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**AIHRC**

**Persons with Disability Rights Unit**

# **Human Rights Challenges of Persons with disabilities 2019**

**Report Description:**

Title: Human Rights Challenges of Persons with Disabilities

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## Introduction:

The AIHRC continuously monitored and reported the human rights situation of persons with disabilities (including women, men and children with disabilities) and presented recommendations to the Afghan government and society to improve the human rights situation of persons with disabilities.

The Persons with Disabilities Rights Unit of the AIHRC has so far released many reports entitled "The situation of persons with disabilities and the challenges they face in the family and society," "The Situation of Persons with Disabilities' Access to Public Buildings and Places", "The Human Rights Situation of Persons with Disabilities", including, the the relevant annual reports.

The present report, that reviews the situation of persons with disabilities and the challenges they face in accessing their basic human rights in the society, is the result of the tireless efforts and attempts of the Officers and staff of the Persons with Disabilities Rights Unit of the AIHRC in the eight Regional Offices of the AIHRC.

Data collection method: The study was conducted through interviews with 1716 people of different age, sex and disability groups in different provinces of the country.

Unfortunately, there are no accurate statistics for persons with disabilities in Afghanistan and, to date; the International Handicap Institute's National Disability Survey 2005 is considered a reference for everyone . According to the census, 2.7% of the country's population is made up of people with severe disabilities, while the number of persons with disabilities in the country has risen by various natural or unnatural causes, such as conflict, pre- and post-natal health care, illnesses such as diabetes, traffic accidents and so on.

Various categories of persons with disabilities with different types of disabilities, such as physical, sensory and mental disability, live in different conditions in the country; however, the least attention has been paid to people with mental disabilities.

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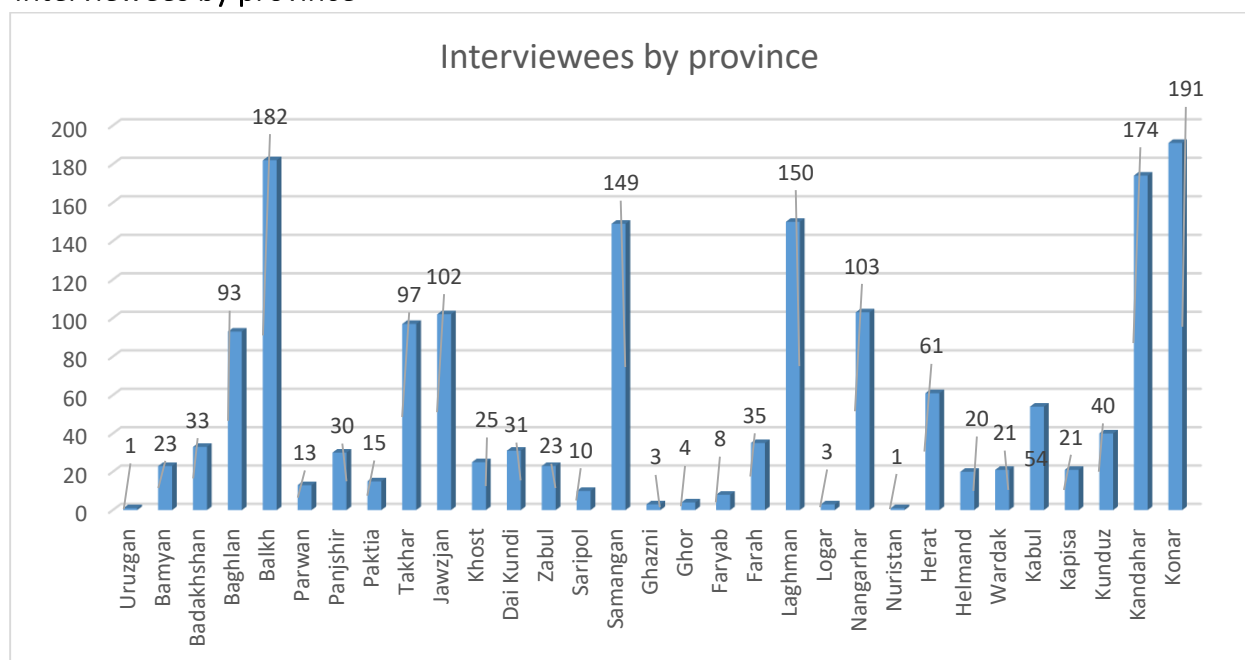
<sup>1</sup> handicap international

## Mission of the AIHRC

The AIHRC, in accordance with Article 58 of the Constitution of Afghanistan, has specific duties to monitor the human rights situation of the citizens. Article 58 of the Constitution states: "The State, for the purpose of monitoring, observation of human rights in Afghanistan their protection, shall establish the Independent Human Rights Commission of Afghanistan. Everyone in case of violation of his fundamental rights can launch complaint to this Commission. The commission can refer the cases of violation of the fundamental rights of the people to the legal authorities, and assist them defending their rights. "

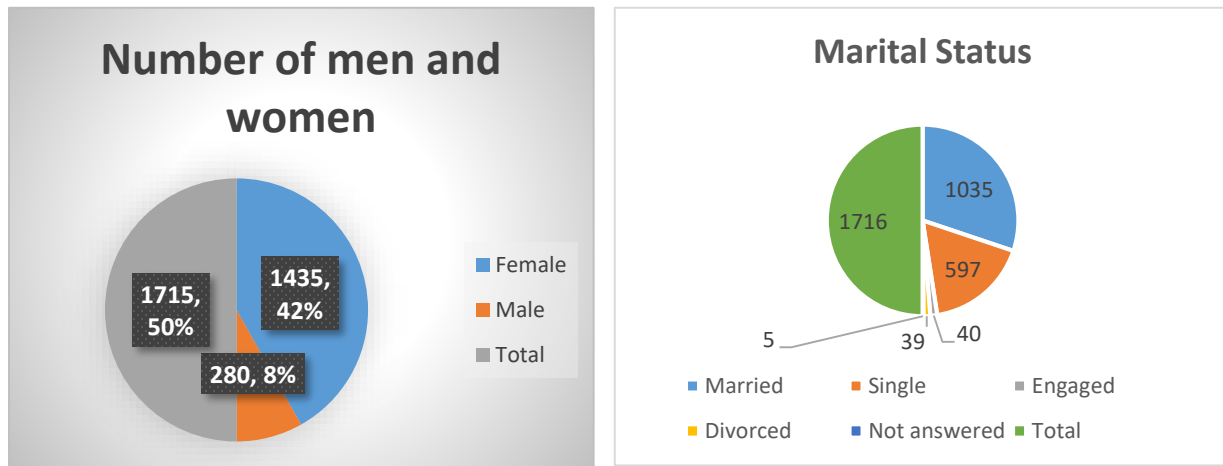
Therefore, in accordance with Article 26 of the AIHRC Law, the AIHRC established a program unit to protect the rights of vulnerable groups including persons with disabilities. This Unit's scope of activities is nationwide, monitoring the human rights situation of people with disabilities, receiving complaints and investigating violations of human rights. One of the Unit's most important tasks is to prepare and publish research reports on the human rights situation of people with disabilities. The present report is also being produced and published as in line with this assignment.

## Interviewees by province

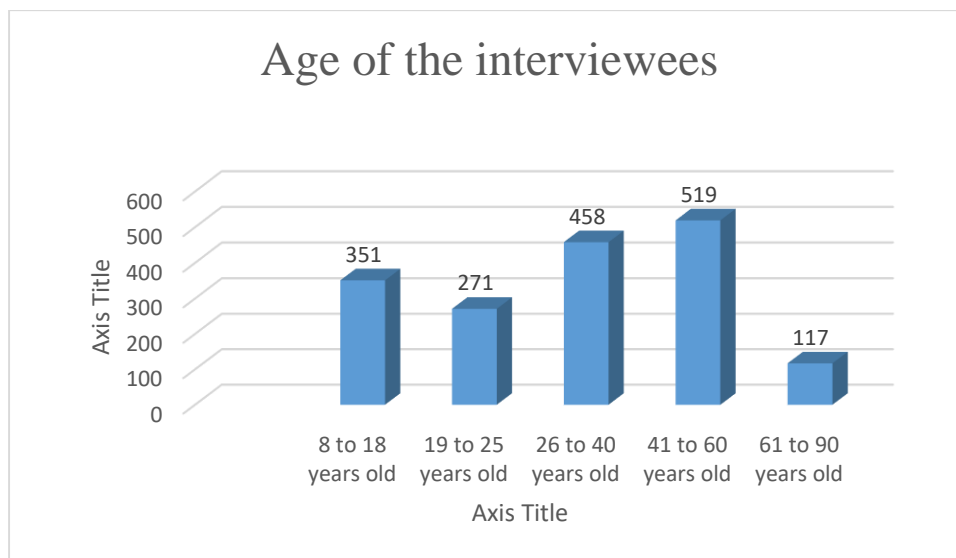


### Gender and Marital Status of Interviewees:

In this study, 1,435 men and 280 women were interviewed, 1035 of them were married, 39 were divorcees, 40 were engaged, and 597 others were single.



### Age of interviewees



**Education level of interviewees:**

According to the findings of this study, shown in the table below, the educational level of persons with disabilities is different like the educational level of non-disabled people, but many of them enjoy low literacy rates.

Education level	Number
Illiterate	٩٤٩
Elementary	٣٣٩
Secondary	١٠٧
Baccalaureate	٤٥
Above Baccalaureat	٤٢
Bachelors	٣٢
Ph D	١
Unknown	٤٢
Total	١٧١٤

**Interviewees' Disability Causes:**

According to the study findings, war is the major contributor to disability, as 928 interviewees said war is the major factor that causes disability. 657 interviewees stated natural factors as causes for their disability. The traffic accidents have also resulted in disability of 46 people. The other 85 interviewees either did not know the cause of their disability or refused to respond.

**Type of interviewee's disability:**

The findings of the 1394-1395 reports and the current report on the situation of persons with disabilities revealed that the vast numbers of people interviewed were physically disabled. But, there are also a considerable number of people with sensory and mental disabilities, which can give rise to the perception that conflict and poverty play a major role in increasing disability.

### Statistical data analysis

In this section we analyze the findings of the study by differentiating different topics, based on the information obtained from the interviews:

#### Use of assisting tools

The use or access to special assisting tools for persons with disabilities is also necessary and, as we see in the table below, most persons with disabilities use crutches, artificial limbs and wheel-chairs.

What tools do you use?	Number
None	811
Crutches	512
Artificial limbs	229
Wheelchair	97
Other	46
Helper	13
Walker frame	8
<b>Total</b>	<b>1716</b>

#### Marriage barriers for persons with disabilities

Marriage is also recognized as a human right for eligible men and women, but this right is sometimes denied due to a disability, or it can lead to divorce or separation if one of the couples has a disability. The report found that for 597 unmarried people, the reason for not being married was poverty, the unwillingness of the other side, the inability to pay alimony, and impotence, and 364 people did not respond to this question. This all shows that people without disabilities (whether male or female) hardly get married to a person with a disability, and this also adds to the problem if there are economic problems on either side.

Obstacles to marriage	Number
Disapproval by the other party	97
Poverty	99
Impotence	10
Failure to provide alimony	27
Other	364
<b>Total</b>	<b>597</b>



### Factors and causes of disabilities of interviewees:

In the table above, we noticed that persons with physical disabilities make up the largest number of interviewees, and now, out of 1716 interviewees, 928 of them consider war as factors that causes disability and 657 of them refer to natural factors as causes of their disability. 46 people mentioned natural and traffic accidents as the reason for their disabilities, and 85 people did not answer to the question.

The study shows that the war in our country has increased the number of persons with disabilities.

Natural disabilities can also arise from the war, as the relevant organs confirm polio-related disability in some insecure provinces where the vaccination campaign has been prevented by anti-government armed groups.

Cause of Disability	Number
Traffic accident	46
War	927
Natural	657
Unknown	3
Other	82
Total	<b>1716</b>

“Work is the right of every Afghan.”

(Article 48 of the Constitution)

-The Government shall allocate at least three percent of the quota to the Ministries and Government Departments for the employment of qualified persons with disabilities in accordance with the law.

(Article 22 of the Law on the Rights and Privileges of Persons with Disabilities)

## The right to employment

Employment and working are important to everyone, because every person can be respected in the family as well as in society based on their earnings. Most of the interviewees in this study are unemployed, irrespective of children under the age of 18, and given the total number of interviewees, figure 1274 still indicates a fairly high unemployment rate.

<b>Do you work?</b>	<b>Number</b>
No	1247
Yes	434
Unanswered	8
<b>Total</b>	<b>1716</b>

## Workplaces and activities of persons with disabilities

Of the 434 interviewees, 318 are self-employed, 73 others work in government agencies and 22 people work in NGOs, and 21 others didn't answer the question. First, persons with disabilities are more likely self-employed, engaging in freelance works, and second, they have government jobs and few are employed in national or international organizations.

Article Forty-eight of the Afghan Constitution states that “work is the right of every Afghan.” Based on Article 3 of the International Convention on the Rights of Persons with Disabilities an expert study should be conducted to pave the way for the full inclusion of persons with disabilities in accordance with the principles of the Convention.

<b>If you work, where?</b>	<b>Number</b>
State organs	73
NGOs	22
Self-employed or Freelance job	318
Other	21
<b>Total</b>	<b>434</b>

They also described different reasons why they did not have access to a suitable job, 420 of them mentioned disability as the main reason for their employment, 190 people said illiteracy, 177 people said discrimination in the employment, and 30 others said that lack of interest in work

was the main reason for unemployment. This question was not answered by 457 people because they were either student at school or was too young to work.

<b>If you don't work, why?</b>	<b>Number</b>
Discrimination in employment	177
Having a disability	420
Unwilling to work	30
Low level of literacy	190
Other	457
<b>Total</b>	<b>1274</b>

#### Discrimination and Disability:

Of the 434 interviewees who worked, 94 said that they were discriminated against in the workplace; while “non-discrimination” is enshrined as a principle in Article 3 of the Convention on the Rights of Persons with Disabilities.

<b>Do you face discrimination in the workplace?</b>	<b>Number</b>
No	340
Yes	94
<b>Total</b>	<b>434</b>

#### Material privileges for persons with disabilities

According to the Law on the Rights and Privileges of Persons with Disabilities, all persons with disabilities who are disabled as a result of war are entitled to receive a monthly salary (from 2,500 to 5,000 Afs) depending on their disability decree. According to the study findings, 921 interviewees said they enjoyed this right, and other interviewees said they were deprived of such privileges.

<b>Do you receive a salary paid for person with disability?</b>	<b>Number</b>
<b>Yes</b>	921
<b>No</b>	775
<b>Not answered</b>	20
<b>Total</b>	<b>1716</b>

**Article 24 of the Convention on the Rights of Persons with Disabilities (Education):**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

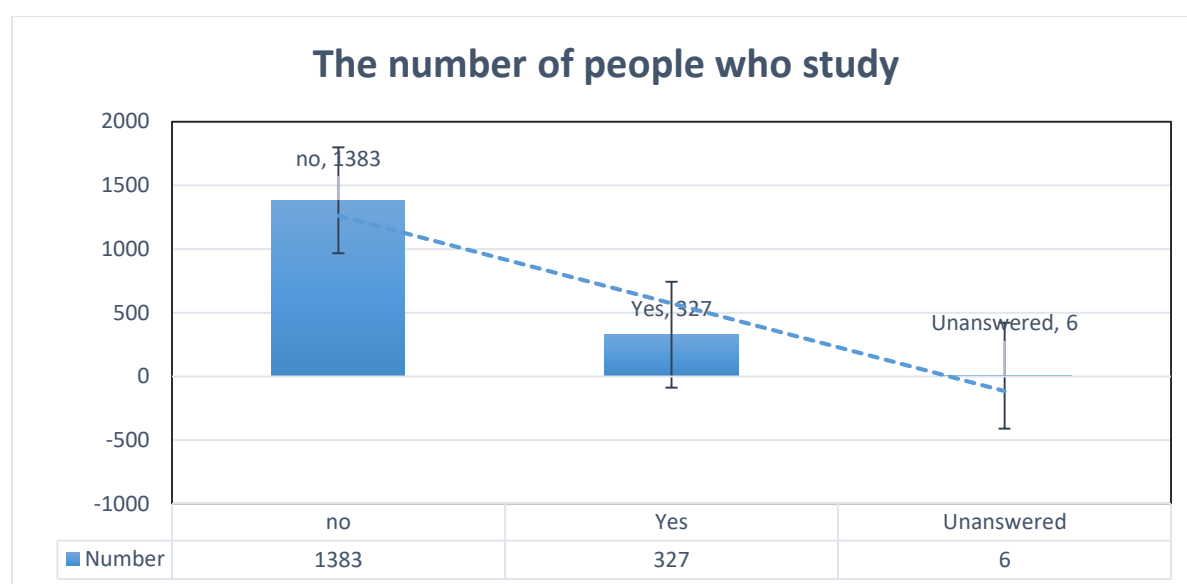
(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Education is recognized as one of the most basic human rights of people, according to national and international documents to which Afghanistan is bound and acceded to, and this issue is clearly recognized in Articles 22 and 43 of the Afghan Constitution and Article 24 of the International Convention on the Rights of Persons with Disabilities. The findings of this interview on how persons with disabilities have access to education show that there is a high number of people without access to this right (see the chart below).

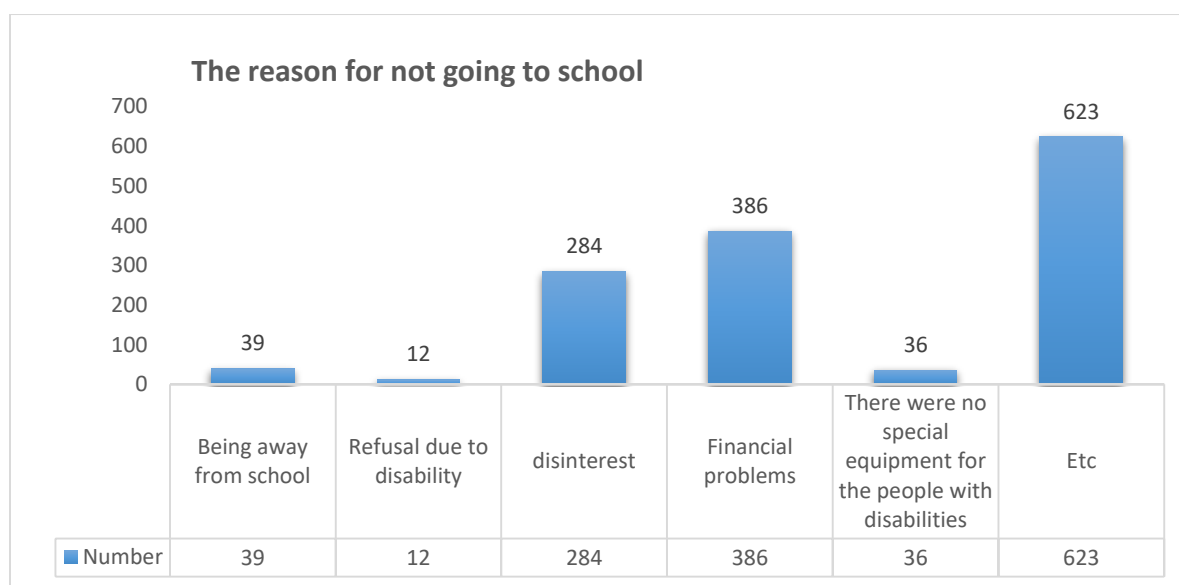
The following chart shows that 327 of the 1,716 interviewees are studying at different levels, but 1383 of them are not studying at all and 6 of them have not answered the question.



Educational Centers	Number
Vocational training	16
University	50
Religious School	14
Special School of Hearing / Vision	141
Private school	10
Public school	102

Other	4
<b>Total</b>	<b>327</b>

About the reasons why the interviewees didn't go to school, there were a range of responses, most importantly economic problems, lack of interest in learning, distance from home to educational centers, disability, lack of training facilities like braille, sign language translators, were pointed out as reasons. Most of the interviewees were older than the age of school; they may not have been able to attend school when they were young for the reasons mentioned above.



It should be noted that to improve the efficiency of the enjoyment of the right to education by this class of society, specific requirements need to be addressed and programs and facilities focused on their disabilities should be developed. In the table below a number of facilities, along with a number of people who enjoy these facilities are listed.

<b>Access to following facilities</b>	<b>Number of PWDs</b>
Enough space	179
Ramp	2
Special equipment for the visually impaired	108
Computers equipped with audio software	38
<b>Total</b>	<b>327</b>

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“The state is obliged to provide the means of preventive health care and medical treatment, and proper health facilities to all citizens of Afghanistan.

Article 52, paragraph 1 of the Constitution

“The Ministry of Public Health shall take the necessary measures to ensure access to all types of health care, physical, emotional and psychological treatment for people with disabilities”

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Article Twenty-one of the Law on the Rights and Privileges of Persons with Disabilities, Paragraph 1

### **Access to Health:**

One of the most important rights and needs of persons with disabilities are access to health and health care. The interviewees raised two issues as a barrier to access to health, according to the study findings: first, the distance from home to health centers and the poor state of roads and vehicles; second, the lack of persons with disabilities access to health services in the hospitals due to lack of ramps and other facilities.

<b>Were the following facilities available at the health centers?</b>	<b>Number</b>
Ramps and wheelchairs	959
Lift and special stairs	49
None	571
Not answered	137
<b>Total</b>	<b>1716</b>

## **Article 29 of Convention on the Rights of Persons with Disabilities**

### **Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
- (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

- (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
- (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.



### Political Rights:

According to the Constitution of the country as well as national laws and international conventions to which Afghanistan is also a member, all people, including persons with disabilities, enjoy the same political rights as enshrined in the laws such as: Voting and being elected, having different political and administrative positions, with due consideration of competences and without discrimination.

### Challenges of Using the Right to Vote:

In view of the fact that this group of society has access to the right to vote, the findings of this study reveal the following challenges:

<b>Satisfaction with the availability of polling stations</b>	<b>Number</b>
No	967
Yes	254
<b>Total</b>	<b>1221</b>

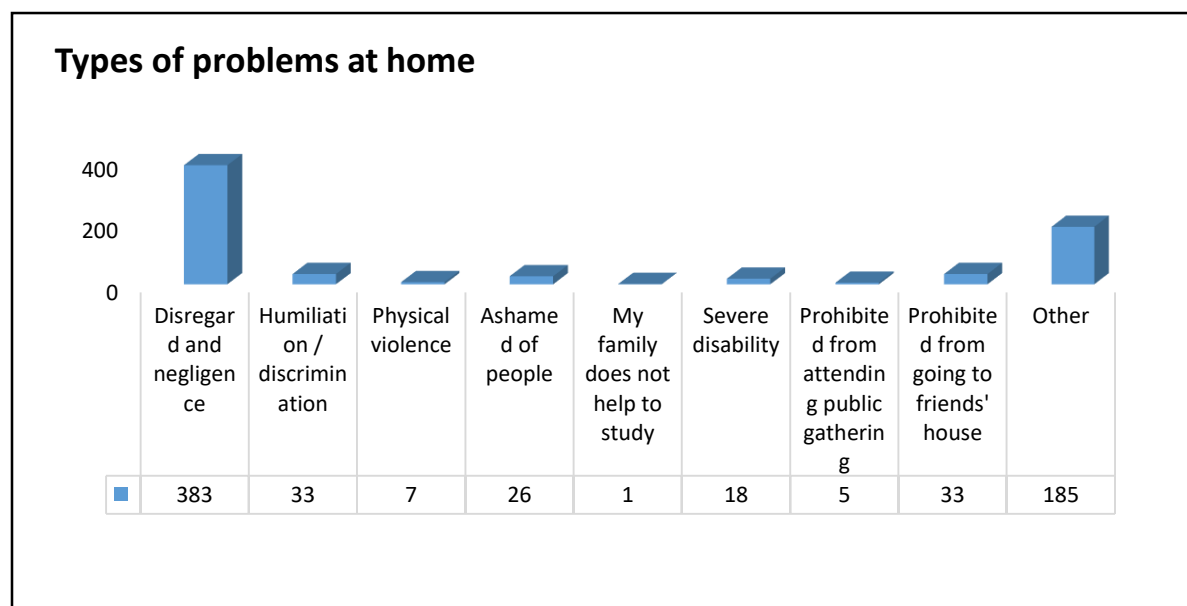
About being elected to public and electoral roles such as councils, parliament, etc., the findings showed that most persons with disabilities do not tend to run for office due to lack of self-confidence in them and the community's negative belief in the ability of people with disabilities.

<b>Have you ever nominated yourself to any council?</b>	<b>Number</b>
Yes	45
No	1485
Not answered	186
<b>Total</b>	<b>1716</b>

### Some other challenges of persons with disabilities:

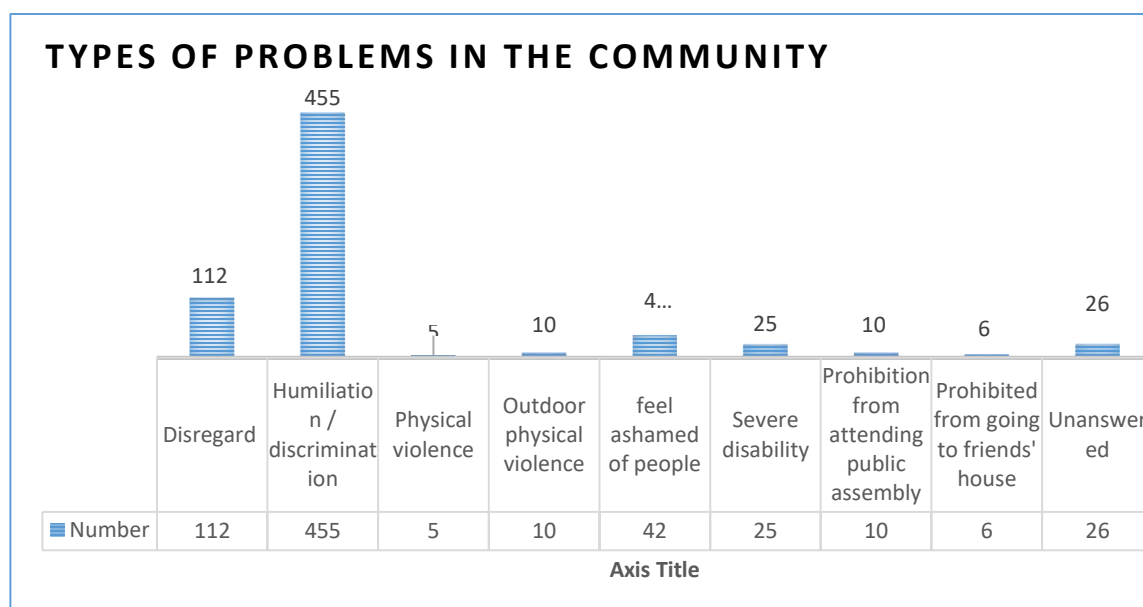
A. Problems at home and in the family: In their relationships with other family members, persons with disabilities at home and in the family face challenges, some of which include: humilia-

tion and abuse, discrimination, isolation, feeling a sense of guilt for their disability, etc.



## B. Problems in the community

According to the findings of this study, most interviewees complain about being humiliated discriminated against and ignored by others in society, which is in conflict with national laws and international conventions that guarantee the human dignity of the community as a whole, particularly the vulnerable group of society.



## **Conclusion:**

According to the findings of this study, persons with disabilities in Afghanistan face challenges in different areas of their personal and social life, especially in the enjoyment of their different rights, which are guaranteed in both national law and international conventions .

In their family life, they talk about problems ranging from humiliation, discrimination to deprivation of equal social relationships. In regard to the right to education, there is inadequate access to equal opportunities with other citizens, including the lack of educational facilities and resources suitable for the type of disability.

Concerning employment opportunities, employment discrimination, lack of confidence in their abilities as well as lack of professional capacity and skills in most persons with disabilities, in addition to the lack of implementation of the law on the rights and privileges of persons with disabilities, face this group of the society with additional challenges in their access to employment.

With regard to health and access to health care and health facilities, challenges such as long distances from home to health centers and insufficient transport, as well as the lack of health facilities within health centers such as ramps, are among the major challenges in this regard.

Concerning political rights, obstacles such as the lack of facilities at polling stations, the lack of self-confidence of persons with disabilities themselves and the level of public belief in their abilities have been identified as limiting factors for the political participation of persons with disabilities.

## Recommendations:

This study, while providing a multi-level analysis of the situation of persons with disabilities in Afghanistan, and their access to their individual and social rights in the light of national laws and international legal instruments, and assessing the many challenges they face in accessing these rights, presents the following recommendations for improving their situation and enhancing their access to human rights:

1. The government should take the lead in providing services to this community, in particular the State Ministry for Martyrs and Disabled.
2. With regard to the suitability of public and private buildings and premises the Ministry of Urban Development and Land will consider internationally accepted requirements for the use of persons with disabilities in public buildings and will apply those standards to the construction sector.
3. The Ministry of Information and Culture shall make every effort to inform the public, by audio, print, video and electrical media, as well as private media, with a view to reforming society's attitudes towards persons with disabilities.
4. Ministries and the cultural sector, such as education information and culture, higher education, national radio and television, etc., are requested to provide access to educational materials for persons with disabilities by alternative means, such as braille, video, electronics and sign language in the light of national laws and international conventions, including the Moroccan Covenant.
5. Taking into account the principle of meritocracy, all administrative, industrial, business and other support organizations, whether public or private, are encouraged to take seriously the question of 3% recruitment of persons with disabilities.

## Resources:

- 1- Individual interview with 1716 persons with disabilities from different provinces and different ages
- 2- Constitution of the Islamic Republic of Afghanistan.
- 3- Law on the Rights and Privileges of Persons with disabilities, Gazet No. 1099, dated 28 Hoot 1391
- 4- The Convention on the Rights of Persons with disabilities Adopted by the United Nations December 2006, and Accession of Afghanistan on September 18, 2012
- 5- World Health Organization Report 2011
- 6- ([www.who.int/mediacentre/factsheets/fs352/en/who](http://www.who.int/mediacentre/factsheets/fs352/en/who))
- 7- National Handicap Survey 2005, International Handicap Institute.
- 8- The Moroccan Covenant,