



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined second to fifth reports submitted by Afghanistan under article 44 of the Convention, due in 2016\*


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## List of Acronyms

AFs/AFN	Afghani (the basic monetary unit of Afghanistan)
AGO	Attorney General Office
AIHRC	Afghanistan Independent Human Rights Commission
ALCS	Afghan Living Condition Survey
ANA	Afghan National Army
ANP	Afghan National Police
ARCS	Afghan Red Crescent Society
CCD	Children's Crime Department
CIC	Children in Crisis
CPAN	Child Protection Action Network
CRC	Convention on the Rights of Child
CSC	Children Supporting Centre
CSO	Central Statistics Office
CSSP	Correction Sector Support Program
DHRAWIA	Directorate of Human Rights and Women's International Affairs
DHWCA	Directorate of Human Rights, Women and Children Affairs (MoI)
HIO	Hajar International Organization
IDP	Internal Displace Person/People
ILO	International Labor Organization
IOM	International Organization for Migration
IRA	Islamic Republic of Afghanistan
JRC	Juvenile Rehabilitation Centre
MoAIL	Ministry of Agriculture, Irrigation and Livestock
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoHRA	Ministry of Hajj and Religious Affairs
MoI	Ministry of Interior Affairs
MoICT	Ministry of Information and Communication Technology
MoJ	Ministry of Justice
MoLSAMD	Ministry of Labor, Social Affairs, Martyr and Disables
MoPH	Ministry of Public Health
MoRR	Ministry of Refugees and Repatriation
MoRRD	Ministry of Rural Rehabilitation and Development
MoWA	Ministry of Women's Affairs
NAP	National Action Plan
NCO	Non-Commission Officer
NGO	Non-Governmental Organizations

NRVA	National Risk and Vulnerability Assessment
NSSSCL	National Strategy on Protection Street Child Labour
SC	Supreme Court
SESO	Social and Educational Services Organization
SJPD	Special Juvenile Persecution Department
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
VSD	Vital Statistics Department

## Forward

### **In the Name of Allah, the Most Merciful, the Compassionate**

Presenting reports on the achievements made in the area of realization of human rights of people, particularly progress made in the area of implementation of the Convention on the Rights of the Child (CRC) is a desirable means for highlighting Afghanistan's gains in this area, and a means to identify challenges & obstacles to this significant and vital work. Reporting on the human rights achievements is one of the most important commitments of the Government of the Islamic Republic of Afghanistan to the United Nations. Inside the country, it can help the government in developing and implementing laws, regulations and policies and at the international level, it can reinforce our position. It is a matter of joy that today the Ministry of Foreign Affairs has finalized the second to fifth periodic report of Afghanistan on the Convention of the Rights of the Child and hereby prints it in Dari, Pashto and English versions.

As an active member of the international community, Afghanistan is committed to harmonize the provisions of the said convention with its national structures, monitor its implementation and report on its application. Children in Afghanistan are among the most vulnerable segments of the society and today, a huge number of our children are busy with harsh occupations and forced labor on the streets and thus deprived of education. Similarly a significant number of child girls, suffering of forced and underage marriages. Therefore and in order to protect and promote the rights of all citizens, particularly children, the Government of Afghanistan has taken decisive steps. For instance, currently, more than 9 million children, 40 percent of whom are girls, are enrolled in schools.

Human rights commitments which stressed upon in the constitution is in fact people's want, those who did not have access to their most basic rights for the past decades. But, with the establishment of the new political system, Afghanistan has made tangible progress in the last seventeen years at the national and international level in the area of realization of human rights. Among all and despite the present security challenges and taking into account the available resources in the last four years the National Unity Government, has put consistent efforts to realize the human rights of the people, particularly those of women and children.

Obtaining the membership of UN Human Rights Council in October 2017, is one of the great achievements of the National Unity Government, particularly that of the Ministry of Foreign Affairs. Presently, we can use this platform for further working towards defending, protecting and strengthening our human rights and convey the common message of our nation to the world. On the other hand, membership of the country in the UN Human Rights Council demonstrates that although Afghanistan is still faced with serious challenges in terms of realizing human rights of its citizens, but in the international stage, it has established a desirable and credible position for itself. This success is a manifestation of the government's commitment in terms of protecting the human rights of people as a value stipulated in the Constitution of the Islamic Republic of Afghanistan.

During one and a half decade, cases of violation of human rights and even crimes against humanity such as arbitrary trials, targeted mass assassinations, targeting of religious places, schools and public facilities have taken place in various parts of Afghanistan by the Taliban, Daesh (ISIS) and other terrorist groups who are fighting against the people and government of Afghanistan. Besides these undesirable incidents, considering its already made commitments, the Government of Afghanistan has undertaken significant actions for safeguarding human rights values. In this regard, enforcement of the Law on Preventing Child Harassment, development of the Law on Child Protection, enforcement of the Penal Code, enforcement of the Law Against Torture and establishment of the National Mechanism for Monitoring Torture in the country, establishment of the special EVAW prosecution offices in 34 provinces and establishing the Deputy Attorney General's Office for EVAW and division of prosecution on EVAW and juvenile delinquency are among the most significant practical measures undertaken by the National Unity Government.

Reporting on the implementation of international conventions demonstrates the political will of the Leadership of the National Unity Government and its attention to restoration of the international presence of Afghanistan, our country deserves. Submission of the second to fifth periodic report on the implementation of Convention on the Rights of the Child, is an opportunity to highlight the activities of the Afghan Government with regards to children's access to their human rights, identify challenges and obstacles on the way of realization of the provisions of CRC, promote general awareness of the public on their rights as citizens, and results in a strengthened position of the Islamic Republic of Afghanistan in the international system. The present report is the result of the of all government institutions' work in terms of children's issues during the five years period from 2011 to 2016. During this period, major achievements have been made, but they are not enough for reaching our set goal, and for full realization of children's rights; much more time, budget and comprehensive and effective management is required.

The National Unity Government is striving, with all the human, technical, coordination and leadership resources, to establish the reporting cycle as a comprehensive system. A system where participation of government institutions and public communities, in the realization of human rights norms, is an established principle and through institutionalization of such structures and public attitude building, results in a cultural transformation.

The Ministry of Foreign Affairs of the Islamic Republic of Afghanistan, as the coordinating body for reporting on the international human rights conventions, thanks and appreciates all government institutions, non-government organizations, and supporting international organizations such as the UNICEF, and states that observation, respect for and enforcement of human rights values requires will and determination at all levels. Therefore, we call upon all experts and those interested in national and human rights issues, to help and support the people and government of Afghanistan with their sound criticism and constructive suggestions with regards to gradual and realistic realization of human rights of the citizens particularly those of children.

Sincerely.

**Salahuddin Rabbani**  
Minister of Foreign Affairs

## Preamble

1. The Islamic Republic of Afghanistan (IRA) ratified the United Nations' Convention on the Rights of the Child (CRC) in 1994 and submitted its initial report to the Committee on the Rights of the Child (hereafter the Committee) to the United Nations Headquarter in Geneva, Switzerland in 2009. Subsequently, in 2011, the IRA responded to the list of issues raised by the Committee in writing. Following the assessment of the responses provided by the IRA to the Committee, concluding observations were issued for the implementation of the Convention on the Rights of the Child.
2. The Islamic Republic of Afghanistan is considered one of the leading countries in acceding to human rights international treaties and has ratified 7 out of 9 Core Human Rights Instruments. These are as follows: International Covenant on Economic, Social, and Cultural Rights 1966; International Covenant on Civil and Political Rights 1966; International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987; International Convention on the Elimination of All Forms of Racial Discrimination 1965; International Convention on the Elimination of All Forms of Discrimination Against Women 1979; Convention on the Rights of the Child 1994 and its Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict 2003 and the Optional Protocol on the Rights of the Child on the Sale of the Children, Child Prostitution and Child Pornography 2002, and the Convention on the Rights of Persons with Disabilities in 2012.
3. Afghanistan took full security responsibility in 2014, and the number of foreign military and operational troops has dropped significantly. International security forces are merely active in consultancy and training services for Afghan security and military personnel. Despite the fact that the IRA is facing enormous problems in terms of its administration, judiciary and infrastructure, it has endeavored to perform its human rights commitments regarding children and this has led to significant achievements.
4. The Periodic Report for the Convention on the Rights of the Child has been prepared with assistance from the reporting coordination unit of the Directorate of Human Rights and Women International Affairs (DHRWIA) at the Ministry of Foreign Affairs (MoFA) and in collaboration with all line-ministries and related organizations. Therefore, a steering committee was established by presidential decree on 3 November 2016 under chairmanship of the Minister of Foreign Affairs to monitor the reporting process. A technical committee consisting of competent representatives of related institutions analyzed and assessed the achievements of the IRA on the implementation of concluding observations issued by the Committee on the Rights of the Child. To facilitate the reporting process the DHRWIA acted as the coordination body for the reporting.
5. The technical committee held numerous meetings on thematic issues concerning the rights of the child to assess and analyze the executive measures of the government in compliance with the CRC provisions and concluding observations. Then, the results of the discussions from the technical committee were given to the drafting committee<sup>1</sup> in order to prepare the CRC draft report. The drafting committee prepared the draft report according to reporting guidelines approved in March 2015 CRC/C/58/Rev.3 and sent it to the steering committee for final approval.
6. In preparing this report, the recent achievements of the Afghan Government in terms of legislation, execution and administration have been taken into consideration. All government strategies following the submission of the initial report are being used as well. The current periodic report also includes consultations with different classes of people and institutions, such as relevant academia, civil society organizations defending the rights of

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<sup>1</sup> Drafting Committee was selected among technical committee members to draft the result of technical committee preparing CRC report.



children, and views from child representatives, as collected by the Child Protection Action Network (CPAN).<sup>2</sup>

7. To facilitate the participation of people acting within human rights issues, especially in issues concerning children, the MoFA held a symposium on the right of the child on 10 August 2017, where they could receive the views of legal scholars, social figures and students from various courses of study. This symposium was held to highlight the importance and opportunities/difficulties surrounding the CRC provisions. It was held at the MoFA and included participation from representatives of government entities, non-government organizations, international organizations and private and public universities.

8. In this symposium, experts in children's rights reviewed and analyzed different aspects of its guiding principles, contextual implementation (legislation, coordination), and targeted results. Participants of the symposium pointed towards the varied cases concerning child rights and shared their opinions on current contextual challenges.

9. In the process of preparing the second to fifth combined periodic report on the CRC, which was coordinated by the MoFA and facilitated through technical support from UNICEF, the following organizations took part in its finalizations : Ministry of Labor, Social Affairs, Martyred and Disabled (MoLSAMD); Ministry of Justice (MoJ); the Supreme Court (SC); Attorney General Office (AGO); Ministry of Public Health (MoPH); Ministry of Education (MoE); Afghan Red Crescent Society (ARCS); Ministry of Refugees and Repatriation (MoRR); Afghanistan Independent Human Rights Commission (AIHRC), Swedish Save the Children; and UNICEF.

## I. General Measures of Implementations

### Legislation

10. To harmonize internal legislation with the provisions of the Convention on the Rights of the Child, the Ministry of Justice (MoJ) has drafted the Child Act with 106 articles and 15 chapters. This draft Act is in compliance with the CRC and has been sent to the parliament for ratification. With the approval of this law, beside current laws that exist in Afghanistan, all provisions of the CRC will be codified, namely the provisions of the two Optional Protocols: the Involvement of Children in Armed Conflict and the Sale of Children, Child Prostitution and Child Pornography. One of the effects of this law is to facilitate the implementation of regulations that belong to the Convention on the Rights of the Child.

11. To monitor the implementation of human rights treaties, the Afghan government has established a unit within the MoJ to support human rights, review the treaties acceded to by the government, and then compare them with current country laws and policies in view of amending government laws, policies and procedures as based on its commitments.

12. The unit for supporting human rights within the MoJ is responsible for teaching and monitoring the implementation of international conventions; however, the MoLSAD is responsible for issues related to children. Following amendments, reforms to the laws, and approval of new laws, this unit is continuously cooperating with relevant government offices in teaching the convention, which includes maintaining consistency of legislative documents, as per the articles of the Convention, and preparing required policies and strategies.

13. Courts of the Islamic Republic of Afghanistan and other government offices can directly refer to the articles of the Core International Human Rights Treaties once they are accepted and approved at the national level. The process of codifying these international

<sup>2</sup> Child Protection Action Network (CPAN) is operating across the country since 2003 to protect the rights of children. This network is under chairmanship of deputy minister of Ministry of Labor, Social Affairs, Martyred and Disabled, which perform field interventions in child protection. Currently, this network functions in all provinces of Afghanistan. UNICEF is providing technical support for the CPAN.

conventions in national law starts through verification by the Council of Ministers, approval from the parliament, signature from the president, and final dissemination in the country's official gazette. For the better implementation of the articles within the Convention on the Rights of the Child, including other regulations part of human rights instruments, it is recommended that all international obligations of the government arising out of the treaties be contextually translated into the IRA's national laws, including other administrative procedures to be implemented by related entities. Therefore, to realize the content of the CRC, the specific child rights laws and regulations that were enacted recently are; the Regulation of Nurseries and Kindergartens 2013, the Law on Custody of Children 2013, the Law for Prevention of the Recruitment of Children in Military Units 2014, and the drafted Child Act (sent to parliament in 2017 for approval).

## **Coordination**

14. In the Islamic Republic of Afghanistan, the MoLSAMD is responsible for child rights issues while other government offices collaborate with the ministry in the formulation of their policies and strategies concerning children. All non-government organizations of the country that work in child related issues are registered in this ministry and obliged to report their activities to the MoLSAMD.

15. Due to the grave concerns surrounding the situation of children in the country and the overall need for more coordination between government offices and to ensure the implementation of the provisions of the CRC based on the drafting of the Child Act, the main coordinating role has been given to the National Commission for Child Protection that operates under the Office of the Second Vice President. Relevant ministries are members of this commission. Based on the new draft law, the MoLSAMD is named as the secretariat of the National Commission for Child Protection.

## **National Strategy/National Action Plan**

### **National Support Strategy for Street Child workers**

16. Due to the dire needs of children who work for the livelihood of their families, Afghanistan approved the National Support Strategy for Street Child workers in 2011. This strategy was prepared by the MoLSAMD, UNICEF, and other related organizations to meet the needs of Street Child Workers and their families.

17. In collaboration with 26 national/international organizations and the MoE, the MoLSAMD implemented the National Support Strategy for Street Child Workers and supported 19000 children working on the street and provided them access to schools.

18. To prevent children from harsh labor in brick kilns, the MoLSAMD has been able to provide 1800 children with quick learning services and has built mobile health centers in Surkhroud district of Nangarhar province. In addition, the MoLSAMD has established professional and vocational courses for 794 families living in the vicinity of these kilns to empower them economically and to help prevent their children from entering harsh labor. The MoLSAMD, in partnership with Save the Children, has supported children working on the streets by facilitating vocational training for 300 children, and by providing economic incentives for 75 families.

## **Independent Monitoring**

19. The Afghanistan Independent Human Rights Commission (AIHRC) is mandated to protect and promote human rights situations across the Islamic Republic of Afghanistan. The AIHRC's main objectives are to monitor and verify human rights violations and to take appropriate measures in tackling the drivers of such violations.

20. The AIHRC's Commissioners are selected by the President for a period of 5 years as established by the Paris declaration and the national law on the duties and authorities of the

AIHRC. One of the tasks of this Commission is to train its own staff on issues related to human rights for better performance within their jobs.

21. During the preparation of the report, the AIHRC held a nation-wide training course for its child rights staff in Kabul. In this training course, employees studied vulnerable children and legal support, the prevention of child marriage, advocacy methods for children, how to amend database registration forms, and how to support children during armed conflicts.

## Resource Allocation

22. The MoLSAMD, as the key ministry for children rights issues, operates within its normally issued annual development budget for its activities. Based on the current budget system of the Islamic Republic of Afghanistan, all ministries and government departments utilize their allocated budget from a centralized national budget. Therefore, there are currently zero child-friendly budgeting systems in the IRA.

## Corruption

23. Referring to paragraph No. 17 of the previous concluding observations centered on combating corruption and the prosecution of corruption perpetrators, the High Office of Oversight and Anti-Corruption maintains the responsibility to prevent and combat corruption by registering assets of high-ranking government officials, taking preventative measures against administrative corruption, simplifying the working processes, receiving information and complaints from citizens, and investigating cases of corruption.

24. Based on Presidential Decree 53 2017, the Prosecutor's Office for Serious Crimes was established and it has received 373 cases, from which 117 cases have been prosecuted and sentenced by the office. 2729 cases have been solved by the department of Anti-Administrative Corruption within the Attorney General Office during 2011–2017.

25. Registration of High-ranking Government Officials Assets: One of the mechanisms for preventing administrative corruption is to register the assets of government officials. Therefore, 16142 asset registration forms were distributed to government officials and staff, out of which 9875 forms have been recollected after being filled by government officials from the capital and provinces.

26. Simplification of Administrative Processes: One of the ways to prevent corruption in government offices is to simplify the current complicated bureaucracy that promotes corruption. In order to remove unclear and complicated work processes within government offices, the experts of the High Office of Oversight and Anti-Corruption have been able to simplify 86 bureaucratic and unclear processes so far.

27. Recording People's Complaints: Receiving information and complaints from people is another part of government activities for fighting corruption within government offices. The High Office of Oversight and Anti-Corruption registered 6112 complaints, out of which 6032 cases have been dealt with and closed so far.

28. Referring to paragraph No. 20 from the concluding observations concerning data collection on children's issues, The Human Rights Supporting Unit within the MoJ is responsible for following the implementation of international conventions. This Unit is responsible for preparing a comprehensive database system with technical assistance from the UNDP in order to register and classify information related to children based on sex, age, minority group and family structure.

29. Providing information about the systematic promotion of children's rights in the Islamic Republic of Afghanistan was approached through the following methods:

(a) An awareness raising campaign for government employees and NGO's who work for children. This campaign was carried out by the MoJ;

(b) A general awareness campaign on the rights of children, particularly for children in the provinces covered by the Child Protection Action Network (CPAN). These campaigns were carried out regularly throughout all organizations, such as educational and child related institutions, in 100 districts within 32 provinces in the country;

(c) A campaign on public awareness raising and on monitoring the rights of children as led by the AIHRC. This commission has published 25000 copies of human rights related materials in the form of educational posters, brochures, and booklets in the language of children, all of which were distributed to child caring centers, such as schools in Kabul and the provinces.

30. The Human Rights Support Unit at the MoJ holds educational and awareness raising programs on the CRC for government employees, Parliament Members, administrative staff, and Judicial Officials. This Unit has held more than 90 training sessions. During 2017, the Unit introduced the Provisions of the CRC to around 2000 key staff members from relevant ministries and other government offices.

31. The MoFA held a symposium in July 2017 to review legislative, judicial and administrative procedures concerning children. At this symposium various professionals, including legal experts, university lecturers, civil society activists and children rights activists, reviewed and discussed the implementation aspects of the CRC. A booklet “Essays Regarding Children Rights and Challenges Ahead” was published and distributed at the Symposium.

## **II. Definition of the Child**

32. According to the laws of Afghanistan all individuals under the age of 18 are considered children.

33. Age of marriage for girls and boys: According to the civil law of Afghanistan, the marriage age is different for boys and girls. The marriage age for girls and boys is 16 and 18 respectively, as mentioned in the Official Gazette (353/ 1976). The marriage of a girl under 15 is not permitted. A number of amendments have been made to the provision of the Shiite Personal Status Law that was published in the 391/ 19-2-1987, 615/ 6-09-1987 and 652/ 27-07-2009 volumes of the Official Gazette, all of which are synchronized with the Civil Code.

## **III. General Principles**

### **Non-Discrimination**

34. As it is enshrined in the Constitution, there is no difference among the citizens of Afghanistan and all have the same rights and responsibilities before the law.

35. To amend the age of marriage within the Civil Code to be in accordance with the provisions of the Convention on the Rights of the Child, a draft Family Protection Law is currently under review in which the marriage age for both girls and boys would equal 18. This draft law will be sent to the Parliament in the near future.

36. To eliminate negative attitudes, practices and deep rooted stereotypes that discriminate against girls, the MoWA has drafted the Women Anti-Harassment Regulation, which was approved through legal procedure. Based on this regulation, 56 government offices and 34 provinces have been tasked to form Anti-Harassment Women Commissions. Nonetheless; due to financial, security, and other reasons; only 23 government offices and 3 provinces have formed such commissions that are currently functioning.

37. Acknowledging that changing the standpoint of people towards gender is a cultural issue, there is a need for long term programs that educate them based on human rights values as enshrined in the Constitution. Therefore, to facilitate sustainable change, the MoE incorporated all human rights values into child text books based on the students’ age and

level of understanding. Among the long term activities of the MoWA in regards to changing negative attitudes of people towards girls is awareness raising programs conducted across the country in a joint effort with all stakeholders from the Elimination of Violence Against Women Commission.

38. To promote gender equality, the Commission on the Elimination of Violence Against Women plays a key role in performing cultural, legal, and social programs while also monitoring and evaluating overall progress. Moreover, the MoWA signed a Memorandum of Understanding with Ulema's Foundation (a national NGO) to advocate for gender equality as based on Islamic teachings and the cultural values of Afghan society through public awareness campaigns aimed at eradicating cultural barriers to gender equality and creating enabling environments that promote women's rights.

39. To enhance public culture and bring about root changes in society, programs must be guided towards changing the mentality and perceptions of the country's people. Therefore, the nationally implemented awareness raising campaigns advocating for child rights in compliance with the CRC have been buffered by school councils that regulate child activities within all public schools. They educate the students, their families, and the community as a whole on child rights.

40. Progress in the area of women's rights is being monitored and evaluated regularly. One of the developments seen over the past five years is the formulation of the National Action Plan for the implementation of UN Security Council Resolution (UN SCR) 1325 on Women, Peace and Security to ensure the comprehensive participation of women in peace and security. It is worth mentioning that Afghanistan is the second country in its geographical region that launched the National Action Plan on UNSCR 1325 in 2015.

41. The Shiite Personal Status Law that is currently applicable in the courts of the country has been amended in accordance with the provisions of the Civil Code. As a result, the marriage age of Shiites is 16 years of age for girls and 18 years of age for boys.

42. The MoJ has prepared a draft law on family protection that will amend the marriage age for both girls and boys to be 18 years old equally. This draft law will be passed by parliament in the near future.

### **Best interests of the child**

43. Article 2 of the drafted Child Act pays special attention to the best interests of the child and takes into consideration a child's right to access in all aspects of legislative, procedural, and administrative processes, including a judicial mandate to protect children. Moreover, due to concerns raised on issues related to children across the country, the Office of the Second Vice President is being made responsible in monitoring children rights issues.

44. In recognizing the extensive problems of children and in paying more attention to child rights, the Attorney General's Office established a Deputy Office for Women, Children and Human Rights in 2016. With the establishment of this office, all cases related to children in conflict with the law are being investigated as based on their age and physical/mental conditions.

45. For the purpose of custody and guardianship of children without family care, as stipulated by Article 14 of the Children Custody Law enacted in 2014, the principle on the best interests of the child are taken into consideration when courts decide on guardianship and custody. The courts are also responsible for receiving the complaints of appointed orphan children against their current guardian(s) and making appropriate judgments and decisions to guarantee the best interests of the child.

46. As the best interests of the child are protected by the Constitution and other laws concerning children, Section 4, Article 2 of the Juvenile Code mandates that the criminal justice system uphold Provisions of the CRC during interrogation/prosecution and after the trial during detention.

47. Based on Section 9 and 10, Article 2 of the drafted Child Act, the best interests of the child in all aspects of their life shall be taken into account. Judicial measures have also been foreseen for dealing with violators of these children's rights.

48. According to Article 5 of the Juvenile Code, 12 years of age is when children become criminally responsible. As stipulated in Articles 7, 8, 9 and Sections 1, 2, 3 and 4 of Article 10 in the Juvenile Code, harsh or humiliating punishment for children is prohibited. Placing children in Juvenile Rehabilitation Centers is allowed only as a last resort and for a minimum period of time.

49. In order to prevent violence against children and their exploitation, abuse, and recruitment in the armed forces, as stipulated by Presidential Decree No. 1333 made on 28.7.2016, a commission on the prevention of children recruitment in military cadres was formed to prevent children abuse. This commission functions in 34 provinces and under the chairmanship of each province's Department of Justice. This commission investigated 116 cases of violence against children in 2014. Throughout 2015, 155 cases of violence against children were investigated by the commission. These cases were then referred to the courts for further judicial proceedings.

### **The right to life, survival and development**

50. A child's right to life, survival and development is central to both families and society as a whole. According to the Constitution and the Civil Code of Afghanistan, one's life is considered a foremost basic right for all citizens and no one shall be deprived of that right except through provisions within the law. Also, Article 99 of the Penal Code 2017 stipulates that children shall not be sentenced to execution, imprisonment, or fines.

51. According to Article 58 of the drafted Child Act, all ministries and governmental/non-governmental departments are obliged to pave the grounds for the physical and mental development of children and to help provide a sound environment for his/her spiritual, moral, social and intellectual growth.

52. Parents or legal guardians of children, within their financial capabilities, are responsible to provide proper conditions for children's growth.

### **Respect for the views of the child**

53. Afghan laws respect the views of the child and provide them opportunities to express their thought through speech, writing, illustration, art works and other means of communication. In accordance with the provisions of the Convention on the Rights of the Child, most of the new laws concerning children have been codified. The country's Civil Code is being reviewed for amendments that would encompass all of Afghanistan's human rights commitments.

54. The right to freedom of speech and respecting the views of children are a part of children's basic rights as expressed in Article 57 of the drafted Child Act. According to this article, a child shall enjoy the right to freedom of thought, speech and the expression of his/her views through all means of communication.

## **IV. Civil rights and freedoms**

### **Birth registration, name and nationality**

55. In the new Civil Registration Law 2014, it is emphasized that no child shall be left without an identity. Based on Article 17 of this law, parents are responsible to report their children's birth within three months to the nearest Civil Registration Office. Those citizens who live abroad are required to report the birth of their children to Afghanistan's embassies or consulates within three months.

56. With cooperation between the MoPH and the Civil Registration Department of the Ministry of Interior Affairs (MoI), the Government has developed a comprehensive program for the registration of birth and death cases. In 2009, the Vital Statistics Department (VSD) established 4000 local centers for the registration of birth and death in hospitals and in the provincial Civil Registration Offices operating within all 34 provinces of the country.

57. Since 2014, as based on the new Civil Registration Law, the Civil Registration Department, in collaboration with UNICEF, has developed a comprehensive database system in 28 provinces of Afghanistan. According to figures from 2016, 123,969 cases of birth and 4,680 cases of death have been registered into the aforementioned department's database.

58. The Civil Registration Department is responsible for issuing a tazkira (National ID Card) to any Afghan who has applied for it. A tazkira requires the testimony<sup>3</sup> of two other people who also hold a tazkira along with verification by a local security office regarding the applicant's identity.

### **Preservation of identity**

59. Based on Article 18 of the new Civil Registration Law 2014, if a person finds an unknown child without a care taker<sup>4</sup>, he/she must report to a police station. The police then report the issue to the Civil Registration Department. With an order from the courts, following a medical examination (DNA Test), the child is given a name and a tazkira (National ID Card).

60. Due to security and technical challenges, as well as a shortage of electricity, the IRA has not been able to establish a comprehensive database system in the remaining 6 provinces; however, in the near future, these six provinces will be connected to the same database system maintained by the Civil Registration Department.

### **Access to information from a diversity of sources and protection from material harmful to the child's well-being**

61. In order for children to have secure and sound access to the Internet and to prevent some of its hazards, the Ministry of Information and Communication Technology (MoICT) has recently been working on the formulation of a policy regarding the protection of children while surfing the internet and to provide them safe opportunity for utilizing the latest achievements on educational, scientific and information technology. This policy aims to prevent internet-based harms and misuse as inflicted upon developing children.

62. Internet usage in Afghanistan is a fast growing trend. In 2013, approximately 5.8 percent of Afghans had access to the Internet; however, in 2014, this number increased to 12.3 percent. People's access to the Internet in cities is 20.8 percent and, among those who have higher education, the above-mentioned number increases to 38 percent. 62 percent of user's access internet services through their cell phones and another 61 percent use laptops. Meanwhile, 20 percent of users access the Internet through desktop computers. 71 percent of users access the Internet for the basic purpose of checking emails, and 44 percent surf the Internet to access news. Also, 37 percent watch videos on the Internet and 31 percent use it to listen to music.

63. Despite the fact that the number of children using the Internet in Afghanistan is limited yet rising, there is a low level of public awareness about the dangers posed by the Internet itself and, as such, the formulation of a policy for children's protection against the Internet is of vital importance. Therefore, the MoICT has endeavored in the formulation of a policy that would include the government, parents, educational institutions and civil

<sup>3</sup> If an unknown person applies for a tazkira he/she is required to bring two persons for testimony that he/she is an Afghan.

<sup>4</sup> Who may have been born out of wedlock.

society to raise the level of awareness among people and parents regarding online threats (e.g. bullying, harassment). Adequate information is also given to students through necessary training on internet-based dangers.

64. In 2011, to provide children with entertainment and encourage cultural activities among them in their own language, the first specialized television channel called Arya TV was established in Kabul. In addition to the capital, this TV station covers the adjacent provinces as well.

## **V. Violence against children**

65. According to various laws applicable in Afghanistan, violence against children is prohibited and perpetrators shall receive punishments. As Article 89 of the drafted Child Act stipulates, the child shall not receive Torture Other Cruel, Inhuman or Degrading Treatment or Punishments. Also, teachers who punish children physically will face legal actions. Moreover, children suspected or charged in violation of the law and who are arrested by the police will enjoy legal support and they will not become the subject to extra-judicial violations. In case any violence is committed by the police during the arrest, detention and transfer of children to their Specialized Prosecutor's Office; the children will have the right to complain against such mistreatments. To this end and to address children's complaints about police misconduct in any Police Headquarter, either in the capital or in the provinces, a Department for Children's Complaints has been established.

66. To conduct training for the police and enhance their human rights knowledge, the Directorate of Human Rights, Women and Children Affairs (DHRWCA) within the Ministry of Interior Affairs (MoI) has merged subjects contextualized in human rights with the curriculum of the Police Academy. Furthermore, educational and promotional billboards on the behavior of police with children have been installed in public places. In partnership with the European Union, the DHRWCA printed and provided 90000 educational brochures and 500 educational CDs on the rights of the child and disseminated them among the police staff. Meanwhile, the MoI conducted 33 awareness raising training sessions for the police on the provisions of the Constitution, its laws and relevant international conventions, including the CRC.

67. According to Section 2 of Article 640 of the Penal Code (2017), forensic examination of the hymen without the consent of the girl or a respective court's order is forbidden and, in case the above rule is violated, the offender will be convicted to prison for a short period of time (3 months–1 year). However, if such an examination is carried out through the use of force, threat or intimidation, the offender will be sentenced to a medium incarceration period of more than one year and up to five years.

68. The MoE has conducted training programs for members and officers in charge of the educational monitoring of schools to prevent the physical punishment of children and its hazards. Therefore, teachers and administrative staff within schools have been informed that any kind of physical punishment towards pupils is in contrary to the CRC provisions and other applicable laws and that the violators will face legal actions.

69. The MoI has formulated several policies for the better protection of children and for the better prevention of violence against children, including policies for the prohibition of child recruitment into national and local police forces, policies fostering humanitarianism, and policies preventing violence against women and children. These policies were enacted with the purpose of taking precautionary measures regarding various forms of violence against children in accordance with the UN Action Plan for Afghanistan.

70. For addressing child complaints, the MoI has established an oversight mechanism in 34 provinces that works towards verifying and addressing any violence committed against children. To receive and register these complaints, there are help line numbers registered as '119' for provinces and '100' for Kabul city, all of which function 24/7.

71. To raise awareness on domestic violence, the MoWA collaborated with other governmental departments to carry out various regular campaigns throughout the country. Moreover, the AIHRC, as the national human rights institute mandated in the protection,



promotion, investigation and monitoring of human rights issues across the country, conducted various programs of awareness raising centered on the prevention of domestic violence and the promotion of understanding on the rights of the child.

72. There are only 27 shelters in all of Afghanistan providing services for women and girls who have been subject to violence. According to the last figures from the CSO, there were 18 shelters in 2013 and the number has increased to 25 in 2014. In 2017, the number of these shelters increased to 27. These shelters are safe houses in Kabul and the provinces that provide basic means of living for women who have suffered domestic violence.

Figure 1

**Number of children in shelters**

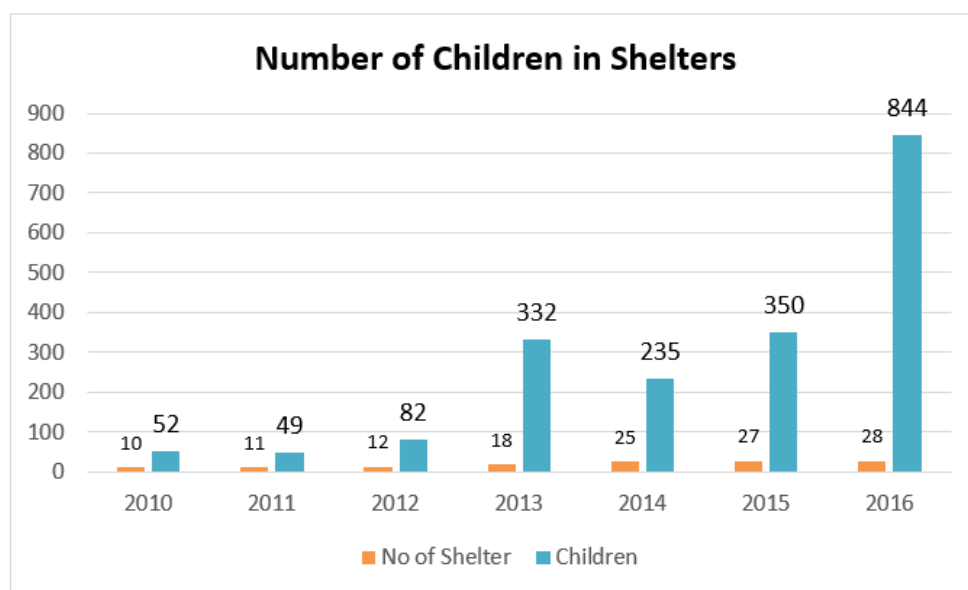


Table 1

**Number of children in shelters**

Indicator	2010	2011	2012	2013	2014	2015	2016
No of Shelter	10	11	12	18	25	27	28
Children	52	49	82	332	235	350	844

73. According to Articles 667 to 691 of the Penal Code 2017, the sexual harassment of boys, 'Bacha Bazi',<sup>5</sup> and the sexual abuse of boys in private or public parties are all considered as criminal acts. This is in parallel to Articles 692 to 696, which stipulate that the harassment of women and children, including abuse in the family environment, workplace and/or public places, are all recognized as punishable acts.

74. For the registration of domestic violence cases and to increase the number of Family Response Units in 2014, 5000 exclusive positions for women have been added within the MoI. As a result, 2700 policewomen have been recruited so far. In order to encourage women to join the police, phenomenal benefits have been established for the newly recruited staff. According to the statistics provided by the MoI, the number of women who have joined the police is increasing every year, but it is still inadequate in responding to the needs of women.

<sup>5</sup> Bacha Bazi is an illegal practice of some men in Afghanistan which force the young boys dancing in colorful dresses for sake of sexual pleasure. Article 653 of Penal Code.

Figure 2  
Number of Policewomen

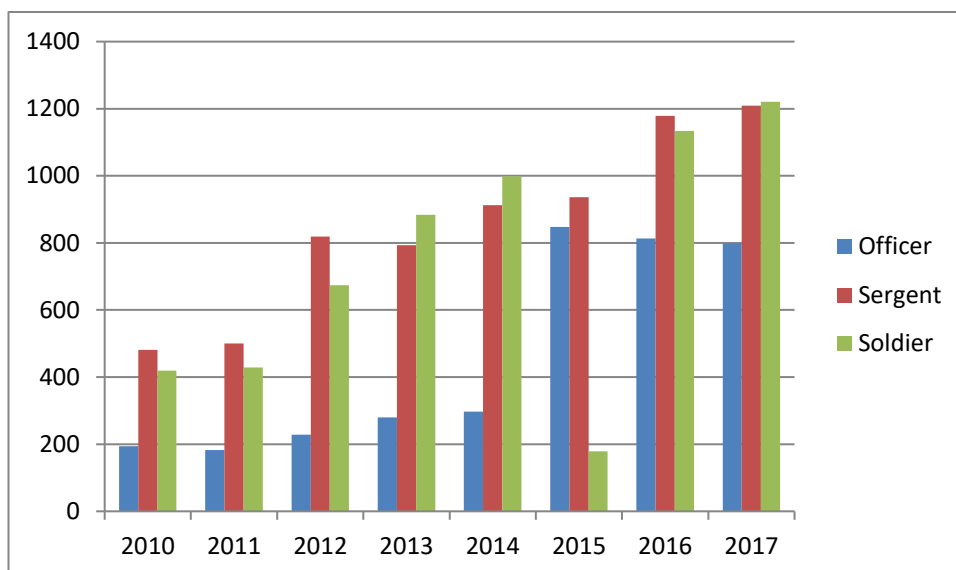


Table 2  
Number of Policewomen

<i>Policewomen</i>	<i>Officer</i>	<i>Sergeant</i>	<i>Soldier</i>
2010	194	481	419
2011	183	500	429
2012	228	819	674
2013	280	793	884
2014	297	912	998
2015	848	936	179
2016	813	1 179	1 134
2017	799	1 209	1 221

Figure 3  
Number of forces employed in 2012 by gender

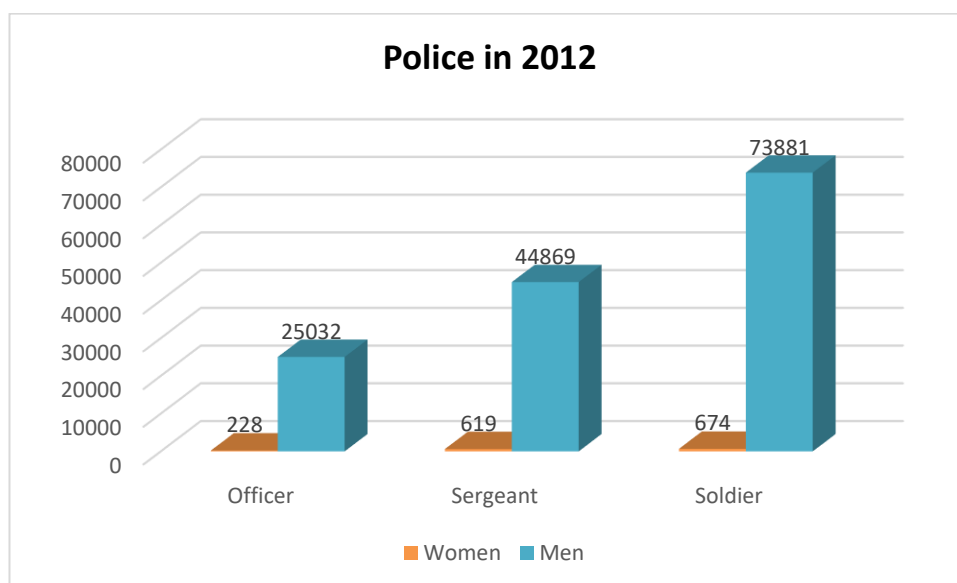


Table 3  
**Number of forces employed in 2012 by gender**

<i>Military Rank</i>	<i>Women</i>	<i>Men</i>
Officer	228	25 032
Sergeant	619	44 869
Soldier	674	73 881

Figure 4  
**Number of forces employed in 2014 by gender**

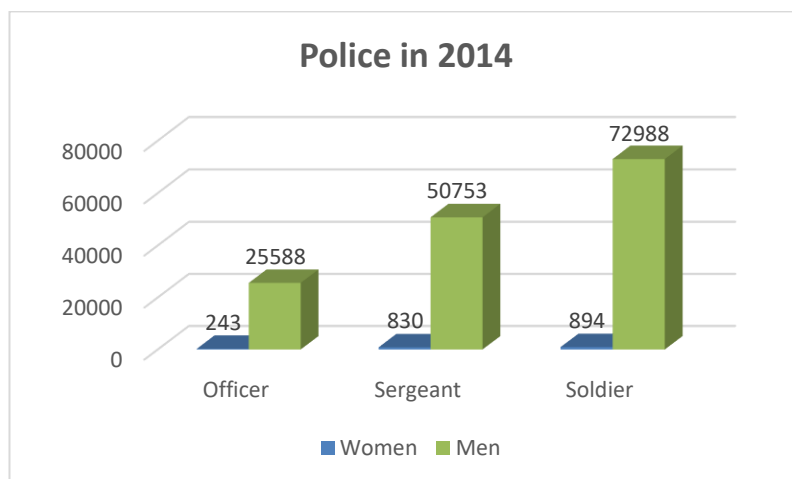


Table 4  
**Number of forces employed in 2014 by gender**

<i>Military Rank</i>	<i>Women</i>	<i>Men</i>
Officer	243	25 588
Sergeant	830	50 753
Soldier	894	72 988

Figure 5  
**Number of forces employed in 2015 by gender**

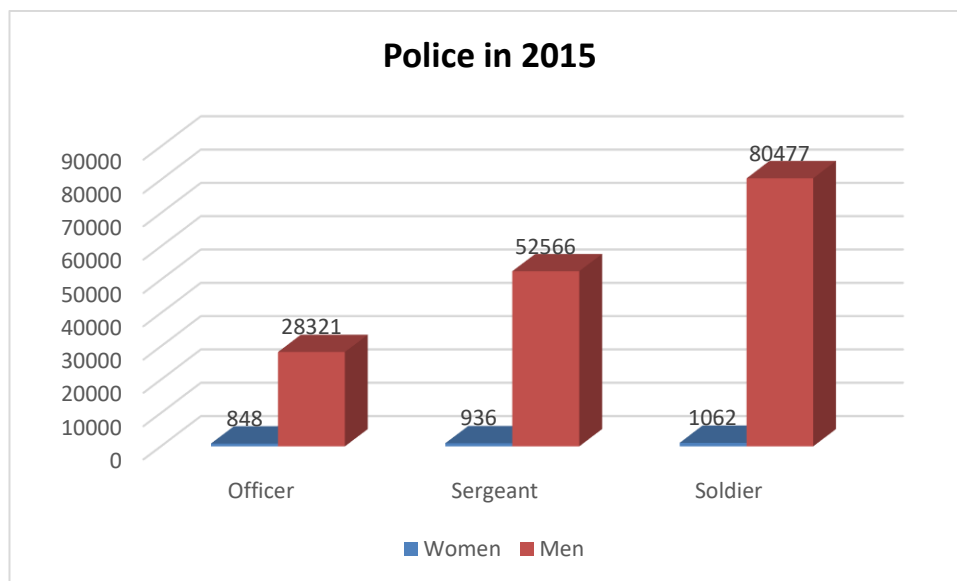


Table 5  
**Number of forces employed in 2015 by gender**

<i>Military Rank</i>	<i>Women</i>	<i>Men</i>
Officer	848	28 321
Sergeant	936	52 566
Soldier	1 062	80 477

## VI. Family environment and alternative care

75. On the basis of Afghanistan laws, men and women have a shared responsibility and obligation towards the Custody of their children. According to Section 1, Article 236 of the Civil Code: “Custody is the caring and nurturing of a child during the period in which the child needs the most care and nurturing from a woman. Based on Section 2 from the above Article, “Custody is the right of persons as specified by the civil code”. According to Afghanistan’s Civil Code, custody priority for child guardianship during marriage and after a separation between a husband and wife remains with the woman. As such, Afghan legislators incorporated mechanisms that account for the dire needs of the child for its mothers care and attention. Based on Article 237 of the Civil Code, during marriage and after separation, the biological mother is given custody priority and is responsible in providing care for her child as required by the courts. According to Article 249, the period of custody for a boy is 7 years and the period of custody for girls ends when they reach 9 years of age. On the basis of Article 250 of the Civil Code, the court can extend this period for another two years. The Articles of the Civil Code also stipulate that the custody of a child will be appointed to the mother for a maximum period of 7 to 9 years, at which point custody will be transferred to the father. As this report is being written, a draft of a Family Code is in its final stage towards approval. Based on this newly drafted Code, the best interests of the child are the most important indicator of guardianship.

### Children deprived of family environments

76. To harmonize the country’s laws with the provisions of the CRC, new regulations introduced by the Children’s Custody Law were amended with the aim to prevent the unnecessary placing of children in orphanages. Children will be referred to these facilities only when there aren’t any other alternatives or options. The number of orphanages across the country was 72 in 2016.

77. Daytime care centers are places that offer educational courses and provide lunch for their students. Destitute and poor families enroll their children to the afore-mentioned centers where they are given care and, after class, they return to their homes.

78. By the end of the academic year in 2016, eight such day care centers were closed.

79. Based on government policy, placing children in orphanages is the last resort. Those children who have no parents or caretakers are kept in orphanages. Therefore, it was not necessary to have daytime orphanages and the MoLSAMD decided to dissolve such facilities.

Figure 6  
Number of children in orphanage

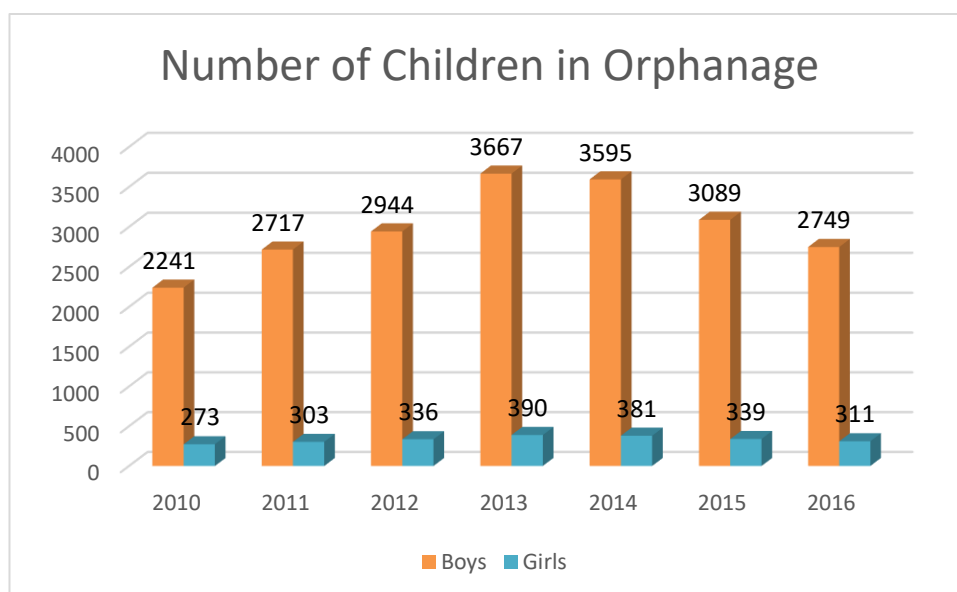


Table 6  
Number of children in orphanage

Indicator	2010	2011	2012	2013	2014	2015	2016
Boys	2 241	2 717	2 944	3 667	3 595	3 089	2 749
Girls	273	303	336	390	381	339	311

80. The approval of the Children's Custody Law in 2014 has been one of the latest achievements of the Islamic Republic of Afghanistan. According to this law, guardians will be appointed to children with no care takers or identity<sup>6</sup> with the task of taking care of them and accounting for their best interest. In this way, orphanages will not become overcrowded and will receive and provide for children only if they are in need of permanent care and attention.

## VII. Disability, basic health and welfare

81. The Islamic Republic of Afghanistan acceded to the Convention on the Rights of People with Disabilities on 18 September 2012.

82. As based on the Constitution, laws and regulations in Afghanistan, all citizens are equal before the law and shall enjoy all rights and responsibilities alike. Children with Disabilities are entitled to enjoy their full human rights as well. Thus, all educational institutions (public and private schools) are obliged to provide children with disabilities access to quality education. In order to support the right of educating students with disabilities and to enroll them at public schools, the MoE has established local intensive classes targeting children with disabilities. Even in places where there are no means and facilities with adequate teaching classes, mosques have been used as classrooms to maximize child enrollment and access to education.

83. Due to the insufficient number of special schools, only 3,692 children with disabilities from different provinces have been enrolled in public schools so that they are not deprived of education. It should be mentioned that these 3,692 disabled students have been put under a dire needs' special program, which is comprised of 2,543 boys and 1,149

<sup>6</sup> Children having no specified lineage and parents, or born out of wedlock.

girls. Since this program is supported by international institutions, the MoE delivers free educational packages for these children.

84. Due to a lack of government resources and international assistance, many children with disabilities still don't have access to special and standardized forms of education.

85. The IRA has so far established 11 special high schools for educating persons with disabilities and students with hearing and visual impairments in Ghazni, Nangarhar, Balkh, Herat, Farah, Zabul, Khost and Kabul. Currently, 1,192 boys and 588 girls with disabilities are being educated in the above-mentioned high schools.

86. To provide education facilities for children with hearing and visual impairments, the MoE has implemented a number of effective programs that are still in progress. These programs include the provision of enabling educational environments for students with disabilities, developing standardized curriculum in accordance with the needs of these students, and equipping labs and schools with teaching and educational materials commensurate with government facilities and in cooperation with international institutions. The above programs also entail printing a dictionary for an Afghan Sign Language, printing specialized magazines for these children and distributing them among relevant actors, providing visually impaired students with the Braille Alphabet, and conducting preparatory programs for children with disabilities with the aim of enrolling them in schools. Professional training courses have been conducted for teachers on teaching methods and concepts of education for children with disabilities. Various programs for children with disabilities were broadcasted through TV channels and radio stations across the country.

87. Schools for special education have been established in the capital and provinces. Professional teachers who are able to teach in Sign Language and with the Braille Alphabet have been recruited. The aforementioned schools were equipped with chairs, desks, and teaching materials. A special curriculum for students with disabilities has been developed and specialized professions and jobs have been created for this method of education. The MoE has provided children with disabilities and their teachers with special facilities, stationery and transportation services.

88. Providing special training for children with disabilities, such as computer training, fine arts, music and painting courses, are also among other activities the government organises for capacity building and fostering the inclusion of persons with disabilities in the community normal life.

### **Health statistics and health services**

89. In the initial report made in 2011, the life expectancy in Afghanistan was reported to be 47 years. Currently it is at 64 years old. The mortality rate among newborns has decreased to 22 cases per each 1000 births and the mortality rate among children under the age of five has been reduced to 55 per each 1000 children.

90. At the end of 2016, 40 percent of child births took place in the presence of a skilled birth attendant.

91. The Ministry of Public Health (MoPH) has established 924 centers for treating malnourished children within all provinces of the country. In 2016 alone these centers treated 162000 children suffering from malnutrition. Using a screening methodology, the above centers assess all children less than 5 years of age, taking into account their physical growth. During 2015–2016, 8,755 doctors, nurses, supervisors of health workers and midwives received training on how to cure cases of malnutrition, advocate for breastfeeding and supplemental nutrition, and assure that effective services are provided for children suffering from acute malnutrition.

92. From 2000–2016, 910 boys and girls between one and twelve years of age who were suffering from severe cases of burns and osteomyelitis have been sent to Germany in cooperation with the German Peace Village Organization. In 2017, the above program is still in progress and children are still being sent to Germany for treatment twice every year.

93. From 2009–2016, 5,500 children suffering from a ventricular septal defect have been treated inside Afghanistan through direct financial assistance from the Afghan Red Crescent Society. Those who needed more care and advanced treatment have been sent to India and Pakistan. Currently, 7,000 children born with a hole in their hearts are on the waiting list to be sent overseas as based on their turn and in light of available government resources.

94. The MoPH is formulating a new strategy on mental health for 2017 to 2021. This strategy takes into account the mental health needs of all people, including children. Furthermore, the MoPH, in cooperation and coordination with the MoWA, MoLSAMD, and the MoHE, has prepared a draft for a comprehensive plan for improving the mental health of women and children. Based on this plan, attention will be paid to the mental health of children suffering from obesity, in addition to other aspects of their physical well-being.

Figure 7

**Number of deaths in children per 1000 births**

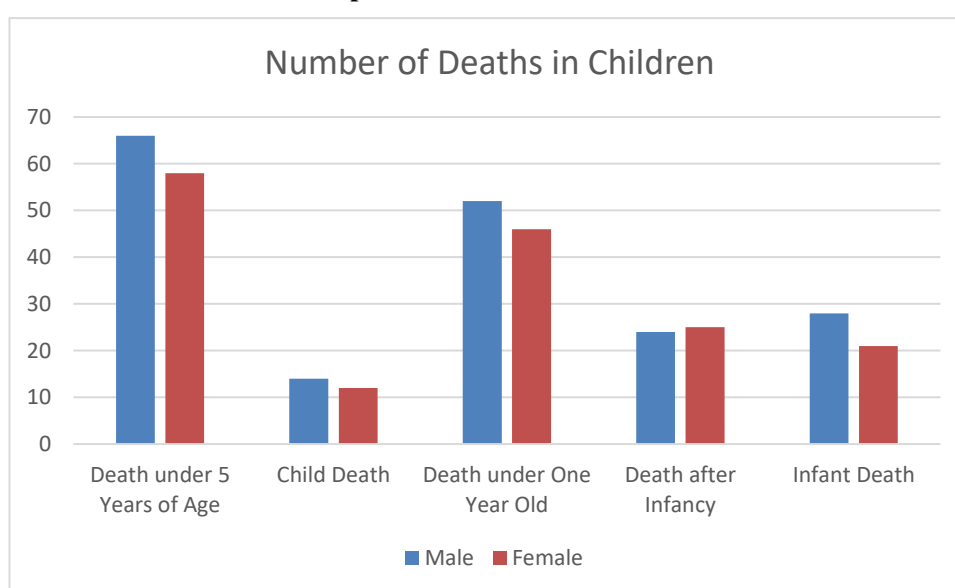


Table 7

**Number of deaths in children per 1000 births**

Sex	Death under 5 Years of Age	Child Death	Death under One Year Old	Death after Infancy	Infant Death
Male	66	14	52	24	28
Female	58	12	46	25	21

95. The MoPH has started to implement programs for psycho-social counseling for women and children who have been harmed in emergency situations across the country.

96. The MoPH has provided mental health first aid programs to persons with mental health problems within the nine most insecure provinces.

97. To promote breastfeeding among mothers, the MoPH has done the following activities:

- Adding indicators for breastfeeding of infants in all health centers that provide a Basic Package of Health Services throughout the country;
- In 2016, health workers of the MoPH were able to offer advice and counseling to 1,789,060 mothers on breastfeeding and children's nutrition;
- Implementing the Breastfeeding Support and Strengthening Regulation 2009 for infants, preventing the promotion of any kind of commercials regarding alternative

milks and eliminating all commercials for powdered milks in both Dari and Pashto languages throughout the country;

- Naming 65 hospitals as ‘Child-Friendly Hospitals’ across the country and the promotion of breastfeeding in the initial hours of a child’s birth;
- Training of 8,657 health workers in health centers to enable them to provide breastfeeding advice and counseling to those mothers who gave birth to newborns. In 2017, breastfeeding practices by mothers have increased from 30 percent in the initial report to 63.8 percent.

98. To provide people who are living in conflict zones and crisis-stricken areas with medical services, 135 mobile medical teams deliver medical services in 29 provinces.

99. To combat narcotics and treating addicted patients, the MoPH has established 56 health centers for the treatment of addicts in different parts of the country. Among them, the Kabul 1,000 Bed Medical Complex Hospital has treated 45,970 patients during 2017.

100. There are treatment centers for addicted patients in 31 out of 34 provinces throughout the country. The MoPH has prioritized four provincial districts due to the high rate of addiction. These districts are Waras of Bamyan province, Aqcha of Jawzjan province, Sheghnan of Badakhshan province and Ghurian of Herat province. The Department of Drug Demand Reduction will establish 20-bed treatment centers for the 3 remaining provinces in 2017.

101. The Department for Drug Demand Reduction within the MoPH will establish two 20-bed treatment centers for men in Oruzgan and Nooristan provinces during 2017. Furthermore, all 20-bed treatment centers in Fareyab, Ghor, Badakhshan and Laghman provinces have been expanded to 50-bed centers. Meanwhile, Helmand’s 70-bed treatment center’s capacity will be upgraded to 150 beds and Nangarhar’s 100-bed treatment center will be expanded to a 300-bed center in 2017.

102. In the formulation of the National Medical Policy 2015–2019 and the National Strategy 2016–2020, the MoPH considered fair and equal opportunities in the delivery of medical services for all people of Afghanistan as its main criteria. Therefore, the MoPH has been delivering its medical services to all people on a just and equal basis disregarding whether they are part of a majority or minority ethnic group.

### **Adolescent health**

103. The MoPH is implementing the National Program for the Control of AIDS in schools and universities to raise awareness among teenagers. Moreover, to prevent the spreading of HIV among teenagers, the MoPH set up a Help Line ‘120’ to provide the teenagers with free health consultations on the hazards of AIDS.

104. The MoPH provided consultation services on AIDS for 7,100 high school students and 3,126 university students in 2016.

105. To provide treatment facilities for addicted women and children, a 150-bed rehabilitation hospital has been set up in Kabul. In addition, there is a plan to build four more hospitals for the treatment of women and children within four other provinces. Construction will be started in the near future.

106. Family planning, intervals between births and the prevention of unwanted contraception are being taught to people in all 34 provinces. Health centers that provide family planning services include: 27 national hospitals, 7 regional hospitals, 27 provincial hospitals, 81 district hospitals, 415 well-equipped health care centers, 850 basic medical centers, 638 sub-health clinics and 238 miscellaneous clinics.

107. According to information from the Afghanistan Demographic Health Survey of 2015, only 22.5 percent of the population in the country are using contraceptive means.

108. To encourage people to control birth rates, the MoPH, in cooperation with the MoHRA and the Academy of Sciences, held a conference in the capital and other provinces titled “Islam and Family Planning” to train 500 religious figures and scholars on issues



surrounding family planning. They subsequently went to mosques and pulpits to inform people on population control and pregnancies.

### **Harmful customs and traditions**

109. The Penal Code 2017 of Afghanistan, which has recently been ratified and published in the Official Gazette, criminalizes many harmful customs and traditions and makes them punishable by law.

110. According to Article 613 of the Penal Code 2017, if a person forces a child to work in physical, heavy, and harmful to health labour environments (e.g underground, at night) or hires him/her for overloaded work, the perpetrator will be fined to the amount of 10,000–30,000 Afs.

111. As a government institution and religious body, the Ministry of Hajj and Religious Affairs (MoHRA) performs various public awareness programs to combat harmful customs and traditions. This Ministry guides the Imams of mosques to promote public awareness in order to prevent harmful customs and traditions.

112. Article 398 of the previous Penal Code 1976, which allowed a person to kill his spouse or any of his close family members (Mahram) when seeing them committing adultery (Zina), was abolished in the new Penal Code 2017.

### **Standard of living**

113. According to a National Risk and Vulnerability Assessment (NRVA), 39.4 percent of the country's population lives below the poverty line. Based on a plan by the Ministry of Agriculture, Irrigation and Livestock (MoAIL) and in cooperation with the High Commission of Disaster Management, different income generation projects for the economic empowerment of poor families have been implemented, such as providing breeding goats for dairy products, providing access to food processing, distributing vegetable and fruit drying machines, and constructing green houses with installations for drip irrigation systems.

114. According to poverty reduction programs, economic assistance has been provided for 250,000 families in Kabul, Kapisa, Badghis, Samangan, Ghor, Bamyan, Daikundi, Herat, Farah, Nimroz, Kunar, Ghazni, Nangarhar, Parwan, Panjshir, Balkh, Takhar, Badakhshan, Baghlan and Kunduz provinces.

115. The MoLSAMD has implemented a project called Safety Net in poor and secure districts. Based on this project for 2016–2017, this Ministry provided poor and destitute families with children less than five years old with economic assistance worth USD 2,501,520 in total, which is equal to 157,595,760 Afs. The above-mentioned assistances have been put at the disposal of the poor people in Khas Kunar and Norgal districts of Kunar province; Yakawlang district of Bamyan province; Chamkani district of Paktia province and Dawlatyar district of Ghor province.

## **VIII. Education, leisure and cultural activities**

116. According to the Constitution, rules and regulations of Afghanistan, all children are entitled to enjoy free education up to the undergraduate level. The Government is obliged to provide compulsory primary education for all children.

117. According to the official statistics of the MoE, the number of school students in Afghanistan, including private and public schools, reached 9,234,459 persons, of which 5,703,160 are boys and 3,531,299 are girls.

118. The total number of child students in the initial report from 2010 was 6,112,453, which has increased to 9,423,293 during the current periodic reporting period in 2016.

119. In its development budget, the MoE has considered a specialized budget for the training and education of thirteen vulnerable provinces through a Universal Participation Program, which is a top priority for the MoE. 40 districts from these 13 provinces were identified as deprived areas. The program includes intensive local classes intended for vulnerable children in these areas. Professional female teachers have been hired for the girl schools.

Figure 8  
**Number of students by gender**

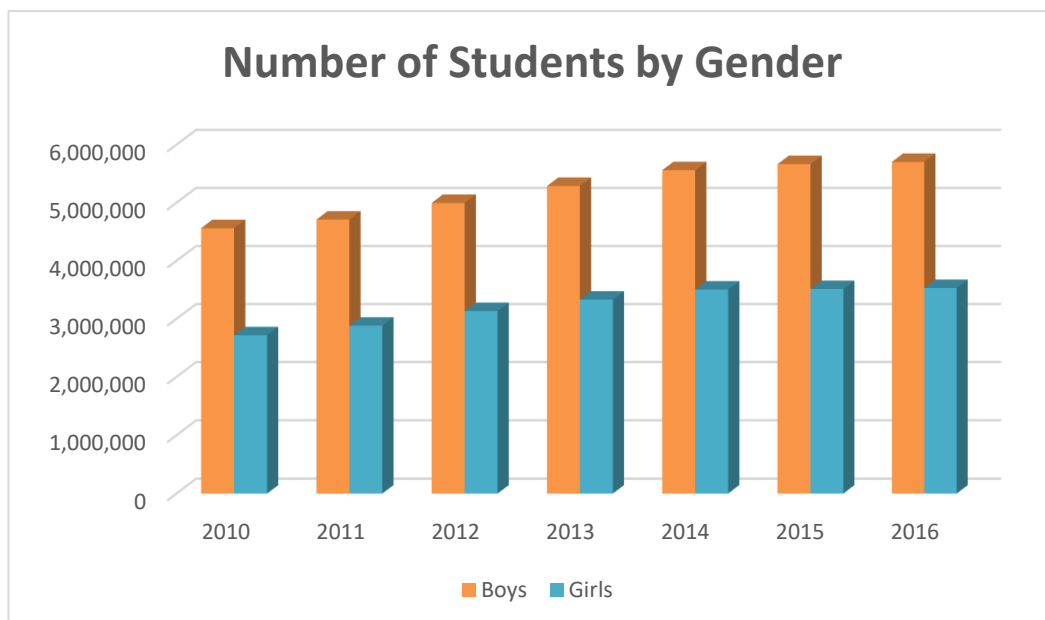


Table 8  
**Number of students by gender**

Years	2010	2011	2012	2013	2014	2015	2016
Boys	4 561 508	4 709 510	4 996 293	5 288 664	5 559 983	5 664 947	5 703 160
Girls	2 716 218	2 881 000	3 132 988	3 330 924	3 503 647	3 513 026	3 531 299

120. An anti-corruption commission has been established to handle corruption in the education system. This commission, along with the Internal Audit Department of the MoE, handles all cases of corruption accusations in the education sector across the country.

121. According to the MoE’s Internal Audit Department, 31 cases of corruption have been identified in 2014 and were referred to the Attorney General’s Office for further investigation. During 2015, this Department identified 66 cases of corruption in the education system and referred them to judicial bodies for further investigation.

122. To promote the right of girls to education, awareness raising campaigns have been conducted across the country, informing students, their families and local communities on the importance of education. There were 2,182,380 girls enrolled in schools in 2010 when the IRA submitted its initial report; however, in 2016 there were 3,531,229 girl students.

123. The curriculum of schools has improved since 2010 and it has become a student-centered educational system that attempts to involve students themselves in the teaching. The MoE’s curriculum is reviewed and revised every 3 years.

124. A new monitoring system has been developed to improve the quality of education that includes steady observation and providing consultation for teachers and principals of schools. A professional monitoring team supervises the teaching methods of teachers. For example, a monitoring expert goes to a classroom during a teacher’s class to monitor his/her teaching method and provide him/her with necessary consultations regarding the

formulation of a teaching plan, teaching supplementary material, and the teacher's behavior with the students. Additionally, in order to improve students' learning outcomes, a teacher training center, a science education center and a curriculum learning center provide technical and professional consultations to schools' principals and teachers.

125. Violence against women and children is forbidden in different laws and regulations, such as the Regulation on the Elimination of Violence Against Women and Juvenile Code. Moreover, Articles 668 to 672 of the Penal Code 2017 criminalize violence against women and children, including any harassment in private and public places. In case any violence and offences take place in the educational centers, the perpetrator shall be fined from 10000 Afs up to 20000 Afs.

126. According to Article 87 of the drafted Child Act, any sort of torture and other cruel, inhuman or degrading treatment or punishments against a child is prohibited and the offender shall be prosecuted. In addition to this, students and teachers are informed by the school principal regarding the prohibition of physical punishment and its harms.

127. The Department of School Protection and Safety has been established by the MoE to supervise schools and educational entities across the country. To prevent armed attacks on schools, the Department of School Protection and Safety maintains constant coordination and contact with security entities, including police headquarters and the National Directorate of Security.

128. During 2016, the MoE held numerous seminars and training programs to raise awareness on the threats posed by mines and undetonated remnants of war in all 34 provinces. By now, 289,726 students and 3,536 teachers have attended these seminars and trainings.

## **IX. Special protection measures**

129. The National Policy on Internally Displaced People (IDP) has been approved by the Minister's Council on November 2013 to address the challenges of IDPs and to provide services for the displaced children and their families. The government, according to this policy, has to provide basic livelihood needs to the IDPs, such as food, clothes, and shelter.

130. According to Ministry of Refugees and Repatriation (MoRR) findings, 60 percent of IDPs are children and teenagers that will face grave challenges if not taken into consideration. They may not be able to be enrolled in schools and, in parallel, they may experience weakness in social development, decline in family and social support, dangers from sexual and gender-based violence, harsh labor, and other harmful traditions, such as early and forced child marriage.

131. According to official figures from the MoRR, 589,837 families, which include 4,128,859 people, have been displaced of their permanent residences from 2013 to 2017 due to natural and human factors (including wars and conflicts). They are temporarily living in other provinces.

132. The MoLSAMD, in collaboration with the MoPH and MRRD, has to take special measures to ensure that the IDPs, including the disabled, children, and adults, reach safe sanitation facilities. While providing safe sanitation, girls and women's privacy shall be taken into consideration.

Figure 9  
Internal displaced persons/people

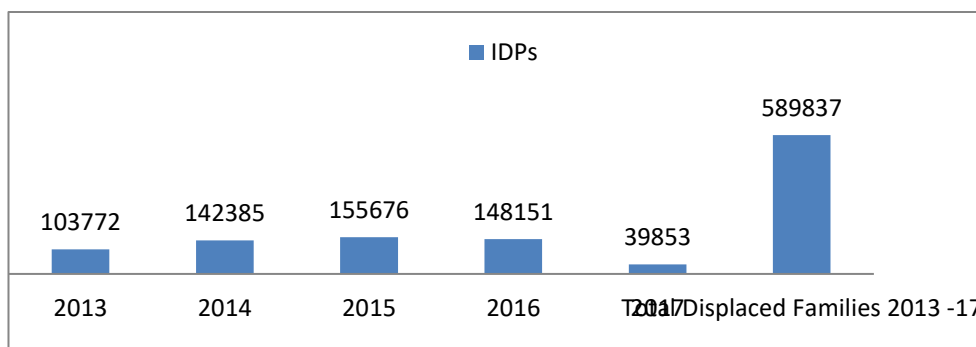


Table 9  
Internal displaced people

Years	2013	2014	2015	2016	2017	Total
IDPs	103 772	142 385	155 676	148 151	39 853	589 837

133. According to Article 52 of the Constitution of Afghanistan, “The government provides free preventive and treatment tools and medical care to all citizens according to provisions of law”. The National Policy on Internally Displaced People acknowledges that the IDPs have the right to fully access basic health services like other citizens. This policy emphasizes that the IDPs shall not be deprived of access to these facilities or to health care due to a lack of national identity cards.

134. The National Policy on Internally Displaced people also emphasizes the right to education for all children and obliges the MoE to make sure that no child is deprived of an education due to a lack of educational documents or a national identity card. The MoE shall hold competency exams for those without educational documents. Furthermore, no displaced child should be deprived of their right to education due to their inability to purchase school uniforms, books, and other items. In areas where there are communities of IDPs, the MoE has to increase the number of classes, hire adequate teachers and provide sufficient materials for the students.

135. To enroll displaced children into the educational system and provide their right to access education, the MoE has provided instruction to all of its directorates in the border provinces to temporarily enroll displaced children in their schools as based on their relevant class level. Parents should subsequently submit their complete documents to the schools within 3 months. Therefore, all displaced children, even without identity documents, will be enrolled in schools.

136. The MoRR has supported 2,706,839 displaced children from 2013 to 2017. It has coordinated with relevant internal departments and international organizations, such as UNICEF and UNHCR, to better address issues related to internally displaced students. During 2016, almost 1,995 internally displaced students were enrolled in school.

137. The MoFA is reviewing the accession process to the Convention on the Condition of Stateless Persons 1954 and the Convention on the Reduction of Statelessness 1961.

138. According to a CSO survey in 2008, almost 21 to 25 percent of the total number of children in Afghanistan are child labourers (1,900,000 children). 13 percent of child laborers are working on the streets. To protect the child laborers the MoLSAMD, in addition to reviewing the Labor Law, has approved a National Strategy on Protection Street Child Labor in 2012. The following has been implemented according to this strategy:

- Coordination between government and non-governmental entities to protect and promote children rights;
- Precise survey of issues related to street child labor that provided indicators for supporting them in a better way;

- Conducting awareness raising programs on children’s rights through mass media, seminars, and workshops.

139. According to the National Strategic Action Plan for protection of Street Child Labor created by the MoLSAMD children who work in brick kilns shall receive financial support. Based on this strategy, 794 children and their families in Surkhrod district of Nengarhar province have been provided financial support to prevent their children from engaging in its dangerous and harsh labor, allowing them to return to school.

140. The AIHRC has initiated a national survey in 2017 to identify the root causes of child labor and submitted the results to policy making and executive entities within the government.

141. The Child Protection Action Network (CPAN) operates in 32 provinces and in more than 100 districts throughout the country. One of its responsibilities is to support street child laborers. Following its activities and the monitoring of this network in 2014 and 2015, a total number of 5,417 cases of child rights violations were identified and referred to the judicial sector.

142. CPAN employees have identified and prevented 429 cases of forced and harsh child labor in recent years. Also, 84,000 street child laborers have been targeted by quick learning courses, technical and vocational trainings within legal norms, and have been referred to children protection centers.

143. The MoLSAMD established health clinics and training courses for 1,800 children who were working in brick kilns in Surkhrod district of Nengarhar province. The Ministry has also established technical and vocational training courses in Kabul for employment purposes so that the families of children who work in harsh labor may alleviate financial stressors within the home.

144. To assist in fulfilling basic livelihood needs, technical and vocational training courses were held that fostered economic support and financial self-sufficiency within those attending families dependent upon their children’s income from labor. According to the International Labour Organization (ILO), 6300 children are working in brick kilns in Deh Sabz district of Kabul Province which 56 percent are under 14 years.

145. According to ILO estimated figures, 85 percent of children working in brick kilns do not have access to schools and are deprived of their education rights. These children suffer from physical and mental stressors, especially health issues, such as skin diseases. Children and adults have to work 16 hours a day and this degree of labor affects a child’s physical growth and hinders their access to education.

146. According to the Afghanistan Living Conditions Survey (ALCS) in 2014, child laborers make up 29 percent of the total number of children in the country (2.7 million).

147. The MoLSAMD aims to develop a plan to manage child related issues with participation from various stakeholders, including children themselves, non-governmental organizations and children rights activists.

148. The MoLSAMD have had a strategy from 2012 to 2017 to protect and promote child rights through the CPAN and other implemented programs. Since this strategy has expired, the MoLSAMD is trying to review and renew the strategy with contributions and cooperation from all relevant stakeholders.

## **X. Follow-Up to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**

149. Referring to the previous concluding observations (paragraph 71 on the Definition of “Rape” in the country’s legislation), according to the new Penal Code 2017, the crime of “Rape” has been defined in Article 636 and is now a punishable crime. Section 1, Article 639 expressly provides that: “a person who commits sexual intercourse or inserts body parts or other objects into the victim’s vagina or anus by using force, means of threat, or using a

victim's physical or mental inability to express consent or lack of consent (Male or Female), or giving anesthetic substances or other mental affecting drugs, is considered as a perpetrator of rape".

150. According to Article 637 of the Penal Code 2017, "the perpetrator of "Rape" is sentenced to long-term imprisonment for a period of 5 to 16 years".

151. If the victims of the rape are children, the offender is sentenced to 16 to 20 years of imprisonment. In cases where the victim of rape is under 18 years of age and the offender is an adult, the victim's consent in this regard is invalid. Offenders will receive the death penalty sentence if the rape resulted in the death of a child.

152. According to Article 653 of the Penal Code 2017, bacha bazi and child abuse is a punishable crime and offenders shall be punished, whether it was committed by an individual or a group of people.

153. Based on the Elimination of Violence Against Women Regulation 2009, 236 cases of sexual assault have been processed in primary and appeal courts, from which 269 accused persons have been tried. As a result, 1 person has been sentenced to death, 19 persons sentenced to life imprisonment, 25 persons imprisoned for 5 to 20 years, 71 persons to midterm imprisonment (up to 5 years), and one person sentenced to a fine. 35 accused persons have been released due to a lack of legal grounds.

154. According to Article 637 of the Penal Code 2017, perpetrators of sexual assault will be sentenced for 5 to 20 years of imprisonment. In cases where a man commits sexual intercourse with a minor, his act will be considered rape and the victim's consent becomes null and void.

155. According to Article 642 of the Penal Code 2017, if the victim of rape is a child, then he/she will not be indicted.

156. A counter trafficking law is being implemented by relevant bodies and the MoI has held 40 awareness raising programs for its employees to make them aware of the consequences of trafficking and abduction.

157. During the last 5 years, the MoLSAMD has supported and protected 667 children who were victims of human trafficking.

158. During 2014–2016, the MoLSAMD reintegrated 138 deported children from Saudi Arabia, Turkey, and Pakistan, including 21 girls and 117 boys, with their families.

159. The Hajar International Organization (HIO) has established two supporting institutions for boys and girls that provide child victims of human trafficking and abduction with adequate assistance. During the last 5 years, this organization has provided supportive services for 256 children.

160. The MoLSAMD signed a cooperation agreement with the International Organization for Migration (IOM) to establish Children Supporting Centers (CSC) in four zones: Center (Kabul), West (Herat), East (Nengarhar), and North (Kunduz). It has been able to provide supportive services to 668 victims. Children without guardians are kept in these centers. The CSCs have been able to help children rejoin their families.

161. The CSCs that act against trafficking and abduction are financed by the IOM. However, since 2013, the centers have been closing down due to a lack in budgeting and only the Kabul CSC has been able to resume its activities with support from UNICEF in 2016. The MoLSAMD want the Children Supporting Centers to re-open in all the aforementioned zones.

162. According to Article 5 of the Juvenile Code, children are responsible for their criminal acts when they reach 12 years of age. According to Articles 7, 8, and 9 and Sections 1, 2, 3, and 4 of Article 10, severe and humiliating punishments for children are not allowed even if it is for the purpose of reforming behavior. Moreover, children's cases are investigated by the Special Juvenile Prosecution Department (SJPD) and children are arrested only in cases with existing evidence regarding their felony or misdemeanor, if there is fear of fleeing, danger from the elimination of documents and evidence, and if there is fear of repeating the offence. The Juvenile Code provides that children, by no

circumstances, shall be cuffed and that they must be kept separate from adults. Juvenile Rehabilitation Centers (JRC) are considered as a last resort and only for a minimum period of time.

163. Taking into consideration the sensitivity of addressing cases of child violations, besides the special primary and appeal courts for children in 8 zones (Kabul, Kunduz, Balkh, Herat, Kandahar, Nengarhar, Ghazni, and Bamyan), the Supreme Court has also established the Division for the Elimination of Violence against Women and Juvenile Delinquency within its structure. With the establishment of this division, juvenile delinquency is being addressed in a better manner and takes the best interests of the child into consideration.

164. A social worker is assigned to the Children Crime Department (CCD) within the Kabul Police Headquarters to monitor whether violence and harassment is being committed against arrested children while they are being transferred from the police stations to Kabul Police Headquarters.

165. Four social workers of Children In Crisis (CIC) were introduced to the Kabul Police Headquarters by the MoLSAMD. They are responsible in making sure that the police apply the Juvenile Code while arresting children and to prevent any violence against them.

166. According to the Juvenile Code, courts have to take into consideration the Juvenile Code provisions during adjudication of child offence cases and must make the following decisions:

- Oblige the child into social services;
- Issue a warning;
- Refer the child to special social service institutions;
- Suspension of trial;
- Conditional suspension of punishment;
- House detention;
- Hand over the child to one of the parents;
- Transfer the child to a Juvenile Rehabilitation Centers as a last resort and for a minimum period of time.

167. The courts try their best during juvenile delinquency cases to use alternatives to detention in accordance with Article 35 of Juvenile Code. During the detention and arrest of the accused children, the police must inform their parents or legal guardians.

168. According to Article 24 of the Law on Juvenile Rehabilitation Centers (LJRC) and Article 14 of the Regulation on Management of the Juvenile Rehabilitation Centers, a child who is suspected, accused, and sentenced to a rehabilitation center has the right to meet with their family members and immediate relatives. There is a separate procedure for organizing the visits. Furthermore, there is an executive manual on visits that the Juvenile Rehabilitation Centers officials facilitate during a visitation between a child and his/her family, immediate relative members, and attorney.

169. Only 10 out of a total 34 Juvenile Rehabilitation Centers across Afghanistan have standard buildings. The remaining centers are annually renovated and equipped through the developmental budget of the MoJ.

170. Children within the Juvenile Rehabilitation Centers are provided with educational facilities in collaboration with the MoE. Two teachers are assigned in each center to assure that children are not deprived of education during their rehabilitation period. Furthermore, the MoHRA assigns Mullas to all Juvenile Rehabilitation Centers to educate children on ethics and Islamic values.

171. With UNICEF assistance, a number of psychologists were hired in seven Juvenile Rehabilitation Centers to provide consultation regarding children's mental health. Additionally, religious scholars have been appointed in these centers with the assistance from the Social and Educational Services Organization (SESO) to teach Islamic values to

the children who have been accused of internal and external security charges to prevent their recidivism and inclination towards extremism.

172. Juvenile Rehabilitation Centers with standard buildings provide recreational facilities, such as volleyball, football, badminton and free sports exercises. In provinces with no standard buildings, entertainment and recreational facilities are available inside the rooms, such as chess.

Figure 10  
**Children in rehab centers**

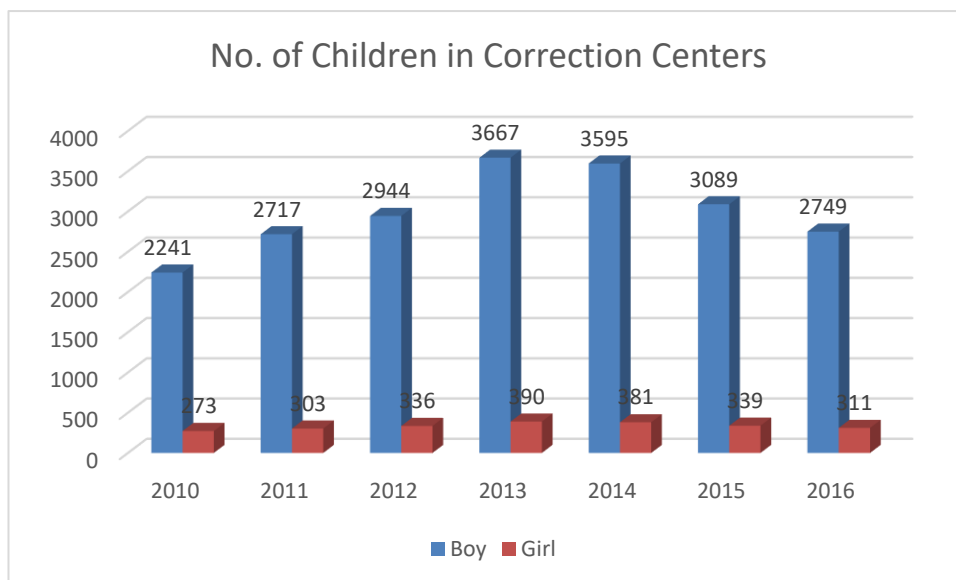


Table 10  
**Number of children in rehab centers**

Indicator	2010	2011	2012	2013	2014	2015	2016
Boys	2 241	2 717	2 944	3 667	3 595	3 089	2 749
Girls	273	303	336	390	381	339	311

173. An affiliated girl school has been established in the Kabul Rehabilitation Center with help from the Deh Kepak Girls High School. The children in these rehabilitation centers are enrolled in school and have access to education as based on official curriculum from the MoE. Also, with cooperation from the Deputy Ministry for Literacy, teachers have been assigned in Kabul and the rest of provinces to educate children on basic literacy.

174. The MoJ is active in attracting international organizational assistance regarding children’s rights. This Ministry has reached an agreement with the Correction Sector Support Program (CSSP) in this regard. The CSSP has provided 101 executive manuals for Juvenile Rehabilitation Centers and has trained officers and other employees prior to their appointment to the Centers. This organization has also carried out a six-day seminar on monitoring and evaluation for the monitoring and coordination officers from the Centers. It has also conducted numerous workshops on management and administration to improve the capacity of the Center’s staff. To improve the process for child case registration and management, a case registration system has been developed within the MoJ and it has been equipped with relevant technical means.

175. As the Government of Afghanistan is obliged to its commitments towards Afghan citizens and international organizations, the IRA, in respect to its available resources and in collaboration with non-governmental organizations, has put forth all of its efforts in implementing the provisions of the CRC and its concluding observations following the submission of the initial report.



## XI. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

176. During negotiations with armed opposition groups, the Islamic Republic of Afghanistan upheld the Constitution and other applicable laws of Afghanistan to safeguard all citizens' human rights.

177. In accordance with nationally applicable laws and in adherence to international law, the IRA takes into consideration the rights of every citizen and actively prevents civilian casualties during its military operations against armed opposition groups. Military and defense forces of the IRA preserve humanitarian laws during war with militia groups. They do not launch air and ground operations against residential and public places, wedding ceremonies, religious rituals, or on mosques, cemeteries, and government and non-government entities. Additionally, the Afghan military and security forces' response to combating enemies is proportionate to the number of enemy fighters and their relative strength and equipment; as a result, civilians and non-military objects are not hurt and damaged.

178. Based on decree No. 1333 in 2016 that prevents child recruitment in military units and security forces, the Afghan President has assigned a delegation to review child recruitment issues in the military and security forces across the country. Following the review, it was determined that no child is in the military and security forces.

Figure 11

### Number of children refused or prevented in army

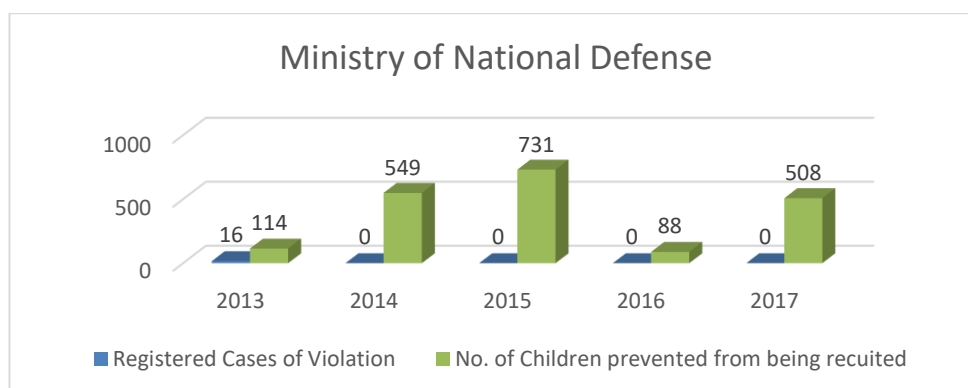


Table 11

### Number of children refused or prevented in army

Ministry of the National Defense	2013	2014	2015	2016	2017
Cases of the Registered offenses	16	0	0	0	0
Number of Children Prevented from being recruited	114	549	731	88	508

179. To preserve and protect child rights, the police departments, prosecution offices and courts are obliged to observe the Juvenile Code during pre-trial, trial and post-trial processing. In all judicial proceedings for juvenile cases, child criminal justice shall be observed by the courts. 2,920 cases of crime against internal and external security have been prosecuted justly in the courts across the country in 2014. During trial, the rights of suspected and accused children have been the center of focus for judges. 264 cases of children accused of internal and external security crimes have been registered and have been prosecuted throughout the country, out of these, 4 cases have been acquitted.

180. Article 605 of the Penal Code 2017 stipulates that "any person who recruits a child into military forces or services, the perpetrator shall be sentenced based on the provision of

this chapter”. If the person responsible for a military unit recruits a child he/she shall be sentenced to a short period of time (3 months up to 1 year).

181. If a person facilitates the recruitment of a child through the falsification of an identity card they shall receive a midterm imprisonment of 3 to 5 years.

182. According to Article 608 of the Penal Code 2017, if a person responsible for a military unit knowingly lets a recruited child resume his/her job in the military unit, the perpetrator shall be sentenced to a short period of imprisonment (3 months to 1 year of imprisonment).

## Conclusion

183. To enrich the report and foster further participation by people from all child related entities, the MoFA held awareness workshops and seminars within the presence of independent academic institutions. The Islamic Republic of Afghanistan has consulted with a wide range of people and relevant government and non-governmental entities for the preparation of the combined second to fifth periodic report for the Committee on the Rights of the Child and the IRA has incorporated their opinions and viewpoints in prioritizing these children’s rights. The current report includes children related legislation, judiciary, structure-building, and administrative achievements since 2011. Following the submission of the initial report to the CRC Committee and upon receiving their concluding observations, the IRA has put all of its efforts in realizing the CRC provisions during the follow-up period. The realization of Children Rights in a post-conflict country like Afghanistan depends on numerous preconditions with security being a cornerstone. In recent years, Afghanistan has witnessed heinous crimes inflicted on Afghan civilians by armed opposition groups, resulting in the loss and injury of thousands of people, especially women and children. On the part of the Government, Afghanistan prevented the conscription of children in armed and security forces and discharged those who were recruited in the past. In regard to the enrolment rate of children, there was a steady hike that reached to 9,423,293 students. People’s life expectancy has increased to 64 years of age, which was 42 in the initial report. Access to medical care within 1 hour of walking distance increased to 57 percent, which was only at 9 percent in 2000. Infant mortality has decreased from 31 to 22 percent per one thousand births. The mortality rate for children beneath the age of 5 has decreased from 87 to 55 percent. The enactment of new child-friendly laws and regulations, such as the regulation of Nurseries and Kindergartens 2013, the Law on Custody of Children 2013, the Law for the Prevention of the Recruitment of Children in Military Units 2014, and the drafted Child Act, would help courts and governmental/non-governmental organizations to better protect and support children. Moreover, the enactment of the new Penal Code in 2017 criminalizes violence, sexual harassment and abuse against children. “Bacha Bazi” is forbidden based on the Penal Code and perpetrators will face punishment. According to the new Civil Registration Law 2014, children who are born out of wedlock shall receive a national ID card and enjoy all of his/her human rights. The establishment of a deputy for human, child, and women rights in the Attorney General’s Office has centralized child rights as a top priority of the Government. Despite the aforementioned achievements, there are serious challenges hindering the realization of child rights, such as: lack of awareness regarding child rights; security challenges in some provinces; suicide attacks by armed opposition groups; shortage of school buildings and textbooks; shortage of educational facilities for children with disabilities; lack of rehabilitation centers; lack of specialized judges, prosecutors and police for children; high mortality rate of children in comparison with neighboring countries; and an overall shortage of financial, technical and human resources in the government to address and manage these child rights issues.