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Report Summary

Monitoring and investigation of alleged child sexual harassment in schools and workplaces

In Logar Province

January-February 2020

Introduction

The AIHRC is responsible for monitoring, protecting and promoting the human rights of Afghan citizens under Article 58 of the Constitution and the Law on the Structure, Duties and Mandate of the AIHRC. AIHRC is regularly advocating for the rights of individuals, especially vulnerable groups.

The Commission was troubled by the allegations of sexual harassment of male students in Logar province.

Reports of sexual harassment of male students in Logar province raised concerns of the Commission. As part of its legal mandate, the Commission started monitoring of the case, and at the same time, made serious efforts to protect human rights defenders who had reported the harassments.

In order to help the fact-finding process on cases of child sexual harassment in Logar schools, and to uphold the victim-centered approach and maintain the privacy and confidentiality of victims, the AIHRC monitored the investigation process of child sexual harassment while upholding the principle of impartiality and safeguarding children's highest interest; and also carried out independent investigation into the case; the summary of which shall be presented in this report.

Report detail

Between October and November 2019, the Guardian newspaper published a report on the findings of a civil society institution, Logar Youth Social and Civil Institution. The Logar Youth Social and Civil Institution conducted an investigation into the alleged sexual harassment of children in schools and workplaces in Logar province and conducted interviews with 480 people from different groups including child workers, employers, students who had left or were expelled from school, parents and local people.¹

¹- Logar civil society activists handed over 480 forms to the commission, a copy of which is also referred to the Attorney's Office of the Islamic Republic of Afghanistan..



The Guardian newspaper published the findings of the investigation after interviewing the Head of the said Institution, Mr. Musa Mahmoudi.² Then a private television station in Kabul exposed the story that produced many reactions.³

Following the release of this report and rising of concerns and protests, on November 21, 2019, the National Directorate of Security (NDS) arrested Mr. Musa Mahmoudi, the Head of the Logar Youth, Social and Civil Institution, along with his colleague Mr. Ehsanullah Hamidi.

Although NDS assured in the first days that the two civil servants were being held in a safe place, it soon became apparent that the NDS had arrested and detained them. The Commission expressed its concern about the two activists' detention and called on the NDS to release them and ensure their safety. Following the joint advocacy of the Commission, the Civil Society and Human Rights Defenders, the two activists were released on November 27, 2019 after seven days, with the intervention of the AIHRC and direction of the President of the Islamic Republic of Afghanistan.⁴ The AIHRC would like to thank the civil society and human rights defenders for their responsible and effective cooperation and support.

Following their release, civil society activists turned to the Afghan Independent Human Rights Commission and lodged complaints about the illegal arrest and ill-treatment of the NDS.

The Commission protected the two civil activists and provided a safe place for them. On the other hand, the Commission worked with the appropriate institutions in order to ensure their freedom of movement and travel, and secure their complete freedom.

Based on the direction of the President of the Islamic Republic of Afghanistan further investigation was carried out into the Logar case by the Commission and the Attorney General's Office; and the Commission monitored the investigation process beside the Attorney General's Office, and carried out separate investigations that is briefly described as follows:

² - Glinski, S. (2019). Afghanistan pedophile ring may be responsible for harassment of over 500 boys, 13 November [online] the Guardian. Available at : <https://www.theguardian.com/global-development/2019/nov/13/afghanistan-paedophile-ring-that-bused-over-500boys>.

³ - TOLO news. (2019). Logar Activists Report Sexual Harassment of Hundreds of Boys, 14 November | TOLONews. [online] Available at : <https://tolonews.com/afghanistan/logar-civil-society-reports-harassment-%E2%80%9998550-children-and-youth%E2%80%9999>

⁴ - Aihrc.org.af. (2019). Afghanistan Independent Human Rights Commission. [online] Available at : https://www.aihrc.org.af/home/press_release^v^/



Monitoring of the investigation process

At the beginning of the investigation of Logar case by the Investigation Board of Attorney-General's Office, the Commission held numerous meetings with the Attorney-General's Office on how to cooperate and work with the said Board of the Attorney-General's Office. Since the investigation of criminal cases falls within the jurisdiction of the Attorney General's Office under the applicable law of the country, the Commission continued to work as a monitoring body alongside the Attorney General's Office by introducing one of its senior staff to represent the Commission and monitor the transparency of the process and protect the rights of victims, witnesses and others affected.⁵

As part of its efforts, the Commission facilitated a meeting between the Logar Civil Society Activists and the Special Board of Investigation and encouraged them to provide existing evidence to the Attorney General's Office in order to elucidate cases of child sexual harassment in Logar province, and to strengthen the investigation process. Civil society activists submitted all documents, evidence and facts to the Board of Investigation of the Attorney General's Office in the presence of the Commission representative.

According to the latest information received by the Commission representative, a total of 18 people have been identified by the Attorney General's Office as alleged perpetrators of child sexual harassment in Logar province, and an order for the arrest of 11 of them has been issued; At least 7 suspects have been arrested, the cases of two perpetrators have been referred to court, and another case has been completed and is ready to be referred to court. The files of four others are still in progress and will soon be sent to the court.⁶

The Commission continues to monitor the investigation process with respect to victims' rights. It also tries to identify child victims of sexual harassment and introduces them to responsible and active institutions to provide psychological and social services.

The Commission has reviewed the inadequacies of the investigation process and has submitted recommendations to the Attorney General's Office, which will be referred to at the end of this report.

⁵ - Article 58 of the Constitution

⁶ - This information was provided by the Attorney General's Office to the AIHRC's representative on January 30, 2020.



In addition to monitoring the investigation process of the Attorney General's Office as part of its legal mandate, the Commission has also carried out independent investigation into the case, the results of which are as follows:

Commission delegation sent to Logar province

The Commission's delegation traveled to Logar province and interviewed a number of local residents and school officials. Overall interviewees confirmed the existence of child sexual harassment in Logar province, but did not say much about widespread child sexual harassment in schools.

Interview with a number of affected children, relatives of children and residents of Logar province

A number of affected children and their families in Logar province referred to the Commission and relied on the Commission to tell their stories. Interviewees stated that there were cases of child sexual harassment in Logar province and some school officials and teachers and a number of out-of-school children are believed to be involved in child sexual harassment. In addition to schoolchildren, it is claimed that apprentices of sports clubs, working children, especially children working in brick kilns, workshops or even tailoring shops are also at risk of sexual harassment. Children or relatives of the children interviewed by the Commission all stated that the affected children had left school and were no longer interested in going to school. Despite repeated efforts, the Commission was able to interview only two victims of sexual harassment. The lack of access to victims is due to the presence of intimidation and high levels of threat and social sensitivity.

The Commission shared a detailed report of the victims' statements with the Prosecutor's Office calling for a comprehensive investigation and prosecution of the perpetrators with a view to protecting their privacy and preserving their identity.⁷

Review of videos, questionnaires and other documents related to the research of Logar Civil Society Institution

The Logar Youth Civil and Social Institution provided the Commission and Attorney General's Office with 480 interview forms conducted with working children, parents of children, people, employers, students who have left the school and students who have been expelled from the school, and other documents related to their research. The Commission has carefully reviewed and analyzed these documents that are indicative of confirmation of the case. Also, among the 9 films provided by the Logar Civil and Social Institution to the Commission and the Prosecutor's Office, a number

⁷ - Official letter No. 1605 dated 24/8/98, from the AIHRC to the Attorney General's Office of IRA



of children interviewed identified the perpetrators and victims in three videos, copies of which were sent to the Office of the Prosecutor General.

Conclusion

The Commission has protected the Logar civil society activists since the start of the report's publication, and as a result, the two civil society activists were released from NDS custody, and are not chased by any organs, and they are enjoying their full freedom.

In order to complete the investigation process, the Commission collected all its findings from field monitoring, including documents provided by the Logar Civil Society Institution and interviews with affected children and families, indicating child sexual harassment in the province, along with a list of 18 suspects, including teachers, school officials and other people, and handed them over to the Attorney General's Office on the condition that the identities of the interviewees are preserved. And a brief report of these findings was shared with the President.⁸ The Commission expects the Attorney General's Office to conduct an in-depth investigation into the matter and bring the perpetrators to justice.

Restrictions

The most important constraints faced by the AIHRC in the monitoring and investigation of child sexual harassment cases in Logar province are as follows:

- Insecurity that made it difficult for Commission staff to reach out to Logar districts
- Sensitivity of the people who regard this issue as shameful and refuse to cooperate with the Commission staff and provide information to them,
- Low level of public confidence in justice and judicial organs in dealing with cases and ensuring justice,
- Victims' fear of disclosing their identity,
- Threats and pressure from certain authorities on the victims and the people affected, who stressed the secrecy of the matter and the lack of cooperation with Commission staff;
- School leave that made it difficult to reach students.

The Commission's next steps

- Continue to monitor the Attorney General's office prosecution process and emphasize the protection of victims' rights.

⁸ - Official letter No. 1686 dated 5/11/98, from the AIHRC to the Presidential Office of IRA.



- Recording and investigating complaints filed by the victims and witnesses of child sexual harassment cases.
- Studying and reviewing Legislative Documents, Policies, and Monitoring and Protection Mechanisms of the Ministry of Education and making recommendations within the mandate of the Commission with the aim of protecting school children.
- Participating in the joint working group of the Government and the international community and advocating for child protection and continued support for education and reform.
- Planning to launch a national inquiry into child sexual harassment across the country.
- Advocating for the creation of support centers and psychosocial services for child victims of violence and harassment throughout the country, and the creation of a safe house for human rights defenders.
- Installing a Complaint box in vulnerable schools in Logar province to receive students' complaints.

Recommendations

To the President of the IRA:

- Establishing special psychosocial support centers for affected children across the country,
- Creating a support center for human rights defenders.

To Attorney General:

- Comprehensive and impartial investigation into child sexual harassment cases in Logar province and prosecution of perpetrators,
- Preserving the identity of the victims and respecting the confidentiality of their cases,
- Taking measures to prevent interviewees from being re-victimized in courts as witnesses,
- Attention to the psychological and physical security of witnesses and victims and compliance with the principle of non-harm to children in the course of investigations and prosecutions;
- Membership of at least one woman appointed by the Office of the Attorney General to win the victims' trust and provide children with psychological welfare;
- Membership of at least one psychologist in the delegation sent to Logar,



- Providing trust and confidence of the victim and witnesses of non-medical examination and prosecution by the prosecutor's office and local authorities,
- Extension of investigation of child sexual harassment cases in Logar by the Attorney General's Office as necessary.

To the Ministry of Education:

- Practical steps to address the failure of school monitoring mechanisms regarding the relationship between parents and school administration, and the existence of physical and psychological violence in schools,
- Necessary cooperation with the Commission to understand the problems and developments.