



# Security Council

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## Children and armed conflict in Afghanistan

### Report of the Secretary-General

#### *Summary*

The present report, submitted pursuant to Security Council resolution [1612 \(2005\)](#) and subsequent resolutions, is the fifth report of the Secretary-General on children and armed conflict in Afghanistan. It contains information on the six grave violations against children and, more broadly, on the situation of children affected by armed conflict during the period from 1 January 2019 to 31 December 2020.

The report provides an overview of the trends of the six grave violations committed against children in Afghanistan and the context in which they took place, and identifies perpetrators, when possible. It also highlights progress made in ending and preventing these violations, including through the implementation of the action plan to end and prevent child recruitment and use signed by the Government in 2011 and the road map towards compliance of 2014.

Lastly, the report provides a series of recommendations to strengthen action for the protection of children affected by armed conflict in Afghanistan.



## I. Introduction

1. The present report, prepared pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, covers the period from 1 January 2019 to 31 December 2020 and provides trends and patterns of grave violations committed against children by parties to the conflict in Afghanistan, as well as progress made and challenges with regard to dialogue with parties since the previous report (S/2019/727) and the conclusions adopted by the Working Group on Children and Armed Conflict in June 2020 (S/AC.51/2020/2).

2. The country task force on monitoring and reporting, co-chaired by the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations Children's Fund (UNICEF), documented and verified the information contained in the present report. When possible, the parties to the conflict responsible for grave violations against children are identified, and the report highlights areas of action to strengthen the protection of children and prevent further violations, including through recommendations to the parties. Owing to monitoring and verification constraints, the information presented herein does not represent the full extent of grave violations committed against children in Afghanistan.

## II. Political and security developments

3. The security situation continued to deteriorate across the country since the period covered by the previous report (S/2019/727). The number of security incidents<sup>1</sup> recorded by the United Nations continued to rise, including by 10 per cent from 2019 (22,832) to 2020 (25,179), although neither the Government nor the Taliban made significant territorial gains that affected conflict dynamics. The reporting period was dominated by two major political events: the presidential election on 28 September 2019 and the signing of the peace agreement in February 2020.

4. The presidential election in September 2019 was marred by insecurity, with the Taliban Military Commission announcing that the group would target the associated "offices and centres" (see A/74/582–S/2019/935, para. 6). The Department of Safety and Security recorded 643 security incidents on election day, including 77 attacks against polling centres, of which 35 were schools, the highest recorded on an election day since 2004. A total of 2,780 security incidents were recorded for the month of September 2019, the highest monthly average in 2019. Partly because of insecurity, voter turnout was lower than in previous elections, amid controversies over electoral fraud and uncertainty surrounding the peace process. Election results in favour of the President, Mohammad Ashraf Ghani, were announced on 18 February 2020 and contested by the then Chief Executive, Abdullah Abdullah. On 17 May 2020, the President and Dr. Abdullah concluded an agreement, ending a three-month political impasse and paving the way for the formation of the Government and the peace process structures.

5. Following nearly two years of direct talks, the United States of America and the Taliban concluded an agreement on 29 February 2020 that outlined progressive reductions in the number of United States forces, with a drawdown of all international forces by 29 April 2021, conditional upon adherence by the Taliban to counter-terrorism commitments and a pledge to negotiate with the Government of Afghanistan. The start of the negotiations was delayed, but they eventually began on 12 September 2020.

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<sup>1</sup> Security incidents include but are not limited to armed clashes, the use of improvised explosive devices and suicide attacks.

6. There were occasional drops in violence in 2020, however, levels of violence quickly rose again after each decline. Airstrikes declined by 43 per cent from 2018 (1,663) to 2020 (938), but other categories of security incidents did not subside. The month of October 2020, which followed the launch of the Afghanistan peace negotiations, saw the highest level of armed clashes since the United Nations started to keep record in 2007. Assassinations and the use of improvised explosive devices also rose, amid increasing concerns over the targeted, and often unclaimed, killings of government officials, civil society activists, media workers, judicial personnel and human rights defenders.

7. While the Taliban did not announce a spring offensive and refrained from launching attacks on urban areas for most of 2020, they continued to conduct operations against government positions and to launch offensives against the provincial capitals of Kandahar and Helmand in the second half of the year. They also gradually moved closer to surrounding several provincial capitals. In 2020, Kabul remained vulnerable to high-profile attacks, with 10 suicide attacks and 185 detonations of improvised explosive devices, all claimed by the Taliban.

8. Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP) remained active throughout the reporting period, claiming asymmetric and usually high-profile attacks against civilian and politically symbolic targets. ISIL-KP claimed attacks targeting the shuttle buses of several State entities and a television station in August 2019. In 2020, it claimed responsibility for suicide and complex attacks against an education centre, a Sikh temple (March) and Kabul University (November), as well as several rocket attacks on Kabul, including one on the day of the presidential inauguration.

### **III. Update on parties to the conflict**

#### **A. Government and pro-government forces**

##### **Afghan National Defence and Security Forces**

9. The Afghan National Defence and Security Forces is an umbrella term describing all government security forces, including the Afghan National Army (and its subsidiaries, such as the Afghan Air Force, the Afghan National Army Territorial Force, also referred to as the Afghan Territorial Army, the Afghan Border Force and the Afghan National Civil Order Force), the Afghan Special Forces, the National Directorate for Security and the Afghan National Police.

10. Under the responsibility of the Ministry of Interior Affairs, the Afghan National Police is the primary law enforcement agency, despite also taking part in hostilities. The Afghan Local Police, which was created in 2010 to provide a community-based policing capability as part of counter-insurgency efforts and de facto considered part of the armed forces owing to its combat-related functions, saw its international funding end in September 2020, leading to its formal abolishment at the end of 2020. At its dissolution, two thirds of its members were designated to transfer to the Afghan National Army, the Territorial Force or the Afghan National Police, while the remainder were to retire. The United Nations was unable to verify if these transfers occurred at the time of writing the present report.

11. The action plan signed in 2011 by the Government of Afghanistan to end and prevent the recruitment and use of children by its national security forces (namely the Afghan National Police, including the Afghan Local Police), as well as the road map towards compliance of 2014, continued to be implemented.

**International forces**

12. The Resolute Support Mission led by the North Atlantic Treaty Organization (NATO) continued its non-combat mission to train, assist and advise the Afghan National Defence and Security Forces. In addition to supporting the Resolute Support Mission, the United States continued its Operation Freedom's Sentinel, which is focused on counter-terrorism operations. The commander of the Resolute Support Mission also serves as the commander of the United States forces in Afghanistan, although the chains of command are separate.

13. The United States and the Taliban signed an agreement on 29 February 2020, which included conditional plans for troop withdrawals within 14 months and the start of intra-Afghan peace negotiations. Following the start of the Afghanistan peace negotiations in September 2020, NATO announced that it would adjust its presence to support the peace process, while remaining committed to training and funding the Afghan National Defence and Security Forces. As at November 2020, the Resolute Support Mission consisted of approximately 10,500 troops from 36 NATO countries and partners. As at November 2020, approximately 4,500 United States troops were supporting the Resolute Support Mission and Operation Freedom's Sentinel. On 18 November 2020, the United States announced that it would further reduce its troops in Afghanistan to 2,500 by mid-January 2021.

**Pro-government militias**

14. Pro-government militias, organized non-State militias distinct from government forces, continued to operate against armed groups. They lack legal basis under Afghan laws and operate outside of the regular military command and control and are not included in the official *tashkil*.<sup>2</sup> They include the National Uprising Movements, a community-based defence initiative set up across Afghan provinces, and the Khost Protection Force, which has carried out specialized operations in the south-east of Afghanistan since at least 2007.

**B. Armed opposition groups**

15. The Taliban continued to increase its territorial control and to conduct large-scale assaults, primarily targeting Afghan security force positions, key transportation routes and district administrative centres across the country. By the end of 2020, approximately 55,000 to 85,000 Taliban fighters were reportedly active, although estimates vary considerably. The Taliban de facto administrative structures exist in all provinces, their functionality being subject to the level of influence in the area.

16. The Haqqani Network continued to play an influential role in the Taliban's military operations. While the Haqqani Network is part of the Taliban, it has maintained a degree of independence and is believed to be responsible for several attacks on government and international positions in heavily populated areas of Kabul. Since 2017, attacks reportedly committed by the Haqqani Network have been attributed to the Taliban, as the distinction could no longer be reliably established.

17. Al-Qaida continued to be active and is believed to maintain a limited presence in 12 provinces, with an estimated 400 to 600 armed operatives.

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<sup>2</sup> Dari word meaning "structure" that refers to the official staffing table and equipment allocations authorized by the Government of Afghanistan for a particular government entity, including security forces and the civilian branch (United Nations Assistance Mission in Afghanistan (UNAMA) and Office of the United Nations High Commissioner for Human Rights (OHCHR), *Afghanistan: Protection of Civilians in Armed Conflict – Annual Report 2020* (February 2021)).

18. Since 2019, ISIL-KP has remained active but has morphed into an urban network predominantly using asymmetric tactics, notably suicide and complex attacks, improvised explosive devices and rockets, which have caused civilian casualties. Its membership is estimated to amount to 2,500 elements.

19. Several other non-State armed groups continued to operate in Afghanistan, including militia elements linked to political parties and to leaders of former mujahidin factions, at times in opposition to, or in support of, the Afghan security forces.

#### **IV. Grave violations against children**

20. During the reporting period, the country task force verified 6,473 grave violations against 6,131 children (4,358 boys, 1,757 girls and 16 of sex unknown) aged from a few months to 17 years. Of these, 3,412 violations occurred in 2019 and 3,061 violations occurred in 2020. Killing and maiming remained the most prevalent violation, with a total of 5,770 children killed (1,635) and maimed (4,135) during the reporting period. Of concern, the country task force noted that child casualties resulting from complex and suicide attacks (586) increased by 22 per cent compared with the previous two years. Notwithstanding monitoring and verification constraints owing to sensitivities around such cases, a concerning increase in recruitment and use, to 260 children, was verified, which may have been exacerbated by the coronavirus disease (COVID-19) pandemic. Also of concern, the country task force verified elevated numbers of attacks on schools (132), hospitals (165) and protected persons in relation to schools and/or hospitals,<sup>3</sup> which, with a total of 297 attacks, was among the three categories of grave violations with the most verified violations.

21. Armed groups were the main perpetrators of grave violations, predominantly the Taliban (2,730). The numbers of grave violations attributed to government and pro-government forces were concerning, especially those attributed to the Afghan National Army (1,227), which have been on the increase.

22. The outbreak of the COVID-19 pandemic during the reporting period exacerbated children's vulnerabilities and contributed to further strain on health care, while increasing poverty, unemployment and food insecurity, all potential drivers for increased child recruitment and use, abduction and sexual violence against children.

23. Owing to monitoring and verification challenges, the data contained in the present report are believed to underrepresent the actual numbers of grave violations.

##### **A. Recruitment and use**

24. The country task force verified the recruitment and use of 260 boys, mainly in the northern region (161), the north-eastern region (56) and the central highlands region (13). There was a sharp increase from 2019 (64) to 2020 (196).

25. The Taliban were responsible for the recruitment and use of 230 children (88 per cent), all used in combat roles, for instance, to plant improvised explosive devices, to carry out suicide attacks and to participate in hostilities against government forces, as a result of which some were killed or maimed.

<sup>3</sup> For the purposes of the present report, the phrase "protected persons in relation to schools and/or hospitals", used in Security Council resolutions 1998 (2011), 2143 (2014) and 2427 (2018) and in the statements by the President of the Security Council of 17 June 2013 (S/PRST/2013/8) and 31 October 2017 (S/PRST/2017/21), refers to teachers, doctors, other educational personnel, students and patients.

26. The Afghan National Defence and Security Forces were responsible for the recruitment and use of 22 boys, attributed to the Afghan National Police (8), Afghan National Army Territorial Force (4), the Afghan Local Police (1), and the Afghan Local Police and pro-government militias jointly (9).<sup>4</sup> In addition, the recruitment and use of eight boys was attributed to pro-government militias. Children aged from 13 to 17 years were used in combat and support roles, as well as for sexual purposes, such as *bacha bazi*, a practice whereby boys are exploited by wealthy or powerful men for entertainment, in particular for dancing and sexual activities.

27. The country task force documented the recruitment and use of 413 children (412 boys and 1 girl), mainly by armed groups, that it could not verify by the time of writing owing to sensitivities and concerns for the safety of the victims, families and sources, as well as access limitations.

28. Boys were more likely to be recruited and used than girls, owing partly to cultural norms and religious beliefs. Poverty was also a significant push and pull factor, and boys were more likely to bear the responsibility for meeting the household's economic needs. Girls were often subjected to early marriages and engaged in domestic labour or other household work and activities. Those trends were exacerbated in 2020 owing to the socioeconomic impact of the measures taken in response to COVID-19, including lockdowns.

**Detention of children for alleged association with armed groups and/or on the basis of charges related to national security**

29. The Ministry of Justice reported that 311 children (310 boys and 1 girl) were detained in the juvenile rehabilitation centre in Kabul on charges related to national security, including association with armed groups (146 boys in 2019; 164 boys and 1 girl in 2020), for periods ranging from 6 months to 3.5 years.

30. These children included those who had surrendered or had been captured in combat and were being held for their alleged association with armed groups. Despite the endorsement of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles) by the Government of Afghanistan, children continued to be detained for alleged or actual association with armed groups. Once arrested in the provinces, they were transferred to the juvenile rehabilitation centre in Kabul or to national security facilities, where investigations, evidence collection and judicial process were delayed. In accordance with the action plan and the road map signed by the Government, children arrested for alleged or actual association with armed groups and detained on charges related to national security should be considered primarily as victims, and benefit from international juvenile justice standards in line with the principle of the "best interests of the child" enshrined in the Convention on the Rights of the Child.

31. Also of concern, 318 children, who were predominantly of non-Afghan nationality, were in prisons and other detention facilities with their mothers who were detained for alleged or actual association with the Taliban or ISIL-KP.

32. Owing to the COVID-19 pandemic, a presidential decree was issued in March 2020 to release some prisoners, including children, as a measure to reduce congestion of the facilities and prevent the spread of COVID-19. A total of 374 children were released following the decree, which, however, excluded children arrested for actual or alleged association with armed groups or detained on charges related to national

<sup>4</sup> The country task force attributed the recruitment and use of these nine boys jointly to pro-government militias and the Afghan Local Police as it was unable to gather sufficient information to disaggregate the number of boys recruited by party owing to sensitivities or concerns for the protection of victims and witnesses.

security. The country task force continued to advocate with the Government for children to have access to social, educational, vocational, psychological and health services during detention, as well as for referral pathways or handover protocols to give them the opportunity to reintegrate into society in line with international juvenile justice standards.

## **B. Killing and maiming**

33. The country task force verified the killing (1,635) and maiming (4,135) of 5,770 children (4,016 boys, 1,738 girls and 16 of sex unknown) aged from a few months to 17 years, occurring in 2019 (3,151) and 2020 (2,619). Child casualties constituted almost one third of all civilian casualties during the reporting period.<sup>5</sup> Despite a decrease in child casualties compared with the previous two years (6,241), which resulted partly from temporary ceasefires, the United States-Taliban peace agreement, the ongoing intra-Afghan peace negotiations and a reduction of military operations by some of the parties, one concerning trend was that child casualties from complex and suicide attacks increased during the reporting period.

34. Armed groups were responsible for 46 per cent of child casualties, namely the killing (602) and maiming (2,031) of 2,633 children (1,946 boys, 684 girls and 3 of sex unknown), with the vast majority attributed to the Taliban (2,178), followed by ISIL-KP (285), unidentified armed groups (166) and jointly to the Taliban and ISIL-KP (4).

35. Government and pro-government forces were responsible for 35 per cent of child casualties, namely the killing (745) and maiming (1,250) of 1,995 children (1,191 boys, 791 girls and 13 of sex unknown). Of these, the Afghan National Defence and Security Forces were responsible for 1,352 child casualties, attributed to the Afghan National Army (1,200), the Afghan National Police (52), the National Directorate for Security (52), the Afghan Border Force (19), the Afghan Local Police (16) and the Afghan National Civil Order Force (13). Other child casualties were attributed to international forces (294) and pro-government militias (68), while child casualties were also attributed jointly to armed groups and government and pro-government forces (808), jointly to government and pro-government forces (226) and to cross-border shelling from Pakistan (86). The remaining 248 child casualties could not be attributed to a specific party to the conflict.

36. Ground engagements between government and pro-government forces and armed groups remained the leading cause of child casualties, with 2,410 children killed (575) and maimed (1,835) (42 per cent), followed by non-suicide attacks by armed groups involving the use of improvised explosive device, which accounted for 1,092 children killed (297) and maimed (795) (19 per cent). Of concern, the country task force verified an increase in child casualties (1,092) resulting from non-suicide improvised explosive devices<sup>6</sup> compared with the previous two years (1,062).

37. Explosive remnants of war were the third leading cause of child casualties, with 717 children killed (197) and maimed (520) (12 per cent). In many cases, children were killed or maimed because they touched an explosive remnant of war that they found or they played with the devices or even carried them home. For instance, on 8 July 2020, in Qandaro area, Dara-e-Pech district, Kunar Province, children found an explosive remnant of war while collecting firewood in the mountains and took it

<sup>5</sup> UNAMA and OHCHR, *Afghanistan: Protection of Civilians in Armed Conflict – Annual Report 2020*; and UNAMA and OHCHR, *Afghanistan: Protection of Civilians in Armed Conflict – 2019* (February 2020).

<sup>6</sup> Improvised explosive devices with non-suicide trigger types.

to their village. The children played with the device, which caused it to explode, killing a boy on the spot and maiming four others.

38. Children continued to be affected by airstrikes, which caused the killing (357) and maiming (283) of 640 children and were attributed to the Afghan National Army (329), international forces (279) and unidentified pro-government forces (32).<sup>7</sup> Child casualties from airstrikes decreased by 16 per cent compared with the previous two years (758), after the United States-Taliban agreement of 29 February 2020, which was followed by a reduction in airstrikes by international forces, although air operations conducted by the Afghan National Defence and Security Forces increased.<sup>8</sup>

39. Suicide and complex attacks by armed groups accounted for 10 per cent of child casualties, with 586 children killed (79) and maimed (507), marking a 22 per cent increase compared with the previous two years (482). For example, on 1 July 2019, the Taliban conducted a complex attack on the logistics and engineering hub of the Ministry of Defence in the Puli Mahmood Khan area, Kabul Province. Suicide attackers detonated a vehicle-borne improvised explosive device near a fuel station, allowing two armed attackers with National Directorate for Security uniforms to enter the compound and open fire. Approximately 300 students were in their classrooms in their school located in the building, from which the attackers also took up firing positions during the attack. Seven civilians, including 1 boy, were killed and 144 civilians, including 21 boys and 7 girls, were maimed, and six schools were damaged. The Taliban claimed responsibility for the attack.

40. Targeted and deliberate killings accounted for 4 per cent of child casualties, with 209 children killed (78) and maimed (131), representing a 5 per cent decrease compared with the previous two years (220). Children continued to be victims of such tactics by parties to the conflict. The remaining 2 per cent of child casualties (116) were caused by other means, including search operations, abductions, threats, intimidation and harassment, as well as escalation of force or force protection.

### C. Rape and other forms of sexual violence

41. The country task force verified incidents of sexual violence affecting 31 children (22 boys and 9 girls) in 2019 (17) and 2020 (14), with the highest numbers in the north-eastern region (17) and the central highland region (7). Violations were attributed to the Taliban (17), the Afghan National Police (9), the Afghan Local Police (1), the Afghan National Army (1), the Afghan National Army Territorial Force (1), a pro-government militia (1) and jointly to the Afghan Local Police and pro-government militias (1). These incidents included rapes and *bacha bazi* (2).

42. For instance, on 15 March 2019, a 13-year-old boy was arrested while carrying a pistol in the north-eastern region. Following his arrest, the boy was held in the Afghan National Police lock-up for one night and interrogated. Evidence gathered by the police indicated that the boy had been abducted by the Afghan Local Police and pro-government militia commanders in 2015 and had been used since then for *bacha bazi*. On 6 June 2019, the juvenile primary court acquitted the boy, recognizing that

<sup>7</sup> During the reporting period, only the Afghan National Army (through its Air Force) and international forces conducted airstrikes in Afghanistan. Casualties from airstrikes attributed to unidentified pro-government forces refer to incidents where specific attribution to either of these two parties was not possible.

<sup>8</sup> The Train, Advise and Assist Command-Air stated that the Afghan Air Force had increased its flight hours, including because of greater operational need owing to reduced support from international forces. More information is available in the forty-ninth quarterly report to the United States Congress of the Special Inspector General for Afghanistan Reconstruction (30 October 2020), available at [www.sigar.mil/pdf/quarterlyreports/2020-10-30qr-section3-security.pdf](http://www.sigar.mil/pdf/quarterlyreports/2020-10-30qr-section3-security.pdf).



he had been abducted and referred him to a juvenile rehabilitation centre.<sup>9</sup> The court issued an arrest warrant for the perpetrators involved in the case. One of the perpetrators was killed in a Taliban attack, while the whereabouts of the second remained unknown.

43. Sexual violence against children by parties to the conflict remains an underreported and often unaddressed problem, making it hard to establish the prevalence and the entire spectrum of cases. The information available consistently indicates that, despite the criminalization of *bacha bazi* in the revised Penal Code, which came into effect in February 2018, accountability remains a central challenge, that response mechanisms to provide support and protection to survivors are lacking and that children who are victims are often treated as offenders and placed in juvenile rehabilitation centres.

#### **D. Attacks on schools and hospitals**

44. A total of 297 attacks on schools and hospitals, including related protected persons, were verified.

##### **Attacks on schools and related protected persons**

45. The country task force verified 132 attacks on schools and education personnel, including schools being attacked (29) and damaged (36), the killing, injury and abduction of education personnel (25), threats against education facilities and personnel (14) and attacks that may have been indiscriminate or disproportionate (28). These attacks occurred in 2019 (70) and 2020 (62), with the majority in the eastern (80), central (52) and north-eastern regions (44). This constituted a decrease of about 50 per cent compared with the previous two years (265), as there had been a significant increase in 2018 in attacks on schools used as voter registration and polling centres for the parliamentary elections.

46. Armed groups were responsible for 93 attacks on schools and education personnel (70 per cent), which were attributed to the Taliban (78), ISIL-KP (8) and unidentified armed groups (7). The Afghan National Defence and Security Forces were responsible for 26 attacks, attributed to the Afghan National Army (17), the National Directorate for Security (3) and unidentified components of the Afghan National Defence and Security Forces (6). These attacks included damage to education facilities and property, intimidation of education personnel, raids and looting of education materials. The remaining attacks were attributed jointly to armed groups and the Afghan National Army (6), to international forces (4), to undetermined government forces (1), to cross-border shelling from Pakistan (1) and to unidentified perpetrators (1).

47. Several attacks occurred in the context of election-related violence. For example, attacks by armed groups, primarily the Taliban, on polling day for the presidential election on 28 September 2019, caused damage to 21 schools serving as polling centres. During these incidents, 105 children were killed or maimed. On that date in Kunduz Province, for instance, the Taliban launched six mortars towards the polling station at the Ali Abad high school for boys.

48. In addition, the Taliban continued to threaten and attack schools for girls and intimidate their personnel. In five attacks, they planted improvised explosive devices that damaged facilities, disrupted classes and impeded children's access to education.

<sup>9</sup> Owing to the absence of child protection support centres and insufficient resources to ensure an adequate response in many provinces, children who are victims of violence are often referred to juvenile rehabilitation centres.

The United Nations continued to document intentional attacks and threats against schools for girls.<sup>10</sup> For example, on 4 February 2019, in Keen village, Shib Koh district, Farah Province, the Taliban entered the village primary school for girls and set two classes, a tent and some equipment, including the chairs and desks, on fire. The fire damaged the doors and windows. The school, which was attended by nearly 460 girls from first to ninth grade, was closed owing to the damage and the threat of further incidents. In another example, on 26 January 2020, in Qarghai district of Laghman Province, a group of Taliban entered the Mashakhil high school for girls, locked the guards in a room and set the classrooms on fire. The fire resulted in damage to the facility, which over 700 girls attended as students.

#### *Military use of schools*

49. Despite the signing of the Safe Schools Declaration by the Government in 2015, the country task force verified the military use of 17 schools in 2019 (7) and 2020 (10) by components of the Afghan National Defence and Security Forces (13), the Afghan National Army and international forces jointly (1), the Taliban (1), pro-government militias (1) and unidentified armed groups (1).

#### *Other education-related concerns*

50. The country task force verified the closure of 722 schools in 2019 and 258 in 2020 owing to general insecurity and military operations. More than half of these closures occurred in the north-eastern region (506), followed by the southern (155), western (95), northern (84), central (80), eastern (31) and south-eastern regions (29). While school closures resulted from ongoing conflict, Takhar and Kunduz in the north-eastern region, Helmand in the southern region, Logar in the central region and Badghis in the western region were the most affected provinces, owing mainly to Taliban offensives.

51. As a result of advocacy by the country task force and the support of community elders and local authorities, 1,323 schools reopened in 2019 (924) and in 2020 (399). Some of the schools that reopened had been closed since 2010. As at 31 December 2020, 796 schools remained closed countrywide, depriving 349,920 children (245,169 boys and 104,751 girls) of access to education during the reporting period.

#### **Attacks on hospitals and related protected persons**

52. The country task force verified 165 attacks on hospitals and related protected persons in 2019 (75) and 2020 (90), a 24 per cent increase compared with the previous two years (126). Attacks included threats against health personnel and facilities (54), attacks that may have been indiscriminate or disproportionate that caused damage to medical facilities, closures of hospitals and harm to personnel (51), abduction of health personnel (24), the destruction of medical facilities (18) and attacks on health personnel (18).

53. Armed groups were responsible for 130 attacks (79 per cent), with the vast majority attributed to the Taliban (124), followed by ISIL-KP (3) and unidentified armed groups (3). The Afghan National Defence and Security Forces were responsible for 21 attacks, attributed to the Afghan National Army (9), the National Directorate for Security (5), Afghan National Defence and Security Forces joint operations (3), the Afghan National Police (1), the Afghan Local Police (1), the Afghan Border Force (1) and unidentified components of the Afghan National Defence and Security Forces (1). These attacks involved search operations in medical facilities that resulted in damage to or the closure of clinics and the harassment of health personnel. The

<sup>10</sup> UNAMA and OHCHR, *Afghanistan: Protection of Civilians in Armed Conflict – 2019*.

remaining attacks were attributed to international forces (3), pro-government militias (2), armed groups and the Afghan National Defence and Security Forces jointly (8) and unidentified perpetrators (1). The majority of the incidents occurred in the eastern (46), central (25) and northern regions (24). For example, on 19 May 2020, in Kunduz Province, an Afghan National Army aeroplane targeted and bombed a clinic that was allegedly treating wounded Taliban elements, damaging the clinic and an ambulance and causing minor injuries to two health personnel.

54. Attacks on hospitals and health personnel are particularly egregious considering the fragile state of the country's health-care system and the burden that it has been carrying during the COVID-19 pandemic.<sup>11</sup> In this context, armed groups reportedly continued to deliberately target medical facilities and personnel. For instance, on 12 May 2020, in Kabul city, three attackers disguised as Afghan Border Force officers and armed with AK-47s, hand grenades and tactical vests stormed the 100-bed maternity ward in the Dasht-i-Barchi hospital, systematically moving from room to room and firing on patients and health-care workers, including new mothers and infants. In total, 23 civilians were killed and 23 were maimed, including six children killed (3) and maimed (3) and one health-care worker killed. The responsible party remains unknown. Threats against health personnel and facilities by armed groups, mostly by the Taliban, led to the closure of around 239 health-care facilities during the reporting period.

55. Election-related violence also had an impact on three medical facilities on polling day during the presidential election, damaging a hospital and two clinics and destroying medical equipment, including two ambulances, which affected service delivery.

#### *Military use of hospitals*

56. The country task force verified the military use of four medical facilities in 2019 (2) and 2020 (2), attributed to the Afghan National Army (2), to the Afghan National Army and international forces jointly (1) and to pro-government militias (1).

## **E. Abduction**

57. The country task force verified the abduction of 69 children (60 boys and 9 girls), as young as 1 year old, in 2019 (14) and 2020 (55), with the higher numbers in the eastern region (24) and the northern region (21).

58. Most abductions were attributed to the Taliban (66), followed by pro-government militias (2) and the Afghan National Police (1). For instance, in April 2020, in Balkh Province, a group of Taliban went to the Qalaqan area where civilians were digging a water reservoir on their farmland, intending to extort them, under the pretext of *zakat* and *ushr*. The Taliban abducted members of the community, including two boys aged 10 and 15, took them to a village and shot and killed them on the same day.

59. Seven children were killed during their abduction in 2019 (1) and 2020 (6). The country task force was also able to verify that 12 children had been released from abduction in 2019 (1) and 2020 (11).

## **F. Denial of humanitarian access**

60. The country task force verified 46 incidents of denial of humanitarian access to children in 2019 (20) and 2020 (26), attributed mostly to armed groups (43) (93 per

<sup>11</sup> See UNAMA, "Special report: attacks on healthcare during the COVID-19 pandemic" (June 2020).

cent), namely, the Taliban (37), ISIL-KP (4) and unidentified armed groups (2). The remaining incidents were attributed to the Afghan National Police (1), international forces (1) and jointly to the Afghan National Army and the Afghan National Police (1).

61. Armed groups continued to abduct, kill, injure, intimidate and threaten humanitarian personnel throughout the reporting period. The country task force verified the abduction of 64 humanitarian personnel by the Taliban and the killing and injuring of 24 humanitarian personnel by parties to the conflict.

62. Armed groups were also responsible for entering humanitarian facilities without permission and taking away equipment. For instance, on 4 May 2020, in Shirin Tagab district, Faryab Province, the Taliban stopped five trucks carrying roughly 25 tons of humanitarian aid donated by the Government of Turkmenistan through the port of Aqineh and did not allow them to reach Maymana city. After three days, the Taliban offloaded the trucks, distributed the aid among their own forces and let the drivers return to Maymana city with their empty trucks.

63. Of concern, the Taliban continued to impede polio vaccination campaigns in the areas under their control. A total of 85 polio cases affecting children were documented in 2019 (29) and 2020 (56). The cases were documented in five regions, including in the southern (58), western (12), south-eastern (8), eastern (4) and northern (3) regions. The spread of the polio cases in these regions can be attributed to many factors, including the Taliban's ban on house-to-house campaigns in 2018, which has continued in many Taliban-controlled areas, and the impact of the COVID-19 pandemic, which led to the cancellation of the vaccination campaign scheduled for July 2020. As a result of these bans, approximately 2.5 million children missed being vaccinated on National Immunization Day in 2019, a number that increased to approximately 3.3 million children in 2020 in the affected regions. For example, on 20 January 2020, a polio vaccinator from the non-governmental organization Hewad was killed in Paktiya Province after the Taliban threatened Hewad if it did not stop its polio vaccination programme.

## **V. Progress and challenges in ending and preventing grave violations against children**

### **A. Government of Afghanistan**

64. The country task force and the Special Representative of the Secretary-General for Children and Armed Conflict continued to engage with the Afghan authorities to advocate the implementation of the action plan of 2011 and the road map towards compliance of 2014, as well as additional concrete measures to prevent grave violations against children.

65. The Government and its security forces, in close collaboration with the country task force, took progressive measures to meet its commitments under the action plan and the road map towards compliance to prevent child recruitment and use, including through the development of laws and policies to better protect children.

66. The Law on the Protection of Child Rights, one priority of the road map towards compliance, was enacted by the President through legislative decree No. 362 on 5 March 2019. The country task force supported the Government in drafting the Law, and ensuring the inclusion of provisions on the recruitment and use of children and sexual violence against children, including *bacha bazi*, which were also reflected in the revised Penal Code that came into force in 2018. The Law is currently pending approval by Parliament as some members do not accept the definition of a child as any person below the age of 18, although this definition is included in the Juvenile

Code and the revised Penal Code. Once approved, the implementation of the Law should lead to ending and sustainably prevent further cases of child recruitment and use, as well as sexual violence against children, by the Afghan National Defence and Security Forces.

67. As required under the Law on the Protection of Child Rights, on 16 June 2019, the Government established a National Commission on the Protection of Child Rights, chaired by the Second Vice-President, mandated to observe and protect children's rights, oversee and evaluate the implementation of the Law, and ensure coordination among ministries and relevant governmental and non-governmental organizations. On 22 October 2019, a National Technical Committee on the Protection of Child Rights was established under the Commission, chaired by the Minister for Labour and Social Affairs. The Committee is tasked with developing a national plan for the implementation of the Law and establishing a monitoring mechanism to oversee it.

68. The Government developed, with the support of the country task force, a national child protection policy,<sup>12</sup> which is aligned with the Law on the Protection of Child Rights and applies to all Ministries, as an overarching legal framework to protect all children in Afghanistan in both the development and the humanitarian contexts.

69. On 24 November 2020, the Ministry of Interior Affairs officially launched its internal child protection policy applicable to Afghan National Police personnel, as part of its efforts to implement the road map towards compliance. The policy was drafted with the support of the country task force. It includes provisions on the protection of children from recruitment and use and sexual violence, including *bacha bazi*, and is notably aimed at increasing the number of Afghan National Police officers who are specialized in child protection.

70. The country task force noted further progress by the Ministry of Interior Affairs on the prevention of recruitment and use of children through the 34 child protection units in Afghan National Police recruitment centres across the country. A total of 626 underage applicants (all boys) were prevented from enlisting through the child protection units in 2019 (439) and 2020 (187). The decrease in 2020 could be partially attributed to the COVID-19 pandemic lockdown measures, which affected the regularity of the rotations of the child protection unit personnel. The country task force completed a national assessment on interventions to prevent child recruitment in 2019, evaluating the effectiveness of the child protection units and examining their challenges and successes. The key findings included the continuing need to provide police officers with training on age assessment guidelines, strengthen community capacity to protect children and enhance monitoring of police check posts at the district level and in remote areas. Ensuring appropriate financial support and dedicated trained human resources remain challenging.

71. The country task force continued sensitizing and training key national stakeholders on the protection of children in armed conflict, including on the prevention of sexual violence, such as *bacha bazi*. This included one training session for 30 teachers in Logar Province, two training sessions for 83 judges, prosecutors and members of the Afghan National Defence and Security Forces in Kandahar Province in 2019, and one training session for 30 human rights officers of the National Directorate for Security in 2020. The country task force also supported the training of 2,183 persons, including staff of non-governmental organizations, on monitoring and reporting methodologies and age assessment guidelines in 2019. The country task force reached over 90,000 men and women through awareness-raising programmes

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<sup>12</sup> The policy was signed and launched in June 2021.

on child protection and risk education, including through publications, billboards and television and radio spots throughout the reporting period.

72. The country task force continued to advocate the implementation of laws and policies to promote accountability for grave violations against children. As a result of advocacy regarding allegations of sexual violence against boys in Logar Province, a special committee was established by the Attorney General's Office at the request of the President to investigate, arrest and prosecute alleged perpetrators for sexual violence against boys – allegations of which were first published in the media in November 2019. The country task force supported the committee, including by briefing them on child-friendly investigation methods, considering the principle of the best interests of the child and the “do no harm” principle. The committee continued to investigate the allegations; however, the COVID-19 pandemic and related restrictions slowed the work of the investigation committee. On 14 July 2020, the Attorney General's Office informed the country task force that it had identified 21 suspects and arrested some perpetrators who had been sentenced to between 5 and 22 years of imprisonment.<sup>13</sup> The country task force advocated for the committee to request that its mandate be broadened for it to become a permanent body to address similar cases when they cannot be handled adequately at the provincial or local level.

73. In October 2020, following the launch of the Afghanistan peace negotiations, the country task force developed a paper on the integration and prioritization of child protection issues in the peace process in Afghanistan based on the Practical Guidance for Mediators to Protect Children in Situations of Armed Conflict published by the Office of the Special Representative for Children and Armed Conflict. The paper was shared with the Government and the Taliban, to promote child protection issues as entry points and confidence-building measures in the peace negotiations. It was also shared with other child protection actors to identify opportunities for those working with either or both sides to assist in ensuring that these issues are raised at the appropriate stages in the peace negotiations.

74. Positive developments led by the National Security Council were documented with regard to the government system for documenting credible allegations of civilian casualties, including child casualties, in order to harmonize information between different parts of the security forces and other actors collecting such data and to develop lessons learned. A working group was established and tasked with creating a new mechanism across the Afghan National Defence and Security Forces, responsible for information-sharing, harmonization and response to incidents involving civilian casualties. The working group, headed by the National Security Council and including representatives from the security sector, the Afghanistan Independent Human Rights Commission, the International Committee of the Red Cross, the Center for Civilians in Conflict and UNAMA, held its first meeting in December 2020.

75. Despite these developments, gaps remained in the protection of children affected by armed conflict. A persistent concern was the absence of an effective investigation and disciplinary mechanism for commanding and recruitment officers found responsible for child recruitment and use, and for the falsification of national identification cards (*tazkera*), which may lead to identity manipulation of underage recruits, despite the criminalization of these acts in the revised Penal Code. Widespread impunity continued, which, combined with the absence of systematic referral pathways for the reintegration of children, as well as of handover protocols for children formerly associated with armed forces and armed groups, for children screened out through the child protection units and for children released from detention facilities, contributes to exacerbating their vulnerabilities. Indeed, as a

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<sup>13</sup> At the time of writing the present report, the country task force had not yet independently verified the arrests.

result, they are exposed to new grave violations, particularly recruitment and use. The release of children and inadequate programmatic response by the Government for their reintegration posed significant challenges to their protection and well-being in the absence of a comprehensive reintegration framework and handover protocol. The country task force initiated advocacy efforts with the Ministry of Foreign Affairs, calling for the development of a national reintegration framework and handover protocol. The Ministry's response was positive; the approval of the Government's High Commission on Child Rights on the adoption of a handover protocol is required.

76. In addition, the country task force initiated discussions with the Government to assess and support children and women in the juvenile rehabilitation centres and the Kabul female detention centre as an initial step to assess the situation of individual cases and facilitate the possible reintegration or repatriation of foreign nationals. Furthermore, children arrested for alleged or actual association with armed groups and detained on charges related to national security do not benefit from protection afforded by international juvenile justice standards and political commitments made by the Government, including the Paris Principles. A policy to treat these children in line with international juvenile justice standards is needed, as foreseen in the action plan and the road map towards compliance.

77. Moreover, children arrested for their alleged or actual association with armed groups and detained on charges related to national security have been excluded from presidential pardons, such as the special decree of the President granting pardons that was issued in March 2020, which led to the release of detainees in order to decongest detention facilities in the context of the COVID-19 pandemic.

## **B. International Forces**

78. The Special Representative for Children and Armed Conflict had planned an official visit to Afghanistan in March 2020, notably to engage with government forces and international forces on the protection of children in armed conflict, including on the measures that they have taken to mitigate child casualties during military operations. Owing to developments following the elections and the outbreak of the COVID-19 pandemic, the mission was postponed. In the light of the ongoing pandemic, in lieu of a visit, the Special Representative continued her engagement remotely and held, in May 2020, a videoconference with senior representatives of the NATO Resolute Support Mission and of the forces of the United States in Afghanistan on measures taken by the international forces to mitigate child casualties during military operations. Prior to that engagement, she also met with relevant counterparts from the United States authorities in Washington, D.C., in December 2019 to, inter alia, advocate stronger protection of children during military operations. In addition, she strengthened her office's partnership with NATO, including by cooperating closely with the Senior Adviser on Children and Armed Conflict and seconding to NATO headquarters technical expertise to further strengthen NATO activities on children and armed conflict globally and in Afghanistan.

79. According to information received by the Special Representative, the international forces continued to implement internal processes to minimize civilian casualties during their operations, notably through the examination of all reports of civilian casualties within 72 hours of receipt, and assess whether extraordinary measures should be taken to continuously improve harm mitigation.

### **C. Armed groups**

80. Children continued to be recruited and used by armed groups, mostly by the Taliban. Ending the recruitment and use of children by the Taliban has been a key component of the ongoing human rights dialogue between UNAMA and the Taliban, during which UNAMA discussed the continuing high number of child recruits within the Taliban, as well as the possible adaptation and application within their ranks of the national age assessment guidelines of the Government. UNAMA also shared the above-mentioned paper on the inclusion of child protection issues in the peace process with the Taliban negotiation team and will follow up with the Taliban at the appropriate stages of the negotiations.

### **D. Other advocacy initiatives**

81. The Special Representative participated, along with the Co-Chairs of the country task force, in a joint virtual briefing gathering the Groups of Friends of Children and Armed Conflict based in New York and Kabul, respectively, and the Group of Friends of Afghanistan based in New York in October 2020.

## **VI. Observations and recommendations**

82. I am appalled by the continuing disturbing scale, severity and recurrence of grave violations against children in Afghanistan, who continue to bear the brunt of the armed conflict. I condemn these grave violations against children committed by all parties to the conflict and urge all parties to abide by their obligations under international humanitarian law and international human rights law.

83. I continue to be extremely concerned by the sustained high level of child casualties and urge all relevant parties to strengthen measures and systems in place to mitigate these casualties, to refrain from using indirect fire systems in civilian-populated areas and to cease the use of explosive weapons in densely populated areas. I further urge all relevant parties to immediately cease the targeting of civilians, including children, and civilian objects, including attacks and threats of attacks on medical and educational facilities and protected persons, and to also take the measures necessary to cease indiscriminate attacks against them and ensure that they are not used for military purposes. I call upon the relevant parties to ensure that children's access to health care and education is not impeded by military operations.

84. The vast majority of grave violations against children was committed by the Taliban. I condemn the armed group's practices and call upon the Taliban to swiftly take all measures to halt the increased recruitment and use of children and abide by national directives prohibiting the recruitment and use of children. I urge the Taliban to actively prevent child casualties, to ensure that its directives and orders comply with international humanitarian law and international human rights law, and to take the steps necessary to ensure that those who commit grave violations against children are held accountable.

85. I note and commend the efforts of the Government and its security forces to reinforce the protection of children affected by armed conflict, showing their commitment to abide by national and international law and to end and prevent grave violations against children. I nevertheless call upon the Government to increase efforts and the allocation of necessary resources, especially for the development and adoption of an action plan to halt and prevent the killing and maiming of children, and to take further steps to implement the national policy on civilian casualty prevention and mitigation; strengthen measures to investigate all incidents of conflict-



related harm to civilians, including children; to ensure accountability; and to further strengthen the efforts of the National Security Council and the Afghan National Defence and Security Forces, especially the Afghan National Army, to systematically investigate harm to civilians in conflict-related incidents.

86. I urge the international forces, as they withdraw, to remain in close collaboration with the United Nations to ensure the continuity and sustainability of measures in support of the commitment of the Afghan National Defence and Security Forces, including the Afghan National Army, to implement policies and measures to protect civilians and minimize harm, especially to children, including by providing resources and continuing to advise and train Afghan forces.

87. I welcome the sustained decrease in the numbers for recruitment and use by the Afghan National Police and commend the Government for the progress made so far. I encourage the Government to consolidate the gains made and to address the remaining gaps, as well as to implement and abide by the directives prohibiting child recruitment and use, and ensure the accountability of those commanders who abduct, recruit, use and sexually exploit children. I urge the Parliament to adopt the Law on the Protection of Child Rights, enacted in March 2019, to ensure its systematic implementation and to establish effective investigation and disciplinary mechanisms for those found responsible for child recruitment and use. I also call upon the Government to develop an operational plan to implement the child protection policy of the Ministry of Interior Affairs, which emphasizes the prohibition of use of children in police stations, the establishment of an investigation department to enforce accountability for alleged abuses of children, including *bacha bazi*, and the establishment of social work positions in police units. Lastly, I call upon the Government to adopt a standardized referral system for the reintegration of children who have been separated from parties to the conflict, released from detention and/or rejected from recruitment centres through the child protection units of the Afghan National Police.

88. I urge the Government to release from detention the children held for their alleged association with armed groups, in line with the Paris Principles, which it has endorsed. In addition, children detained on charges related to national security should be transferred to juvenile rehabilitation centres and have access to all services, in line with international juvenile justice standards. I further call upon the Government to include all children in the special decrees of the President releasing detainees in the context of COVID-19.

89. I urge the parties and all stakeholders to ensure that appropriate child-specific provisions and adequate resources are included in the Afghan peace talks and encourage the use of the Practical Guidance for Mediators to Protect Children in Situations of Armed Conflict.

90. I call upon donors to continue assisting the Government in building on the progress made in the implementation of the action plan and the road map towards compliance to prevent child recruitment and use and in preparing and implementing a long-term and comprehensive rehabilitation and reintegration strategy, including funding support for related programmes.