghanistan Networks, published February 2018, indicated that it is usually the extended family who collectively decide to send a minor son to Europe, with the hope they will find work and support the family financially. The report noted, 'Family members outside of the country have a moral obligation to help support their relatives back home. Many Afghans are worried about developments in the security situation. They consider it useful to have a close family member in the West in case the situation dramatically worsens, as that person would then be able to help get the rest of the family out.'<sup>295</sup>

- 12.1.2 A study by Samuel Hall on behalf of War Child UK (WCUK) on the return and reintegration needs of minors deported from Iran to the Western region (Herat and Badghis) of Afghanistan, published February 2021, noted:

'The migration decision, in particular when it comes to sending children, is neither hierarchical nor linear. Instances of parents pushing children to move in spite of the child's desires were uncommon. More frequently, migration is a family decision, a decision which comes after many hesitations, back and forth discussions, and careful considerations. These decisions are also transnational and multi-sited with family networks in Iran weighing in and facilitating the decision making process by committing to providing support after the border crossing. Most strikingly, children often become the 'decision maker' and initiate the migration conversation, convincing the family to proceed with an unaccompanied migration to Iran.

'Children bringing up the migration idea to their parents or family members occurred around half the time in discussions with research participants, highlighting the child's agency and ownership of the migration decision. In these cases, children often had to work for several weeks, sometimes months, to convince their families to allow them to leave, and were often inspired by existing friends, cousins, or other members of their social networks who had made or were planning to make the journey. One child FGD [focus group discussion] participant in Herat described his own insistence on migrating in the face of an initial family refusal: "Lots of our relatives are there in Iran but my family did not want to let me go there. I contacted my cousin and he also did not want to let me migrate to Iran, he

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<sup>294</sup> UNOCHA, '[Humanitarian Response Plan Afghanistan 2018-2021](#)' (page 6), June 2020

<sup>295</sup> EASO, '[Afghanistan: Networks](#)', (pages 20-21), February 2018

told me to continue my education. But when I insisted, he then agreed, because he is who I am closest to.” A parent in Badghis highlighted a similar dynamic: “I did not want [my child] to migrate. I wanted him to study but he decided to go to Iran and after a few months I agreed to it because our economic situation was so bad”.<sup>296</sup>

12.1.3 The Samuel Hall study further noted that some children migrated without telling their parents or discussing in advance. However, the report added:

‘Even in these cases where the child leaves on his own, the decision and journey remain collective, often with friends or neighbours, and the family is included at a later stage in the journey. In addition, the decision to move, and where to move, is influenced by social networks already present in Iran. The majority of families interviewed highlighted the fact that family networks in Iran were crucial in mitigating concerns related dangers for their children on route, as they know that they have someone to take care of their child and provide guidance into finding work and safe living in Iran.’<sup>297</sup>

12.1.4 Samuel Hall found that most children in the study not only felt compelled to migrate due to economic circumstances, but also due to conflict or climate concerns, such as the effects of drought<sup>298</sup>. Whilst families recognised the risks and dangers of a child migrating alone and would prefer they be accompanied by a trusted adult, the cost of sending 2 people was unaffordable<sup>299</sup>.

See also [Family contacts and networks](#).

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Section 13 updated: 15 April 2021

## 13. Return and reintegration

### 13.1 Returnees

13.1.1 The following reports should be consulted to gain an insight into the possible issues that returnees, including unaccompanied children, might face upon return:

[Country Policy and Information Notes](#) on:

- Hindus and Sikhs
- Hazaras
- Anti-government elements
- Security & Humanitarian situation
- Women fearing gender-based harm/violence
- Sexual orientation and gender identity or expression
- Afghans perceived as ‘Westernised’.

<sup>296</sup> Samuel Hall, [‘Coming back to Afghanistan...’](#) (page 15), 24 February 2021

<sup>297</sup> Samuel Hall, [‘Coming back to Afghanistan...’](#) (page 15), 24 February 2021

<sup>298</sup> Samuel Hall, [‘Coming back to Afghanistan...’](#) (pages 18-19), 24 February 2021

<sup>299</sup> Samuel Hall, [‘Coming back to Afghanistan...’](#) (pages 19-20), 24 February 2021

- EASO, '[Afghanistan: Networks](#)' (section 4). February 2018
- EASO, '[Afghanistan: Key socio-economic indicators, state protection, and mobility in Kabul City, Mazar-e Sharif, and Herat City](#)' August 2020
- UNICEF, '[Child Notice Afghanistan](#)' (section 8), 2018

13.1.2 UNICEF reported in its Child Notice Afghanistan 2018, which provided the situation for children based on publicly available information as at November 2018:

'Sometimes the children are too scared to go back to their families fearing of any reprisal specially if they have left the family without permission and consent.'<sup>300</sup> The same report further highlighted 'Although all Afghan returnees are, by law, entitled to have access to all rights and privileges, in practice, it is very difficult for them to prove their identities as Afghan and retrieve their identity and legal documentation, in part because they have been out of the country for a long time. The case for child returnees, particularly girls, is worse because they are much less similar – from a cultural point of view – to local population and have less connections and personal relations with authorities.'<sup>301</sup> The report also noted 'Insecurity, disputes, intimidation and extortions, mines and unexploded ordinances (UXOs) are among the key factors affecting the physical safety and well-being of returnees' children.'<sup>302</sup>

13.1.3 According to a 2018 Save the Children report on experiences of child returnees from Europe:

'The research demonstrates that existing safeguards of children's rights are not being fully implemented. First, given the current Afghan security context, return cannot be considered a durable solution for a child. Even in zones deemed safe for internal flight alternatives by returning governments, the security context is worsening...

'Best interests procedures are inconsistently applied. Children are returning to an environment that does not enable them to fully access rights guaranteed in the UNCRC, including the right to protection, education and healthcare. Based on interviews with European government agencies, perceived legal responsibility by returning countries ends when children arrive in Afghanistan. Benefits provided to voluntary returnees (such as in-kind support) are often given at the family level, not necessarily benefiting children, and their type and scope depend on the returning country.'<sup>303</sup>

13.1.4 UNOCHA noted that:

'2020 was the largest return year on record for undocumented Afghan migrants with 824,000 as of early December, exceeding the 806,000 who returned from Iran and Pakistan in 2018... A survey carried out by the Mixed Migration Center Asia found that nearly half of the returnees interviewed came home due to the COVID-19 pandemic, with most citing job loss as their main reason for return. This resulted in 100 per cent of those returning

<sup>300</sup> UNICEF, '[Child Notice Afghanistan](#)' (page 101), 2018

<sup>301</sup> UNICEF, '[Child Notice Afghanistan](#)' (page 102), 2018

<sup>302</sup> UNICEF, '[Child Notice Afghanistan](#)' (page 106), 2018

<sup>303</sup> Save the Children, '[From Europe to Afghanistan](#)' (page 11), 2018

being in need of humanitarian assistance in the second half of 2020 – up from just 20 per cent in 2019. All returnees are again considered in need for 2021.<sup>304</sup>

- 13.1.5 In regard to children returning to Afghanistan following migration (to Iran), the February 2021 Samuel Hall study noted that, although families were initially happy at their child's return, the financial stress that followed was worsened due to the increase in day-to-day living costs as well as paying debts owed to smugglers<sup>305</sup>.

See also [Impact of COVID-19](#).

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## 13.2 Reintegration

- 13.2.1 According to a 2018 Save the Children report on experiences of child returnees from Europe, 'While most children received some type of pre-return support (41 of the 53), 13 of the 17 parents interviewed who had also returned from Europe confirmed that they had received cash (34), travel costs, transportation (21) and documentation (eight)... only three received a specific reintegration plan.'<sup>306</sup>
- 13.2.2 The Samuel Hall study indicated that 'Existing reintegration support processes for deportee children, youth, and their families remain limited. While immediate support is given to deported children who identify themselves at the [Afghan-Iranian] border, this support is short lived and does not aim to address the long term needs of the majority of deportees... Material needs categories include HLP [housing, land and property], food and water, livelihoods, health, and education.'<sup>307</sup>
- 13.2.3 As regard access to health, the study found 'In cases where parents or children identified that they or their child struggled with mental health and were desiring psychological support, access to this support was non-existent, largely due to the prohibitive cost of accessing this support, where it was existent.
- 13.2.4 The Samuel Hall study stated that a transit centre, managed by the Ministry of Labour and Social Affairs, Martyrs, and the Disabled (MoLSAMD), was established in Kabul in 2018. The report noted:  
'Children normally stay in the transit centre for only a night – child friendly equipment, meals, and safe accommodation is provided. Children staying at the centre in Kabul are also provided with additional counselling, and are able to attend classes with the transit centres trainers and teachers. Educational activities include traditional educational activities according to grade level, as well as religious and life skills training. WCUK social workers accompany the child and stay at the transit centre with the child while travelling to the child's family.'<sup>308</sup>

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<sup>304</sup> UNOCHA, '[Humanitarian Needs Overview 2021](#)' (pages 7 and 13), December 2020

<sup>305</sup> Samuel Hall, '[Coming back to Afghanistan...](#)' (page 17), 24 February 2021

<sup>306</sup> Save the Children, '[From Europe to Afghanistan](#)' (page 33), 2018

<sup>307</sup> Samuel Hall, '[Coming back to Afghanistan...](#)' (page 24), 24 February 2021

<sup>308</sup> Samuel Hall, '[Coming back to Afghanistan...](#)' (page 17), 24 February 2021

- 13.2.5 There was also a transit centre in Herat, known as Ansar ‘camp’, for returnees crossing the border from Iran, though overcrowding was sometimes a problem<sup>309</sup>.

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### 13.3 Family contacts and networks

- 13.3.1 According to a 2018 Save the Children report on experiences of child returnees from Europe, ‘The child returnees do not always return to their families’ province of origin, which means they are not returning to a social network or stable living conditions. Several of the children (eight [out of 57<sup>310</sup>]) had never been to Afghanistan but were born in Iran or Pakistan....

‘The vast majority lack access to psychological healthcare, a widespread problem in Afghanistan, and have limited networks beyond their families. Children do not feel included in the communities to which they return.’<sup>311</sup>

- 13.3.2 The EASO report on Afghanistan Networks, published February 2018, stated that Afghans abroad usually maintain close contact with relatives in Afghanistan, adding that ‘... very few of those who return from Europe have lost contact with their family. The quality of the contact with the family may still depend on how long the person has been abroad, and if they lived in Afghanistan before they left the region.’<sup>312</sup>

- 13.3.3 As cited in the EASO report:

‘Analyst Martine van Bijlert of the AAN conducted a series in-depth interviews with 12 families in Afghanistan who all had a family member who had left for Europe in 2015. All the families have contact with the migrant, are well informed as to where the person is and of how the family member’s situation has been upon arrival in Europe. The analyst interviewed the families in the home country rather than the actual migrant, because:

“[...] it provides insight into the continued linkages with the home front – a factor that tends to be underplayed in asylum interviews. (Many migrants, in particular minors, are coached to claim they no longer have living relatives or that they have lost all contact)”.<sup>313</sup>

- 13.3.4 The EASO report noted that close contact between Afghan migrants and their families in Afghanistan was generally maintained, not least due to an obligation to support relatives and family in the home country. The report added:

‘A local UN employee that Landinfo spoke to said that single men who have been outside of the country’s borders for a shorter or longer period of time are most likely to have a family in Afghanistan to return to. The source pointed out that most of those who return from Europe are unaccompanied and thus have a family in Afghanistan that they can return to. The exception

<sup>309</sup> Samuel Hall, ‘[Coming back to Afghanistan...](#)’ (page 42), 24 February 2021

<sup>310</sup> Save the Children, ‘[From Europe to Afghanistan](#)’ (page 28), 2018

<sup>311</sup> Save the Children, ‘[From Europe to Afghanistan](#)’ (page 10), 2018

<sup>312</sup> EASO, ‘[Afghanistan: Networks](#)’, (page 23), February 2018

<sup>313</sup> EASO, ‘[Afghanistan: Networks](#)’, (page 23), February 2018

may be those who have family networks in the neighbouring areas, in Iran or Pakistan.

'Those who have left Afghanistan together with their family network may lack their closest family members upon return. Refugee Support Network (RSN), a London-based charity that has conducted research on Afghan returnees, followed up on 25 Afghans who had a temporary residence permits in the UK until they turned 18, and were then deported to Afghanistan. Most of them (78 %) stayed in Britain for more than five years. The report, which followed the returnees for a period of 18 months, claims that eight of the youths had not been successful in getting in touch with their extended family. In half of the cases, the reason was that the person's family had left Afghanistan. All the returnees ran into a series of problems and difficulties upon returning, according to the report.'<sup>314</sup>

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### 13.4 Family tracing

13.4.1 According to sources cited in the EASO report, 'families are generally well informed about each other' and, according to an NGO representative, were 'amazing at networking and finding people'. Yet a representative of an international organisation stated 'However, it does sometimes happen that contact is broken or that family members lose each other or are separated on their way to Europe'. The report also noted:

'The village the family comes from is a natural place to start searching for those who want to trace family members. Local communities possess a lot of information about the families in the area and the elders have a good overview.

'The International Committee of the Red Cross (ICRC) runs a project to track family members and also has an online platform where pictures of missing persons can be posted. ICRC works closely with the Red Crescent. ICRC cannot enter all areas of Afghanistan and that is when the Red Crescent is used.'<sup>315</sup>

13.4.2 The February 2021 Samuel Hall study commented on the Child Protection and Action Network (CPAN), noting:

'The network's main task with respect to the protection of child deportees is to support reunification with their families, especially in cases where identification of parents or guardians is a challenge, or where standard reunification mechanisms fail. CPAN network focal points have ties to community leaders and structures at the smallest district and village levels, and their ability to tap into these is their strength when it comes to supporting family tracing and reunification.

'There remains a lack of clarity and decisiveness when it comes to how these case conferences work in practice, and on how well versed they are in child protection.

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<sup>314</sup> EASO, '[Afghanistan: Networks](#)', (page 23), February 2018

<sup>315</sup> EASO, '[Afghanistan: Networks](#)', (page 26), February 2018

'COVID-19 highlights the urgency of training CPAN staff on child protection, best-case determinations, maintaining professional levels of confidentiality, and referrals to networks.'<sup>316</sup>

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<sup>316</sup> Samuel Hall, ['Coming back to Afghanistan...'](#) (page 39), 24 February 2021



# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Demography
  - Population and family structure
- Legal context
  - Legal rights - domestic and international legislation
- Social and economic rights
  - Education, access to schools, number of schools and students
  - Health and welfare, disabled children
  - Illegitimate children
- Juvenile justice
  - Judicial and penal rights
  - Detention facilities
- Violence against children
  - Conflict-related violence
  - Children of interest to AGEs
  - Attacks on schools
  - Abduction and trafficking
  - Physical and sexual violence
  - Bacha bazi
  - Early and forced marriage
  - Street children
- Recruitment by:
  - Afghan national forces
  - Anti-government elements
- Child labour
  - Forced and bonded labour
- Childcare and protection
  - Government/NGO support
  - Adoption

- Orphans and children's homes
- Migration, reasons and decisions
- Return and reintegration
  - Returnees, family contacts/networks
  - Family tracing

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **21 April 2021**

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### **Official – sensitive: Start of section**

The information in this section has been removed as it is restricted for internal Home Office use.

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### **Official – sensitive: End of section**

## Changes from last version of this note

Updated country information and assessment.

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