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## **United States Involvement in Tackling the "Bacha Bazi" as Child Exploitation Culture in Afghanistan (2015-2018)**

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Bacha Bazi refers to boys at the age of nine until eighteen in Afghanistan tradition, also known as "Boys Play" where boys are bought, sold, rented, or traded by powerful and influential men.<sup>1</sup> Historically, Bacha Bazi involved pre-pubescent boys to dance and entertain a lot of men in large wedding parties or gathering events. In addition, Bacha Bazi is more nuanced in until current iteration of sexual abuse and sex slavery, as a social setting in Afghanistan and described as how transgenerational same-sex sexual

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<sup>1</sup> R. Qobil, "The Sexually Abused Dancing Boys of Afghanistan", <https://www.bbc.co.uk/news/world-south-asia-1121777>, Accessed September 20th, 2021.

relations happened in the country which has the Islamic law in their constitution.<sup>2</sup> Ironically, Afghan law prohibits the sex between a man and a boy with the liability to be punished by the law from five to fifteen years in prison, but the main perpetrators of Bacha Bazi are from influential families and businessmen who had a connection with police officers and military figures.<sup>3</sup>

Under Taliban power in Afghanistan from the 1990s until mid-year 2001, the activities representing Bacha Bazi were banned and publicly punished as illegal practice because of the strict Islamic law. After the Taliban regime, the United States occupied Afghanistan in September 2001 and investigated this tradition as a study of male sexuality.<sup>4</sup> The US also made The Special Inspector General for Afghanistan Reconstruction (SIGAR) open an investigation for Bacha Bazi in 2015 based on the concern and long impact of homosexuality and pedophilia among the Afghan's security forces and tribes.<sup>5</sup> The investigation was done by some researchers and social scientists while working with patrols in Afghanistan and made the penal code of Bacha Bazi as an illegal act in 2018. Thus, the purpose of this paper itself is to answer the question which asks, what is the US role under the SIGAR as a representation to investigate the Bacha Bazi in Afghanistan from 2015 until 2018. This case will be explained using gender equality and liberalism concepts in human rights.

## **Gender Equality**

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<sup>2</sup> Samuel Jones, "Ending Bacha Bazi: Boy Sex Slavery and the Responsibility to Protect Doctrine," in *Indiana International and Comparative Law Review*, No. 1 (2014), 25.

<sup>3</sup> M.K. Jalalza. *Child Sex, Bacha Bazi and Prostitution In Afghanistan*, Lamber Acad Publishers, 2011.

<sup>4</sup> Ibid.

<sup>5</sup> S. A. Carter. "Afghan Sex Practices Concern U.S British Force", <https://washingtonexaminer.net/afghan-sex-practices-concern-u.s-british-forces/article/108591>, Accessed September 21st, 2021.

Based on United Nations Children's Fund (UNICEF) in (2017)<sup>6</sup> Gender equality represents equal conditions, treatment, and opportunities as a human being between women and men or girls and boys. Gender equality has the goal of evaluating equality by the society based on the similarities and the differences in roles which they play. In addition, the priorities are implied to the interest, needs, and properties to protect both genders from sexual abuse, sexual rape, violence, and other discriminations based on gender. The United Nations (UN) also describes that gender equality is a matter of human rights and is considered a precondition for, an indicator of, and as sustainable people-centered development for the world. In this case, gender equality is culture-based and varies in each different culture and period which means that it's difficult for a country to increase the number of gender equality because of the culture. However, the role of the international community, society, media, and international organizations is important to give a positive impact to reach gender equality.<sup>7</sup>

### **The Relevance of Liberalism to Human Rights**

Human rights are a form of universal ideology that is used as a symbol of liberalism which is often linked as an integral part of liberalism because they connote freedom, peace, universality, justice, and equality. Human rights in the view of liberalism are seen as the universal right of individuals to obtain freedom and equality. Jack Donnelly,<sup>8</sup> views that human rights have been widely accepted as a political and legal reality. This reality brings a universal consensus that is recognized by the international community and decision-makers of the world that human rights exist and should be protected. This can be seen in the role and involvement of legal and political institutions, both domestic and international institutions, which are mandated or tasked

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<sup>6</sup> United Nations Children's Fund (UNICEF). "Gender Equality", <https://www.unicef.org/rosa/media/1761/file/Gender%20glossary%20of%20terms%20and%20concepts%20.pdf>, Last modified February 20th, 2017.

<sup>7</sup> C. Beasley, *Gender & Sexuality: Critical Theories*, SAGE Publications Ltd, 2005.

<sup>8</sup> Anthony J. Langois, "Human Rights and Modern Liberalism: A Critique", In *Political Studies*, Vol. 51, 2013.

to monitor, investigate, and protect human rights broadly and universally, as well as the support of the international community for the establishment, existence, and the sustainability of these institutions as a form of universal consensus.<sup>9</sup>

### **SIGAR as A Tool to Represent the Gender Equality**

Under the US command, SIGAR was the efforts of the international community in advancing their capacity to monitor, report, and investigate the sexual abuse, sexual rape, and violence on Bacha Bazi case. In 2016 SIGAR report states that boys aged thirteen or under have more participation in Bacha Bazi and other forms of sexual abuse.<sup>10</sup> Furthermore, this is the reason that SIGAR under the US continues to encourage and assist with legal reforms that allow for increased prosecution of existing law as around Bacha Bazi. In this case, a boy who has a role in Bacha Bazi is not voluntarily carrying out the activities contained in Bacha Bazi culture.

In 2017, there was a Defence of Department Office (DOD) report that was released on allegations of child sexual abuse by members of the Afghanistan National Defense and Security Forces. In this report, Bacha Bazi was classified as sexual abuse because of the seduction activities between the boys and the older man and continued with individual or group sex activities.<sup>11</sup> Also, not infrequently that at the end they will be auctioned by the older man to another older man or the sexual activity videos will be sold to the public. This is the reason why the SIGAR has to investigate more and give

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<sup>9</sup> Ibid.

<sup>10</sup> William Badinelli, "Fighting Bacha Bazi: Protecting The Dancing Boys and Implementing the Leahy Laws in Afghanistan", [https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1953&context=student\\_scholarship](https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1953&context=student_scholarship), Accessed September 21st, 2021.

<sup>11</sup> Dwi Ramadhani, "Relativitas Budaya dan Berlangsungnya Budaya *Bacha Bazi* di Afghanistan Pasca Pemerintahan Taliban", *Journal of International Relations*, No. 4 (2020) 6.

the result to the Pentagon as a representation of the gender equality community to maintain gender equality in Afghanistan.<sup>12</sup>

In this case, it is important to understand that Bacha Bazi is not only about generalized child sexual exploitation, but is also driven primarily by human trafficking and kidnapping. Even though the culture has a main role in Bacha Bazi, but SIGAR continues to encourage the value of gender equality which refers to decreasing the number of sexual abuse, sexual rape, violence, and sexual exploitations through the child in Afghanistan. The final report published in 2018, which included the penal code as mentioned that Bacha Bazi is explicitly illegal, and the Afghanistan government should punish all the perpetrators.<sup>13</sup>

### **Implementation of Liberalism to Protecting Human Rights For Boys In Bacha Bazi**

Based on Donnelly and Howard, human rights require liberalism and it was stated that “internationally recognized human rights require a liberal regime”. As a country that upholds and applies the values of liberalism, the US is involved in this case and implements the liberal regime that can fulfill and uphold human rights around the world. In addition, a report from the New York Times regarding “US Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies” led the US Congress to request SIGAR to open an investigation into human rights abuses especially towards Afghan children who were exploited in the practice of Bacha Bazi culture.<sup>14</sup> The values of liberalism

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<sup>12</sup> Emily Prey and Kinsey Spears. "What About The Boys: A Gendered Analysis Of The US Withdrawal And Bacha Bazi In Afghanistan", <https://newlinesinstitute.org/afghanistan/what-about-the-boys-a-gendered-analysis-of-the-u-s-withdrawal-and-bacha-bazi-in-afghanistan/>, Accessed September 21st, 2021.

<sup>13</sup> William, Badinelli, *op cit*.

<sup>14</sup> Emily, Prey and Spears, Kinsey, *op cit*.

also include universal consensus which the decision-makers of the world, in this case, is the US Congress, whose role is to protect human rights universally and broadly.<sup>15</sup>

The US Congress also used its jurisdiction to request SIGAR to investigate human rights abuse or violation in the practice of the Bacha Bazi culture in Afghanistan, this is an attempt to enforce political reality and law to uphold human rights around the world. SIGAR said in a classified report to US Congress that sex abuse, under the Bacha Bazi culture towards Afghan Children by wealthy or powerful Afghan men such as warlords and Afghan security forces who exploit underage boys as sexual partners, victims are often orphans or boys from poor families as young as 10 years old. The role of the US Congress and SIGAR—which is created by Congress in 2008 and under its mandates to monitor, audit, inspection, and law enforcement and report issuance—on this issue is the implementation of the involvement of United States’s domestic legal authority or political institutions that are involved internationally in monitoring and investigating human rights abuses or violations in Afghanistan.

## **Results**

After the SIGAR report to the US Congress, the result was a failure for both the Afghan Government and the US Government to tackle child exploitation under Bacha Bazi culture in Afghanistan. This failure is caused by two things; (1) the Afghan government is still lacking in punishing the perpetrators; (2) discrepancies between the US Department of Defense and SIGAR under the US Congress. First, the lack of responsiveness from the Afghan government in punishing the perpetrators in which the perpetrators of Bacha Bazi are still not prosecuted because they mainly come from Afghan security forces, US-trained militias, warlords, and wealthy or powerful strongmen, where they often act with impunity.<sup>16</sup> In addition, the supporters in Bacha

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<sup>15</sup> Anthony J. Langlois, *op cit*.

<sup>16</sup> Frud Bezhan, "U.S. Watchdog: Afghan Forces Still “Complicit” In Child Sexual Exploitation", <https://www.refworld.org/docid/5a9fb760a.html>, Accessed September 24th, 2021.

Bazi justify that these acts are not seen as a sin or violation in Islam as long as the relationship between a boy and an older man is without physical sexuality and emotional coercion.<sup>17</sup> Also, the Afghanistan law only covers the crime of rape and pederasty but does not include the specific sexual abuse including sodomy, touching, massaging, and other forms of sexual acts that are involved in Bacha Bazi.<sup>18</sup> Second, there are discrepancies in published reports between the US Department of Defense and SIGAR under the US Congress which works independently. Although the Pentagon released a report on allegations of child sexual abuse by members of the Afghan National Defense and Security Forces, according to the Washington Post's report, the Pentagon does not have accountability and transparency. SIGAR's report considered more thought to the content and a much more detailed accounting of the problem's severity. Senior Leahy said that Congress chose SIGAR to lead the investigation on child sex abuse in Afghanistan because of the agency's ability to investigate independently, on the other hand, Pentagon reports are not always made public.<sup>19</sup>

## **Conclusion**

Bacha Bazi is an Afghanistan tradition that refers to sexual abuse, sexual rape, violence, and child trafficking from an older man to a young boy. The main perpetrators of Bacha Bazi are from influential families and businessmen who have connections with police officers and military figures which means that this tradition is hard to erase. However, the US is involved in this case and implements a liberal regime that can fulfill and uphold human rights. Also, the US established SIGAR as the effort of the international

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<sup>17</sup> Priya Pandey, "The Unraveled and Disquieting Human Rights Violation of Afghanistan", In *Peace and Conflict Monitor*, 2014.

<sup>18</sup> Louis Martin and M. Shaheen, "The Revival Of Slave Boys In Afghanistan; A UK Perspective", In *Criminal Law and Justice Weekly Journal*. Vol.178, 2014.

<sup>19</sup> Alex Horton, "Pentagon Tried To Block Independent Report on Child Sex Among Afghan Forces, Senate Office Says", <https://www.washingtonpost.com/news/checkpoint/wp/2017/11/26/pentagon-tried-to-block-independent-report-on-child-sex-among-afghan-forces-senate-office-says/>, Accessed September 23rd, 2021.

community in advancing their capacity to monitor, report, and investigate the sexual abuse, sexual rape, and violence on Bacha Bazi case. However, the high effort from the US did not make any progress because of the lack of involvement by the government in Afghanistan and discrepancies between the US Department of Defense and SIGAR under the US Congress, which made the legal action to decrease the Bacha Bazi practice hampered and disrupt the distribution of information.

For future recommendations, Afghan boys must be a part of the discussions for more policy points to decrease the number of Bacha Bazi. Also, to make clear and transparent information, the US has to fill the gaps between the security government and the administration government. The clear action from the US as a country that invaded Afghanistan should be done because the Afghanistan government and constitution don't have the system, this is why the US has an important role to punish and increase gender equality in Afghanistan. Lastly, gender-based violence in the Bacha Bazi case is an example of low intensity of law, organizational community, culture, and constitution in the state, but the main actor who can focus and highlight this case is the society. Society can build up, make relations, and be a problem solver with the voice to fix the future of gender equality in this world.

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