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3.16.1. Violence against children

COMMON ANALYSIS
Last update: May 2024

COI summary

Child abuse is endemic in Afghan society. Children in Afghan families are often subjected to corporal punishment, including slapping, verbal abuse, punching, kicking, and hitting with thin sticks, electrical cables, and shoes. Sexual abuse of children also remained a pervasive problem, with girls being the most frequent victims in their families or communities [Criminal law and customary justice, 5., p. 67; KSEI 2017, 4.1., pp. 115-116].

The practice of *bacha bazi* is an example of child-specific violence reported in Afghanistan. The practice has resurfaced after the end of the previous Taliban regime of 1996-2001. Sources reported that young boys, with 14 as an average age, were abducted and disappeared into the practice or were traded in by their families in exchange for money. Boys involved in the practice may be subjected to violence and threats, be raped, and kept in sexual slavery. *Bacha bazi* is not perceived as homosexuality. Despite the criminalisation of the practice in the former Penal Code, Afghan security forces, in particular the ALP, reportedly recruited boys specifically to use them for *bacha bazi* in every province of the country. *Bacha bazi* boys had little to no support from the former government and the perpetrators were seldom prosecuted in the context of a weak rule of law, corruption, and official complicity with law enforcement perpetrators. Under the provisions of the Penal Code, prosecution of victims of *bacha bazi* was outlawed; however, instances of jailing boys engaged in *bacha bazi* were reported [KSEI 2022, 8.4., p. 59; KSEI 2017, 4.3.3., p. 119; Society-based targeting, 5.1., pp. 67-69; State Structure, 2.1., p. 27; 2.1.1., p. 30; 2.1.3., p. 35].

The economic deterioration and resulting increase in poverty in the country following August 2021, as well as reoccurring ‘shocks and disruptions’ causing the population’s resilience to diminish, have led the Afghan population to increasingly resort to negative coping strategies, which can generally be understood as ‘a set of responses to difficulties that may provide a temporary means of survival.’ Examples affecting children in particular include the case of child marriage, the sale of children, taking children out of school, child labour or child recruitment [Country Focus 2023, 3.2., p. 49; KSEI 2022, 8., p. 59].

It remains unclear what is the applicable legal framework following the Taliban takeover, including with regard to children's rights [Security 2022, 1.2.3., p. 29].

For violence against girls, see also 3.15.b. Violence against women and girls.

Conclusions and guidance

Do the acts qualify as persecution under Article 9 QD?

Sexual assault and rape amount to persecution. In case of other forms of violence, the assessment should take into account the severity and repetitiveness of the violence. Being a child is to be taken into account in the assessment on whether an act reaches the threshold of persecution.

What is the level of risk of persecution (well-founded fear)?

The individual assessment of whether there is a reasonable degree of likelihood for the child to face violence amounting to persecution should take into account risk-impacting circumstances, such as: poor socio-economic situation of the child and the family, gender (boys and girls may face different risks), age and appearance (e.g. non-bearded boys could be targeted as *bacha bazi*), perception of traditional gender roles in the family, etc.

Are the reasons for persecution falling within Article 10 QD (nexus)?

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated in relation to a well-founded fear of violence.

For example, in individual cases, a link could be established to membership of a particular social group, e.g. (former) *bacha bazi* could have a well-founded fear of persecution for reasons of membership of a particular social group, based on common background that cannot be changed and having a distinct identity linked to their stigmatisation by the surrounding society.

See other topics concerning children:

- *3.16.1. Violence against children*
- 3.16.2. Child recruitment
- 3.16.3. Child labour and child trafficking
- 3.16.4. Children without a support network in Afghanistan

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