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Amnesty International opinion on the EASO COI Report “Afghanistan: Taliban Strategies – Recruitment”, July 2012

Amnesty International welcomes the decision of the European Asylum Support Office (EASO) to produce a Country of Origin Information report on Afghanistan to support the EU member states in their decisions when assessing application of asylum seekers from Afghanistan. In light of the growing number of Afghan asylum seekers in Europe, it is important that the EU member states understand the specific risks facing Afghans so that more informed and coherent decisions on granting or rejecting asylum of Afghan asylum seekers can be made.

The first of the two EASO's Country of Origin Information reports on Afghanistan entitled “Afghanistan Taliban Strategies – Recruitment” released in July 2012 provides guidelines to assist the work of lawyers, policy-makers and decision-making authorities when dealing with asylum seekers claiming threats and coercion by the Taleban to join them. However, as *per* the UNHCR comment on the EASO report,¹ Amnesty International is also concerned that the term “forced recruitment” is defined narrowly in the EASO report.

The EASO report considers “forced recruitment” only in regard to “situations where individuals or their families are directly approached and forced to join up under threat of retaliation or violence if they refuse”. In its conclusion the EASO does not acknowledge the situations of persons joining or supporting the Taleban as result of indirect methods of intimidation such as through instilling fear among the local population by threatening night letters, killing individuals, including children, perceived as spies or supporters of the government, the extortion of fines, as well as pressuring individuals to join the Taleban through tribal, family and religious mechanisms, and other indirect means of coercion. Also, in the current context of reintegration and reconciliation efforts with the Taleban, it is expected that more people, including members of ethnic minority groups, may submit to Taleban demands, fearing reprisals.

Amnesty International believes that the EASO report conclusion, that the “Forced recruitment by Taliban military commanders, leaders or fighters [...] has to be considered as exceptional”, is untenable.

In the light of UNAMA's authoritative report “Afghanistan midyear report 2012 Protection of Civilians in Armed Conflict”² as well as Amnesty International's own research, there seems to be a real risk of forced recruitment by Taleban and other armed groups especially in areas under their control and influence and government justice mechanisms and services are weak. According to the below findings cases of direct forced recruitment occur in areas other than those considered exceptional in the EASO conclusion.³

¹ UNHCR, Forced recruitment by the Taliban in Afghanistan: UNHCR's perspective, July 2012, <http://www.unhcr.org/refworld/docid/4ffc31a32.html>

² UNAMA, Afghanistan midyear report 2012 Protection of Civilians in Armed Conflict; the report covers the period 01 January to 30 June 2012, http://unama.unmissions.org/LinkClick.aspx?fileticket=-_vDVBQY10A%3d&tabid=12254&language=en-US

³ According to the EASO report conclusion, example of exceptional cases of direct forced recruitment occur in Helmand, Kunduz, Kunar, areas in Pakistan and in Uruzgan, EASO COI Report, “Afghanistan: Taliban Strategies – Recruitment”, page 42.

During field research by Amnesty International in 2010 and 2011 internally displaced people (IDPs) stated that one of their reasons for fleeing home areas was the risk and threat of forced recruitment of male family members. Many interviewees who fled from the northwest provinces of Badghis and Faryab to the IDP camps in Herat Province told Amnesty International that thousands of the armed men who are believed to be Taliban were forcefully imposing taxation on families, recruiting the young men to insurgent groups and killing anyone who opposes them. Also UNAMA observed that there was an increase of conflict-induced displacement in 2012 and that people displaced from Western Afghanistan constitute the second largest increase of newly displaced, “due to insecurity, threats, intimidation (such as illegal taxation), and forced recruitment”.⁴

UNAMA also reported that in areas under Taliban control, the Taliban continued to use different coercive methods and forms of intimidation against the public, including by holding public meetings, videorecordings, sending night letters to warn people against joining the government. UNAMA also reported “the recruitment of opposition fighters, including children”. Also that the Taliban and armed groups have exploited the rule of law vacuum in remote areas, to enforce their own parallel judicial structures including to try and/ or punish persons suspected of collaborating with the government and international forces, or people suspected of spying for the government and international forces.

According to UNAMA, in the first six months of 2012, there was a 53 per cent increase in civilian casualties as result of targeted killings by armed groups, as Taliban and other armed groups continued to target community leaders, governmental authorities and civilians suspected of supporting the government or Afghan or international military forces.

Also UNAMA’s report found that Taliban and other armed groups have been using civilian houses and farms in areas of Baghlan, Nangahar and Faryab for their protection and for launching attacks. This increases the risk to civilians and the perception of their collaboration with insurgents, and exposes them to attacks by government and international forces. As in the case of Baghlan province, in the areas controlled by armed groups, UNAMA found that “locals have received night letters ordering them to keep the doors to their houses open at night to accommodate members of the Taliban.”⁵

Additionally, the EASO report should acknowledge the lack of information available from areas under the Taliban control, since media and humanitarian agencies have restricted access to these areas because they have often been accused of spying and been threatened and physically attacked. Hence it should not be assumed that lack of reporting about forced recruitment means that it does not occur in these areas, or that if the Taliban are controlling particular areas the population are fully supporting them. During Amnesty International’s visits to the IDP camps in Kabul, displaced families from the Taliban strongholds in the south told Amnesty International that they had fled attacks by either the government and international forces or the Taliban simply for not supporting them.

The EASO report recognizes that children are “especially vulnerable to recruitment in areas where social and state protective mechanisms are absent, such as refugee and IDP locations”. Also it has been acknowledged by human rights and other non-governmental organisations, as well as United Nations bodies, that children – mainly male children, although there have been recently reports of girls - are targeted for recruitment as combatants, suicide bombers, porters of munitions and informants by armed groups such as the Taliban. Most of these cases were reportedly from the border areas with Pakistan – the eastern and southern parts of Afghanistan.

Amnesty International opposes the recruitment – whether voluntary or compulsory – and participation of children (people under the age of 18) in armed forces whether they are recruited by governments or armed political groups. Recruitment of children and children participation in hostilities violates international law, including the Additional Protocol II to the Geneva Conventions and the Optional Protocol II to the Convention on the Rights of the Child.⁶ Afghanistan is state party to both these

⁴ UNAMA, Afghanistan midyear report 2012 Protection of Civilians in Armed Conflict

⁵ UNAMA, Afghanistan midyear report 2012 Protection of Civilians in Armed Conflict

⁶ Additional Protocol II to the Geneva Conventions forbids recruitment of children under the age of 15 as well as them taking part in hostility (Art 4(3)(c)). Optional Protocol II to the Convention on the Rights of the Child raises

protocols. In addition under the statute of the International Criminal Court (Article 8(2)) conscription or enlisting of children under the age of 15 or using them to participate actively in hostilities constitutes a war crime.

Decision-makers should take into account the EASO report finding that people from non-Pashtun ethnicities such as Uzbek, Tajik and Turkmen have also joined the Taleban ranks due to Taleban infiltration into non-Pashtun areas. Although Amnesty International does not have information about members or armed groups of Hazara ethnicity currently joining the Taleban, this possibility should not be ruled out. In the past representatives of the Hazara ethnic group have joined the Taleban due to fears of reprisals.⁷ Hence, decision-makers should not rule out the possibility of members of other ethnicity groups in Afghanistan joining Taleban due to fear or other methods of coercion.

In line with the above and the UNHCR's comments, Amnesty International urges EU Member States not to define "forced recruitment" narrowly only to situations of direct approach and violence when assessing asylum claims of forced recruitment. The EASO report conclusion and EU Member States should acknowledge that forced recruitment includes also indirect approaches and coercion that may provide plausible grounds for international protection. Moreover, it should be noted that there have been reports of forced recruitment using direct approaches and violence in areas other than those listed in the EASO report conclusion as described above.

When assessing claims of forced recruitment therefore, EU Member States must take into account whether such other methods have been used, as those described further above. The particular vulnerabilities of each individual must be assessed, as well as the state protection mechanisms available in the claimant's area. Every individual should have his/her situation assessed on a case-by-case basis.

With regard to assessing the international protection needs of children claiming risks to be recruited by the Taleban, the focus should be not on whether or not there is a real risk of "forced" recruitment for a child, but whether there is a real risk that the child will be recruited.

Furthermore, Amnesty International opposes the forcible return of any Afghan rejected asylum-seeker to the southern and south-eastern regions of Afghanistan. Due to the ongoing internal armed conflict in this region, Amnesty International considers that there is no way to ensure that returns to this region can be safe for any individual. Southern and south-eastern parts of Afghanistan are largely affected by the conflict with no or very limited access by aid agencies including UN aid convoys; schools and health clinics have been shut down or are operating with limited resources and capacity. There is constant displacement of people from these areas due to the conflict and the destruction of properties and livelihoods. Civilians in the southern and south-eastern regions are at increased risk of targeted killings, indiscriminate Taleban attacks including suicide attacks, improvised explosive devices (IEDs), or disproportionate air strikes by the international forces.

the minimum age from 15 to 18 years for direct participation in hostilities, for compulsory recruitment by states and for any recruitment by non-governmental armed groups; Article 4 states that non-state armed groups should not recruit or use in hostilities persons under the age of 18 years.

⁷ See Amnesty International, Afghanistan: Thousands of civilians killed following Taleban takeover of Mazar-e Sharif, 3 September 1998 (AI Index: ASA 11/07/98); Amnesty International, Afghanistan: Making human rights the agenda, 1 November 2001 (ASA 11/023/2001), <http://amnesty.org/en/library/info/ASA11/023/2001/en>