



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Afghanistan under article 35 of the Convention, due in 2014*

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List of Abbreviations and Acronyms

GIRoA	Government of the Islamic Republic of Afghanistan
SMMDA	State Ministry for Martyrs and Disables' Affairs
AIHRC	Afghanistan Independent Human Rights Commission
CRPD	Convention on the Rights of Persons with Disabilities
DHRWIA	Directorate of Human Rights and Women's International Affairs
EVAW	Elimination of Violence Against Women
IARCSC	Independent Administrative Reform and Civil Service Commission
MoE	Ministry of Education
MoEC	Ministry of Economy
MoHE	Ministry of Higher Education
MoJ	Ministry of Justice
DHRS	Directorate of Human Rights Support (of MOJ)
ICOIC	Independent Commission for overseeing the Implementation of the Constitution
IEC	Independent Election Commission
MEC	Monitoring and Evaluation Committee
MoD	Ministry of Defense
MoHRA	Ministry of Hajj and Religious Affairs
MoI	Ministry of Interior
MoMP	Ministry of Mines and Petroleum
MRRD	Ministry of Rural Rehabilitation and Development
NAP	National Action Plan
NAPWA	National Action Plan for the Women of Afghanistan
NDS	National Directorate of Security
NPP	National Priority Program
NSIA	National Statistics and Information Authority
SDG	Sustainable Development Goals

In the name of Allah, The Most Gracious, The Most Merciful

I. Preamble

1. The Islamic Republic of Afghanistan (GIRoA) as a member of the United Nations and a pioneer country in ratification of international human rights instruments have ratified seven core conventions including the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol and is committed to the implement of their provisions.
2. In accordance with Article 7 of the Constitution, the Islamic Republic of Afghanistan observes and implements the provisions of the Universal Declaration of Human Rights (UDHR) and acceded international human rights conventions through enacting and implementing national laws, policies, strategies and socio-economic and development programs.
3. Acknowledging the importance of the state parties' reports to the United Nations Human Rights Monitoring Mechanisms as an international obligation, the GIRoA gives due priority to the preparation and submission of national reports on the implementation of acceded human rights conventions.
4. The preparatory process for this report started in 2018 and completed with the cooperation of the relevant state and non-state institutions. This report intends to illustrate the implementation of the provisions of the CRPD in Afghanistan.
5. Directorate of Human Rights and Women International Affairs of the Ministry of Foreign Affairs (MoFA) as the coordinating body in the preparation of this report expresses its gratitude for the cooperation extended by the relevant state and non-state institutions throughout the process. Additionally it welcomes constructive criticism and recommendations of the readers of this report, which will positively collaborate to the overall implementation of the provisions of the CRPD.

II. Methodology (Preparation of the Report)

6. In accordance with Article 35 of the CRPD, the UN general guidelines, and the guidelines issued by the Monitoring Committee of CRPD on states' reports to the UN Human Rights Monitoring Mechanisms, the GIRoA has developed this report in cooperation with 29 relevant governmental institutions, and in coordination with the Afghanistan Independent Human Rights Commission (AIHRC), as well as civil society organizations.
7. To prepare this report GIRoA has established three national committees as following:
 - 1-Steering Committee: Steering Committee is the leading body in the reporting process. It monitors the overall process including providing solutions for the challenges and approval of the report;¹
 - 2-Technical Committee: Technical Committee is a technical body composed of members of relevant governmental and non-governmental organizations. This Committee provides information and data on the governmental agencies' implementation measures of the provisions of the conventions, which will be consequently reflected in the report;
 - 3-Drafting Committee: Drafting Committee consists of some of Technical Committee's members, officers of the reporting desk of the Human Rights and women's International Affairs Directorate of MoFA and the Legal Adviser/s who are tasked with drafting the report.
8. The required information for the report has been collected from 29 state institutions using specific questionnaires. Furthermore in order to determine the level of consideration of

¹ The steering committee for preparing the state reports on implementation of the Human rights conventions has established by the president order No: 224 – 2018. This committee consist the deputy ministers of the relevant governmental institutions.

the CRPD provision in legislatives and strategic documents, 45 legislative documents and 8 strategies and policies of the relevant state institutions have been examined.

9. The collected information and findings of the review of the legislative documents have been reviewed in eight working meetings of the technical committee. The drafting of this report has been finalized by the Technical Committee in December 2018 and approved by the Steering Committee in 2019.

Part one

Brief Information about Afghanistan

A. Location and Population

10. Afghanistan is located in the South Asia, bordering Tajikistan, Uzbekistan and Turkmenistan in the north, Pakistan in the south and east, Iran on the west and China in the northeast. The total area of Afghanistan is 652964 sq. KMs and is fully covered by dry lands. Afghanistan has 34 provinces, and Kabul city is the capital of the country. Each province is divided into districts; total number of which is currently 387.²

11. Based on 1979 survey and 2018 estimations, the population of Afghanistan is estimated at 31.6 million out of which 16.1 million (51%) are male and 15.5 million (49%) are female. The estimations reflect that 22.6 million (71.5%) people are living in urban area, 7.5 million (23.7%) people are living in rural and 1.5 million (4.8%) are Kochis (nomads). 47.8 % of the total population of Afghanistan are under the age of 15 years old.

B. Political system

12. Based on the Constitution, Afghanistan has a presidential political system. The state of Afghanistan is comprised of three main branches (Government, Judiciary and the Parliament). The president, elected through national elections, leads the executive branch, while heading the state.

.13 The Constitution guarantees the division of power among the three main organs of the state.

.14 Based on the constitution, the judiciary of Afghanistan is an independent organ of the state, which is comprised of primary and appeal courts and the Supreme Court. This organ of the state addresses all claims of the natural or legal persons.³

.15 The parliament / National Assembly of Afghanistan consists of two chambers (House of Representatives (Wulesi Jirga) and House of Elders / Mishrano Jirga). The House of Representatives has 250 members, which are elected through a national election process.⁴ House of elders/Mishrano Jirga has 102 members; one third comes from the Provincial Councils, one third from District Councils of the provinces and the remaining are appointed by the president.⁵

16. The government of Afghanistan consists of central administration, which includes ministries and government agencies, and local administration, which include provincial and district administrations. To promote public participation and accountability, the Provincial and District councils are placed in the local administration. The people directly elect their members.

C. Legal Framework

17. The Constitution of Afghanistan enshrines and guarantees the fundamental rights and freedoms of the Afghan citizens. These rights and freedoms are stipulated in the Second

² The number of the districts has provided by the National Statistic and Information Organization.

³ Article 120 of the constitution.

⁴ Article 82 of the constitution.

⁵ Article 84 of the constitution.

Chapter of the Constitution, under the title “Fundamental Rights and Obligations of Citizens”. The Constitution and the legal framework of the IRoA offers strong and credible guarantee for the fundamental rights and freedoms including, the rights and freedoms of persons with disabilities, as enshrined in the CRPD, and their violation results in criminal responsibility for the perpetrators.

18. For the purpose of realization of the rights and freedoms which are enshrined in the constitution, the Islamic Republic of Afghanistan has enacted 744 legislative documents, since 2004, a number of important and relevant legislative documents are mentioned below:

- Law on the Rights and Privileges of the persons with Disabilities;
- Civil Service Law;
- Labor Law;
- Education Law;
- Law on Political Parties;
- Social Organizations Law;
- Law on Mass Media;
- Law on Access to Information;
- Law on Administrative Performance;
- Law on Prevention of Harassment Against Women and Children;
- Law on Social Protection;
- Law on Health;
- Children Guardianship Law;
- Law on food Security;
- Law on Civil Higher Education;
- Law on Public and Private Participation;
- Law on Regulation Affairs of Red Crescent Society (Afghan Red Crescent Society);
- Law on Consumer Protection;
- Elections Law;
- Law on Protecting the Rights of Author, Writer, Artist and Researcher (Copyright);
- Law on Protection of Inventor and Discoverer Right;
- Law on Managing Land Affairs;
- Law on Urban Development and Housing;
- Insolvency Law;
- Road Transport Law;
- Law on Population Statistics Registration;
- Law on Obtaining Rights;
- Regulation on Support of Human Rights in Governmental Administration;
- Regulation on the Privileges of Health Staff at Risk;
- Regulation on Establishment and Activity of Private Mass Media;
- Regulation on Evaluation of Environmental and Social Impacts;
- Regulation on Women's Shelters;

19. In the field of access to justice, Islamic Republic of Afghanistan in accordance with the National Justice Sector Reform Program⁶ and with the aim of realization of the international human rights standards the following laws and regulations has been enacted or amended:

- Penal Code;
- Criminal Procedures Code (amended);
- Law on Elimination of Violence Against Women;
- Juvenile Rehabilitation Law;
- Detention Centers and Prisons Law;
- Law on Structure and Jurisdiction of Special Courts;
- Whistle-blowers Protection Law;
- Child Protection Law;
- Law on Prevention of Torture;
- Law on the Prevention of Child Recruitment in the Armed and Security Forces;
- Law on Prevention of Human Trafficking and Smuggling of Migrants;
- Law on Combating Corruption;
- Law on Prevention of Terrorism Financing;
- Law on Money Laundering and Proceeds of Crime;
- Law on Commercial Contracts and Selling Property;
- Law on Combating Against Drugs and Narcotics;
- Law on Cooperation with the ICC;
- Regulation on Management of Detention Centers' Affairs;
- Regulation of Extradition of Suspects and Accused and Transfer of the Convicts.

20. The new Penal Code of Afghanistan has encompassed the criminal provisions previously scattered in 33 laws in the field of criminal justice. The Penal Code for the first time enshrines war crimes, crimes against humanity, cyber-crimes, child abuse (Bachabazi), environmental crimes, electoral crimes, corruption, crimes foreseen in the ICC Rome Statute... The Penal Code firmly stipulates the general principle of “proportionality between crimes and punishments”.

21. Islamic Republic of Afghanistan has ratified seven core international human rights instruments, namely:

- 1) International Covenant on Civil and Political Rights (ICCPR) in 1983;
- 2) International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1983;
- 3) International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1983;
- 4) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1987;
- 5) Convention on the Rights of the Child (CRC) in 1994;
- 6) Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 2003;

⁶ National Justice Reform Program (2017-2021) has developed for implementation of the reforms in the justice sector.

7) Convention on the Rights of Persons with Disabilities (CRPD) in 2012;

8) Additionally, the IRoA has also acceded to the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2002, the Second CRC Optional Protocol on the Involvement of Children in Armed Conflict in 2003, CAT Optional Protocol in 2017 and CRPD Optional Protocol in 2012;

9) The IRoA, in accordance with its international obligations, has been regularly reporting to the Universal Periodic Review, and has submitted its national reports and participated in all the three review cycles. Additionally, in accordance with the Action Plan on Prohibition of Child Recruitment in Armed Conflict, the GIROA has submitted eight annual periodic reports to the United Nations. Meanwhile in the field of disability affairs, the IRoA has started the ratification process of the Marrakech Convention.

D. Socio-Economic Situation

22. The GIROA, having been struggling with conflict, insecurity and instability for the last four decades, has had constrained opportunity to address socio-economic matters such as poverty eradication, building infrastructure, development of effective human resources, rule of law and ensuring public welfare. Despite this, Afghanistan Living Conditions Survey⁷ shows significant progress in some development indicators such as the right to education, right to health and the like. Some indicators, such as the right to work, poverty and food security have gone through fluctuations over the recent years. The survey shows that the chunk of the population that lives under the poverty line have increased by 55% in the year 2016.⁸

23. In addition, the analysis of the data from the Afghanistan Living Conditions Survey shows that the job market in Afghanistan is not in a good status. Around one fourth (24%) of the labor force is unemployed. From those employed, 20% fear losing their jobs due to job insecurity. Employment in the field of agriculture covers a huge chunk of the labor market. This means that 44% of all employment is in the agriculture sector. Employment in the field of primary production industry, at 18% of all employment, is considerably lower than the employment of other industries, such as Agriculture. Nonetheless, the process of moving towards a developed and dynamic economy has begun.⁹

24. Furthermore, high population growth has caused more and more people to join the workforce, but unfortunately, the labor market is unable to catch up with current growth rate and this puts further pressure on education, health services and available arable land.

25. Despite the existing challenges, Afghanistan is firmly committed to the Sustainable Development Goals, and works towards their realization.

26. Regarding access to healthcare, findings of the NSIA shows that 93% of the population of Afghanistan is located within a two hours distance from public clinics, and 82% of the populations are located in a distance of less than two hours from provincial or district healthcare facilities. However, 8.3% of the population still lives in a six hours distance from health centers.

27. Antenatal healthcare that plays a key role in the reduction of child and maternal mortality rates has been enhanced. However, a low percentage of women attend the clinics for regular check-ups, less than the four times recommended by the WHO.¹⁰

28. The current literacy rate in Afghanistan is estimated at 36%. Findings show that 20% of women and 50% of men are literate, but still around eleven million youth and adults across the country lack literacy. In order to tackle illiteracy, the GIROA, has dedicated a department at a deputy ministerial level at the Ministry of Education to handle all matter dealing with

⁷ Afghanistan Living Conditions Survey is conducted by the NSIA in the year 2016.

⁸ Findings of the Afghanistan Living Conditions Survey, conducted by the NSIA in the year 2016-17 for more info.

⁹ Findings of the Afghanistan Living Conditions Survey, conducted by the NSIA in the year 2016-17 for more info.

¹⁰ Findings of the Afghanistan Living Conditions Survey, conducted by the NSIA in the year 2016-17 for more info.

educational needs and to try to eliminate illiteracy in the country. Concerning literacy trainings, the MoE has established the literacy committee under the auspices of the Second Vice President and has developed the National Literacy Strategy for a period of seven years (2013-2020).¹¹

29. Official statistics of the MoE shows that in 2017, the number of enrolled students in public and private schools across the country was 9,234,459, out of which 5,703,160 were boys and 3,531,299 were girls. Nevertheless, around 3.7 million children do not have access to education. Number of teachers reached to more than 200,000 (2018) of which 34% are women. The number of educational institutions including schools, religious schools (Madrasas), technical & vocational education centers and teacher training centers reached 17,859.

30. On gender equality and improvement of women's situation, the findings of the Afghanistan Living Conditions Survey, shows that still the role of the women in the economy and their overall participation in the economy is not sufficient. To tackle this problem, the Ministry of Women Affairs (MoWA) of the Islamic Republic of Afghanistan beside, has developed and implementing the National Action Plan of Women of Afghanistan (NAPWA) and a Strategic Plan (2018 – 2022).

31. To support women entrepreneurs and expand their access to the markets, the Afghan Women Chamber of Commerce was established. Additionally, the Ministry of Commerce and Industries (MoCI) established special units to support women entrepreneurs.

32. The Rural Economic Development Program designed to enhance the social and economic capacity of poor rural women. The program covers 34 provinces of the country. This program provides rural women with financial and technical services to economically empower them and to contribute to improving the family economy by launching businesses and investing in income generating activities.

33. The Ministry of Rural Rehabilitation and Development (MoRRD) plans and implements the National Priority Program on Women's Economic Empowerment. This program which covers of 80% of women as its beneficiaries helps to increase women's access to credit and financial services as well as technical and marketing services through participation in Savings Groups (SGs), Enterprise Group (EGs), Village Savings and Loan Associations (VSLAs) in 5,000 Village Development Councils over 76 districts in 34 provinces.

34. In addition to other development programs, the GIRoA has recently launched a new platform called the Citizens Charter. This mechanism aims at poverty reduction and improvement of living conditions of the people. This program is a participatory commitment between the government and society that increases the social participation of citizens in the state affairs. This ten-year program covers all the population over three phases. The program provides services and infrastructure as well aims to tackle the inequalities in the services provisions, hence creating integrated villages and cities. This program ensures that all people; men, women and children are included in the development measures and activities, and that they monitor the implementation of the related projects.

35. As a member of the UN, the GIRoA is committed to implement the SDGs as stipulated in the Decision 16 of 2015 of the Council of Ministers - GIRoA. The Ministry of Economy has been mandated with monitoring and evaluation of the work, coordination and effective implementation of the SDGs and preparation of regular reports on their implementation, and presenting the reports to the Minister's Council and to the UN. With a view to support realization of the SDGs, the Executive Committee on SDGs was established under the leadership within the Secretariat of the Council of Ministers. Working groups of this Committee work in the areas of collection and analysis of information, reporting and follow up of implementation of the SDGs in Afghanistan.

¹¹ Findings of the Afghanistan Living Conditions Survey, conducted by the NSIA in the year 2016-17 for more info.

Part two

Information on the Implementation of the provisions of the CRPD

General Provision of the Convention (Articles 1 – 5)

A. Definition

36. Definition of the disabled person, which has an important role in the realization of the human rights of the persons with disabilities, has been stipulated by the national legislations of Afghanistan. Article 3 of the law on rights and privileges of persons with disabilities enjoins, “A Disabled is a person whom as a result of a physical, mental, sensory and intellectual impairment or as identified by the health commission; loses his/her health and ability in a manner that impede his/her participation in social and economic life”. This Article also foresees two types of disabled persons: 1) Those entirely disabled or the one who loses more than 60% of his/her abilities and 2) partially disabled or the one who loses 30% to 60% of his/her abilities. Additionally, second part of Article 3; divides disabled persons into two further categories: disabled person by birth/handicapped and disabled person by impairment. The aforementioned Article stipulates, “Disabled person by birth/handicapped is the one who loses ability of one organ of his/her body that impedes his/her performance and activities despite looking healthy”. Paragraph 18 of the Article 3 of the Child Protection Law defines disabled children. This Article stipulates, “Disabled child is one who suffers physical, mental, sensory and intellectual impairment naturally or unnaturally in a manner that he/she loses wellbeing and impede his/her ability.

37. The GIRoA is committed to embed the provision of the ratified human rights instruments in the national legislation. However, existence of the word handicapped in some legislative documents shows that still there are some incompatibilities between national legislative documents and provision of the ratified human rights conventions. To this end, Ministry of Justice (MoJ) of the IRoA in accordance with the Law on Processing, Publishing and Enforcement of Legislative Documents and Regulation on Protection of Human Rights in the Governmental Administrations, continuously endeavors to ensure compatibility of the national legislative documents with the provision of the ratified human rights instruments including the CRPD.

B. Implementation of General Principles and General Obligations

38. The Constitution of Afghanistan in its Article 7 stipulates that the GIRoA shall observe provisions of the ratified human rights conventions including the UDHR. Additionally, Article 6 of the Constitution enjoins that the GIRoA has the responsibility to create a prosperous and progressive society, preserve human dignity and protect human rights. Furthermore, the chapter two of the Constitution enshrines the fundamental rights and freedom of citizens under the title of “rights and responsibilities of the citizen” without any discrimination. This has been the basis of the legislative documents, policies and programs of the GIRoA.

39. Respect for inherent dignity, individual autonomy and independence of the persons with disabilities, which are the top principles of the CRPD and have effective role in the realization of the rights of persons with disabilities, are clearly stipulated in the Constitution of Afghanistan. As mentioned earlier, Article 6 of the Constitution of Afghanistan enshrines seven main principles including; the respect of the human dignity. The above-mentioned Article reads that ”The state shall be obligated to create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization of democracy, preservation of national unity as well as equality among all peoples and tribes

and balanced development of all areas of the country". Furthermore Article 24 of the Constitution enjoins" Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity". Additionally, the Constitution of Afghanistan stipulates in its Article 29, the respect to the human dignity and liberty. Part 3 of the aforementioned Article enjoins" Persecution of human beings shall be forbidden. Punishments contrary to the human dignity shall be prohibited".

40. Non-Discrimination and respect of difference and acceptance of the persons with disabilities as part of human diversity and the humanity, based on the Islamic values, UN charter and the provisions of human rights conventions, are enshrined in the Constitution of Afghanistan. Article 22 of the Constitution stipulates, "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, men and women, have equal rights and duties before the law". This Article has clearly indicated that all form of discrimination including discrimination based on disability, is forbidden. Furthermore, Article 15 of the Law on Rights and Privileges of the Persons with Disabilities enjoins the full participation of the persons with disabilities in the social, political and economic affairs, cultural life, education, leisure and sport without any discrimination.

41. Equality of the opportunities, which has effective role in the autonomy and active participation of the persons with disabilities in the society, is stipulated by the Constitution of Afghanistan. Article 53 of the Constitution stipulates that "The state shall adopt necessary measures to regulate medical services as well as financial aid to dependants of martyrs and missing persons, and for reintegration of the disabled and handicapped persons and their active participation in society, in accordance with provisions of the law". Furthermore, Labor Law, Civil Service Law and Law on Rights and Privileges of the Persons with Disabilities stipulate participation of the persons with disabilities in the public affairs.

42. To guarantee the protection and promotion of the human rights of the persons with disabilities, the IRoA in accordance with the second chapter of the Constitution enacted a separate law under the title of "Law on the Rights and Privileges of the Disabled Persons" in 2009. This law published in the Official Gazette number (1037) of the MoJ. Article 3 of the aforementioned law obliges the State Ministry for the Martyr and Disabled Affairs (SMMDA) to pave the way, in coordination with the relevant institutions, for social support and habilitation of the persons with disabilities with the aim of enabling their active participation in the society. Furthermore, in order to manage and coordinate the relevant affairs of the disabled persons, the National Policy of the Disabled Persons is developed by the SMMDA.

43. More notably, the GIROA has promoted the state supportive organization of the disabled persons to the level of State Ministry under the title of "State Ministry for the Martyr and Disabled Affairs". In the past, this department was a section of the Ministry of Labor and Social Affairs (MoLS). SMMDA has developed National Action Plan to facilitate health and habilitation services, education, employment, participation in the public affairs including cultural life, public awareness, and sport and so on for the persons with disabilities. The implementation process of the mentioned plan has been coordinated with the relevant state and non-state organizations. In addition, the SMMDA continuously monitor the implementation of the aforementioned National Action Plan through a joint monitoring committee, which consists of the representatives of the relevant agencies.

44. The SMMDA has developed the following procedures to facilitate the work in the field of disability affairs:

- 1) Procedure on identification and registration of the disabled persons;
- 2) Procedure on distribution of plots or residential land for disabled persons;
- 3) Procedure on Para Olympic;
- 4) Procedure on distribution of aids to the disabled persons;
- 5) Procedure on providing shelter for the disabled persons;
- 6) Procedure on allocation of educational scholarships for the disabled persons.

45. In terms of protection and monitoring of the human rights of the persons with disabilities, Afghanistan Independent Human Rights Commission (AIHRC) has established a separate department under the title of "Disabled Support Section". This section monitors, promotes and protects rights of the disabled persons in the capital and provinces. This Section of the AIHRC in addition to monitoring of the rights of the disabled persons implements training, advocacy and research programs on the rights of the disabled persons across the country.

46. The GIRoA, despite involvement in combating terrorism, in accordance with its national and international obligations continuously endeavors to pave the way for the full realization and fulfillment of the fundamental rights of the citizens, including those of the persons with disabilities.

C. Implementation of the provisions included in the Articles 8 – 30

Awareness raising (Article 8)

47. Article 37 of the Law on Rights and Privileges of the Disabled Persons obliges Ministry of Information and Cultural (MoIC) and all relevant state and non-state organizations to take measures for raising the public awareness on the rights of the persons with disabilities.

48. Based on the aforementioned Article, MoIC continuously endeavors to publish Articles and contents in order to raise public awareness all over the country on the rights of the persons with disabilities through its official publications and Bakhtar News Agency website. This Ministry has planned to allocate one specific column in one of the state official publication/newspaper for publishing human rights related topic including the rights of persons with disabilities. Furthermore, MoIC has planned to conduct a national conference on the rights of the persons with disabilities. In this conference, the participants will focus on using sign language in the mass media. Meanwhile the SMMDA has coordination with the media and regularly encourage them to publish disability related contents. Furthermore, to raise public awareness on the rights of the disabled persons, SMMDA is working with relevant national and international Non-governmental Organizations (NGOs) including Assistance and Development Organization (ADO), Swedish Committee for Afghanistan (SCA), Community Center of Disabled persons (CCD), International Red Cross Committee (ICRC) and Handicap International (HI). Since 2012 as a result of coordination with these organizations, the following activities have been carried out:

- Delivering awareness raising programs to 112908 persons in the capital and provincial levels, on the rights of the persons with disabilities;
- Increasing capacity of 8641 disabled persons -male and female- in the capital and provincial levels through conducting capacity building programs;
- 248 disabled persons both male and female, have been trained on sign language;
- Delivering awareness raising programs to 47183 disabled persons -male and female- on their participation in the society;
- 21457 disabled persons received vocational trainings. The literacy and home school programs have covered also 34590 disabled persons.

.49 Directorate of the Mosques of the Ministry of Haj and Islamic Affairs (MoHIA) has prepared an Islamic sermon regarding the rights of the persons with disabilities in an Islamic society. This sermon has distributed to the Mosques for its dissemination through the preaching of religious scholars across the country.¹² Meanwhile MoHIA is committed to continue and expand the awareness rising on the rights of the persons with disabilities via its public awareness raising programs in the future.

¹² The sermon distributed through official letter number: 165 to the mosques in 2017.

50. Furthermore, the Human Rights Support Directorate (HRSD) of MoJ in accordance with the Regulation on Support of Human Rights in the Governmental Administration has the responsibility to build the capacity of the government employees concerning the ratified human rights conventions. To this end, since 2012 capacity of 2600 government employees regarding human rights convention including CRPD has been built by HRSD in the capital and four major provinces (Balkh, Herat, Nangarhar and Ghor).

51. Ministry of Interior Affairs (MoI) has developed and implements a Policy on the Rights of the Detainees and Imprisoned Persons and a Policy on observation of Humanitarian Law. Furthermore, in cooperation with the AIHRC, MoI has included the human rights education in the curriculum of National Academy of Police (NAP). Meanwhile, Directorate of Gender, Human Rights and Child Rights of the MoI conducts training programs for National Police on human rights, rule of law, women, and child rights. The aforementioned training programs are conducted with the support from AIHRC, Human Rights Support Directorate of MoJ, United Nations Assistant Mission in Afghanistan (UNAMA) and the EU Police (EUPOL).

52. In order to raise the morale of the disabled persons, Ministry of Information and Culture (MoIC) produce and disseminates theatre and training dramas. Furthermore, MoIC, signed Memorandum of Understanding (MOU) with the SMMDA in 2016 with the aim to better implement public awareness raising programs. Meanwhile, MoIC has planned to conduct a public awareness campaign to encourage the visual, audio and printing Media organizations to facilitate the dissemination of accessible information to the disabled persons. MoIC has also conducted a session with the representatives of the mass medias both state-owned and private to request their attention on raising public awareness on the rights of disabled persons and their role in the society.

Accessibility and Personal Movement (Article 9 and 20)

53. Article 22 of the Law on Rights and Privileges of the Disabled Persons obliges state institutions and all relevant organizations to consider required facilities for the disabled persons, in the design of buildings, roads, streets, parks, playgrounds, stadiums and in all other infrastructures including transportation and technology. Based on this obligation, the SMMDA has signed MOUs with Ministry of Urban Development (MoUD), Ministry of Transportation (MoT), Administration of Civil Aviation (ACA), Ministry of Communication and Information Technology (MoICT) and Municipality of the Kabul City. The signed MoUs aim at eliminating all physical obstacles and barriers before the movement of the disabled persons and their access to the public places and public services. In 2012, Ministry of Labor and Social Affairs (MoLSA) conducted a national conference in order to facilitate the access of the disabled persons to the public places and services under the title of “physical access of the disabled persons to the public places and services is a right of the persons with disabilities” for the heads of all municipalities. Additionally a general guideline for facilitation of the physical access of the persons with disabilities to the public places and services is developed and Ministry of Urban Development (MoUD) is responsible to ensure its implementation.

54. The NGO called Assistance and Development Organization (ADO have constructed 473 ramps in various buildings in the capital and provincial levels.

55. Ministry of Information and Culture (MoIC), in the reconstruction of the historical places pays attention to the construction of ramps and all required facilities for disabled tourists. Furthermore, MoIC has instructed the staff of historical places to pay specific attention to the disabled tourists.

56. Ministry of Communication and Information Technology (MoICT) is committed to provide required facilities for the disabled persons and pave the ground for their access to information technology. Toward this end, since 2014 the following services and equipments have been provided by MoICT to the blinds' school in the Kabul city:

- Connection of fiber optic services to the blind schools;
- Providing 3D videos of the subjects of Math, Physics, Biology and chemistry;

- Providing 27 relevant didactic films;
- Providing other required technical equipments;
- Furthermore, MoCIT is committed to provide specific service to disabled persons including audio telephone service for the blind and photo telephone service for the deaf and is committed to facilitate training programs on information technology for the disabled persons.

57. Article 29 of the Law on Rights and Privileges of the Disabled Persons stipulates that driving permits shall be issued to those disabled persons that have the ability to drive. Moreover, Article 32 of the mentioned law obliges Ministry of Transportation (MOT) to provide discounts in coordination with transportation companies for the disabled persons while traveling.

58. Ministry of Haj and Islamic Affairs undertakes the following measures for the disabled persons during the pilgrimage:

- Providing space for the disabled persons in the first floor of the accommodation;
- Providing wheelchairs for the disabled persons;
- Providing special medical services for the disabled persons, if needed.

59. Physical obstacles and barriers before accessibility and personal movements of the disabled persons still exist in Afghanistan. Islamic Republic of Afghanistan is committed to take necessary measures to remove the physical obstacles and barriers before the disabled persons to ensure their full access to the public services and their autonomy.

Right to Life, Situations of Risk and Humanitarian Emergency (Article 10 and 11)

60. Right to life as an inherent right, is clearly enshrined by the Constitution of Afghanistan. Article 23 of the Constitution stipulates, “Life is the gift of God as well as the natural right of human beings. No one shall be deprived of this right, except by legal provision”.

61. Ministry of Defense (MoD) of the IRoA conducts training programs for the military forces, in accordance to the international humanitarian law and human rights standards and with the aim of protection and safety of the civilians during the armed conflict. Particularly MoD has planned to develop a specific guideline for the protection and safety of the disabled persons during the armed conflicts. The guideline will instruct military forces to take necessary measures for the protection and safety of the disabled persons in the ground that during the armed conflict.

Equal Recognition before the Law and Access to Justice (Article 12 and 13)

.62 Equal Recognition before the Law and Access to Justice, are enshrined by the Constitution of Afghanistan. Article 22 of the Constitution stipulates, “The citizens of Afghanistan, men and women, have equal rights and duties before the law”. Article 31 of the Constitution enjoins, “Upon arrest, or to prove truth, every individual can appoint a defense attorney”. Part three of the aforementioned Article obligates the state to appoint defense lawyers at the expense of the government if the accused lacks the financial ability to afford one. Based on the aforementioned principle of the Constitution, the new Penal Code of Afghanistan stipulates equal recognition of everyone before the law. Article 6 of the Penal Code stipulates, “The accused, suspects and convicts are equal before the law without any kind of discriminations”. Article 65 of the Criminal Procedures Code stipulates, “If the victim is a child or suffers from psychological disorder, according to the status, the complaint shall be provided by their legal representative”. Chapter two of the Criminal Procedure Code stipulates overall rights of the suspect and accused person. Article 11 of Criminal Procedures Code indicates, “If the victim, suspect or accused doesn’t know the language used during the investigation and trial or is deaf or dumb, they have the right of having an interpreter and the relevant organizations are responsible to appoint a translator for them”. Meanwhile Code of Conduct / Regulation on Behavior of Prosecutors obligates prosecutors to deal in a reasonable manner with suspect and accused during the investigation.

63. Furthermore, Attorney General Office (AGO) is committed to protecting the rights of the disabled suspects and accused persons during the investigation process. The prosecutors endeavor to use summon of disabled suspect and accused as a last option.

64. The Supreme Court (SC) of the IRoA, according to the Constitution and relevant legislation treats similarly the litigants and carefully considers the principle of non-discrimination. Furthermore, SC based on the five-year action plan for the judiciary reform, established a mechanism for receiving complaints on violation of human rights of the litigants and citizens including disabled persons. The Code of Conduct / Regulation on behavior of the judges stipulates that the courts shall act appropriately and reasonably with litigants and protect their human rights while taking into consideration their physical and mental status during the court proceedings.

65. Provisions of the Law on the Rights and Privileges of the Disabled Persons and Articles 88, 89, 90, and 91 of the Penal Code, particularly stipulate the rights of the disabled persons during the court proceedings. The courts consider the physical and mental status of the litigants in accordance Article 212 of the Penal Code. This Article obliges courts to consider special mitigation in the sentence. Furthermore, to promote and protect the rights of the disabled persons during the court proceedings, training programs are conducted for judges across the country.

66. Legal Aid Department of the Ministry of Justice (MoJ) provides legal aid services to the indigent accused and suspects including disabled accused and suspects across the country. This department pays special attention to the vulnerable groups including disabled persons during the process of obtaining their rights. Ministry of Women Affairs (MoWA) continuously endeavors to advocate and provide legal aid services for the indigent women including disabled indigent suspect and accused women during the court proceedings.

Right to Liberty, Personal Security and Freedom from Torture (Articles 14 and 15)

67. In its Articles 24, 26 and 27, The Constitution of Afghanistan stresses the Right to Liberty and Personal Security and recognizes this right for all citizens of Afghanistan. Article 24 of the Constitution reads, “Liberty is the natural right of human beings. This right has no limits except for affecting others’ freedoms, as well as public interest, which shall be regulated by the law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity.” On the prohibition of arbitrary detention, Article 27 (2) of the Constitution stipulates, “No one shall be pursued, arrested or detained without due process of law.” In addition to that, the Constitution of Afghanistan, inspired by the Universal Declaration of Human Rights, prohibits the detention of indebted persons. Article 32 states, “Debt shall not curtail or deprive the liberty of the individual.” Similarly, Article 5 of the Penal Code of Afghanistan highlights the presumption of innocence and clarifies that innocence is the prevailing status; a person is innocent unless proven guilty by a final court verdict. Additionally, Article 12 of the Penal Code prohibits punishment contrary to the human dignity and clarifies that the sentence shall be enforced with due respect to one’s human dignity.

68. Torture and Cruel Treatment is clearly prohibited in the Constitution. Article 29 of the Constitution stipulates, “Persecution of human beings shall be forbidden. No one shall be allowed to order torture, even for discovering the truth from another individual who is under investigation, arrest, detention or has been convicted to be punished. Punishment contrary to human dignity shall be prohibited.” The Constitution of Afghanistan clearly prohibits torture in all phases of addressing a case as the phrase “even for discovering the truth” does not leave any space for excuses. Similarly, this Article prohibits torture during arrest, before prosecution and during detention or sentence. On the “Right to humane treatment during custody” as stressed upon in the international instruments, we shall refer to the phrase “Punishment contrary to human dignity shall be prohibited.”

69. Furthermore, Article 24 of the Constitution stipulates, “Human dignity is inviolable”. The Constitution also considers invalid any confession obtained by force or compulsion. In this regard Article 30 of the Constitution states, “A statement, confession or testimony obtained from an accused or from another individual by means of compulsion, shall be invalid. Confession to a crime is a voluntary admission before an authorized court by an

accused in a sound state of mind.” Based on the principles and provisions of the Constitution, Articles 21 & 22 of the Criminal Procedures Code prohibits abuse, compulsion, threat, intimidation and similar acts during investigation and prosecution of suspects and the accused. In case such offences are committed and proven, the perpetrators will be held responsible. In this regard, Article 22 (1) of the Criminal Procedures Code reads, “The judicial record officer, prosecution and court (or any other person assigned by them) are in no case allowed to have the suspect or accused make a statement or confession through abuse, use of drugs, compulsion, torture, hypnotism, threat, intimidation or promise of a favor. A statement or confession obtained through means mentioned in this Article cannot be validated as evidence.”.

70. Based on constitutional provisions and with a view to prevent torture, the Government of the Islamic Republic of Afghanistan, and as per recommendation of the relevant human rights entities, adopted the Law against Torture in 2018. This law, in addition to strictly prohibiting torture, creates a specific mechanism under the name of the “Commission against Torture”. The Commission is headed by the chairperson of the AIHRC, and the relevant government entities and civil society organization have its membership.

71. Concerning prohibition and prevention of torture, insult and verbal abuse, the Supreme Court of Afghanistan strictly observes without any distinction or discrimination, Articles 450 and 452 of the Penal Code, which prohibits torture, and Articles 678-682 of the same law that criminalizes insult and verbal abuse. Additionally, the recently developed Regulation on Judges’ Offences, constitute one other measure undertaken with the aim to eliminate discrimination and address improper behavior of judges. Regarding the participation of persons with disabilities in the judicial sector, currently 10 persons with disabilities are appointed at the Attorney General’s Office and 35 persons at the Supreme Court.

72. According to the Afghan laws, particularly based on the three directives issued regarding human rights and prohibition of torture, the Ministry of Interior prohibits persecution, harassment, torture, and other inhumane treatment by its ranks. With a view to ensure prevention of the aforementioned offences, the Directorate of Human Rights, Gender and Children of the MoI carry out continued monitoring. The MoI has also developed a procedure for addressing the complaints of prisoners and detainees and based on the Article 52 of the Law on Prisons and Detention Facilities, Complaints Redress Committees are established in every prison and it address the complaints received from the inmates.

Freedom from Exploitation, Violence and Harassment and protecting the Integrity of the person (Articles 16 and 17)

73. On prevention of exploitation, the Constitution of Afghanistan strictly prohibits the forced labor. Article 49 of the Constitution stipulates, “Forced labor shall be forbidden”. Article 13 of the Social Protection Law, prohibits the use of the disabled persons for begging. This Article reads, “No one, including men and women, shall resort to the act of begging, or use mentally ill, disabled or impaired children and adults for such purpose.” Additionally, Article 15 of this Law criminalizes the use of children, persons with mental disorders and the disabled and anticipates punishment for the perpetrators. Article 19 (2) of the Civil Service Law provides for the protection of human dignity and ensuring the safety of employees from harassment and physical, mental and ethical abuse at work. Furthermore, Article 4 of the Afghan Labor Law strictly forbids forced labor.

74. On prevention of persecution, harassment and insult of individuals, particularly persons with disability; the Penal Code criminalizes insult and verbal abuse through its Articles 678 and 679 and foresees punishment for its perpetrators. Additionally, the Ministry of Information and Culture has informed the print media authorities through an official letter, to avoid use of offensive words and those in violation of the CRPD and the Law on the Rights and Privileges of the Disabled. In addition to that, State Ministry for Martyrs and the Disabled works with various stakeholders, through follow-up meetings, conferences and seminars, to ensure that the disabled persons are free from exploitation, violence and harassment.

Liberty of Movement and Nationality (Article 18)

75. Obtaining a citizenship is a human right, which has direct link to the realization of other human rights. Therefore, the Constitution recognizes citizenship as the natural right of every Afghan and considers it as an inviolable right. Article 4 of the Constitution states, “No individual of the Nation of Afghanistan shall be deprived of citizenship.” The Constitution also provides for freedom of movement and choice of place of residence. Article 39 states, “Every Afghan shall have the right to travel and settle in any part of the country, except in areas forbidden by the law. Every Afghan shall have the right to travel outside Afghanistan and return, according to the provisions of the law.” In accordance with the provisions of the Constitution, Article 2 of the Afghan Citizenship Law states that the citizenship of Afghanistan is equal and similar for all the nationals of Afghanistan. Similarly, Article 5 of the said law states that residence of an Afghan national abroad does not result in loss of citizenship. Furthermore, the Afghan Civil Registration Law guarantees the provision of equal and non-discriminatory civil registration services for all nationals of Afghanistan. The Central Civil Registration Authority provides civil registration services and issuance of national identity card (Tazkira) for all nationals of Afghanistan.

76. At the Central Civil Registration Authority, groups of ten supportive personnel have been deployed to guide women, the elderly, and the disabled persons and help them in receiving the civil registration services.

Freedom of expression, Conscience and Access to Information (Article 21)

77. The Afghan Constitution recognizes the right to freedom of expression. Article 34 of the Constitution states; “Freedom of expression is inviolable. Every Afghan has the right to express his/her ideas through speech, writing, picture or other means while observing the provisions of this Constitution. Every Afghan has a right to publish and disseminate Articles without prior notification to the governmental authorities, in accordance with the law.”

78. The right to access information is also recognized by the Constitution. Article 50 (3) states, “The citizens of Afghanistan shall have the right to access information from the state in accordance with the provisions of the law. This right shall have no limit except when harming the rights of the others or public security.” To ensure the realization of the right to access information, Afghanistan enacted the Law on Access to Information in 2018.

79. With the aim to ensure citizens’ access to information through modern tools and methods of the monitoring, the Ministry of Information and Culture (MoIC) has established access to information units that monitors access to information in all government agencies. Additionally, the said Ministry has developed a guideline and disseminated it to all agencies to share necessary information through their web pages and other media channels to the public, including persons with disabilities. The MoIC plans to expand these units in all provinces, once they are established in all governmental agencies in the capital, so that citizens including persons with disabilities are able to have easy access to acquire necessary information.

80. The MoIC has provided necessary coordination in facilitating the use of sign language, the Braille text system and other modern methods. The MoIC is working with the administration of ROSHNAYEE and ROSHANDILAN¹³ and SEHAT¹⁴ publications that focus on disability, and have assured them of MoIC’s cooperation in publishing pamphlets, books and other materials specific for persons with special needs.

81. On the freedom of conscience, Paragraph 2 of Article 2 of the Constitution states that, “followers of other religions are free to practice their religion and perform their rituals in accordance with the provisions of the law.” Furthermore, Articles 323-325 of the Penal Code criminalizes insult of all religions, disturbing the rituals of all non-Islamic religions and the destruction of their places of worship and has anticipated punishments for the such perpetrators.

¹³ Roshandilan is a monthly magazine published by the Association of the Visually Impaired of Afghanistan.

¹⁴ SEHAT is the name of a publication published by the Ministry of Public Health.

Right to Inviolability of the Place of residence and Respect to Privacy (Article 22)

82. Inviolability of the place of residence all citizens including persons with disabilities, is recognized in the Constitution of Afghanistan. In this regard, Article 38 of the Constitution states, “Private residence shall be immune from trespassing. No one, including the state, has the right to enter a private residence or search it without the owner’s permission or the order of a competent court, except in situations and methods delineated by the law.” Similarly, the Constitution deems correspondence and communication inviolable and free from intrusion. In this respect, Article 37 states: “Freedom and confidentiality of correspondence, as well as communications of individuals, whether in the form of letter or via telephone, telegraph, as well as other means, shall be secure from intrusion. The state shall not have the right inspect personal correspondence and communications, unless authorized by the provisions of the law.” In addition, according to Articles 5, 6 & 7 of the Post Law, confidentiality of correspondence is guaranteed. The judiciary applies the Constitutional provisions and those of the other laws of the country in terms of inviolability of the privacy while adjudicating cases.

Right to Family and Marriage (Article 23)

83. The Constitution of Afghanistan deems family as the primary unit of the society. With respect to guaranteeing the right to family and marriage for persons with disabilities, Article 54 of the Constitution states, “Family is the fundamental pillar of the society and shall be protected by the state. The state shall adopt necessary measures to preserve the physical and mental wellbeing of the family, especially of the child and mother, upbringing of children, as well as the elimination of traditions contrary to the principles of the sacred religion of Islam.” As per the laws of Afghanistan, there are no obstacles for the disabled to get married or to form a family. On the capacity to get married, Article 70 of the Civil Code of Afghanistan states, “Eligibility to get married is completed when the male reaches eighteen years of age and the female reaches sixteen years of age.”. Similarly, Article 18 of the Draft Family Law clarifies that if any of the parties in marriage have hearing or speech impairment, they can express themselves in sign language or in written form. The EVAW law forbids forced marriage and provides for punishment for persons facilitating a forced marriage.

84. State Ministry for Martyrs and the Disabled considers the matter of marriage and family life of persons with disabilities as a priority agenda, and works with the Ministry of Women’s Affairs on the matter within the framework of the Action Plan for the Disabled.

Right to Education (Article 24)

85. The right to education is a fundamental human right, which enables the realization of other rights in a society. Therefore, the Constitution recognizes this right for all citizens and obliges the state to provide universal access to education, free of charge. Paragraph 1 of Article 43 of the Constitution stipulates, “Education is the right of all citizens of Afghanistan, which shall be offered by the state free of charge, up to the tertiary level, in the state educational institutions”.

86. In its Article 19, the Law on Rights and Privileges of the Disabled obliges related ministries to facilitate the comprehensive and special education for persons with disabilities. In addition, based on Paragraph 2 of this Article, the state is obliged to dedicate seven percent of scholarships financed by states or donor entities for the disabled persons. Additionally, paragraph 3 of the said Article obliges the private schools and higher education institutions to dedicate seven percent of their scholarships to persons with disabilities.¹⁵

87. Article 15 of the Education Law states that the education of persons with special needs who have been left out from education, will be governed by a relevant regulation. Similarly, Article 56 of the Child Rights Protection Law provides for the right to education for children with disabilities. The Law states, “The Ministry of Education is obliged to pave the way for special education for children with disabilities, poor children and children without guardians;

¹⁵ The amended Law on Rights and Privileges of the Disabled, published in official gazette (1099) dated 28/11/1391.

with consideration of their legal guardians' economic conditions, at a lower cost than other children, in accordance with the provisions of the law".

88. Based on the existing laws, in the area of providing comprehensive education, the Child Friendly Education Policy is adopted and being implemented in all schools and educational centers. Additionally, the Ministry of Education plans to develop a Strategy on Universal Education with a view to incorporate all children with special needs, with the aim to create a conducive environment for equal access of all segments of the society to education.

89. The Sustainable Development Goals (SDGs) stresses on eliminating gender inequalities and ensuring equal access to education at all levels, and vocational trainings for vulnerable groups such as the disabled, the indigenous and vulnerable children. The Ministry of Education extensively works towards realization of these objectives. Similarly, all teachers who are responsible for educating the disabled children within general public schools are provided with training programs, seminars, workshops on special education. These programs continue to take place.

90. In terms of access to special facilities and services for visually impaired children, all the material of the new curriculum have been transformed in to Braille system, recorded in MP3 (audio-typed) and have been put at disposal of children admitted to such schools. Similarly, for children with partial visual impairment, the textbooks are printed in embossed format. For children with hearing impairment, the special dictionary and grammar of sign language containing 4000 words, published in two volumes and the work to develop it further to 8000 words, is underway.

91. Provision of conducive and effective educational environment for children with disabilities is a challenging mission for the Ministry of Education. Based on the available data (2016); the number of children with disabilities eligible for schooling is estimated at 200,000.¹⁶ Among them, 4374 children (2775 boys, 1572 girls) with disabilities falling into categories of; visual impairment, hearing disability, mentally ill and physically impaired, are admitted to schools, in 15 provinces. In order to enhance and expand the process of admitting the disabled children to schools, the Ministry of Education has recruited additional 1002 teachers (480 male, 522 female) in the special education section and provided them with necessary trainings. Since 2015, 27800 public school teachers (16720 male, 11080 female) in 17 provinces as well as 146 officials (80 male, 66 female) of provincial education directorates received training on special education with the help of local and international organizations.

92. On admission of persons with disabilities to higher education, currently 380 persons with disabilities (305 male and 75 female) are admitted to public higher education institutions. However, the exact number of disabled students admitted in higher education institutions is unclear. The MoHE is committed to take necessary measures to identify and address the needs of the disabled students in public and private higher education institutions. Additionally, since 2012 a total of 389 family members of the martyred and the disabled members of the security and defense forces, are admitted free of charge to private higher education institutions at the undergraduate level.

93. According to the procedure on the use of foreign scholarships, the State Ministry for Martyrs and the Disabled has so far sent 217 male and 26 female disabled persons abroad for pursuing higher education. Similarly as per the established quota, 217 male and 26 female persons with disabilities are introduced to the Directorate of Private Higher Education Institutions. During the year 2018; 4000 scholarships have been dedicated for the persons with disabilities.

94. The Vocational and Technical Education Agency, which is recently separated from the structure of Ministry of Education, and works as an independent institution for rehabilitating the disabled, has been able to establish 11 special education schools in 7 provinces. This has provided the opportunity to attain technical education for 1756 persons with disabilities (491 female, 1265 male). Additionally, the National Braille Printing Press as well as two more ROSHANDELAN printing presses have been established and

¹⁶ As per the information collected by the HRSU-MoJ from the government institutions.

operationalized in Kabul and Herat Provinces. The Technical and Vocational Education Agency strives to increase the admission of persons with disabilities to their special schools. In order to reach this objective and encourage persons with disabilities to get admission to special and vocational schools, the said agency has undertaken the following:

- Engaging students and teachers with disabilities in the design and organization of technical and vocational programs;
- Amending the regulation on examinations and admissions procedure for persons with disabilities in the special schools;
- Integrating computer and painting subject in the curriculum of special schools;
- Holding preparatory classes;
- Revision of Special School's curriculum with a view to enrich and increase effectiveness of the training programs;
- Recruitment of teachers with disabilities in the special education schools;
- Providing lunch for students in the special education schools;
- Providing transportation for the commute of students;
- Providing special tools and equipments needed for the students with disabilities, with support from relevant organizations.

95. Article 20 of the Law on Rights and Privileges of the Disabled, obliges the State Ministry for Martyrs and the Disabled to provide the opportunity for vocational and technical education for the disabled with the help from supporting organizations. Based on this provision, the said organization has been able to admit 25 dependents of martyrs and the disabled in the private technical education centers. The SMMD has undertaken the following activities with support from NGOs; Muslim Hands International and Social Movement Council:

- Providing vocational trainings for 2189 male and female persons with disabilities in various professions in the capital and provinces;
- Distribution of 212 sewing machines along with tailoring desks and irons for 212 families of the martyrs and the disabled with support from Muslim Hands International;
- Admission of 10 persons from the families of martyrs and the disabled into driving courses;
- Painting and tailoring classes for 62 persons with disabilities (supported by the War Victim Organization).

Right to Health, Habilitation and Rehabilitation (Articles 25 and 26)

96. The right to health is recognized in Article 52 of the Constitution. According to this Article, "The state shall provide free preventive healthcare and treatment of diseases as well as medical facilities to all citizens in accordance with the provisions of the law." Furthermore, Article 21 of the Law on the Rights and Privileges of the Disabled reads, "With a view to ensure access of persons with disability to healthcare services, treatment and physical, emotional, mental and psychological rehabilitation, the Ministry of Public Health is obliged to undertake necessary measures." In addition, this Article stipulates that in case the treatment of a disabled person is not feasible in the country, the MoPH shall strive to send him/her for treatment abroad with the expenses covered by the Government. To implement these provisions, the Ministry of Public Health has developed the Mental Health Regulation with a view to provide better services and has updated it in 2008. In order to ensure better implementation of the said regulation, a procedure for implementation of the Mental Health Regulation has been also developed.

97. Through the National Disability and Rehabilitation Program, the MoPH has developed a 4-year strategic plan (2017-2021) on prevention of disability and rehabilitation of persons with physical disabilities. Furthermore, based on the National Strategy for

Provision of Health Services, the MoPH has developed the Mental Health Strategy (2017-2021) that addresses the mental health needs of the citizens of the country. In cooperation with MoWA, MoLSA and MoHE, the MoPH has prepared the draft Comprehensive Mental Health Improvement Strategy.

98. On awareness raising and developing the capacity of health personnel, Article 42 of the Child Rights Protection Law states, “Ministries and relevant government entities are obliged to exchange necessary information regarding preventative, curative and mental healthcare of children with disabilities and provide for capacity and skills development of relevant medical personnel and expansion of their expertise.” In addition to providing on-duty training and awareness raising programs on CRPD, the Law on Rights and Privileges of the Disabled, and on the provision of healthcare and rehabilitation services for the disabled, the MoPH has also developed professional standards for the implementers of healthcare services and physical rehabilitation. Furthermore, the MoPH has deployed psychosocial consultants to 425 health centers and midwives have been recruited in 830 health centers and trained on providing basic psychosocial consulting.

99. The community health workers have been trained on providing First Aid, in addition to other trainings on emergency response and consultation. Between January and April 2016 five training programs have been held on the rights of persons with disabilities for 250 individuals and 15 other programs on disability and war victims for 1900 persons and in total 2150 community and health personnel have been trained in the capital and provinces.

100. Afghan legislations provide for rehabilitation of persons with disabilities. Article 53 of the Constitution states, “The state shall adopt necessary measures to regulate medical services as well as financial aid to survivors of martyrs and missing persons, and for reintegration of the disabled and handicapped and their active participation in society, in accordance with provisions of the law.” Following this principle stipulated in the Constitution, Article 23 of the Law on Rights and Privileges of the Disabled, obliges the State Ministry for Martyrs and the Disabled to establish Rehabilitation Centers with support from the MoPH, Ministry of Urban Development, National Olympics Committee and the municipalities. Similarly, Paragraph 2 of the said Article obliges the provincial governors and other authorities to cooperate in establishing and operationalization of the rehabilitation centers. Additionally, the National Disability Rehabilitation Strategy (2013-2016), will be extended after an impact assessment.

101. With the aim to rehabilitate persons with disabilities, the MoPH provides necessary health services across the country and provides special services such as artificial limbs, orthopedic support equipment, helping tools, canes, wheelchairs and physiotherapy services, aimed at rehabilitation of persons with disabilities. Similarly, the MoPH has trained 240 physiotherapists and 40 orthopedic technologists as well as over 2000 health personnel on provision of disability rehabilitation services.

102. Specifically, the MoPH has established 22 physical rehabilitation centers for the disabled in 17 provinces. Rehabilitation services provided in these centers include the making of artificial limbs, orthopedic support structures, helping tools, walkers, wheelchairs and provision of physiotherapy services.

103. Concerning empowerment, capacity building and self-sufficiency of the disabled, State Ministry for Martyrs and the Disabled has undertaken significant steps towards production of artificial limbs, distribution of wheelchairs, and provision of physiotherapy services, awareness raising and advocacy. These services are provided with support provided by the national and international organizations such as Swedish Development Aid Organization, Handicap International, Social Center for the Disabled, ICRC, ALSO, GEFORHAND and the like. A summary of these activities are listed as follows:

- Artificial limbs have been made for 10,571 male and female persons with disabilities;
- 53,033 disabled men and women have been provided with consultation, rehabilitation and psychosocial treatment services;
- About 4,211 disabled men and women have been provided with psychiatric health services;

- A total of 3,880 artificial limbs have been repaired;
- 2040 wheelchairs have been distributed to persons with disabilities.
- 16,977 male and female disabled have been provided with physiotherapy services;
- 6,662 disabled men and women have been provided with in-house physiotherapy services;
- 1,909 persons have participated in orthopedic training workshops and have received necessary trainings.

Right to Work and Employment (Article 27)

104. The Constitution of Afghanistan has recognized this right in Paragraph 1 of Article 48 as it states, “Work is the right of every Afghan”. Similarly, the Constitution stresses the recruitment of individuals in state institutions without any discrimination. Paragraph 4 of Article 50 of the Constitution stipulates that “The citizens of Afghanistan shall be recruited by the state on the basis of merit, without any discrimination, according to the provisions of the law.” Following this constitutional provision, Article 8 of the Labor Law states, “The workers in the Islamic Republic of Afghanistan have equal right to work with equal wages...” Also as per Paragraph 1 of Article 9 of the said law, “Any form of discrimination is prohibited in recruitment, payment of salaries and allowances, selection of occupation, profession, skill and specialty, education and social security services.”

105. As per Article 22 the Law on Rights and Privileges of the Disabled, the government has been obliged to dedicate a minimum of 3% quota of government positions for the disabled. Also, based on Article 117 the Labor Law, entities are obliged to provide employment for the disabled, proportionate to their abilities and capabilities.” Similarly, Paragraph 2 of Article 10 of the Civil Service Law prohibits any form of discrimination in the recruitment of officials or contractual staff based on gender, religious sect and physical disability. Article 23 of this Law provides for work promotion on the basis of free competition and performance appraisal.” Additionally, Paragraph 6 of Article 28 of the said law provides that if coworkers or superiors treat an employee in an unfair and discriminatory manner, he/she can complain to relevant entities. The Independent Administrative Reform and Civil Service Commission oversees the enforcement of the provision of Article 22 of the Law on Rights and Privileges of the Disabled which provides for a 3% quota as well as 3% extra marks in favor of candidates with disabilities who meet the other criteria.

106. Lack of precise data on the number of persons with disabilities eligible for work and the persons with disabilities who are recruited through open competition, is a key obstacle. The IARCSC has initiated the work on a comprehensive policy to address the matter. Despite this, the data collected by MoLSA in 2012 shows that 636 persons with disabilities are employed in 25 various institutions and 863 persons with disabilities are employed in national and international organizations. In 2018, the Ministry of National Defense had been able to provide work for 2203 army personnel with disabilities. Similarly, the Social Center for the Disabled, in coordination with the State Minister for Martyrs and the Disabled, is working for job creation for the disabled, through which 2058 male and female persons with disabilities were employed in various institutions.

107. On labor unions, Article 147 of the Afghan Labor Law recognizes the labor and worker unions as social organizations and refers their establishment procedures to the Law on Social Organizations. The said Article recognizes the right to acquire membership and participate in the labor and worker unions for all the workers and employees without any discrimination.

108. In terms of benefiting from on-duty trainings, Article 76 of the Labor Law obliges organizations to hold individual and group on the job training programs with a view to enhance professional capacity, acquiring new skills and expertise. Similarly, Part 4, Paragraph 4 of the same Article, obliges the Ministry of Labor and Social Affairs establish rehabilitation centers for the Disabled within their training centers. Additionally, this issue has been particularly provided for in the Law on Rights and Privileges of the Disabled under the technical and professional studies section. Article 20 of this law obliges the MoLSA to provide for technical and vocational education for the disabled, taking into account their

capabilities and talents with support from other organizations. Meanwhile, the ministries and government institutions shall introduce their staff members for participation in on-duty trainings held by the Civil Service Institute without any discrimination.

109. Article 38 of the Child Rights Protection Law obliges relevant institutions to hold vocational trainings for children with disabilities. It states, “1) The MoE is obliged to work in cooperation with MoLSA and provide vocational trainings suitable for talents and abilities of the children with disabilities. 2) The MoLSA works towards finding work suitable for children’s age, ability and residence. 3) The MoE is obliged to provide the list of children with disabilities who completed the trainings mentioned in Paragraph 1 of this Article, on monthly basis to the MoLSA.”

110. On supporting entrepreneurship, Article 27 of the Law on Rights and Privileges of the Disabled obliges the Ministry of Commerce and Industries to find markets for the products produced by the disabled. In addition, Article 39 of the Child Rights Protection Law obliges the relevant institutions to pay attention to employing children with disabilities. This Article states, “An employer who employs 50 or more employees in one place or in various places, as interns or trainees, are obliged to recruit 4% of children with disabilities who are referred to them by the MoLSA as per the provisions of the Labor Law, provided that the work does not cause physical or psychological harm to them.”

111. The international human rights instruments forbid forced and harsh labor. Complying with that, the Constitution of Afghanistan in its Article 49 explicitly prohibits forced labor. Similarly, Paragraph 3 of the said Article forbids imposing work on children. In addition to that, Article 4 of the Labor Law also prohibits forced labor.

Adequate Standard of Living and Social Protection (Article 28)

112. The Constitution of Afghanistan pays particular attention to social development and prosperity of citizens and the state is obliged to take practical steps toward this end. Article 6 of the Constitution states, “The state shall be obligated to create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization of democracy, attainment of national unity as well as equality between all persons and balance development of all regions of the country.” The Constitution also provides for special support to the elderly, women without guardians, persons with disabilities and destitute orphans. In this regard, Article 53 states, “The state shall guarantee the rights of retirees, and shall render necessary aid to the elderly, women without caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law.”

113. Article 4 of the Law on Rights and Privileges of Persons with Disabilities provides for financial assistance to those harmed (becoming disabled) on duty. 10 months of salary shall be paid to the military personnel and employees of the civilian institutions, as well as five months of salary for contractual or non-graded staff. Article 8 of the Law on Rights and Privileges of Persons with Disabilities provides for payment of the monthly allowance for those who suffered disabilities due to the armed conflict. In this respect they are paid: 35% of the last salary obtained for military personnel and civilian officials, as well as, an amount equivalent to 30% of salary of step 1 of grade 8 of the civil service for non-graded and non-paid positions and half of the salary for those partially disabled. The State Ministry for Martyrs and the Disabled, pays between 2500 to 5000 Afghanis to 115,000 persons with disabilities.

114. Article 24 of the Law on Rights and Privileges of Persons with Disabilities, obliges the municipalities to consider a 7% quota of the plot distributed for persons with disabilities who do not have shelter with 30% of discount in the prices. Similarly, the last paragraph of this Article obliges the state institutions to prioritize persons with disabilities while distributing residential apartments.

115. Article 9 of the Social Support Law obliges the MoLSA and Afghan Red Crescent Society of Afghanistan (ARCS) to establish support centers for addressing the basic needs of the elderly, the disabled, women without caretakers and destitute and orphanages for children without guardians. Article 10 of this law clarifies that with consent of the relevant organizations and after acquiring a license from the MoLSA, relief organizations may operate in this field.

116. Following the provisions of the aforementioned laws, the following practical steps have been taken:

- 550 residential plots have been distributed to the disabled in the Chehl Dokhtaran area of Char Asyab district and 150 residential plots have been distributed in the Padola area of Kabul city. Across the country, 10000 plots have been distributed to the disabled;
- 250 residential houses have been distributed in the Shaikh Zayed Project located in Qasaba area;
- 233 apartments have been distributed to the disabled in the Qasaba area, Kabul. Additionally, based on MoD's directive no. 499 dated 8/11/1392, the Ministry of Defense is due to design and implement a program to distribute residential plots and apartments to the disabled persons of the National Army.

117. In light of Decree No. 104 dated 15/9/1394 of the President, the Ministry of Refugees and Repatriates has undertaken the following measures to provide housing for internally displaced and returnees with disabilities:¹⁷

- In the south, in Khost province 45 persons with disabilities and widowed women have been provided with land. 406 other individuals have benefited from shelter program;
- In the north, in Sare Pul province, 10% of land applicants who have been determined to be eligible are persons with disabilities;
- In the Central Zone, in Kapisa province, 13 IDP families and 31 returnee families of persons with disabilities are provided with monetary and material support;
- In the north, in Jawzjan province, 16 residential plots and 4 shelters have been provided for the disabled;
- In the South West, in Farah province 7 residential plots and 5 shelters have been provided for persons with disabilities;
- In the Central Zone, in Maidan Wardak province, 5 residential plots are distributed as well as a cash transfer of 200\$ for 14 persons with disabilities;
- In the South, In Logar province, 59 returnees have been identified to be eligible for a land plot and 19 others have been provided shelter.

118. Hundreds of returnees with disabilities and IDPs have been provided with land, shelter, as well as monetary and material support. However, due to lack of a database and clear figures on persons with disabilities, the services provided and the exact number of beneficiaries are not fully reflected in this report. Ministry of Refugees and Returnees is working to develop a system for collecting and analyzing data, based on which the data on persons with disabilities who have been covered by this ministry will be documented. Additionally, in the year 2018 a total of 90,116 individuals identified as IDPs have benefited from humanitarian support and persons with disabilities have also been among them.

119. Concerning right to retirement, based on Article 4 of the Law on Rights and Privileges of the Disabled, persons with disabilities are eligible to retire right after being determined to have a disability. Based on the Article 19 of the said law, the retirement benefits of a deceased person with disability are given to his/her immediate family members such as: spouse, dependent children, parents and/or siblings.

120. Article 141 of the Labor Law provides for the right to retirement benefits due to disability caused by accident or death on duty or an illness arising from a profession. This Article clarifies that the benefits of this type of retirement is paid without reduction and equivalent to the last salary obtained along with its all supplements.

¹⁷ Decree No. 104 was nullified in year 1397 (2018) and was replaced with Decree No. 305 dated 7/6/1397.

121. With regards to the provision of food and support to the families of persons with disabilities living in poverty, the Ministry of Martyrs and Disabled has provided the following services in the recent years with support from relief organizations.

Table: Support to families of persons with disabilities living in poverty

No.	<i>Number of Families Benefitted</i>	Type of Support	Quantity	Unit	Supporting Agency
1.	150	Coal	70	Ton	ANDMA
2.	100	Wheat	10	Ton	MoAIL
3.	20	Wheat flour	20	Bag	UNDP
4.	24050	Meat	12025	Box	Saudi Arabia
5.	9050	Wheat flour	18100	Bag	MoAIL

122. As a national relief agency, the Afghan Red Crescent Society (ARCS) operates under the principles of International Red Cross and Red Crescent Federation. It supports the destitute persons particularly children, women, the elderly and the disabled. 334 persons with disabilities are admitted to ARCS shelters where they benefit from basic living services. Among them, 210 are men, 116 women and 8 are paralyzed children.

Table: Number of persons with disabilities in the ARCS shelters (Marastoon)

Shelter	Children	Women	Men	Total
Kabul		81	8	89
Hirat	7	37	192	236
Balkh	1	1		2
Nangarhar	7	2		9
Kandahar		2	12	14

123. Those admitted in the shelters (Marastoons) are provided with healthcare and psychosocial services as well as vocational education. Additionally, children of school age have been provided with schooling in the Mashal School of ARCS in Kabul and other public schools. State Ministry for Martyrs and the Disabled has also operationalized the nursing home of Kabul.

Social and Political Participation and Living Independently (Articles 19 and 29)

124. Concerning political rights of the citizens, particularly the right to vote, Article 33 of the Constitution explicitly states, “The citizens of Afghanistan shall have the right to elect and get elected.” The Constitution also stipulates in its Article 50, “The state shall adopt necessary measures to create a sound administration, and realize reforms in the administrative system. The administration shall perform its duties with complete neutrality and in compliance with the provisions of the laws.” In addition to that, Article 84 of the Constitution provides that among the one third of the members of Meshrano Jirga (Senate) which are appointed by the President, two shall be persons with disabilities.” Based on the Constitution and the Election Law, the Independent Elections Commission (IEC) has taken measures to ensure the participation of all eligible citizens including foreseeing particular measures for persons with disabilities. These measures include:

- Voting and voters registration centers have been established in locations that are easily accessible to all people, particularly persons with disabilities;
- Persons with special needs, particularly persons with disabilities are given the opportunity to request their trusted persons for marking the ballot paper and finding the name and particulars of their desired candidates and in the absence of such trusted persons seek help from the head of the voting centers;

- During the voter registration and voting procedures, queue controllers give priority to persons with disabilities;
- The Directorate of Public Awareness of the IEC, prepare and disseminate specific contents for persons with disabilities through print and audiovisual media.

125. Participation of persons with disabilities in the drafting and adoption process of the legislative documents is of particular importance. In this regard, Article 20 of the Law on Processing, Publishing and Enforcement of Legislative Documents reads: “In legislative documents where persons with disabilities have a stake, an authorized representative from the Union of Persons with Disabilities shall be invited by the Ministry of Justice and other entities entrusted with the drafting the legislative documents, to participate and express their views during the drafting and scrutiny of the legislative documents.”.

126. The State Ministry for Martyrs and the Disabled, in coordination with associations of persons with disabilities, strives to develop and implement effective initiatives aimed at self-sustainability and ensuring participation of the disabled in public affairs. Recently, with the support from the Swedish Committee, the ministry has initiated a microfinance project to provide credit for the persons with disabilities. Through this initiative, 388 individuals benefited from microfinance. Furthermore, 100 individuals benefited from government support to establish their poultry farms through the sustainable economy program.

127. On ensuring the participation of persons with disabilities in associations, forums and political parties, Article 35 of the Constitution recognizes this right for all citizens of Afghanistan and guarantees the right of persons to establish political parties and civic organizations. The Article states, “The people of Afghanistan shall have the right, in accordance with the provisions of the law, to form political parties...” Additionally, Article 36 of the Constitution recognizes the right to peaceful assembly and states, “The people of Afghanistan shall have the right to gather and hold non-armed demonstrations, in accordance with the law, and for attaining legitimate and peaceful purposes.” In light of the provisions of the legislative documents, persons with disabilities have membership in various parties and associations; over 90 associations, unions and councils are registered under the name of persons with disabilities.

Participation in Cultural life, Recreation, Leisure and Sport (Article 30)

128. Participation of persons with disabilities in cultural activities, recreation, leisure and sports are among fundamental rights recognized by the Constitution of Afghanistan. In this regard, Article 47 of the Constitution stipulates, “the State shall devise effective programs for fostering knowledge, culture, literature and arts...” Also on the promotion of sports, Paragraph 4 of Article 52 of the Constitution states, “The state shall adopt necessary measures to foster healthy physical education and development of the national as well as local sports.”.

129. Following the aforementioned provisions and based on its strategic policy and plans, the Directorate General of Physical Education and Sports is established within the Paralympics Federation. This Federation works in the following areas:

- Creating better conditions and respect to physical and psychological wellbeing of persons with disabilities based on equality with others;
- Ensuring the participation of persons with disabilities in various levels of sports activities;
- Ensuring participation of persons with disabilities in recreation, leisure and sports life;
- Facilitation of access of persons with disabilities to sports facilities;
- Empowering persons with disabilities through sports activities,

130. Sports that are promoted at the initiative of Paralympics Federation for male and female athletes are: Swimming, Taekwondo, Table-tennis, Power lifting, Light athletics, volleyball, Football, Cycling, Basketball, Archery, Kayaking, and Chess.

131. Water-polo/swimming Federation has put extensive efforts to promote the water polo sport among athletes with disabilities.

132. General Directorate of Physical Training and Sports has undertaken the following practical measures in order to ensure easy access to sport facilities for the persons with disabilities:

- Sports gyms and administrative offices are constructed in Kabul;
- 23 of provincial sport authorities have been instructed to provide persons with disabilities with ground and facilities for exercising and holding sporting events/matches;
- One gymnasium built at the premises of the ICRC office and opened for access by wheelchair basketball players and Paralympics. The ICRC also financially supports the Paralympics basketball team;
- The Social Center for the Disabled, provides sport trainings and has so far been able to provide trainings for 25 athletes with disabilities;
- The Handicap International supports athletes with disabilities in playing football through coaching, training and providing sporting jerseys.

133. Furthermore, since 2003, the Directorate of Sports and Physical Trainings has undertaken the following actions:

- Established the federation within the structure of the Directorate of Sports and Physical Trainings, in order to ensure growth, development and harmonization of sports activities in 2003;
- Set up offices in six provinces (Herat, Balkh, Kandahar, Maidan Wardak, Nangarhar and Faryab) for sports activities of athletes with disabilities;
- Built one sports gymnasium for athletes with disabilities that also encompass 12 administrative offices;
- Provided services to 10,964 male and female athletes with disabilities in Kabul and other provinces;
- Facilitated the participation of athletes with disabilities in international sporting events and competitions;
- Provided facilities for identifying high performing athletes with disabilities to be recruited to the national sporting teams;
- Provided meals, uniforms, exercising and quarantine facilities for the national Paralympics teams in the preparation for international sporting events;
- Currently, 90 athletes in Kabul (54 male, 36 female) and 10,964 across the other provinces of the country are involved in sporting activities.

134. On empowering persons with disabilities, and providing grounds for creativity and artistic opportunities, Article 6 of the Law on the Protection of the Rights of the Author, Editor, Artist and Researcher; obliges the state to support artistic and cultural artifacts. The Law on Protection of the Rights of Inventors and Discoverers recognizes the intellectual property rights of the inventor and discoverer and obliges the state to protect it. On facilitating the access of persons with disabilities to cinema, theatre, film and other cultural activities, the National Theatre Directorate of the Ministry of Information and Culture has produced a show named “Afghanistan” in which a person with disability plays the main role. With support from SAYARA, this show has been performed in various districts of the country for one month by the Mobile Theatre team. Another show named, Sarnawesht Wajhgoon “the Upside Down Destiny” performed through the stage of national theatre. In this show as well, persons with disabilities have performed important roles. The Directorate of National Theatre is also committed to increasing the role of persons with disabilities in their future shows and performances.

Part three – Specific Groups

Women and Children with Disabilities (Articles 6 & 7)

A. Women with Disabilities

135. Article 22 of the Constitution of Afghanistan while prohibiting any form of discrimination and distinction among the citizens of Afghanistan, has recognized equal rights and obligations for men and women. Additionally, in order to prevent violence against women, the GIRoA has enacted the Elimination of Violence against Women Law. This law criminalizes practices that harm women and impede the realization of their rights and freedoms. Additionally, to prevent harassment of women and children, the Law on Prevention of Harassment of Women and Children has been adopted and published in official gazette no. 1280 dated 10/9/1396. This law prohibits and criminalizes all forms of harassment against women and children.

136. The Government of the Islamic Republic of Afghanistan has established a separate administrative unit called “Ministry of Women’s Affairs” to better organize and coordinate women related affairs. This Ministry works in the area of improvement of women’s rights and situation in the country.

137. The Ministry, implements an Awareness Raising Program on Disabled Women’s Rights, among its general awareness raising activities and trainings.

138. State Ministry for Martyrs and the Disabled has also undertaken activities towards realization of the rights of women with disabilities, amongst them; coordination has been made with relevant organizations that work in the area of disability, to pave the ground for their appointment within state and private institutions.

B. Children with Disabilities

139. To ensure that children with disabilities have access to their rights on equal footing as others, Article 54 of the Constitution provides a general protection for children. This Article states, “Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.” Additionally, Article 16 of the Law on Rights and Privileges of the Disabled, provides for the rights and freedoms of children with disabilities without any discrimination and has obliged relevant entities to ensure that children with disabilities have access to recreation, sports and special facilities. Article 6 of the law on protection of child rights forbids any form of discrimination against children and states that children shall be supported without any form of discrimination. Article 8 of the said law has obliged relevant ministries and organizations to provide for participation of children in all walks of social life.

140. Article 28 of the Child Rights Protection Law, supports the right to safe growth and birth of the child, and states: “relevant government entities and ministries are obliged to take necessary financial and healthcare measures with a view to ensuring the growth and protection of the fetus, safe delivery, and supporting the health of the mother.” Similarly, Article 35 of the said law supports vulnerable children. The Article states, “relevant ministries are obliged to take necessary actions with a view to support the physical and psychological rehabilitation of the child”. According to this Article, beneficiaries of such services include “anyone harmed as a result of negligence, sexual abuse and exploitation, torture or other degrading or inhumane treatment or as a result of armed conflict, with a view to ensuring resettlement and reintegration of the child in support of his/her self confidence and dignity.”.

141. Child Rights Protection Law supports children with disabilities and its Article 37 states: “1) Ministries of Labor and Social Affairs, Public Health and relevant institutions are obliged to protect the children with disabilities against actions that are harmful to their health, physical and mental growth as well as psycho-social conditions. 2) A child with disability shall benefit rehabilitation services (provision of social, psychological, medical, and

educational and employment services) free of charge. 3) Relevant government ministries are obliged to provide the special social protection environment for a child with physical or mental disability in a manner that enables him/her to develop self-sufficiency, play an active role in the society, and live a dignified life. 4) Relevant government ministries and institutions are obliged to ensure access of children with disabilities to education, internship, healthcare and rehabilitation services, preparation for employment, establishing and equipping recreational and sports opportunities as well as accessible special facilities and places.”.

142. On providing social protection and rehabilitation for children with disabilities, Article 41 of the Child Rights Protection Law states, “Relevant government ministries and institutions are obliged to pave the way for social support and rehabilitation of children with disabilities with a view to ensuring their active participation in the society, in accordance with the law.” Similarly, Article 47 of Child Rights Protection Law provides for the establishment of a relief fund with a view to support and empowers children with disabilities.

143. State Ministry for Martyrs and the Disabled in coordination with the General Secretariat of Children has developed the Plan for Protecting Children with Disabilities. This plan anticipates the establishment of support centers at the regional level to provide children with mental disabilities with shelter, education and protection. This entity strives to operationalize these centers with the financial and technical help of donors as soon as possible.

144. The Ministry of Labor and Social Affairs has established 148 Child Protection Action Networks (CPAN) in all provinces and recruited over 4000 volunteers who continuously work towards identification and referral of vulnerable children for the provision of services.

145. Ministry of Justice (MoJ) provides specific facilities for the disabled children who have committed crimes (accused and convicts) within the Juvenile Rehabilitation Centers. These facilities includes the construction of ramps, stand toilets, distribution of wheelchairs and so on. Furthermore, the General Directorate of Juvenile Rehabilitation Centers (GDJRC) has developed a specific guideline for its staff to provide appropriate facilities and services for the disabled children in the Juvenile Rehabilitation Center.

146. Nevertheless, children with disabilities face many challenges and obstacles to the enjoyment of their basic rights. For instance, still around 200000 disabled children (56% male and 44% female) do not have access to education across the country. To address these challenges, the GIRoA is firmly committed to prioritize the protection and promotion of human rights of the disabled children.

Part four-Specific Obligations (Articles 31 – 33)

A. Data Collection

147. Law on the Rights and Privileges of the Disabled Persons obliges the Ministry of Public Health (MoPH) and Medical Institutions to collect the statistic of those children which born with disabilities and share them with the State Ministry for Martyrs and Disabled Persons. Meanwhile, Article 26 of the Law on Rights and Privileges of Disabled Persons obligates the National Statistic and Information Organization (NSIO) to conduct public census of the disabled persons across the country and officially share the findings of the census with the State Ministry for Martyrs and Disabled Persons.

148. In 2005, Handicap International Organization in coordination together with the Afghan Government conducted the first national census of the persons with disabilities. In the identification of the persons with disabilities, methodology of the Washington Group was used throughout this census. Findings of this census show that the rate of occurrence of disability in Afghanistan is at 2.7 %. Furthermore, Afghanistan Living Conditions Survey is the latest of its kind, which was conducted in 2017. This survey provides data and statistic on persons with disabilities across the country. Findings of the ALCS estimate the total number of the disabled persons at 924000 all over the country.¹⁸ Additionally, the survey indicates that the rate of occurrence in Afghanistan is around 3.2% with a marginal difference

¹⁸ For further information visit: www.cso.gov.af.

between men and women (3.2% men and 3.1% women). ALCS further shows that rate of occurrence is higher in the urban areas (4.3%) than rural areas of the country (2.6%) and among the nomadic population (3.1%). The findings of the aforementioned survey also indicates that across the country; 59% of the persons with disabilities are male and 41% are female.¹⁹

B. International Cooperation

149. State Ministry for Martyrs and Disabled Affairs (SMMDA) works to attract the cooperation and contribution of the National and International organizations in the field of providing assistance for the disabled persons. Currently 40 national and international NGOs work in this field. Amongst them, SMMDA has signed memorandums of cooperation with over 19 national and International NGOs.

150. The Ministry of Foreign Affairs (MoFA) provides necessary facilities through its diplomatic and consular missions abroad in attracting international assistance to the disabled persons. Furthermore, MoFA in coordination with the Ministry of Economy (MoE) provide facilities for the registration and obtaining necessary licenses for the International NGOs. Furthermore, this Ministry coordinates and facilitates the transaction of the materials and goods, provided by the charity organization for the disabled persons from abroad.

151. The SMMDA is committed to establish Disabled Persons' Federation for better organizing the international cooperation in the field of the persons with disabilities. This federation will deal with the mobilization of resources and international cooperation.

C. National implementation and Monitoring of the Convention

152. Article 7 of the Constitution obliges the state to implement international human rights conventions to which Afghanistan is a party. Based on this provision, the Law on Processing, Dissemination and Enactment of the Legislative Documents has stipulated international conventions including human rights treaties as a source for the legislative documents. The Human Rights Support Directorate of MoJ in coordination with the Legislative Department of MoJ reviews the draft legislative documents including policies and strategies to ensure their compliance with the international human rights standards. Besides, Directorate of Human Rights of MoJ regularly monitors the implementation of the ratified human rights conventions within the state institutions. The mentioned Directorate also conducts human rights trainings programs for capacity building of the government employees. Since 2012, 2454 government employees benefited from such trainings.

153. State Ministry for Martyrs and Disabled Affairs (SMMDA) is in particular mandated to oversee the protection, promotion and fulfillment of the rights and freedoms of persons with disabilities as stipulated in the CRPD.

154. Afghanistan Independent Human Rights Commission (AIHRC), as an independent national human rights institution, monitors the realization and fulfillment of the rights and freedoms of the citizens all across the country. To assure the protection and promotion of the rights of the persons with disabilities, a separate section has been established for the disability related affairs under the title of "Disabled Support Section". Furthermore, AIHRC has translated the CRPD in to the official languages (Dari and Pashto) and third languages of the country (Uzbeki, Turkmani, Baluchi and Pasha-ee). In addition, the AIHRC has prepared and published the accessible versions (Braille and sign language) of the Convention.

D. Major Challenges and Obstacles before the realization of Human Rights of the Persons with Disabilities

155. The Islamic Republic of Afghanistan, as its Constitutional and international obligation, is firmly committed to the realization of the rights and freedoms of the citizens, including the rights and freedoms of the persons with disabilities. However, the government is facing major challenges before the full realization of the rights of the persons with disabilities, which a few of them are listed below:

¹⁹ For further information visit: www.cso.gov.af.

1) Conflict and insecurity: During the last four decades, the GIROA has gone through war and conflicts. Currently the government fights with over twenty internationally recognized terrorist groups. This unfortunately had a detrimental impact on the implementation of the development agenda and on the realization of the rights and freedoms of citizens particularly, those with disabilities;

2) Poverty and low income: war and insecurity as a big challenge against the implementation of the development programs limits the opportunities for investment and business activities across the country. This has caused unemployment and increase in the segment of population living in poverty (est. 54.4% in 2017);

3) Illiteracy: Despite the significant progress in access to education over the past two decades, the literacy rate currently stands at only 36%;

4) Lack of technical capacity: the capacity for the design and implementation of the development programs particularly in the field of persons with disabilities is low and insufficient;

5) Lack of credible data and statistic: Despite the provision of general statistics by the National Statistic and Information Organization, a particular survey regarding persons with disabled has yet to be conducted;

6) Weak coordination between relevant institutions: Despite the establishment of the Inter-ministerial Committee for the disabled persons, the mechanism has yet to be fully functional. Meanwhile, overall coordination between state and non-state institutions have not been sufficient and systematic;

7) Lack of harmony concerning attraction of international cooperation: International cooperation, which has an effective role in the realization and fulfillment of the rights of the persons with disabilities, has suffered from lack of governance through a unified structure.

156. The GIROA stresses again on its commitment to the full realization of the rights of the persons with disabilities. To this end, peace is the first priority and the government will do its utmost in the national and international level to end the war and bring peace to the country. The promotion of the governing body in charge of disability affairs to the level of a State Ministry shows the commitment of the state to the fulfillment of the rights of the persons with disabilities. Despite the serious damages that SMMDA suffered from a terrorist attack, the Ministry has a forward looking agenda and planned the following activities for the near future:

- Strengthening coordination between state and non-state organizations in order to provide rehabilitation services, required facilities and vocational training for the persons with disabilities all over the country;
- Conducting training and public awareness programs on the Law on the Rights and Privileges of Disabled Persons, root causes of disabilities in the society and preventative healthcare with the support from MoPH and relevant national and international organizations;
- Reinstating the National Institute for the persons with disabilities;
- Reconstruction of the care centers for the persons with disabilities in Kandahar, Herat and Jalalabad cities and expansion of the Central Care Center in the Kabul city;
- Establishment of separate care centers for women and children with disabilities in Kabul city;
- Construction of accessible gymnasiums for the disabled athletes across the country;
- Operationalization of comprehensive rehabilitation centers in Kabul and four zones across the country. These centers will facilitate the provision of the following services:
 - Delivery of sophisticated artificial limbs;
 - Mold services;
 - Orthopedic services;

- Physiotherapy;
 - Visual services;
 - Hearing aid services;
 - Mycological services;
 - Home to home delivery of services for the children with disabilities;
- Facilitating the medical treatment of persons with disabilities in the country and abroad.
-