



Protecting Children in Afghanistan - Advocacy, Action, and Accountability



SEPTEMBER 2020

1. Operational Context

The United Nations Secretary General's (SG) recent Report on Children Affected by Armed Conflict (CAAC) covering 2019 identified Afghanistan as the deadliest country on the planet for children in conflict for the fifth consecutive year. Children in Afghanistan are exposed to extreme harm as a result of the ongoing conflict, including killing and maiming from explosive remnants of war, improvised explosive devices and airstrikes. Many child casualties arise from ground engagements; of these, most are from indirect fire which shows that collateral damage is egregious. This Protection Brief identifies ways HCT members and others can operationalise aspects of the SGs Report to reduce the risks faced by children in Afghanistan.

At the heart of tensions in Afghanistan are power structures and the distribution of power; achieving ethnic balance; gender inequity; and friction between the outward-looking modernizing elements and the inward-looking conservative ones. Protection problems arise around ethnic, tribal, regional, sectarian, gender and ideological divisions amidst a rural and urban divide. Drivers of violence include the complicated history and politics and unresolved struggles for power, different interpretation of the application of Islamic laws, geopolitics and contested regional politics that make Afghanistan conflict-prone and at risk of external interventions which exacerbate instability.

Since February 2020, COVID-19 has added to the uncertainty and increased vulnerability and extreme distress of children and their families including returnee and deportee children who face discrimination and lockdown in Afghanistan after returning from abroad. Lockdown, deemed necessary to prevent the spread of COVID-19 and protect the population, has disrupted children's access to education, healthcare, livelihoods and social services, while placing new stressors on parents, guardians and caregivers. Evidence appears to indicate children impacted by COVID-19-related factors face increased vulnerability to recruitment and use by

parties to the conflict. The Country Task Force on Monitoring and Reporting (CTFMR) documented a significant increase in child recruitment during the second quarter of 2020 as compared to the previous quarter. Nineteen children (0 girls, 19 boys) were verified, all incidents perpetrated by the Taliban in the north-eastern region. Additional unverified reports by both Afghan national security forces and armed opposition groups come from across the country. Stigma and discrimination related to COVID-19 may make children more vulnerable to violence and psychosocial distress. In the longer-term, women and girls may be disproportionately affected by COVID-19 and forced to adopt negative coping mechanisms as they lose livelihood opportunities.

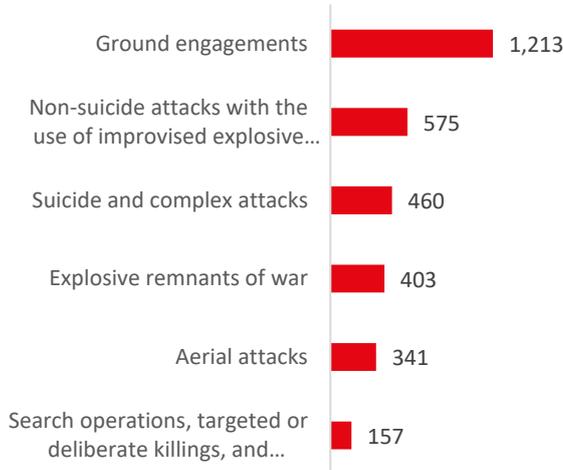
The peace process in Afghanistan now engaging key stakeholders if focused upon peace building and social cohesion can help ensure the protection of children is an integral part of peace agreements. The process provides a unique opportunity for humanitarian actors to address some of the root causes of conflicts and reversals into conflict while reducing protection risk, vulnerability and overall levels of need to realize the common vision of a future in which no one is left behind. Protection of civilians, rule of law, rehabilitation and the delivery of justice are paramount to the recovery process.

This Brief envisions humanitarian, development and peace realms in Afghanistan working together cohesively and capitalizing on their respective comparative advantages to enhance the nexus between their domains to better protect and support children impacted by violence related to conflict. The UN Mission in Afghanistan was first mandated in March 2002 and humanitarian agencies engaged and present in Afghanistan many years before that. In acting on the recommendations mentioned below it is important for protection interlocutors to first identify the actions taken that worked well so they can build upon their successes using, where possible, innovative community-based programming.

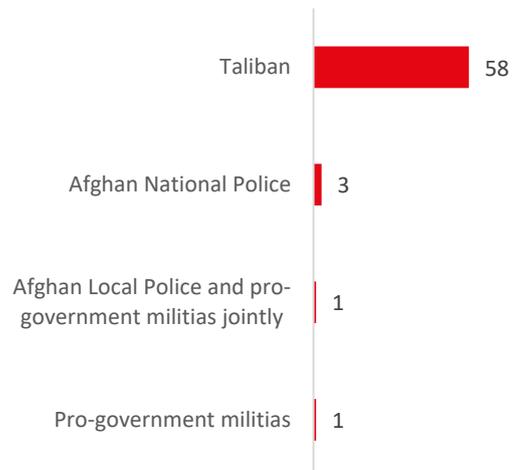
2. Population Data - Infographics

Monitoring and Reporting Mechanism Annual Report Data

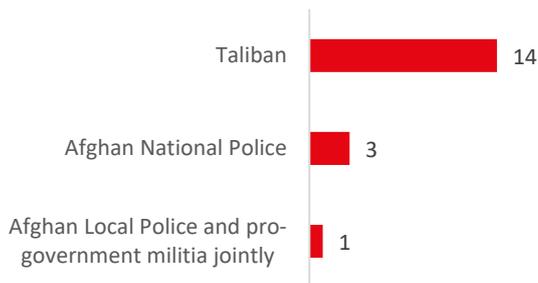
3,149 children killed (874) or maimed (2,275)



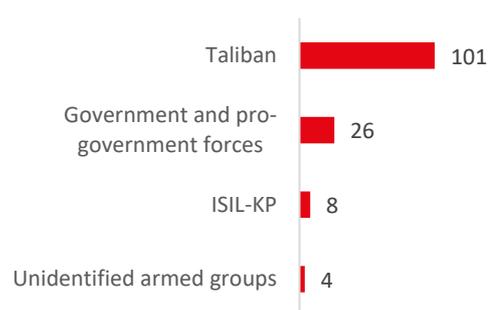
64 boys recruited armed groups



Sexual violence against 18 children (13 boys, 5 girls)

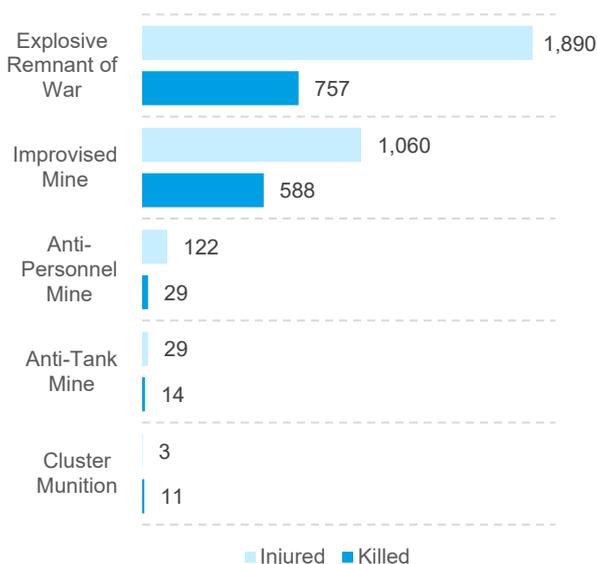


145 attacks against schools (70) and hospitals (75)

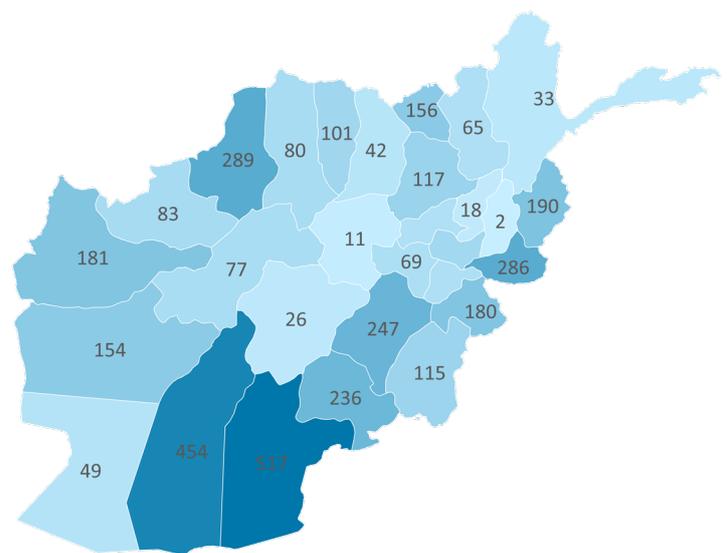


HALO Trust Data

Children killed and injured by Device type



Children killed and injured by explosive devices (2014-2019)



3. Protection Environment

The Government of Afghanistan has signed an action plan that includes annexes related to sexual violence and attacks on schools and has developed a road map for its implementation that can end recruitment and use of children by its armed forces. Despite significant progress, monitoring indicates that recruitment of children into Afghan national security forces is still taking place. Further support is required to fully implement commitments to prevent the recruitment of children into armed conflict by the police and the army.

Dialogue with the Taliban on the prevention of underage recruitment and use of children has been ongoing for many years. The Taliban has established a Commission for the Prevention of Civilian Casualties and Complaints and engages in dialogue on issues described in the SGs Report, yet the Taliban has not signed an action plan with the UN.

The Mine Action Sector is making progress in improving risk education and is using child friendly materials to reduce risk for children. Yet more clearance of explosive ordnances (EO), especially of single items like mortars, rockets and aircraft bombs must be done to save lives and prevent casualties amongst children.

Other challenges in the protection environment include-

- Ensuring the Protection Cluster can effectively integrate and coordinate with other clusters to remain a strong tool for resource mobilisation, in the development of a response mechanism and referral pathway for children in need, particularly the ones affected by armed conflict.
- Continuing to ensure that Child Protection actors systematically reach those women and girls, children with disabilities and adolescents who are isolated, so they participate and receive support, along with other boys, men, religious leaders and community elders.
- Operating programmes around sensitive issues when lockdowns and quarantine limit opportunities for children and others to share details because there is little privacy within a family, especially when phone access is limited, often due to a gender bias.
- Ensuring parties are committed to enforcing age verification guidelines that will reduce the erroneous recruitment of children into armed forces and groups.
- Finding ways to encourage Non-State Armed Actors and others to recognise and use eighteen as the age a child reaches adulthood in accordance with the Convention on the Rights of the Child and the law in Afghanistan.
- Ensuring access to services for SGBV survivors through networks sufficiently distant from their community where stigma is strong and in which survivors feel comfortable and confident to report incidents and seek assistance.
- Reducing the disruption of networks, especially for those trapped in areas switching between the control of armed opposition groups and Government. Reducing the pressure and heavy reliance on national staff, local NGOs, area governments and communities themselves to do the sensitive and complex work around reintegration.
- Strengthening systems to facilitate the comprehensive reintegration of children from armed forces and groups and those in detention particularly accused of security related charges.

Few perpetrators of violations are submitted to justice systems or prosecuted. Child protection (CP) actors work to foster the building of a protection environment where perpetrators who use children as foot soldiers or for sexual entertainment are prosecuted and support those denouncing these practices based on teachings from Islam through ongoing awareness campaigns. The UN and other child protection actors contribute to policy initiatives of the National Directorate of Security (NDS) and donor agencies, especially military aid donors, to ensure security authorities crackdown on the recruitment and use of children by the security sector.

Various challenges arise in the protection environment that need to be overcome including identifying and working with a large numbers of children with heightened protection risks including those a) from families facing serious economic hardship, which may prompt parents to sell children, send children do hazardous work or marry-off young daughters; b) abandoned or lacking support and care or facing rejection or stigmatisation in their communities following a parents' death as a result of COVID-19; c) returnee girls and boys who are unaccompanied and separated children; d) children with disabilities with special needs; e) in area controlled by the Taliban and nonstate armed actors; and f) displaced and with limited access to opportunities including education.

4. Recommended actions

4.1 Clearance not just mine risk education

One way to reduce killing and maiming of children and to support the recommendations of the SG “to mitigate child casualties” is through Mine Action. Clearance must become a higher priority for humanitarians and be linked more closely to development and peace actors. The removal of explosive items is a practical and achievable step towards reducing the number of child casualties and is easily scaled-up to ensure a more extensive reach. The Afghanistan Humanitarian Fund (AHF) supports the operation of eleven Quick Response Teams that provide explosive ordnance disposal, survey and victim data collection services. The Fund recently supported clearance of spot explosive remnants of war (ERW) and abandoned caches or abandoned explosive ordnance (AXO). Yet the Afghanistan Country Based Pool Funds that are currently supporting mine explosive ordnance risk education (EORE) and survey work can ensure a more comprehensive clearance of

anti-personnel landmines of an improvised nature and explosive remnants of war - the devices which cause the majority of child casualties - alongside this work.

The Directorate of Mine Action Coordination (DMAC) is a directorate of the Afghanistan National Disaster Management Authority (ANDMA) and coordinates the sector taking a country-wide approach to needs and has a crucial role in increasing mine action activities to protect children. Disposal of explosive items and clearance of large areas of contaminated land, offers an opportunity for humanitarian and development partners to work in tandem doing joint programming and developing partnerships that can enhance the use of cleared land to reduce in poverty, food insecurity and inequality.

Action

Mine Action AoR supported by CP actors **produce a short paper** addressed to the SRSG, RC, HC, HCT members and partners including DMAC, and identify and recommend:

- what is required of specific HCT members to speed up mine clearance at the nexus between humanitarian, development and peace;
- the priorities for the HCT members and relevant partners including the identification of areas which have highest concentration of mines/child casualties from mines on which to focus clearance efforts;
- steps that will lead to stronger advocacy on the implementation of Protocol V on Explosive Remnants of War to the UN Convention on Certain Conventional Weapons including in the peace process; and
- the respective roles of key stakeholders and actions required, including identification of potential sources of funding.

TIMELINE	IMPACT of Short Paper	TEAM
6 weeks	Identification of actions that will produce a measurable reduction in deaths and casualties	MA support CP AoR

4.2 Swift implementation of the Child Rights Protection Law, 2019

The SG identified “**swift implementation, particularly in Logar Province**” of the **Child Rights Protection Law, March 2019**. This law, enacted through a Legislative Decree, protects children and prohibits bacha bazi and the recruitment and use of children can be a catalyst for improving accountability of those committing of child

rights violations and for lobbying for the strengthening and resourcing the justice system. A Child Protection Policy is drafted and awaiting the approval of the High Commission on Child Rights under the leadership of the 2nd Vice President.

Action

HCT members, led by UNICEF and the HC, should:

- identify priorities within the law and advocate to government and donors to find ways to strengthen and implement those aspects of the law as soon as possible;
- find ways to ensure the law acquires legitimacy amongst the constituency including by it passing through the Parliament. This includes advocacy for a collective acceptance by all relevant authorities that the age of a child is under 18 years;
- work to translate the provisions of the Law into regulations, policies and action plans capable of implementation and enforcement in the current context. This requires encouraging increasing commitment and political will so its provisions are used to build the capacity of justice and law enforcement systems and raising the awareness of the right holders about existing provisions;
- hold the Ministry of Labour and Social Affairs accountable for the delivery of outcomes based upon resources it receives;
- advocate for additional support to the Attorney General’s Office Commission that is investigating the Logar case and encourages the Attorney General’s Office to consider creating a semi-permanent commission structure to expand investigations to other regions where similar complaints arise;
- measure progress towards stronger child protection through building in accountability mechanisms to the national policy covering Children in Conflict with Law approved by Ministry of Interior;
- encourage the National Commission on the Child Rights Protection Law which is chaired by the Second Vice President to establish stronger mechanisms for monitoring of the law;
- using the existing Terms of Reference work with the Technical and Provincial Committees to draft a strategic plan on the implementation of the Child Rights Protection Law, 2019; and
- finding ways to ensure mechanisms for monitoring, reporting and complaints are in place and enforced including through the additional processes developing child protection and child safeguarding polices. For example, the Common Child Protection Policy for the Defence Sector which include the National Security Council, the Defence and the Interior Ministries for children in armed conflict and the Policy for Children in Conflict with Law that are currently in draft.

TIMELINE	IMPACT	TEAM
6 months	Accountability of all the forces and actors dealing with children and awareness increased and measured and exploitation of children decreased.	CP AoR

4.3 Strong Government engagement with the United Nations on children affected by armed conflict

The SG encourages the Government of Afghanistan “to engage with the United Nations to broaden the existing action plan and road map to end and prevent all grave violations by its forces.”

The current Action Plan under the Monitoring and Reporting Mechanism is not focused on all six grave child rights violations (Killing and maiming of children; Recruitment and use of children by armed forces or armed groups; Attacks on schools or hospitals; Rape or other sexual violence against children; Abduction of children; Denial of humanitarian access to children.). The Action Plan is a first step focussed on prevention of underage recruitment and use of children. Child Protection actors are particularly concerned about potential risks for any children released, especially risks arising from stigmatisation and retaliation. Annexes to the Action Plan cover sexual violence and attacks on schools. Children

who are detained and accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims and not as adult offenders. Based on national and international juvenile justice standards they should be treated in accordance with international law in a framework of restorative justice and social rehabilitation.

A concerted awareness raising campaign by the UN can address issues related to stigmatization of affected children with government while NGOs and communities can help build knowledge of the Monitoring and Reporting Mechanism (MRM) and broaden the capacity to use it. The Government of Afghanistan can be more strongly engaged through the CAAC Action Plan and the Inter-ministerial Steering Committee chaired by the MOFA.

Action

The SRSG, RC, HC and HCT members should supplement and support existing efforts to ensure stronger advocacy including through a dialogue with government on

- urging the Government to develop a prevention plan and to integrate the six grave violations into the National Child Protection Policy;
- providing further support to ensure release children detained for alleged engagement with parties to the conflict, either as fighters, spies or in other roles;
- respecting the provision of the 2007 Principles and Guidelines on Children Associated with Armed Forces or Armed Groups;
- ensuring that reintegration of these children is positioned within a broader child protection, education and community-based systems and plan strengthening over 3-5 years;
- the need for awareness raising and capacity building and a predictable funding source that allows for consistent planning, human resourcing, implementation and monitoring of the grave violations; and
- taking action to follow up the already endorsed Oslo Safe Schools Declaration and implement the Guidelines for Protecting Schools from Military Use and enhancing respect for IHL.
- Strengthen the MRM system so reporting pathways are clear to all Clusters and confidence in the system increases as reports of parties held accountable becomes transparent.
- Increasing CTFMR members efforts and accountability towards each other.

TIMELINE	IMPACT	CP LEAD
Immediate and long-term	Systematically reduce detention of children alleged to be engaged with parties to the conflict; reduce deaths and maiming; and bombing of schools and hospitals; increase respect for IHL	Co-leads of CTFMRM

4.4 Support engagement with the Taliban’s Commission for the Prevention of Civilian Casualties

The SG urges “all parties to cease the use of improvised explosive devices and complex attacks”. In order to stop the use of improvised explosive devices and complex attacks impacting on children the Taliban need to establish a unit dedicated to address

child rights violations, including child recruitment. A framework for continuous engagement with the UN needs to be established and used for dialogue and to establish stronger accountability structures.

Action

SRSG, HC, HCT members, UNAMA, appropriate INGOs and others coordinate in their work with the Taliban’s Commission for the Prevention of Civilian Casualties and Complaints to build trust, engage in dialogue and strengthen accountability.

CP AoR and PC identify for HCT members how to best support UNAMA Human Rights and other interlocutors engaged with the Commission to

- strengthen the dialogue that will lead to enforcing age verification guidelines;
- support a total ban on the use of children in hostilities and recruitment into armed forces or remain in armed forces to reduce killing and maiming;
- release or disassociate all children from armed forces in safety and security, and whenever possible, in cooperation with specialized child protection actors;
- ensure in its dialogue with Commission the issue of Victim Operated Improvised Explosive Devices (VOIED) termed as Pressure Plated IED (PPIED) is central as they cause most civilian casualties;
- work to ban anti-personnel mines that are indiscriminate by nature like VOIED pressure-plate improvised explosive devices, improvised mines or anti-personnel mines of an improvised nature;

- take concrete measures towards ensuring that children have access to adequate food, health care (including psycho-social support), education, and where possible, leisure and cultural activities;
- protect children against sexual and other forms of violence;
- facilitate the provision of impartial humanitarian assistance to children in need;
- avoid using schools or premises primarily used by children for military purposes;
- find ways to encourage Non-State Armed Actors to use 18 as the age a child reaches adulthood in accordance with the Convention on the Rights of the Child and the law in Afghanistan.
- facilitate efforts to reunite children and their families upon demobilisation;
- ensure the Commission is linked to INGOs who work on advocacy and capacity building of Non State Armed Groups.
- ensure the Taliban respect IHL and take action to implement the Guidelines for Protecting Schools from Military Use.

TIMELINE	IMPACT	CP LEAD
Final quarter of 2020	Reduce detention of children alleged to be engaged with parties to the conflict; reduce deaths and maiming; and bombing of schools and hospitals; increase respect for IHL.	UNAMA CP

4.5 Children need to be heard in the peace process

The SG urges the Government and the Taliban to work with his SRSG and the United Nations in considering the use of the “Practical Guidance for Mediators” in order to include child protection in the peace process.” The SRSG on Afghanistan and the members of the Country Task Force on Monitoring and Reporting on six grave child rights violations are together responsible to ensure this item is part of the peace process and to encourage parties to the conflict to adhere to the principles of

distinction, proportionality, and precaution, and avoid locating military objects in civilian-populated areas pursuant to IHL. To be effective system strengthening is necessary; a structured, resourced, transparent and accountable CP system that can sustainably build and retain a cadre of trained social workers who are not affiliated with power dynamics and politics, rather than short term solutions.

Action

- The Protection Cluster, UNICEF with lead CP agencies work with the SRSG to ensure support for specific practical provisions on protection of children are included in the negotiations and any peace agreement. This may include developing introductory training on Child Protection in Emergency, including child right components for relevant parties to conflict that would support early identification of CP issues; and preparing parties for future engagement at deeper and more meaningful level.
- Guided by UNICEF and/or the CP AoR the HC encourage stronger engagement and coordination with relevant parties.
- The SRSG on Afghanistan and the members of the CTFMR advocate for protection of children in the negotiations and the peace agreement with a view to creating a platform for children’s and communities’ voices to be heard.
- HC with HCT members ensure a representative of child protection actors is engaged in the relevant peace talks, meetings and processes capable of strongly advocating for inclusion of child protection provisions in peace processes.
- HC and HCT members strengthen systems so they are structured, resourced, transparent and accountable CP system that can sustainably build and retain a cadre of trained social workers who are not affiliated with power dynamics and politics, rather than half attempts at short term solutions.

TIMELINE	IMPACT	CP LEAD
According to the timeline of the peace process	Greater respect for girls and boys created and their role better understood and more dynamic through involvement in the peace process.	CP AoR and UNAMA and those prominent in the peace process

4.6 Reintegrate children separated from parties to conflict, released or rejected from recruitment centres

The SG recommends “the adoption of a standardized referral system for the reintegration of children who have been separated from parties to conflict, released from detention and/or rejected from recruitment centres.”

UNICEF, the CP AoR and the High Commission on Protection of the Rights of the Child presided over by the Second Vice President are jointly accountable for implementation of this are. Cross-border cooperation is needed to reintegrate and strengthen the family tracing. Children abandoned by families, threaten with death by communities or the Taliban add to the complexity of reintegration

programmes that need to be considered. Adding to the complexity is the need to address the needs of children and their families related to ISIS affected by sojourns in Syria and Iraq. Several ministries including AG, Mol, Health and others need to share information through a technical committee, so activities are coordinated and an action plan taken forward.

Action

The HC with UNICEF and the CP AoR support government to facilitate the establishment of a framework that will lead to reintegration programming that UNICEF can apply to coordinate with NGOs and other parties interested in developing a strategy and systematic map to respond to children in need. The framework will support child reintegration by identifying

- ways to promote child reintegration as the shared responsibility of multiple stakeholders including the Ministry of Labour and Social Affairs and the Child Protection Action Network (CPAN);
- evidence from the field level to show which interventions are most effective and warrant further investment to make reintegration support available to children for a minimum of 3-5 years per child, based on the needs of the child and his or her family and community;
- ways to strengthen psychological and psychiatrics programmes especially for children subjected to torture and maltreatment, some of whom have been in detention for more than 7 years;
- urgently supporting experts to work on capacity building for community-based reintegration programming that can address children’s needs in the medium to longer-term across sectors and the Humanitarian-Development-Peace nexus;
- partnerships that can be forged to harnesses comparative advantages towards collective, sustainable, multi-year reintegration outcomes, and contribute to a robust protective environment and strong child protection systems, without compromise to humanitarian principles;
- dedicated specialized Case Management services and referrals, including critical capacity building for service providers and community stake holders; Including investment for larger coverage of the provinces
- whether demobilized children subjected to confidentiality and security protocols may require alternative care during initial release;
- linkages to relevant services/referrals through the CM system. depending on community acceptance;
- opportunities for specialized programming to support re-entry to livelihood, schools or vocational training that facilitate vocational and life skill building; and
- research opportunities involving development and humanitarian partners in Afghanistan.

TIMELINE	IMPACT	CP LEAD
Over 12 months	Establish with Government mechanisms for coordination within a framework for reintegration of those children no longer associated with armed forces and.	CP AoR