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3.16.2. Child recruitment

COMMON ANALYSIS
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COI summary

Article 3 of the Afghan Law on the prohibition of child recruitment in the military institutions prohibited child recruitment in the military units. Article 4 of the same law envisaged a punishment for the perpetrators from six months to one-year imprisonment [State structure, 2.1.1., p. 29]. However, currently, the applicable legal framework, including in relation to child recruitment, is unclear [Security 2022, 1.2.3., p. 29].

In more than 20 years of armed conflict, the Taliban have reportedly used children as fighters, to plant and detonate IEDs, and as suicide bombers. There were reportedly thousands of children in their ranks, often trained in *madrassas* and recruited through force and threats, deception, promises of money or other incentives [KSEI 2022, 8.2., p. 61]. Children were recruited to Taliban ranks during their time as an insurgency and according to some sources, child recruitment has continued after the takeover. An Afghan analyst estimated that thousands of children may remain in Taliban ranks. However, the Taliban have formed a commission to remove child soldiers from their ranks, and today they usually avoid recruiting boys that are too young by rejecting those without a beard. The source added that the idea of childhood ending at 18 is seen as a Western construct, and that in a country where the large majority of the people do not know their date of birth or their age, becoming adult at 18 ‘makes very little sense’, and oftentimes the age is estimated [Country Focus 2023, 2.5., pp. 43-44].

In an October 2021 report, UNHCR referred to information obtained from interlocutors in the field, according to which both the Taliban *de facto* authorities as well as the ISKP ‘recruit widely and use children in their ranks’ [KSEI 2022, 8.2., p. 60].

At the same time, children in the ranks of Taliban have become more visible since its takeover, leading to perceptions that the recruitment of children has increased, despite much of the recruitment likely having occurred previously. The growing rate of poverty was reported to be a driving factor for the recruitment and use of children by armed groups [KSEI 2022, 8.2., p. 61].

See also 3.6. Persons fearing forced recruitment and 3.16.1. Violence against children.

Conclusions and guidance

Do the acts qualify as persecution under Article 9 QD?

Child recruitment is of such severe nature that it amounts to persecution, including when recruitment is not induced by coercion.

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 persecution in the form of child recruitment should take into account risk-impacting circumstances, such as: gender, poor socio-economic situation, area of origin or residence, 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. For example, in the case of children who refuse to join the Taliban or ISKP, persecution may be for reasons of (imputed) political opinion and/or religion.

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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