



Convention on the Rights of the Child

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Consideration of reports of States parties

Replies of Afghanistan to the list of issues in relation to its combined second to fifth periodic reports*

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Abbreviation list

For ease of reference, the following abbreviations shall be used

AGO:	Attorney General Office
AIHRC:	Afghanistan Independent Human Rights Commission
BA:	Bachelor of Arts
CPAN:	Child Protection Action Network
DRC:	Danish Refugee Council
EU:	European Union
EVAW:	Elimination of Violence against Women
ICMPD:	International Center for Migration and Policy Development
IDP:	Internally Displaced Persons
IOM:	International Organization for Migration
MoE:	Ministry of Education
MoI:	Ministry of Interior
MoJ:	Ministry of Justice
MOLSA:	Ministry of Labor and Social Affairs
MoU:	Memorandum of Understanding
MRRD:	Ministry of Rural Rehabilitation and Development
NGO:	Non-Governmental Organization
NRC:	Norwegian Refugee Council
OCHA:	United Nations Office for the Coordination of Humanitarian Affairs
UNDP:	United Nations Development Program
UNHABITAT:	United Nations Human Settlement Program
UNHCR:	United Nations High Commissioner for Refugees
WFP:	World Food Program
WHO:	World Health Organization

Part 1

Reply to paragraph 1 of the list of issues (CRC/C/AFG/Q/2-5)

1. Based on the fundamental principles of the Constitution of the Islamic Republic of Afghanistan, no law shall contravene the tenets and provisions of the holy religion of Islam. Therefore, keeping the interpretive declaration is compatible with our Constitution.
2. With a view to better implementation of the Child Rights Protection Law, the Government of the Islamic Republic of Afghanistan has undertaken the following measures:
 - Based on Article 9 of the Child Rights Protection Law, and with a view to monitoring and assuring the implementation of the Child Rights Law; the National Commission on Protection of the Rights of the Child has been established under the leadership of the Second Vice-President of I.R. of Afghanistan. This Commission consists of 23 members, including representatives of the government entities, NGOs, and the Afghanistan Independent Human Rights Commission;
 - With a view to the better implementation and oversight of the Child Rights Protection Law, in addition to the National Commission on the Protection of the Rights of the Child, technical committees in respect of the protection of child rights, chaired by the Minister of Labor and Social Affairs in Kabul and by the provincial technical committees chaired by Provincial Governors, have been established across all provinces of Afghanistan. Provincial directors, who take part in these committees, work to identify challenges related to the rights of the child at the provincial level and refer such problems and challenges to the relevant entities for the necessary and appropriate action. International organizations participate in the work of these committees as observers. Furthermore, across the Country Child Protection Action Networks (CPANs) have addressed or referred to relevant entities various violations of the rights of the child cases, which include cases of sexual abuse, sexual assault, children fleeing their homes, smuggling, abduction, harsh labor, child delinquency, forced and underage marriages, child exploitation, the involvement of children in armed groups, and drug addiction. During the year 2019, CPANs have registered and followed up 4,147 various cases of violations of the rights of the child;
 - To ensure the appropriate and necessary response to the cases of sexual abuse and sexual assault against children, a proper case referral system has been established, involving the Ministry of Labor and Social Affairs (MoLSA), the Ministry of Interior (MoI), and the Directorate of Child Delinquency at the Attorney General's Office (AGO);
 - In 2019, a total of 68 cases of smuggling, trafficking, and abduction of children to foreign countries were identified. The child victims have been reintegrated with their families, after verification of their relationship;
 - During 2019, the Social Workers Department of MoLSA provided consulting services for 201 children who had been subject to sexual abuse, sexual assault, smuggling, trafficking, domestic violence, or otherwise had fled their homes for similar reasons. Where relevant, these children have been reintegrated with their families after having been provided with and receiving necessary care and services.

Reply to paragraph 2 of the list of issues

3. The MoLSA plays the role of the Secretariat of the National Commission for Protection of Children. Despite this Commission not being a standalone budgetary unit of the Government, the Commission may propose and seek a budget through Parliament and the Cabinet, based on the priorities of protection of the rights of children. In respect of the budget for the Children's Department of the AIHRC, a significant part of such budget remains provided by the international organizations, and, due to the shortages of resources, only 11 percent comes from the National Budget.

4. As data collection disaggregated by sex, age, minority grouping and other indicators is of significant value, the budget for developing such a database has been planned in 2020 fiscal year budget of the MoJ, and is to be funded through the National Budget.

Reply to paragraph 3 of the list of issues

5. Concerning the Civil Code, amendments to the section on family affairs are under consideration. In the proposed draft amendments, the age of marriage has been uniformly considered to be set at 18 years for both sexes (girls and boys equally).

6. Under the Constitution and Education Law, the Government is obliged to provide mandatory secondary education up to grade 9 for all male and female students equally. To this end, and to overcome the existing challenges faced by the female children in access to equal and quality education like boys, the MoE developed a policy on girls' education in 2019. The objective was to tackle the sex-based discrimination in education, rooted in social norms. The shortage of proper educational infrastructure, the long-distance or remoteness of schools for girls, early marriages, lack of professional female teachers, and improper views and some social norms against girl's schooling has led to the low enrolment of the girls in schools than boys.

Reply to paragraph 4 of the list of issues

7. To prevent the danger of the killing and maiming of children, frequently caused by improvised explosive devices and other explosive remnants of war, and reduction of damages arising from aerial operations, or clearance operations in residential places, the MoD has formulated various policies including the demining and explosives plan, the policy on reduction of damages arising from aerial operations, and the Policy on Prevention of Civilian Casualties. Furthermore, to raise awareness among the defense forces in respect of Child Rights in conflict situations, the six grave violations of the Child Rights together with the Optional Protocol on CRC on the involvement of children in armed conflicts, are being taught in educational centers of the National Army of Afghanistan.

8. To protect the rights of civilians and to reduce damages of war, the MoD has devised and implemented the followings:

- The policy on Protection of Children in Armed Conflict;
- The Procedure on the Prevention of Civilian Casualties during Aerial Attacks;
- The implementation mechanism for the Fifth Protocol of the Convention on Suppression of the Use of certain Conventional weapons;
- Implementing and observing the quadrilateral Memorandum of Understanding that has been signed among the Defense and Security Forces and the AIHRC.

9. In case of the violation of Child Rights by the military personnel, the Ministry of Defense now prosecutes the perpetrators through military courts. During the year 2016, the Martial Courts of Afghanistan received five cases of the violation of Child Rights including killing, maiming and abduction of children in Paktia province. Following the adjudication of these cases, the Primary Military Court convicted the accused persons and sentenced them to short and long-term imprisonment.¹

10. During the year 2017, three cases of sexual assault of children referred to the Primary Military Court of the Kabul province. Following adjudication, the hearing of the reasoning of prosecutors, and the attorney's defense statements, the court convicted the accused persons to medium² and long-term imprisonments.

¹ Short term imprisonment is between three months up to one year and long-term imprisonment is between five year up to sixteen year.

² Medium term imprisonment is between one year up to five-year confinement.

11. During the period 2018-2019, no cases of child rights violations were lodged against the Defense and Security Forces.

12. To compensate damages suffered by the victims of terrorist attacks, the National Security Council has devised a policy for reduction of civilian casualties and compensation of financial losses. Based on this policy, the families who lost their loved ones shall receive 100,000 AFN, and in instances of injury, a person shall receive 50,000 AFN.

Reply to paragraph 5 of the list of issues

13. As it was reflected in the Second to Fifth Periodic Report of the CRC, under the Civil Registration Law of 2014, the Government of Afghanistan is obliged to register all Afghan newborn babies born within the territory of the Islamic Republic of Afghanistan and abroad.

14. Since 2017, the system of birth and death registry covers all 34 provinces in Afghanistan. As a result, there is a 10.81% increase in the registration of births, of which 5.38% are male, and 5.43% are female.

Reply to paragraph 6 of the list of issues

15. It is to be noted that Section 6 of Article 194 referred to is related to inheritance and is not concerning corporal punishment of children. Nevertheless, corporal punishment does not prescribe in any of the laws of Afghanistan, and to the contrary, Article 7 of the Law on Juvenile Delinquency expressly forbids any severe or humiliating punishment of children, even if such “punishment” was ostensibly for their correction.

16. Additionally, Section 1 of Article 54 of the Penal Code 1976, which had previously allowed the parents or a teacher to discipline the child to correct his/her behavior within the limits of the law and Sharia, has been nullified by the new Penal Code 2018.

Reply to paragraph 7 of the list of issues

17. Article 27 of the Elimination of Violence Against Women (EVAW) law forbids underage marriages and Article 25 of the EVAW law, imposes the long-term imprisonment for any person who facilitates a *Baad* (exchange) marriage or marries someone as per *Baad* tradition. Also, any other persons who have been involved in a *Baad* marriage as witness, representative, mediator, and the *Aqid* (the person who performs the religious rituals of marriage), may be sentenced to medium-term imprisonment. The Attorney General’s Office has prosecuted three cases of *Baad* marriage in 2018 and four cases in 2019.

18. In the draft Family Law, which is currently under review, the legal age to get married for men and women is set at completion of 18 years of age. B being mentally fit is another condition.

19. To combat *Bacha Bazi* (*sexual exploitation of boys*), this illegitimate and unlawful act has been prohibited in the Child Protection Law and has been criminalized by Penal Code 2018. In order to mobilize communities against *Bacha Bazi*, the Government of Afghanistan has undertaken awareness-raising programs for police personnel and for the judicial institutions. The Government also raises public awareness on the prohibition and punishment of *Bacha Bazi* through the mass media.

20. The Afghan courts addressed 5,219 cases of violence against women, among which 769 were cases of rape and 4,450 cases of other forms of violence during 2017, 2018, and the first half of 2019. In addition, six hundred fifty-three cases of the rape of women and girls were adjudicated by mid-year 2019 in four provinces: Balkh, Nangarhar, Herat, and Kabul, out of which 26 victims were children. In cases of children, the perpetrators have been sentenced to financial compensation, in addition to the punishment imposed by the courts.

Reply to paragraph 8 of the list of issues

21. To implement the Child Guardianship Law 2014, the Ministry of Labor and Social Affairs has established a mechanism for coordination with the Primary Juvenile Court. Based on the mechanism and per Section 2 of the Article 58 of the Juvenile Delinquency Law, the children without guardians and those born out of wedlock, or who are abandoned by their parents in hospitals, or have been found in public places, after completion of the social research forms by social workers, and taking into consideration their best interests, are put under the guardianship of those applied for adoption of children, by the court's verdict:

- Between 2014-2019 a total of 200 ex-nuptial children, children without guardians and children of poor families who are unable to provide means of living for the child, have been put under guardianship as per the consent of their families and in consideration of the Child Guardianship Law. After these children placed under the legal custody of the applicants, the conditions of these children in such guardianship are monitored by social workers for one year;
- During 2019, 17 children have been put under guardianship by the Ministry of Labor and Social Affairs, by court decisions. Similarly, during 2019, four children who have been abandoned by their families were identified and registered by MoLSA.

Reply to paragraph 9 of the list of issues

22. **Food Supply:** Noting that 54% of the population of Afghanistan reported to living under the poverty line, in such situations, there is overall insecurity of access to food, and this consequently results in children's malnutrition and lack of food safety and security. One of the effects of nutrition is diminished growth and the shorter heights of children:

- 36.3% affected by lower height growth, and 5.8% of children are underweight;
- 117,164 males and 132,435 of female children are suffering from common malnutrition;
- 89,122 boys and 110,675 girls are suffering from severe malnutrition;
- In total, 24% of Afghan children are facing the adverse effects of multi-faceted poverty.

23. **Safe Drinking Water:** To ensure urban residents' access to safe drinking water, a total of 216,006 subscribers have been covered by the General Directorate of Water Supply and Canalization until 2019. At the national level, precisely in urban areas, the rate to access safe drinking water is 37.3%. In the Capital (Kabul), it is 16.4%:

- To ensure citizens have access to safe drinking water in rural areas, during 2009-2019, the Ministry of Rural Rehabilitation and Development (MRRD) was able to implement a total of 20,206 water supply projects across the country. As a result of this, 15,835 villages in 390 districts across the 34 provinces of the country have been covered by the project. Currently, 14.5 million rural residents have access to safe drinking water, which makes up 53% of the population. MRRD has planned 3,394 projects to be implemented in the coming years;
- To provide safe drinking water to schools, wells have been dug and utilized during 2019.

24. **Sexual Education:** Within the framework of MoE curriculum, sexual education is not included, but reproductive health education is integrated into the curriculum of the MoE, taking into consideration the social sensitivities and public morale.

25. **Addiction:** As per the figures from the Ministry of Public Health, there are between 90,000 to 110,000 addicted children in Afghanistan. For the treatment of child addicts, there are 12 treatment centers across Afghanistan which annually treat an average of 2580 children.

26. **Schools:** During the first 6 months of 2019, to ensure equal access to educational services, MoE has admitted 842,735 children residing in the cold climate areas, who were

deprived of education, to first-grade of school, of which 43% are girls. For admission of children left out of school in remote areas, a total of 92 primary schools were constructed and opened for students.

27. **Educational Opportunities:** Under its educational plans and to provide equal educational opportunities, the MoE has provided educational services for the children of the returnees and by mid-2019, a sum of 38,432 of such children have been admitted to schools.³

28. **Teachers:** One of the challenges of girls' access to education services is the shortage of human capital and professional teachers. Therefore, as per the Operation Plan 2019, the MoE has recruited 6549 teachers, of which 1871 were female. To address the lower rate of female teachers in rural areas, the MoE has committed to recruit 3000 female teachers every year for the coming three years. In implementing this plan so far, 4073 female teachers have been recruited and are currently teaching in schools around the country.

29. **School Councils:** To address the existing challenges in schools and improvement in discipline and raising the quality of administration in schools, 882 School Administrative Councils have been established since 2017, and 13230 members of these councils provided with necessary training. To improve the education quality, the MoE has signed an agreement worth \$298 million with the World Bank, which is now under implementation.

30. **Access to Education:** For ensuring admission of more children who in the past have been left out of school, the MoE has signed an agreement with the organization "Education Cannot Wait" worth \$36 million, based on which 34,000 children (20,000 being girls) shall be provided with access to education.

31. To ensure access to education for out of school children, the MoE is developing a comprehensive policy that will soon be finalized. Since only 58% of schools have a safe, educational environment, and as such the government planned to build 6,000 new schools.

32. **Educational Funding:** To improve general education, literacy training, building, equipping, and repairing the schools and recruitment of teachers across the country, 46 MoUs worth 3.04 billion AFN have been signed and implemented with national and international organizations.

33. **Female Education:** One of the challenges of lack of access of girls to education is underage marriages. Therefore, the Government of Afghanistan works towards raising awareness of the harms associated with early marriages and adolescent pregnancies. As per the Girls Education Policy and their equal access to educational opportunities, the Government has provided a favorable environment for the pregnant girls in schools so not be deprived of education.

34. **Out of School Children:** To address the schooling of out of school children, a comprehensive policy is under formulation, which will complete shortly. Besides, MoE has developed an inclusive policy to pave the way for the education of children with disabilities. According to the policy, children with disabilities that disaggregated in four categories as visually impaired, hearing impairment, mental retardation, and physical disability shall receive an education.

35. **Children with Disabilities:** To provide equal educational opportunities for children with disabilities, the Afghan Government has planned to build five special schools in 2020 in Badakhshan, Logar, Bamyan, Laghman, and Kandahar provinces. Based on the Technical and Vocational Training Authority, special schools will be built for children with disabilities in the next 5 years in all 34 provinces. It is worth mentioning that children with sensory disability (visual and hearing impairment) or the mentally impaired will be admitted to the special schools using special equipment to continue their education. The curriculum of schools for children with visual and hearing impairment is developed for up to 6th grade, and work on grades 7 to 12 is currently underway.

36. **Visual and Hearing-Impaired Children:** Two books are printed in Braille Alphabet System in Kabul and Herat provinces, and more books will soon be published for the special

³ MoE's mid-year report on progress of implementation of the operation plan 1398 (2019), published on the MoE website.

schools in the remaining five provinces as well. Additionally, two schools for persons with visual and hearing impairment are due to be promoted to the Institutes for persons with visual and hearing impairment. Additionally, the first pilot school for children with mental retardation will be built in 2020.

37. **Physically Impaired Children:** Children with a physical disability such as limbs defect can pursue an education in ordinary schools with other children and practice their right to access education.

38. **Resolving Disputes through Informal Justice Mechanisms:** Based on the Articles 16 and 17 of the draft law on conflict resolution in a Jirga or correction council, in settling disputes through informal justice mechanisms the arbitrators are obliged to observe the standards of human rights of the parties to the conflict, third persons, women, and child rights in particular. The arbitrators, in the informal justice mechanisms for the purpose of solving cases and making decisions, do not have the right to impose any deprivation of liberty, impose fines, give *Baad*, and/or sentence punishment.

Reply to paragraph 10 of the list of issues

39. To ensure the physical protection of children living in conflict zones, the MoE has provided school teachers with educational packages, including first aid services, to be used during emergencies to reduce losses. The Ministry for this purpose has held training programs for the Education Directorates across the country so that they can reduce risks in case of danger and emergencies and protect the children.

40. As per the laws and regulations of Afghanistan and as a country that has signed the “Safe Schools” declaration, the Afghan Government in no circumstances uses schools and protected and civilian places for military purposes and protects the schools in close coordination between the Defense and Security Forces and the Ministry of Education. However, during attacks by anti-government armed groups, the schools and protected civilian places that may be caught in the fire-line would be temporarily closed but would resume once the danger is eliminated.

41. At the time of writing this report (2019), the number of registered cases of polio in the country reached 26, and approximately all of the cases belonged to remote areas that have not been covered by vaccination due to the insecurity posed by the presence of anti-government armed groups. The door-to-door polio vaccination has been prohibited since May 2018 in areas under the influence of the armed groups. By April 2019, all WHO activities, including the Polio Eradication Campaign has been opposed by the anti-government armed groups in areas under their influence. Since September 25, 2019, only health centers have been able to provide vaccination services, the Mosques and house-to-house campaigns have not been allowed. Such prohibition of vaccination has reduced the number of children receiving the vaccine to 7.6 million (77%) out of 9.9 million eligible children.

Reply to paragraph 11 of the list of issues

42. Based on the information from the Security and Defense Forces of Afghanistan and according to the applicable laws of Afghanistan, including the Penal Code 2018, no child is permitted to be recruited in those entities. Children who have applied for recruitment and/or trying to be admitted in the Security and Defense Forces by way of falsification of their National Identity Cards are regularly scrutinized and prevented. Also, based on the Penal Code, in instances where the physical appearance of a candidate does not correspond to the age recorded in the National Identity Card, the prospective candidate is referred to the forensic medicine assessment. In case of doubt about the age and growth of a child, the doubt is interpreted in favor of the child, and the prospective candidate is considered to be a child.⁴

⁴ The details of the process for not registering children in the security and defense entities of Afghanistan and the process of preventing recruiting children in armed conflicts are mentioned in the

For example, during 2017, 2018, and 2019 there were respectively 268, 314, and 80 children who tried to join the police forces, for various reasons, were denied recruitment. Thirteen of those children were applying to join the local police forces.

43. Of those children been or are involved in terrorist groups and participated in hostilities, most were recruited forcefully or kidnapped by criminal groups and thereby used by anti-government armed groups. Therefore, after being arrested by the government security forces, such children are being treated with full respect to their rights as a child, considering their best interests and applicable laws of the country. These children receive medication by the medical team in case of need and then are reintegrated to their families after completion of security and administrative procedures.

44. To implement the national policy on internally displaced persons (IDPs) in cooperation with 41 national and international non-governmental organizations, the Ministry of Refugees and Returnees has addressed the various issues of IDP's, such as the distribution of National Identity Cards, providing safe drinking water, shelter, hygiene, health, education, vocational training, awareness, and distribution of food. MoLSA, in cooperation with the Ministry of Mines and Petroleum, the Chamber of Commerce, and assistance of international organizations has held vocational training courses for 51,893 IDPs, out of which 33,510 IDPs have completed the training.

45. During 2019, the Ministry of Refugees and Returnees, in collaboration with other international organizations, has provided first-aid services and the means of living for 168,788 IDPs families across the country. Total IDPs account for 290,830 families.

46. Based on the statistics by UNHCR, 55.5% of the total IDPs across Afghanistan are children, a total of 1,129,874.

Reply to paragraph 12 of the list of issues

47. The Penal Code 2018 determined the minimum age for criminal responsibility at 12 years old.

48. Based on the statistics in 2019, a total of 2,740 children are kept in rehabilitation/correction centers across the country.

49. The courts in the Islamic Republic of Afghanistan proceed with the cases of the children according to the Juvenile Delinquency Law, including its Article 15. The Special Court for Children does not proceed with the children cases without social research forms being completed by a social worker. Taking into consideration the special condition of the children, the child rehabilitation centers during 2019 has completed 257 social research forms based on the individual characteristics of the children which were then submitted to Special Prosecutors for children, and to be considered during the judicial process. Currently 15 social workers are providing service to the Kabul Rehabilitation Center.

50. Based on the EVAW Law, the Law on Anti-harassment of Women and Children, and the procedure for addressing complaints regarding the harassment of women employees at work, that has recently been developed by MoI, the committees on prevention of sexual harassment in MoI units has been established in the capital and provinces to prevent the harassment of women and child in police stations.

Table: Perpetrators of crimes against women and girls - 2017 to 2018

<i>No. Of Convicts</i>	<i>Up to one year imprisonment</i>	<i>Up to five years imprisonment</i>	<i>Up to fifteen years imprisonment</i>	<i>Up to twenty years imprisonment</i>	<i>Death Penalty</i>	<i>Sentence to Fine</i>
3 411	1 220	469	439	371	20	865

preliminary report on the accession protocol to the convention of the Child's Right on prohibition of recruiting children in armed conflicts.

51. To prevent violence and mistreatment of children under confinement in Correction Centers, complaint - boxes are installed in all correction centers. In case of any form of violation, the children are able to put their complaints in such a box. The complaint boxes are opened twice a week; in Kabul headed by the Directorate General of Correction Centers and in provinces headed by the Justice Directors to address the complaints. In case of serious complaints that are above the capacity of the said authorities, the complaints are referred to MoJ or the other judicial entities.

Part 2

Reply to paragraph 13 of the list of issues

52. The laws, procedures, and policies adopted after 2017, under the Human Rights standards, are as follows:

A. The Child's rights protection law (2019)

53. This law has been developed in accordance with the human rights standards, the Convention on Rights of the Child and its Optional Protocols on Children and Armed Conflict, Optional Protocol on Sale, Prostitution, and Pornography of children, and other international instruments on child rights including justice for children.

54. The law includes the rights to survival and growth, the right to participation, prohibition of discrimination, and other fundamental rights of the child. The law prohibits sexual abuse of children, including *Bacha Bazi*, and ensures the rights of children which their parents are currently in confinement.

B. The Law on Prohibition of Harassment of Women and Children – 2017

55. This law has been developed for the purpose of protecting women and children against physical, mental, verbal, sexual, and other forms of harassment.

56. The law supports women and children in public places such as kindergartens, orphanages, and government and private entities and provides support to the victims of violence.

C. The Law on the Prohibition of Torture

57. This law has been developed and adopted in 2018 to observe and protect human dignity and prevention of torture of suspects, accused persons, convicts, and other individuals in overall phases of crime detection, investigation, trial, and enforcement of punishment.

58. The law provides a compensation system for victims of torture in addition to the prevention of torture, the prohibition of torture, and the punishment of its perpetrators. According to this law, individuals harmed by torture can demand compensation.

59. The Ministry of Finance to compensate the victims shall allocate the budget for compensation of the torture into overall MoJ' budget.

60. The court, simultaneously after awarding sentence for the perpetrator of torture, issues an order for the compensation of the plaintiff payable within 30 days of the date of issuance of the final verdict of the court.

D. Penal Code 2018

61. The Penal Code of 2018 is the most comprehensive legal document regarding crimes, punishments, security, and educative measures. This Code has summarized and compiled criminal and penal provisions of 33 laws under a single comprehensive legislature.

62. The Penal Code replaces the Penal Law of 1976. It has been developed based on the fundamental principles of criminal law in respect of the new values of the doctrines of criminal law, to effectively defend the social values of Afghan society, by supporting the human rights of suspects, accused, or convicted persons.

63. In this law, human rights standards and modern social defense mechanisms have been incorporated in a manner that not only prevent crime and increase social security but also facilitate the rehabilitation of criminals.

64. For better protection of the society, the Penal Code of 2018, now approved four decades after the Penal Code of 1976, has codified new emerging crimes arising after the 1980s. Those emerging crimes include terrorism, war crimes, crimes against humanity, genocide and aggression against states, cybercrimes, human and migrants trafficking, strategic and nuclear services and goods related crimes, election crimes, the crime of torture, organized crimes, money laundering, and other crimes, which had not been considered during the development of Penal Code of 1976.

65. A separate chapter of this Code entails the prohibition of involving children in armed conflict, the sale of children, and the prostitution and pornography of children which are criminalized.

E. The Education Policy for Girls 2019

66. According to the statistics and figures provided by the Ministry of Education:

- 40% of all students in Afghanistan are girls;
- Around 9,200,000 children are attending governmental and private-owned schools across the country, but still, some 3,700,000 children do not have access to education, and out of these children, 60% are girls;
- In comparison to every 100 school-going boys, only 78 girls attend schools in the cities and in provinces compared to each 100 schoolboys there are 50 schoolgirls.

67. Therefore, in 2019 the Ministry of Education developed the Education Policy for girls to receive education equally to boys, and to remove sex-based gap in education.

68. The main goal of this policy is to overcome the obstacles that prevent girl's and women's access to education and to mitigate the inequality between boys and girls in school. This policy bounds the Ministry of Education to provide more favorable opportunities for schoolgirls and female teachers by conducting affirmative actions.

F. Education Bill for Children in Confinement 2018

69. To provide and regulate the education rights of the children in juvenile rehabilitation centers, the Ministry of Education has developed the Education Bill for Children in Confinement.

70. According to this Bill, the confined children can be enrolled in acceded schools⁵ without identification documents. The parents of children are given a three-month time to submit the identification documents of children who are in confinement, to schools. Those children who are kept in custody in juvenile rehabilitation centers can enjoy their rights to education like other children.

71. Based on this Bill, the Ministry of Education is obliged to provide primary education to children under 15 years old and provide literacy training for above 15 years old children. After the completion of the confinement period, the juvenile rehabilitation centers verify their

⁵ The term acceded classes refer to those which, under the supervision of a local school, provide educational services for the students of grades 1-3. The acceded classes have been developed based on the 2012 Bill for the Establishment of Acceded Schools of Educational institutions.

educational period and refer the children to public schools of the Ministry of Education to continue their studies.

G. Social Protection Law

72. This law aims at the protection of vulnerable stratum of the society by providing social services through the establishment of service providing centers for people with disabilities, senior citizens and women without caretakers, and establishing an orphanage for the children without guardians.

73. The law prohibits begging and punishes persons who use children for begging to short term imprisonment.

74. To apply the law, the High Commission for Social Protection shall be formed composed of 12 high ranking officials of government entities and the representative of the AIHRC, chaired by the Minister of Labor and Social Affairs.

H. New institutions

75. The following new institutions have been established:

- The Ministry of State for Human Rights in 2019;
- National Commission on the Protection of the Child Rights

Part 3

Reply to paragraph 14 of the list of issues

76. The issue of child-friendly budgeting with a specific budget line is under study by the Government.

Reply to paragraph 15 of the list of issues

77. To respond to the complaints of children, the Ministry of Interior Affairs has established a telephonic helpline. The 119-helpline has received 2669 calls during 2017-2019, most of which have been about issues of violence against women and, 46 calls have been registered concerning the child abuse, which include physical and domestic violence and child rape cases. The Ministry of Interior Affairs has proceeded the cases that needed urgent responses, and as for the cases requiring further investigation, have been referred to legal and judicial entities for further follow-up.

78. In order to respond to the needs of children with mental disorders and psychological diseases, the psychiatry and emergency psychosis ward has been established in Kabul Psychiatric Hospital. Moreover, a specialized center for the treatment of psychiatric diseases of children has been established in Shaidaie district of Herat province. Likewise, juvenile rehabilitation centers also provide health and psychiatry services for the treatment of harms caused due to sex-based violence. However, the current health services across the country cannot adequately provide for the mental and psychiatric diseases of the infected children.

79. The Ministry of Public Health has launched training on subjects like socio-psychological counseling, gender-based violence, and the rights of individuals with disabilities and trained 1713 health staff, victims of psychological trauma, people with psychosis, and socio-psychological counselors. To provide assistance to internally displaced children, health staff in provinces have been provided with trainings.

80. To provide health services for children suffering from diseases like autism, down syndrome, and mental retardation, a child rehabilitation center has been established in Kabul City.

81. To prevent children's involvement in harsh labor, which causes physical and mental injury, the Commission on Prevention of Human Trafficking and Migrants Smuggling within the MoJ, during 2017-2019, has prevented the following children from harsh labor.

<i>Year</i>	<i>Children prevented from harsh labor</i>	<i>Sex</i>	
		<i>Boy</i>	<i>Girl</i>
2017	983	983	0
2018	377	373	4
2019	402	388	14
Total children prevented from harsh labor			1 762

82. As mentioned in the Second - Fifth Periodic Report to the Convention on the Rights of Child, in 2017, the Ministry of Public Health assigned Mobile Health Teams in 29 provinces of the country to assist those individuals who do not have access to health services, live in remote areas far away from health centers, or caught in emergencies.

83. Now, except Badakhshan province, which is covered by the health section of non-governmental organizations, the Mobile Health Teams provide health services in all other 33 provinces across the country. So far, they have provided health services to 911,162 children in total, including 457,272 girls and 453,890 boys.

<i>No.</i>	<i>Province</i>	<i>Girls under 5 years old</i>	<i>Boys under 5 years old</i>
1	Badakhshan	-	-
2	Badghis	47 145	45 407
3	Baghlan	4 727	4 303
4	Balkh	4 424	4 393
5	Bamyan	18 577	17 942
6	Daikundi	14 601	14 493
7	Farah	632	811
8	Faryab	3 257	3 591
9	Ghazni	3 238	2 627
10	Ghor	35 248	35 047
11	Helmand	39 283	39 962
12	Herat	43 936	44 085
13	Jawzjan	24 759	24 161
14	Kabul	10 195	9 019
15	Kandahar	39 630	43 661
16	Kapisa	771	919
17	Khost	1 429	1 727
18	Kunar	2 500	2 405
19	Kunduz	12 787	12 854
20	Laghman	14 150	13 539
21	Logar	1 882	1 959
22	Nangarhar	37 743	38 629
23	Nimroz	2 376	2 821
24	Nuristan	2 617	2 419
25	Paktika	17 854	17 657
26	Paktia	33 272	29 769
27	Panjshir	2 105	2 027

<i>No.</i>	<i>Province</i>	<i>Girls under 5 years old</i>	<i>Boys under 5 years old</i>
28	Parwan	615	546
29	Samangan	15 568	14 256
30	Sar - e - Pul	7 603	7 346
31	Takhar	625	704
32	Urozgan	2 217	2 479
33	Wardak	1 598	1 706
34	Zabul	9 917	10 626
Total number of children= (911 162)		Total number of girls= (457 272)	Total number of boys= (453 890)

Reply to paragraph 16 of the list of issues

84. According to the statistics of the Ministry of Labor and Social Affairs, 10,300 children live in governmental and private-owned orphanages.

85. Based on official figure of the Government, there are no children recruited by Defense and Security Forces of Afghanistan.

86. Based on the facts and figures of the National Statistics and Information Authority, 57.1% of families are nuclear, and 42.7% of families are extended.

87. As per National Statistics and Information Authority, 70% of women who gave birth to a child in the last five years have received maternity/obstetric health services once, while according to survey in 2014, only 7% of women had received maternity/obstetric health services.

88. We do not have exact statistics of children with disabilities across the country; however, currently 1846 children with visual and hearing impairments are receiving training in special technical and vocational schools. There are seven special schools for children with disabilities in Afghanistan that provide trainings to such children in Kabul, Herat, Khost, Nangarhar, Balkh, Zabul, and Ghazni provinces. Out of a total of 1846 schooled children with disabilities, 1222 are boys, and 624 are girls.

Reply to paragraph 17 of the list of issues

89. Based on the most recent census of Afghanistan conducted in 2017, there are 9,200,000 students in schools with 17,800 classrooms. But due to the insecurity and shortage of educational facilities, it is reported that 3,700,000 children are still deprived of schooling.

90. Based on Article 43 of the Constitution, every citizen of Afghanistan has the right to education, and the Government is obliged to provide a suitable opportunity for free education up to graduate level, for all citizens.

91. Based on Article 44 of the Constitution, the Government has the mandate to provide equal educational services for men and women.

92. Per its SDG obligation, the Afghan Government strives to provide primary education services for all children in 2020.

Reply to paragraph 18 of the list of issues

93. The Office of the Deputy Attorney General for Elimination of Violence Against Women and Child Delinquencies has prosecuted 2,035 child delinquency cases in 2018. In 2019 it prosecuted 2,317 cases concerning children's wrongdoings. During 2018 and 2019, a total of 22 children benefited from the alternatives to confinement in Kabul, Badghis, and

Jawzjan provinces. Likewise, to prevent confinement and use it as a last resort, 45 children have benefited from probation instead of confinement in 2019.

94. To provide an adequate and regular response to the violation of the human rights of women and children, a new department: Public Service Management, has been established within the Ministry of Interior Affairs. This department registers the complaints of women and children utilizing pre-designed special forms and shall refer such persons to the respective and appropriate authorities. These forms are accessible online.

95. Since correction and discipline of children are the inherent responsibility of parents and their legal guardian, the Supreme Court of the Islamic Republic of Afghanistan, in compliance with Article 78 of the Child Rights Protection Law, endeavors to apply the confinement sentences in the rarest of cases. Similarly, for the cases of wrongdoings or that of the first-time offenders, the principle is to hand over the children to their parents or guardians after the issuance of specific advice and guidance by the court.

The table of alternatives to confinement of supreme court

No.	Time Periods	Total Number of Offenders convicted to confinement	Total Number of Offenders convict to Alternative to Confinement
1	Half year of 2019	619	114

96. After the enactment of the Penal Code of 2018, the Attorney General's Office of the Islamic Republic of Afghanistan, in 2019, has prosecuted 11 cases of *Bacha Bazi*.

97. The following are proceedings of the Office of the Deputy Attorney General's for EAW and Child Delinquencies regarding child marriage, forced marriage, *Bad* cases, and *Bacha Bazi*.

Year	Child Marriage Case	Forced Marriage Case	Case of Bad	Bacha Bazi
2018	9	28	3	
2019	11	4	4	11

Conclusion

98. The Islamic Republic of Afghanistan as a party to the Convention on the Rights of the Child, reiterates its commitment that, within its resources, will provide necessary means for the growth and nurturing of the children across the country, and would eliminate the hindrance to the advancement of their rights.

99. The full realization of the provisions of the Convention on the Rights of the Child and its Optional Protocols in Afghanistan as a country that has gone through decades of war, and is rebuilding its governmental institutions and public services infrastructure, requires significant resources, enhanced administration and adequate time.

100. The Islamic Republic of Afghanistan has made significant achievements in the development of education systems, healthcare services, providing basic needs of children, and the protection of children against violence and armed conflict.

101. The security challenges across the country continue to consume a massive portion of the national budget, in combating terrorism and in the protection of the lives of the civilians. Therefore, the proportion of the budget that should have been allocated for the causes, such as the realization and advancement of children's rights, has been adversely affected. The shortage of financial and human capital in the MoE has led many children, particularly girls, to remain out of schools. Moreover, security threats have delayed operational and development plans and projects while also leading to the shutdown of many schools, all of which have deprived children of schooling.

102. Overall, the level of insecurity imposed by terrorist and anti-government armed groups has severely impacted, delayed, and reduced the delivery of essential services for children, which still faces severe and on-going challenges. The displacement arising out of such armed conflicts, together with natural disasters, and regressive social norms, has resulted in on-going and progressive poverty and the weakening of the Rule of Law, which has limited the realization and advancement of Children's Rights.
