



Convention on the Rights of the Child

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Committee on the Rights of the Child

Report submitted by Afghanistan under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, due in 2005*

[Date received: 14 August 2020]

* The present document is being issued without formal editing.



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In the name of Allah, the Most Merciful the Compassionate

Introduction

1. The Islamic Republic (I.R.) of Afghanistan, based on its constitution and other laws and regulations and as one of the first signatories to the Universal Declaration of Human Rights and other ratified core international human rights instruments is obliged to preserve and uphold the human rights standards. Toward this end it cooperates closely with all human rights monitoring mechanisms. Membership to the Human Rights Council (2018–2020), heading the Third Committee of UN General Assembly (2018), presiding over Ottawa Convention on prohibition of use, stockpiling, production and transfer of anti-personnel landmines or “Mine Ban Treaty” and chairing the Working Group of the human rights commissions/institutions in the Asia-Pacific, well demonstrate the strong commitment and political will of the Afghan Government in promotion and development of human rights at the national, regional and international levels.
2. Reporting on the implementation of the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) is one of the human rights obligations of the government. Further, the government strives to harmonize national laws and create institutions and mechanisms for the implementation of OPAC provisions. The I.R. Afghanistan as a country at the forefront of fighting international terrorism and with a nation that arose after long years of destruction and lawlessness fully collaborates with all international organizations to pave the grounds for the realization of human rights standards for all its citizens, particularly the children.
3. The current report is the first report of OPAC to the Committee on the Rights of the Child, however, since 2011 due to the dire situation of children such as killing and maiming of children during hostilities and violation of their rights, and based on a memorandum of understanding signed between the Minister of Foreign Affairs of Afghanistan and the Special Representative of the UN Secretary General, the government has submitted 7 annual reports to the UN and has achieved unprecedented reform in legislation, institutionalization and implementation of CRC provisions.

A. General measures of implementation

4. The I.R. of Afghanistan acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict in 2003 without any reservations.
5. The current report is being prepared under the guideline of the initial report (CRC/C/OPAC/2 19 October 2007) to be submitted by states parties according to Article 8 of Paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict. In the preparation of this report, the Afghan government has established three national committees to carry out reporting to OPAC as following:

Steering Committee

The Steering Committee is the leading body in the reporting process which inaugurates and monitors the process through the identification of obstacles and providing solutions for the challenges faced. After an initial confirmation by the steering committee, the draft report will be submitted to the Vice President’s Office for the final approval. Subsequently the Ministry of Foreign Affairs (MFA) will submit the reports to the relevant treaty bodies.

Technical Committee

The Technical Committee is a representative body consisting of members representing governmental and non-governmental organizations that participate in assessing and discussing the implementation of the relevant human rights convention.

This Committee reflects the implementation measures of the relevant government agencies to the draft report.

Drafting Committee

The Drafting Committee comprising of some members of the Technical Committee as well as officers from the reporting desk of the Human Rights and Women's International Affairs Directorate of the MFA and its Legal Adviser who are tasked to prepare the draft report based on guideline of reporting issued by the related UN treaty bodies.

6. To have tangible results for the implementation of OPAC, most provisions of this protocol incorporated into the penal code (2018) of Afghanistan which includes provisions on the prevention of recruitment of children to the security and defense forces of the country, criminalization of falsification of *TAZKIRA (National ID card)* and punishment of perpetrators who commits crimes against children.
7. To ensure inclusiveness and participatory nature of reporting process, the Afghan government has invited non-governmental organizations and representative of Afghanistan Independent Human Rights Commission (AIHRC) to share their concerns regarding Government's implementation measures.
8. Provisions of the Optional Protocol on the Rights of the Child on Involvement of Children in Armed Conflict is incorporated into various laws and regulations including; Juvenile Delinquency Law 2005, the Law on the prevention of Recruitment of Children in Military Service 2015, Guideline on Age Assessment to Prevent and Respond to Recruitment of Children in Security Forces of Afghanistan 2015, Presidential Decree No. 1333 on the Appointment of an Investigation Body to Verify Presence of Children in Armed Forces 2016, establishment of Child Protection Units in all provinces of Afghanistan as well as a new Penal Code in 2018 which prohibits the enlistment of children in armed forces and any act of violence against them is deemed punishable by the law.
9. Furthermore, based on a number of regulations, procedures and policies issued by various government agencies, government has ensured that recruitment of children under 18 years old is prohibited and all children who were recruited for some reasons before enforcement of the laws and regulations are discharged. As a result, currently there are no child recruits in the security and armed forces of Afghanistan.
10. The security and armed forces of Afghanistan consist military personnel of the Ministry of Interior (MoI), the Ministry of Defense (MoD) and the National Directorate of Security (NDS). In addition to the Ministry of Justice (MoJ) and the Ministry of Labor and Social Affairs (MoLSA) are among the responsible governmental departments which monitor, implement, protect and promote the rights of the child and oversee the issues concerning children and armed conflict.
11. Dissemination of the OPAC and organizing trainings on its provisions has been carried out by the Human Rights Support Unit (HRSU) of MoJ to government officials and by AIHRC to the general public including the children.
12. Afghanistan Independent Human Rights Commission (AIHRC), as a national human rights institution has the mandate to promote, protect, advocate and disseminate the information concerning human rights in general and child rights in particular, throughout the country by holding seminars, workshops and public debates on the human rights matters. Based on its mandate, AIHRC also contributes to the protection of children from recruitment in armed forces.
13. Human Rights Support Unit (HRSU) of MoJ is responsible to disseminate information, raises awareness and oversees the implementation of all international human rights instruments. Until now, this unit held more than 95 sessions for various beneficiaries including members of security forces, Ministry of Women Affairs (MoWA), Ministry of Defense (MoD), Ministry of Education (MoE), Attorney General's Office (AGO), Ministry of Labor and Social Affairs (MoLSA), Lower and Upper Houses of the Parliament, Ministry of Information and Culture (MoIC), Ministry of Communications and Information Technology (MoCIT), Central Statistics Office (CSO) and National Environment Protection

Authority (NEPA) staff on human rights matters, particularly OPAC and OPSC. A total of 2164 government officials (552 women and 1612 men) have benefited from such trainings.

14. Anti-government armed groups recruit the children from religious schools (*madrasas*) 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. Since 2012, Afghan security forces rescued more than 133 children aged between 12 to 17 years old. These children were used for intelligence gathering, abduction, carrying out suicide attacks, and participation in hostilities, procurement of food for militias and other illegal activities being done by anti-government elements. The exact number of children used by anti-government elements is not clear as the government only knows the figures of the children rescued during ground hostilities. Recently in 2018, 73 children under 18 years old which were recruited by the ISIS (Daesh) in the northern part of country and were participating in hostilities along with 165 combatants were captured by security force of Afghanistan and transferred to Juvenile Correction Center in Kabul. Amongst them, 18 were under 12 years old¹ and were eventually reintegrated with their families. 55 of those 73 children were aged between 14 to 18 years and transferred to rehabilitation centers after age assessment.

Ministry of National Defense	2013	2014	2015	2016	2017	2018	2019
Cases of the Registered violation	16	0	0	0	0		
Number of Children Prevented from recruitment	114	549	731	88	508	992	343

Number of children dismissed and prevented from recruitment in armed forces



15. Based on article 6 of the Recruitment Law of Military Officers (2017), article 5 of the Human Resources law of Police, Security Directorate and Other military-like departments (2014) and various other regulations issued by different ministries, 18 years of age has been set as minimum age for recruitment in the armed forces.

16. Based on Regulation on Promotion of Human Rights in Governmental Agencies, Human Rights Support Unit within Ministry of Justice is responsible for the implementation and monitoring of Human Rights standards across the country. This Ministry also conducts public awareness events on children and armed conflict.

17. Since 2006 and based on an agreement between MoE and AIHRC, the Commission has included human rights subjects such as basic human rights, children rights and women rights in curriculum of MoE to educate the pupils with basic values of human rights which is enshrined in the Afghan Constitution and other laws and regulations.

18. During the last 15 years, AIHRC has interviewed more than 47789 children regarding their rights to voice their opinion about their specific needs and priorities. The outcome of such opinion polls and interviews led to several national surveys and research-based reports

¹ Based on Afghanistan laws the age of criminal liability is 12 years old.

such as national research on combating with pedophilia or (*Bacha Bazi*), national survey on effects of harsh labor on children, status of children in schools, research on combating against human trafficking and abduction of children and women and a number of other thematic reports regarding child rights.

19. As a result of continued advocacy of AIHRC, as national human rights institution, for the criminalization of Bacha-Bazi, the Parliament of Afghanistan criminalized this immoral practice in the new penal code enacted in 2018.

20. AIHRC provides human rights guidelines to the police academy to educate young police officers on observing human rights standards in general and children rights in particular. This guidance is also incorporated in the curriculum of MoE and taught in schools all over the country.

21. The Ministry of Defense in collaboration with AIHRC has signed a memorandum of understanding to teach human rights and international humanitarian law particularly the situation of children in armed conflict to all young officers in the Military Academy. In 2016, AIHRC trained a total of 1200 young officers on the rules of engagement, vulnerable groups during military operations, protection of public places during war, distinction between military targets and civilian objects, proportionality of responses in combats and emphasizing the situation of children in armed conflict. During 2018, 886 officers, out of whom 155 were female, also received training on the above-mentioned subjects.

22. MoD has held 28 seminars on human rights and humanitarian subjects for all military staff during 2018-2019. Furthermore, child rights subject and protection of children during armed conflict has been taught for newly recruited staff for a total of 2266 hours.

23. The I.R. of Afghanistan is committed to protect and promote human rights, both in domestic and international spheres; however, due to the complexity of terror networks and their atrocities and heinous crimes, the government of Afghanistan is in need of further resources. Therefore, the international community and countries of the region are requested to take a more robust stand in support of such efforts.

24. Activities of the international terrorist organizations and commission of suicide attacks indiscriminately targets civilian population particularly the children and is a gross violation of human and children rights which needs adequate global and regional response. On behalf of the world, Afghanistan is on the forefront of combating terrorism, and its efforts should be supported by all nations and international organizations.

B. Prevention

(Arts. 1, 2, 4; Para. 2, and Art. 6; para. 2)

25. There is no conscription or compulsory recruitment to the military service in the I.R. of Afghanistan. According to the laws and regulations, particularly the procedure of recruitment of the youth in the police, only persons who are aged between 18-35 years are eligible to be recruited. According to the Article 605 of the Penal Code "... recruitment of children and use of them in military units is forbidden".

26. Based on Article 4 of the Law on the Prevention of Enlistment of Children to Armed Forces (2014), if military officers recruit children in armed forces, they shall face up to one year in prison.

27. Based on the Instruction no.8 of MoI issued in 2009, recruitment in armed and security forces of persons under the age of 18 and higher than 35 years, is forbidden. In case of violation, the perpetrators would face punishment according to relevant laws and regulations.

28. For recruitment of military personnel, all applicants shall complete 18 years of age, to be verified based on their national ID card (*Tazkira*). To verify the age, a commission consisting of representatives of MOD, MoI, NDS, National Census & Statistics Authority and medical experts has been formed to verify the physical status and appearance with the written age in the *Tazkira* to prevent recruitment based on falsified *Tazkiras*. If an official recruits a child based on a falsified *Tazkira*, he/she will face punishment.

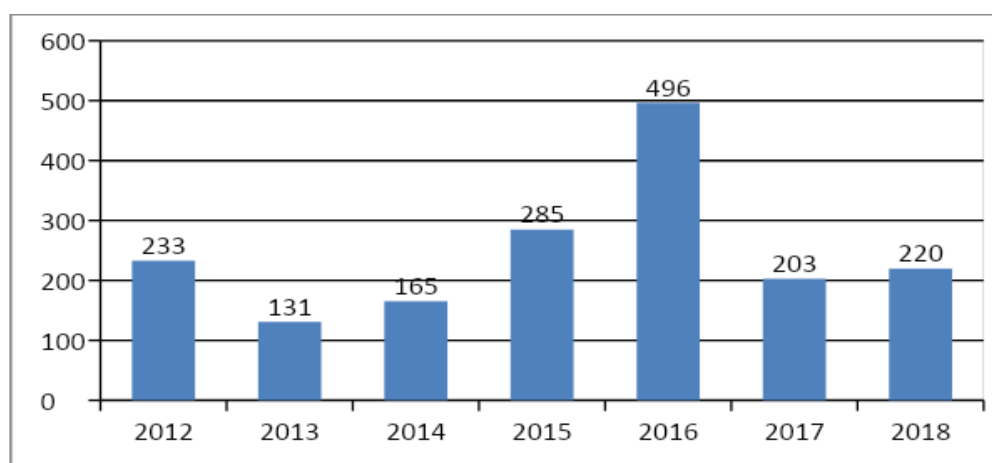
29. Following reports by the United Nations concerning presence and recruitment of underage children in police forces, killing and maiming of children and also perpetration of sexual violence against them, MoI issued Procedure no. 050 on Safeguarding Child Rights and Prevention of their Recruitment to National and Local Police in 2011. This procedure was followed and implemented by all units of MoI. Moreover, Senior Deputy Minister of Interior issued a clear instruction to all recruitment centers, and detention facilities to prevent recruitment of children under the age of 18 in their ranks and official structures.

30. Based on the policies², instructions³ and measures put in place by the MoI, during the period 2012–2018 the following numbers of children have been prevented from recruitment to National and Local Police.

Table: No of Children who were prevented from recruitment to Police forces

Year	2012	2013	2014	2015	2016	2017	2018
No of Children	233	131	165	285	496	203	220

Graph: Number of Children who were prevented from recruitment in police force



31. Similar to Police, to be recruited to Afghan National Defense Forces, all applicants shall complete 18 years of age based on their *Tazkira*.

32. Recruitment of children to military service is prohibited in all circumstances, including during the state of emergency. I.R. of Afghanistan has a strong stand against use of child soldiers and children in armed conflict and is committed to protect children against misuse and hazards inflicted by such malpractices.

33. I.R. of Afghanistan is committed to protecting child rights and preventing their enlistments in armed forces through enacting laws, regulations, policies, procedures and their full implementation in order to ensure that children enjoy their basic rights.

34. To protect children from impact of war and armed conflict and to prevent acts of violence against children caused by military operations, MoD crafted a Policy on Protection of Children in Armed Conflict in 2017.

35. Afghan authorities protect school premises and health care facilities from military attacks. The Policy on Protection of Children in Armed Conflict prohibits the military use of school premises and healthcare centers which are under protection of International

² Humanitarian law education policy for National Police 2012 and policy on prevention of underage 18 in national and local police 2011.

³ Procedure no. (08) Issued on 2010 concerning legitimate recruitment of the youth in national police, procedure no. (050) issued on 2011 for realization of action plan between government and The UN on prohibition of children in armed conflict, procedure no.(6) issued by senior deputy of MoI issued on 2014 concerning prevention of underage 18 in national and local police and presidential decree 1333 dated on 2015 on appointment of delegation to scrutinize presence of children in all military and security forces of Afghanistan.

Humanitarian Law. As this Policy stipulates, the MoD must distinguish with full precision between military and civilian objects and only targets military objects based on the principle of proportionality. This policy also prohibits MoD from supporting any pro-government militias who recruit children to their ranks or using them as cook, nurse, human shield, sexual exploitation, intelligence gathering agent, guard and the like.

36. Military operations shall be conducted within at least a distance of 640 meters away from school premises and healthcare facilities. Educational and healthcare facilities which were temporary abandoned, due to security challenges, shall not be used by military forces as trenches and shield against military attacks.

37. If armed groups attack on schools or use their premises as trenches, Afghan defense and security forces are responsible to counter the attacks taking into account international humanitarian law principles such as the principles of military necessity, distinction between civilian and combatant objects and the principle of proportionality, in order to minimize the harm associated with military operation.

38. In order to better implement the Optional Protocol, in 2016 MoD developed a policy to prevent the recruitment of minors under the age of 18 to the National Army and has reviewed it in 2019.

39. If Afghan defense and security forces arrest child combatants associated with anti-government armed groups, they are obliged to uphold all humanitarian principles and child rights. They are not allowed to label the rescued children as “terrorists”, in case those children are suspects of committing crimes against national and external security, during their prosecution, the Juvenile Courts must apply Juvenile Delinquency Law, the case should be followed by special child prosecutors and their confinement shall be seen as an option of last resort.

Table: Number of child related cases judicially addressed by the courts

Year	2015	2016	2017
Primary Court	1 348	1 245	1 264
Appeals Court	838	724	768
Women and Children Division	/	/	858

40. If an applicant who wants to serve in the military, do not possess *Tazkira* or there is a discrepancy between his/her physical appearance and the age of mentioned in the *Tazkira* , the candidate will be referred to Office of Forensic Medicine to identify the real age. In case there is a suspicion regarding the age of a candidate, he/she shall be assumed as a child.

41. The process of age verification of a candidate who has been referred to Office of Forensic Medicine is subject to strict observance of human rights standards related to respect for human dignity and privacy of the candidate. Consideration of the expert opinion of the Forensic Medicine is mandatory for recruitment centers of Afghan military and security forces.

42. During 2017, four cases of age assessment were referred by military recruitment centers to MoPH for Forensic Medicine Examination and from 2018 to date (the year the report has been prepared) just one case of age assessment is referred to the MoPH which subsequently identified the person as child and prevented from recruitment.

43. As a result of the implementation of Policy on Protection of Children in Armed Conflict all children who were under age 18 are identified and discharged immediately and subsequently reintegrated with their families.

44. To prevent recruitment of children into military forces, Ministry of Defense has formulated a Policy on Prevention of Recruitment of Children in armed forces in 2016. This Policy allows the UN Special Rapporteur to visit the recruitment centers of the MoD.

45. All military units of the MoD are responsible to include provisions of OPAC in a comprehensive educational plan to be taught for officers and soldiers in all military units to prevent recruitment of persons of underage of 18 into armed forces.
46. Currently, there is one military school operating by Ministry of Defense of I.R. Afghanistan. This school offers military education provided by the MoD while also using the curriculum of the MoE for all students. Students, who complete their ninth grade, usually in their 16 years of age, can join the military school to gain military education. There is no compulsion in enrolment and all applicants for military school join with their free will and consent of their families. The duration of education at this military school is 3 years.
47. During their education in military school, students receive human rights and international humanitarian law training. They never participate in hostilities. Upon completion of 12th grade and subject to passing an entrance exam, they can join the Military Academy, to pursue higher education in military fields.
48. Corporal punishment is forbidden in all schools including in the military schools. A complaint procedure has been put in place for any violations committed by students and teachers in military schools. (Article 39 of education law and Article 612 penal code).
49. Afghan security and defense forces, in addition to the prevention of recruitment of children in their units, provide advocacy and awareness raising among general public through mass media and address anti-government militias to prevent recruitment and use of children in among their ranks. Unfortunately, despite government's campaigns for the prevention and use of children in armed conflict, due to insecurity, illiteracy and poverty some children end up joining militia groups.
50. The I.R. of Afghanistan cooperates with all international organizations including ICRC to prevent use of children in armed conflict and reintegrate the rescued children with their families.
51. In collaboration with AIHRC, human rights and child rights topics have been incorporated in the MoE curriculum. In addition to their regular school subjects, all students receive basic human rights teaching. Peace and reconciliation, and zero-tolerance to violence and war is also part of the human rights syllabus, taught in all schools across the country.
52. Based on the data provided by the UNICEF, the government of Afghanistan prevented 2001 children from being recruited in armed and security forces.

<i>No.</i>	<i>Region</i>	<i>Province</i>	<i>Date CPU established</i>	<i>No. of child recruitment – prevented</i>
1	Center	Kabul	7-Apr-16	272
2		Parwan	15-Nov-17	45
3		Kapisa	21-Nov-17	0
4		Panjshir	15-Nov-17	10
5		Logar	27-Nov-17	9
6		Wardak	22-Nov-17	0
7		Bamyan	8-Jun-16	1
8		Daikundi	18-Oct-16	35
9	South East	Ghazni	28-Nov-17	10
10		Khost	28-Nov-17	3
11		Paktya	11 October, 2016	70
12		Paktika	30 Nov, 2016	19
13	East	Nangarhar	February 8, 2016	145
14		Laghman	July 27, 2016	30
15		Kunar	August 2, 2016	65
16		Nuristan	3-Feb-18	0
17	West	Herat	15-Nov-11	420

<i>No.</i>	<i>Region</i>	<i>Province</i>	<i>Date CPU established</i>	<i>No. of child recruitment – prevented</i>
18		Farah	26-Nov-11	113
19		Badghis	5-Dec-11	213
20		Ghor	14-Dec-11	174
21	North	Balkh	22-Dec-15	56
22		Faryab	7-Jul-16	4
23		Saripul	17-Jul-16	1
24		Jawzjan	18-Jul-16	6
25		Samangan	19-Jul-16	49
26	North East	Baghlan	7/7/2016	4
27		Kunduz	7/7/2016	46
28		Takhar	27-Sep-16	12
29		Badakhshan	25-Sep-16	47
30	South	Kandahar	30-Aug-17	60
31		Helmand	15-Nov-17	5
32		Nimorz	28-Nov-17	32
33		Uruzgan	25-Dec-17	39
34		Zabul	30-Nov-17	6
Total children prevented				2 001

Source: UNICEF, Kabul.

C. Prohibition and related matters

(Arts. 1, 2, 4, paras.1 and 2)

53. To prohibit the recruitment of children in armed forces and criminalize such acts, the I.R. of Afghanistan has implemented the followings measures:

- Enacted a new Penal Code in 2018, which prohibits the recruitment of children in military services and punishes the perpetrators who recruit the children. If an official of the military unit recruits a child into military services, he/she would face a sentence of three months to one year imprisonment.
- Based on Article 607 of the Penal Code, any person who recruits a child in military unit through falsification of the documents would face one to five year imprisonment.
- According to Article 608 of the Penal Code, if an official knowingly lets a child to continue service into military unit, he/she would face imprisonment (three months to one year).
- The Policy on Protection of Children in Armed Conflict formulated in 2017 by the MoD prevents the recruitment and use of children in armed conflict.
- The Policy on Prevention of recruitment of Underage 18 in National Army 2016, formulated by the MoD, prohibits the recruitment of children in all military units.
- Based on the relevant regulations of the MoI on Recruitment of the Youth to Police Force in (2010), only persons aged between 18–35 years old are eligible to be recruited in national and local police.
- Instruction No.112 issued by the MoI concerning the respect, promotion, and protection of Human Rights aiming at strengthening rule of law within the MoI (2010), tasks its Department of Gender and Human Rights to monitor the situation of human rights and gender equality in the ministry and investigate any human rights violation.

- The Police Academy and other educational centers affiliated to it, teaches human rights curriculum.
- To build the capacity of the police officers and personnel, the MoI in collaboration with national and international organizations has held various seminars and workshops and formulated handouts for teaching different subjects of human rights for all police officers and wider staff.

54. Afghanistan is a state party to International Criminal Court (ICC) which prohibits and criminalizes participation of children in armed conflict.

55. The I.R. of Afghanistan ratified the International Labor Organization Convention No. 182 on 7 April 2010. This convention concerns the prohibition and immediate Action for the Elimination of the Worst Forms of Child Labor (1999). Bacha Bazi (sexual exploitation of boys), is a malpractice in some provinces of Afghanistan which is criminalized in the new Penal Code of 2018, and the perpetrators face punishment.

56. According to Article 85 of the new Penal Code, legal persons are criminally liable before the law for the actions of their staff and representatives which is committed on behalf of the companies. If a legal person is found guilty for illegal actions it may face punishments such as fines, confiscation of properties, and suspension of business activity for specific period of time as well as the permanent dissolution of the company.

D. Protection, Recovery and Reintegration

(Art. 6, Para. 3)

57. During the demobilization and delisting of children from armed forces, Afghan authorities take all measures to ensure that the rights and best interests of children, who have been the victim of practices prohibited under the Optional Protocol, are fully recognized, respected and protected at all stages of the process.

58. Since 2011, and following the signing of the Action Plan between Government of Afghanistan, UNAMA and the UN Special Representative for Children and Armed Conflict, I.R. of Afghanistan renewed its commitment to reinforcing international human rights standards enshrined in the constitution.

59. Based on this Action Plan, a 15 article Road Map has been devised by the MFA in cooperation with UNICEF to address the issue of children associated with armed conflict and prevent it through codification and policy reform, age verification and screening, enforcement measures, awareness raising, compliance monitoring and reporting, and programmatic response to screening, rejecting and referral mechanism to prevent recruitment and use of children in hostilities.

60. The I.R. of Afghanistan under its commitments stipulated in the constitution, the Action Plan for Protection of Children affected by Armed Conflict and being a state party to OPAC; enacted various laws, regulations, procedures to implement the provisions concerning promotion and protection of child rights and rehabilitation and reintegration of children to their families.

61. Based on various laws, regulations and procedures, the judicial sector takes into account the best interests of child during all criminal investigations and proceedings where they are victims or witnesses of crimes.

62. The best interests of the child are guaranteed in all aspects of legislative documents, procedures and administrative processes. Additionally, due to serious concerns pertaining to child rights, Office of the Second Vice President is mandated to monitor child rights issues.

63. To facilitate the proceeding of juvenile cases, protect their rights and take into consideration the best interests of the child, the Attorney General's Office established a new Deputy post in 2016 covering women, children and human rights, to prosecute all cases related to children in conflict with the law based on their age, physical and mental growth.

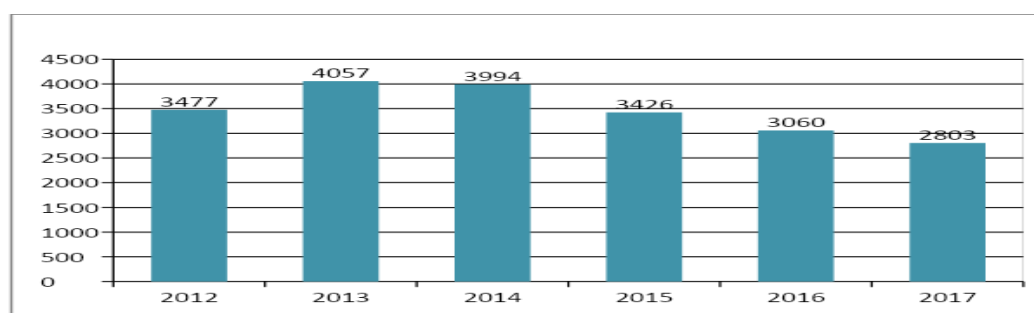
64. According to Article 14 of the Child Custody Law (2014), courts are obliged to take into account the best interests of child while ruling on the guardianship and custody of the child. As stipulated in the Section 4, Article 2 of the Juvenile Delinquency Code; the criminal justice sector of Afghanistan is obliged to uphold all provisions of CRC during investigation and judicial proceedings of child related cases.

65. The table below reflects the figures collected by the judicial sector during 2012–2017, and shows the number of cases of children who have been prosecuted under Juvenile Delinquency Code, taking into account all human rights standards.

Table: Number of children cases in conflict with the Law

Year	2012	2013	2014	2015	2016	2017
No of Child Offender	3 477	4 057	3 994	3 426	3 060	2 803

The Graph portrays the number of children cases in conflict with the Law



E. International Assistance and Cooperation

(Art. 7, para. 1)

66. The I.R. of Afghanistan is keen to cooperate with international organizations to implement provisions of the Optional Protocol. In this regard different departments of government in collaboration with UNICEF drafted various legislatures concerning children rights and armed conflict. These documents are: new Penal Code 2018 of Afghanistan, drafted Child Act 2016, Juvenile Delinquency Law 2006, Guideline on Age Assessments to prevent recruitment of children in armed forces of Afghanistan in 2015, Military Code No.08, crafted in 2011 in order to recruit youngsters in police force, Presidential Decree No.1333 issued on 2016 regarding the appointment of a delegation to review military units across the country to prevent and/or dismiss children recruited in armed forces.

F. Special measures taken by I.R. of Afghanistan following the conclusion of a MoU with the UN on children in armed conflict (CAAC)

67. Following the increasing concerns regarding the situation and vulnerability of children in armed conflict in the I.R. of Afghanistan, and based on the presidential decree issued on 9 December 2009, the steering committee on monitoring and reporting was established to monitor situation of children in compliance with Security Council Resolution 1612 (2005), 1882 (2009) and Paris Commitments (2007). Based on these instruments, the Afghan government is obliged to prevent recruitment and use of children in hostilities, protect them against sexual harassment and other violations of their rights.

68. In 2009, due to recruitment of children in police forces, Afghanistan was mentioned in the Annex list of UNSG Report and the states in the list were requested to create monitoring and reporting mechanism dealing with the issues mentioned in the UNSC Resolutions.

69. Furthermore, in collaboration with the Permanent Mission of Afghanistan in New York and Special Representative of the United Nations in Children and Armed Conflict, a 15

articled National Action Plan was signed in 2010. Based on this Action Plan and in order to prevent involvement of children in armed conflict, 6 priority programs have been identified.

Legal and Policy Reform

(a) Various policies on the prohibition of the involvement of children in security and military forces have been formulated and implemented by MoI, MoD and NDS;

(b) Laws and regulations to prevent involvement of children in armed conflict and the punishment of the perpetrators of children rights are also enacted. Penal code 2018 is comprehensive legal instrument which criminalizes and penalizes involvement of children in armed conflict;

(c) The Child Act is been enacted through a Presidential Decree in 2019.

Age verification and assessment

To verify the age of children, an age assessment guideline was formulated in 2014 to scrutinize and prevent recruitment of children in military forces.

Implementation measures

(a) A monitoring mechanism is in place to oversee the implementation of the laws and regulations and prosecute the perpetrators;

(b) Quarterly reporting on the implementation of legal measures to the steering committee and country task force on monitoring and regular reporting to the UN.

Raising awareness

The Human rights departments of the MoD and the MoI have conducted various awareness raising programs for military personnel, civil servants and general public. These programs are disseminated through mass media, billboards and workshops.

Monitoring and reporting of the Action Plan

Specific focal points have been appointed within security and military agencies to report their implementation measures to the Steering Committee and the country task force on monitoring and reporting.

Addressing children and armed conflict issues based on the Action Plan

(a) The Creation of Child Protection Units in all recruitment centers of national and local police.

(b) Regular reporting on children who were prevented from inscription to the military units.

70. Child Protection Units in four western provinces of Herat, Badghis, Farah and Ghor held seminars for 50 relevant police officers regarding Security Council Resolution 1612 to educate the police forces on the prevention of child recruitment in armed forces, referring to international norms and standards.

71. Referring to the Report of United Nations High Commissioner for Human Rights (27 February–24 March 2017), the MoI has made progress regarding the expansion of child recruitment protection units which according to a report between January and November 2016, the Afghan National Police inaugurated 12 additional child protection units bringing the total number to 17 CPUs across the country. Currently, during the preparation of this report and as reflected in the UNICEF figures, the total number of such centers has reached to 34 covering all provinces of Afghanistan.

72. Based on the laws and regulation of Afghanistan, the exposure of children to the media while they are being prosecuted by the judicial sector is prohibited. Article 32 of Juvenile Delinquency Law stipulates that prosecution of child cases is confidential but the issuance of verdict/sentence shall be public. Furthermore, to respect the privacy of children in child cases,

the presence of mass media in court is forbidden and disclosure of personal information of children is not allowed.

73. The government of Afghanistan facilitated the visit of Ms. Leila Zerrougui, then UN Secretary General's Special Representative for Children and Armed Conflict to Afghanistan in February 2016, to assess the situation of children in the country. During her visit to Afghanistan she stated that the UN is committed to see the Afghan Security forces delisted from annexes of the report of the UN Security General on Children in Armed Conflict. Referring to various laws, regulations, procedures in place and building institutions to prevent the recruitment of children in armed conflict, which have resulted in tangible outcomes, the Afghan Government requested the UN Secretary General to delist Afghan National and Local Police from the annexes of UN Security General Report.

74. The I.R. of Afghanistan cooperates with all international human rights mechanisms. One of them is facilitating the visits of the UN Special Rapporteurs. During their visit, the Afghan government fully cooperated with them. Pursuant to reports of the General Assembly, Security Council and related UN Agencies on situation of human rights in Afghanistan, the Afghan Government has made great endeavors to tackle human rights challenges, particularly in the protection and promotion of child rights.

75. Since 2011, following conclusion of the 15 Article Road Map initiated by the Afghan Government, Child Protection Units have prevented 2001 children from recruitment to armed forces throughout the country. Pursuant to the mentioned Road Map, Government of Afghanistan annually reports to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict on children issues. Up until 2019, the government has submitted 8 annual reports.

76. The report of United Nations High Commissioner for Human Rights in January 2017, acknowledges that the political and security situation still remains fragile which resulted in intensified fighting between government forces and anti-government elements that caused many casualties among children. Based on numerous rules and regulations in place in Afghanistan and application of rule of engagement in compliance with International Humanitarian Law, military and security forces of Afghanistan do not target civilian objects and places.

77. According with the laws and regulations in place and in compliance with the International Law standards, during 2016 military courts of Afghanistan received 5 claims concerning the breach of child rights including abduction, killing and maiming of children by military forces of the country in Paktya province. Following the adjudication of mentioned incidents, the primary military courts convicted the perpetrators to short and long period of imprisonment.

78. During 2017, 3 cases of sexual harassment of children were referred to primary military courts of Kabul. Following an investigation and hearing the complaints of prosecutor and defense of defendant, the court awards the defendants to mid-term and long-term confinement (5-16 years).

G. Other legal provisions

(Art. 5)

79. The I.R. of Afghanistan has ratified and adheres to all international instruments of humanitarian law which relates to the recruitment and the use of children in hostilities. Afghanistan has ratified the following main international instruments concerning child rights:

- Convention on the Suppression of the Trafficking in Persons and the Exploitation of the Prostitution of others (1950) acceded by Afghanistan in 1985.
- United Nations Convention against Transnational Organized Crime, 2000, and its protocols against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children 2000: acceded by Afghanistan in 2003.

- Rome statute of the International Criminal Court, 1998: acceded by Afghanistan in 2003.
- Geneva Convention (1) for the Amelioration of the Condition of the Wounded and the Sick in Armed Forces in the Field, 12 August 1949: acceded by Afghanistan in 1956.
- Geneva Convention (2) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949: acceded by Afghanistan in 1956.
- Geneva Convention (3) on the Treatment of Prisoners of War, 12 August 1949: acceded by Afghanistan in 1956.
- Geneva Convention (4) relative to the protection of Civilian Persons in Time of War, 12 August 1949: acceded by Afghanistan in 1956.
- Ottawa Convention on the Prohibition of Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 18 September 1997: acceded by Afghanistan in 2002.

H. Conclusion

80. The Islamic Republic of Afghanistan is among the leading countries in accession to the international human rights instruments. It tries to restore its status in international arena after decades of political isolation and imposed conflict. Crafting new constitution in 2004, following the establishment of political order and new institutions for the promotion and protection of human rights such as Afghanistan Independent Human Rights Commission is in fact an opening to a new chapter in Afghanistan's contemporary history and heralds to realization of desires of the nation.

81. The realization of human rights values is consistent with the teachings of Islam and as a part of legitimate demands of Afghan citizens the government is obliged to safeguard, preserve and protect such values.

82. The implementation of provisions of international human rights instruments and reporting to monitoring mechanisms of the United Nations is not merely a commitment but as well as a unique opportunity for the Afghan government to realize standards of living deserving to a free and law abiding human.

83. The I.R. of Afghanistan has endeavored to implement the provisions of international conventions and among them the Convention of the Rights of the Child and its optional protocol within state resources to raise the standard of living of the people.

84. Since 2014 and parallel to transition of the security responsibilities to the I.R. of Afghanistan from international assistance forces; international terror networks unprecedentedly intensified targeting of government and people of Afghanistan. Such deliberate targeting of ordinary people has increased civilian casualties, killing and maiming of the children, attacks on public places such as mosques, schools, training courses and other public gatherings.

85. Since 2011, and even prior to the signature of MoU between Afghan Government and the UN on Children and Armed Conflict, security forces of Afghanistan have articulated various policies on prevention of recruitment of children in armed conflict. The Afghan Government has strived to protect children and education centers, clinics, mosques and other objects under protection of international humanitarian law. Establishment of Child Protection Units (CPU) across the country, prevention of military operation in residential areas and upholding international humanitarian law are important achievement that government has reached despite direct war with global terror networks.

86. Prevention of child recruitment in security and defense forces, discharge and reintegration of children who were recruited in military jobs in previous years, punishment of perpetrators of violence against children, awareness raising to public and anti-government groups through mass media and billboards are achievements which government has gained despite daily security challenges.

87. Despite development in some areas of child rights, intensification of suicide attacks as well as the indiscriminate killing of civilians particularly children has diverted the government's attention to allocate more resources to the security sector, negatively impacting the availability of resources to causes such as child rights. Shortage of budget is a big challenge for safeguarding and protection of child rights. Insufficient budget for children rights, insecurity in remote areas and terror and insurgents' attacks on educational facilities in Kabul and provinces has hampered the full realization of child rights.

88. Conflict related insecurity troubled rule of law and the implementation of laws and regulations concerning child rights. The I.R. of Afghanistan is determined to realize human rights standards. To this aim it acceded to 7 of core international human rights instruments and harmonized its national laws in compliance with the Constitution and its relevant international commitments.

89. The I.R. of Afghanistan as a country that is threatened daily by security challenges has seriously prevented official recruitment of children in the military units. However, the Afghan government cannot confirm that there are no children involved unofficially in armed conflict. Based on fact and figure of the I.R. of Afghanistan there is no child officially recruited into the defense and security forces of Afghanistan. Children, who were recruited to the military prior to the criminalization of child recruitment and implementation of concrete measures imposed by the government, were all discharged.

90. The government of I.R. of Afghanistan has taken serious measures and made significant achievements in the field of legislation and zero-child policy in military forces and reduction in conflict related injuries to children as well as preservation of international humanitarian law and cooperation and reporting to UN Treaty Bodies and Mechanisms. These efforts are acknowledged and reflected in the UNSG Report 2020 on children and armed conflict and as such we request the Secretary General to delist Afghan national and local police from the annexes.
