

## Disclaimer

The International Bureau for Children's Rights is pleased to share with the visitors of its official website this draft country profile on the status of the CRC implementation. This draft profile is the preliminary result of the ongoing research project that will eventually cover all the States parties to the Convention.

This draft is based on data that IBCR interns were able to collect from various Internet sources. As the information on the Internet is often limited and may contain inaccuracies, this profile is not meant to be complete or absolutely accurate. Still, IBCR has decided to publicize this draft profile for the purpose of awareness-raising and exchanging of information.

In the meantime, IBCR remains open to any comments, corrections and feedback readers may have. IBCR is seeking additional resources to improve this draft country profile and bring it to the expert level. The reports on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Viet Nam are examples of expert level reports and are available on IBCR's official website thanks to the financial contribution of CIDA. The ultimate goal of this endeavour is to bolster international understanding of children's rights, disseminate knowledge about the CRC and assist Governments in its implementation.

## ISLAMIC REPUBLIC OF AFGHANISTAN

### Introduction

Twenty-five years of warfare coupled with Taliban's rule and disastrous drought, have left the country's agricultural, physical and economic infrastructure in ruin. Many areas still continue to suffer from violence and insecurity. They have driven millions abroad, killed and maimed hundreds of thousands more, and devastated most of the country's social and economic fabric. Levels of education, access to healthcare, agricultural production, energy resources, and standards of irrigation and roads are some of the worst in the world.<sup>1</sup>

The situation in Afghanistan has changed significantly since the adoption of a new Constitution and the organization of free election in 2004. Much has been accomplished in the past two years, bringing new hope — and a new set of challenges. While there is optimism in safe areas of the country, many parts of south and southeast Afghanistan remain too insecure to receive reconstruction benefits from the government or aid community. In those areas, there have already been significant challenges to voter education and registration.

The international community is focused on the reconstruction of Afghanistan. In 2005, 700,000 Afghans had returned to their country (manly from Iran and Pakistan). The total population of Afghans in 2005 was estimated at 29.9 million, about the half of which is under 15 years of age (44.7%).<sup>2</sup> The main challenge is indeed to welcome these returnees in good conditions. This reintegration involves the reconstruction of infrastructures and homes. Since April 2002, the World Bank has committed US\$ 973 millions in order to finance 18 different reconstructions projects. GDP growth rate in 2004 was estimated at 8% higher than in 2003.<sup>3</sup> However, the population living below poverty line in 2003 stood at 53%. According to the National Human Development Report 2004, Afghanistan is the seventh poorest nation in the world.

The difficulties encountered throughout the period in addressing the underlying causes of conflict were an indication of the complexities awaiting the unprecedented endeavour by Afghan women and men, supported by the United Nations and the international community, to reach national reconciliation and promote sustainable development, democracy, justice for all and gender equality.

War is a terrible experience for children. During the war, children have been killed or injured, and lost members of their families. The main healthcare problem is the mortality of the children, which is the highest in the world. Children underweight for age are 48 % (under 5 years). Because of limited access to clean water, children suffered of many different diseases such as malaria, diarrhoea, respiratory infections and malnutrition. In 2005, IRM and U5MR were estimated at 163.07 per thousand and 257 per thousand respectively<sup>4</sup>. Maternal mortality rate are very high too; 90% of rural women deliver babies without medical care.

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<sup>1</sup> "Wikipedia Afghanistan", 2006, available on-line at <http://en.wikipedia.org/wiki/Afghanistan>, (last accessed 2 June 2006)

<sup>2</sup> "The World Factbook- Afghanistan", CIA, 2006, available on-line at <http://www.cia.gov/cia/publications/factbook/geos/af.html>, (last accessed 2 June 2006)

<sup>3</sup> "Countries Data and Statistic, At a glance", The World Bank, 2005, available on-line at <http://devdata.worldbank.org/external/CPPProfile.asp?SelectedCountry=afg&CCODE=afg&CNAME=afghanistan&P&TYPE=CP>, (last accessed 2 June 2006)

<sup>4</sup> Supra note 2

The period of Taliban rule was a disaster for the education in Afghanistan, particularly for girls. In 2006, the enrollment ratio in primary education is 92 %<sup>5</sup> but in many provinces, girls rarely attend school at all<sup>6</sup>. Literacy over 15 is estimated at 36 % including 51% for male and 21% for female.

The country has adopted a new constitution in January 16th, 2004. Afghanistan is an Islamic republic, which means that no law should be contrary to Islam. The Constitution ensures the respect of human being and equality between the different ethnic groups. Moreover, Afghanistan has enforced the independence of the judiciary and has granted more resources in human rights matters, especially in juvenile violations.

The security situation is the biggest challenge to the promotion of human rights in Afghanistan. The lack of security and infrastructures, the isolation of the population makes the role of human rights workers difficult. In fact, the priority concerns the reconstruction of strong State institutions before the establishment of a human rights state.

### International Convention and Treaties

- Convention on the Rights of the Child (CRC), ratified: 28 March 1994
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Pornography, signed: September 7, 2000, ratified: 19 September 2002
- Optional Protocol to the CRC on the on the Involvement of Children in Armed Conflict, ratified: 24 September 2003

### Children's Rights

No child or family has been spared the effects of the intense and widespread conflict, changing as it has all aspects of the economic and social environment. Experience of violence, massive displacement, extreme poverty and lack of opportunity increasingly threaten normal childhood's social, emotional, and mental development. Still, remarkably, children are not living on the streets and few are unaccompanied, dependent on drugs, forced into prostitution or as participants in armed combat in comparison to other countries experiencing conflict.

The hard line Taliban movement, wanting to create the world's purest Islamic state, placed restriction on women's employment, travel and education and enforced a strict dress code for them. The lack of female health workers during the Taliban area had for consequences the lack of obstetric **health care**. Afghanistan has one of the highest maternal mortality rates in the world. Most of rural women do not have access to health care. In 2005, about 70 pregnant women died every day, often during childbirth<sup>7</sup>. The main work in the area is to increase the number of practioners especially in obstetric care. Currently, efforts are being made to improve training of health workers.

Child and maternal malnutrition remains a major problem. Children suffered of malnutrition, the lack of hygiene and the difficulty to access to clean water provoke spread of diseases. About 20% of Afghan

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<sup>5</sup> Ibid

<sup>6</sup> "Afghanistan background", UNICEF, Info by Country 2005, available on-line at [http://www.unicef.org/infobycountry/afghanistan\\_7982.html](http://www.unicef.org/infobycountry/afghanistan_7982.html), (last accessed 2 June 2006)

<sup>7</sup> "UNICEF Regional Director's visit spotlights problems, progress for women and children", UNICEF, Info by Country, Afghanistan, 2005 [www.unicef.org/infobycountry/afghanistan\\_27859.html](http://www.unicef.org/infobycountry/afghanistan_27859.html), (last accessed 2 June 2006)

children died before the age of five. According to the NGO Save the Children, prevention about basic good nutrition is insufficient<sup>8</sup>. The Government, UNICEF and NGOs had set up a project to improve children's nutritional status. The project aims at combining education about a balanced diet – fruits, vegetables, meat, bread and rice – with information on health and hygiene practices, such as washing hands before cooking or eating, drinking only boiled water, and encouraging mothers and families to seek pre-natal care and essential vaccinations<sup>9</sup>.

The encouraging action that has been lead by the Government of Afghanistan remains in its combat the polio. Indeed, Afghanistan is one of polio endemic countries and more than 6 millions Afghan children under the age of five have been vaccinated against the poliovirus. The primary risk to Afghanistan's polio eradication effort is difficulty in accessing children due to insecurity in Hilmand and Uruzgan - the only two remaining polio-infected areas of the country. Intensified immunizations in 2005 had led strong progress; that year, Afghanistan has reported only type 3 poliovirus. For 2006, focus will be on working closely with all leaders and levels of civil society to ensure increased access to all populations<sup>10</sup>. Since 2004, Afghanistan has its first national vaccine storage center, established by the Ministry oh Health and UNICEF, which is an encouraging sign of new Afghan Government to manage the storage and distribution of all vaccines within the country.

In 2003, 4 million children returned to classrooms including 1.2 million girls. The Government of Afghanistan is now promoting an equal **education** for boys and girls. As the 30% of schools had been damaged during the civil war, the Ministry of Education has a challenge to provide classrooms and materials, which is difficult in a mountainous country with the cold winters. According to the World Bank, the literacy rate under 15 was estimated at 29% in 2004 and the enrolment rate reached 92%.

The reconstruction of the education system involves qualified workers and professionals who's number is presently insufficient. Previously, women were not allowed to work and girls were banned from schools under the rule of the Taliban. A project lead by UNESCO and the Government of Afghanistan is to set up a nationwide network of literacy teachers, trained in modern non-formal education. The project will ensure access to education in all regions. Today, the Government continues to provide teachers for primary education but the insecurity often prevents children from going to school. Their parents prefer to keep them safety at home. Furthermore, in 2005, a nationwide campaign promoting the value of girl's education has begun across Afghanistan. However, UNICEF estimates that more than one million of Afghanistan's primary school age girls are not enrolled in school<sup>11</sup>. School is also associated to eradicate worms infection. In 2004, up to 60% of the school age population is believed to be infected by worms, disease affecting nutrition ingesting blood and leading to the loss of iron and others nutrients. The programme, associating the Ministries of Health and Education, and NGOs, consists of administrating a single dose of medication in order to deworm children<sup>12</sup>. School in Afghanistan won't be only a place for basic learning but also a place of teaching health and hygiene education programs.

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<sup>8</sup> "Afghanistan", Save The Children, 2005 available on-line at [www.savethechildren.org/countries/asia/afghanistan/index.asp](http://www.savethechildren.org/countries/asia/afghanistan/index.asp), (last accessed 2 June 2006)

<sup>9</sup> Supra note 6

<sup>10</sup> "Country Profile-Afghanistan", Global Polio Eradication Initiative, 2005, available on-line at <http://www.polioeradication.org/countries.asp#Afghanistan>, (last accessed 2 June 2006)

<sup>11</sup> "Final Push in 2004 drive to combat polio in Afghanistan", UNICEF, Press Centre, available on-line at [http://www.unicef.org/media/media\\_23456.html](http://www.unicef.org/media/media_23456.html), (last accessed 2 June 2006)

<sup>12</sup> "Afghan school children benefit from nationwide deworming programme", Info by country, Real Lives, UNICEF, 2004, available on-line at [http://www.unicef.org/infobycountry/afghanistan\\_20042.html](http://www.unicef.org/infobycountry/afghanistan_20042.html), (last accessed 2 June 2006)

The Constitution provides for the equal rights for men and women, however the local customs are still applied. Thus, women are subjected to **discrimination** in all the country in various areas such as health, education, and employment. Their rights to freedom of expression, speech, and movement are still limited. Girls in urban area regained some measure of access to public life, education, health care and employment. For example, in 2004, the first unit of female police has been established. Even if women situation has improved since the collapse of Taliban, outside of Kabul and urban areas, they still remain the property of men. Women are still victims of mistreatment<sup>13</sup>.

Another serious problem concerns early marriages; the Ministry of Women's Affairs estimated that currently more than 50% of marriages involved girls under 16, which is the legal age of marriage for women. According to the Committee on the Rights of the Child, young girls are forced to marriage by the family to obtain bride money, or to ease the burden of the family, or to protect them from being raped. According to the Afghan Independent Human Rights Commission (AIHRC), which was created and mandated to develop a mechanism and a national strategy for transitional justice<sup>14</sup>, young women sometimes commit self-immolation in order to escape from oppressive family circumstances, such as forced marriage.

Access to justice for women and girls is lacking. According to the Committee on the Rights of the Child, prosecutions for women crimes are rare and the justice does not take girl's abuses in serious. For example, the testimony of women doesn't have the due weight as compared as that of men. Women and girls are victims of many other abuses such as rapes, domestic violence, kidnappings and trafficking. However, girls are very vulnerable to **abduction, trafficking** and **sale** for slavery purposes or for organ harvesting in the surrounding countries<sup>15</sup>. The International Federation of Red Cross and Red Crescent Societies (IFRC) has documented that girls are being traded for food like a bag of flour in Heart and Farah provinces in Western Afghanistan. Some girls are as young as ten years old. Children were also seen eating leaves and digging up roots in order to have something to eat<sup>16</sup>.

Although, women's status has improved in public, they can vote and be elected, but the discrimination against women in private life is alarming. The Committee on the Rights of the Child recommended that the Government carry out campaigns to address violence against girls, and improve women's access to justice.

Access to justice for all Afghans is the condition of the promotion of human rights. The AIHRC is protecting and promoting the human rights across the country. This Commission is involved especially in women and children rights. The Committee on the Rights of the Child encouraged the Government to continue the development of the judicial sector especially by reforming the Supreme Court and the Office of the Attorney General. The Government is urged to expand the recruitment of women judicial officials and a merit based recruitment in general.

Efforts have been made to improve the situation in **juvenile justice**. A new Afghan Juvenile Code has been adopted in 2005. It incorporates provisions of the Convention on the Rights of the Child. The age

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<sup>13</sup> "Report of the United Nations Commissioner for Human Rights on the situation in Afghanistan and on the achievements of the technical assistance in the field of human rights", United Nations, Human Rights Documents, September 9<sup>th</sup> 2005 available on-line at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/485/62/PDF/N0548562.pdf?OpenElement>, (last accessed 2 June 2006)

<sup>14</sup> The AIHRC was established in 2002 based on the provisions of the Bonn agreement. The objective is to promote the rule of law and the respect of human rights, particularly by setting a good governance and effective judiciary system.

<sup>15</sup> "Feminist Daily news Wire", Feminist Majority Foundation October 22, 2003

<sup>16</sup> "Feminist Daily news Wire", Feminist Majority Foundation, March 1, 2002

of responsibility for crimes has been raised from 7 to 12 years, life sentence or death penalty for children are prohibited. There are plans to establish juvenile courts. Eventually, a child will no longer be allowed to be detained in the same person cells with adults. Nevertheless, there are several problems including the lack of adequate space and adequate yard for child offenders in the juvenile correction places. As a matter of fact, many child offenders are detained together with adults ones. According to the AIHRC, in many regions child correction and rehabilitation centres do not provide enough health care for juvenile<sup>17</sup>.

Formally, during Taliban, the number of child soldiers was estimated at around 8,000. In 2003 the UNICEF report indicated that children could be recruited under threat of death or injury, for money or even by desire to protect their community<sup>18</sup>. Two important decrees enacted in 2002 and 2003 state, respectively, that recruitment has to be voluntary<sup>19</sup> and that the minimum age for recruitment of Afghan citizens is limited by the age of 22 to 28<sup>20</sup>. Despite this legislation, UNICEF reported in 2003 that boys aged between 14 and 18 continued to be involved in army groups. In 2004, UNICEF has set up a demobilization and reintegration program in collaboration with the UN Assistance Mission of Afghanistan, Government and NGOs. After being demobilized, children are getting some education.

War, mines and explosives have resulted 700,000 widows and 200,000 disabled. As a matter of fact, children have become the breadwinners of their families. Many children are not going to school because they are forced to work. The Constitution prohibits **child labor**: children under the age of 15 from working more than 30 hours per week, but in fact, children still work to help their families to survive by collecting papers, metal and firewood, and begging. These children may receive mistreatment from their employees or even be forced to sexual exploitation.

**Child trafficking** is an increasing problem; in 2004, the AIHRC has reported 300 cases of child trafficking. The AIHRC noticed the insufficiency of police forces to prevent child from being kidnapped, due to lack of professionalism and logistics. In Afghanistan, it normally takes the form of forced labor, forced prostitution, and sexual exploitation of children<sup>21</sup>. According to UNICEF, poor families promise young girls in marriage to satisfy family debts. Despite the fact that the Government devotes greater attention to child trafficking, prosecutions of perpetrators and traffickers remain quite poor. A decree mandating the death penalty for child traffickers has been enacted in 2003, but according to the AIHRC, as a result of 198 reports of child trafficking that were received, there were 20 arrests and only 7 convictions of child traffickers.

Afghanistan is one of the three most mine-infected countries in the world. The landscape is also littered with other unexploded ordnance. Indeed, in 2005 there were around 100 mine victims each month, the majority of them are children. More than 30% of the victims are under the age of 18 and 10% are women and girls<sup>22</sup>. Children often lost limbs just outside playing. The Government of Afghanistan is committed to ridding the country of **landmines**. Its elimination is also a condition for the emergence of a politically and economically stable country. The Mine Action Program of Afghanistan (MAPA), set up

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<sup>17</sup>“Research Report on the situation of child correction and rehabilitation centres in Afghanistan”, Parwez Ahang AIHRC Official Web Site, 2004

<sup>18</sup> “Rapid assessment on the situation of child soldiers in Afghanistan”, UNICEF, 2003

<sup>19</sup> Decree of the President of the Islamic Transitional State of Afghanistan on the Afghan National Army, 1 December 2002

<sup>20</sup> Decree 25, President of the Islamic Transitional State of Afghanistan, 25 May 2003

<sup>21</sup> “Country Reports on Human Rights Practices-Afghanistan”, US Department of State, 2004 available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2004/41737.htm>, (last accessed 2 June 2006)

<sup>22</sup> “Afghanistan”, Electronic Mine Information Network, 2006, available on-line at <http://www.mineaction.org/country.asp?c=1>, (last accessed 2 June 2006)

by the Government, is trying to achieve this goal by informing population about the danger and by destroying the mines.

According to a statistic released by Omar Office, 200,000 people (of which 50 % are children) have become **disabled** and defective due to the prolonged war and conflicts in the country. The children sustained their disabilities by falling victim to mines, natural disasters, human trafficking and Polio disease among many other causes. Most of these children do not have access to educational and health services, and in most cases, shelter as well.

Since 2002, 4 million Afghans **refugees** have returned to Afghanistan, most of them from Pakistan and Iran. Their reintegration is confronted major problems. In many cases it is very hard for them to reclaim their land or property. The situation of internally displaced persons (IDP) has generally stabilized thanks to an expansion of the national army and police forces. Children are suffering a lot of this situation because they have limited access to school, healthcare, clean water and other basics services.<sup>23</sup>

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<sup>23</sup> “The situation of children rights in 2005”, Child Rights Section, AIHRC, Geneva April 5<sup>th</sup> 2005