

Assessment of Afghanistan's Juvenile Rehabilitation Centers



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I. Executive Summary

UNAMA Rule of Law prepared this report at the request of Afghanistan's Minister of Justice to assist in discharging his responsibility over the operation of Afghanistan's juvenile rehabilitation centers (JRCs) located in each of the country's 34 provinces. Over 1,000 juveniles, including approximately 100 girls, are deprived of their liberty as a result of violations of Afghan law. Each of these juveniles has the right to be treated in a manner "consistent with human rights and fundamental freedoms, with a view to counteracting the detrimental effect of all types of detention and to fostering integration in society."¹

The report begins with an overview of Afghanistan's legal and regulatory framework governing the rights of juveniles in detention, as well as the obligations of the officials responsible for ensuring the safety, wellbeing, and rehabilitation of juveniles entrusted to the Ministry of Justice's care. The protections afforded to juveniles under national law are generally consistent with the minimum standards recommended by the United Nations for the protection of juveniles deprived of their liberty. These minimum standards are set out in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), adopted by General Assembly Resolution No. 45/113 (14 December 1990).²

The report then assesses whether the minimum protections for juveniles in detention, as afforded by national laws and recommended by the Havana Rules, are implemented in practice. This assessment is based on a comprehensive survey of conditions of detention in 31 of the JRCs administered by the Ministry of Justice's General Directorate of Juvenile Rehabilitation Centers that UNAMA Rule of Law field teams undertook between September 2015 and March 2016. Security conditions or a lack of field presence precluded assessment of the three remaining JRCs. Nevertheless, UNAMA's survey of 90% of JRCs provides an objective basis for assessing Afghanistan's overall compliance with the Havana Rules' minimum standards of treatment.

The assessment demonstrates progress in meeting key guarantees. Safeguards are in place to ensure the proper registration and maintenance of records relating to juveniles in detention. Complaints procedures exist whereby juveniles are informed of their rights and have the means to exercise those rights through complaint boxes or other forms of reporting violations. Regular and independent inspections by the Afghan Independent Human Rights Commission (AIHCR), UNAMA, and other external parties are undertaken at all JRCs.

Additionally, internal rules and protocols guard against the use of most disciplinary measures that constitute cruel, inhuman, or degrading punishment. However, half of the JRCs surveyed withheld family visits as a disciplinary measure. Although this practice complies with Afghan law, it is inconsistent with the Havana Rules' minimum standards and should be re-evaluated.

A critical component of overall juvenile well-being is contact with the outside world such as through family and other visits. Apart from instances where visits were withheld as a disciplinary measure, most JRCs demonstrated admirable flexibility with regard to the frequency and length of family and other visits.

Progress also was seen in ensuring basic conditions of detention. Overcrowding was not a concern in most JRCs surveyed. Additionally, juveniles had regular access to quality food, appropriate clothing, clean drinking water, sanitary facilities, and bedding. Not surprisingly, conditions at purpose-built JRC facilities were better than at rented facilities operated out of residential homes.

Most JRC staff have adequate educational qualifications and nearly 75% of JRC staff received professional training usually from international agencies in areas relevant to their responsibilities. Additionally, nearly 50% of JRC directors hold a bachelor's degree and the vast majority of directors have relevant management experience.

Gaps in compliance with minimum detention standards, however, remain. At most JRCs, access to educational and vocational training aimed at preparing juveniles for re-entry into society is limited. Some JRCs have implemented tailoring, carpentry, and other innovative programs to teach juveniles skills to assist them with re-entry into society. These programs should be replicated whenever possible. Additionally, stronger coordination is needed with the Ministry of Public Education to ensure that every juvenile's right to education while in detention is fulfilled.

Wide variances among the JRCs surveyed in opportunities for recreational or leisure activities also were observed. Most JRCs, particularly those located in rented facilities, lacked adequate outdoor space for physical exercise. In some JRCs, recreation and leisure activities were centered largely on televisions, which has provoked violent reactions from some juveniles offended by the content of broadcasts. Consideration should be given to expanding the range of recreational and leisure activities in all JRCs to match the range of activities offered by, for example, Kabul JRC.

Gaps also were observed in relation to the provision of adequate health care and medical services, particularly specialized services such as psychiatric treatment, drug counseling, and dental care. Many JRCs lack any specialized services and the delivery of regular medical services varied widely depending on the cooperation of the local Ministry of Public Health hospital. Greater coordination with the Ministry of Public Health is required to ensure the consistent delivery of quality medical services to all juveniles in detention.

Particular attention needs to be paid to girls in detention. UNAMA Rule of Law's survey revealed variances in the opportunities available to girls, as opposed to boys, in terms of educational, vocational, and recreational activities. Some JRCs, particularly those in rented houses have insufficient space and facilities to accommodate female juveniles. Additionally, there is a noticeable shortage of female JRC staff members in comparison to male JRC staff members. To

ensure a more gender-balanced approach in the management and operation of JRCs, consideration should be given to recruiting more female staff members at all JRCs, particularly those JRCs with significant numbers of girls in detention.

Several of the gaps identified in this report stem from shortcomings in the implementation of agreements between the Ministry of Justice and other ministries, particularly the Ministry of Education, which is primarily responsible for providing juveniles in detention with access to educational opportunities; and the Ministry of Public Health, which is primarily responsible for providing juveniles in detention with access to medical services. Greater coordination is needed to ensure that these ministries and other ministries responsible for supporting the Ministry of Justice in the administration of Afghanistan's JRCs fulfill their mutual commitments to ensuring the physical and mental well-being of juveniles deprived of their liberty. These and other recommendations at the end of this report are intended to assist the Ministry of Justice in filling these gaps and prioritizing operational needs.

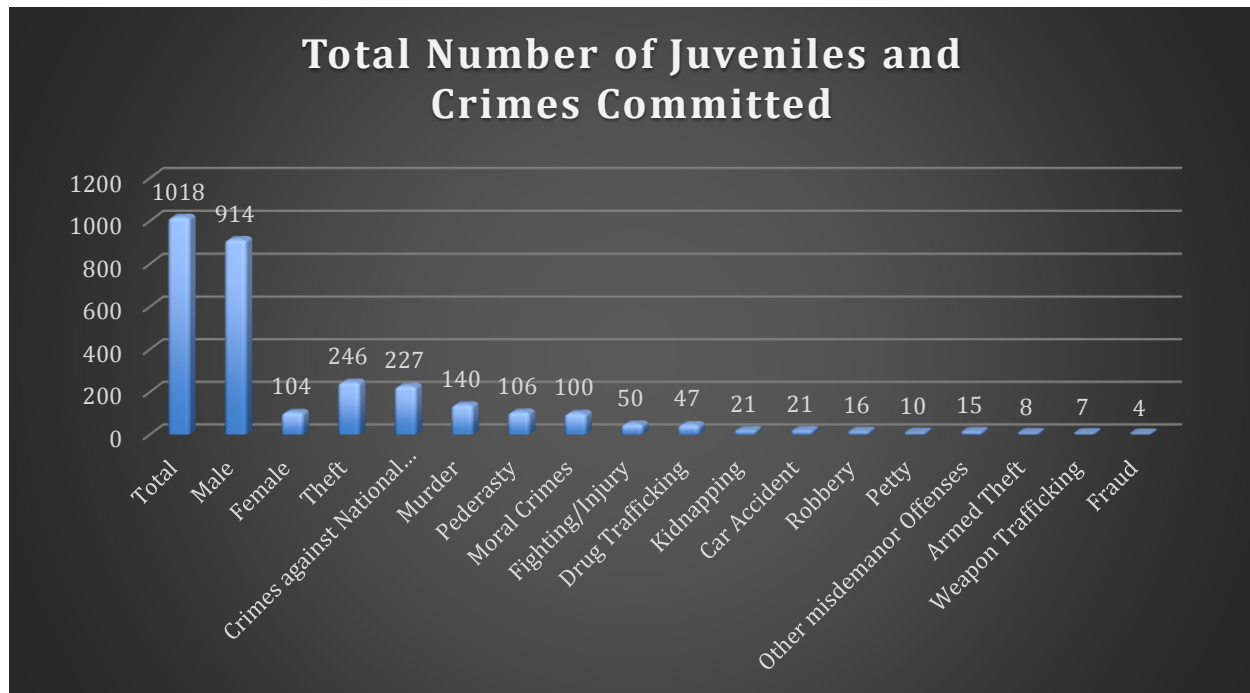
II. Background and Methodology

A. Afghanistan's JRCs

The Juvenile Rehabilitation Department within the Ministry of Justice has overall responsibility for the administration of Afghanistan's JRCs.³ There are 34 JRCs in Afghanistan, located in the capital cities of each province. This distribution is consistent with Article 11(1) of the Law on Juvenile Rehabilitation and Correction Centers (JRC Law), which requires that one JRC be located in each province.

UNAMA Rule of Law's survey confirmed that the total population of JRCs was 1018 juveniles. Nearly 90% (914) of the population was male; only 10% (104) was female. In compliance with the Juvenile Code and international standards,⁴ all juveniles in detention were between the ages of 12-18 years old. At the time of the survey, however, Nimroz JRC had 11 detainees who had reached age 18 in its custody, but this was a temporary measure pending arrangements for the transfer of these aged-out juveniles to an adult facility. The transfer has since taken place.

The chart below illustrates that the three most common crimes committed by juveniles detained in JRCs are theft (24%), crimes against national security (22%), and murder (14%). Studies conducted by other organizations establish that female juveniles most commonly commit the crime of adultery.⁵



Out of the 31 JRCs surveyed, 22 were located in privately rented houses, and nine were located in purpose-built Ministry of Justice facilities. These 31 JRCs employed a total number of 300 staff, not including security staff who were employed by the Central Prisons Directorate of the Ministry of Interior. Over 80% of JRC staff are male.

B. Legal Framework for Afghanistan's JRCs

The Juvenile Code provides the legal framework for Afghanistan's criminal juvenile justice system. In accordance with Afghanistan's Constitution and international conventions protecting the interests of the child, the Juvenile Code sets out the measures and procedures applicable to children in conflict with the law, and safeguards their rights during investigation and trial.⁶ The Juvenile Code defines a "juvenile" as a person between the ages of 12-18 and outlines the procedures for their arrest, prosecution, and detention.⁷

Afghanistan's domestic law reflects the fundamental rights of juveniles deprived of their liberty to facilities, services, and treatment that uphold the requirements of health and human dignity. These rights are broadly reflected in the Constitution, which requires Afghanistan to ensure children's physical and spiritual health, and provide access to free healthcare and education.⁸

The Law on Juvenile Rehabilitation and Correction Centers (JRC Law) and the Regulation on Juvenile Rehabilitation Centers (JRC Regulation) specifically apply these and other rights to juveniles detained in JRCs.⁹ The JRC Law creates a High Council of Rehabilitation and Correction Centers for Juveniles (JRC High Council) that is responsible for upholding juveniles' rights, and overseeing and improving JRCs' activities.¹⁰ The JRC High Council is led by the Minister of

Justice and comprised of representatives from the Supreme Court, eight ministries, the AIHRC, civil society, as well as the Director General of the JRC Department, and a Deputy Attorney General.¹¹

The JRC Law requires that JRCs respect detained juveniles' human rights and ensure their effective rehabilitation and reintegration into society.¹² It provides standards and requirements for JRCs' conditions of detention, including healthy food, clean water, a hygienic and clean environment, separate beds, disciplinary procedures, and records management.¹³ It also requires that JRCs provide juveniles with access to education, vocational training, and medical care; opportunities to study, work, and practice religion; family contact and visits; and a complaints mechanism.¹⁴

The JRC Regulation imposes more detailed obligations on JRCs and, in some cases, the respective government ministries to uphold juveniles' rights; maintain adequate standards of detention; provide education, training, and rehabilitation opportunities; and assist juveniles to reintegrate into society. In particular, the JRC Regulation requires JRCs or various ministries to:

- verify the mental and physical health of newly-admitted juveniles through an admission committee;¹⁵
- register newly-admitted juveniles' details in their register, prepare case files, and inform the juveniles of the JRC's objectives and rules;¹⁶
- receive juveniles' complaints and forward them to the relevant authorities;¹⁷
- provide juveniles with appropriate food three times a day, free of charge;¹⁸
- provide juveniles accommodation with sufficient light, air, and sanitation standards, as well as a bed, blanket, pillow, mattress, and sheets;¹⁹
- allow juveniles to receive visits from family members, send and receive letters, seek approval to leave the JRC to visit family and relatives, and notify juveniles' families of any deterioration in the juveniles' health;²⁰
- provide education, vocational training, and literacy courses in conjunction with the Ministry of Education, Labour, Social Affairs, Martyrs and Disabled and other governmental and charitable organisations;²¹
- establish a library, and allow juveniles to participate in out-door exercise;²²
- assign religious instructors to conduct religious education in conjunction with the Ministry of Hajj and Religious Affairs (now the Ministry of Pilgrimage and Hajj);²³

- allow and facilitate approved educational, vocational, recreational, cultural, and economic programs run by NGOs and external organisations approved by the Ministry of Justice;²⁴
- provide medical treatment for juveniles onsite or at Ministry of Public Health centres and, with the Ministry of Public Health's assistance, develop and implement a program for sanitation, disease prevention, and medical treatment;²⁵
- provide juveniles with transportation to court, hospitals, and other relevant institutions with the assistance of the Ministry of Interior;²⁶ and
- take the necessary measures to prevent fires with the assistance of the Disasters Police of the Ministry of Interior.²⁷

On 25 August 2013, a Letter of Agreement among nine ministries (Ministry Agreement), a copy of which is contained at Annex A, was signed to ensure, among other things, a child-oriented and rights-based juvenile justice system, and to prioritize children's rehabilitation and reintegration.²⁸ The Ministry Agreement reinforces many of the JRCs' responsibilities and standards set out in the JRC Law and JRC Regulation.²⁹

These provisions of Afghanistan's laws are consistent with international requirements on the conditions of detention for juveniles, most notably the Havana Rules. The Havana Rules recognize that juvenile justice systems must uphold juveniles' rights and safety and promote their physical and mental well-being.³⁰ To safeguard these rights, the Havana Rules provide detailed standards and requirements on how juveniles should be treated in detention and the conditions of their detention including (but not limited to):

- maintaining juveniles' confidential individual files and records, and preparing reports on the type and level of care required by juveniles;³¹
- providing facilities and services that meet the requirements of health and human dignity including, sleeping accommodation, sanitary installations, clothing, food, and drinking water;³²
- ensuring access to education, vocational training, recreational activity and religious meetings, and allowing remunerated employment;³³
- providing adequate medical care;³⁴
- ensuring communication with the outside world, including family visits;³⁵

- prohibiting instruments of restraint and the use of force, apart from in exceptional cases, and ensuring that disciplinary measures respect the juveniles' rights;³⁶
- allowing inspections by qualified inspectors;³⁷ and
- ensuring that personnel are suitably qualified.³⁸

In addition to the Havana Rules, international standards and norms on juvenile detention are more generally addressed in a number of other international instruments, including the Convention on the Rights of the Child, which guarantees the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.³⁹ The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)⁴⁰ provides that restrictions on the personal liberty of juveniles shall be imposed only after careful consideration and shall be limited to the possible minimum and reflect the well-being of the child as a guiding factor in the consideration of the juvenile's case.⁴¹ The Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)⁴² complement the Havana Rules by providing additional guidance on the physical environment of juveniles in detention, including guidelines on personal hygiene, clothing and bedding, food, clean drinking water, and accommodation.⁴³ Additionally, the General Comments of the Committee on the Rights of the Child, in particular General Comment No. 10, provides guidance and recommendations on States Parties' compliance with international standards on juvenile detention.⁴⁴ All of these mutually re-enforcing guidelines for juvenile detention are considered in the course of this assessment, particularly where they help inform on the meaning and scope of the Havana Rules' requirements.

C. Methodology and Scope of Report

To assess whether the rights contained in Afghanistan's laws comply in practice with the Havana Rules' minimum standards, UNAMA Rule of Law developed detailed questionnaires to survey JRCs' directors, administrators, and staff. The questionnaires, copies of which are contained in Annex B, collected relevant base-line data on the treatment of juveniles in JRCs, the services provided, and the conditions of juveniles' detention, including accommodation, clothing, food, drinking water, access to education, medical care, recreational activities, contact with the outside world, the use of instruments of restraint and force, the maintenance of records, the qualification of staff, and inspections.

The questionnaires provided an objective basis for assessing JRCs' operational compliance with the Havana Rules' minimum standards. Information contained in the questionnaires was confirmed by site visits and a desk review of relevant laws, policies, and procedures. To maintain objectivity and safeguard the privacy of juveniles in detention, UNAMA Rule of Law did not interview juveniles about JRC compliance with Havana Rules requirements.

UNAMA Rule of Law conducted the survey between September 2015 and March 2016 in 31 out of 34 JRCs located throughout Afghanistan.⁴⁵ Field offices made frequent visits to provincial JRCs to collect data and assess detention conditions. Security concerns and a lack of UNAMA Rule of Law field presence precluded the collection of data from three JRCs located in Nuristan (Eastern Region), and Bamyán and Daikundi (Central Highlands). As a result, these three JRCs are not covered by this report. Nevertheless, the data collected from the remaining 31 JRCs accounts for more than 90% of the institutions nationwide and, therefore, provides a sufficient baseline to assess Afghanistan's overall compliance with minimum standards governing the protection of juveniles in detention.

III. Assessment of Minimum Standards

As shown in the preceding sections, Afghanistan's laws together with the Ministry Agreement provide the necessary legal and administrative framework to comply with the key minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty. The focus of this report is to assess whether that framework has been effectively implemented in practice. Based on data generated from the UNAMA Rule of Law's survey, gains have been made in the implementation of many of the Havana Rules' minimum standards but work remains to be done to fully implement all of the minimum standards. The key minimum standards are assessed in the following sections.

A. Admission to JRCs

1. Commitment Order

The Havana Rules provide that a juvenile can only be admitted into a detention facility where there is a valid commitment order from a judicial, administrative, or other public authority.⁴⁶ The details of the commitment order must be immediately entered into the facility's register.⁴⁷ UNAMA Rule of Law's survey confirmed that all JRCs surveyed only admit juveniles where there is a valid commitment order from a judicial authority. All JRCs also maintain a register where the admission of new juveniles and the details of the commitment order are recorded.

2. Facility's Rules

The Havana Rules require that on admission, juveniles must receive a copy of the facility's rules and a written description of their rights and obligations in a language they can understand, including an address where complaints can be filed.⁴⁸ However, for juveniles who struggle to read or comprehend formal rules, the information should be conveyed in another manner that the juveniles can fully understand.⁴⁹

UNAMA Rule of Law's survey confirmed that all JRCs convey information about the rules, regulations, and rights to newly-admitted juveniles. Seventeen JRCs communicate this

information through oral briefings to newly-admitted juveniles, while 14 JRCs provide a written description of these rules, regulations, and rights. The higher number of oral briefings can be attributed to the high levels of illiteracy in Afghanistan. In fact, a number of JRCs reported that their detainees were illiterate and would not be able to understand a written description. To address this problem, several JRCs developed innovative ways to ensure that illiterate detainees would understand their rules, regulations, and rights. For example, the Kabul JRC made a video of its rules that it screens for all newly-arriving juveniles, while both Wardak and Kapisa JRCs use TV programs to communicate this information. In some cases, posters conveying information about the rules are stuck on dormitory doors or in public places,⁵⁰ or discussed by teachers during teaching sessions.⁵¹ In Uruzgan JRC, a combination of these methods, consisting of films, posters, and standardized printed handouts, are used to promote juveniles' awareness of rules, regulations, and rights. This combined approach merits consideration by other JRCs to ensure juveniles fully understand their rights.

By advising juveniles of their rights, the Havana Rules anticipate that juveniles will be empowered to submit complaints to the JRCs' directors and their authorized representatives.⁵² UNAMA Rule of Law's survey confirmed that all JRCs surveyed allow juveniles to submit complaints to the JRC administration and other monitoring bodies. Some JRCs reported using complaint boxes to enable juveniles to submit complaints. In particular, Uruzgan JRC reported that a complaint box was installed by the AIHRC where juveniles, with the help of their duty officer or teacher, could write complaints and drop them into the box for consideration. The complaint box is locked and the key is kept by the AIHCR director. As discussed in Section R below, juveniles also may make complaints during inspections by external bodies or to their defence attorneys.

3. Interview, Classification, and Placement

The Havana Rules require that juveniles be interviewed as soon as possible after admission.⁵³ Following the interview, a psychological and social report should be prepared that identifies the specific type and level of care and program required by each juvenile.⁵⁴ The Havana Rules further require that on receipt of this report, the facility's director must determine the most appropriate place for the juvenile in the facility and the specific type and level of care to be provided.⁵⁵ Additionally, the Rules require that every juvenile be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.⁵⁶

UNAMA Rule of Law's survey confirmed that all JRCs surveyed interview new detainees on the day they were admitted or between one-two days following admission. The interviews were conducted by a reception committee, which generally comprises legal, medical, and educational officers, and, in some cases, the head of the JRC. A standard reception committee form, provided by the Ministry of Justice's General Directorate of JRCs, was used to collect information about newly admitted juveniles during such interviews. This form, which is included at Annex C,

requires the reception committee to confirm that the juvenile appears to be in good physical and mental health and has been committed by authorized agencies through official and reliable documents. The form also requires the reception committee to answer questions about any visible signs of torture, beating, or injury on the juvenile's body; whether the juvenile's family is aware of the juvenile's arrest (if not, efforts must be undertaken to trace the family); and, whether the juvenile was appropriately searched.

Only two JRCs reported that they were unable to conduct a medical assessment on admission. This inability was attributed to the absence of an onsite medical officer and the need for a visiting medical officer from the Ministry of Public Health to carry out the assessment when the officer visits the JRC, normally once or twice a week.⁵⁷

The majority of JRCs surveyed (26 out of 31) prepared a psychological and social inquiry report identifying the specific type and level of care required by the juvenile that is shared with the JRC director. However, most JRCs did not have specialized medical staff onsite and so were unable to provide this level of specialist treatment. In most cases, these JRCs relied on doctors from the Ministry of Public Health to determine the level of care required and treat the juveniles.⁵⁸ At the time of the survey, Kabul JRC had nine social workers employed by NGOs and the Ministry of Labor, Social Affairs, Martyrs and Disabled⁵⁹ Although this was the highest number of any JRC, at the time of writing, this number dropped to five social workers due to discontinuation of the NGOs' programs. UNAMA Rule of Law's survey revealed that those JRCs without onsite specialists often were unable to prepare a psychological and social report.⁶⁰

4. Inventory of Personal Effects

The Havana Rules require that an inventory of all personal effects confiscated from the juvenile on admission be prepared and signed by the juvenile. In all instances, UNAMA Rule of Law's survey established that JRCs maintain an inventory of items confiscated from newly-admitted juveniles.

Although not specifically required by the Havana Rules, three JRCs reported that juveniles were provided with copies of the inventory. Herat JRC reported that juveniles regularly had personal items confiscated by the prosecution office before arriving at the JRC and that the items were not delivered to the JRC. Conversely, Kabul JRC reported that any items confiscated by the police before the juvenile was admitted were delivered to the JRC.

Only four JRCs reported that juveniles were required to sign the inventory or affix their finger print if they were unable to sign. Having juveniles sign or affix their finger print to the inventory and providing the juveniles with a copy of the inventory are practices that merit consideration by other JRCs across the country.

B. Records and Confidential Files

The Havana Rules require that detention facilities keep a complete and confidential record for each juvenile containing information about: (i) their identity; (ii) reason for commitment; (iii) the day and hour of admission, transfer, and release; (iv) notifications to parents and guardians on every admission, transfer, and release; and (v) any physical and mental health problems, including drug and alcohol abuse.⁶¹

UNAMA Rule of Law's survey confirmed that all JRCs maintain records for their juveniles and maintain the confidentiality of these records through the use of locked offices, files, and sign-out procedures. Seven of the 31 JRCs reported that, although they recorded the date of juveniles' admission, transfer, and release, they did not record the exact hour at which these events took place.⁶²

The survey also noted variance in the number of JRCs that recorded details about physical and mental health problems, particularly regarding drug addiction and alcohol abuse, in the juveniles' records. Almost half of JRCs surveyed (45%) reported that they did not record these details in the juveniles' records. This failure to record was largely due to a lack of onsite specialists with the capacity to diagnose these medical and psychological problems.

Five JRCs from the Southern Region reported that, although these details were assessed, they were recorded in the medical file, not the registry book. This practice is most likely to maintain confidentiality of sensitive medical information and, therefore, represents a best practice that should be implemented at all JRCs.

C. Accommodation

The Havana Rules require that juveniles be provided with sleeping accommodation comprised of small group dormitories or individual bedrooms and clean bedding.⁶³ The Havana Rules do not provide minimum standards for the size of juveniles' accommodation and, instead, allow for consideration of local and national standards to assess compliance.⁶⁴ Size also is only one of several indicators the Rules use to assess juveniles' conditions of detention.⁶⁵

Although no universal standard exists for determining the minimum size of juveniles' accommodation, the Commentary on the European Rules for Juvenile Offenders (European Rules Commentary) provides helpful guidance. The European Rules Commentary recommends that a juvenile's accommodation should be no less than six square meters in a single accommodation or four square meters in a shared accommodation.⁶⁶ Like the Havana Rules, the European Rules Commentary prohibits the use of large dormitories because they do not respect juveniles' right to privacy, advises against sharing beds, and recommends either individual rooms and/or small group dormitories.⁶⁷ Where institutions are unable to re-organise their accommodation into smaller

living units, the European Rules Commentary recommends that juveniles be allowed breaks or “time out” from their accommodation.⁶⁸

Additional guidance on the minimum size of juveniles' accommodation can be found through comparison to standards established for adult prisoners. Taking into account local conditions and cultural considerations unique to Afghanistan, the International Committee of the Red Cross (ICRC) recommended that the minimum accommodation space for an adult prisoner in Afghanistan should be no less than 3.4 square meters.⁶⁹ Unlike the European Rules Commentary, the ICRC recommendation is not directly binding on juvenile detainees, but it nevertheless serves as a useful country-specific guideline for assessing JRCs' compliance with minimum detention standards.

1. Sleeping Accommodation

UNAMA Rule of Law's survey confirmed that all the JRCs surveyed accommodate juveniles in group dormitories holding between three and fifteen juveniles, as opposed to individual bedrooms.⁷⁰ The majority of JRCs reported that juveniles sleep in individual beds or bunk-beds. Some JRCs reported a shortage of beds,⁷¹ while others reported that juveniles only had mattresses on which to sleep.⁷² In the wake of the September 2015 attack, Kunduz JRC reported a lack of beds for juveniles. All JRCs, however, confirmed that juveniles were provided with bedding that was changed once a week. Additionally, in 21 JRCs, juveniles had room to store their personal effects, either in a cabinet, cupboard, or under their bed.

Although no universal standard exists for determining the minimum size of juveniles' accommodation, UNAMA Rule of Law calculated that over 50% of JRCs comply with both the ICRC's minimum recommended standard (3.4 square meters per adult prisoner) and the European Rules Commentary's minimum recommended standard (4 square meters per juvenile in shared accommodation). In total, 20 JRCs complied with the ICRC's minimum standard, and 15 complied with the European Rules Commentary's standard. In fact, the data demonstrates that several JRCs provided juveniles with a much larger average space than required by either of these standards. For example, Panjshir JRC's average space per juvenile was 36 square meters—although, at the time of the survey, Panjshir had only one juvenile detainee. Helmand JRC's average space was 17.8 square meters per juvenile; and Khost JRC's was 15.12 square meters per juvenile. With the exception of Panjshir, all these of JRCs were located in purpose-built Ministry of Justice buildings, as opposed to rented houses.

At the other end of the spectrum, 12 JRCs failed to comply with the ICRC's minimum standard, and 16 JRCs failed to comply with the European Rules Commentary's standard. For example, Kunar JRC only provided juveniles with an average space of 1.5 square meters per juvenile; Nangarhar JRC provided only 1.6 square meters per juvenile; Balkh (Mazar) JRC provided only 1.75 square meters per juvenile; and Takhar JRC provided only 1.8 square meters per juvenile.

Each of these facilities was significantly below the recommended minimum space requirements for juvenile accommodations. Notably, except for Nangarhar JRC, all of these JRCs were located in rented premises.

Overcrowding, however, was not a pervasive problem in the JRCs surveyed. Overcrowding was most prevalent in Kunar, Nangarhar, Balkh (Mazar), and Takhar JRCs. All of these JRCs were located in private rented houses, with the exception of Nangarhar where juveniles were residing in a section of a purpose-built facility which, at the time of the survey, had not been completed due to a lack of funding. At the same time, as already seen, other JRCs had excess capacity. Some JRCs, particularly those that were purpose built, accommodated far fewer juveniles than existing capacity allowed. For example, Khost JRC, which was purpose built with funding from the US Provincial Reconstruction Team to accommodate up to 35 juveniles, had only four juvenile detainees at the time of our survey. To relieve conditions of overcrowding at some JRCs, consideration should be given to transferring juveniles to underutilized facilities at least on a temporary basis so long as the transfers are in the juveniles' best interests and do not adversely impact the juveniles' other rights such as the right to family visits.

2. Windows

Although there is no minimum standard for the number or size of windows in juveniles' accommodation, the Havana Rules require that the accommodation meets juveniles' need for sensory stimuli as well as the requirements of health and human dignity.⁷³ Further guidance on the number of windows and amount of light necessary to meet these requirements is provided by the Mandela Rules and the ICRC.⁷⁴ The Mandela Rules require that windows are large enough to allow prisoners to read or work by natural light and to allow fresh air to enter.⁷⁵ The ICRC underscores that natural light is necessary to maintain prisoners' physical and mental health, and recommends that—for adult prisoners—the total size of windows and openings in a cell (or accommodation area) should be no less than 10% of the floor space. Windows also should be large enough to allow detainees to see part of the external environment.⁷⁶

UNAMA Rule of Law's survey confirmed that almost all the JRCs' (29 out of 31) accommodation provides juveniles with sufficient natural light by which they can read. Only Farah and Parwan JRCs reported that juveniles had insufficient light because the windows were too small and, in Parwan's case, the accommodation was located in the basement. However, as both these JRCs are located in rented houses, it likely would be impracticable to increase the size of the windows. Almost all JRCs (30 out of 31) confirmed that juveniles were able to open a window in their accommodation, although most windows were fitted with security grills. Where JRCs are located in private houses, consideration should be given to ensuring that the rooms selected for juveniles' dormitories are located aboveground and have big enough windows to allow sufficient natural light and air.

D. Sanitary Installations

The Havana Rules require that sanitary installations should enable every juvenile to comply with their physical needs in a private, clean, and decent manner.⁷⁷ Recommendations for improving sanitary facilities in European JRCs include separating the sanitary facilities from the part of the room where juveniles live and eat, ensuring that national law provides written standards of minimum floor space, cubic content of air, standards for lighting, heating and ventilation, and, where possible, allowing juveniles to have a daily bath or shower at a temperature suitable to the climate.⁷⁸

UNAMA Rule of Law's survey confirmed that all JRCs provide juveniles with sanitary facilities that are regularly cleaned either daily or weekly. There was, however, wide variance in the number of sanitary facilities available in the different JRCs. This ranged from only one sanitary facility, as reported by two JRCs, to as many as 20 sanitary facilities in Kabul JRC. This variance reflects different physical structures and space constraints at the JRCs but, overall, demonstrates compliance with the Havana Rules' minimum requirements.

Five JRCs (four of which were in rented houses) reported that they were unable to accommodate female juveniles because the facilities lacked sufficient space to provide, among other things, separate sanitary installations for female juveniles.⁷⁹ As a consequence, in some of these instances female juveniles were transferred to JRCs in other provinces located in the same region or to a nearby female prison or shelter.⁸⁰ Although this appears to have been done only on an exceptional basis, this practice nevertheless raises substantial concerns for three reasons. First, it puts some female juveniles at a disadvantage by distancing them from family members in violation of recommended standards.⁸¹ Second, in other cases, it puts female juveniles into detention in a prison environment, which is contrary to the fundamental goals of rehabilitation, reintegration, and overall wellbeing.⁸² Third, it puts female juveniles into shared accommodation with adult females in prisons or shelters, which likewise violates one of the primary protections afforded by both national and international laws—namely, separation of juvenile offenders from adults.⁸³ To address these concerns, consideration should be given to ensuring that all JRCs are equipped with at least two sanitary facilities so that all JRCs are able to accommodate both male and female juveniles. The exceptional practice of transferring some female juveniles to other facilities because of a lack of suitable accommodation, including separate sanitary facilities, in the responsible JRCs should be discontinued.

E. Transportation

Where juveniles need to be transported to or from a facility, the Havana Rules require the government to cover the cost of transportation.⁸⁴ UNAMA Rule of Law's survey confirmed that the majority of JRCs (25 out of 31) provided juveniles with free transportation to places such as the local court and hospital. Five JRCs reported that they did not arrange transportation for juveniles at the government's expense. In some cases, the JRCs reported that their vehicles were

unfit for long-distance travel and, therefore, the juveniles had to arrange and pay the cost of their own transport.⁸⁵ The Khost JRC, for instance, reported that its vehicle had been broken for the past four months. Therefore, the juveniles or their families had to arrange and pay the cost of their transportation. Where similar problems arise, consideration should be given to making arrangements with local police, prosecutors, or public hospitals to ensure that juveniles or their families do not bear the expense associated with transporting juveniles to necessary court appearances or medical appointments.

F. Clothing

The Havana Rules require that juveniles have clothing that is suitable for the climate and, where possible, should be allowed to wear their own clothing.⁸⁶ The United Nations Office on Drugs and Crime (UNODC), recommends that where juveniles are allowed to leave the detention facility they should not be identified and stigmatized as a detainee. Therefore, detention facilities should provide adequate clothing and refrain from carrying out acts, such as branding, tattooing, or head-shaving, that could identify juveniles as detainees.⁸⁷

UNAMA Rule of Law's survey confirmed that all JRCs allow juveniles to wear their own clothing. However, in some cases juveniles were required to wear a specific uniform when they were taken to court or attending educational classes. In Parwan and Ghazni JRCs, for example, juveniles were required to wear a uniform between 08:00 and 16:00 hours, regardless of whether they were inside or outside the JRC. This requirement should be reviewed to ensure compliance with the Havana Rules' minimum standards. In this regard, consideration should be given to expanding an innovative program utilized by Uruzgan JRC whereby juveniles were able to design and make their own clothes. Juveniles at this JRC receive instruction on tailoring that allowed them to not only develop new vocational skills but also to make clothing suitable to their individual preferences.

All JRCs affirmed that the juveniles' clothing was suitable for the climate. Seven JRCs reported that the Corrections System Support Program (CSSP) provided juveniles with clothes suitable to the winter climate—such as socks, jackets, gloves, and hats—as part of their “winterization” program. Other JRCs obtained similar assistance from the ICRC to ensure the juveniles had clothing suitable for winter.

G. Food and Water

The Havana Rules require that juveniles must be provided with food that is suitably prepared, presented at normal meal times, and of a quality and quantity to satisfy dietetics, hygiene, and health standards. Juveniles also must have ready access to clean drinking water.⁸⁸ The ICRC further advises that the supply of water and food should reflect each juvenile's individual needs, given levels of activity and different stages of physical development.⁸⁹

UNAMA Rule of Law's survey confirmed that all JRCs surveyed provided juveniles with three meals a day, regularly available water, and maintained clean food preparation areas. Meals consist of a varied diet of milk, bread, rice, meat—generally twice or three times a week—vegetables, and various seasonal fruits. The JRCs' budget for providing these meals amounts to approximately AFS 90 (equivalent to USD 1.3) per day for each juvenile. Additionally, all JRCs reported adequate access to water. Five JRCs obtained water from a well, while the Herat JRC specified that its water came from the city water supply.

H. Fire Safety

To ensure juveniles' safety, the Havana Rules require that there should be an effective alarm system in case of a fire and fire drills to help ensure readiness.⁹⁰ The ICRC further recommend that fire-fighting equipment should be installed in detention facilities and staff should receive training on the equipment's use.⁹¹ Afghanistan's JRC Regulation likewise requires JRCs to take necessary measures to prevent fires with the assistance of the Disasters Police of the Ministry of Interior.⁹²

Very few JRCs satisfied these fire safety standards. Out of all the JRCs surveyed, only Khost JRC had a fire alarm. Nangarhar JRC had only smoke detectors. Although half of all the JRCs were equipped with a fire extinguisher, none of the JRCs had any marked emergency exits in case of a fire. Furthermore, none of the JRCs, apart from four located in the Southern Region, reported having a regular fire drill. These substantial gaps in fire safety standards should be remedied by installing fire alarms, smoke detectors, fire extinguishers, and clearly marked exits in all JRCs. Additionally, the Southern Region's practice of conducting regular fire drills should be implemented at all JRCs. All of these efforts should be supported by the Ministry of Interior's Disasters Police as the JRC Regulation anticipates.

I. Education

The Havana Rules require that every juvenile of compulsory school age has the right to education.⁹³ Where possible education should be provided at community schools outside of the detention facility.⁹⁴ However, where education is provided within the facility, diplomas or educational certificates should not indicate, in any way, the juvenile's status as a detainee.⁹⁵ The Rules further require that every facility must provide juveniles with access to a library that is adequately stocked with instructional and recreational books.⁹⁶

UNAMA Rule of Law's survey confirmed that all JRCs provide juveniles with access to education. However, contrary to the Havana Rules' recommendation, none of the JRCs allowed juveniles to attend community schools outside the detention facility. Instead, JRCs provided education onsite through teachers supplied by either the Ministry of Education or the Ministry of Pilgrimage and Hajj. Southern Region JRCs that had between 4 and 12 juveniles received two teachers, one from the Ministry of Education and another from the Ministry of Pilgrimage and Hajj. Ghazni JRC,

which had 21 juveniles, received four teachers, three from the Ministry of Education and one from the Ministry of Pilgrimage and Hajj. At the time of the survey, Kunduz JRC raised particular concerns regarding the lack of coordination and assistance from the local Ministry of Education, which had not provided the JRC with any books or teachers. However, at the time of writing, Kunduz JRC confirmed that—following meetings between UNAMA Rule of Law and the Ministry of Education—the JRC received books, two literacy teachers, and a commitment from the Ministry of Education to provide a third teacher.



The majority of the JRCs surveyed provided juveniles with access to between 50 and 2000 instructional and recreational books. Where there was no space for a designated library, books were kept on shelves accessible to the juveniles. Nimroz JRC was the only exception; it reported that books provided by CSSP were locked in a store room due to a lack of space. While not all JRCs, particularly those like Nimroz JRC that are located in rented houses, may have space for a separate library, consideration should always be given to storing all books in a place, such as common rooms, that remain accessible to juveniles.

The Havana Rules require that where juveniles receive education inside the JRC their detainee status should not be indicated on their educational certificate. But, the majority of the JRCs—apart from Kabul JRC which is “annexed” to the government school—reported that they could not provide any such education certificate or degree. In general, JRCs issue a confirmation letter, certifying that the juvenile attended classes so that the juvenile can obtain credit for their completed classes upon release. This letter is also used to introduce juveniles to education departments to enable them to continue their education outside the JRC. Consideration should be given to establishing a more formal system to ensure that confirmation letters issued by JRCs are credited by the Ministry of Education and academic institutions. A memorandum of understanding or other arrangement with the Ministry of Education, for instance, could serve this purpose and ensure that juveniles receive credit for all educational programs undertaken inside the JRCs.

J. Vocational Training and Remunerated Employment

The Havana Rules provide that every juvenile has the right to receive vocational training and, where possible, should be allowed to perform equitably-remunerated labour.⁹⁷ The Rules also protect juveniles from performing forced labour by requiring that national laws and international standards applicable to child labour explicitly apply to juveniles in detention.⁹⁸ It is, therefore, important that any work undertaken by juveniles complies with the international standards set out in the Convention on the Rights of the Child⁹⁹ and the International Labour Organization Convention on the Worst Forms of Child Labour.¹⁰⁰

UNAMA Rule of Law's survey confirmed that 29 of the 31 JRCs surveyed provide juveniles with access to some form of vocational training, of which tailoring and embroidery were the most common. Herat JRC provided the widest range of training programs, including English, computers, mobile phone repair, carpentry, and basic literacy. Kabul JRC also provided a range of vocational programs such as arts, computer, carpentry, carpet weaving, and metal work classes, as well as English classes. Kunduz JRC offered carpentry and tailoring classes for male detainees but did not extend the same opportunities to female detainees. This disparate treatment in terms of vocational opportunities should be remedied by extending the same opportunities to all juveniles.

None of the JRCs surveyed reported any incidences of forced labour. However, contrary to the Havana Rule's recommendation, only two JRCs reported that juveniles had the opportunity to perform equitably-remunerated labour. Uruzgan and Kandahar JRCs provided juveniles with handicraft classes where they could make souvenir items for sale. In Uruzgan JRC, the juvenile earned 40% of the proceeds from these sales; the remaining 60% was turned over to the government. Projects like this should be replicated in other JRCs to better enable juveniles to both learn a trade and receive remuneration for their work.



K. Recreation

The Havana Rules require that every juvenile should be allowed a “suitable amount of time” and adequate space for daily exercise, during which appropriate recreational and physical training should normally be provided.¹⁰¹ The Rules further require that every juvenile should be allowed additional time for daily leisure activities such as arts and crafts skills development.¹⁰² However, the Havana Rules do not define what constitutes a “suitable amount of time” for juveniles to participate in exercise and recreational activity and there is no universal standard.

Recommendations accompanying the European juvenile detention rules advise that juveniles should be allowed to exercise for at least two hours every day, of which at least one hour should be in the open air if the weather permits.¹⁰³

UNAMA Rule of Law's survey confirmed that all JRCs provide juveniles with free time for recreational activity. However, nearly half of the JRCs (15 out of 31) reported that they lacked sufficient space for recreational activities. Thirteen of these JRCs operated out of rented space. Additionally, the types of recreational activities available varied considerably and there were generally few options for juveniles to exercise in the open air. In two JRCs (operated out of rented facilities), female juveniles had no access to outdoor playgrounds, although their male counterparts had access to limited outdoor space consisting of a small courtyard or volleyball area.¹⁰⁴ In nine of the 31 JRCs (mostly operated out of rented facilities), the only recreational activity provided was a television. And, in some of these JRCs, the television was vandalized by juveniles convicted of security-related offenses in reaction to the offensive or immoral content of the broadcasts.¹⁰⁵ Other JRCs provided additional recreational activities such as board games like karambol and chess, volleyball, and listening to the radio. Kabul JRC had the best range of recreational activities including access to a small gym, volleyball ground with organized matches, films, karambol, and chess sets.

Consideration should be given to increasing the range of recreational activities available to juveniles in all JRCs, particularly activities allowing exercise in the open air. Even when space is limited, televisions alone are not sufficient to meet the Havana Rules' minimum standards. Nor should opportunities for recreational activities be restricted to only male juveniles. When space is limited and social norms preclude intermingling, JRCs should prepare schedules to permit female juveniles equal access to the same recreational activities as their male counterparts.



L. Religious Instruction

The Havana Rules require that every juvenile be allowed to satisfy the needs of his or her religious and spiritual life by, for example, attending services or meetings and receiving religious instruction.¹⁰⁶ Where there is a sufficient number of juveniles of a given religion, the Rules require that qualified representatives be allowed to hold regular services and visit juveniles at their request.¹⁰⁷ UNODC's guidance also advises that detention facilities should provide a prayer room for children so they can exercise their religious beliefs.¹⁰⁸

UNAMA Rule of Law's survey confirmed that 25 out of the 31 JRCs surveyed allowed religious representatives to visit the juveniles. The representatives were generally from the Ministry of Pilgrimage and Hajj, and their visits to the JRCs ranged from once-a-day to once-a-week. Nangarhar JRC allowed religious representatives to visit but reported that no religious

representative had visited the JRC for years, suggesting that better outreach is required between the JRC and the Ministry of Pilgrimage and Hajj to restore a cycle of regular visits.

The six remaining JRCs did not allow religious representatives to visit. Three of these JRCs located in the Southern Region reported that they only permitted visits from the governor, his deputy, the head of the local Ministry of Justice, defence lawyers, monitoring prosecutors, and representatives of the AIHRC.¹⁰⁹ To allow juveniles to satisfy the needs of their religious and spiritual life, consideration should be given to revising the policies in these six JRCs to allow regular visits from qualified religious representatives as was done in the majority of JRCs surveyed.

All juveniles had access to religious instruction as part of their regular education program. These classes were conducted by a religious instructor from the Ministry of Pilgrimage and Hajj on a daily or weekly basis. In Kandahar, however, a Ministry of Justice-funded religious instruction program was only provided to juveniles convicted of security-related crimes to assist with their rehabilitation and prevent recidivism. Where possible, JRCs should ensure that all juveniles, irrespective of the crime committed, are able to attend religious instruction classes as part of their regular education program.

A recent site visit to Herat JRC raised concerns about the qualifications of some religious instructors. Juveniles, including those charged with crimes against security, were involved in providing religious instruction to other juveniles, especially those who were illiterate. Although this instruction was provided in the presence of experienced staff members, this sort of informal religious instruction is not what the Havana Rules anticipate. Rather, the Rules require that religious instruction be provided by qualified religious representatives or scholars versed in the religion being taught. Also, given that some of the juvenile instructors were themselves charged with security-related offences, a risk of radicalization detrimental to the rehabilitation of juveniles also exists. Accordingly, consideration should be given to requiring that only qualified representatives or scholars provide religious instruction to juveniles.

M. Medical Care

The Havana Rules set out detailed requirements for juveniles' access to health care. All JRCs are obliged to protect the health and well-being of juveniles in their custody.¹¹⁰ In particular, the Havana Rules require that every juvenile shall receive adequate medical and mental health care, including access to dental, ophthalmological, and drug abuse prevention and rehabilitation services, as well as necessary pharmaceutical treatments.¹¹¹ The Havana Rules further require that detention facilities should provide immediate access to adequate medical facilities and have equipment suitable for the number and requirements of its juveniles, as well as staff trained in preventive health care and medical emergencies.¹¹² Where possible, juveniles should be provided

with medical care from health facilities and services located in the same community as the detention facility.¹¹³

UNAMA Rule of Law's survey revealed gaps in the JRCs' ability to ensure that juveniles receive adequate medical health care.¹¹⁴ These gaps appear to be due to a lack of resources, funding, and sometimes support from the Ministry of Public Health. Approximately 70% of JRCs did not have onsite medical facilities. Of the 30% of JRCs that did have onsite medical facilities, Kabul and Parwan JRCs had facilities with one or more beds where common diseases could be treated, while Laghman and Nangarhar JRCs reported that their medical facilities lacked sufficient medicine or beds. Although some JRCs had a designated room for the provision of onsite medical services, in reality, they had no beds, medicines, or medical staff available for the treatment of patients.¹¹⁵

Approximately half of the JRCs had one or more staff member onsite who was medically trained, for example, a doctor, nurse, or paramedic. These medical personnel were employed by the JRC, Ministry of Justice, Ministry of Public Health, or NGOs. Nangarhar, Helmand, and Herat were the best staffed JRCs: Nangarhar JRC had two onsite doctors, a nurse, pharmacist, laboratory technician and health worker; Helmand JRC had an onsite doctor, paramedic, two nurses and a pharmacist; and Herat JRC had an onsite doctor's assistant and two psychologists from the NGO "Afghanistan's Children-A New Approach". One obstacle to recruiting qualified medical staff for JRCs appears to be the low salaries offered by the Ministry of Public Health. Paktya JRC reported that, although it had advertised for a full time nurse, the salary (AFS 7000/USD 115 per month) was too low to attract any applicants.

A Protocol between the Ministry of Justice and the Ministry of Public Health, a copy of which is contained at Annex D, requires that "with effect from 1 April 2009, the [Ministry of Public Health] will be responsible for providing Primary Health Services . . . to juvenile detainees held in provincial juvenile detention centers."¹¹⁶ Several JRCs reported that medical assistance was provided pursuant to the obligations imposed by this Protocol



In reality, however, implementation of the Protocol was not uniform in all parts of Afghanistan. UNAMA Rule of Law's survey revealed that JRCs without onsite medical support were largely reliant on visiting medical personnel from the Ministry of Public Health to meet the needs of juvenile detainees. Nine JRCs reported that the Ministry of Public Health only sent medical personnel to JRCs with varying frequency, ranging from an *ad hoc* basis to once or twice weekly, or, in the case of Ghazni JRC, three or four days per week. While some JRCs, like Paktya JRC, reported a good working relationship with the Ministry of Public Health and the city hospital, other JRCs raised concerns about the level of collaboration with local health departments or, in the case of Khost JRC, the absence of any visiting medical personnel, despite requests to the Ministry of

Public Health.¹¹⁷ Juveniles in some JRCs also were required to pay for their medication or purchase it from the local bazar, rather than having it provided for free as the Havana Rules require. All of this demonstrates a greater need for broader implementation of the Protocol, particularly in terms of building stronger coordination between the JRCs and local public health providers.

This need is all the more acute, given that most JRCs did not have the capacity to provide onsite specialist medical care such as psychiatric, dental, or emergency services. UNAMA Rule of Law's survey revealed that juveniles requiring psychiatric care, including drug detoxification and rehabilitation services, generally only received these services from local public hospitals. Exceptions to this general rule are few: Herat JRC provided specialist onsite care for juveniles requiring psychiatric services; Kabul JRC had a full time psychologist employed by the Ministry of Justice; and Kandahar and Helmand JRCs arranged visiting psychiatrists to provide these services to juveniles.¹¹⁸ Similarly, 85% of JRCs reported that dental services were only available to juveniles through referrals to the local public hospital. Only Kandahar and Helmand JRCs reported regular monthly visits from a local dentist to the JRC. All JRCs reported that when juveniles required serious or emergency medical care, they would be taken to the local public hospital—although, as noted in Section E, juveniles sometimes had to pay the cost of transportation to the hospital.

Overall, UNAMA Rule of Law's survey revealed that JRCs required better onsite medical facilities and specialty services, as well as access to medical supplies. Effective delivery of medical care to juveniles in detention would benefit from enhanced coordination between the Ministry of Justice and Ministry of Public Health, and more consistent implementation of the Protocol obligating the Ministry of Public Health to provide medical services to juvenile detainees.

N. Notification of Illness, Injury, and Death

The Havana Rules require that the juvenile's family or guardian are notified of their child's state of health whenever requested, and that the JRC inform them of any important change to their child's health.¹¹⁹ According to UNAMA Rule of Law's survey, all JRCs affirmed that they notify the juveniles' families or guardians of any requests or changes in juveniles' health. Twelve JRCs, however, reported that they only notified juveniles' families when their child was admitted to a hospital. The practice followed in these JRCs should be evaluated and, if necessary, modified to reflect the majority practice of providing notification whenever requested and in relation to any significant change in juveniles' health, not just admission to a hospital.

O. Contacts with the Wider Community

The Havana Rules require that every means should be provided to ensure that juveniles have adequate communication with the outside world.¹²⁰

1. Communication

In particular, juveniles must be allowed to communicate with their friends, families, or person of their choice in writing or by telephone at least twice a week.¹²¹ The Havana Rules provide that children should be “assisted as necessary” to enjoy this right.¹²² The UNODC Model Law interprets this requirement to mean providing juveniles with access to phones, writing materials, and free postage, and allowing them to have a certain number of free phone calls.¹²³ Additionally, the Havana Rules require that juveniles be provided with access to newspapers, periodicals, radio, and television.¹²⁴

UNAMA Rule of Law's survey confirmed that all JRCs allowed juveniles to communicate with their families through phone calls, letters, and visits. The number of phone calls allowed varied from once or twice a week to unlimited calls. Where the number of phone calls was unlimited juveniles often had to pay AFA 5 (equivalent to USD 0.075) per minute. Letters were a less popular means of communication due to the high levels of illiteracy. However, where juveniles used letters to communicate with friends and family, three JRCs reported that the letters had to be read by a duty officer before being sent.¹²⁵

Almost all JRCs reported that juveniles have access to televisions, newspapers, or radio. Of the three means, television was most commonly used for providing juveniles with access to the outside world. Nimroz and Helmand JRCs, in fact, provided juveniles with televisions in every room. Only two JRCs reported that they were unable to provide television access because of a lack of electricity and vandalism perpetrated by juveniles that damaged the television.¹²⁶

2. Visits

The Havana Rules also require that juveniles be allowed to leave the detention facility to visit their family, and receive regular and frequent visits at the JRC from their family and defence counsel.¹²⁷ These visits should take place not less than once a month and, in principle, once a week.¹²⁸ To facilitate visits, the Committee on the Rights of the Child recommends that juveniles should be placed in facilities that are as close as possible to their families' place of residence.¹²⁹

UNAMA Rule of Law's survey confirmed that all JRCs ensure that juveniles have regular contact with their family through family visits. Generally, juveniles were allowed visits from family members once a week, with Kandahar allowing twice weekly visits.

The majority of JRCs (24 out of 31) did not limit the number of family members allowed to visit juveniles. Laghman, Kunar, and Nangarhar JRCs had the most flexible visitation policies, allowing an unlimited number of family and friends to visit detained juveniles. Parwan, Panjshir, and Logar JRCs, on the other hand, restricted the number of JRC visitors to between three and four family members per visit, while Paktya JRC restricted the number of JCR visitors to no more than three. So long as visits are allowed on a regular basis, each JRC should retain their usual discretion to establish internal rules and policies aimed at maintaining security and control of facilities,

including, if deemed necessary to meet local conditions, restricting the number of outside visitors each juvenile is allowed to receive at one time.

P. Limitation of Physical Restraint and Use of Force

The Havana Rules prohibit instruments of restraint and the use of force as disciplinary measures, apart from in exceptional cases. Even in exceptional cases, the use of force or instruments of restraint must be ordered by the facility's director, used only as authorized by law and regulation, and implemented only when all other control methods have been exhausted and failed.¹³⁰ The Committee on the Rights of the Child explains that "restraint or force can be used only when the child poses an imminent threat of injury to him or herself or others..."¹³¹ The Committee further advises that the use of restraint or force should be under close and direct control of a medical or psychological professional.¹³²

The Afghan Juvenile Rehabilitation Department has developed standard operating procedures governing the use of force or instruments of restraint. These standard operating procedures provide that the use of force by JRC staff is permissible only: (a) in self-defense or defending others; (b) to avoid or stop disturbance; (c) to prevent damage to property and assets; (d) prevent escape; and (e) maintain order and security. In these circumstances, JRC staff may temporarily restrain or handcuff the juvenile provided they obtain approval from the JRC director and Ministry of Justice within 24 hours.¹³³ These provisions are generally consistent with international standards.

UNAMA Rule of Law's survey revealed no instances where instruments of restraint were used in violation of these standards. The survey confirmed that 67% of JRCs surveyed had not used any form of physical restraint or force in the past two years. The remaining 33% of JRCs reported using limited force in exceptional circumstances, for example, to prevent a juvenile from escaping, self-harming by committing suicide,¹³⁴ or, more commonly, to break up fights and arguments among the juveniles.¹³⁵ Given the threat of injury to the juvenile and others, the use of force or instruments of restraint in these circumstances may meet the exceptional cases exception and comply with existing standard operating procedures,¹³⁶ provided it is ordered by the facility's director and used as a last resort under supervision of a medical or psychiatric professional.

To better ensure the safety of juveniles, consideration should be given to amending the standard operating procedures to specifically require that juveniles subjected to the use of force or instruments of restraint be promptly referred to a qualified medical provider for examination to detect any resulting physical or mental injury. Additionally, all JRC staff should receive training on the standard operating procedures, as well as the proper means for applying the use of force or instruments of restraint in exceptional circumstances.

The Havana Rules also prohibit personnel from carrying and using weapons in the detention facility.¹³⁷ The United Nations International Children's Emergency Fund (UNICEF) advises that

national legislation should explicitly prohibit personnel from carrying and using weapons in any facility where juveniles are detained.¹³⁸

Consistent with these standards, the Juvenile Rehabilitation Department issued a standard operating procedure prohibiting the presence of weapons inside JRCs.¹³⁹ UNAMA Rule of Law's survey confirmed that all JRCs generally complied with this directive by prohibiting their personnel from carrying weapons within JRCs. However, some JRCs reported that security guards who did not come into contact with juveniles were permitted to carry weapons while patrolling areas outside the JRC facility. In the Southern Region, for instance, police guards were permitted to carry weapons provided they did not come within 50 meters of the juveniles' rooms. Additionally, JRCs in the Central Region reported that weapons could only be carried by staff while transferring juveniles to court or prosecution offices.¹⁴⁰ This practice is inconsistent with standard operating procedures relating to juvenile transport that expressly state that, although JRC staff may carry weapons to ensure security during transport, the armed staff member shall not be close to the juvenile but shall ride, for instance, in an escort vehicle.¹⁴¹

The variety of practices in an area critical to juvenile safety strongly suggests that clearer guidance should be provided relating to the possession of weapons within JRCs or in the vicinity of juveniles. Clearer rules and procedures should be established so police and others guarding JRCs understand the restrictions placed on the presence of weapons within JRCs. Similar restrictions should, of course, be imposed on all persons visiting JRCs as the standard operating procedures require. Consideration also should be given to posting signs prohibiting the carrying of weapons at the entrance to all JRC facilities.

Q. Disciplinary Procedures

The Havana Rules require that disciplinary measures should be tailored to maintain the interests of safety and an ordered community life.¹⁴² To this end, disciplinary measures should be consistent with upholding juveniles' inherent dignity and instilling a sense of justice, self-respect, and respect for every person's basic rights.¹⁴³ The Rules strictly prohibit all disciplinary measures constituting cruel, inhuman, or degrading treatment, including placement in a dark cell, solitary confinement, physical beating, reduced diets, restriction or denial of family contact, and increased labour.¹⁴⁴ UNODC also recommends that family visits and contact should not be withheld or granted as a measure of discipline or encouragement.¹⁴⁵

UNAMA Rule of Law's survey confirmed that none of the JRCs surveyed placed juveniles on reduced diets or used physical beatings as a disciplinary measure. However, almost half (45%) of the JRCs surveyed used the withholding of family visits and contact as a disciplinary measure. This practice is permitted under article 31(1) of the JRC Law. It is also permitted under article 31(2) of the JRC Regulation for up to 15 days, so long as it is approved by the Director General of Juvenile Rehabilitation and the Minister of Justice. Although the need for approval provides some

measure of safeguard, it nevertheless conflicts with the Havana Rules' minimum standards and UNODC's recommended best practices. Consideration should be given to amending Afghanistan's JRC Law and JRC Regulation to bring them into compliance with the Havana Rules' requirements. At a minimum, the Ministry of Justice should undertake a review of the widespread use of this disciplinary measure and develop recommendations to ensure that its continued use is consistent with the overall purpose and scope of national laws, including the Juvenile Code which broadly requires the government to act with the juvenile's best interests firmly in mind.¹⁴⁶

Additional concern arises from reports that a small number of JRCs continue to use solitary confinement, albeit for a limited period, as a disciplinary measure. After three violations of the JRC's rules, Nimroz JRC reported that it would place a juvenile in solitary confinement in an isolated room, but not a dark cell. Herat JRC similarly reported that juveniles would be placed in a single room usually for between one and three hours as a form of discipline. Uruzgan JRC reported that after the fourth violation of its rules, a juvenile would be placed in a separate room, though not a cell. This practice is permitted in specific circumstances by article 28 of the JRC Law, which provides that juveniles may be kept in a separate location if they are disruptive or riot, and article 31(2) of the JRC Regulation, which provides that a juvenile may be kept in an isolation room for 24 hours for up to 15 days as a disciplinary measure after consultation from a doctor and approval from the Director General of Juvenile Rehabilitation and the Minister of Justice.

These provisions of national law conflict with the Havana Rules' minimum standards that prohibit the use of solitary confinement as a disciplinary measure. To fully comply with the Havana Rules, consideration should be given to eliminating the practice of using solitary confinement as a form of discipline in all JRCs, and amending Afghanistan's JRC Law and Regulation to bring them into conformity with the Havana Rules.

R. Inspection and Complaints

The Havana Rules recommend that qualified independent inspectors or the equivalent, including qualified medical officers be allowed to conduct inspections on a regular basis.¹⁴⁷ After completing inspections, inspectors should prepare and submit reports on their findings.¹⁴⁸ The Committee on the Rights of the Child advises that inspectors be allowed to undertake unannounced inspections on their own initiative and hold conversations with juveniles in a confidential setting.¹⁴⁹ UNODC also recommends that detention facilities grant access to the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the ICRC, and the Committee against Torture monitoring implementation of the Convention against Torture.¹⁵⁰

UNAMA Rule of Law's survey confirmed that inspections are conducted at all surveyed JRCs. However, there was variance between the frequency of the inspections and the inspecting body

across the various JRCs. The most common inspecting bodies included AIHRC, the Attorney General's Office, representatives from the local judiciary, Ministry of Justice, UNAMA Human Rights and Rule of Law units, and local officials such as the Governor and Deputy Governor. The frequency of the visits ranged from once every two weeks to six months, with the majority of inspections occurring on a monthly basis.

Consideration should be given to replacing the existing inspection system, which is largely *ad hoc*, with a more standardized and regularized inspection system. Standard forms should be developed to assess compliance with the requirements of Afghan law and the Havana Rules' minimum standards. One independent and neutral authority should be given the primary responsibility for undertaking these inspections on a regular basis and preparing comprehensive reports with recommendations for improving any areas found deficient. Follow-up on implementation of these recommendations should be standard practice in any subsequent inspection.

Another shortcoming observed in relation to the existing inspection system was that reports containing the findings of inspections were not always produced and most reports were not shared with the public. According to UNAMA Rule of Law's survey, only 80% of JRCs confirmed that reports of inspections were produced. Only four JRCs recorded the inspection report in the JRCs' registry book.¹⁵¹ Only one JRC, Zabul JRC, posted notification of inspection visits on its social media pages. Without access to the inspection report, however, this practice is not alone effective. Nor is the practice observed at Parwan JRC, which reported that its inspection reports were only for the internal use of the prosecution office and court. To promote greater public awareness and support for the work of JRCs, consideration should be given, when no confidentiality concerns are raised, to requiring inspecting bodies to share inspection reports with the respective JRCs and to publicly disseminate the results of those reports whenever possible.

The Havana Rules also require that juveniles have the ability to submit complaints to the JRCs' directors and their authorized representatives.¹⁵² However, as explained by the Committee on the Rights of the Child, for juveniles to exercise their right to make complaints effectively, they need to be aware of their rights and the complaints procedure.¹⁵³ As noted in Section A(2), all JRCs have a system for advising juveniles of their rights.

All JRCs surveyed also allowed juveniles to submit complaints to the JRC administration and other monitoring bodies. Some JRCs reported using complaint boxes to enable juveniles to submit complaints. In particular, Uruzgan JRC reported that the AIHCR installed a locked complaint box that could be opened only by the AIHCR. Several JRCs also reported that juveniles could make complaints during inspections by external bodies or to their defence attorneys during visits. Although a system for submitting complaints exists,¹⁵⁴ UNAMA Rule of Law's survey was unable to confirm how many complaints were submitted or redressed by JRC administrators or monitoring bodies. Further evaluation should be undertaken to ensure the effectiveness of the JRCs' existing complaint mechanisms.

S. Return to the Community

The Havana Rules require that juveniles should receive assistance from the competent authorities to help them return to society, family life, education, or employment after release.¹⁵⁵ To the extent possible, juveniles should be provided with suitable residence, employment, clothing, and sufficient means to maintain themselves upon release to facilitate their successful reintegration into society.¹⁵⁶

One noticeable gap in Afghanistan's existing JRC system was the relative scarcity of assistance aimed at helping juveniles reintegrate into society upon release. Upon release, only one JRC reported that it could assist juveniles without family support to find suitable shelter.¹⁵⁷ No JRCs provided juveniles with clothing, and only two JRCs assisted juveniles with finding employment.¹⁵⁸ Kabul JRC had a vocational training program to provide juveniles with skills to use upon release. Herat JRC liaised with NGOs, such as Warchild, CSSP, and Justice System Support Program (JSSP), to provide juveniles with "start-up working tools" to help them find employment upon release. Programs like these are crucial to ensuring that juveniles effectively re-integrate into the community. Therefore, consideration should be given to enhancing JRCs' relationships with NGOs and other stakeholders so that the type of assistance provided by Herat JRC can be provided to all juveniles released from JRCs. Additionally, consideration should be given to expanding services provided by the Ministry of Labour, Social Affairs, Martyrs, and Disabled, which has been directed to assist juveniles who lack family support with finding suitable shelter when the juveniles are released following a pardon or commutation of sentence.¹⁵⁹

Another gap identified by UNAMA Rule of Law's survey is the lack of follow-up conducted by JRCs once the juveniles are released. Only 33% of JRCs reported any form of follow-up after a juvenile was released, and this was normally conducted by a social worker or legal service officer, although NGOs sometimes did this on an exceptional basis. Consideration should be given to making follow-up with released juveniles an integral part of all JRCs' internal operating procedures to ensure that effective follow-up is routinely conducted for all released juveniles.

T. Personnel

The Havana Rules require that personnel should be qualified, normally employed on a permanent basis, and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists, and psychologists.¹⁶⁰ The Rules also require that staff receive training to assist them in effectively carrying out their responsibilities and that directors of detention facilities are adequately qualified.¹⁶¹

UNAMA Rule of Law's survey confirmed that all JRCs employ administrative and educational personnel on a full time basis, and that most (24 JRCs) employ a vocational instructor. Although all JRCs reported that they employ security personnel, these were provided by the Central Prisons Directorate of the Ministry of Interior. One area of concern was the small number and, in some

cases, complete absence of specialists such as counsellors, social workers, and psychiatrists employed onsite in JRCs. For example, only three JRCs had a psychiatrist or psychologist as part of their personnel, and only 13 JRCs had one or more counsellors. Based on these results, consideration should be given to ensuring that each JRC receives the requisite funding and support from government agencies or NGOs to employ a minimum of one onsite counsellor or psychiatrist.

The survey also revealed a consistently lower number of female staff members than male staff members: approximately 84% of all JRC staff were male while only 16 % were female. Consideration, therefore, should be given to achieving greater gender balance amongst JRCs' employees by prioritizing the employment of female staff and taking measures to encourage more qualified females to apply for positions.

UNAMA Rule of Law's survey confirmed that around 75% of JRC staff received some form of professional training, including in case management practices; computer or management skills; specialized communication techniques for dealing with juveniles; social work; and legal training on principles of criminal law, child's rights, and rehabilitation. Several JRCs reported that these training opportunities were by international agencies such as International Development Law Organization, CSSP, JSSP, and UNICEF. With many international donors reducing funding for training and capacity-building programs, consideration should be given to sharing the skills learned at these training programs with other JRC staff. JRCs also should develop their own training programs in collaboration with international and national actors.

With regard to the qualifications of JRC directors, UNAMA Rule of Law's survey confirmed that most satisfied the Havana Rules' minimum requirements. All but three JRC directors had academic qualifications ranging from 12-14th grade qualifications to bachelor's of law, Sharia law, education, literature, and pedagogy. In fact, directors of approximately half of the JRCs surveyed held bachelor-level degrees. However, a small number of JRCs reported that their directors had no prior administrative or management experience before becoming a JRC director. To ensure that JRC directors have the management and administrative skills required to operate a JRC, consideration should be given to requiring previous and relevant management or administrative experience as a condition for employment.

IV. Overall Assessment and Recommendations

A. Areas Where Progress Achieved

Overall, UNAMA Rule of Law's assessment demonstrated progress in meeting recommended minimum standards for juveniles deprived of their liberty. Progress was particularly evident in relation to compliance with administrative procedures, accommodation and other basic needs, and qualifications of JRC staff and management.

1. Administrative Procedures

UNAMA Rule of Law's survey confirmed that all JRCs surveyed only admit juveniles where there is a valid commitment order from a judicial authority. As part of the intake process, all JRCs interviewed new detainees on or within two days of their admission. All JRCs maintained a register where the admission of new juveniles and the details of the commitment order are recorded, as well as confidential files for each juvenile's records in detention, including an inventory of any personal belongings confiscated from the juvenile upon arrest or admission.

Additionally, all JRCs conveyed information about JRC rules, regulations, and rights to newly-admitted juveniles, and had viable complaints mechanisms in place, including complaint boxes maintained by the AIHRC. Inspections by a range of national and international organizations were routine. However, as noted in this report, a more standardized inspection regime should be developed and consideration should be given to requiring inspection reports to be published and disseminated to the public.

2. Accommodation and Other Basic Needs

Progress also was evident in relation to accommodation and the delivery of other basic needs. JRCs accommodate juveniles in group dormitories holding an appropriate number of juveniles in individual beds or bunk-beds. Juveniles were generally allowed to wear their own clothing—though JRCs such as Parwan and Ghazni reportedly require juveniles to wear uniforms during the daytime. Juveniles had regular access to clean drinking water and consistently received three meals a day, consisting of a diet of milk, bread, rice, meat, vegetables, and various seasonal fruits. Additionally, JRCs permitted juveniles with broad opportunities to communicate with their families through phone calls, letters, and visits. JRCs also notified families or guardians of significant changes in the juveniles' health.

3. JRC Staffing and Management

In terms of staffing, UNAMA Rule of Law's survey confirmed that all JRCs employed administrative and educational personnel on a full time basis, and that most employed a vocational instructor. The majority of JRC staff received some form of professional training relevant to their functions. And, nearly all of the directors of JRCs satisfied the Havana Rules' minimum requirements, with more than half holding bachelor-level degrees. To ensure that all JRC directors have the specialized management skills required to operate JRCs, consideration should be given to requiring previous management experience as a condition for future employment of JRC directors.

B. Areas Where Gaps Remain

Progress, however, was not uniform across the board. Gaps existed in terms of the uniformity and scope of service delivery among JRCs. These gaps were most evident in relation to coordination with other government ministries, inferior rented JRC facilities, physical safety and emotional

well-being precautions, special considerations for the needs of female juveniles, and availability of re-entry and follow-up programs. Recommendations for bridging these gaps are made in the following subsections.

1. Coordination with Other Ministries

The JRC Regulation places a binding obligation on multiple government ministries to assist JRCs to deliver critical services to juveniles in their care. Multi-ministry agreements and protocols clarify the obligations of each ministry subject to the overall coordination of the JRC High Council. These arrangements require, among other things: the Ministry of Public Health to provide juveniles with access to medical services; the Ministry of Labour, Social Affairs, Disabled and Martyrs to provide vocational training; the Ministry of Education to assist in meeting juveniles' educational needs; and the Ministry of Pilgrimage and Hajj to provide qualified religious instruction to juveniles. While compliance with these obligations was demonstrated, that compliance was not uniform or consistent in all JRCs surveyed. The JRC High Council should ensure greater coordination in the consistent implementation of these obligations imposed on responsible ministries. Enhanced coordination is essential to ensuring that all juveniles in detention have consistent access to required medical services, including specialty services, as well as educational and religious instruction from qualified teachers.

The majority of JRCs (70%) had no onsite medical facilities, and the medical facilities in the remaining JRCs were very limited. As a result, JRCs remain highly dependent on Ministry of Public Health personnel to meet the medical needs of juveniles in detention. Yet, visits from Ministry of Public Health personnel to JRCs varied widely from only once a week to four days a week. The Khost JRC reportedly had not received any visits from Ministry of Public Health personnel, despite its request. As a result, some JRCs were unable to conduct even a routine medical examination of juveniles upon admission to the JRC because no Ministry of Public Health personnel were available to carry out the examination. Additionally, most JRCs were unable to provide juveniles with regular access to specialty services such as psychiatric, counseling, dental, or emergency services. These services were largely provided through referral to local public hospitals, which required reliance on sometimes inconsistent transportation services.

With regard to education, UNAMA Rule of Law's survey confirmed that all JRCs provided juveniles with access to educational instruction. However, contrary to the Havana Rules' recommendation, none of the JRCs allowed juveniles to attend community schools outside the detention facility. Instead, education was provided onsite through teachers supplied by either the Ministry of Education or Ministry of Pilgrimage and Hajj. But, here too, the availability of education services was not consistent in all regions, with wide variance in the number of teachers assigned to each JRC and one JRC (Kunduz) reporting that, at the time of the survey, the local Education Department had not provided the JRC with any books or teachers. Additionally, to ensure transferability of educational instruction provided in JRCs, consideration should be given

to establishing a more formal system to ensure that confirmation letters issued by JRCs are credited by the Ministry of Education and academic institutions.

Most JRCs also provided some form of access to vocational training. But, variances existed in the scope of opportunities afforded to juveniles in each JRC. With the support of the Ministry of Labour, Social Affairs, Disabled and Martyrs, vocational training programs developed at some JRCs such as Herat JRC, which had the largest variety of programs, should be replicated at other JRCs. Similarly, one JRC provided juveniles with the opportunity to perform equitably-remunerated labour through participation in handicraft classes where they made souvenir items for sale and retained a portion of the proceeds. Consideration should be given to establishing a platform where best practices like this one can be shared with other JRCs so the entire system benefits from these innovations.

All juveniles in detention had access to religious instruction as part of their regular education program. These classes were usually conducted by a religious instructor from the Ministry of Pilgrimage and Hajj on a daily or weekly basis. A site visit to Herat JRC, however, raised concerns about the qualifications of some religious instructors. Juveniles, including those charged with crimes against security, were involved in providing religious instruction to other juveniles. Although this instruction was provided in the presence of experienced staff members, this sort of informal religious instruction presents risk of radicalization that could be detrimental to the rehabilitation of juveniles. Accordingly, consideration should be given to requiring that only qualified representatives or scholars provide religious instruction to juveniles.

Recommendation 1: Greater coordination by the JRC High Council in the implementation of existing agreements between the Ministry of Justice and other responsible ministries is essential to ensuring that all juveniles in detention have consistent access to required medical services, including specialty services, as well as educational and religious instruction from qualified teachers.

2. Physical Safety and Emotional Well Being

A few areas related to the physical safety of juveniles in detention require attention, particularly policies and procedures relating to fire safety, use of force and restraints, presence of weapons near JRCs, and use of isolation and deprivation of family visits as a disciplinary tool. Basic fire safety consists of operational fire alarms, smoke detectors, and fire extinguishers, clearly marked exits, and regularly scheduled fire drills. None or only a few of these basic fire safety precautions were present in the JRCs surveyed. A few JRCs implemented some of these basic precautions, which is commendable. But, to ensure the safety of all juveniles and compliance with national law, consideration should be given to requiring consistent implementation of uniform fire safety precautions and procedures in all JRCs.

Another area of physical safety relates to the use of force and physical restraint. Over 30% of JRCs reported using limited force in what were regarded as exceptional circumstances, such as, to prevent a juvenile from escaping or self-harming. Yet, much of the decision-making on the use of force appeared to be left to individual staff members. To ensure greater consistency and uniformity, consideration should be given to developing training programs to clarify standard operating procedures governing the use of force or instruments of restraint. Existing standard operating procedures also should be modified to include a specific requirement that juveniles subjected to the use of force or instruments of restraint be referred to a qualified medical provider for examination to detect any resulting physical or mental injury. Additionally, all JRC staff should receive training on the proper means for applying the use of force or instruments of restraint in exceptional circumstances.

Similarly, there appear to be a variety of practices relating to the possession of weapons by security guards patrolling JRC facilities. A more formal and uniform system regulating the possession of weapons within JRCs or in the vicinity of juveniles should be considered. Clearer rules and procedures should be established so police and others guarding JRCs understand the restrictions placed on the presence of weapons within JRCs. Similar restrictions should, of course, be imposed on all persons visiting JRCs. Consideration also should be given to posting signs prohibiting the carrying of weapons at the entrance to all JRC facilities.

To protect the well-being of juveniles, consideration also should be given to discontinuing the use of some common disciplinary measures. Nearly half the JRCs surveyed withheld family visits and contact as a disciplinary measure. Although this practice is permitted under article 31(1) of the JRC Law and article 31(2) of the JRC Regulation, its continued use conflicts with the Havana Rules' minimum standards and UNODC's recommended best practices. Additional concern arises from reports that a small number of JRCs continue to use solitary confinement, albeit for a limited period, as a disciplinary measure. To fully comply with the Havana Rules, consideration should be given to eliminating this practice in all JRCs. Given that the majority of JRCs do not employ either tactic, no detrimental impact on JRC discipline is foreseen by curtailing these practices in all JRCs.

Recommendation 2: To enhance physical safety and emotional well-being of juveniles in JRCs, consideration should be given to: (a) requiring consistent implementation of uniform fire safety precautions and procedures in all JRCs; (b) more consistently implementing standing operating procedures governing the use of force, application of physical restraint, and presence of weapons near JRCs; and (c) discontinuing the withholding of family visits and use of solitary confinement as disciplinary measures.

3. Inferior Rented Facilities

Out of the 31 JRCs surveyed, only nine were located in facilities owned and designed by the Ministry of Justice; the remaining 22 JRCs were located in rented facilities—most commonly

private homes modified for the JRCs' use. In many respects, these rented premises were inferior to Ministry-owned facilities.

Although overcrowding was not a pervasive problem in most JRCs, UNAMA Rule of Law's survey demonstrated that three facilities where overcrowding was a concern were all rented facilities. Additionally, the two facilities found to have inadequate light from windows that were too small were rented facilities. JRCs in rented premises also compared unfavorably to Ministry-owned facilities in terms of access to recreational space and range of activities. Thirteen of the 15 JRCs that reported a lack of space for recreational activities were located in rented premises, including two JRCs in rented facilities that had no outdoor space at all for female juveniles. Most (six) of the nine JRCs that counted television as the only recreational activity also were located in rented facilities. Additionally, JRCs located in rented houses were more likely, than purpose built JRCs, to have insufficient space and facilities to accommodate female juveniles.¹⁶²

All of this suggests that consideration should be given to reducing reliance on rented premises that cannot be adequately retrofitted to meet the needs of JRCs. Greater reliance should instead be placed on using "fit for purpose" facilities that reflect the unique needs of JRCs in terms of ensuring adequate recreational, living, and operational space to meet the educational and vocational needs of juveniles in detention. Clearly, these types of infrastructure improvements will be costly, but they are necessary to ensuring Afghanistan's long-term goal of providing facilities conducive to the care and rehabilitation of juveniles in conflict with the law.

Recommendation 3: Consideration should be given to reducing reliance on rented premises that cannot be adequately retrofitted to meet the needs of JRCs. Greater reliance should instead be placed on using "fit for purpose" facilities that reflect the unique needs of JRCs in terms of ensuring adequate recreational, living, and operational space to meet the educational and vocational needs of juveniles in detention.

4. Particular Needs of Female Juveniles

Particular attention should be paid to ensuring that female juveniles in detention receive access to the same services and opportunities as male juveniles, even where they are only accommodated on a temporary basis. Afghan law and the Havana Rules require equal treatment of all juveniles and prohibit discrimination on the basis of gender.¹⁶³

Nevertheless, UNAMA Rule of Law's survey revealed several instances of disparate treatment that should be remedied. As already noted, five JRCs (four of which were in rented houses) reported that they lacked sufficient space to provide separate sanitary facilities to accommodate female detainees. As a consequence of this, some female juveniles were deprived of the basic protections Afghan law and the Havana Rules establish for the treatment of juveniles in detention, including accommodation in non-penal facilities that are separate from adults and located in

proximity to family members. This exceptional practice should be discontinued and consideration should be given to requiring all JRCs to provide at least two sanitary facilities to accommodate both male and female juveniles.

Additionally, consideration should be given to expanding the range of recreational activities and vocational opportunities available to female juveniles. Some JRCs reported that they lacked sufficient space or resources to provide the same range of activities and opportunities to both male and female juveniles. When space is limited or social norms discourage intermingling, JRCs should prepare schedules to permit female juveniles equal access to the same recreational activities and vocational opportunities as their male counterparts.

UNAMA Rule of Law's survey also revealed a significantly lower number of female JRC staff members than male staff members. Consideration should be given to achieving greater gender balance amongst JRC employees by prioritizing the recruitment of female staff and taking measures to encourage more qualified females to apply for positions. Greater gender balance also may assist the Ministry of Justice in implementing a more gender-sensitive approach to JRC programming and service delivery.

Recommendation 4: Efforts should be made to ensure that girls in detention have the same access to JRC facilities and services as boys. Additionally, to assist JRC management in adopting a more gender-sensitive approach, the Ministry of Justice should strive to achieve greater gender balance in JRCs' staffing by prioritizing the recruitment and retention of qualified female staff members.

5. Re-integration and Follow-up

Another noticeable gap in Afghanistan's existing JRC system was the relative scarcity of assistance aimed at helping juveniles reintegrate into society upon release, or following-up on their progress upon release. Only a handful of JRCs provided juveniles without family support in finding suitable shelter, or assisted them with obtaining post-release vocational training or employment. One notable exception was Herat JRC, which with the support of NGOs provided juveniles with tools to assist them in finding employment upon release.

Two-thirds of JRCs reported that they did not provide any form of follow-up for juveniles released from JRCs in handling their re-entry or assisting them in finding post-release services. This gap poses a threat to the sustainability of any gains that JRCs may have achieved in juveniles' rehabilitation and increases the likelihood of recidivist criminal or anti-social behavior.

Consideration should be given to making re-entry assistance and post-release follow-up programs integral parts of all JRCs' internal operating procedures. To support this effort, stronger collaboration with the Ministry of Public Health, Ministry of Labour, Social Affairs, Martyrs and Disabled and NGOs is required to strengthen Afghanistan's existing network of social workers

and employment counsellors available to monitor and assist all juveniles with their re-entry into society.

In designing these programs, consideration must be given to the unique needs of individual juveniles such as those suffering from drug addiction or victimized by sexual abuse. Special attention also should be paid to the unique needs of female juveniles, many of whom were detained for commission of adultery or crimes against morality. The stigma attached to these offenses poses particular challenges to the successful re-integration of these juveniles into their families and broader society. .

Particular attention also is required to assist juveniles convicted of security-related offences with re-entry. At the time of UNAMA's survey, over 20% of juveniles held in Afghanistan's JRCs fell into this category. Very often, these juveniles were exposed to violent, extremist rhetoric aimed at preparing them for the battlefield or attacks on civilians, such as, suicide bombings. Some model programs, like the one in Kandahar JRC, have been developed to address the unique needs of this specific category of juveniles in conflict with the law. Consideration should be given to implementing similar specialized re-integration programs with appropriate post-release follow-up in all JRCs.

Recommendation 5: Consideration should be given to making re-entry assistance and follow-up with released juveniles integral parts of JRC internal operating procedures. Specialized programs should be developed to address the unique needs of juveniles who are themselves victims of violent, extremist radicalization.

V. Conclusion

Afghanistan with the support of international partners has laid a solid foundation for the operation of juvenile rehabilitation centers that comply with national laws and recommended minimum standards for the treatment of juveniles deprived of their liberty. It now has the opportunity to build on that foundation by closing some of the gaps in facilities, services, and programs that this report has identified in relation to the Havana Rules' minimum standards.

This effort will require closer coordination among all responsible ministries, particularly in terms of meeting the educational, vocational, and medical needs of juveniles in detention. It also will require continued international support for necessary infrastructure improvements such as the construction of more "fit for purpose" JRC facilities, as well as for the expansion of existing rehabilitation and re-entry programs from only some JRCs to all JRCs located throughout the country. UNAMA Rule of Law will continue its efforts to convene international partners to support the Ministry of Justice and other responsible ministries in fulfilling our shared vision of ensuring that Afghanistan's JRCs comply with the requirements of national law and international minimum standards for the treatment of juveniles deprived of their liberty.

End Notes

¹ United Nations General Assembly, United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), adopted by the General Assembly on 14 December 1990 (A/RES/45/113), rule 3, available at: <http://www.un.org/documents/ga/res/45/a45r113.htm>.

² Havana Rules, rule 1.

³ In 2011 the Central Prisons Department (CPD), which manages Afghanistan's adult detention centers and prisons, was transferred from the Ministry of Justice to the Ministry of Interior. The Juvenile Rehabilitation Department, however, remained within the Ministry of Justice. *See*, Presidential Decree No. 85 on the transfer of the CPD, dated 17 December 2011.

⁴ Juvenile Code 23 March 2005, OG # 0846 (Juvenile Code), article 4(4); Havana Rules, rule 11(a); Convention on the Rights of the Child, adopted by General Assembly Resolution 44/25 of 20 November 1989 (Convention on the Rights of the Child), article 1, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>; Committee on the Rights of the Child, General Comment No. 10 (2007), Children's Rights in Juvenile Justice, 25 April 2007 (CRC/C/GC/10) (General Comment 10), paras. 31, 36-37, available at: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

⁵ Centro Italiano Aiuti all'Infanzia (CIAI), Afghanistan's Children A New Approach and Italian Agency For Development Corporation's report entitled "Juvenile Justice – The rights of boys and girls in Conflict with the Law in Afghanistan, Research-analysis on Juvenile Justice System", April 2016, p. 20.

⁶ Juvenile Code, article 1.

⁷ Juvenile Code, article 4(4).

⁸ The Constitution of the Islamic Republic of Afghanistan, 26 January 2004 (Constitution), articles 43, 52, 54.

⁹ The Law on Juvenile Rehabilitation and Correction Centers passed by Decree of The Islamic Republic of Afghanistan on Endorsement of the Law on Juvenile Rehabilitation and Correction Centers, no. 141, dated 11/01/2009 (22/10/1387) (JRC Law); The Regulation on Juvenile Rehabilitation Centers' Affairs, no. 53, approved by the Council of Ministers on 23 February 2009 (JRC Regulation).

¹⁰ JRC Law, article 13; JRC Regulation, article 25(1)(15).

¹¹ JRC Law, article 13. The eight ministries are the Ministries of Interior; Education; Public Health; Women's Affairs; Labour, Social Affairs, Martyrs and Disabled; Hajj and Religious Affairs; and Culture,

¹² JRC Law, articles 4, 6(1), 7.

¹³ JRC Law, articles 17-18, 22, 31-32.

¹⁴ JRC Law, articles 19, 21, 24, 26, 33.

¹⁵ JRC Regulation, article 6.

¹⁶ JRC Regulation, articles 7, 8(1).

¹⁷ JRC Regulation, article 25(1)(11).

¹⁸ JRC Regulation, article 12.

¹⁹ JRC Regulation, article 13.

²⁰ JRC Regulation, articles 14-15, 23(1)-(2), 24, 25(1)(12).

²¹ JRC Regulation, articles 16-17, 19.

²² JRC Regulation, articles 16-17, 19.

²³ JRC Regulation, article 18.

²⁴ JRC Regulation, articles 20, 25(1)(9-10).

²⁵ JRC Regulation, articles 21-22.

²⁶ JRC Regulation, articles 25(1)(5-6), 28.

²⁷ JRC Regulation, article 25(1)(7).

²⁸ The Letter of Agreement was between the Ministry of Interior, the Attorney General's Office, Ministry of Labour, Social Affairs, Martyrs and Disabled, the Ministry of Justice, the Ministry of Education, the Supreme Court, the Ministry of Public Health, the Ministry of Women's Affairs, and the National Directorate of Security, dated 25 August 2013 (Ministry Agreement), p. 2.

²⁹ Ministry Agreement, pp. 6-7. In particular, the Ministry Agreement agrees to provide JRCs with social workers, ensure JRCs maintain a healthy and safe environment, ensure that juveniles receive the same standard of education as in community schools and receive family contact and adequate rehabilitation and reintegration.

³⁰ Havana Rules, rule 1.

- ³¹ Havana Rules, rules 19, 21, 27.
- ³² Havana Rules, rules 31, 33-34, 36-37.
- ³³ Havana Rules, rules 38-39, 42, 45-48.
- ³⁴ Havana Rules, rules 49-55.
- ³⁵ Havana Rules, rules 59-62.
- ³⁶ Havana Rules, rules 64, 66-71.
- ³⁷ Havana Rules, rules 72-74.
- ³⁸ Havana Rules, rule 81.
- ³⁹ Convention on the Rights of the Child, articles 14, 17, 24, 27, 28, 32, 37, 40(1).
- ⁴⁰ United Nations General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice adopted by General Assembly resolution 40/33 of 29 November 1985 (Beijing Rules), available at: <http://www.un.org/documents/ga/res/40/a40r033.html>
- ⁴¹ Beijing Rules, rule 17.
- ⁴² Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 and revised by General Assembly resolution 70/175 of 17 December 2015 (Mandela Rules), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175
- ⁴³ Mandela Rules, rules 12-22.
- ⁴⁴ General Comment 10.
- ⁴⁵ The deteriorating security situation in Kunduz Province limited UNAMA's ability to collect data relating to the provision of medical services in JRCs located in, or requiring travel through, that province.
- ⁴⁶ Havana Rules, rule 20.
- ⁴⁷ Havana Rules, rule 20.
- ⁴⁸ Havana Rules, rule 24.
- ⁴⁹ Havana Rules, rules 24-25; *See also, Bulacio Case*, Inter-American Court of Human Rights, Judgement of September 18, 2003, (Ser. C) No. 100 (2003), para. 126 ("The Court has determined that the State, being responsible for detention centers, is the guarantor of these rights of the detainees, which involves, among other things, the obligation to explain what happens to persons who are under its custody"), available at: <https://www1.umn.edu/humanrts/iachr/C/100-ing.html>
- ⁵⁰ *See*, Wardak, Kandahar, Uruzgan JRCs.
- ⁵¹ Helmand, Nimroz JRCs.
- ⁵² Havana Rules, rules 75-78; General Comment 10, para. 89.
- ⁵³ Havana Rules, rule 27.
- ⁵⁴ Havana Rules, rule 27.
- ⁵⁵ Havana Rules, rule 27.
- ⁵⁶ Havana Rules, rule 50.
- ⁵⁷ *See*, for example, Paktya JRC which reported that the medical interview could only be conducted once every two weeks when the doctor from the Public Health Authority visited the JRC.
- ⁵⁸ Kunduz, Badakhshan, Paktya JRCs.
- ⁵⁹ Five social workers from CiC, two from Afghanistan's Children-A New Approach and two from the Ministry of Labour, Social Affairs, Martyrs and Disabled.
- ⁶⁰ *See* Wardak, Paktya JRCs.
- ⁶¹ Havana Rules, rule 21.
- ⁶² Wardak, Kunduz, Takhar, Badakhshan, Baghlan JRCs.
- ⁶³ Havana Rules, rule 33.
- ⁶⁴ Havana Rules, rule 33.
- ⁶⁵ International Committee of the Red Cross, Water, Sanitation, Hygiene and Habitat in Prisons, Supplementary Guidance, April 2012 (ICRC Guidance), p. 34, available at: <https://www.icrc.org/eng/assets/files/publications/icrc-002-4083.pdf>
- ⁶⁶ Commentary to the European Rules for Juvenile Offenders Subject to Sanctions or Measures, Council of Europe, CM(2008)128 addendum 1, (European Rules Commentary) referring to findings of the European Committee for the Prevention of Torture, pp. 22-23, available at: http://www.coe.int/t/dghl/standardsetting/prisons/Commentary_Rec_2008_11E.pdf

⁶⁷ European Rules Commentary, pp. 22-24.

⁶⁸ European Rules Commentary, p. 22.

⁶⁹ ICRC Guidance, pp. 25, 32-33.

⁷⁰ Wardak JRC reported that there are three-four bunk-beds per room, while Ghor JRC reported that there were 15 beds per room.

⁷¹ Parwan, Panjshir, Logar JRCs.

⁷² Laghman, Kunar, Nangarhar JRCs.

⁷³ Havana Rules, rules 31-32.

⁷⁴ In the Havana Rules, the General Assembly specifically “bear in mind” the Standard Minimum Rules for the Treatment of Prisoners and state that “[n]othing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.” *See*, Havana Rules, rule. 9.

⁷⁵ Mandela Rules, rule 14(a).

⁷⁶ ICRC Guidance, p. 37.

⁷⁷ Havana Rules, rule 34; *See also*, Mandela Rules, rule 15.

⁷⁸ European Rules Commentary, p. 23; Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures (Adopted by the Committee of Ministers on 5 November 2008 at the 1040th meeting of the Ministers’ Deputies) (CM Recommendation 2008), para. 65.3, available at: [http://www.unicef.org/tdad/councilofeuropejrec08\(1\).pdf](http://www.unicef.org/tdad/councilofeuropejrec08(1).pdf)

⁷⁹ Panjshir, Kunar, Logar, Uruzgan, Farah JRCs. At the time of writing, Rule of Law was informed that the construction of a new purpose-built JRC in Farah has been completed, and that this new JRC will have the capacity to accommodate female detainees.

⁸⁰ Farah and Uruzgan JRCs.

⁸¹ General Comment 10, para. 87.

⁸² Havana Rules, rules 1-9; JRC Law, articles 2-3.

⁸³ Havana Rules, rule 29; General Comment 10, para. 85.

⁸⁴ Havana Rules, rule 26.

⁸⁵ Logar, Paktya JRCs.

⁸⁶ Havana Rules, rule 36; *See also*, Mandela Rules, rule 19.

⁸⁷ United Nations Office on Drugs and Crime, Justice in Matters Involving Children in Conflict with the Law, Model Law on Juvenile Justice and Related Commentary, 2013 (UNODC Model Law), p. 122, available at: https://www.unodc.org/documents/justice-and-prison-reform/Justice_Matters_Involving-Web_version.pdf

⁸⁸ Havana Rules, rule 37; *See also*, Mandela Rules, rule 22(2).

⁸⁹ ICRC Guidance, p. 65.

⁹⁰ Havana Rules, rule 32.

⁹¹ ICRC Guidance, p. 20.

⁹² JRC Regulation, article 25(1)(7).

⁹³ Havana Rules, rule 38.

⁹⁴ Havana Rules, rule 38.

⁹⁵ Havana Rules, rule 40.

⁹⁶ Havana Rules, rule 41.

⁹⁷ Havana Rules, rules 42, 45-46; *See also*, Beijing Rules, rule 26.1.

⁹⁸ Havana Rules, rule 44.

⁹⁹ Convention on the Rights of the Child, article 32. This article, *inter alia*, requires States Parties to recognize the right of the child to be protected from economic exploitation and to take legislative, administrative, social and educational measures to ensure the implementation of article 32. In particular by providing for: a minimum age or minimum ages for admission to employment; appropriate regulation of the hours and conditions of employment; and appropriate penalties or other sanctions to ensure the effective enforcement of article 32.

¹⁰⁰ *See*, UNODC Model Law, p. 124, fn. 36, citing International Labour Organization, Worst Forms of Child Labour Convention, C182, 17 June 1999, available at: <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm>

¹⁰¹ Havana Rules, rule 47.

¹⁰² Havana Rules, rule 47.

- ¹⁰³ CM Recommendation 2008, para. 81.
- ¹⁰⁴ Takhar, Badakhshan JRCs.
- ¹⁰⁵ Logar, Uruzgan JRCs.
- ¹⁰⁶ Havana Rules, rules 4, 48; *See also*, Mandela Rules, rule 66.
- ¹⁰⁷ Havana Rules, rule 48; *See also*, Mandela Rules, rule 65.
- ¹⁰⁸ UNODC Model Law, p. 126.
- ¹⁰⁹ Kandahar, Nimroz, Zabul JRCs.
- ¹¹⁰ Havana Rules, rule 49; UNODC Model Law, p. 120 citing the Case of *Jasinskis v. Latvia*, European Court of Human Rights, Judgement (Application No. 45744/08), 21 December 2010, para. 60, available at: <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-102393&filename=001-102393.pdf>
- ¹¹¹ Havana Rules, rules 49, 54; *See also*, Beijing Rules, rule 26.2.
- ¹¹² Havana Rules, rule 51.
- ¹¹³ Havana Rules, rule 49.
- ¹¹⁴ Due to the security situation in Kunduz province, data about JRCs' capacity to provide medical care could only be collated from 27 JRCs.
- ¹¹⁵ Kunduz, Takhar (because the medical facility was destroyed by the Taliban), Khost JRCs.
- ¹¹⁶ Protocol of Cooperation between the Ministry of Public Health and the Ministry of Justice, para. 7.
- ¹¹⁷ Parwan, Kabul, Badakhshan, Baghlan, Khost, Paktika JRCs.
- ¹¹⁸ Kandahar, Helmand JRCs.
- ¹¹⁹ Havana Rules, rule 56.
- ¹²⁰ Havana Rules, rule 59.
- ¹²¹ Havana Rules, rules 59, 61; *See also*, Mandela Rules, rule 58.
- ¹²² Havana Rules, rule 61.
- ¹²³ UNODC Model Law, p. 127.
- ¹²⁴ Havana Rules, rule 62.
- ¹²⁵ Zabul, Nimroz, Kandahar JRCs.
- ¹²⁶ Ghor, Logar JRCs.
- ¹²⁷ Havana Rules, rules 59-60.
- ¹²⁸ Havana Rules, rule 60.
- ¹²⁹ General Comment No. 10, para. 87.
- ¹³⁰ Havana Rules, rules 63-64.
- ¹³¹ General Comment 10, para. 89.
- ¹³² General Comment 10, para. 89.
- ¹³³ Directive on Use of Force Standards, OD-8.10.
- ¹³⁴ Parwan, Uruzgan JRCs.
- ¹³⁵ Herat, Ghor, Badghis, Farah JRCs.
- ¹³⁶ JRC Regulation, article 31.
- ¹³⁷ Havana Rules, rule 65.
- ¹³⁸ UNICEF Guidance for Legislative Reform on Juvenile Justice, May 2011 (UNICEF Guidance), p. 102, available at: http://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf
- ¹³⁹ Directive on Facility Access, OD-8.01 at F(2).
- ¹⁴⁰ Parwan, Panjshir, Logar JRCs.
- ¹⁴¹ Security Directive Regarding (Suspected, Accused or Convicted) Juveniles Transportation, OD-8.08 at Section III(B)-(C).
- ¹⁴² Havana Rules, rule 66.
- ¹⁴³ Havana Rules, rule 66.
- ¹⁴⁴ Havana Rules, rule 67; *See also*, *Corey Brough v Australia*, Human Rights Committee, Eighty-sixth session 13-31 March 2006, CCPR/C/86/D/1184/2003, 27 April 2006, paras. 2.8, 9.4. The Committee found that a juvenile's extended confinement to an isolated cell without any possibility of communication, combined with his exposure to artificial light for prolonged periods and the removal of his clothes and blanket, was not commensurate with his status as a juvenile person in a particularly vulnerable position because of his disability and his status as an Aboriginal and therefore breached his right to be treated with humanity and with respect for the inherent dignity of the human person set out in article 10(1) and (3) of the International Covenant on Civil and Political Rights. Available at: <https://www1.umn.edu/humanrts/undocs/1184-2003.html>

¹⁴⁵ UNODC Model Law, p. 130.

¹⁴⁶ *See for example*, Juvenile Code, article 1.

¹⁴⁷ Havana Rules, rules 72-73.

¹⁴⁸ Havana Rules, rule 74.

¹⁴⁹ General Comment 10, para. 89.

¹⁵⁰ UNODC Model Law, p. 131.

¹⁵¹ Kandahar, Nimroz, Uruzgan, Helmand JRCs.

¹⁵² Havana Rules, rules 75-78.

¹⁵³ General Comment 10, para. 89.

¹⁵⁴ *See* JRC Regulation, article 25(1)(11) which obliges JRCs to receive juveniles' complaints and forward them to the relevant authorities.

¹⁵⁵ Havana Rules, rules 79-80.

¹⁵⁶ Havana Rules, rule 80.

¹⁵⁷ Kabul JRC.

¹⁵⁸ Samangan, Jawzjan JRCs.

¹⁵⁹ Presidential Decree on Commutation and Amnesty of the Punishment of the Juveniles and Prisoners on the Occasion of the Birth of the Prophet Mohammad, No. 117 dated 22 October 2015, article 9.

¹⁶⁰ Havana Rules, rule 81.

¹⁶¹ Havana Rules, rules 85-86; *See also*, UNODC Model Law, p. 129.

¹⁶² Kunar, Logar, Uruzgan, Farah JRCs.

¹⁶³ Constitution, article 22; Havana Rules, rule 4.

Annexes and Data

Annex	Description
Annex A	Letter of Agreement among nine ministries dated 25 August 2013
Annex B	UNAMA Rule of Law's Questionnaires dated September 2015 & January 2016
Annex C	Ministry of Justice's General Directorate of JRCs' standard reception committee form for collecting information from newly admitted juveniles
Annex D	Protocol for the provision of health services between the Ministry of Justice and the Ministry of Public Health dated April 2009
Annex E	<p>Data collated from Rule of Law's Questionnaires dated September 2015 & January 2016</p> <ol style="list-style-type: none"> 1. Maintenance of commitment order 2. Provision of JRC's rules, rights, and complaints procedure 3. Interviews following admission 4. Psychological and social report 5. Recording data on admission 6. Confidentiality of files 7. Inventory of confiscated items 8. Provision of transport at government's expense 9. Number of bedrooms/dormitories

10.	Size of bedrooms/dormitories
11.	Number of beds
12.	Available storage for personal effects
13.	Natural light
14.	Size of windows
15.	Number of sanitation facilities
16.	Number of baths and showers
17.	Cleanliness of sanitation facilities
18.	Types of recreational activities
19.	Space for recreational activities
20.	Fire safety
21.	Fire exits and drills
22.	Clothing
23.	Food
24.	Food cleanliness
25.	Water
26.	Education
27.	Education certificates
28.	Library
29.	Vocational programs
30.	Employment opportunities
31.	Religious instruction
32.	Visits from religious representatives

33.	Notification of juveniles' families
34.	Communication with family and friends
35.	Number of juveniles per room
36.	Methods of communication
37.	Contact with family
38.	Visits by family
39.	Access to media
40.	Physical restraint
41.	Weapons carried by staff
42.	Disciplinary procedures
43.	Solitary confinement as a disciplinary measure
44.	Physical harm as a disciplinary measure
45.	Reduced diets as a disciplinary measure
46.	Restriction of family visits as a disciplinary measure
47.	Inspections
48.	Inspection reports
49.	Complaints procedure
50.	Community re-entry programs
51.	Juveniles released in past year
52.	Early release in past year
53.	Early release and how to accommodate juveniles
54.	Early release and clothing
55.	Early release and employment

56.	Social inquiry report
57.	Follow up after release
58.	JRC administrative staff
59.	Number of security personnel
60.	Number of counsellors
61.	Number of teachers
62.	Number of vocational instructors
63.	Number of psychiatrists/psychologists
64.	Staff training
65.	Directors' qualifications
66.	Medical facilities
67.	Number of medical staff
68.	Number of permanent medical staff
69.	Number of doctors
70.	Available medical resources
71.	Adequacy of medical resources
72.	Collaboration with Public Health Departments
73.	Dental services
74.	Psychiatric care
75.	Drug detoxification and rehabilitation
76.	Medical checks
77.	Deaths and causes of death

78.	Inspection of food, sanitation, and living conditions by medical officer
79.	Notification of the director of inspections of food, sanitation, and living conditions
80.	Outbreaks of disease
81.	Medical check upon the admission
82.	Pre-trial juveniles
83.	Post-trial juveniles
84.	Facilities for pre and post-trial juveniles
85.	Age of juveniles
86.	Offences
87.	Trials and gender
88.	Space per juvenile
89.	Ownership of JRCs
90.	Compliance with international recommendations re space per juvenile
91.	Number of staff