

Afghanistan

The information below is based on the Report of the Secretary-General on children and armed conflict (A/72/865–S/2018/465), issued on 16 May 2018¹

25. Four cases of sexual violence, including rape (1) and sexual abuse (3) against boys as young as 13 were verified, three of which were attributed to the Afghan National Defence and Security Forces and one to the Taliban. The United Nations documented an additional 78 cases of rape and other forms of sexual violence against boys, most of which related to the practice of *bacha bazi*. Impunity for perpetrators remains a serious challenge.

The information below is based on the Report of the Secretary-General on Conflict-related Sexual Violence (S/2018/250), issued on 23 March 2018²

23. Reporting of and response efforts to sexual violence across Afghanistan remained limited, owing to instability, inadequate services, access constraints, discriminatory cultural practices and a climate of impunity in which those who defend women's rights face threats from the Taliban and other anti-Government elements. In 2017, the United Nations Assistance Mission in Afghanistan (UNAMA) documented 53 cases of sexual violence against women and girls, of which 3 were verified as conflict-related sexual violence committed by members of illegal armed groups and the local police. UNAMA also verified four cases of sexual violence against boys, three by members of the Afghan National Defence and Security Forces and one by members of the Taliban, including incidents of *bacha bazi*, a practice involving the sexual abuse of boys by men in positions of power. UNAMA received a further 78 credible allegations of *bacha bazi* that could not be verified due to the sensitivities involved. Efforts led by the Afghanistan Independent Human Rights Commission resulted in the criminalization of the practice in the revised Penal Code, which entered into force in February 2018. The revised legislation also incorporates provisions that bring the definition of rape closer to aligning with international standards, rectifying the prior conflation of rape with adultery, which had discouraged reporting.

The information below is based on the Afghanistan Annual Report on Protection of Civilians in Armed Conflict 2017, issued on February 2018³

i. Conflict-related sexual violence

UNAMA documented four incidents of conflict-related sexual violence perpetrated against children, three by the Afghan national security forces and another by Anti-Government Elements. For example, in Uruzgan province, Afghan National Police recruited a 14-year-old boy and sexually abused him for four months. In June 2017, in Daikundi province, a boy – aged between 14 and 17 years – committed suicide after being recruited and sexually abused by an Afghan national security forces commander.⁴ UNAMA notes concern that at the time of this report no arrests have been made in connection with this incident.

While UNAMA documented four incidents of conflict-related sexual violence affecting

¹ Full text available [here](#)

² Full text available [here](#)

³ Full text available [here](#)

⁴ While the abuse of the child has been verified, UNAMA received conflicting accounts, including from the alleged perpetrator, as to which Pro-Government Forces group he belonged at the time of the incident. UNAMA continues to work with Afghan National Police and Afghan Local Police to ensure that accountability is undertaken within the appropriate forces.

children, it underscores the likelihood that the actual number of cases is much higher. In 2017, UNAMA received credible and specific reports of 78 boys⁵ potentially victims of sexual abuse by parties to the armed conflict.⁶ The extreme sensitivities involved, particularly the risks to victims, prevented UNAMA from verifying these specific incidents in accordance with its methodology. In addition, such incidents are likely under-reported as a result of prevailing social norms and stigma associated with being a victim of sexual violence which may result in marginalization or exclusion from society.⁷

UNAMA welcomes the inclusion of a chapter criminalizing the practice of bacha bazi in the revised Penal Code.⁸ It encourages the Government to ensure the accountability of perpetrators through enforcement of the law, to adopt clear measures to prevent conflict-related sexual violence, including bacha bazi,⁹ and to provide adequate assistance and protection for victims, including to promote their social acceptance.

The information below is based on the Concluding Observations on the second periodic report of Afghanistan by the Committee Against Torture (CAT/C/AFG/CO/2), issued on 12 June 2017¹⁰

Harmful practices against children: child marriages and bacha baazi

35. The Committee is concerned by the widespread phenomenon of the forced and early marriages of girls. While welcoming the delegation's affirmations that a new law is nearing adoption that prohibits bacha baazi, a practice that facilitates sexual violence against and the sexual slavery of boys, the Committee remains deeply concerned that, the new legal framework notwithstanding, the practice may remain widespread in Afghanistan, including among State officials, as evidenced by the involvement of Shah Mirza Panjsheri in a bacha baazi case. The Committee recalls its general comment No. 2, in which it noted that indifference or inaction by the State with respect to serious violence committed by private actors, including against women and children, can suggest a failure to prevent or official consent or acquiescence to such violence, in violation of the State party's obligations under the Convention (arts. 2, 4 and 16).

36. The State party should:

(a) Take all measures to ensure that forced and early marriages are prohibited, those responsible are prosecuted and punished and the victims are rehabilitated;

⁵ These figures were verified through the Afghanistan Country Task Force on Monitoring and Reporting (CTFMRM) co-led by UNAMA. It was formed in September 2008 as part of the monitoring and reporting mechanism on the six grave violations against children established by, and listed in, Security Council Resolution 1612 (2005): (i) killing or maiming of children; (ii) recruitment or use of children by armed forces or armed groups; (iii) sexual violence against children; (iv) attacks against schools or hospitals; (v) abduction of children; and (vi) denial of humanitarian access for children.

⁶ See also report of Special Inspector General for Afghanistan Reconstruction (SIGAR), "Child Sexual Assault in Afghanistan: Implementation of the Leahy Laws and Reports of Assault by Afghan Security Forces. (U) SIGAR 17-47-IPc/Leahy Law Implementation in Afghanistan. January 18, 2018.

⁷ Between mid-October 2016 and July 2017, UNAMA conducted interviews with 660 interlocutors in 80 districts of 33 provinces on the root causes of recruitment and use of children in Afghanistan. During this period, UNAMA received multiple reports of boys forcibly recruited by armed groups and armed forces, or recruited under the false premise of an offer of employment, with subsequent sexual abuse.

⁸ Afghanistan 2017 Penal Code, articles 653-667. Published in Official Gazette # 1260, 15 May 2017. The revised Penal Code will enter into force in February 2018 - nine months after publication.

⁹ *Bacha bazi* is a practice where boys and intersex children are kept usually by wealthy or powerful men, including military and political leaders, for entertainment, particularly dancing and sexual activities. It is considered a harmful practice and violates a number of human rights, including the prohibition of sexual abuse and exploitation of children, sale of children, human trafficking, forced labor and slavery, recruitment and use of children, and confinement and the right to education.

¹⁰ Full text available [here](#)

(b) Take all measures to promptly adopt and enforce the new law prohibiting bacha baazi and eradicate the practice, including by ensuring that all cases of sexual violence against boys, including cases involving officials, are promptly and impartially investigated and the perpetrators prosecuted.

The information below is based on Treatment of Conflict-Related Detainees: Implementation of Afghanistan's National Plan on the Elimination of Torture prepared by UNAMA and OHCHR, issued on April 2017¹¹

The forms of ill-treatment and torture most commonly described to UNAMA included: severe beatings to the body (including with sticks, plastic pipes and cables), beatings to the soles of the feet, electric shocks (including to the genitals), prolonged suspension by the arms and suffocation (both using plastic bags and through forced immersion in water.) Other reported forms of torture and ill-treatment included the wrenching of testicles, use of cigarette lighters to burn the soles of the feet, prolonged use of stress positions, sleep deprivation, sexual assault and threats of execution.

Afghan National Police¹²

Between January 2015 and December 2016, 77 of the 172 detainees interviewed who had been held in ANP/ANBP custody (45 per cent) gave credible reports of having been subjected to torture or other forms of ill-treatment whilst in detention.

This represents a 14 per cent increase in the incidence of torture and ill-treatment in ANP custody across the country when compared with the previous observation period and it is a significant and disturbing development.

UNAMA notes with particular concern that, of the 77 individuals who gave credible accounts of having been tortured or ill-treated in ANP custody, 20 of these (26 per cent) were boys under the age of 18, and all 20 of these juveniles state that they were tortured in order to extract confessions.

UNAMA documented the highest levels of abuse by ANP in Kandahar, where a staggering 91 per cent of detainees interviewed gave credible and reliable accounts of being subjected to the most brutal forms of torture and ill-treatment. UNAMA received accounts of detainees in Kandahar having water forcibly pumped into the stomach, having their testicles crushed with clamps, being suffocated to the point of losing consciousness and having electric current applied to their genitals.

Allegations also persist that ANP is responsible for a series of unexplained disappearances and extra-judicial killings of suspected insurgents in Kandahar during the period covered by this report.

UNAMA also documented a significant increase in the abuse of detainees by ANP in Nangarhar, where 12 of the 22 detainees interviewed (54 per cent) gave credible accounts of being subjected to torture or other forms of ill-treatment.

In addition to these findings indicating the systematic use of torture and ill-treatment by ANP in Kandahar and Nangarhar, UNAMA documented reports of violations in 20 other provinces,

¹¹ Full text available [here](#)

¹² Along with NDS, the Afghan National Police is one of the principal law enforcement authorities in the country, vested with the powers of arrest and detection of crime. Through these powers, ANP has the authority to detect and question individuals suspected of committing crimes under the Penal Code, including crimes committed in relation to the armed conflict and refer those cases to prosecutors for further investigation and prosecution. The Afghan National Border Police (ANBP), part of the Ministry of Interior, is another leading law enforcement entity, charged with policing the territorial borders of Afghanistan, including entrance and exit from the country.

with particular concerns over the treatment of detainees by ANP in Farah and Herat provinces.

During the reporting period, the internal oversight mechanisms to address complaints of torture and ill-treatment within ANP remained under-developed. As an example, the Sub-Directorate of Human Rights in the Ministry of the Interior could only point to one case of alleged torture or ill-treatment of detainees by ANP which had been referred to the prosecution for further investigation during the period covered by this report, and they were unaware of the outcome of that investigation.¹³

In April 2017 the Government provided UNAMA with a list of 10 cases relating to incidents that took place between July 2015 and January 2017 where ANP staff members were prosecuted for a range of criminal acts including murder, rape, forced marriage and physical assault. Four of these cases involved allegations of beatings in custody which the Government categorized as „torture“.

The current status of the cases is unclear and the Government has agreed provide information on the outcome of these prosecutions.¹⁴

UNAMA is aware of one recent case where two ANP staff members were prosecuted following allegations that they had physically assaulted two boys held in the Juvenile Correction and Rehabilitation Centre in Nili city, Daikundi province. The defendants were acquitted by the primary court and the prosecutor did not appeal the verdict.¹⁵

Afghan Local Police

Between 1 January 2015 and 31 December 2016, UNAMA interviewed 37 individuals who had been detained¹⁶ by Afghan Local Police (ALP)¹⁷ before being handed over to the competent legal authorities. Of those interviewed, 22 (59 per cent) stated that they were severely beaten by ALP either at the time of arrest or in its immediate aftermath. Nineteen of the 22 described ill-treatment that significantly exceeds the use of reasonable force necessary to restrain an individual at the time of arrest and which may also amount to torture. Three of those beaten by ALP at the time of arrest state that ALP administered the beatings in order to obtain a confession.

The incidents took place in 12 provinces, namely: Nangarhar, Baghlan, Kunar, Badakhshan, Balkh, Faryab, Kunduz, Laghman, Paktika, Paktiya, Sar-e-Pul and Takhar.

In April 2017 the Government provided UNAMA with a list of 32 incidents which took place between August 2014 and January 2017 which resulted in ALP staff members being prosecuted for a range of acts including robbery, murder, torture and attempted rape. The Government categorized five of these cases as involving allegations of torture.

The current status of the cases is unclear and the Government has agreed to provide UNAMA with information on the outcome of these prosecutions.¹⁸

Afghan National Army

Between 1 January 2015 and 31 December 2016, UNAMA interviewed 19 detainees who had been held by the Afghan National Army (ANA) in multiple locations¹⁹ prior to being

¹³ Letter from Ministry of Interior Sub-Directorate of Human Rights, February 2017 (undated).

¹⁴ UNAMA meeting with representative of Government, 17 April 2017.

¹⁵ UNAMA meeting with provincial prosecutor, Daikundi, March 2017.

¹⁶ ALP have the authority to arrest individuals but are required to promptly hand over any suspects to ANP or NDS.

¹⁷ ALP are locally recruited militia operating under the authority of the Ministry of the Interior.

¹⁸ UNAMA meeting with representative of Government, 17 April 2017.

¹⁹ UNAMA documented credible allegations of torture and ill-treatment of detainees in ANA bases in Badghis, Baghlan Farah, Herat,

transferred to ANP or NDS.²⁰ Eight of them gave credible reports of having been subjected to torture or ill-treatment in ANA custody.²¹

Additionally, UNAMA interviewed 24 detainees who had been held in the ANA-run prison at the Afghan National Detention Facility in Parwan between January 2015 and December 2016. Given that these detainees are either convicted prisoners or are pre-trial detainees whose investigations have been completed, they are less vulnerable to being tortured or ill-treated for the purposes of obtaining a confession. However, four detainees gave credible accounts that they had been tortured or ill-treated by ANA guards in this facility.

UNAMA also received credible accounts of seemingly arbitrary acts of violence and intimidation carried out by ANA guards – including beatings and dousing detainees with water, raising concern that the detaining authorities at the Afghan National Detention Facility in Parwan used physical violence and intimidation as a means of maintaining order in the facility.

In April 2017 the Government provided UNAMA with a non-exhaustive list of 22 cases dating from February 2013 where ANA staff members were prosecuted and convicted for a range of serious offences, including extra judicial killing, assault and rape.²²

Afghan National Police and Border Police

*Treatment of detainees by ANP/ANBP: key provinces of concern ANP Kandahar
ANP Kandahar*

Soon after I arrived at Police District 2 they started beating me. I was hung from the ceiling and five ANP beat me. The Head of Police District 2 was present and he also punished me. I was beaten with a cable made of a bunch of electric lines and a hose. They gave me electric shocks to the genitals. I was naked and they threatened me with sexual assault unless I told them I was Taliban. Whilst I was hung from the ceiling they tied a brick to my genitals. Because of this, bleeding started from my penis. I told them they can write whatever they want, but I am not a member of Taliban. I was kept there for ten days and punished continuously for eight days.

-Detainee 384, Kandahar Police District 2, 2016

The information below is based on the Afghanistan Annual Report on Protection of Civilians in Armed Conflict 2016, issued on February 2017²³

Rape and Other Forms of Sexual Violence

UNAMA documented four incidents of conflict-related sexual violence against children in 2016, including one incident of rape. Such incidents are likely under-reported as a result of prevailing social norms, such as stigma associated with being a victim of sexual violence that may result in marginalization or exclusion from society.

Kabul (3 separate locations) and Kandahar provinces.

²⁰ This sample does not include those detainees held in the ANA-Administered Afghan National Detention Facility in Parwan which is dealt with separately in this report.

²¹ All the reported incidents of ill-treatment by ANA took place before 1 January 2016 and it should be noted that ANA's own internal reporting and accountability mechanisms have resulted in at least two prosecutions and convictions of ANA personnel for acts amounting to torture during the period covered by this current report

²² Comments of the Government on UNAMA's report regarding torture and ill-treatment of AGE prisoners (10 April 2017). On file with UNAMA.

²³ Full text available [here](#)

Two incidents of sexual violence documented by UNAMA involved the use of boys by Afghan Local Police for sexual purposes in Baghlan and Kunduz provinces, including rape and sexual exploitation.²⁴

The mission also documented the sexual abuse of a 16-year-old boy on 17 October in Paktya province by ANA Special Forces who forcibly stripped him naked and took photographs of him in front of teachers and students at his school. After objections from pupils and teachers, ANA Special Forces reportedly opened fire in the school premises, seriously injuring another student in the neck, and beat another student unconscious. On 19 October, five ANA personnel involved in the incident were arrested and transferred to the ANA Special Corps Court in Kabul city for prosecution.²⁵

On 21 October, a political delegation established by the President's office visited Gardez city to meet with local government officials and shura members to discuss the incident. As a result of the incident, the school closed for three days, temporarily preventing 1,200 students from attending class. According to information received, the Special Corps Court convicted one lieutenant involved in the incident for unlawful use of force and sentenced him to two years' imprisonment and found another soldier guilty of beating and sentenced him to one year of imprisonment.²⁶ Three soldiers were released due to a lack of evidence. None of the perpetrators was charged with sexual abuse or exploitation of the boy.

In 2016, UNAMA attempted to follow up on allegations of sexual abuse of boys by ANP in Uruzgan province. While it received anecdotal evidence that the practice was ongoing and widespread in the province, the extreme sensitivities involved, particularly the risks to victims, prevented UNAMA from verifying specific incidents in accordance with its methodology.

Throughout 2016, UNAMA continued to support the Afghan Independent Human Rights Commission in its efforts to prevent and criminalize *bacha bazi* and other forms of sexual abuse.²⁷ UNAMA urges the Government to criminalize the practice of *bacha bazi* by endorsing the criminal legislation proposed and drafted by the commission through a presidential decree.

UNAMA also supported the commission in its efforts to advocate for a victim-centred approach to *bacha bazi* that includes social care and compensation. Currently, there are very few services and **support** mechanisms for victims of *bacha bazi*, while punitive measures taken to address this issue allegedly fall on the victims, who are often punished and re-victimized by law enforcement and the court system.

The information below is based on The situation of human rights in Afghanistan and technical assistance achievements in the field of human rights - Report of the United Nations High Commissioner for Human Rights (A/HRC/34/41), issued on 11 January 2017²⁸

32. The country task force on monitoring and reporting verified three incidents of rape and

²⁴ For more information, see UNAMA 2016 Mid-Year Report on Protection of Civilians in Armed Conflict, p. 20.

²⁵ UNAMA requested information from the National Security Council on efforts to hold the perpetrators accountable on 15 January and to date, has not received a response.

²⁶ Email correspondence between UNAMA and the Ministry of Defense, dated 22 January 2017.

²⁷ *Bacha bazi* is a term loosely translated as "boy play" and practiced in some parts of Afghanistan by commanders and other influential men, usually associated with sexual exploitation and abuse of young boys. See National Inquiry on the causes and consequences of *bacha bazi* in Afghanistan, Afghanistan Independent Human Rights Commission, 8 August 2014, accessible at http://www.aihrc.org.af/home/research_report/3324, last accessed 10 July 2016.

²⁸ Full text available [here](#)

sexual violence against four boys and one girl, of which two were perpetrated by the local police and one by the Taliban.

The information below is based on the Report of the Secretary-General on children and armed conflict (A/70/836–S/2016/360), issued on 20 April 2016²⁹

The United Nations received 11 reports of sexual violence, affecting nine boys and six girls. One incident involving a boy recruited and sexually abused by the Taliban in the northern region was verified. Concerns remain regarding the cultural practice of *bacha-bazi* (“dancing boys”), which involves the sexual exploitation of boys by men in power, including Afghan National Defence and Security Forces commanders.

The information below is based on the Midyear Report 2016 Protection of Civilians in Armed Conflict, United Nations Assistance Mission in Afghanistan, issued on July 2016³⁰

UNAMA continued to receive allegations of incidents of sexual violence against children in the context of the armed conflict. In the first half of 2016, UNAMA documented two incidents of sexual violence against children yet acknowledges that a combination of cultural issues and stigma associated with being a victim result in significant under-reporting.

In the first half of 2016, UNAMA verified two incidents of ALP using boys for sexual purposes in Baghlan and Kunduz provinces. In one incident, an ALP commander in Kunduz province abducted a 16 year-old boy from his home, brought him to his check-post and kept him in captivity for three days, during which he also raped the boy. In another incident, UNAMA confirmed that an ALP unit used at least one boy as a bodyguard and for sexual exploitation in Baghlan province, with unconfirmed reports of additional boys used by that unit. Sexual abuse of children, including the practice of *bacha bazi*, is a violation of the laws of Afghanistan, international human rights law, and international humanitarian law. The Government of Afghanistan is obliged to prevent sexual exploitation of children, protect them from any kind of exploitation, and ensure accountability for perpetrators and support for survivors. UNAMA urges the Government to enact legislation proposed by the Afghanistan Independent Human Rights Commission (AIHRC) to criminalize *bacha bazi* and other forms of sexual abuse at the earliest opportunity.

The information below is based on the Report of the Secretary-General on conflict-related sexual violence (S/2016/361), issued on 20 April 2016³¹

United Nations remains concerned about boys recruited by armed groups in Afghanistan, who may be at risk of sexual abuse, and by ongoing reports of the practice of *bacha-bazi*, involving “dancing boys”, which may include sexual violence and the enslavement of boys by men in positions of power. In June, the Government launched its first national action plan on the implementation of Security Council resolution 1325 (2000).

The information below is based on the Annual report of the Special Representative of

²⁹ Full text available [here](#)

³⁰ Full text available [here](#)

³¹ Full text available [here](#)

the Secretary-General for Children and Armed Conflict (A/HRC/34/44), issued on 22 December 2016³²

A. Afghanistan

38. She also raised with the authorities the practice of *bacha bazi*, the sexual exploitation and abuse of boys by men in positions of power, including in the Afghan National Defence and Security Forces, and emphasized the need to criminalize this practice of sexual abuse against children.

The information below is based on the Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015 (A/HRC/31/46), issued on 11 February 2016³³

42. In June 2015, the Afghanistan Independent Human Rights Commission established an advocacy committee to develop an action plan to eliminate *bacha bazi* (playing with boys) or pederasty and other forms of sexual abuse of boys by men. As members of the committee, UNAMA/OHCHR and UNICEF provided technical support to draft the legislation prohibiting and criminalizing that practice. At the end of November, the draft remained under review by the Ministry of Justice.

The information below is based on the Report of the Secretary-General on children and armed conflict (A/69/926-S/2015/409), issued on 5 June 2015³⁴

In nine incidents, eight boys and six girls reportedly were victims of sexual violence. Of these, five cases, affecting four girls and two boys, were verified. Four verified incidents were attributed to the national police, and one incident to a pro-Government militia commander. On a positive note, regarding accountability, a local police member from Laghman Province was sentenced in March to 10 years of imprisonment for sexual assault and attempted rape of a seven-year-old boy.

The information below is based on the Report of the Secretary-General on children and armed conflict in Afghanistan (S/2015/336), issued on 15 May 2015³⁵

During the reporting period, the country task force documented 40 reports of sexual violence involving 27 boys and 24 girls, the vast majority of which were attributed to the Afghan National Police and the Afghan Local Police. In some cases, the Government has demonstrated due diligence in the investigation, prosecution and punishment of perpetrators of sexual violence against children. For example, in March 2014, the Afghan National Police arrested a member of the Afghan Local Police for the alleged rape of a 7-year-old boy. The primary court sentenced the perpetrator to 10 years of imprisonment. In June 2014, the appellate court in the same province confirmed the decision of the primary court, but the sentence was reduced to five years of imprisonment by the Supreme Court in November 2014. In a separate incident, in December 2014, two members of the Afghan Local Police

³² Full text available [here](#)

³³ Full text available [here](#)

³⁴ Full text available [here](#)

³⁵ Full text available [here](#)

abducted and raped a 15-year-old girl in Kapisa province. The perpetrators had been arrested and an investigation was ongoing at the time of reporting.

Boys held in detention on national security-related charges also reported sexual violence or threats of sexual violence upon arrest or during detention by the Afghan National Security Forces, particularly by the Afghan National Police. In 2011, of 76 boys detained on national security-related charges and interviewed by the United Nations, 10 reported sexual violence or threats of sexual violence. In 2013, 15 detained boys also reported having been subject to rape, sexual violence or threats of sexual violence.

Children continued to be victims of sexual violence by armed opposition groups, including the Taliban and the Haqqani Network. In August 2013, a media report alleged that Taliban commanders had committed acts of sexual abuse against young boys. Children detained on national security-related charges reported that boys had been sexually abused by Taliban and Haqqani Network commanders while being trained to carry out suicide attacks. Such reports could not be independently verified by the country task force. However, the United Nations expressed serious concerns over the protection risks for children whose identities have been disclosed during public testimonials of their experiences of sexual violence and over the continued violation of children's right to confidentiality and privacy by the media and State authorities. The country task force has repeatedly expressed these concerns directly to the authorities and urged them to respect the rights of concerned children and provide for adequate protection services.

The United Nations continues to express serious concerns regarding the culture of *bacha bazi* ("dancing boys"), generally associated with sexual exploitation and various forms of sexual violence against boys as young as six years old by men in positions of power. In August 2014, following a national inquiry into its causes and negative consequences, the Afghanistan Independent Human Rights Commission recommended that the culture of impunity surrounding the practice should be urgently addressed.

Causes and Consequences of Bacha Bazi in Afghanistan, Afghanistan Independent Human Rights Commission, updated on 18 August 2014³⁶

The information below is based on the Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2013 (A/HRC/25/41), issued on 10 January 2014³⁷

27. Grave violations against children also included abductions, with 13 verified incidents from the eastern, south-eastern and the southern regions of the country. At least 7 of the 27 victims were executed following abduction. Children were abducted for reasons including recruitment into armed groups, punishment for alleged suspicious activities or the activities of their family members, and reprisals. Seven incidents of sexual violence in the armed conflict were documented, of which four were verified. Three incidents in which four boys were abused were

³⁶ Full text available [here](#)

³⁷ Full text available [here](#)

attributed to Afghan National Police and the Afghan Local Police, and one incident to the Taliban. AGEs, including the Taliban, denied humanitarian access in the areas under their control. UNAMA/OHCHR was able to verify 27 such incidents out of 40 reported. Verified incidents included abduction, intimidation, killing and injury of humanitarian staff, mostly of de-miners, denying access to vaccinators and causing damage to facilities run by humanitarian organizations.

The information below is based on the Report of the Secretary-General on children and armed conflict in Afghanistan, issued on 3 February 2011³⁸

36. Sexual violence continues to be vastly underreported and concealed in Afghan society. Sexual violence, including that against children, is pervasive. The general climate of impunity, a vacuum in the rule of law, lack of faith in investigating and prosecuting authorities, and misplaced shame have adversely affected the reporting of sexual violence and abuse against children to law enforcement authorities and subsequent prosecution of perpetrators. Child sexual abuse, against both girls and boys, is not clearly defined as a crime in Afghan law, and perpetrators of such violations are rarely held accountable.

37. The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape.

38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of baccha baazi (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights. In September 2009, an Afghan National Army soldier was arrested and accused of raping a 15-year-old boy in Kabul city. On 6 November 2009, a 16-year-old boy was reportedly raped by border police at the Islam Qala border in Herat province.

The information below is based on the Report of the Secretary-General on children and armed conflict (S/2008/695), issued on 10 November 2008³⁹

19. The Special Representative expressed her concerns about reports of children being used by anti-Government elements, the death and injury of children during the fighting, the detention of children, sexual violence against children and the continuing attacks on schools, teachers and schoolchildren. She also expressed concern about the unintentional death of and injury to children as a result of the operations of international military forces and the

³⁸ Full text available [here](#)

³⁹ Full text available [here](#)

Afghan National Security Forces. She stressed that United Nations monitoring agents should have unimpeded access to all detention facilities where children are believed to be present, and that “worrisome allegations about sexual violence against boys by armed actors should also be confronted despite their sensitive nature”.

48. There are a number of substantive reports of children, especially boys, being sexually abused and exploited by members of the armed forces and armed groups. For example, two police officers in a south-eastern province who were arrested after the intervention of child protection actors for sexually abusing a 15-year-old boy were released after allegedly bribing the authorities. In a similar incident, in the north, a 16-year-old boy reportedly recruited into the Afghan National Army after providing a falsified identity document was subsequently sexually abused by two soldiers. There is insufficient protection for victims of or witnesses to violence, and very few cases reach the prosecution stage. Fear of violent retaliation against victims and families was cited as a factor by reliable sources. In addition, given the lack of specific legislation on the subject of sexual violence, victims are often arrested and charged with adultery.

49. While most of the victims do not wish their experience to be reported, it is possible to discuss certain incidents involving personnel of the Afghan National Security Forces where the cases were appropriately dealt with by the authorities. For instance, a member of the Afghan National Army active in northern Afghanistan raped an 11-year-old girl and was sentenced to 15 years imprisonment by a military court in early 2008. A 12-year-old boy and an adult male relative employed in a police post who were sexually abused by three police officers over an unknown period of time filed a complaint with the support of the Child Protection Action Network. The perpetrators were sentenced to 10 years imprisonment. In a southern province, a 16-year-old boy, stopped on the pretext of an identity check by a police officer, was subsequently raped. He reported the abuse to service providers who helped him to file a complaint. The case is being prosecuted.

50. Violence against children, specifically of a sexual nature, occurs particularly during times of instability. The practice of “bacha baazi” (boy-play) consists of boys kept cloistered and used for sexual and harmful social entertainment by warlords and other armed group leaders. This practice, like any violence against children, is strongly condemned by Islam and by all religious and by governmental as well as cultural leaders. Prosecution of a small number of cases has been confirmed by the country Task Force on Monitoring and Reporting, and more initiatives, including studies on the issue of child sexual abuse, are being developed. However, law enforcement officials and human rights activists highlighted difficulties in preventing the practice, addressing the violence and prosecuting the perpetrators