

## Conflict-related sexual violence: New dangers facing men and boys in Afghanistan

Briefing by All Survivors Project

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Conflict-related sexual violence (CRSV) is a long-standing although significantly under-reported problem in Afghanistan. Despite some progress in recent years, responses to it have been weak. However, the Taliban takeover of the country in August 2021 resulted in a “perfect storm” in which CRSV risk factors increased dramatically while, at the same time, the space for and capacities to respond exponentially decreased.

The unique additional risks, faced by women and girls in Afghanistan resulting from the Taliban’s roll-back of their fundamental rights and more restricted access to services has rightly been the focus of much attention. However, the Taliban takeover also has profoundly negative consequences for the protection of men and boys.

This briefing focuses on the escalating risks and vulnerabilities of men and boys to CRSV, including as a result of increased levels of child labour and military recruitment and use of children; the movement of unaccompanied boys across borders; and the arbitrary detention of boys in lieu of parents who worked for or were connected to the former administration and security forces; as well as the way in which the Taliban’s stated intolerance of gender non-conformity has deepened the dangers faced by the LGBTI+ community in Afghanistan, including to CRSV.

It also addresses the impact on male survivors of the corresponding almost complete collapse of medical and mental health and psychosocial services (MHPSS) and judicial responses, along with the suspension of essential protection and prevention activities, including human rights monitoring and child and other protection activities.

The information and analysis in this briefing is based primarily on one-on-one in-depth telephone interviews with child rights and child protection experts in Afghanistan, and communications with other experts/NGOs conducted in November 2021.<sup>1</sup> Due to the extreme restrictions on human rights monitoring and broader security concerns, detailed information on individual incidents of CRSV was not gathered, and ASP was unable to verify those cases on which information was shared. Nevertheless, a consistent set of credible concerns emerged from the research that give rise to the following recommendations:

- ***Responses to the situation in Afghanistan should take account of the differing gendered impacts of the multi-dimensional crisis and address the heightened vulnerabilities of women and girls to CRSV, as well as of men and boys.***
- ***CRSV prevention strategies, protection programs and donor funding priorities should take account of and address the specific age-related risks and vulnerabilities of boys to CRSV,***

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<sup>1</sup> For security reasons sources are not named, but were based in and/or gathered information from the following provinces: Badakhshan, Daikundi, Farah, Ghazni, Ghor, Helmand, Herat, Kabul, Kandahar, Kapisa, Khost, Kunar, Laghman, Nangarhar, Nimroz, Panjshir, Paktia, Paktika, Parwan, Uruzgan and Wardak.

*including in the context of child labour, military recruitment and use of children and deprivation of liberty.*

- *Pressure should be maintained on the Taliban to respect and protect the fundamental rights of all people without discrimination including on the basis of their sexual orientation or gender identity. In the meantime, individuals at risk of CRSV and other grave violations of their rights should be assisted to leave Afghanistan in safety and with dignity.*
- *Support to the re-establishment of child and other protection networks, as well as to independent human rights monitoring activities should be provided as a matter of urgency.*
- *Donor support for basic health and other critical services should be rapidly resumed to ensure sustainable funding for health and other systems.<sup>2</sup>*

## 1. CRSV patterns and responses pre-August 2021

While the full extent of CRSV against men and boys in Afghanistan prior to the Taliban takeover is not known, distinctive patterns have been documented by the UN, the Afghan Independent Human Rights Commission (AIHRC) and others. These included sexual violence in the context of *bacha bazi*, a practice involving the sexual abuse of boys and young men by men in positions of power and sexual assault and threats of sexual violence against male detainees held on security-related charges.<sup>3</sup>

Research by ASP in 2019 found that, despite the criminalization of *bacha bazi* under the revised Penal Code that came into force in 2018, the practice remained widespread and sexual violence against boys was also common in other settings including in schools, in workplaces and on the streets. People who identified as or were perceived as being LGBTI+ also faced sexual and other forms of violence, abuse, harassment and discrimination, and were at risk of prosecution under laws prohibiting consensual same-sex sexual conduct.

Yet some, albeit limited progress had been made towards strengthening protections against CRSV. The inclusion of a chapter on *bacha bazi* in revisions to the Penal Code (the product of years of pressure by national and international human rights organisations and child protection experts) represented an important first step towards preventing and ending a practice associated with multiple human rights violations including sexual abuse and exploitation of children. The 2019 Law on the Protection of Child Rights also explicitly prohibited *bacha bazi*, as well as all forms of “sexual exploitation and misuse of children”, and child protection policies prohibiting grave violations against children including sexual violence had been adopted by the Ministries of Defence and Interior. Although implementation of laws and policies remained weak, a number of prosecutions of crimes involving sexual violence against boys had taken place in recent years (see 3.2 below).

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<sup>2</sup> For detailed recommendations see section 4 below.

<sup>3</sup> See for example UN Secretary-General Annual Reports on children and armed conflict; Report of the Secretary-General on Children and armed conflict in Afghanistan (UN Doc. S/2021/662), July 2021; United Nations Mission in Afghanistan (UNAMA) and OHCHR monitoring reports on the treatment of conflict-related detainees in Afghan custody, available at [Human Rights | UNAMA \(unmissions.org\)](https://www.unmissions.org/); and AIHRC, [Causes and Consequences of Bacha Bazi in Afghanistan](https://www.aihrc.org/), 18 August 2014.

## 2. Multiplying risks and vulnerabilities to CRSV

### 2.1 Boys at risk of CRSV and other related human rights violations

Known CRSV risk factors for boys have significantly increased in recent months leading to a credible assumption amongst those interviewed for this briefing that CRSV against boys is likely to have risen as a result. This increased vulnerability is the product, on the one hand, of the deepening economic and humanitarian crisis and new political and security environment and, on the other, of the effective collapse of child protection systems and of monitoring and reporting on violations of child rights which are vital both to responding to and preventing violations.

An estimated 23 million people in Afghanistan are facing acute food insecurity, among them are millions of children at risk of acute malnutrition or otherwise in need of humanitarian support.<sup>4</sup> At the same time, as poverty rates continue to rise and families are increasingly relying on dangerous coping mechanism to survive.<sup>5</sup> While there are reports of rising rates of early and forced child marriage of girls,<sup>6</sup> boys are increasingly being pushed on to the streets to beg, into other work including worst forms of child labour,<sup>7</sup> and across borders in search of employment - all of which are contexts in which previous research by ASP and others has shown there to be a high risk of sexual violence.<sup>8</sup>

Interviewees described seeing more boys begging for money and working as street vendors on the streets and in the bazars of Kabul and other cities such as Balkh, Herat, Jalalabad and Kandahar. Boys were also reported to be begging in rural areas where they had previously not been seen. One boy from Gardez explained to an informant that his father was a police officer but lost his job when the Taliban took over. The boy is now helping him to sell vegetables and has given up his ambitions of going to school and becoming a pilot. Many other boys are reportedly working in an effort to replace the income of mothers who are no longer permitted to work, or of fathers who have been forced to flee the country or are in hiding.

There were multiple recent reports of boys being smuggled across the Iranian and Pakistan borders (where prospects for employment and security are considered better than in Afghanistan), and of incidents of sexual violence against them committed by paid “guides”. One 16-year-old boy from Takhar province, who had fled with his family to Kabul during the Taliban advance and who was living in an informal settlement for internally displaced people (IDPs) in one of the city’s parks, described how he was approached by a man who had offered to take him to Pakistan. He said that he and two other boys from Takhar were sexually abused by the man during the journey and that he fled back to his family as a result. In another recent case, two brothers from Parwan province were reportedly raped by a “guide” who their father had paid to take them to Iran. Concerns about increased child-trafficking were also raised in this context.

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<sup>4</sup> OCHA, [Humanitarian Needs Overview, Afghanistan](#), January 2022

<sup>5</sup> According to UNDP, 97% of the population is at risk of sinking below the poverty line by mid-2022. See [Economic Instability and Uncertainty in Afghanistan after August 15](#), 9 September 2021.

<sup>6</sup> UNICEF, [Girls increasingly at risk of child marriage in Afghanistan](#), 12 November 2021.

<sup>7</sup> Under the International Labour Organizations Convention 182 - Worst Forms of Child Labour Convention (1999) worst forms of child labour include all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

<sup>8</sup> See for example [ASP Submission To The Committee On The Rights Of The Child, 85th Session](#), August 2020.

### ***Military recruitment and use of boys***

A sharp increase in the unlawful military recruitment and use of boys was documented by the UN in 2020 in the context of the already deteriorating security situation. The Taliban were responsible for the vast majority of verified cases (88 per cent), and were reported to use boys in combat roles, including to plant improvised explosive devices, to carry out suicide attacks and to participate in hostilities against government forces.<sup>9</sup>

Available information indicates that recruitment of under-18s continued into 2021. In August and September 2021 there were reports of the Taliban going door to door, including in Kunar, Laghman and Nangarhar provinces, to recruit men and boys to bolster their ranks as they sought to put down armed resistance in the Panjshir Valley.<sup>10</sup> In later 2021, a new pattern was reported in which boys were approached on the streets by Taliban fighters with offers of employment in their ranks. Boys who are out of school, in particular from rural areas, where opportunities for employment are even lower than in the cities, were also reported to have joined Taliban forces.

While it was not possible to gather data on precise numbers of children associated with Taliban, interviewees reported that it was commonplace to see boys at checkpoints and in Taliban military vehicles. According to one interviewee, a former Afghan National Police (ANP) officer described seeing teenagers at a Taliban checkpoint in Khost province where he was briefly detained after being captured on 10 August 2021. According to the account, the former policeman spoke to a boy who was serving food who he estimated to be between 14 and 16 years old. The boy said that he had been brought to Khost to support the Taliban by his teacher in a Madrasa in Pakistan where he had been studying. There was no information as to whether the boy had been subjected to sexual violence, but there are on-going concerns about the use of *bachas* by Taliban soldiers, and the police officer had the impression that this particular boy was “owned” by one of the Taliban commanders.

### ***Bacha bazi***

*Bacha bazi* is notoriously difficult to monitor including because it is typically practised discreetly (particularly since it was criminalised) by higher ranking, better-off, better-connected men. Although often associated with boys and transgender children/adolescents who are used for purposes of dancing and other forms of entertainment, the term also describes a much broader practices involving the “keeping” of boys including as bodyguards, servants and for other forms of labour, in the context of which they are also sexually abused.

The Taliban ban on music and dancing is likely to have driven some forms of the practice deeper underground and thereby even further away from the possibility of protection for the boys and adolescents involved. Nevertheless, there are anecdotal, although credible accounts, of boys being used as *bachas* by Taliban commanders. In one case reported in the media, a family filed an official complaint in October 2021 against a senior Taliban commander in Kabul who they alleged had raped their young son.<sup>11</sup> In another case, also in Kabul, an informant referred to two boys who neighbours believed to be *bachas* being held in a private home by a Taliban commander.

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<sup>9</sup> UN Secretary-General, Children and armed conflict in Afghanistan, UN Doc: S/2021/662, 16 July 2021.

<sup>10</sup> The inhabitants of Kunar, Laghman, Nangarhar provinces are predominantly Pashto speaking populations from which the Taliban draws its recruits.

<sup>11</sup> See Afghanistan International Media, [“Well-known Taliban official accused of raping a young boy”](#), November 2021.

### *Deprivation of liberty*

Children, predominantly boys, detained for their alleged association with armed groups and/or on the basis of charges related to national security were among those released by the Taliban during their takeover of the country, as were other children held in Juvenile Correction Centres (JCRs) for ordinary criminal offences.<sup>12</sup> Releases took place without reintegration support giving rise to serious concerns about the protection of this highly vulnerable group of children.<sup>13</sup>

The previous juvenile justice system is no longer functioning with many JCRs closed or only partially functioning, and referral pathways to child protection experts have not been re-established. Children are nevertheless still being detained. Among them are the sons of former government officials and security force members detained in lieu of their fathers. Interviewees spoke about receiving regular reports of ongoing Taliban door-to-door searches for individuals associated with the former regime and for weapons, vehicles and other equipment, and of boys being harassed, beaten and detained to reveal their whereabouts.

Unverified cases include a 15-year-old son of a former police officer from Khost province who was reportedly arrested by Taliban “intelligence forces” because they suspected his father had fled the country. The boy’s relatives were reported to have tried to follow-up but were unable to locate him. According to another report from late 2021, a boy from Kandahar whose father left the country under the US military evacuation program, was being held in a prison until he handed over his father’s gun (which he had no knowledge of) or paid a fine (which he was unable to afford).

Detention is typically a site of high vulnerability for CRSV, and there are past reports of boys deprived of their liberty in Afghanistan being subjected to sexual violence and threats.<sup>14</sup> In the current context, where detainees including children are reportedly being held for extended periods in local “security districts” (formerly police districts) or in prisons without judicial oversight, and where pre-existing juvenile justice safeguards are no longer in place, boys deprived of their liberty are at serious risk of torture and other cruel, inhuman or degrading treatment or punishment, including CRSV.

### *Loss of protection/prevention frameworks*

As the risks to children in Afghanistan escalate, the institutions, networks and systems designed to protect them have been significantly weakened by the exodus of national and international experts and the reduced space within the country for human rights and protection activities.

Important institutions have been closed down - notably the AIHRC whose child rights division had 54 staff, including 34 child protection officers, working across 34 provinces. The Child Protection Network (CPAN) met in mid-November 2021 for the first time since August, but is believed to be only functioning effectively in Kabul. Previously CPAN’s membership comprised some 90 governmental and non-governmental organisations and was led by the Ministry of Labour and Social Affairs working together to provide and strengthen child protection across Afghanistan. In the meantime, the UN-led Country Task

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<sup>12</sup> According to the Afghan Ministry of Justice 311 children (310 boys and 1 girl) were detained in the juvenile rehabilitation centre in Kabul on charges related to national security, including association with armed groups at the end of 2020. Over 300 children, who were predominantly of non-Afghan nationality, were also held in prisons and other detention facilities with their mothers who were detained for alleged or actual association with the Taliban or ISIL-KP. See Report of the Secretary-General on Children and armed conflict in Afghanistan (UN Doc. S/2021/662), July 2021.

<sup>13</sup> Orphans, of which there are many thousands in Afghanistan, are considered to be another highly vulnerable category for whom protections have been weakened including because orphanages have had to close down because they can no longer afford to look after the children, or because they have been occupied by the Taliban.

<sup>14</sup> For further details see ASP, [Checklist on preventing and addressing conflict-related sexual violence against men and boys](#), 10 December 2019.

Force on Monitoring and Reporting of grave violations against children in armed conflict, including sexual violence, is depleted including by the loss of key national child rights experts and questions around the extent to which independent human rights monitoring activities will be permitted by the Taliban.

## 2.2 Discrimination on the basis of sexual orientation and gender identity

The Taliban advance and eventual takeover was accompanied by fears that discrimination on the basis of real or perceived sexual orientation or gender identity would increase further and that harsh punishments for gender non-conformity would be re-introduced. Already highly vulnerable to discrimination and violence, there are reports that the fears of Taliban responses to gender-non conforming people is being exploited by criminals and blackmailers. In one recent example, a 22-year-old man interviewed by ASP in November explained how he had met a man on an internet site but when he went to meet him in a park in Kabul in June 2021 it turned out to be a trap. He was taken by several men to an unknown destination where he was raped and his money, mobile phone and other belongings stolen. He managed to escape but was subsequently threatened by his assailants with being handed over to the Taliban.<sup>15</sup>

Afghanistan is one of 71 countries where consensual same-sex sexual conduct are illegal, and being a gay man is punishable with a maximum penalty of death.<sup>16</sup> This particular punishment had not been used in recent years, but Taliban officials have made statements indicating that the death penalty will be reinstated for gay men.<sup>17</sup> The implications of this are not only serious for LGBTI+ people, but also more broadly since men and boys who have been subjected to sexual violence by another male, including as a *bacha*, are often labelled as gay whether they identify as such or not.

## 3. Post-August collapse of health and judicial responses to CRSV

### 3.1 Medical care and MHPSS

Research by ASP in 2020/21 on the healthcare needs of and barriers faced by male victims/survivors of CRSV in Afghanistan found multiple obstacles to accessing and receiving timely, safe, quality, survivor-centred medical care and MHPSS. Among these were stigma, shame, fear of reprisals and fear of prosecution under discriminatory laws; lack of specialised healthcare services designed to address the needs of male victims/survivors; and lack of capacity, knowledge and skills among health workers about sexual violence involving male victims/survivors.<sup>18</sup> The Covid-19 pandemic was also placing additional strains on the already weak health system and reducing availability of and access to appropriate care by all victims/survivors.<sup>19</sup>

Adding to these already significant obstacles, are a range of new challenges associated with the Taliban takeover that are preventing healthcare providers, despite their best efforts, from delivering vital programs, and which are otherwise further undermining the right to health of victims/survivors of CRSV. These challenges include difficulties in overseas procurement of essential drugs and medical equipment due to the near collapse of the banking system; escalating prices of drugs and other supplies in local markets; suspension of projects considered too “sensitive” in the current environment, including programs aimed

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<sup>15</sup> The young man has since managed to leave Afghanistan.

<sup>16</sup> See ILGA, [State Sponsored Homophobia, Global Legislation Overview Update](#), December 2020.

<sup>17</sup> GCN, [Judge in Taliban controlled Afghanistan says gay men will be stoned to death or crushed by a wall](#), 14 July 2021.

<sup>18</sup> ASP, [Enhancing Survivor-Centred Healthcare Response for Male Victims/Survivors of Sexual Violence in Afghanistan](#), March 2021.

<sup>19</sup> ASP, [Rapid assessment of the impact of the COVID-19 pandemic on male survivors of sexual violence in Afghanistan](#), 19 June 2021.

at *bacha bazi* and other “high risk” populations; suspension of funding to key projects; policies preventing women from working in most sectors; and fear among victims/survivors of CRSV of being seen to access sexual violence-related and other “sensitive” services.

For example, HIV programs which reached over 81,000 highly vulnerable people from January 2020 to June 2021 including male and female survivors of sexual violence have been significantly cut back. At the same time restrictions on female staff participation in project work and the increased difficulties faced by beneficiaries in safely accessing support has resulted in the significant scaling back of a survivor empowerment program that provided scholarships, legal services, psychosocial counseling services and medical testing including to victims/survivors of CRSV.<sup>20</sup>

### 3.2 Judicial responses

Impunity for CRSV remained widespread in Afghanistan before August 2021. Nevertheless, laws proscribing sexual violence that were gender-inclusive and otherwise broadly consistent with international standards were in place, the practice of *bacha bazi* had been criminalised, and procedures for investigating and prosecuting allegations of sexual violence by members of the former Afghan security forces had been adopted in recent years as part of broader child protection policies. Some investigations and prosecutions had taken place including of cases of CRSV involving boys and/or where sexual violence occurred in the context of *bacha bazi*. Members of the former Afghan National Army and ANP were among those held accountable.<sup>21</sup>

Prospects for justice for victims/survivors of CRSV are now more uncertain than ever under the Taliban-run justice system under which victims as well as perpetrators of sexual-violence-related crimes risk severe punishment. There are also serious concerns about the safety of victims and witnesses in previously prosecuted cases following the release of prisoners by the Taliban as they took over the country. Among those reported to have been released are nine men who, following significant pressure from national and international stakeholders, were brought to trial and convicted in 2020 of the widespread sexual abuse of boys in schools in Logar Province.

## 4. Recommendations

- International responses to the situation in Afghanistan must take account of the differing gendered impacts of the multi-dimensional crisis and address the heightened vulnerabilities of men and boys to CRSV, as well as of women and girls.
- CRSV prevention strategies, protection programs and donor funding priorities should be designed to address gender and age-specific risks and vulnerabilities of boys to CRSV, including in the context of child labour, cross-border movement, military recruitment and use of children and deprivation of liberty.

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<sup>20</sup> Since August 2021 the number of men accessing this program is down by 50% and women, who previously represented 35% of beneficiaries are unable to access it all.

<sup>21</sup> According to the [US State Department 2021 Trafficking in Persons Report](#), Afghanistan’s Ministry of Interior reported having referred 237 cases of *bacha bazi* to the Attorney General’s Office between 1 April 2020 and 31 March 2021. Of these 185 were reported to be under police investigation, and prosecutions had been initiated against 19 people in relation to four separate *bacha bazi*-related cases.

- Pressure should be maintained on the Taliban to respect and protect the fundamental rights of all people without discrimination including on the basis of their sexual orientation or gender identity. In the meantime, individuals at high risk of CRSV and other grave violations of their rights, including members of the LGBTI+ community, should be assisted to leave Afghanistan in safety and with dignity.
- Support to the re-establishment of child and other protection networks should be provided as a matter of urgency. The Taliban should also be pressured to guarantee freedoms of association and movement, as well as access to funding and information, to national human rights organisations and institutions (including the AIHRC), and to permit full and unimpeded access to all parts of the country by independent national and international human rights monitors in accordance with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).
- Donor support for basic health and other critical services should be rapidly resumed to ensure sustainable funding for health and other systems. While pressure must be maintained to ensure respect for human rights in Afghanistan, humanitarian aid and other funding in support of vital services for vulnerable Afghan citizens, including for victims/survivors of CRSV, should respond to needs and not conditioned on political considerations.