



AN INDEPTH REPORT

# CHILD RIGHTS SITUATION ANALYSIS



Save the Children

Save the Children International Afghanistan Country Programme  
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## Acronyms

ACCI	Afghanistan Chamber of Commerce and Industry
Afghanistan CSO	Afghanistan Central Statistics Organization
AIHRC	Afghanistan Independent Human Rights Commission
ANPDF	Afghanistan National Peace and Development Framework
ANSF	Afghanistan National Security Forces
AOG	Armed Opposition Groups
BPHS	Basic Packages of Health Services
CBE	Community Based Education
CHW	Community Health Workers
CPAN	Child Protection Action Network
CRSA	Child Rights Situation Analysis
DoRR	Directorate of Returnees and Repatriation
EMIS	Education Management Information System
GDP	Gross Domestic Product
GER	Gross Enrolment Rate
GPI	Gender Parity Index
IDP	Internally Displaced Persons
IMR	Infant Mortality Rate
MMR	Maternal Mortality Rate
MoD	Ministry of Defence
MoE	Ministry of Education
MoI	Ministry of Interior
MoJ	Ministry of Justice
MOLSAMD	Ministry of Labour Social Affairs Martyrs and Disabled
MoPH	Ministry of Public Health
NER	Net Enrolment Rate
NESP	National Education Strategic Plan
NSfCR	National Strategy for Children at Risk
ODA	Overseas Development Assistance
PTA	Parent Teachers Association
RMNCAH	Reproductive, Maternal, New-born Child and Adolescent Health
SCfA	Swedish Committee for Afghanistan
SCI	Save the Children International
SDG	Sustainable Development Goals
U5MR	Under 5 Mortality Rate
VAC	Violence Against Children



# 1. INTRODUCTION

## 1.1. Background

Afghanistan has made noticeable progress in the last two decades in creating a better environment for children to survive, develop, thrive, and get protected from various types of violence. The changes are all around. There are more children in school now than a decade ago. Positive changes are also apparent in newborn, infant, child and maternal health. Relatively, there is a better child protection system stretching from national to district levels. New child-friendly laws, policies, and programmes are in place to advance the rights of children to education, healthy life, and better protection. Substantial investment was made in healthcare and education both by the public and private sectors. The sustained economic growth; the relative improvement in security; and the expansion of basic services between 2002 and 2012 enhanced the capabilities of many families to fulfill the basic needs of their children and protect them from various types of abuses and exploitation.

Notwithstanding the above, Afghanistan is still characterized by formidable challenges that undermine the full realization of children's survival, development, and agency. Its performance in many child wellbeing indicators (such as attainment in education, reduction in child and maternal mortality etc) is still far from SDG targets and the South Asian averages. Even more, since 2015, the progress in reducing newborn death, expansion of education, and narrowing GPI both in the lower and upper secondary has been low. These challenges are further compounded by an increase in the level of household poverty, expansion of children falling under vulnerable groups, and the growing number of people needing humanitarian assistance. The number of IDPs and returnees bulged to more than a million owing to such drivers like an escalation of armed conflict (especially in 2016), drought and huge deportation from Iran and Pakistan. More than half of these people are children.

There are many interwoven drivers for the poor performance of the child sector, especially from 2012 onwards. Harmful traditional practices hugely infringe the implementation of legislation and international child rights instruments that Afghanistan has. Gender-based discrimination and violence are still



major hinderances of girls' education and healthy and active life. In addition, with the decline of foreign aid since 2012, the Government's capacity to support social programmes is overstretched. These coupled with corruption and poor accountability in some areas has reduced the reach and quality of the public social programmes targeting children. Active civic engagement to influence governance, although it exists, is undermined by capacity limitation and poor coordination. All these challenges, which are regressive in unison, are further reinforced by pervasive poverty, armed conflict, and natural disaster.

This report contains a child rights situation analysis of Afghanistan. The report brings out critical issues that affect children's lives and attempts to investigate their major drivers. The findings from the report can inform strategic decision; provides baseline information for designing programmes and projects focusing on children, and bring forth pieces of evidence that can be used for child rights advocacy.

In terms of organization, section 2 of the report focuses on an overall context of Afghanistan, covering geographic, demographic, political etc features of the country. This section is very important to locate the issues of children in a wider context that comprises multiple systems and sub-systems. Section 3 deals with the analysis of the state of children's rights in Afghanistan. It discusses the structures, institutions, and cross-cutting issues that affect children's wellbeing. Section 4 focuses on the actors that have a stake in children's issues. The section limits itself to identify the domain of actors and analyses of their strength as well as growth areas. The last part of the report summarizes the major drivers behind the current state of child rights in the country.

## **1.2. Approach, methods, and tools:**

CRSA is an iterative process involving scanning, mapping, analyzing, and scenario development about the realization of the rights of children. Figure 1 (below) shows the process followed by the research team to undertake this analysis.

Steps	Core methods	outputs
4. Developing scenario	Validation workshop – internal meeting with PDQA – policy brief development	<ul style="list-style-type: none"> <li>Identifying programme priorities</li> <li>Developing policy briefs</li> </ul>
3. In-depth analysis	Desk review – KIIs – SWOT Analysis – FGD – Observation – Case studies – validation workshop	<ul style="list-style-type: none"> <li>In-depth analysis of the state of children’s rights in Afghanistan</li> <li>Analysis of institutions and stakeholders and their contributions</li> <li>Analysis of drivers and impacts</li> </ul>
2. Lessons from the Preliminary analysis	Preliminary analysis workshop – joint review with the PDQA team	<ul style="list-style-type: none"> <li>Mapping of the data gap</li> <li>Review and updating research tools</li> </ul>
1. Preliminary situation Analysis	Predominantly desk review	<ul style="list-style-type: none"> <li>Analysis of the state of children in Afghanistan, investigate the CSO environment, policies</li> </ul>

## The preliminary analysis

analysis was to investigate the state of children’s rights including the progress and challenges in ensuring the realization of the rights of children; the contribution of different stakeholders in making Afghanistan a better place; the prevalent CSO environment; and legal and policy frameworks that influence the lives of children. The main method used during the preliminary analysis was desk review. An extensive review of literature and documents about children in Afghanistan was carried out. Most of the sources came from government agencies, like the Central Statistical Organization of Afghanistan, Ministry of Economy, Ministry of Finance; and sectoral ministries such as MOE, MOH, and MOLSAMD. In addition, the research reports of the AIHRC provided valuable information on specific child rights issues such as children with disabilities. The MOE Education Management Information System (EMIS) was used to generate data on education

A number of studies from CSOs and UN agencies provided valuable data for the preliminary analysis. The reports from UNOCHA on the humanitarian situation were extensively consulted to generate data on the depth and the impact of conflict and natural disaster on children of Afghanistan. Also, the periodic reports of UNICEF and topical researches were extensively referred to, especially to generate data on health and child protection areas. Equally, SCI Afghanistan’s Knowledge, Attitude, and Practice Survey on violence against children provided valuable information about VAC, child labour and related child protection issues. While these are the major sources for the desk review, there were also many sources which contributed to the preliminary analysis. These include various reports of the World Bank, the Samuel Hall research reports, and the Asian Foundation periodic studies.

The preliminary analysis also benefited from some of the Key Informant Interviews (KIIs), which were carried out simultaneously to the preparation of the preliminary analysis. The value of the KIIs was more on deepening the analysis and for triangulation of the data generated from the desk reviews.

## The In-depth analysis

Following the preliminary CRSA, SCI Afghanistan Country Programme organized a stakeholders meeting on the findings and identified major data gaps that should be further strengthened in this in-depth. The preliminary analysis was therefore the major source of the in-depth analysis. The in-depth analysis deepened the understanding about the state of children, including the advances the country made and the challenges it still has to improve the situation of children. The in-depth analysis is produced with the objective of providing strategic recommendation and identifying advocacy issues.

The in-depth analysis was based on the inputs from the preliminary analysis and the primary data collected from five provinces namely Kabul, Kandahar, Nangarhar, Faryab, and BalkhP. These provinces were identified by SCI Afghanistan Programme. The primary data collection included Key Informants (KI) from central government ministries, CSO representative, and SCI thematic area coordinators. The following were the research methods:

## α - Key informant interview (KII):

KII tools were developed to generate data from focal persons in government organisations, CSOs, such as schools. This method was used to generate primary data from knowledgeable persons on a specific issue. The information generated through this method also helped to deepen the in-depth analysis and to triangulate the findings from other sources. Table 1 (below) shows the organizations covered with KII and the major focus areas<sup>1</sup>. There were 43 key informants that participated in the interviews. Out of these, 35 were from government agencies, 1 from CRAN, and seven from SCI Afghanistan Country Programme

KII Group	KII	Major focus areas
<b>Government offices</b>		
Ministry of Women Affairs	1	Policies and legal frameworks dealing with gender, including progress and challenges affecting the girl child Level of mainstreaming of child rights in the ministry's work
Ministry of Labour and Social Affairs, Martyrs and Disabled	1	Policies, legislations, and general state of social protection in general and issues related to child protection in particular Level of coordination
Child Protection Action Network	1	Policies, legislations, and government programmes related to child protection Major child protection challenges in Afghanistan Progress and challenges in coordination
Afghanistan Independent Human Rights Commission	1	Legislations dealing with human rights in Afghanistan Major child rights changes and challenges Compatibility of Afghanistan's subsidiary laws with human rights principles Afghanistan's performance in reporting on human and child rights treaties.
Ministry of Public Health	2	Progress and challenges in delivering child and maternal health Policies and programmes related to public health including the progress and challenges in maternal and child health in Afghanistan
Ministry of Education	1	Progress and challenges in delivering education to children Policies and programmes related to education Level of mainstreaming of child rights in the ministry's work
Provincial administrations	3 Provincial administrations	Major issues affecting children at the local level The level of priority of children's issues at the local level. Child rights coordination mechanism Platforms of interaction of children and youth groups with local government administrations
Directorate of Education	5 Provinces	Progresses and challenges in ensuring fair access to quality basic education.
Directorate of Public Health	4 Provinces	Progress and challenges in relation to maternal and child health
Directorate of Labour and Social Affairs, Martyrs and Disabled	3 Provinces	Social and child protection issues at the local level Systems and mechanisms to address the protection rights of children Progress and challenges to ensure the protection rights of children

<sup>1</sup> - The list of KIIs is attached

KII Group	KII	Major focus areas
Directorate of Disaster Prevention and Preparedness	2 Provinces	Scope and magnitude of the problem Policy and legislative frameworks dealing with internally displaced persons Major programme components of IDP
Directorate of Refugees and Returnees	2 Provinces	Scope and magnitude of the refugees and returnees Policies and legislative frameworks dealing with refugees and returnees The stakeholders engaged in returnees and refugees and their programmes Core actors in supporting IDP and the level of their interaction
School Principals	9 Principals	Facilities supporting children with special needs Children's participation in school management
<b>Save the Children International Afghanistan Programme</b>		
CRG	2	Major child rights challenges from governance perspectives Synergy of CRG with other thematic areas Stakeholders capacities and limitations to engage in CRG works
Education	1	The state of basic education in Afghanistan – progress, challenges, and prospects Policies and legal frameworks dealing with education Intra agency and inter-agency synergy in promoting basic education to children
Child protection	2	The state of child protection in Afghanistan – progress, challenges, and prospects Policies and legal frameworks dealing with child protection Intra agency and inter-agency synergy in promoting child protection
Humanitarian Response	1	The magnitude and major drivers of the humanitarian challenge in Afghanistan An appreciative and critical reflection of SCI's humanitarian response programme Stakeholders capacities and limitations to engage in humanitarian response Intra agency and inter-agency synergy in humanitarian response programme
Livelihoods and child poverty	1	Major livelihood challenges and issues as well as their impacts on children Policies and programmes related to livelihood and the progress and challenges in livelihoods promotion. An appreciative and critical reflection of SCI's livelihoods programme Intra agency and inter-agency synergy in livelihoods programme
<b>SCI's CSO Partners</b>		
Child Rights Advocacy Forum	1	Major child rights challenges from governance perspectives Critical appreciation of the policies and legislations influencing children's rights Critical reflection on the CSO environment in Afghanistan

### **b - Focus Group Discussion:**

This in-depth analysis was well informed by the focus group discussion outcomes organized from different groups of children. Tools specifically relevant to each target groups were developed and translated into Dari and Pashto languages and a total of 90 FGDs of children were organized in ten

districts (five provinces). The discussions generated valuable information about major child rights issues relevant to that specific group. Table 2 (below) shows the list of FGD conducted in the ten districts.

**Table 2: The children FGD frame**

S. N	Group	Kabul		Faryab		Nangarhar		Balkh		Kandahar		Total
		D1	D2	D1	D2	D1	D2	D1	D2	D1	D2	
1	Children in school boys	1	1	1	1	1	1	1	1	1	1	10
2	Children in school girls	1	1	1	1	1	1	1	1	1	1	10
3	Out of school children boys	1	1	1	1	1	1	1	1	1	1	10
4	Out of school children girls	1	1	1	1	1	1	1	1	1	1	10
5	Children with disabilities	1	1	1	1	1	1	1	1	1	1	10
6	Children in IDP	1	1	1	1	1	1	1	1	1	1	10
7	Children in orphanages	1	1	1	1	1	1	1	1	1	1	10
8	Married boys	1	1	1	1	1	1	1	1	1	1	10
9	Married girls	1	1	1	1	1	1	1	1	1	1	10
10	Total	9	9	9	9	9	9	9	9	9	9	90

### c - Mini survey:

A mini-survey was done to identify the issues affecting children working in the street. This survey, which was administered to 482 street working children generated data on the background of surveyed children; why they engaged in hazardous works in the street; the types of violations they encounter; the services that were accessible and remote to them; their priority areas. Table 3 (below) provides the profile of the respondents by region, gender and status of education.

**Table 3: Profile of the mini-survey respondents**

Region	Boys		Girls		Total	
	In school	Out of School	In school	Out of school	In school	Out of School
Kabul	75	-	30	-	105	-
Kandahar	3	61	2	11	5	72
Nangarhar	44	2	36	18	80	20
Balkh	44	13	23	19	67	32
Faryab	75	23	2	-	77	23
Total	241	99	94	48	335	147

As Table 3 (above) shows, 482 children working in the street responded to the survey questionnaire. Out of these, 71 percent were boys while girls comprised 29 percent. When it comes to education, 69.5 percent were already in school while 30.5 were not in school during the period of the survey.

### d. The Consultation / validation workshop:

Two consultation meetings were held once the preliminary report was submitted. The first was internal to SCI Afghanistan country programme staff while the second one included wider groups of participants (including from government ministries).

### 1.3. limitations of this study

This analysis covers diverse dimensions affecting the wellbeing and rights of children. The comprehensiveness of the report demanded generation of data on a wide range of issues. Although much of the data were collected, there were also few areas where data is not easily available. For example, data on children on the move (especially in relation to the number of those who returned from Europe) are not easily available. The other challenges that were encountered included the following:

- a) Some ministries, such as MOLSAMD do not have management information system. Therefore, data on the government's programmes and their impact on protecting children from different abuses are not easily available.
- b) In some cases, different agencies used different data for the same indicator. For example, there are different data for MMR and NMRs from different sources. The same also holds true to government investment in programmes that benefit children. A number of agencies have studied the level of public investment in health and education. However, there are variations between the data obtained from the various source. In order to address this challenge, the consultant used official sources as long as they are comprehensive and credible.
- c) The primary data collection was carried out in five provinces. The consultant was supposed to physically follow-up the data collection in all. However, the lead consultant was not able to travel to Faryab and Nangarhar due to security reasons.

Regardless of the above limitations, the in-depth analysis is still prepared based on adequate and authoritative data sources.





## 2. COUNTRY BACKGROUND

### 2.1. Historical and political context.

Afghanistan is an Islamic Republic with rich historical heritage and sociocultural diversity. Regardless of the political upheavals, often accompanied with armed conflicts, the country continued to exist as a polity amidst devastating internal strife and sometimes against foreign invasion. Just in a century, the country has been led by political groups that have diverse outlooks, ranging from monarchists to democratically elected government. Following the ousting of the Taliban from government in 2001, the country conducted two election and is now preparing for the third one. The period since 2001 - 2012 also witnessed a huge presence of international actors in the country's political, economic, and social scenes.

Afghanistan is a landlocked country with an area of 652,864 Sq.km. It is strategically located between South Asia and Central Asia. Historically it served as a hub for the trade route between the two. Regarding borders, to the south and east, it is bordered by Pakistan, in the west with Iran and in the north with Turkmenistan, Uzbekistan and Tajikistan. In the far north, it shares borders with the People's Republic of China<sup>1</sup>.

Regarding political institutions, there is strong fusion of 'modern' and traditional systems. The traditional political structures and their governing institutions, such as values and codes (for example the well-known Pashtunwali tribal codex) are as important as the formal ones in informing political and judicial processes.<sup>2</sup> The understanding of the fusion between the formal-modern and traditional institution has paramount relevance to the understanding of the progress and challenges related to children because, similar to formal structures, the latter also provides the framework within which childhood is understood and informs how families and the society at large prioritizes children's issues within diverse political, social, and economic interests.

When it comes to the modern-formal political structure, the country follows the presidential system of government. Article 60 of the 2004 Constitution of Afghanistan declares the President as the head of the State of the Islamic Republic, executing his authorities in the executive, legislative and judiciary fields in accordance with the provisions of the Constitution. According to Article 81 of the same, the National Assembly is the highest legislative body. It

<sup>1</sup> - The Ministry of Foreign Affairs of the Islamic Republic of Afghanistan: [www.mfa.gov.af/about-afghanistan/country-profile.htm/](http://www.mfa.gov.af/about-afghanistan/country-profile.htm/)

<sup>2</sup> - The Ministry of Foreign Affairs of Norway (2017): Afghanistan a Political Economy Analysis.

consists two houses (Article 82) - the House of People and the House of Elders. Article 110 states the Loya Jirga is the highest manifestation of the will of the people of Afghanistan. It comprises members of the National Assembly and presidents of the provincial and district assemblies. Article 116 protects the independence of the Judiciary, which includes one Supreme Court, Courts of Appeal and Primary Courts. The Supreme Court is the highest judicial organ. The current National Unity Government was established in 2014 through election and political negotiation among contending political parties. One of the outcomes of the negotiation was the establishment of a new structure called the Chief Executive Officer, whose functions resembles that of a prime minister in other countries.

There are 398 districts in 34 provinces in Afghanistan. The country has also diverse ethnic groups including Pashtun, Tajik, Hazara, Uzbek, Baluch, Turkmen, Nuristani, Pamir, Arab, Gujar, Brahui, Qizibash, Aimag, and Pas-hai.<sup>3</sup> The Constitution recognizes the multi-linguistic nature of the country. According to Article Sixteen, Pashto and Dari serve as official languages. Still, other languages are recognized as a third official language in areas where they are spoken by the majority of the population.<sup>4</sup>

## 2.2. Demographic features

The 2018 population of Afghanistan is projected at 31.5 million. Out of this, males comprise 51 percent and females 49 percent. In terms of areas of residence, the preponderant percentage (72 percent) lives in rural areas. Urban dwellers and the population in nomadic areas constitute 24 percent and 4 percent, respectively.<sup>5</sup> The Afghan CSO puts the population growth rate at 3.3 percent per year, with the main drivers being increased fertility rate and the increased number of the return of refugees from their asylum in Iran and Pakistan.<sup>6</sup> There are 35,233 registered Pakistani refugees in Afghanistan. Table 4 (below) provides an overview of the population along age group.

(Table 4: Population by age group and sex (2018/19)

Total population			Age group
Male	Female	Total	
16,081,572	15,493,446	31,575,018	Total
2,749,484	2,703,066	5,452,550	00-04
2,724,460	2,512,457	5,236,917	05-09
2,323,122	2,070,475	4,393,597	10-14
1,762,238	1,669,690	3,431,928	15-19
1,321,693	1,400,571	2,722,264	20-24
1,116,692	1,232,662	2,349,354	25-29
789,074	769,498	1,558,572	30-34
718,025	728,722	1,446,747	35-39
569,084	586,535	1,155,619	40-44
492,359	535,167	1,027,526	45-49
397,763	419,329	817,092	50-54
305,648	289,895	595,543	55-59
293,323	248,946	542,269	60-64
518,607	326,433	845,040	65+

Source: CSO (2017): The Afghanistan Population Estimates for the Year 1397 (2018-19)

3 - The Ministry of Foreign Affairs of the Islamic Republic of Afghanistan: [www.mfa.gov.af/about-afghanistan/country-profile.htm/](http://www.mfa.gov.af/about-afghanistan/country-profile.htm/)

4 - The Constitution of Afghanistan (2004), Article Sixteen

5 - Central Statistics Organisations (2017): The Afghanistan Population Estimates for the Year 1397 (2018-19)

6 - Central Statistics Organisation (2018): *Afghanistan Living Condition Survey 2016-17*, Kabul, CSO.

As shown in Table 4, closer to 58.6 percent of the population falls below the age of 20. Therefore, the challenge to ensure fair access to health, education, and protection services for all children is enormous. This is more daunting for Afghanistan because of many barriers including resource limitation, poor infrastructure, weak government structure and under-developed private sector, especially in remote areas.

## 2.3. Economic features

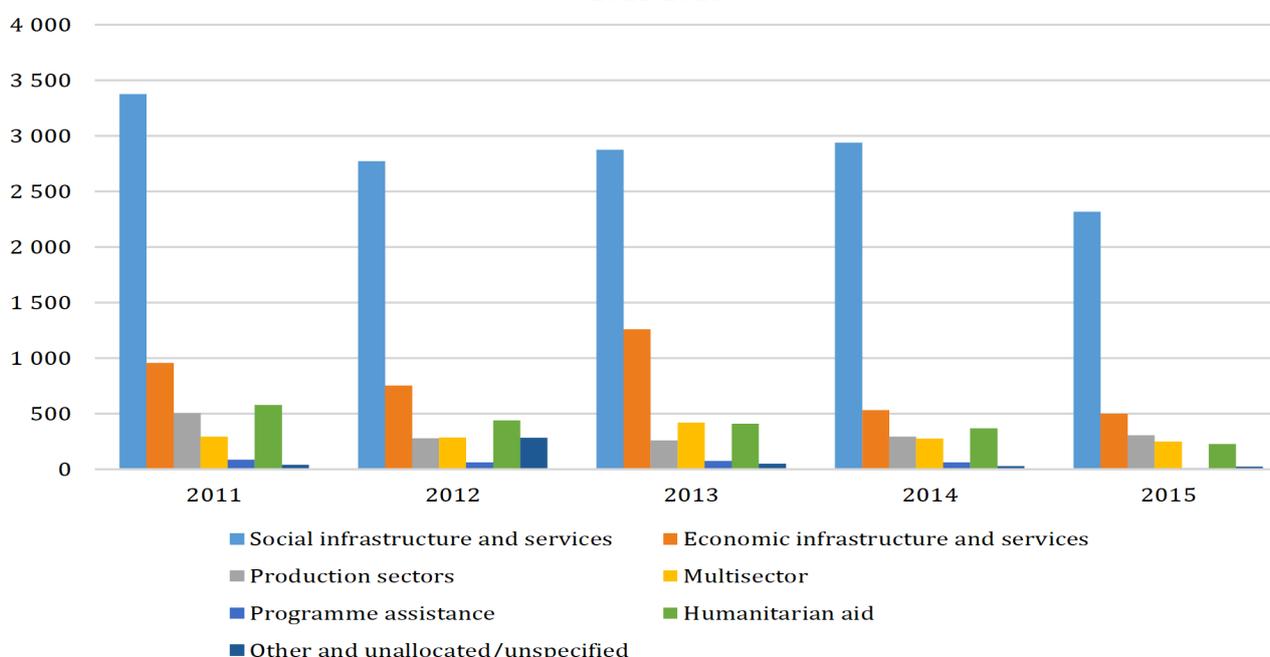
In 2016, the nominal GDP of Afghanistan was USD 19 Billion. This was projected to increase to USD 20 Billion in 2017. In terms of composition, agriculture constitutes 24 percent of the economy while the shares of services and industry were 55 percent and 21 percent, respectively.<sup>7</sup> With its biggest share, the service sector was the major driver of the economy, especially before 2012. Agriculture, although is the source of livelihoods for 40 of the population, is the second largest contributor to the GDP. The manufacturing sector contributes only 7 percent in employment generation. Opium has a considerable share in the economy. The World Bank states that it generated around USD 3 billion or equivalent to 15 percent of the Gross Domestic Product of 2016. This was double of the 2015 share.<sup>8</sup>

Economic growth significantly declined between 2012-2014 following the withdrawal of international forces and the decline of the volume of ODA. Albeit at the modest scale, the performance of the economy started to improve since 2015. In 2016, GDP increased by 2.3 percent and was projected to increase by 3.5 percent in 2017<sup>9</sup>. The relative growth was mostly driven by the improved performance of the agriculture sector.

### 2.3.1. Foreign aid

Fig.2. ODA by purpose 2011-2015<sup>10</sup>

Bilateral ODA Disbursements to Afghanistan by Purpose (Million USD):  
2011-2015



Source: Oxfam & SCfA

7 - Accessed from <https://www.gfmag.com/global-data/country-data/afghanistan-gdp-country-report>

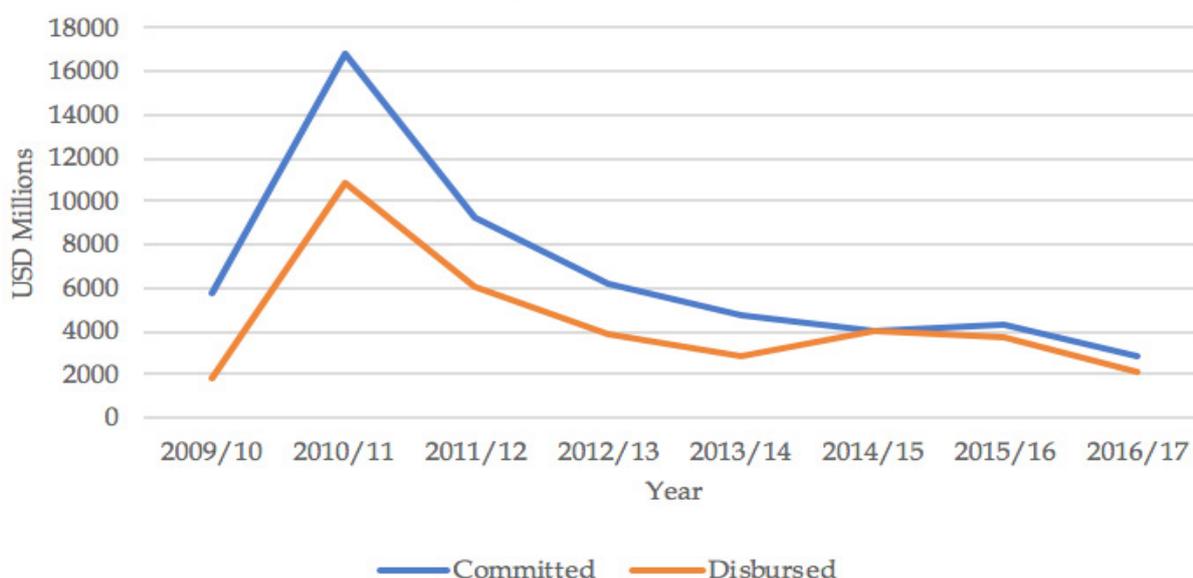
8 - The World Bank (2017): Afghanistan Development Update 2017.

9 - The Government of Afghanistan (2017): Afghanistan National Peace and Development Framework (ANPDF), 2017-2021

10 - OXFAM & SCfA (2018): Aid Effectiveness in Afghanistan

Since 2002, foreign aid made significant contribution to the Afghan economy. It was instrumental for the expansion of social services, infrastructure development, capacity development and institution building. The inflow of aid in huge volume, especially in the period before 2012 created more jobs and stimulated the economy, especially in the service sector. Figure 2 (above) shows the priority programmes of ODA between 2011 - 2015. In the five years period, much of the ODA was disbursed to the social infrastructure and services, which included, among others, education, health, and water and sanitation. These sectors are vital to advance children's rights. The second priority was the development of economic infrastructure and services that included capital demanding sectors like energy and transport and communications. Humanitarian assistance was at the third level followed by the production sector.<sup>1</sup>

**Figure 3: Committed and disbursed aid (2009/10 – 2016/17)**



Source: OXFAM & SCfA (2018): Aid Effectiveness in Afghanistan

Afghanistan's position as a destination of foreign assistance in general and development aid in particular started to change as of 2012. Figure 3 (above) is constructed by the authors using government data. The figure reveals there was sharp decline in foreign aid from 2010 to 2013 and then gently since 2013. The decline significantly affected the performance of the economy, resulting in a decrease in economic growth rate from 9.4 percent between in pre-2013 period to 2.1 percent since 2013. Even more, it reduced the public sector's spending on programmes focusing on children such as education and health. Notwithstanding this, foreign assistance remains the major sources of government spending. Although the data from the World Bank sources shows otherwise, according to Figure 3 there was noticeable variance between the committed and the disbursed aid, especially in pre-2014 years.<sup>2</sup>

### 2.3.2. Children in the Afghan Economy

Although not properly recorded in the national accounts, children in Afghanistan make a significant contribution both to the household and the national economy. A quarter of those between 5 and 14

<sup>1</sup> - Oxfam & Swedish Committee for Afghanistan (2018): Aid Effectiveness in Afghanistan

<sup>2</sup> - Oxfam & SCfA (2018)

work for a living or to support their families. They labour for long-hours, often in hazardous works, and in conditions that compromise their rights to education and health. As the recent Human Rights Watch report (2016) acknowledged, children work in the home-based carpet industry; as bonded labour in brick kilns, metal industry, mines, agriculture sector and others.<sup>3</sup> Their engagement, though largely crucial to their survival, often undermines their rights to education and exposes them to health hazards and abuses.

While economic growth is key and beneficial to advance children's rights in the short and long run. Still, growth alone may not guarantee fair dividend to all groups of children. To begin with, it is important to establish the growth of benefits to children from poor families rather than reinforcing existing inequalities and coming with a barrier to their survival, development, participation, and protection. In addition, although children's contribution to the household economy is desirable, especially among vulnerable families, unless there are adequate protection measures, this might come with negative trade-offs affecting their rights. As we shall see later, some types of activities that children working in street are engaged can also expose them to different types of violence in addition to the negative impacts they entail on their health.

### **2.3.3. The Afghan economy and conflict**

Both armed conflict and natural disasters have an adverse impact on the Afghan economy. This is well appreciated in the current development framework of Afghanistan and by the development partners like the World Bank. The ANPDF 2017 to 2021, for example, underlines that the prospects for peace are the specters that shadow all development forecast. Therefore, the five years national peace and development frameworks accord due importance to improving the ANSF and the police to ensure security and reduce criminality which discourages investment. This is without undermining the resource strain it entails on social programmes benefiting children.

Afghanistan witnessed an escalated armed conflict since 2014/15, especially in 2016. This resulted in increased casualties and massive displacement of civilian population. In addition to the increased cost of maintaining peace, the escalation of armed conflict disrupted economic and social establishments that could benefit children. It further created strain in the household budget as families diverted their meager income to cover dislocation costs instead of spending their resource in expenditures that would address the needs of their children. The burden on the public sector is substantial, demanding more investment for rehabilitation of affected social service facilities.

## **2.4. POVERTY AND CHILDREN**

According to the Afghanistan CSO report (2016/17), poverty level increased significantly from 34 percent in 2007/08 to 55 percent in 2016/17. Also, the poverty gap ratio widened from 7 percent in 2007/08 to 15 percent in 2016/17. Similar to many countries, poverty in Afghanistan is multi-dimensional and has complex drivers. In addition to low level and insecure income, families at the poorest quartiles are the ones whose children remain at home than at school as compared to those in richer quartiles. Even more, children from poorest families are more malnourished than the other and less likely to have birth certificate than those coming from economically better-off families. The World Bank notes there were regional variations in poverty levels. In 2016/17, poverty increased between 17 to 20 percentage points in Central, East, North and North-East regions. This contrasts with the South West region where it reached 72 percent in 2016/17. There was also variation in severity between those households with 1-5 members and (which was 33 percent among those families with this characteristic) and those with a family size of eight or more members, which had 60 percent of their cohort in poverty in 2016/17.

<sup>3</sup> - Human Rights Watch (2016): "They bear all the pain", Hazardous Child Labour in Afghanistan.

Children are the most vulnerable groups to poverty in Afghanistan. Trani J. et al, studied multidimensionality of child poverty in Afghanistan using ten dimensions of deprivations. These were: a) health, b) care, c) family asset, d) food security, e) social inclusion, f) education, g) freedom from economic and non-economic exploitation and leisure activities, h) shelter and environment, i) personal autonomy and j) mobility. According to their findings, virtually all children living in urban and rural areas were deprived in at least one of the ten dimensions of deprivation. Still, their study shows there were variations in the level of deprivation across different groups of children. For instance, deprivation is higher in rural than urban areas; among girls than a boy; and among children with disabilities than otherwise.

## 2.5. Legislative and policy frameworks

### 2.5.1. International human rights and child rights instruments

Afghanistan is State Party to a number of international treaties and convention. It ratified the UN-CRC in 1994 and signed the first two Optional Protocols (OP). The OP dealing with the sale of children, child prostitution and child pornography was ratified in 2002 and the OP on the involvement of children in armed conflict in 2003. Table 5 (below) provides the list of the international instruments to which Afghanistan is State Party to.

**Table 5: Treaties and optional protocols Afghanistan ratified and/or signed**

No	Treaties	Year
1	The UNCRC	1994
2	Optional Protocol to the Convention on the Rights of Persons with Disabilities	2012
3	Convention on the Rights of Persons with Disabilities	2012
4	OP to the UNCRC on the involvement of children in Armed conflict	2003
5	Convention on the Elimination of all Forms of Discrimination against Women	2003
6	OP of the UNCRC on the sale of children, child prostitution and child pornography	2002
7	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	1987
8	International Covenant on Civil and Political Rights	1983
9	International Covenant on Economic, Social, and Cultural Rights	1983
10	International Convention on the Elimination of all forms of Racial Discrimination	1983
11	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour	2011
12	The minimum age convention	2010
13	Convention on Discrimination (Employment and Occupational)	1969
14	Equal Remuneration Convention	1969
15	Abolition of Forced Labour Convention	1963

The instruments listed in Table 5 provided inspiration to many of the domestic policies, guidelines, and legislation related to the rights of children. While the ratification of the international instruments is a commendable step, the major challenge is in their enforcement. The impediments in implementation include, insecurity, pervasive harmful traditional practices, attitudes and perceptions about childhood in general and child rights in particular, low level of awareness about the instruments, weak law enforcement structure at the grassroots level, and in some instances lack of compatibility of some provisions of the Convention with provisions in subsidiary and customary laws (for example, the minimum age of marriage for a girl). According to the Concluding Observations of the UN Committee, the challenges also include widespread corruption and the application by courts of provisions

of customary laws which do not tally with the values in the UNCRC. The Committee also notes instruments like the UNCRC are not justiciable yet because the Convention is not considered as a legally binding instrument.

In addition to the setbacks mentioned above, there is a lack of clarity on which State agency is mandated to monitor and coordinate the international instruments related to children. Instead, children’s issues are managed by different ministries and commissions, focusing on specific issues. The absence of an independent agency on children undermines multi-stakeholders’ coordination around cross-sectoral agendas and renders the task of promoting children’s best interests in draft public policies, legislation and decisions difficult.

Although Afghanistan does not have an independent organ dealing with the implementation and monitoring of child rights instruments, a growing number of government agencies now have units dealing with children’s issues. The Ministries with children unit (department, directorate etc) include: a) the Ministry of Women Affairs; b) the Ministry of Justice; c) the Ministry of Interior; d) Afghanistan Independent Human Rights Commission (AIHRC); e) The Child Protection Action Network (CPAN-MoLSAMD) and f) Inter-Ministerial Steering Committee on Children and Armed Conflict. The focus given to children by these agencies is valuable because it allows mainstreaming child rights in all agencies as a systemic issue. Other agencies, including Ministry of Economy, the Afghanistan Defense Forces, and the like should be encouraged to establish focal units of children to check their programmes and actions contribute rather than discourage children’s best interests. Still, these arrangements cannot replace a clearly mandated and resourced organ whose main goal is promoting and coordinating child rights, including the implementation of the UNCRC.

## 2.5.2. Domestic laws

Afghanistan does not have legislation specifically dealing with the holistic issues of children. And unlike some countries, the Constitution does not have a separate article focusing on the same. Still, the 2004 Constitution has many articles that have direct relevance to children. For instance, Article 43 recognizes the right to education and Article 44 specifically focuses on the rights of education to women, nomads, and elimination of illiteracy. Similarly, Article 49 prohibits forced labor of children while free healthcare is guaranteed under Article 52. Other noteworthy provisions of the Constitution are Article 7 and Article 54. In the former’s case, recognition is given to the international charters that the country is a State Party to, including the UNCRC. In the latter’s case, the constitution says the State shall adopt the necessary measures to attain the physical and spiritual health of the family, especially of the child and the mother. In addition, Afghanistan has a good number of domestic laws that promote the rights of children. Table 6 (below) provides a list of domestic laws that are relevant to children.

Table 6 Domestic Laws focusing on children

No	Legislation or Policy	Years approved
1	The Constitution of Afghanistan	2004
2	The Juvenile Justice Code	2005
3	The Labour Code	2007
4	Law on Counter Abduction and Human Trafficking	2008
5	National Law for the Rights and Privileges of Persons with Disabilities	2009
6	Shiite Personal Family Law	2009/10
7	Elimination of Violence Against Women (EVAW)	2010
8	The education law	1387
9	The Law of Juvenile Rehabilitation Centre	2009

10	The Law of the Investigation of Children's Violations	
11	The Citizenship Law	
12	The Law of custody of children	2013
13	MOI Decree No. 110706: Ensuring of children's rights and prevention of underage recruitment into the police force	2011
14	The revised Penal Code of 2017	2017
15	Law of Registration of Population Records	2014

Children have the same Constitutional guarantees to many of the rights that adults have, except those reserved to the latter. The 2004 Constitution also recognizes rights that have high relevance to children such as access to education, health, and family protection (which are mentioned earlier). There are also legislation that have provisions relevance to children. For example, the Penal Code of Afghanistan has a number of articles dealing with children from the justice dimension. This Code was revised in 2017 and came into force in 2018. The revised Code has articles that protect children from different types of abuses, including the criminalization of sexual abuse against children (for example, the Bacha Bazi). Even more, there are laws that are specifically child-focused like the Law of Investigation of Children's Violation, the Law of Custody of Children and the Juvenile Justice Code. These focus on addressing specific issues affecting children. Although not included in Table 6 (above), religious and customary laws have significant implication to children either as instruments of protection or otherwise.

Since recent time, due consideration was given by the Government of Afghanistan to align some legal instruments with the values in the Convention. The revision of the Penal Code in 2017, for example, is a significant stride in terms of strengthening the protection of children. To mention two, Article 637 states a person who has sexually abused a child can be sentenced from 16-20 years of imprisonment and Section 2 of Article 640 of the Penal Code forbids the forensic examination of the hymen without the consent of the girl or a respective court order. Regardless of much of the improvements in legislation, there are still some gaps in content and major challenge in the enforcement of pro-child legislations. When it comes to content, provisions such as Article 398 of the Penal Code tolerates husbands who inflict death and injuries on their wives and children to maintain the honor of the family. Even more, some issues such as bonded labor of children are still not prohibited by law, although the practice goes against children's rights. In regard to enforcement, the national laws are not adequately adhered to and often more weight is given to customary laws than the statutory ones, sometimes undermining the rights of children. For example, the codified law seeks the punishment of the perpetrators of a crime, while traditional systems opt for compensation and social reconciliation.

Despite the improved legal framework in Afghanistan, the protection of children against different types of violation comes across structural setbacks because there are different sources of law. Some of these have provisions that are not in line with the standards set in international instruments. For example, according to the Civil Code, the legal minimum age of marriage for girls is set at 16 (with some allowance to those who are also 15, if the father permits). However, this provision is rendered ineffective because customary laws permit marriage of boys and girls who reach puberty. A key informant in Afghanistan's Independent Human Rights Commission reflected that since 2004, the country produced many bills that support human rights. However, they were not adequately introduced across society; and some community elders might have not heard about them. The challenges related to enforcement also include weak law enforcement structures at the local level, lack of adequate knowledge law- enforcers about the rights of children and domestic laws.

### 2.5.3. Policies relevant to children

One of the areas where the government of Afghanistan has made tangible progress to advance chil-

dren’s rights is in the policy-strategy-programme areas. These include broadly, incorporation of children’s issues in overarching policies and general sectoral policies and development of child-focused policies, programmes, action plans, and strategies. Overarching programmes such as the ANPDF (2017) are useful instruments because they provide the overall direction of the country and where children are located in the government’s priority. The ANPDF contains components that are highly relevant to children (such as health and education) and broader goals and objectives from which children can have positive dividend such as sustained economic growth; sustained peace and security; improved physical infrastructure; and prevalence of rule of law. Table 7 (below) provides a list of policies, strategies, and action plans relevant to children.

**Table 7: Policies dealing with children’s issues**

No	Policies, programmes, action plans etc.	Year
1	National Returnees and Refugees Strategy	2002
2	Policy Framework for Returnees and IDPs	2017
3	The Comprehensive National Disability Policy	2002
4	National Plan of Action Against Trafficking and Kidnapping of children	2004
5	National Strategy of Children at Risk	2004
6	The Afghanistan HIV/AIDS Strategic Framework	2006
7	National Strategy for Children with Disabilities	2008
8	National Justice Sector Strategy	2008
9	Action Plan for the Prevention of Underage Recruitment into the ANSF	2011
10	National Strategy for Street Working Children (2011-2014)	2011
11	National Education Strategic Plan (2017 – 2021)	2016
12	National Policy on Internally Displaced Persons	2013
13	National Health Policy (2015 – 2020)	2015
14	National Health Strategy (2016 – 2020)	2016
15	Health Financing Policy (2012 – 2020)	2012
16	Policy guideline for community-based education	2012
17	National Action Plan for the Women of Afghanistan (2008 – 2018)	2007
18	Afghanistan National Peace and Development Framework ANPDF (2017 – 2021)	2016
19	National Labour Policy	
20	National Youth Policy	
21	National Disaster Management Strategy	2015
22	Policy of Ministry of Justice	2018
23	National Justice Sector Strategy	2008

In the last two decades, Afghanistan has developed dozens of policies that are meant to achieve various social and child rights goals. The policies and programmes in Table 7 (above) provide a better infrastructure to advance the rights of children both in short-term and long-term perspectives.<sup>4</sup> Most of the frameworks in the table are target group or sector specific. The exception in this regard is the National Strategy of Children at Risk, which is now outdated.

The way children feature in the policies and strategies listed in Table 7 varies from one framework to another. In some, such as the National Action Plan for the Women of Afghanistan and the National Justice Sector Strategy, children feature well both in the analysis and objective parts. This is also true in the National IDP Policy of 2013, the issues of children are visible both in the analysis and objectives and targets. In some of the frameworks, on the other hand, children’s issues appear only in few sections, although the policy focus areas are important to children. For example, the 2017-2020 Labour Policy of Afghanistan barely focuses on children particularly in the analysis section, although section

4 - In Afghanistan policies are generated from different sources. As one key informant noted, the government is not the only organ to initiate policy processes (though it is the main one). Sometimes policy ideas emerge from donors supported projects. Such approach sideline the mandated ministry from the process.

5.2.4 of Policy Direction 2 (ensuring workers' wellbeing) deals with the elimination of the worst forms of child labour. Otherwise, most of the instruments in Table 7 are child-focused.

### **Implementing legislation, policy, programme and action plan**

Afghanistan's formal legislations, policies, strategies, and action plans largely promote and support children's rights. Many of the frameworks produced in the last ten years were informed by international human rights instruments, such as the UNCRC. Even more, measures such as the revision of the 1976 Penal Code in 2017 and the inclusion of new laws like the bill on the elimination of violence against women strengthen the protection rights of children. The same also holds true to the policies, guidelines etc that are formulated since 2002. These frameworks can contribute to improved protection of children from abuse and exploitation; expansion of social services to marginalized groups of children; and enhancement of the country's capacity to respond to the priority issues of children within the context of conflict and humanitarian situations.

Notwithstanding the above, there are still gaps in legal and policy frameworks. As Mr. Najib, the Director of Child Protection Secretariat in MoLSAMD noted during the KII, there are 12 policies and programmes dealing with 12 vulnerable groups of children. That means, according to him, ten more policies are needed to address to the issues of all vulnerable groups of children.<sup>5</sup> Issues like marginalization of children forced into bonded-labour; children on the move, and substance abuse demand the government's leadership translated into tangible policy and programme statements and allocation of budget. It may be difficult to have policy and legislation for each target groups, particularly when existing ones are not adequately implemented due to various reasons. Still, it is important to identify the legislative and policy voids and the implication of the same and then take timely response

5 - Interview with Mr. Najeeb, the Director of Child Protection Secretariat, in MoLSAMD.





to advancing the rights of children. The following are some of the issues that deserve due consideration by the Government

- a) Afghanistan does not have a comprehensive statute dealing with the different dimensions of children's rights. Although the draft Child Act was developed in 2016, it is not still approved by the parliament and remains a major gap in the legal framework in the child sector.
- b) With nearly 60 percent of its population categorized as children and young, Afghanistan needs a vision on how to address a multi-dimensional challenge affecting this section of the society. Making Afghanistan fit for children and young people should be a strategic and holistic engagement translated into reality through a comprehensive strategy or plan of action for children.
- c) Many laws, policies, strategies and programmes meant for the advancement of children's rights are not adequately implemented. This is more so with child protection related laws, strategies and action plans than with education and health.

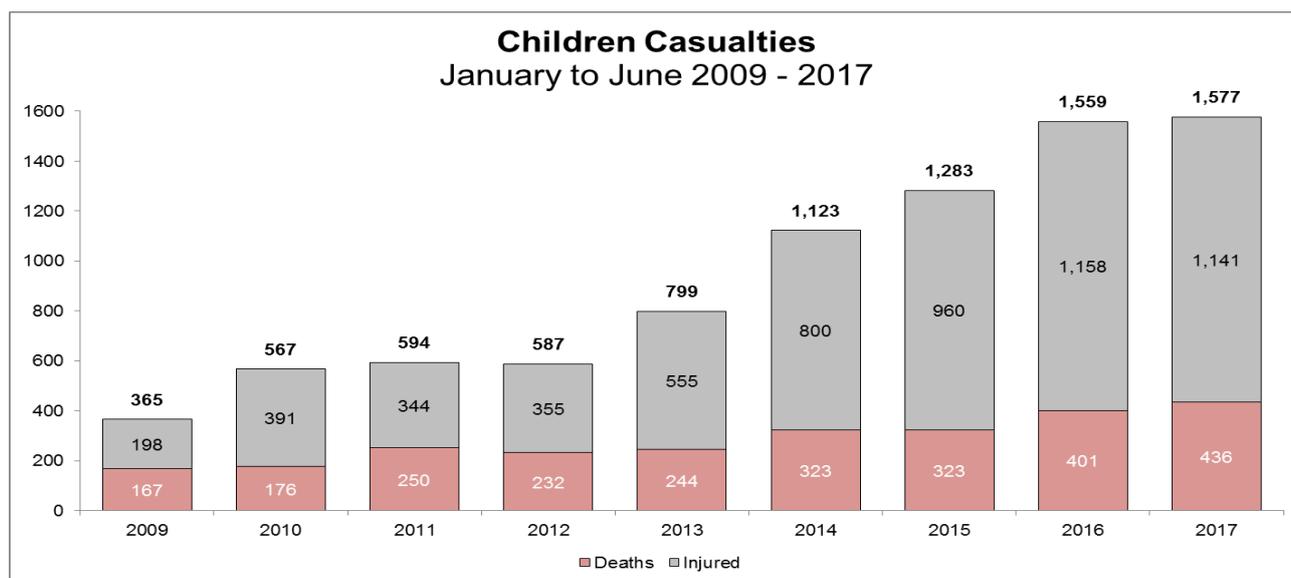
Regarding the last point, the level of implementation of policies, strategies, action plans is dependent on a number of factors, some of which are related to a specific framework. According to some Key Informants, the major reasons for poor implementation are weak government structures at the local level, budget constraint, insecurity, and low level of political will. In addition, the context within which these policies are designed and expected to be implemented is also another challenge. As noted by Unicef (2015), the country is in political, military and economic transition and the on-going armed conflict creating a context of instability in implementing the national and international policies focused on child protection.<sup>6</sup>

<sup>6</sup> - Unicef (2015): Child Notice Afghanistan 2015.

## 2.6. conflict and natural disasters

In Afghanistan, conflict is now visibly a development, human rights, and good governance issue. The dynamics is well understood by many stakeholders. The ANPDF (2017) states decades of conflict resulted in a wide range of challenges including weakening of government structures, dismantling of social services facilities and severe social and ethnic rifts.<sup>1</sup> The impact of insecurity and conflict on the population is widespread. The 2017 report of the Asian Foundation on Afghanistan states that the country has been in the “conflict trap”, which is expressed in terms of association between poverty and insecurity. The report goes further and notes that insecurity threatens economic growth and economic stagnation contributes to increased likelihood of insecurity.<sup>2</sup>

Figure 4: Children Casualties 2009 - 2017



Source: UNHRC (2017): Afghanistan Protection of Civilians in Armed Conflict Mid-Year Report 2017

The UNHRC report (UNHRC: 2017) shows 1,577 children were injured and killed only in the first half of 2017. Out of these 1,141 children were injured while 436 were killed. The number of those who were killed in 2017 increased by closer to 79 percent between 2013 and 2017 while those who were injured increased by 106 percent in the same period. The report notes that children account for 30 percent of all civilian casualties<sup>3</sup>. As it is apparent from the figure, the casualties on children has been increasing steadily (except in 2012) between 2009 to 2017. While civilian (especially of children) casualties are still serious concerns in Afghanistan, the impact of conflict, especially as of 2015 is highly visible in the disruption of social services such as schools and health facilities. A study by the United Nations (2016) shows that in 2015, 369 schools were closed due to conflict, forcing 139,000 children out of school. The same was true in health, where 90,000 children missed immunization due to armed conflict.<sup>4</sup> Although not at this scale, the disruption of the same continued also in the later years. According to UNOCHA (2017), 189 health facilities were closed in 2016 while 41 schools were occupied by combatants in 2017. As UN reports show, between January and September 2017, more than 69 thousand trauma cases were recorded in health facilities. The same report argues conflict has significant mental cost on children for it subjects them in psychological distress due to loss of a person closer to them and fear of coming across death and injury.<sup>5</sup>

1 - The Islamic Republic of Afghanistan (2016): Afghanistan National Peace and Development Framework.

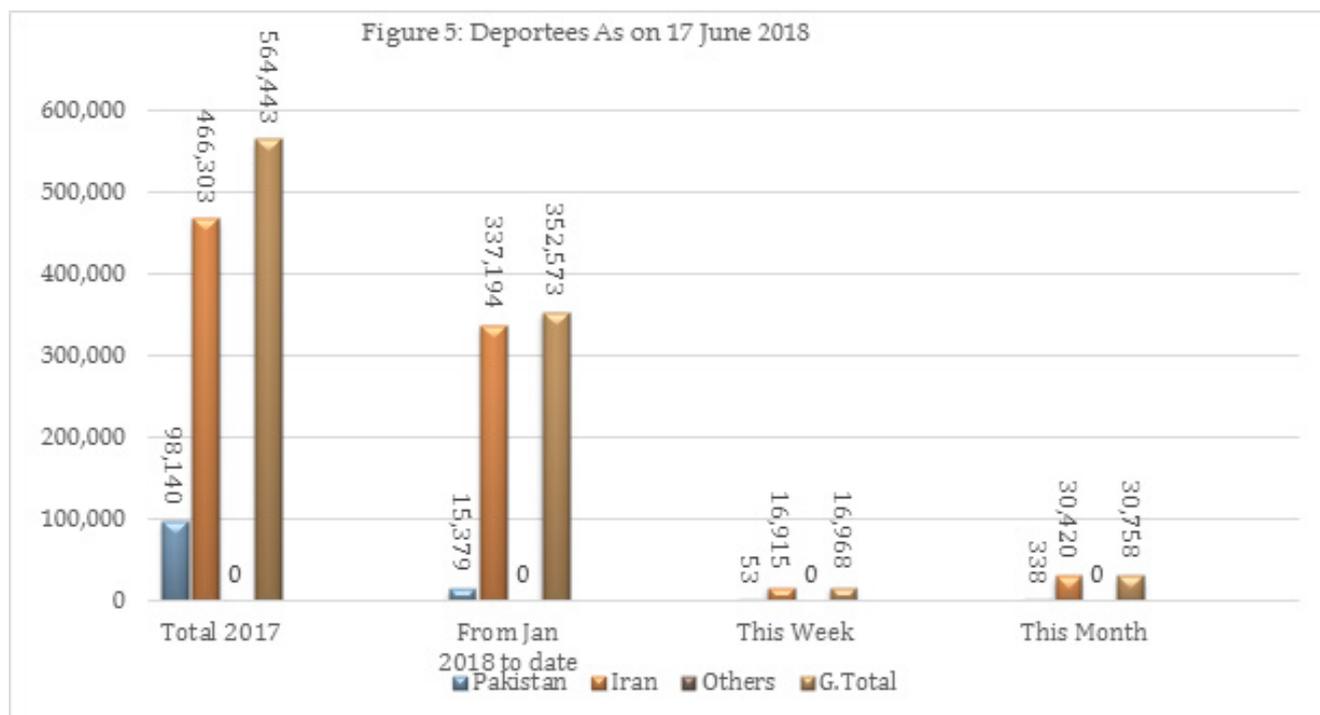
2 - The Asian Foundation (2017): Afghanistan in 2017 - A Survey of the Afghan People.

3 - UNHRC (2017): Afghanistan Protection of Civilians in Armed Conflict Mid Year Report 2017.

4 - United Nations (2016): Education and Healthcare at Risk

5 - UNOCHA (2017): 2018 Afghanistan Humanitarian Overview

Four decades of armed conflict and recurrent natural disasters have resulted in huge displacement of persons from their origin, especially to the cities. And more than half of these are children. In 2016 alone, 600 thousand people were internally displaced, mainly due to conflict. In addition to the economic, social and psychological burdens, and the disruption of key services, displaced persons, including children have to grapple with the crisis with much more reduced resilience and in some cases with little support readily available in their host communities. Displacement also contributes to some demographic changes such as rapid increase of the urban population, that also contributed to overstretching of the already limited social and economic services in host communities.<sup>6</sup> The humanitarian crisis deepened in 2016 with the deportation of 620 thousand Afghani asylum seekers from Pakistan and Iran. Figure 5 (below) shades some light on this.



**Source: SCI Afghanistan Country Programme Humanitarian Department**

According to Figure 5, in 2017, 564,443 Afghans were deported from different countries. Out of these, those from Iran constituted 82.6 percent. In 2018 (as on June), 352,573 new deportees were registered. The deportation of asylum seekers in such a huge scale overstretched the humanitarian response capability of the country, especially at the province and lower levels. More than half of the deportees are children and women. Many of the returnees do not have proper documents, making rehabilitation and reintegration interventions very challenging. As the Key Informant in the Directorate of Education of the Balkh Province noted, a large number of returnee children came into the province and significant number of them did not have appropriate document showing their level of education.

When it comes to environmental hazards, Afghanistan is a high prone area for earthquakes, flood, drought, landslide, sandstorms, avalanches and cold winter and epidemic diseases. Invariably, children from poor and remote communities are affected because these hazards deplete household assets and thereby reduce their coping capabilities. According to Mr. Rafi Aziz, from 1954 to 2016, there were 118 large scale disasters that killed more than 20 thousand people and affected 11 million, mostly women and children. The Balkh Province Disaster Prevention & Preparedness Directorate Monitoring and Evaluation Manager stated children, persons with disabilities and women are the most vulnerable groups when natural disasters occur.

<sup>6</sup> - Interview with Mr. Rafi Aziz, the Humanitarian Deputy Director of SCI Afghanistan Country Programme

## The humanitarian situation dynamics in Afghanistan

Rafi Aziz, Deputy Director, Humanitarian Programmes in SCI Afghanistan Country Programme, notes that the humanitarian crisis in Afghanistan is complex by its very nature and is reinforced by multiple factors such as conflict, natural disaster, bad governance, household level poverty and many more. Responding to emergency situations is also challenging because some parts are geographical inaccessibility or do not have road network while some areas can be spots of armed conflict. According to him, as people flee their area, they lose their assets and means of livelihoods. Most of them reach to 'safe' areas poorer than before and becoming more vulnerable to a wide range of shocks and rights violations. The impact on children is also immense. They miss education; become vulnerable to different sorts of abuses and violations; and some may come unaccompanied and may fall even in the worst situation. As the livelihoods system that affected families rely on weakens, some families find it necessary to engage their children in activities that can be categorized as child labour.

Afghanistan has a developed coordination mechanism to address humanitarian crisis at a multi-agency level. As mentioned earlier, the government has strategies and policies to address the issues of persons affected by humanitarian crisis. These are the 2013 National Policy on Internally Displaced Persons and the 2017 Policy Framework for Returnees and IDPs. National, provincial and local coordination units are also established involving government organs, UN agencies, and CSOs, with the government playing the leadership role. Many key informants note that the coordination is functioning well although shortage of budget limits provinces to respond to crisis as problems emerge.

In the context of Afghanistan, therefore, the realization of the rights of children partly depends on the progress in maintaining peace and security and strengthening the capacity and resilience to mitigate and reduce natural disasters. Interventions that fail to factor in insecurity and other humanitarian challenges both in analysis and programming can be less likely to achieve their goals and objectives.







# 3. THE STATE OF CHILD RIGHTS IN AFGHANISTAN

## 3.7. Institutions, systems and cross-cutting principles

### 3.7.1. General measures of implementation

#### a - The Ratification of the child rights instruments and removal of reservations:

Afghanistan's ratification of the Convention was done with the declaration that the country reserves 'the right to express, upon ratifying the Convention, reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local legislation in effect'<sup>1</sup>. Therefore, implicitly, there are two articles the country has reservation on. One is Article 14 (1) about the State's obligation to respect the rights of children to freedom of thought, conscience and religion. The other is Article 21, which deals with adoption. These two articles are not in line with Islamic values and therefore, as per the 2004 Constitution Article 3, do not apply to Afghanistan.<sup>2</sup> Otherwise, the UNCRC is in line with the Constitution of Afghanistan and Islamic values. Islamic scholars from Afghanistan, Pakistan, and Iran had declared that the Convention was 98 percent congruency with Islamic teachings<sup>3</sup>.

#### b - Compatibility of domestic laws with the Convention:

The CSO Alternative Report on the implementation of the UNCRC argues that 'little reference has been made to CRC provisions in legislation enacted after Afghanistan ratified the Convention in 1994. The only leg-

1 - Accessed from [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&clang=\\_en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=_en#EndDec).

2 - According to Mr. Najeebullah, the National Coordinator for the Rights of Children in Afghanistan's Independent Human Rights Commission, Islamic scholars of Afghanistan, Iran and Pakistan have concluded that Islam and the UNCRC are in accord around 98 percent, except the articles mentioned above.

3 - Interview with Mr. Sultan Aziz, from SCI Afghanistan country programme and Mr. Najeebullah of the Independent Human Rights Commission



islation referring directly to the provisions of the CRC is the Children in Conflict with Law which confirms the implementation of the CRC as part of its objectives<sup>4</sup>. Even though the above is the case, many of the laws proclaimed since 2002, especially those related to children have value resonance with international human rights treaties. As noted in the Government's UPR report, there are many legislations with components that are in accord with different Conventions, including the UNCRC. These include, among others, the Juvenile Code, the Law on Elimination of Violence Against Women, and the Law on Abduction and Human Trafficking. The Second State Party Report (2018) shows that the draft Child Act will cover all the provisions of the Convention and thereby ensuring the compatibility of domestic laws with the UNCRC.

### **c - Justiciability of rights:**

One of the major gaps in the promotion of child rights in Afghanistan is the Convention and its Optional Protocols are not legally binding document, even though the country is State Party to both. As emphasized by the UNCRC CSO Coalition, and later on established in the Concluding Observation of the UN Committee on the Rights of the Child, the Convention is not adequately domesticated and cannot be applied in court processes. It may be difficult to use such a comprehensive document as any legislature unless it is domesticated either through Child Act or similar frameworks. According to Mr. Najeebullah of the Independent Human Rights Commission and Mr. Sultan Aziz, the CRG manager of SCI Afghanistan, a draft Child Act was sent by MoLSAMD and MOJ to the Parliament for approval, based on the recommendation made by the Committee. Both key informants note that the drafting of the Act started in 2016 and has taken too long to be approved for reasons that are not so clear.<sup>5</sup>

4 - Afghanistan UNCRC CSO Coalition (2009): Every Single Right for Every Single Child: - NGO Alternative Report on the Implementation of the UNCRC Afghanistan, p.7.

5 - Mr. Sultan Aziz, who is now the Child Rights coordinator of SCI notes that the preparation of the Child Act has been a multi-stakeholder initiative including the MOJ, MoLSAMD, Unicef, INGOs and national CSOs. Unfortunately, the approval by the Parliament took longer time than expected because of the article related to age.

## **d - Existence of a systematic process to ensure the best interest of children:**

There are no conclusive studies that establish the extent to which children's best interests are considered at public arenas. According to a UNICEF report (2015) however, the application of this principle is not clear. The government lacks an organized mechanism that ensures policies, programmes, budget decisions etc. are developed and implemented with full consideration of their impact on children. Government decisions are made without analysis of their possible short-term and long-term impact on children. In addition, as many ministries do not have a focal unit (or person) for children, it is difficult to check how their programmes (for example, formulation of a new policy or decisions on intra-agency allocation of budget) would affect children before they are approved.

## **e - A comprehensive national strategy on the rights of children**

Afghanistan does not have an updated comprehensive strategy or plan of action dealing with the comprehensive rights of children. The 2004 National Strategy for Children 'at-risk', which could have served this purpose, is now more than ten years old and needs revision. This strategy had the primary goal of creating a nation where children could reach their full potential free from abuse, exploitation or violence; and enabling their full participation as citizens of Afghanistan.<sup>6</sup> While this strategy was very important, it still focused more on child protection and did not include structural issues such as the legislations and policies to be developed in the longer term to advance the rights of children. According to Mr. Najib Akhlaqi, the Director of the Child Secretariat in MoLSAMD, the ministry was developed a new overarching strategy that would provide the framework for strong coordination of various actors (both governmental and non-governmental) working around children's issues.

Having a comprehensive strategy has multiple advantages. First of all, it facilitates the integration of children's issues in the overall development programmes of the country (and has implication on resource allocation). Second, such a comprehensive strategy makes coordination of different actors and interventions easier. Third, it facilitates monitoring of the advances in the various fields affecting children. Fourth, children's issues are systemic by nature, involving multiple actors and demanding diverse but interrelated programmes. Such a strategy enables different ministries and agencies to synergize their contributions towards common goals. A comprehensive strategy on children can enhance positive and long-lasting changes at national and local levels. Fifth, such framework enables the government and other stakeholders to better identify interventions that have wider impact on children and thereby utilize their resources efficiently.

## **f - Mechanism of coordination**

There are some coordination mechanisms around issues affecting children, which are more of thematic. The most structured network is the Child Protection Action Network. CPAN was established by MoLSAMD involving relevant representatives of government and non-governmental organizations. Its purpose is to strengthen child protection system to prevent and respond to threats of various types of abuse and violation against children. Although not established in all district, the network is functional in 33 provinces and 67 districts. As UNICEF's evaluation of the network rightly states, CPAN is Afghanistan's response to child protection needs. The discussion held with the CPAN focal persons at the National level and in Kandahar and Balkh provinces showed that the network was a point of convergence for organizations working around children's issues to discuss and address child protection issues. There are also thematic clusters such as for emergency response, education, and health where governmental and non-governmental agents coordinate their programmes. While CPAN plays the role of inter-agency coordination, some ministries also have focal points responsible

<sup>6</sup> - MoLSAMD (2004): National Strategy 'at-risk'.

for children. For example, MoLSAMD has a secretariat for child protection while the parastatal the Afghanistan Human Rights Independent Commission has a directorate dealing with children.

The second State Party report states MoLSAMD is responsible for child rights issues while other government offices collaborate with the ministry in the formulation of their policies and strategies concerning children. The ministry is also responsible for the registration of all NGOs that work in child related issues. However, as one of the key informants commented, the target groups the ministry was dealing with were many, already overburdening MoLSAMD to effectively play the role of a focal ministry for children. According to Mr. Najib, Head of the Child Protection Secretariat, this issue would be addressed when the Child Act is approved. The draft Child Act proposes an independent High Commission for child rights chaired by the Vice President. This Commission, according to the proposal, shall have a technical body comprising relevant ministries led by MoLSAMD. The establishment of the commission will be a step forward and will address the structural gap in the coordination and monitoring of children's rights.

## g - Investment in children

Investment in children deals with a wide range of private and public actions pertaining to the mobilization, allocation, spending, and control of resource with clear public and private goal on children. As a public private action, actors involved in investment in children are also diverse. However, this analysis only focuses on the allocation of national budget across different sectors and how children feature in the same. Table 8 (below) provides a glimpse of the level of priorities of selected sectors from total government budget. The table was constructed based on the annual budget books of the Ministry of Finance (MoF) of 2015, 2016, 2017, and 2018. Although the books include all ministries, commissions, and other government agencies, this section of the analysis focuses on only few of them.

## Government revenue

Table 8: Government revenue by source (Afghani) – 2015 - 2018

Source	2015	2016	2017	2018
<b>Total Revenue</b>	<b>428,264,100,000.00</b>	<b>364,098,241,435.00</b>	<b>371,946,391,287.00</b>	<b>351,994,530,407.00</b>
Tax Revenue	91,477,300,000.00	70,589,932,514.00	71,198,132,624.00	83,652,926,780.00
Customs duty and fees		28,637,399,528.00	33,799,566,896.00	38,261,524,630.00
Non-tax revenue	31,522,700,000.00	32,399,677,412.00	39,428,730,278.00	32,808,343,247.00
Miscellaneous revenue	2,513,000,000.00	5,133,592,139.00	9,136,774,041.00	10,771,219,321.00
Sale of non- current asset		11,357,425,169.00	48,270,967.00	7,850,470,748.00
Social contribution		4,064,551,498.00	6,997,968,887.00	3,978,275,203.00
Grants	302,751,100,000.00	211,915,663,175.00	256,147,758,191.00	190,372,711,976.00

Source: MoF 2015 and 2018 budget books

Table 8 comprises government revenue from tax and non- sources from 2015 to 2018. As the table shows there was a decline in the government's revenue from Afghani 428 Billion in 2015 to Afghani 351 Billion, in 2018. When it comes to specific source, in 2018, grants accounted for 54.1 percent of total revenue. This is a significant reduction as compared to 2015, when grants accounted for 70.7 percent of the total government revenue. The overall decline of revenue since 2016 is partly driven by the decline in grants. Still the budget books of the government tax revenue drastically declined in 2016 and started to grow in the latter two years.

## Government allocation

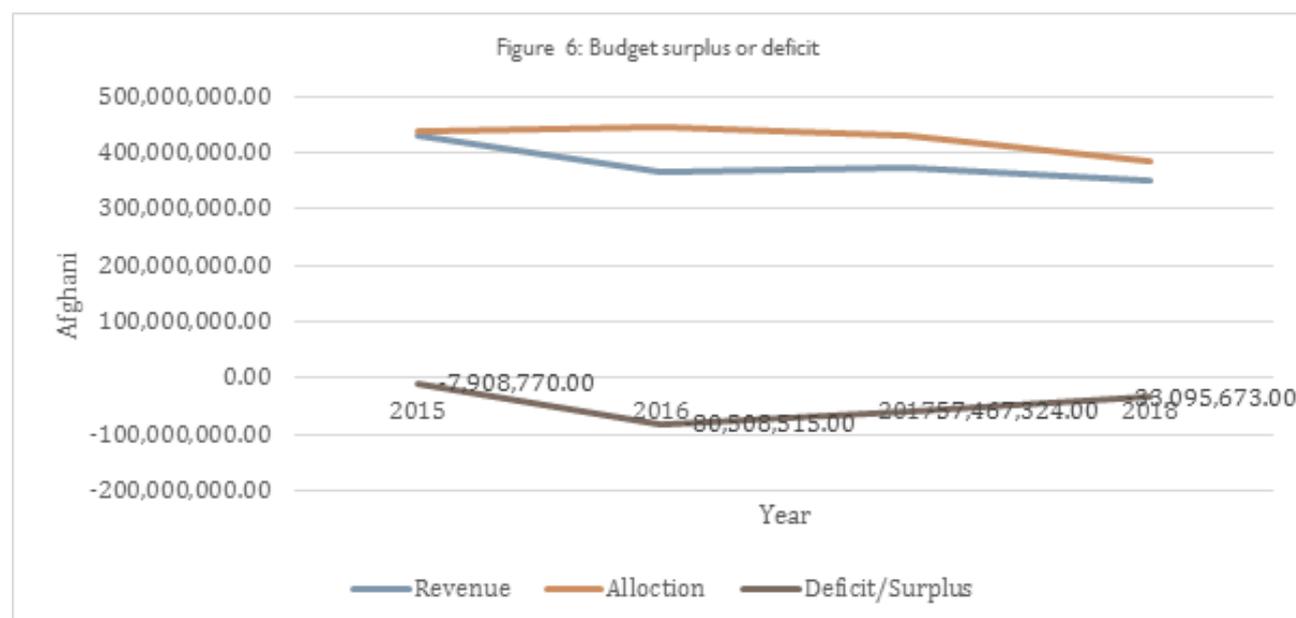
Table 9: Afghanistan National Budget 2015 – 2018 (in'000)

Ministries	2015	2016	2017	2018
Total	436,172,870.00	444,606,756.00	429,413,715.00	385,090,203.00
Ministry of Interior	72,083,824.00	68,578,991.00	57,522,630.00	61,155,738.00
Ministry of Defence	103,503,215.00	89,484,022.00	67,677,654.00	62,218,043.00
Independent Human Rights Commission	98,895.00	104,639.00	88,910.00	68,496.00
Ministry of Education	46,668,340.00	47,402,682.00	46,068,796.00	40,460,453.00
Ministry of Health	18,501,348.00	21,236,019.00	14,406,577.00	14,810,988.00
Disaster Preparedness	126,763.00	113,664.00	144,645.00	144,060.00
Directorate of Kuchies	91,889.00	174,078.00	402,243.00	278,613.00
Ministry of Women Affairs	226,468.00	230,521.00	245,349.00	280,429.00
Ministry of Refugees and Repatriation	266,832.00	518,163.00	474,397.00	451,800.00
MOLSAMD	19,849,648.00	21,440,553.00	24,487,100.00	24,186,293.00
MOJ	1,022,882.00	965,346.00	1,137,220.00	930,663.00

Source: Ministry of Finance annual budget books

As Table 9 shows, in 2018 the public sector budget was Afghani 385 Billion, which as compared to 2015, less by 11.7 percent. A major decline occurred in the Ministry of Defense budget, which went down by about 40 percent between 2015 to 2018. Although not at the scale of MoD, the budget of the Ministry of Interior was substantial (15 percent between 2015 – 2018). Despite the decrease, these two ministries remain on the top of the government's budget priority. This is understandable because of the insecurity in Afghanistan. Budget decline was also observed in education (12.2 percent) and in health by 20 percent as 2015 and 2018 are compared. Unlike the four ministries mentioned here, some social sector ministries received more government budget in 2018. With 21.8 percent increase, MOLSAMD is a good example.

We can compute the level of budget deficit from the two tables (Table 8 and Table 9).



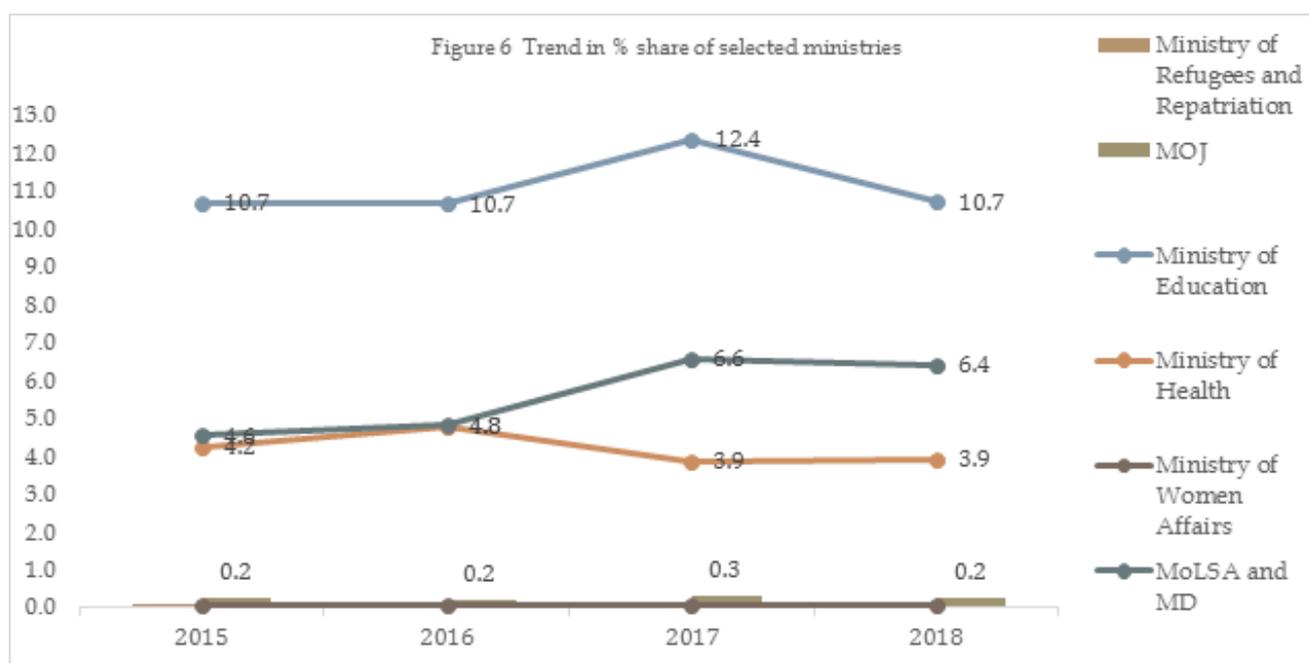
As Figure 6 (above) shows, throughout the four years' time, the government budget was in deficit, with some variation from year to another. For example, the budget deficit reached more than Afghani

80 billion in 2016 and started to decline in the subsequent years.

### Child focused sectors in government budget allocation

Article 4 of the UNCRC obligates State Parties to work towards the progressive realization of the rights of children. In this regard, considerable effort has been made by the government to use the public sector budget to expand social services that target children (such as education and health). However, the data from MoF shows public sector investment in education and health sectors started to decline as of 2017. The table shows that, the budget allocated for the MoE went down from Afghani 46.6 Billion in 2015 to Afghani 40.4 Billion in 2018 and that of the MoPH from Afghani 18.5 Billion to Afghani 14.8 Billion in the same period. As Table 7 reveals, allocation to some social sector ministries increased during the same time. For example, MoLSAMD’s budget grew from Afghani 19.8 Billion in 2015 to Afghani 24.2 Billion in 2018. Although not as substantial as MoLSAMD’s, there are increases in the MoWA’s budget. Therefore, the changes over the last four years (in terms of public spending on child-focused agencies) were not uniform to establish whether there was progressive investment in sectors handling children’s issues.

Figure 7 (below) shows the trend in the share of the social sectors out of total government allocation.



Source: Constructed based on the MOF budget books of 2015, 2016, 2017, and 2018

As Figure 7 shows, between 2015 – 2018, the shares of MoD and MoI were on average 19.6 percent and 15.9 percent, respectively. Figure 7 (above) demonstrates the shares of MoJ and MoRR were on average less than 0.5 percent throughout the four years. The MoRR’s budget was low because most of its interventions were financed by donors, and not channeled through the MoF. Although not shown in their mainstream budget, MoE and MoPH also worked with MoRR to facilitate education and health services to returnee and IDP children. As stated by the DoRR Directors of Kandahar and Balk Provinces, the budget allocated by the government is insufficient, even to effectively coordinate the support of different actors.

Within the social sectors, the share of education has been the largest between 2015 to 2018 (11 percent on average). Figure 7 shows its share increased to 12.4 percent in 2017, otherwise remaining at 10.7 percent in the other years while this was on average 4.2 percent for MOPH. In the case of the latter, the figure exhibits the share of the sector declined as of 2017. In regard to MOLSAMD, the trend is an increasing one, jumping from 4.8 percent in 2016 to 6.6 percent in 2017. However, as the ministry is tasked with a range of areas, as Table 10 (below) discloses, intra-agency allocation disfavors social support and Martyrs and Disabled programmes, where many of the child focused components are located.

<b>Categories</b>	<b>2016</b>	<b>2017</b>
Labour Support Programme	50.1	46.4
Social support programme	13	17.7
Martyrs and Disabled	2.1	1.9
Management & Operations of Programmes	34.8	34

Source: Constructed based on the 2016 2017 consolidated budget of ministries (MOF)

The biggest share of MOLSAMD’s budget goes to components falling under labour support programme (50.1 percent in 2016 and 46.4 percent in 2017). This is followed by management and operating cost (which accounts for 34 percent). Components dealing with social support, which comprises different social issues received 17.7 percent of the 2017 budget. Mr. Najib, the Director of Child Protection Secretariat in MOLSAMD remarks that, previously, the unit did not have a budget code. In 2018, however, the government allocated USD 500,000.00 annual budget for programmes related to child protection.

Afghanistan needs more resource than those depicted in the tables to achieve its ambitions to expand access to education and narrow parities along gender, vulnerable groups and geographic lines. The same holds true with reducing NNM, IMR, U5MR and MMR. Programmes focusing on protection of children from violence also demands huge resource because they need to target enhancing household resilience; strengthening of community-based child protection mechanisms; developing the capacity of law enforcing agencies; and ensuring the accountability of all state and non-state actors to children and communities (of course among others). It is challenging to achieve these ambitions (which are very important for the peace and development of the country) with the current fiscal space. Therefore, expanding the fiscal space should be among the core priorities of the government.

When it comes to the budget process, the government should be commended for preparing Citizen’s Budget on annual basis, a practice which is not observed in many countries. This offers good opportunity for child focused CSOs to support the Citizens’ Budget by highlighting children’s issues. They can also use this tool to influence increased and improved spending on programmes benefiting children.

## **a- Child rights education**

Child rights awareness raising activities are done by different organization (both government and CSOs). In addition, the government has also integrated child rights in school curriculum. Students learn about their rights not only in the civic education but also integrated with other subjects.<sup>7</sup> While this a creditable measure by the government, awareness about the rights of children is still low across the society. Lack of adequate awareness, especially at the local level poses different barriers to the implementation of domestic laws that advance

7 - Interview with Mr. Najeebullah, the National Coordinator for the Rights of Children in Afghanistan’s Independent Human Rights Commission.

the rights of children. Therefore, CSOs as well as the government need to expand their awareness raising intervention to community and religious leaders using approaches that are relevant to the context.

## **b - CSO environment and coordination with government**

Though the CSO operating environment has some change since 2014, as one study concluded, the space in Afghanistan is neither fully supportive nor entirely restrictive. The study argued that on the one hand the laws and regulations, strong community acceptance, coordination and collaboration between CSOs etc are assets that could be supportive to their operations. On the other hand, there were deficiencies in the rule of law and relationships with the government were sometimes strained. Even more, lack of coordination with and facilitation from the government, lack of transparency and high level of corruption were restrictive to the CSOs operation<sup>8</sup>. Lack of coordination was also mentioned by a key informant in MOLSMAD as a challenge because some international organizations sometimes were not consulting the appropriate ministry when they were undertaking a study or developing a strategy. 'They come to the ministry with a completed document for endorsement, which is not a right approach', he added.<sup>9</sup> Although this is a challenge and needs to be addressed, the participation of CSOs in government led networks (for example CPAN) indicates both the government and CSOs can use existing platforms to improve their partnership around issues affecting children.

### **3.2.1. The state of the general principles of the UNCRC**

#### **a - Non-discrimination :**

The principle of non-discrimination is a constitutionally guaranteed right. Article 22 states that 'any kind of discrimination and privilege between the citizens of Afghanistan is prohibited. The citizens of Afghanistan, whether man or woman, have

8 - Afghanistan Institute for Civil Society (2017): The State of Enabling Environment for CSOs in Afghanistan.

9 - Interview with Mr. Najib - Director for Child Protection Secretariat in the MoLSAMD.



equal rights and duties before the law'. This is further elaborated in other laws such as the Education Law. For example, Article 3 of the same recognizes the rights of all children to education. The legislative, programme, and administrative measures Afghanistan took to ensure non-discrimination also include the ratification of the Convention on the Elimination of all forms of Discrimination Against Women in 2003; the establishment of the Directorate of Kuchies; and incorporation of innovative programmes like mobile clinic to reach marginalized areas with healthcare programmes. These measures contributed to increased participation of girls in general education; and improved vaccination and other child health service coverages in some areas where they had been previously inaccessible. Afghanistan's Second UNCRC State Party report (2018) states the MoWA has developed the Women Anti-Harassment Regulation, which would further strengthen women and girls from discrimination-based violence. Following the regulation, anti-harassment women commissions were established in 23 government offices and 3 provinces.

Nevertheless, when analyzed from systems dimensions, discrimination remains one of the drivers for excluding groups of children from enjoying their rights. In addition to gender, the status of (dis)ability of children, differences in income, region, and belonging to minority groups perpetuate existing marginalization among children and the society at large. The 2015 report of UNICEF, for instance, contends that minority groups like Hindus and Sikhs find it challenging to access education because they encounter discrimination. Children from Jogi and Chori Frosh ethnic groups are among the most marginalised in terms of accessing primary and secondary education.<sup>10</sup> The fact that discrimination was widespread was established in a number of reports by CSOs and government ministries. According to the CSO Alternative report of (2009), children in rural areas had less access to primary education than those in urban areas, which was also true for accessing health services.

In Afghanistan, discrimination appears in different forms and affects children in multiple ways. While it limits their capability to realize their rights to education and health, it also affects their rights to engage in community activities. Children with disability encounter a wide range of discrimination, especially in rural areas. They are also overlooked in government programmes. For example, there is only one school in Kabul for children with visual impairments and four schools for children with hearing impairments. The drivers for discrimination, as mentioned earlier, are many and complex. Although prohibited by the Constitution, it is still entrenched systemically in attitudes, perceptions, and practices, and above all failure to enforce the legal and policy provisions that promote equality. According to the UN Committee on the Rights of the Child, there is no systemic engagement to combat and change discriminatory practices and attitudes.<sup>11</sup>

## **b - Best interest of the child**

There are legislative provisions which are related to children's best interests. One of these is the Afghan Juvenile Code of 2005 that aims at safeguarding the rights of children during investigation and trial of children who come in contact with the law. The establishment of special juvenile justice mechanism is another example. Similarly, the Labour Law in its Articles between 120 and 130, prohibits the employment of persons under 18 in heavy harmful works. Also, the best interest of the child is given primary consideration in the case of family separation according to the Civil Code. While these measures have positive outcomes on children, they are quite narrow in their scope to establish whether children's best interests are among the primary considerations in public sector decisions. As the Concluding Observation of the UN Committee argued, the principle was not adequately applied by legislative bodies and was therefore absent from most of the legislation concerning children, as well as from the judicial and administrative decisions and policies and programmes relevant to children.<sup>12</sup>

In other non-legal domains, the application of this principle is undermined because there is no mechanism to check the possible impact of new laws, policies, programmes, and other decisions on children's rights. One of the reasons is that the principle and its application are not well understood.

10 - Unicef (2015): Children's Notice Afghanistan, p.34.

11 - The UN Committee on the Rights of the Child (2011): Concluding Observations, Afghanistan, Paragraph 25.

12 - Ibid, Paragraph 27.

## c - Survival and development

The right to life is enshrined in Article 23 of the Afghan Constitution. According to the same, life is a gift from God and a natural right of human beings. Therefore, no one shall be deprived of this right except by the provision of law.<sup>13</sup> Even more, Article 99 of the revised Penal Code (2017) stipulates that children shall not be sentenced to execution, imprisonment, or fines<sup>14</sup>. Notwithstanding this, the survival rights of children is undermined by lack of adequate health services and nutrition and due to the on-going armed conflict. Afghanistan is among the countries with the highest newborn, infant and child mortality rates. In addition, children are also the most vulnerable for coming across casualties in the on-going armed conflict. In 2017 alone, the number of children who suffered casualty was 2,562. The concluding recommendation of the UN Committee on the Rights of the Child (2011) notes that ‘honour killing’ is also practiced, causing suffering, humiliation and marginalization for women and girls.<sup>15</sup>

When it comes to development, even though access to primary education has improved since 2001, there are still formidable challenges that left nearly half of the eligible children out of schooling. These barriers include, among others, gender discrimination, insecurity, lack of adequate number of female teachers, low level of investment in education and others. As underlined by the UN Committee on the Rights of Children, “there are harmful practices such as child marriage, giving away girls for dispute resolution, forced isolation in the home, exchange marriage, that are setbacks for education, especially girls’ education.”<sup>16</sup>

## d - Due consideration to children’s views

The Constitution of Afghanistan affirms the inviolability of the rights of citizens to express their views. Article 34 states “citizens shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities”. When it comes to subsidiary laws, the 2005 Juvenile Code demands the views of the child to be considered. Apart from these provisions, children’s views are rarely looked for in matters affecting them, especially at community and higher arenas. One of the areas which was investigated during the primary research was the level of participation of children at home in school, at community and higher levels. As Table 11 (below) shows children’s views are not sought for at community and higher levels.

**Table 11: Level of child participation (by school children)**

Level		Kabul	Faryab	Kandahar	Nangarhar	Mazar
<b>Family level</b>	High level					
	sometimes		✓	✓	✓	✓
	rarely	✓				
	Not at all					
<b>Who do not participate?</b>		between 7 to 16 age Children from uneducated families	Age of 5 to 13	under age children	Between 7 to 16 years	Small children
<b>In school</b>	High level					
	sometimes	✓	✓	✓	✓	✓
	rarely					
	Not at all					

13 - Unicef (2015): Children’s Notice Afghanistan

14 - Islamic Republic of Afghanistan (2018): The second State Party Report on the implementation of the UNCRC.

15 - <https://www.crin.org/en/library/publications/afghanistan-persistent-violations-childrens-rights>

16 - Ibid

<b>Who do not participate?</b>		The children who are not performing well in class.	Children with disability	Children with disability	Children who do not perform well in class	Children who do not perform well in class
<b>In community</b>	High level					
	sometimes					
	rarely	✓				
	Not at all		✓	✓	✓	✓
<b>Who do not participate?</b>		Those who do not have education	Children do not participate in any decision at the community level			
<b>Higher level</b>	High level					
	sometimes					
	rarely					
	Not at all	✓	✓	✓	✓	✓

According to the participants in the focus group discussions, children did not have space at community and higher levels to promote their issues and priorities. Although all the groups noted that their views were considered at the family and school levels, this was only taking place sometimes, depending on the discretion of their parents and teachers. Participation varied along age groups, status of (dis)ability; family education background; education status; and level of the child in school.

In broader terms, Afghan children are the largest voiceless group in matters affecting their lives. Apart from the lack of appropriate platforms, where they can express their views, there are also structural challenges such as traditional societal attitudes towards children, which often discourage child participation. For example, despite the the provisions in the Juvenile Code, the rights of children to be heard in any judicial or administrative proceedings is rarely respected, especially when girls are concerned.<sup>17</sup> Government and other stakeholders are not also obliged to consider the views of children when they make decision.

## 2.7.2. Definition of a child in various laws

In many of the legislations and policies of Afghanistan, majority is attained at age 18.<sup>18</sup> Table 12 (below) displays how a child is defined by different legislations.

**Table 12 Children in various legislations**

Right or responsibility age	Age Years	Key Legal source	Main text reference
Age of majority	18	Afghan Civil Code	See 6.1
Criminal responsibility	12	Juvenile Code	See 7.1
Marriage (Male)	18	Afghanistan Civil Code	See 7.5
Marriage (female)	16	Afghanistan Civil Code	See 7.5
Identity document with parents	0-17	Ministry of Interior	See 2.9
Identity document independently	18	Ministry of Interior	See 2.9
Compulsory education	6	Afghan Constitution	See 5.3
Voting age	18	Afghan Election Law	Not Applicable
Military service	18	Ministry of Defense	See 7.3
Age of Deprivation	7	Juvenile Code	See 7.1
Age of employment	18	Labour Law	Article 13

**Source: Unicef (2015): Children's Notice Afghanistan**

<sup>17</sup> - The UN Committee on the Rights of the Child (2011): Concluding Observation, Afghanistan, Paragraph 31.

<sup>18</sup> - Committee on the Rights of the Child (2009): UNCRC State Party Report 2009, p. 20-21.

The legislations dealing with military service, voting age, and acquiring documentation independently, exclude those below the 18 years of age. The same is also true for marriage for boys. When it comes to girls, however, the Civil Code allows marriage at 16 age, and also leaves the door open for under-marriage. According to the key informant in Afghanistan's Independent Commission, the practice of early marriage (before they reach 18) is discouraged by the government, although the Article 7(5) of the Civil code allows the marriage of a 16 years girl.<sup>19</sup>

Although domestic laws set the age of a child below 18, these are seldom referred and adhered to at community level. The enforcement of these mechanisms is also weak. For instance, there is no measure taken by the responsible organs of the government to protect children from involving in hazardous work, which is prohibited by the Labour Law. Instead, considerable percentage of children (30 percent) are engaged in child labour.<sup>20</sup> Children are still recruited by armed groups before they are eighteen and the practice of giving away a girl of 15 years for marriage is not uncommon. A recent report by the Security Council (2018) notes the UN identified the recruitment and use of 84 boys in security forces and documented an additional 643 cases<sup>21</sup>. Mr. Najeebullah, from the AIHRC, argued that although the government security forces had stopped the recruitment of minors, this was practiced by local security forces, especially in remote areas.

There are a range of reasons why legislative frameworks related to the definition of the child are undermined not only by community members but also by some law enforcers. First, as more than half of the children are not registered with the appropriate authority and more than 60 percent lack birth registration certificate, it is not easy to enforce the age limits set in the various legislations. Second, capacity to enforce the legislations is still weak, particularly in remote areas. For instance, there are very few labour officers deployed in provinces and those who are in place are already overburdened by other labour issues than protecting children from hazardous work. The capacity limitation is not only in the number of officers but also related to low level of awareness of law enforcers about the relevant domestic laws and international instruments. Third, community-based child protection mechanisms are not strong in remote areas, although there are progresses. CPAN, which has branches in 33 provinces, many districts have human resource and budget constraints to identify cases and manage them appropriately. Fourth, attitudes and perceptions about childhood, especially gender discrimination encourage people to undermine the age limits set by law. Fives, conflict induced insecurity leaves large number of children out of the reach of the protection of law enforcers. Sixth, the awareness about child rights is very low across the board.

### **Birth registration:**

The proportion of children under 5 years of age who are registered by an appropriate government office was 42 percent in 2015.<sup>22</sup> This was a positive change in the coverage of birth registration from what had in 2011, which was 37.4 percent. The second UNCRC report notes the Civil Registration Law of 2014 compels parents to report their children's birth within three months.<sup>23</sup> Access to birth registration is influenced by different factors. As the 2011 Afghanistan Multiple Indicators Cluster Survey shows, urban children were more than twice as likely to be registered compared to rural children. In addition, registration is the lowest among children from Kuchi ethnic group. Although parents are required to register birth within six months, this regulation is not respected due to such reasons as lack of awareness, absence of registration facilities, traditional barriers, and absence of sanctioning mechanism that insures the events are duly recorded by guardians.

19 - Interview with Mr. Najeebullah, the National Coordinator for the Rights of Children in Afghanistan's Independent Human Rights Commission.

20 - Save the Children International (2017): Knowledge, Attitude and Practices on Violence and Harmful Practices Against Children in Afghanistan - A Baseline Study, p.38.

21 - The UN Security Council (2018): Children and armed conflict, Report of Secretary General.

22 - Unicef (2018): Progress for Every Child in the SDG Era, Afghanistan

23 - Islamic Republic of Afghanistan (2018): Second UNCRC Report

In Afghanistan, most of the registrations take place in health facilities, sometimes during immunization campaigns. In 2015, the Government developed the Civil Registration and Vital Statistic Country Strategic Plan 2016 – 2020. According to this document, vital registrations would take place in 400 offices by 466 officers. Birth registration centres were also being established at the village level. Regardless of these positive measures, these establishments were not adequate to ensure the registration of all children before their fifth birthday.<sup>24</sup>

Table 13: % of de jure children age 5 whose births are registered with the civil authorities, according to background characteristics, Afghanistan 2015

Background Characteristics	% who had a birth certificate	%who did not have a birth certificate	Percentage registered
Age			
<2	25.0	24.5	49.6
2-4	16.8	21.3	38.0
Sex			
Male	19.9	22.8	42.7
Female	19.8	22.1	41.9
Residence			
Urban	36.1	27.4	63.5
Rural	15.0	21.0	36.0
Wealth Quintile			
Lowest	13.3	16.6	29.8
Second	12.7	18.3	30.9
Middle	13.7	21.3	34.9
Fourth	22.8	25.3	48.2
Highest	38.4	31.5	69.9

Source: CSO (2017): Afghanistan Demographic and Health Survey 2015

According to Table 13, although the 42 percent of children under 5 years of age were registered, the percentage of those with an appropriate certificate was small. The civil registration and vital statistics strategic plan document shows, among those surveyed, it was only one out of five children of the same age group had the certificate. The strategy document notes that a greater number of children were registered in recent time than before, which partly indicates recent interventions in birth registration were working. Half of the children under 2 years were registered as compared with children of later ages.<sup>25</sup> There is also regional variation, which demands the action of all stakeholders involved in birth registration. Children are most likely to have their births registered in Badghis, which was 78 percent as compared to Nooristan, which was 1 percent. Even more, children from wealthiest families are more likely to be registered than those from poor families.

Afghanistan is now working on streamlining its vital statistics registration. The 2016-2020 strategic plan is meant to offer the framework for promoting, financing and managing birth registration. The strategy document notes there was no innovative and comprehensive awareness raising strategy to reach diverse groups of people.<sup>26</sup>

24 - The Ministry of Public Health (2015): Civil Registration and Vital Statistics Country Strategic Plan 2016 - 2020

25 - Ibid.

26 - Ibid, p.14

## 3.2. the rights of children to quality education

### 3.2.1. The legislative and policy frameworks

Article Seventeen of the Constitution behooves the State to adopt necessary measures to foster education at all levels, develop religious teachings, regulate and improve the conditions of mosques, religious schools as well as religious centres. The right to education is also legislated in the 1389 Education Law. This legislation has twelve objectives four of which are the following:

- Ensure equal rights of education and training for the citizens through promotion and development of universal, balanced and equitable education manner;
- Strengthen Islamic spirit, patriotism, national unity, preservation of independence, and defense of territorial integrity, protection of interest, national pride and loyalty to the republic system of Afghanistan,
- Educate children, youth and adolescents as pious, Afghans and useful and sound members of the Society,
- Strengthen the spirit of respect to human rights, protection of the women rights, democracy and elimination of every kind of discrimination, in light of the Islamic values and prevention of addiction to narcotics.<sup>27</sup>

This law has been the basis for the consecutive National Education Strategic Plans, including the NESP III 2017 – 21. The plan has the goal of “preparing skilled and competent citizens through the education system to sustain Afghanistan’s socioeconomic development and social cohesion.”<sup>28</sup> This strategy has three interrelated overall objectives, which are:

- Quality and relevance: Learners at all levels acquire the knowledge, skills, attitudes, and values needed to be productive, healthy, and responsible citizens prepared to contribute to the welfare of society and equipped for viable employment in the national and international labour market.
- Equitable access: Increased equitable and inclusive access to relevant, safe, and quality learning opportunities for children, youth, and adults in Afghanistan, especially women and girls.
- Efficient and Transparent Management: Transparent, cost-effective and efficient delivery of equitable quality education services at national and sub-national levels.<sup>29</sup>
- The current strategy was informed by the findings of the education sector review, which was carried out in 2015. The third education strategy is largely the continuation of the overall goals and priorities of two preceding strategies. The barriers that have been there during the two phases are still potent in the third strategy. As the thematic review document shows, the barrier to education include insecurity, poverty, child labour, lack of school in remote areas, regional disparity, long distance to schools, harassment of children on their way to schools and gender barriers against girls<sup>30</sup>. In addition, attacks on school facilities by AOGs has increased since 2015, reducing enrolment in some affected areas.

In addition to the consecutive education sector strategies, Afghanistan produced a policy guideline for Community Based Education in 2012. The prime focus of this strategy is to make quality education (Grade 1-9) accessible to girls and boys in remote and marginalized rural and semi-urban areas, including for Kuchies and minorities. This framework appreciates the challenge that some groups of children cannot be reached by the mainstream education programme and suggests that they require context appropriate approaches. An important element of the policy framework is that it situates Community Based Education (CBE) as an integral part of the general education in the country.<sup>31</sup> This programme offers schooling from grade 1-3 and is managed by the community.

27 - Ministry of Education of the Islamic Republic of Afghanistan (1389): The Education Law, Article Two.

28 - Ministry of Education of the Islamic Republic of Afghanistan (2016): National Education Strategic Plan (2017 – 2021).

29 - Ibid.

30 \* Ministry of Education (2015): Afghanistan – Education for All 2015 National Review, p.12.

31 - MOE (2012): Policy Guideline for Community-Based Education, 2012.

### 3.2.2. The supply side of education

The education system comprises primary education, two layers of secondary education, and higher education. According to the Education Law of 2008, primary and lower secondary education are compulsory. Education up to the undergraduate level is also free in public higher learning institutions. The main service providers are the government, private, and religious establishments. Table 14 (below), which is constructed from the education statistical abstracts, provides the overall picture of learners, education facilities, and service providers between 2012/13 to 2016/17.

**Table 14: Number of schools by programme 2014 – 2017**

Level of education	2014	2015	2016	2017
Primary	6214	6457	6546	6695
Lower Secondary	3990	4002	4096	4167
Upper Secondary	4875	4925	5067	5184
Madrasa	622	673	754	770
Darul Uloom	86	86	101	102
Darul Hifaz	157	190	193	191

**Source: Ministry of Education EMIS Database**

Table 14 shows the number of schools by programme between 2014 – 2017. In the four years' time, the number of primary schools increased on average by 2.5 percent and that of lower secondary by 1.5 percent. The average growth of upper secondary was registered at 2.1 percent. Lower and Upper Secondary schools increased in 2016 as compared to the other years. The MoE EMIS database shows the government is by far the largest provider of education in all programmes as compared to other actors, such as the private sectors. At primary level, throughout the four years period, schools managed by MoE were 94.7 percent of the total. The same holds true to secondary schools where MoE had on average about 93 percent of all the school.

Unlike the number of schools, the EMIS data about teachers is not disaggregated in levels of education. Still, Table 15 (below) offers a glimpse of the number of teachers in two categories, i.e. general education and Islamic Schools.

**Table 15: Teachers in general education and Islamic School (2013 – 2017)**

Year	General Education			Islamic School		
	Male	Female	Total	Male	Female	Total
2013	125391	61504	186895	6311	502	6813
2015	125241	62796	188037	6162	612	6774
2017	118401	64652	183053	6152	550	6702

**Source: MoE EMIS Database**

As Table 15 displays, the number of teachers in general education declined by 2.5 percent (totally 3842 teachers) between 2013 and 2017.<sup>32</sup> The decline was also observed in Islamic schools. This needs to be explained by further enquiry because logically the number of teachers is expected to increase if there are a greater number of schools and when enrolment increases, as we shall see later. Another issue that one can pick from the above table is that female teachers represent only one-third of the teaching staff. This is a serious issue because one of the reasons for low rate of enrolment among girls, especially in rural areas, is shortage of female teachers. The EMIS does not provide data on early childhood education. The current service providers of early childhood education are Quranic Schools and the private sector.

<sup>32</sup> - General Education comprises primary and the two levels of secondary education.

### 3.2.3. Enrolment increased yet large number of children are still out of school

One of the areas where Afghanistan has achieved significant outcome since 2001 is the expansion of opportunities for education, especially at the primary level. Table 16 (below) is constructed from MoE EMIS Database. The table provides the changes in enrolment in absolute number since 2013.

Table 16: Enrolment by level and gender

Programme	2013			2014			2015			2016			2017		
	Male	Female	Total												
Primary	3416337	2358746	5775083	3586354	2541309	6037663	3646693	2447189	6093882	3661410	2437731	6099141	3702834	2441341	6144175
Lower secondary	971671	549715	1521386	1017135	582350	1599485	1058709	602469	1661178	1090335	625232	1715567	1156069	660889	1816958
Upper secondary	590137	317118	907255	609937	336621	946558	605385	315485	920870	611443	329804	941247	636620	340819	977439
Madrasa				139980	35689	175669	148792	43500	192292	150609	48129	198738	157994	49659	207653
Darul Hifaz				44557	15048	59605	45489	16272	61761	46199	16805	63004	48011	17474	65485
Darul Uloom				49184	15235	64419	50653	14956	65609	54062	17146	71208	55670	14308	69978

Source: MoE EMIS Database

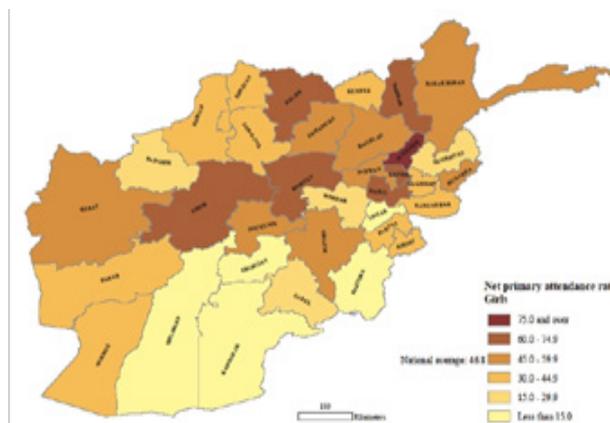
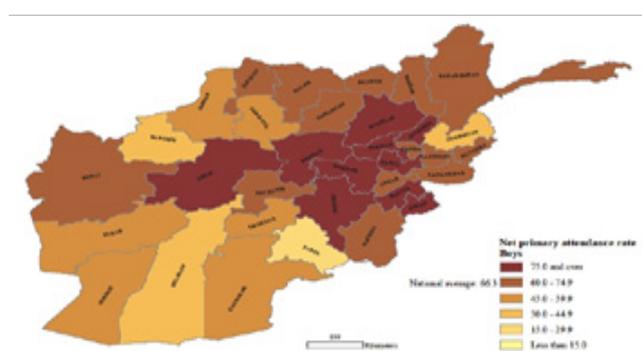
Table 16 displays enrolment increased in all education programmes between 2013 to 2017, the major being at lower secondary level. Over the last five year, the number of students at primary level increased on average by 1.6 percent per year. This was 4.5 percent for lower secondary and 1.9 percent for upper secondary levels. When it comes to Islamic Schools, enrolment has increased on average by 4.3 percent per year in Madrasas, 2.4 percent in Darul Hifaz, and 1.2 percent in Darul Uloom. It is worth noting that while the positive trend in enrolment is laudable, the rate of growth is still slow because there are large number of children who are already left out of education. In terms of Gross Enrolment Rate (GER), coverage in primary education was 111.1 percent in 2015<sup>33</sup>, indicating large number of children above the primary school age were in the system. The MoE Education Strategic Plan 2017-2021 indicates that GER of Lower and Upper Secondary levels were 66.9 percent and 42.2 percent, respectively.<sup>34</sup>

Analysis using Net Enrolment Rate (NER) confirms the sizeable gap in achieving the education for all goal of Afghanistan. Figure 7, which was taken from the Afghanistan Living Condition Survey 2016-17 (Afghanistan CSO: 2017) shows primary level NER of boy and girls by region.

Figure 7: Net enrolment by province and sex

Net primary education attendance rate (%) across provinces (boys)

Net primary education attendance rate (%) by province (girls)



Source: Afghanistan CSO (2017): Living Conditions Survey

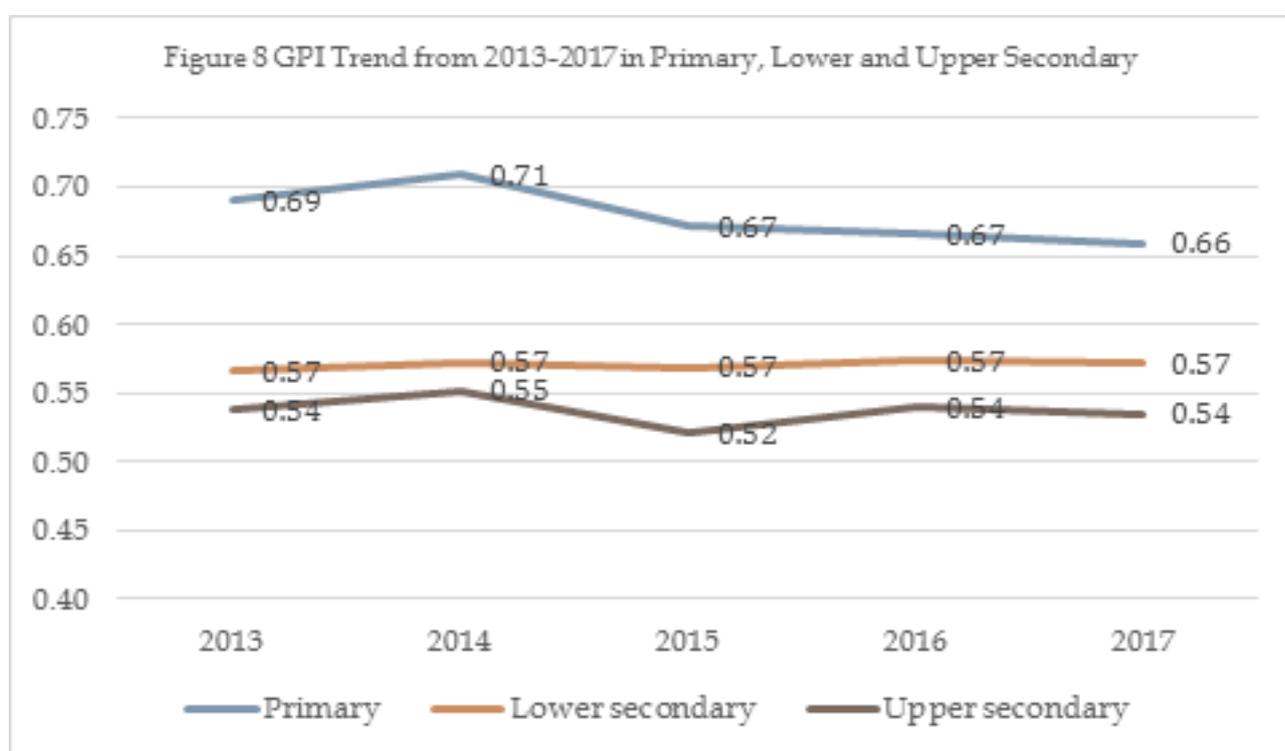
33 - MoE (2016): National Education Strategic Plan 2017 - 2021.

34 - Ibid

According to the figure (above), only one third of the provinces achieved 75 percent or more NER. These provinces were Ghor, Wardak, Khost, Ghazni, Paktka, Kabul, Parwan, Panjsher, Baghlan, and Bamyan. Fifteen provinces achieved less than 45 percent in NER among girls. The Afghanistan CSO report notes that, Afghanistan has the seventh lowest NER in the World in 2016-17,<sup>35</sup> which is much less than the South Asian average (which was 94 percent in 2014).

### 3.2.4. Disparities across gender and geographical lines

Gender Parity Index (GPI) is one of the indicators in education to measure whether a country has achieved fairness in education between boys and girls. In the case of Afghanistan, there is considerable gap in girls' and boys' enrolment at all the levels of education. Figure 7 (above) reveals it was only in Panjsher Province where net enrolment of girls was registered 75 percent or above<sup>36</sup>. Based on the data in Table 16 (above), we can calculate the GPI from 2013-2017. Accordingly, it was on average 0.68 at primary level, 0.57 at Lower Secondary, and 0.54 at Upper Secondary levels. As Figure 8 (below) exhibits, Afghanistan has not achieved well in GPI between 2013 and 2017.



Source: Constructed based on the data in Table 11.

Figure 8 is a concern to all stakeholders in Afghanistan's education programme. Although the years since 2001 can be categorized as a period of positive development in girls education, the trend in GPI at the primary level declined from 0.71 in 2015 to 0.66 in 2017. At the lower secondary level, it remained at 0.57 throughout the five years. GPI in upper primary level remained almost the same, with slight variations in 2014 and 2015. The challenges in girls' education in Afghanistan received much attention both by MoE and international stakeholders. Harmful traditional practices, gender barriers, insecurity, abject poverty at family level, shortage of female teachers, unconducive school environment for girls etc are often sighted as the barriers for girls' education. These barriers need to be addressed to improve girls' participation at all the levels of education. When it comes to disparities across regions, Figure 8 illuminates there are some provinces that were low achievers in girls' NER. Notable of these were Nooristan, Zabul, Badghits, Helmand, Urozgan, Logar, Farah and Nimroz. In some of these (for example Logar), the problem was more related to girls' education.

35 - Afghanistan CSO (2017): Afghanistan Living Conditions Survey 2016-2017.

36 - Ibid

### 3.2.5. Early childhood education a marginalized programme

Although the Education Law states the government would ensure and develop pre-school education, the progress in expanding this level of learning is insignificant. The Afghan CSO document (2017) states that only one percent of children between the age group of 36 – 59 months have access to proper early childhood education. Otherwise, it is estimated that 1.2 million children attend lessons in mosques. Despite its recognition, the MoE's strategy does not provide elaborate direction on how to reach eligible children with the service. The National Education Strategic Plan III 2017-2021 limits the role of the government to increasing coordination; encouraging partners to engage in the provision of pre-schooling; and to developing curriculum and training of early childhood education facilitators.

The National Education Strategic Plan 2017 – 2020 document identifies a number of barriers that hinder children's access to education. In early childhood education, these are type of location, region, age and wealth. The rural-urban divide in this level is starkly visible in the fact that only 0.5 percent of the eligible children in rural areas had access to education as compared to the 5 percent in urban areas. In terms of age, attendance level increases with the increase of age. The most significant divide is the wealth variable. Children in the wealthiest quintile are nearly four times likely to attend pre – primary education than those from the lowest wealth quintile.<sup>37</sup>

### 3.2.6. Children out of the reach of the mainstream education

The MoE developed a Community Based Education (CBE) Strategy because there were a wide range of groups that could not be reached through the mainstream general education programme. These include, among others, children in remote areas, those from Kuchi community, and children from communities affected by conflict and natural disasters. Although the strategy was rolled out some years ago, these groups of children still remain amongst the disadvantaged group in having education. Moreover, there are other groups that may not be supported by the CBE. These include, street children, returnees, children with disability, children needing especial education etc. There is both policy and programme void on how to ensure those groups of children that fall outside the mainstream and community-based education programmes.

### 3.2.7. Barriers to education

The National Education Strategic Plan III recognizes inequality, which is driven by diverse factors as a major hinderance to access education. As discussed earlier, one of the dimensions of inequality is gender-based. In addition, the urban – rural divide in accessing

<sup>37</sup> - Ibid p.



education is wide in favour of urban areas.<sup>38</sup> A number of documents also mention language as one dimension of inequality. Regarding the rural – urban divide, the percentage of rural boys out of school is three times more than those from urban areas. With 64.2 percent out of school, rural girls of the lower secondary school age are more excluded than boys (both in rural and urban areas) and girls of the same age group in urban areas. In terms of population group, the Afghanistan Living Condition Survey report states children from the Kuchi community are marginalised because the mainstream education system does not take in to consideration the mobile way of life of the people.<sup>39</sup>

A discussion held with a key informant in the Education Directorate of the Kabul Province shows that dilapidated education facilities, lack of water, and lack of adequate furniture had a negative impact on enrolment. Even more, there is shortage and high turnover of teachers, compromising the quality of learning. Also, physical punishment is still being practiced in schools, discourages children from coming to school. The barriers of education are complex and systemic. A study by the MOE (2018) classifies them into two major domains, namely demand and supply side barriers. The demand side barriers encompass socio cultural elements like social expectation and gender; as well as economic variables like household poverty. The supply side barriers include political, governance capacity and financial barriers. Table 17 (below) provides the elements that fall under each type.

**Table 16: Barriers of education in Afghanistan<sup>40</sup>**

Type	Identified barrier
Demand side – socio cultural	<ul style="list-style-type: none"> <li>• Social expectations, gender and education</li> <li>• Parents’ level of education</li> <li>• Violence/harassment/bullying</li> </ul>
Demand side, economic	<ul style="list-style-type: none"> <li>• General poverty/low household income</li> <li>• Lack of guardianship for vulnerable children</li> <li>• Opportunity costs and child labour</li> <li>• Ancillary costs</li> <li>• Lack of employment opportunities following the completion of education</li> </ul>
Supply side	<ul style="list-style-type: none"> <li>• Lack of provision for nomadic ways of life</li> <li>• Lack of effective displacement-related solutions</li> <li>• Lack of early childhood education</li> <li>• The quality and number of teachers</li> <li>• Content of the curriculum</li> <li>• Quality and number of infrastructures</li> <li>• Stigma against overage children</li> <li>• Access constraints affecting children with disabilities</li> </ul>
Political, governance, capacity and financial barriers	<ul style="list-style-type: none"> <li>• MoE related</li> <li>• Lack of verified data on education</li> <li>• Public sector financial constraints/mismanagements</li> <li>• Broader issues</li> <li>• Security and conflict related</li> </ul>

Source: MoE et. Al, (2018): All in School and Learning: Global Initiative on Out-Of-School Children

In the above table, the demand side barriers are classified into socio cultural and economic. The socio-cultural barriers are systemic by their very nature. They include, but not limited to, social expectations, gender discrimination, parents’ level of education, language/ethnic based exclusion, violence/harassment/bullying are included. The MoE et. al study argues that harmful traditional belief negatively impacts on girls’ education. For example, in South Central Afghanistan, girls are not allowed to attend school while in some areas the restriction is more to secular education than to religious institutions (MoE, et.al., 2018). The study notes that early marriage is the second most reported reason for girls

38 - Strand A. (2015): Financing education in Afghanistan: Opportunities for Action.

39 - Strand A. (2015).

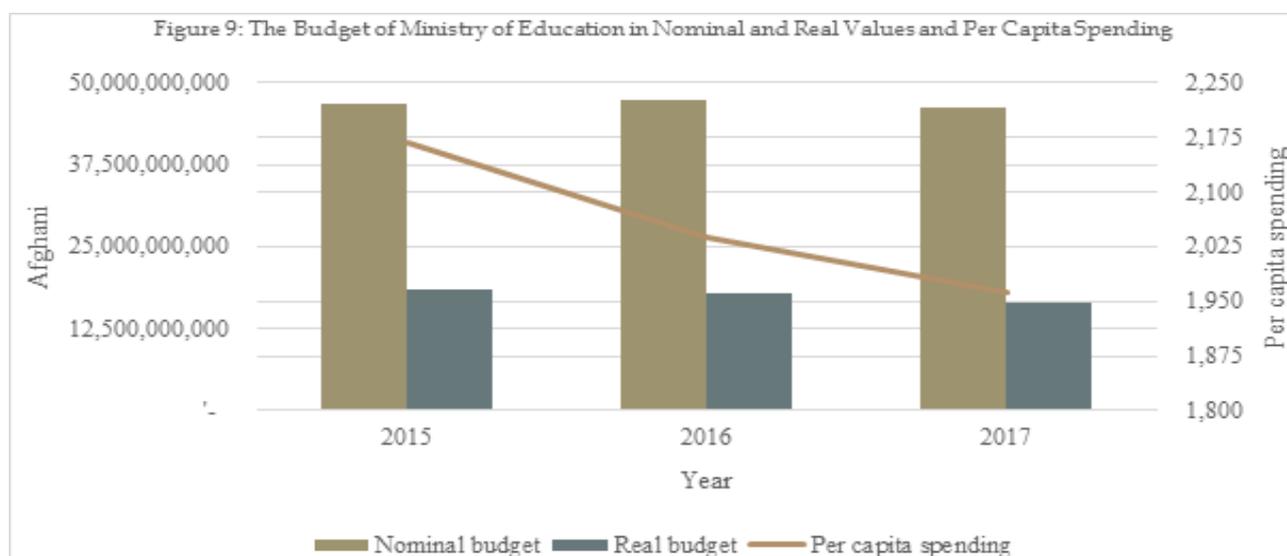
40 - Ministry of Education, Islamic Republic of Afghanistan, United Nations Children’s Fund (UNICEF) and Samuel Hall, All in School and Learning: Global Initiative on Out-Of-School Children – Afghanistan Country Study, Ministry of Education, UNICEF, Samuel Hall and USAID, Kabul, 2018.

dropping out of school (19 percent) for those between 5-24 years of age. It also affects boys, though in a much less scale than girls.<sup>41</sup>

The economic side barriers refer to low household income, lack of guardianship for vulnerable children, opportunity costs and child labour, additional costs, and the perception that employment opportunities are hard to come by after completion of schooling. Poverty as a barrier to education comes in diverse ways. Poor families can consider sending their children to activities that generate additional income to the family in desperate situation. In some cases, poverty compels some families to decide for marrying off their children at the early age than continue their education. In the case of IDPs, in situations where livelihoods as well as assets are already lost, families also lose their capabilities to send their children to school. Although Afghan children have constitutional and legal guarantee for free education, there are always ancillary costs, such as clothing, purchasing educational materials etc that discourage parents from sending their children to school.

Table 17(above) raises critical point about the supply side barriers. Barriers such as lack of provision of education services in pastoralist areas, lack of adequate direction for early childhood education, stigma against overage children, and inadequacy of facilities for children with disabilities block considerable number of children from getting access to education. Most of these barriers can be addressed through increased and improved financing of the education sector; directed by strong inclusive education policy framework; and engaging in constructive social dialogue with communities focusing on the issues of children with disabilities and overage children.

Table 17(above) shows political, governance, capacity and financial barriers that hinder the rights of education. One of the hinderances is resource constraint in the Ministry of Education to effectively implement its consecutive strategies. Coupled with this constraint is the widespread mismanagement of the meagre resource at different levels. Although education accounts the largest share of government budget within the social sector, the resource flowing to the MOE is inadequate to meet the backlog and ever-increasing demand for education. Strand A. (2015) say the budget of the sector accounted 4.21 percent of the GDP between 2013 - 2016<sup>42</sup>. Regardless of the increase in nominal terms in some year, as Figure 9 (below) reveals, the sector’s budget has not changed in real terms over the three years from 2015 to 2017.



Source: Constructed based on the data in Table 5

Figure 9 (above) shows the MoE budget has not changed in nominal and real terms between 2015 - 2017<sup>43</sup>. Even more, per capita spending declined from Afghani 2,168.00 in 2015 to Afghani 1,962.00 in 2017. The trends in the figure reveal that the MOE is more constrained now than before because it has to grapple with increasing demand for education with the same amount of budget (without

41 - Ibid.

42 - Strand A. (2015), p.9.

43 - The GDP deflators are taken from <https://data.worldbank.org/indicator/NY.GDP.DEFL.ZS?locations=AF>.

overlooking the contributions from INGOs and international donors) in the last three years.

The impact of armed conflict on education is substantial and documented by a number of organisations, notably UNOCHA and UNICEF. The latter's report shows that attacks against students and schools are common and have escalated since 2015. These attacks included arson, attack on school buildings, explosions, threats against education personnel and direct attacks on students. A report by the UN (2016) noted, 132 conflict-related incidents took place against education and education-related personnel.<sup>44</sup>

As discussed so far, although Afghanistan has made progress in expanding education to more number of children now than before, the demands for more and appropriate investment in the sector is pressing to address exclusion and improve the quality of education. As discussed in the preceding paragraphs, the challenges of delivering education to all children are many and complex. Some of them deserve policy measures; others require scaling – up of existing programmes. There are also challenges related to gender disparity, perceptions, harmful traditions, poverty level at large and bad governance. Last but not least is the challenges related to insecurity. These are interwoven and reinforcing each other and make child education a formidable challenge in Afghanistan.

### 3.2.8. What stakeholders can do

- Develop and implement ECD Strategy together with other relevant ministries;
- Take tangible measures to boost girls' education. The measures can include, among others, training and deployment of more number of female teachers, strengthening community child protection mechanisms through CPAN; and initiating and facilitating community conversation or dialogue on girls' education;
- Review the Community Based Education Strategy to suit the interest of vulnerable groups such as children working in the street, returnee children, IDPs and others
- Make a progressive investment in education. Design a workable education financing strategy. The financing strategy should also include how to reduce wastage, especially by working with the private sector;<sup>45</sup>
- PTAs can solidify the social foundations of education, especially in remote areas and can play crucial role in promoting girls' education by protecting them from harmful traditional practices and in local resource mobilization;
- Engage in renovation and construction of school infrastructure and equipping the facilities;
- Work with community leaders to reach children in conflict affected areas with basic education; and
- Engage in school feeding as a part of social protection targeting children coming from very poor families.

44 - United Nations (2016): Education and Healthcare at Risk: *Key trends and Incidents affecting children's access to healthcare and education in Afghanistan*, p.6.

45 - Interview with Mr. Mohamad Tahir Ayobi, the Deputy Director of Education of the Kandahar Province. According to him, his directorate submitted a proposal that shows partnership with the private sector in the management of the delivery of education can reduce the cost and reach more number of children with existing budget in an efficient way.

## 3.3. Health and welfare

### 3.3.1. The legislative and policy framework

Article 52 of the Constitution guarantees all Afghans with the right to free preventive healthcare. There are also other articles which can be raised to support the rights of citizens (including children) to healthcare. Article 53, for instance, deals with ensuring the social security of vulnerable groups namely, the elderly, women who do not have caretaker, persons with disabilities and poor orphans. In addition, Afghanistan also has legislations such as the National Health Law, the National Drug Law, the National Law of Rights and Benefits of Persons with Disabilities that promote and guide the priorities, goals and operational modalities of ensuring healthcare and welfare.

The two most important documents that provide the framework for the health sector are the National Health Policy 2015 – 2020 and the National Health Strategy 2016 – 2020 of the Ministry of Public Health. The policy includes five areas, namely: governance, institutional development, public health, health services, and human resource. The 2015 -2020 policy was developed based on a critical reflection of the previous policy and the major health sector challenges of Afghanistan, which are the following:

- **Governance:** - Ensuring the enforcement of anti-corruption measures and having mutual accountability,
- **Institutional development:** - The functioning of the MoH as an effective state institution, and institutional and management culture, style and practices,
- **Public health:** - Changing attitudes, perceptions and practices, combating malnutrition, the prevention of non-communicable diseases, the eradication of polio, and prevention and control of other communicable diseases and controlling the quality of imported food,
- **Health services:** Improving access to, and the sustainability of, quality primary healthcare and public health particularly for mothers, the new born, children and adolescents, as part of a direction towards universal health coverage and improving the quality of clinical care, and more and better-quality specialist tertiary care in partnership with the private sector and controlling the quality of imported pharmaceuticals
- **Human resource:** Promotion of the management of merit-based appointments, clarity about functions and workloads and the motivation of staff.<sup>46</sup>

The goal of 2016-2020 strategy is to attain strengthened, expanded, efficient, and sustained performance of the health system that ensures enhanced and equitable access to quality healthcare service in an affordable manner. The implementation of the strategy improves the overall health and nutrition status of all population, especially women, children, and vulnerable groups'.<sup>47</sup> The following are its objectives:

- Institute enhanced, strengthened, and accountable health sector governance, with strong visible leadership and evidence-based advocacy at all levels,
- Strengthen, expand, and ensure sustainable health system is in place, with well-functioning institutions,
- Reduce preventable death, illness, and disability through provision of cost-effective, high impact, evidence based public health programme and interventions,
- Improve and expand quality primary, secondary, and tertiary health services in an equitable and sustainable manner across all geographic areas and population groups through more effective and efficient use of existing resources, thus achieving better value for money,

46 - The Ministry of Public Health (2015): National Health Policy 2015 – 2020, p.25.

47 - Ministry of Health (2016): The National Health Strategy 2016 – 2020, p. 18.

- Develop, deploy, and retain competent and motivated health workforce in line with current and future requirements in an efficient and cost-effective manner, and
- Strengthen monitoring, evaluation, surveillance, health information, and improve the culture of learning and knowledge management, resulting in increased evidence-based decision making and practices at all levels of the health system.<sup>48</sup>

Strategic Result 3.1. of the strategy, which deals with maternal and child health, states incidence and prevalence of acute and chronic malnutrition will be reduced, and Strategic Result 3.2 focuses on the improved access and utilization of reproductive, maternal, neonatal, child, and adolescent health services. In addition to these result areas, Strategic Result 3.5 deals with reducing preventable disabilities due to road traffic accidents, mines, and explosive remnants of war, and occupational and domestic injuries. Strategic Result 3.6 is also relevant to children specially to reduce prevalence of mental health disorder, which is a critical case due to armed conflict. In broader and relative terms, therefore, it can be concluded that Afghanistan has a conducive policy and legislative environment to advance the health of its children, although there are few gaps in relation to neonatal health.

The Ministry of Public Health developed the National Reproductive, Material, Newborn, Child and Adolescent Health (RMNCAH) Strategy 2017-2021. This strategy intends to reduce newborn deaths through the following:

- In both home and facility deliveries, immediate onset of breathing ensured, clean cord care and the use of chlorhexidine 7.1% preventive infections;
- Good thermal care through skin-to-skin contact with the mother and early exclusive breastfeeding;
- Kangaroo mother care for low-birth-weight babies;
- Home visits by the Community Health Workers (CHW) in the first week after birth to provide postpartum support and care for the mother, including provision of iron supplements, and care for the newborn, including recognition of danger signs and referral advice; and
- Counseling on exclusive breastfeeding, LAM, and postpartum birth spacing / family planning.<sup>49</sup>

### 3.3.2. Healthcare delivery in Afghanistan – the supply dimension

Healthcare in Afghanistan involves a wide – range of actors namely: households, MoPH, the private sector, international donors, INGOs, and CSOs. The standardized health facilities in the system are health posts, health sub-centres, basic health centres, mobile health teams, comprehensive health centres, district hospital, and provincial referral hospitals. Table 18 & Table 19 (below) display government health facilities and the human resource in the public health sector.

**Table 18: Health facilities 2014/15 – 2016/17**

Health facilities	Ownership	2014/15	2015/16	2016/17
Hospital	Total	405	439	558
	Government	153	153	170
Comprehensive Health Centre	Total	411	410	417
	Government			
Health centre (basic)	Total	932	932	923
	Government	837	829	823
Sub-health centre	Total	854	874	833

<sup>48</sup> - Ibid, p. 18.

<sup>49</sup> - Ministry of Public Health (2017): National Reproductive, Maternal Newborn, Child and Adolescent Health (RMNCAH) Strategy 2017-2021.

	Government	545	577	587
Pharmacies	Total	11829	11971	12064
	Government	163	169	178
Laboratories	Total	1735	1838	2145
	Government	818	769	842

Source: CSO Statistical Abstract

The HIMS database is not readily accessible to external users. Therefore, the above figures are extracted from Afghanistan CSO Statistical Abstract of the health sector. Table 18 shows, between 2014/15 and 2016/17, the number of hospitals increased by 38 percent. Although at a modest scale, the number of comprehensive health centres increased from 411 to 417 during the same period. The table also displays the number of basic health centre declined by 10 and sub-health centres from 854 in 2014/15 to 833 in 2016/17. Much of the increase in the number of hospitals was in the non-governmental sector. Otherwise, in 2016, the hospitals under the management of the government accounted for only 30.5 percent of the total. The public sector role becomes prominent in health centres. In 2016/17, government owned basic health centres and sub-health centres comprised 89.1 percent and 70.5 percent of the total number of the facilities, respectively.

According to the MoPH standard, a health post covers a 1,000 – 1,500 people. The major services provided at this level include, among others, diagnosis and treatment of malaria, diarrhea and acute respiratory infections such as pneumonia, growth monitoring and nutrition and supplement of micro-nutrient.<sup>50</sup> Sub-health centres provide additional services to what health posts offer and serve 3,000 – 7,000 people. Other mechanism which is critically important to children, especially in remote areas, is the Mobile Health Team, which is an extension of Basic Health Centre. Basic Health Centres services that are crucial to maternal and child health include primary outpatient care, immunization and Maternal and Newborn care. The services they provide include antenatal, delivery and postpartum care; newborn care and others. Their coverage is a population of 15,000 - 30,000 people. The health system also includes district and comprehensive health hospitals.<sup>51</sup>

Table 19: Health Personnel

S.N	Category	No.	Total Number Current		Gender			The Ratio per 10,000 population
			Gov.	NGO	M	F	% of females	
1	Medical doctors	5092	3306	1786	3974	1118	22	1.82
2	Nurses	5305	2360	2945	4369	936	18	1.89
3	Midwives	3543	1224	2319	0	3543	100	1.27
4	Pharmacist	681	421	260	562	119	17	0.24
5	Community midwives	2003	478	1525	0	2003	100	0.72
6	Allied health workers	16624	7789	8835	8905	7719	46	5.94
7	Community Health workers	27847	0	0	14447	13400	48	0.00

Note: i) Afghanistan total population: 28,000,000 (Central Statistical Office, CSO); ii) Allied Health Workers include, Dentists, Lab. Technicians, Radiologists, Biomedical Engineers/Technicians, Orthopedics all technicians

Source: MoPH (2016). Extracted from the table in Page 46 of the National Health Strategy 2016-2020

50 - MoPH (2010): A Basic Package of Health Services for Afghanistan 2010/1389, p.5

51 - Ibid

Table 19 (above) shows there were 5,092 medical doctors, 5,305 nurses, and 3,543 midwives in 2016/17. In addition, 27,847 community health workers were deployed in hard to reach areas. Except the medical doctors and the pharmacists, most of the health human resource was health facilities managed by non-government organization. Also, apart from the midwives and the community midwives, which were 100 percent females, the majority of the medical staff were males.

In terms of proximity, half of the population lives within an hour's walking radius to health facility and 37 percent of the population live within 2 hours walking distance.<sup>52</sup> Although this is one of the indicators for access to health services, in the case of Afghanistan it might need further qualification because of the rugged terrain in many settlement areas, which can reduce community's health seeking.

### 3.3.3. Financing health in Afghanistan

Health financing involves multiple actors notably households, the private sector, government, civil society, and international donors. The National Health Account of 2014 shows households cover 72 percent of health expenditure. That means families' access to health services is partly influenced by the level of household disposable income. The government's health policy encourages increased participation of the private sector in health service delivery and this is already visible in the curative health services.<sup>53</sup>

**Table 20: Afghanistan health accounts**

Stakeholder	2008/9	2011/12	2014
<ul style="list-style-type: none"> <li>Share of Central Government as % of total health spending</li> <li>Share of Private as % of total health spending</li> <li>Other countries in the World</li> </ul>	6 76 18	5.6 73.6 20.8	5 72 23
Household (HH) Spending			
<ul style="list-style-type: none"> <li>Total HH (OOP) Spending as % of Total Health Spending</li> <li>Total HH (OOP) Spending per capita (USD)</li> </ul>	75 31	73.3 41	71.8 51
<ul style="list-style-type: none"> <li>Per capita health spending (USD)</li> </ul>	41.73	55.59	70.9
<ul style="list-style-type: none"> <li>Government health expenditure as % of total government expenditure</li> </ul>	4	4.2	4.3

**Source: MoPH (2014): National Health Accounts with Disease**

Public expenditure on health, as the percentage of total government expenditure between 2008/9 and 2014 remained the same. The change was only by 0.3 percent. The figures in the table shows the share of the public sector out of the total health spending declined by 1 percentage point between 2008/9 and 2014, while the share of private spending has not changed. Per capita health spending (including government, private and others) increased from USD 41.73 in 2008/9 to USD 70.9 in 2014. In terms of management of health budgets, MoPH managed 12.4 percent of current health expenditure channeled from donors. This is on top of the budget from domestic revenue.

When it comes to allocation across programmes, 25.2 percent of the current health expenditure went for components dealing with child health. Reproductive health programme accounted for 17.1

52 - Dr. Motawali Younusi, Head of IMNCL, MoPH, notes that this indicator does not reflect the reality because access to health services is determined partly by other factors such as health seeking behavior and household income (depending on the type of service).

53 - MoPH (2013): Afghanistan National Health Accounts with Sub-accounts for Reproductive Health 2011-2012, 2013, p.18.

percent of the total health budget. The control of parasitic infectious disease and immunization programmes were allocated with 2.2 percent of the ministry's budget. The bulk of the budget, which was 52.4 per cent was spent on control and treatment of diseases not classified.<sup>54</sup> The health and disease account document notes a significant proportion of expenditure was for the delivery of services by hospitals. This was about 40 percent of the budget.<sup>55</sup>

### 3.3.4. The state of maternal, newborns, infants and children health

Causes of infant and child mortality include lower respiratory infections, ischemic heart diseases, stroke, diarrhea diseases, preterm birth complications, conflict, birth asphyxia and birth trauma, tuberculosis, neonatal sepsis and infections and road injury. Afghanistan is also one of the few countries where Polio is not eradicated yet. The health policy recognizes communicable diseases account for more than half of all the deaths.

Table 21: Major child health indicators

Indicators	2016	2014-2015	2012-2013
U5 Mortality Rate (Total)	70	91	97
Male	74	95	101
Female	66	87	94
Infant mortality rate	53	66	70
Neonatal mortality	40 <sup>1</sup>	36	36
Stunting (%)	41	41	59
Wasting (%)	10	10	9
Vitamin A supplement (%)	98	95	97
Access to improved water sources % (Total)	63	55	64
Urban	89	78	90
Rural	53	47	56
Access to improved sanitary facilities % (Total)	39	32	29
Urban	56	45	47
Rural	33	27	23
Immunization (%)			
BCG	74	86	75
DTP3	65	75	71
Polio 3	60	75	71
Hep B 3	65	75	71
Tetanus	65	70	65
Care seeking for the treatment of Pneumonia (%)	61	61	64
Prevalence of ORS treatment (%)	46	53	53
Maternal Mortality Rate (MMR) Per 100,000	396	396	400
Delivery assisted by skilled health personnel (%)	51	45	39
Delivery assisted by health institution (%)	48	43	33

Sources: Unicef: State of World Children 2017, 2016, 2015 and 2014

54 - Ministry of Public Health (2014): Afghanistan National Health Accounts with Disease

55 - Ibid

It was not easy to obtain conclusive data of three to five years on maternal and child health indicators. One of the challenges was the variation of data coming from different sources on the same indicator for the same year. The above data are, therefore, extracted from UNICEF's State of the World Children data (it also has ease to generate comparable data of many years). As Table 21 (above) depicts, there was progressive change in maternal and child health from 2012/13 to 2016/17. Although it started from a very poor state from where it was two decades ago, Afghanistan managed to make commendable reduction in infant, child and maternal deaths. Neonatal mortality declined from 60 in 2004 to 40 per 1000 live births in 2016. There was a steady reduction in U5MR from 97 in 2012/13 to 70 per 1,000 live births in 2016/17. Equally, IMR went down by 24.3 percent in the five years period covered in Table 21. Stunting went down from 59 percent to 41 percent during the same period. Amidst these positive trends, the exception was NMR, which increased in 2016 by 4 from what it was 2015/14.

It should be noted that Afghanistan had to start from a very low base in order to achieve the above. In addition, the healthcare system had to grapple with regressive drivers such as insecurity that often lead to a closure of the services in hard to reach areas. The country had to increase its investment in the health sector and address regressive drivers to achieve the Sustainable Development Goal Target 3.1 and Target 3. The expansion of health facilities and trained health personnel since 2002 drastically reduced maternal mortality rate (MMR) from 1600, between 2002-2007 to 396 in 2016. The number of deliveries attended by trained health personnel and in appropriate health institutions also increased. In the former's case, it improved from 39 percent in 2012/2013 to 51 percent in 2016. Also, delivery in appropriate health institution reached to 48 percent in 2016 from 33 percent in 2012/2013. These changes might have been driven by combination of factors. Still, it is safe to imply that the expansion of health personnel and facilities was among the contributors for the reduction in MMR. When compared with South Asian averages, however, there are still rooms for improvement. Table 21 reveals, progress in terms of reducing MMR stagnated since 2014, remaining higher than the South Asian average, which is 128 per 100,000 in South Asia.

Table 21 also shows indicators like wasting and access to improved water sources, and immunization coverages changed slightly or declined. The same also holds true for care seeking for the treatment of Pneumonia, which declined between 2012/13 to 2016/17. The table also brings to the fore that in some of the indicators rural areas are far behind the urban areas. The urban/rural divide is also noticeable in access to clean water and improved sanitary facilities. In 2016/17, access to the former was 53 percent in rural areas while it was 89 percent in urban areas. Likewise, 56 percent of urban dwellers had access to improved sanitary facilities while in rural areas this is 39 percent.

### **3.3.4. Challenges in maternal and child health service delivery**

There are several challenges that undermine health status in Afghanistan, especially maternal and child health. Shortage of qualified health personnel, violence, low level household income, marginalization of some groups of the population due to insecurity and remoteness etc are among the hindrances to accessing health services.<sup>56</sup> On the demand side, modern health seeking behavior, especially for antenatal, postnatal, newborn health services is low. For example, in their study, Newbrander et.al (2014) identified such drivers as shame about the utilization of maternal and neonatal services, the inability of women to seek care without a mahram and the utilization of homemade remedies for treatment of serious conditions as sociocultural barriers that affect maternal and newborn health.<sup>57</sup>

There are also a range of challenges from the supply side. For example, newborn health service suffers from lack of facility in many provinces and shortage of equipment and trained health workers (especially female workers) is another setback. According to Dr. Rizwan Ullah, only thirteen provinc-

56 - Trani, Jean-Francois; Bakhshi, Parul; Noor, Ayan A.; Lopez, Dominique; and Mashkoor, Ashraf, "Poverty, vulnerability, and provision of healthcare in Afghanistan" (2010). Brown School Faculty Publications. Paper 31. [http://openscholarship.wustl.edu/brown\\_facpubs/31](http://openscholarship.wustl.edu/brown_facpubs/31)

57 - William Newbrander, Kayhan Natiq, Shafiqullah Shahim, Najibullah Hamid & Naomi Brill Skena (2014) Barriers to appropriate care for mothers and infants during the perinatal period in rural Afghanistan: A qualitative assessment, *Global Public Health*, 9:sup1, S93-S109, DOI: 10.1080/17441692.2013.827735.

es have hospitals that provide appropriate newborn health care while the service is totally lacking at the district level. There is only one intensive care unit for newborns, which is inadequate for the whole country. Not only for newborn health but other maternal and child health programmes face challenge because, as mentioned above, health services seeking behavior is low. Apart from limited awareness about newborn, infant, child and maternal health, service seekers are discouraged because they have to wait long hours to be attended to by a health professional. Outside the public sector, in relative terms, existing services are expensive, especially for poor people.<sup>58</sup>

The unbalanced gender composition of the health personnel and the concentration of the work force in large urban areas, made access to health services difficult to women and children in marginalised areas. According to Frost et. al, (Frost et. al, 2016), the majority of maternal deaths are caused by haemorrhage and obstruction of labor, which are preventable, if assisted by modern health establishments. The researchers note that 'in rural Afghanistan there are cultural barriers to women seeking antenatal and intrapartum care, such as the belief that birth is a natural process that should not require external help'<sup>59</sup>. As the result, large number of deliveries are done at home assisted by untrained person.

Insecurity is a major factor in reducing Afghanistan's capabilities to make basic health services accessible to children. Conflicts disrupt the functions of health facilities; forces families to incur additional costs to seek the services from distant areas when nearby facilities are closed, and health personnel get demotivated to work in strain, which usually comes with conflict. In 2015 alone, there were 125 incidents against health facilities that forced 19 of them to suspend their services. The enormity of the impact of conflict in child health can be explained by the fact that 90,000 children missed their immunization due to the disruptions that year. As noted by UNOCHA's 2018 Humanitarian Needs assessment, more than a third of children have been exposed to psychological stress due to the death or injury of family and community members.

When it comes to policy, newborn health does not have a proper policy guideline, defining what services should be provided at each layer (for example referral hospital, district, hospital etc). Even more, NBHC is not among the priorities in the BPHS, though there are some elements included in the latter. The MoPH also does not have adequate resource to expand the services to public health facilities at district level. In maternal and child health in general, one challenge is the existing BPHS is not adequate to expand quality health services closer to children and mothers because the package is narrow.<sup>60</sup> Another challenge affecting the health service delivery is lack of motivation of the health personnel. This is partly the result of unattractive salary scale in government health facilities and some practices of favoritism. As noted in the health strategy, the referral system is not functioning well, and district hospitals are under-utilized, leading to wasteful inefficiencies in service provision while overburdening facilities at higher levels<sup>61</sup>.

### 3.3.5. What stakeholders can do

While Afghanistan has already a wide gap to meet the demand for new-born, infant, child and maternal healthcare, the coverages have not significantly changed from what they were three years ago. The following are some recommendations:

- Expand the services offered by mobile health teams by training and deploying adequate human resource;
- Review the current BPHS to ensure communities in remote areas access improved health ser-

58 - Interview with Dr. Motawali Younusi and Dr. Rizwan Ullah, MoPH.

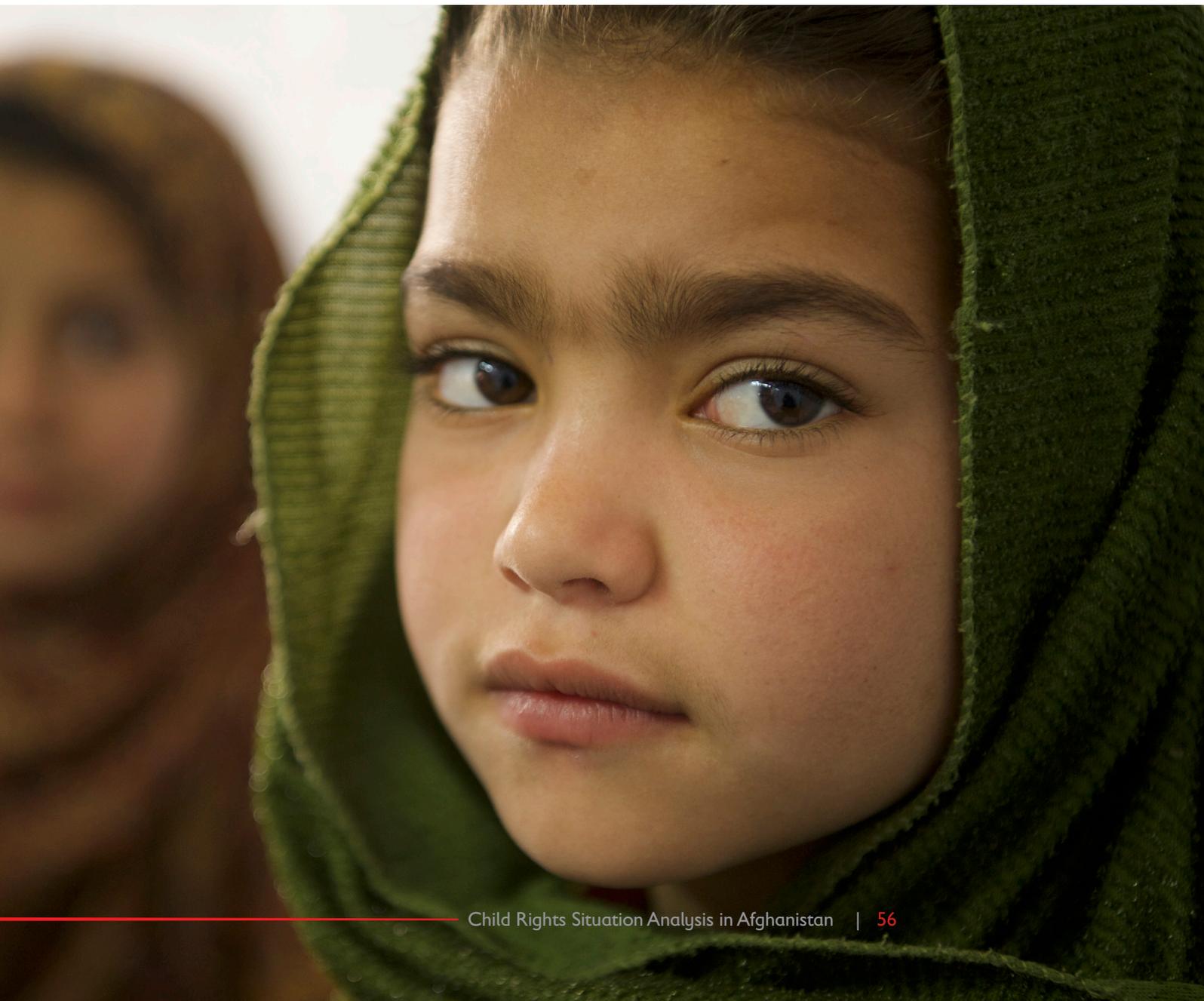
59 - Frost et. al (2016): An assessment of the barriers to accessing the Basic Package of Health Services (BPHS) in Afghanistan: was the BPHS a success?

60 - Interview with Dr. Fida Mohammad Sahan, child health officer in the Kandahar Province Public Health Directorate.

61 - MoPH (2016): National Health Strategy 2016 – 2020, *Sustained Progress and Building for Tomorrow and Beyond*

vices;

- Strengthen the existing coordination with different stakeholders dealing with vulnerable groups like IDPs, returnees, children working in the street;
- Design and implement strategies to reduce the staff turnover in the sector;
- Undertake a thorough analysis of the slow pace in the progress towards reducing IMR, MMR, U5MR, and NMR. Design and implement mechanisms to speed up the progress towards achieving the SDG in maternal, infant, and child mortality rates;
- Strengthen the neonatal health services in all provinces with adequate facilities and human resource;
- Develop and persistently implement quality assurance service standards in health personnel training and delivery of health services offered by the private, voluntary and government sectors.
- Work towards improving health service seeking behaviour across the country by designing and implementing behavioural change communication (BCC);
- Work towards increased and improved public budget in the health sector and;
- Introduce and implement social accountability and sanctioning mechanism to ensure improved and fair health services to citizens, especially to vulnerable groups such as women and children.



## 3.4. The rights of persons with disabilities

### 3.4.1. Legislation and policy frameworks

Article 22 of the 2004 Constitution prohibits discrimination in all its forms, including based on (dis)ability. In Article 53, the Constitution further guarantees the rights of persons with disability to access financial aid to ensure their active participation and re-integration into society. Although it focuses more on war victims, the national law states that 3 percent of jobs in government and the private sector are to be reserved for persons with disabilities. Furthermore, Article 84 states two persons with disabilities would be appointed by the President as Members of Parliament in the House of Elders. Afghanistan also ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD), its Optional Protocol and the following:

- The Proclamation on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region,
- The Biwako Millennium Framework for Action Towards an Inclusive, Barrier Free and Rights Based Society for Persons with Disability and
- The Convention on the Prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction in 2002.

Also, the government developed the National Strategy for Disability and Rehabilitation<sup>62</sup> and tasked MoPH to see to its implementation in collaboration with other ministries such as MOLSAMD. The 2013 - 2016 strategy, though a step forward, primarily focuses on physical disabilities and rehabilitation services for this group.<sup>63</sup> The strategy however does not adequately focus on children and its timeframe ended two years ago. While playing a policy formulation and coordination role, MOLSAMD is also mandated to design and implement programmes that focus on persons with disability. Accordingly, the ministry developed and implemented the Afghanistan National Disability Action Plan 2008 – 2011. Unlike the strategy, the action plan accorded due space to children with disabilities both in the analysis and objective statements.

### 3.4.2. The magnitude of the problem

According to the 2016-17 Afghanistan Living Condition Survey, at least 3 percent of the population can be classified as persons with disabilities. Given the protracted armed conflict and casualties due to mines and the like, the vulnerability of children to get injured and to sustain disability is wide. Still, conflict is only one of the causes of disability. Table 22 (below) provides an overall picture of people with disabilities by age group and sex.

Age	Male	Female	Total	Disability GPI
Total	3.2	3.1	3.2	0.98
0 - 4	0.5	0.4	0.5	0.83
5 - 9	1	0.8	0.9	0.8

62 - This Strategy was developed by the MoPH.

63 - SIDA (2014): <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/disability/rights-of-persons-with-disabilities-afghanistan.pdf>

10 -14	1.2	1.1	1.2	0.94
15 - 19	2	1.1	1.6	0.56
20 - 24	2.2	1.9	2	0.84

Source:Afghanistan CSO (2018):Afghanistan Living Condition Survey.

Table 22 shows disability prevalence among those within the age range of 0-4 is 0.5 percent. Prevalence increases with age and reaches to 0.9 percent between 5-9 age group. When it comes to GPI, more boys than girls have one or more types of disabilities. This is more so among those between 15-19 age group. The Afghan Living Condition Survey 2016 – 17 states one quarter of the population of age 65 and over is disabled. Mines and explosives and conflict of war account for 3.2 percent and 2.1 percent of causes of physical disability. According to the CSO report, 120 thousand people suffered disability due to war, explosives or landmines.<sup>64</sup>

### 3.4.3. Challenges related with children with disability

FGD was organized for ten groups of children with disability in Kabul, Faryab, Balkh, Kandahar, and Nangarhar Provinces. The groups were asked to discuss the major problems they and their peers had and the most affected groups with these problems. Table 23 (below) the summary of the issues they came up with and the groups that are most affected.

Table 23: Problems encountered by children with disabilities

Problems	Number of provinces	Groups most affected	Number of provinces
Not going to school	4	Those with seeing problem	4
Is not respected	1	Children with mental disability	3
Children with disability are jobless	1	Children with physical disability	4
Do not get health care	2	Those who live in insecure areas	1
Abuse	2	Children from addicted families	1
No playing toys	3	Those from poor families	1
Poverty	3		
Homelessness	2		
Feeling of insecurity	1		
Inaccessible of transport	2		
Discrimination	5		

According to the participants in the FGDs, the types of problems children with disability encounter were diverse. Lack of education facilities was mentioned as a core problem in the four of the five provinces while in all the provinces participants stated they experience different sorts of discrimination. Poverty and lack of playing facilities were identified as major gaps in the three provinces, while homelessness, abuse, lack of transport facilities to children with disability, and poor access to health services were identified in two provinces. Most FGDs stated that although children with disabilities could be invariably vulnerable to these problems, the most affected were those who lost their sight and who had mental disability. A group in Kandahar also identified those living in insecure areas and children of guardians with addiction among the most vulnerable ones.

Children with disability come across a wide range of barriers that hinder them from accessing basic services such as education. They are discriminated against and abused in many ways. For instance, the percentage of children and young people with disability aged 5 - 18 who missed out education was

64 - CSO (2018): Afghanistan Living Conditions Survey 2016-17, p.178.

higher than those with no disability.<sup>65</sup> As the 2016-17 Afghanistan Living Condition Survey shows, the proportion of non-disabled children aged 7 to 14 accessing public school was almost twice as high as the proportion of children who were with disability, regardless of where they lived, their age and gender. This was despite the conducive legislative and policy environments to persons with disability.<sup>66</sup>

The challenges children with disability face are systemic. They are subjected to a wide range of social, economic and cultural marginalization. As the UNICEF 2014 report shows, lack of access to adequate and friendly health and education facilities and low level of understanding about their issues compound the challenges affecting the survival and development of children with disabilities. There are very few facilities which are designed to address their rights to education and health and these are concentrated in urban areas. Significant number of these children are locked up at home, especially those with mental disabilities.<sup>67</sup> As participants in the FGDs noted, most of them did not get support, except from their guardians. In Kabul they stated some children might have received healthcare, shelter, and food from some organization while those in Kandahar and Faryab said there was no support at all.

Quite few government organizations have services that are suitable to children living with disabilities. The exceptions in this regard are MoE, MoPH, and the focal ministry – MOLSAMD. The MoE has developed an Inclusive and Child Friendly Education Policy and Afghanistan’s Public Health Strategy includes the programmes related to rehabilitation of persons with disabilities. Though these are useful, it is still not clear on the special mechanisms that enable this group to have fair access to other health service, in addition to those related to disability. Also, there is a disjoint between the policy and programme intentions and what is actually taking place on the ground. There is poor coordination among different ministries to ensure the implementation of the legislative frameworks that are meant for advancing the rights of children with disability and there is no complaint mechanism to monitor service providers comply to the laws and policies that are meant for the protection of children with disabilities, except those mentioned earlier.

### 3.4.4. What stakeholders can do

Table 24 (below) provides the recommendations that came out from the focus group discussions of children with disability. The recommendations forwarded in the table show the services children found critical to them.

**Table 24: Recommendations by children with disability to ensure their rights (by province)**

Kabul	Faryab	Kandahar	Nangarhar	Balkh
Healthcare	Healthcare service	Provide for us education services	Transport facilities	Security
Financial aid	Provide adequate food	Financial aid	Special teachers	Justice
Job opportunity for the abled ones our parents	Support with cloth	Health facilities	Build schools	Peace
private school for disables	Ensure access to education and hire teachers for blind children	Help our families in public awareness	Play tools	Education centres and books

65 - Ibid

66 - Trani, Jean-Francois; Bakhshi, Parul; and Nandipati, Anand, “‘Delivering’ Education; Maintaining Inequality. The case of children with disabilities in Afghanistan” (2012). Brown School Faculty Publications. Paper 38. [http://openscholarship.wustl.edu/brown\\_facpubs/38](http://openscholarship.wustl.edu/brown_facpubs/38)

67 - Unicef (2015): Unicef Afghanistan Situation Analysis 2014

Public awareness about the rights of children with disability	Ensure government gives attention to children with disability	Protect children from insecurity	Vocational Training centres	Teachers for blinds
Build special classes for the blind	Protect children with disability from insecurity	School stationary	Financial aids	Society support
vocational courses	Give attention to the child rights	School for blinds and handicap	School stationary	Provide for us clinic or hospital that cure us with good doctors
		Prevent giving help to children's who have references and help the children's who don't have references.	Build schools for blinds	Playgrounds and toys

Table 24 illustrates the areas where different service providers can work on to ensure the survival, development, protection and participation of children with disabilities. Many of the recommendations run across the provinces. For example, health care support appeared in the discussions organized in Kabul, Faryab, and Kandahar. Ensuring access to education was mentioned in all the provinces. Participants were also specific regarding the types of services children with disability would need to pursue their education. These were special classrooms for blind children; schools for blind children; hiring teachers; provision of stationeries and books. Vocational training also appeared in the FGD of two provinces. Protection from insecurity was mentioned by FGD participants in Faryab, Kandahar, and Balkh. Children also mentioned the need for public awareness about children with disabilities and increased attention from the government. Although most of the issues were linked with education, as Table 24 shows the recommendations participants came up with were many. Provision of food, financial aid, justice, jobs for their families etc. may appear lone voices but they represent many children living with disabilities.

The above require a comprehensive programme on children with disability, led by the government and supported by different actors. Working towards meeting the above basic rights demands strong coordination across ministries, clear goal-owner; progressive investment; promotion of active civic engagement of persons with disability; and monitoring, accountability and sanctioning mechanisms. The following are areas where different actors can engage in.

- The 2013 – 2016 strategy for Disability and Rehabilitation (of the MoPH) needs to be updated and the issues of children with disabilities should strongly come out. MOLSAMD also needs to put in place a costed action plan.
- Given the fact that MOLSAMD is the mandated organ for persons with disabilities, the intra-ministerial budget allocation does enable the ministry to play a leadership role. The budget as presented in Table 10 disfavors programmes that focuses on persons with disabilities. Therefore, MOLSAMD may need to look into its budget priorities to respond to the needs of children with disabilities.
- Strengthen coordination across different ministries and stakeholders to support children with disabilities. For this the role of MOLSAMD and the unit within MoPH have to be clarified. MOLSAMD can work together with MoE to address the problem of physically impaired children to expand their capabilities to access education and with the MoPH to address the health needs of children with mental disabilities.
- MoE needs to train teachers for children with visual impairment. As noted by the FGD participants, the schools should be friendly to children with disabilities. The budget of the ministry

should also reflect the same in a long-term basis because the challenge is also long-term.

- Establish monitoring and follow-up and complaint mechanisms to ensure all service providers and agencies comply with the laws of Afghanistan that promote the rights of children with disabilities
- Engage in extensive awareness raising programmes to increase citizens' engagement in the protection of children with disabilities from violence.
- Increase the awareness of the law enforcing officers about the magnitude of the problems that children with disabilities encounter.
- One of the recommendations made by FGD participants was to develop the capability of families where there are children with disabilities. Making a targeted livelihoods promotion support to the families enhances their capacities to respond to the all-round rights of their children.

## 3.5. Violence against children

### 3.5.1. Legislative and policy frameworks related to violence against children

Article 7 of the Constitution states Afghanistan shall abide to the international conventions, declarations, and treaties it is State party to. In addition, there are subsidiary laws and policy and programmes that can be used as instruments to protect children from violence. For example, Article 39 of the education law of 2008 says every kind of physical and psychological punishment of students is prohibited. The law declares violators shall be prosecuted in accordance with the legal provision. Another important legislation is the Law on the Elimination of violence against women. This instrument in many ways has the same application on the girl child as it has on women.

Article 5 of the law defines what constitute violence against women (by definition, against girls as well). These include the usual transgressions such as rape, forced marriage, beating and those reinforced by harmful traditional practices. Within the list are such practices as forced prostitution; publicizing the identity of a victim in a damaging way; marriage before the legal age and many others.<sup>68</sup> One of the strengths of this legislation is defining roles and obligations of different actors in the protection of women and girls from gender-based violence.

### 3.5.2. The magnitude of violence against children

Much of the discussion in this section is based on SCI Afghanistan's recent KAP survey on VAC. The SCI study shows only 9 percent of children who participated in the survey reported they had not experienced any type of violence. That means, more than 90 percent of the 21,870 children covered by the survey came across one or more types of violence. The same study says 21 percent of the respondents experienced from 1 to 3 types; 16 percent from 4 to 6 types, 10 percent from 7 to 9 types; 13 percent from 10 to 15 types, 9 percent from 16 to 20 types, and 2.5 percent more than 31 types of violence.<sup>69</sup> Therefore, VAC is a wider societal challenge that needs the concerted effort of different stakeholders, primarily that of the Government of Afghanistan.

The types of violence perpetrated on children are many. SCI's Childhood Index 2017 states children come across 82 types of violence. In addition, armed conflicts between combatant groups give rise to a series of extreme child protection challenges such as displacement, damage of civilian property, destabilization of their livelihoods and their capabilities to get access to basic services, reinforcing existing violence against children. These include, but not limited to, early and forced marriage, honour

68 - The Government of Afghanistan (2009): Law on Elimination of Violence Against Women in Afghanistan.

69 - SCI (2017): Knowledge, Attitude, and Practices on Violence and Harmful Practices Against Children in Afghanistan - A Baseline Study.

killing, the neglect of children with disabilities, child labour, abduction, sale and trafficking; torture and degrading treatment; recruitment by armed group, and others<sup>70</sup>.

**Table 25 experience of violence by different groups of children**

Children with disability	School children	IDPs	Married children	Orphans
Abuse	loss of family	Violation of children	Lack of trust on us	Isolation
No playing toys	Early marriage	Lack of protection	Street harassment	People are violent
Feeling insecure	Punishment	People insult us	Early Marriages	Insecurity
Discrimination	Hazardous work	Misused	discrimination	Migration
Making fun out of us	Kidnapping	Living in war and terrorist attacks	Forced marriage	Disability
	Smuggling	Mental pressure	Hazardous work	Working in childhood
	Lack of shelter	Killing	Beating	
	Harassment		Harassment	
	Family problem		Lack of family care	

Table 25 exhibits the types of violence reported by different groups during the FGDs. Although there are types of violence that are perpetrated on specific groups of children, many of them are mentioned by more than one groups. For example, beating (which is physical punishment) affected all the groups in the table. Children engaging in hazardous work was also a common element for all groups except for children with disability. Violence related to insecurity were mentioned in all groups that participated in the FGDs in the five provinces. Children with disabilities mentioned it as feeling of insecurity; school children linked it with kidnapping and smuggling; and children from IDPs mentioned killing and living in an environment of war and terrorist attack. Insecurity was also mentioned by married children and orphans. For street working children, insecurity poses not only the possibility of sustaining injuries or death but also in terms of being vulnerable to recruitment by armed groups and harassment by AOG. Table 25 does not establish the depth and magnitude of the types of violence mentioned above. Still it shows violence against children was not an issue of this or that group of children but of a wide range of groups.

According to a study conducted by UNICEF, 63 percent of the children between 2 and 4 years old were subjected to punishment (either psychological and physical) as a means of disciplining them. The percentage gets higher (reaches 78 percent) for those between 5-14 years of age.<sup>71</sup> As the report shows 38 percent of those subjected to violent punishment were severely punished. The challenge is that many still believe punishment improves a child's behavior (41 percent, according to the Unicef study) and even more (69 percent according to the report) actually practice physical punishment on their children.<sup>72</sup> The types of psychological violence experienced by children include shouting, insults, blaming for ones misfortunes, cursing, public embarrassment, threat of abandonment, and locking out of home. Physical violence kicking, hitting with objects; beating; choking; burning or branding; and getting children drugged.<sup>73</sup>

Studies show that sexual violence is practiced against children through various ways. The SCI baseline document (SCI 2017) provides a more updated picture on the magnitude of the problem. The report

70 - Unicef (2015): Children and Women in Afghanistan 2014, p.25.

71 - Unicef (2016): Child Notice Afghanistan 2015, p.79.

72 - Ibid.

73 - SCI (2017)/

notes sexual abuse at home is of concern with 11 percent of children being forced to watch videos or pictures with people with no or little clothes on. And 7 percent of the children who participated in the survey admitted they had to look at adults' private parts or adults looked at theirs. Again, 7 percent reported being touched on their private parts in a sexual way or being forced to touch others' private parts; and 4.7 percent were forced into sexual intercourse. The SCI report further adds sexual abuse perpetrated against girls at community level was sizably higher.<sup>74</sup>

The perpetrators of sexual violence against children are diverse, ranging from elderly children to community members. As shown in the SCI's baseline study, the responses include father (9 percent), mother (3.9 percent), adult living in the household (15 percent), relatives living in the same household (22 percent), and powerful individuals in the community (48 percent). 32 percent of the respondents in the survey stated armed groups also engaged in sexual violence. While these are the major violators, children also mentioned some religious and community leader as perpetrators (4.4 percent for religious leaders and 6 percent for community members).<sup>75</sup>

Child marriage as well as forced marriage are serious protection challenges, common across provinces and ethnic groups, even though current laws prohibit the practices. The Afghanistan Multiple Indicators Cluster Survey of 2011<sup>76</sup> shows 15 percent of women between 15 - 19 years were married before they turned out 15. Even more, 46 percent of women were already married before they were 18 years of age. Guardians marry off their girls at earlier age due to various reasons. As marriages are decided and arranged by parents, children have no say in the process. Sometimes, parents opt for letting their children marry before they reach 18 in exchange of money or influenced by powerful persons. Although there are situations where boys marry before 18, girls are nine times more exposed to early marriage than boys.<sup>77</sup> According to the Afghanistan Independent Human Rights Commission, 36.4 percent of this practice takes place due to economic problems. When analyzed across regions, 33 percent of those between 15 - 19 were married in the Western Region while this was 12 percent in the Central Region.<sup>78</sup>

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74 - SCI (2017)

75 - Ibid

76 - CSO 2011

77 - SCI 2017

78 - SCI 2017





### 3.5.3. Government programmes to protect children from violence

The protection of children from violence has already gained the attention of the Government. Therefore, in addition to the policy and legislative measures taken by the State, focal ministries were also engaged in delivering different types of capacity development programmes and services to affected children. These initiatives might be modest as compared to the magnitude of child violence in the country. Still, they show how the government tries to address to the issues regardless of budget constraints and other limitations. The following are few of the initiatives.

- AIHRC and the MoWA conducted training on child rights to law enforcers working in the MOI. The most important action is the contextualization of human rights in the curriculum of the Police Academy. In addition, AIHRC printed and provided 90000 educational materials while MOI organized 33 awareness raising training sessions for the police about the Constitution and international human and child rights instruments.
- The MOI established an oversight mechanism in all the provinces to manage child complaints. The ministry has put in place helpline numbers registered as '119' for the provinces and '100' for Kabul city. These line work throughout the day and every day.
- Although their number is not adequate, there are 27 shelters in all of Afghanistan that offer services for children and women subjected to violence. There was a steady increase in the number of the shelter since 2013 and in the number of children who received services in the facilities. In 2013, children who attended in the shelters were 332 and this increased to 844 in 2016.
- CPAN, which operates in 100 districts, identified 5,417 cases of child rights violations in 2014 and 2015 and referred them to the justice sector
- There was a steady increase in number of female soldiers since 2011. In the year, Afghanistan had 182 female officers, 500 female sergeants and 429 soldiers. In 2014, these figures increased to 243 female officers, 830 sergeants, and 894 female soldiers. The increase in the number of female officers contributes to strengthening the protection of girls from violence.<sup>79</sup>

### 3.5.4. Issues for stakeholders

The discussions in the preceding paragraphs highlight the types and magnitudes of violence against children are enormous and complex. While tradition is often mentioned as a major driver for violence against children, it is not the decisive one on its own. This is reinforced by institutional limitations

79 - The Government of the Islamic Republic of Afghanistan (2018): The Second State Party Report to the UN Committee on the Rights of the Child.

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such as the gaps in the legislations, poverty, lack of awareness, and the low level of law enforcement. Therefore, the following are the areas where the government and other stakeholders can focus on.

**a - Legislation:** There are very few concerns that are related to the legal framework of Afghanistan. As noted earlier, Afghanistan has conducive formal legal environment to protect children from violence. One loophole is the existing legal provisions about minimum age of marriage for girls because they leave room for the practice of early marriage. The other is Article 54 (1) of the Penal Code that confirms the right of punishing a child. These caveats need to be addressed in the long run to make early marriage and punishment issues of 'zero-tolerance' in Afghanistan. The formidable challenges however are not these loopholes, but social and economic, such as widespread harmful traditional practices and pervasive poverty at family level. Tackling systemic challenges require a comprehensive legal framework that specifically focus on children. As all the key informants noted, the Child Act which was on the table for the parliament for approval, could have been used as a strong instrument to protect children from violation and to facilitate redress measures for those who are already affected.

**b - Governance related challenges:** Existing formal laws can be used as potent instruments to protect children from violence. However, as noted by a number of key informants, their enforcement is very poor at grassroots level and the major challenge is the capacity of the structures at local level is weak while some officers are not well aware of the laws and policies that protect children from violence. The enforcers are barely held accountable for their actions or omissions.

**c - The gender factor:** Violence against children cuts across both genders. However, there are some which specifically affect girls than boys. For example, evidences show that early marriage is so widespread and deep on girls than boys. In addition to the complications related to their health, girls who are married at earlier age are more likely to withdraw from school due to the various reproductive roles they have. Thus, the policy and legislative measures taken by the government is critical to address violence against women and girls. These measures need to be accompanied with concrete programmes, strong structure at least at the district level, accountability mechanism, and sustainable government financing.

**d - The social factor:** Children are subjected to different types of violence partly because communities have limited awareness or because some are considered as norms (for example physical punishment). Therefore, along with the law enforcement, it is crucial to engage in constructive social dialogue with communities to change dominant negative perceptions, attitudes and practices that make children vulnerable to violence.

## 3.6. Children working in the street

### 3.6.1. Legal and policy frameworks related to child labour in Afghanistan

Although they are largely invisible in the statistics, children make significant contribution to the Afghan economy. Part of this contribution is subsumed in the sustenance of individual families, which often requires the child to engage in gainful labour, necessary both for the family and the child. Part of this contribution, however, is coerced and obtained from engagement of children in activities that are exploitative. The ILO defines child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.<sup>1</sup> Article 3 of the ILO Convention 182 includes the following as the worst form of child labour:

- a - All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b - the use, procuring or offering of a child for prostitution, for the production of pornography or for phonographic performances;
- c - the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- d - work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Afghanistan has already ratified the major international treaties. These include the ILO Convention 182, Convention on Minimum Age (C138), the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Palermo Protocol on Trafficking in Persons. Along these, the State also developed legislations, policies and programmes to combat child labour. Article 49 of the Afghan Constitution prohibits forced labour of children. This is further reinforced in the Labour Code, which prohibits women and children to be employed in hazardous and harmful work (Article 11). The strategies related to child labour include the following:

- The National Strategy for Street Working Children,
- The National Strategy for the protection of Children at Risk,
- The Afghan National Labour Policy,
- Action Plan for the Prevention of Underage Recruitment, and
- Policy on Child Labour in Carpet Weaving

In addition, the government also developed the Age Verification of New Afghan National Security Forces. This guideline aims to ensure

<sup>1</sup> - <http://www.ilo.org/ipec/facts/lang--en/index.htm>





that new recruits meet the minimum age requirement of 18 years.<sup>2</sup> The most important policy document on street working children is the National Strategy for Street Working Children. This strategy was developed to guide and inform relevant stakeholders on providing effective and sustainable interventions to street working children and their families.<sup>3</sup> The strategy document lists down three specific objectives, which are the following:

- a) Provide a framework for protecting children who are working on the streets as well as prevent children from working on the streets,
- b) Provide a strategic direction for transforming existing services so that more comprehensively address the needs and rights of children working on the street, and
- c) Guide the development of new policy, programmes and services so that families and communities are strengthened and better supported<sup>4</sup>.

Though at small scale, ministries working around child labour had programmes that targeted children working in the street. For example, 794 children and their families in Sukhrod district of Nangarhar province were provided with financial support to prevent their children from engaging in child labour. Even more, CPAN identified and prevented 429 cases of child labour while it has recently targeted 84,000 street working children for quick learning courses and technical and vocational training. In addition, MoLSAMD established health clinics and training courses (so far 1,800 children working in brick kilns were trained)<sup>5</sup>. The ministry also supported 19,000 children working in street to have access to education and together with SCI, facilitated vocational training for 300 children and economic incentive for 75 families.

### 3.6.2. The magnitude of the problems

Closer to one third of children aged 5-11 are engaged in child labour activities. As a study by SCI shows, those between 5 - 11 comprised the bulk (closer to 46 percent) of child labour participant. Vulnerability to engage in child labour is higher among children whose mothers have no education (26 percent), and those coming from the poorest households (30 percent).<sup>6</sup> A report from Afghanistan's Independent Human Rights Commission shows the activities that children are engaged in urban areas, which are considered child labour, are diverse. These include, among others, shop-keeping, carpet weaving, vending, workshop assistance and others. In rural areas, they work cleaning irrigation canals, harvesting in opium farms and many more. A study by the US Department of Labour identifies the following types of children's work by sector and activities.

Table 26: Child work and labour activities

Sectors	Activities
Agriculture	Farming, including harvesting poppies
	Herding

2 - US Department of Labour (2016)

3 - MoLSAMD National Strategy for Street Working Children

4 - Ibid.

5 - The Government of the Islamic Republic of Afghanistan (2018): The Second State Party Report to the UN Committee on the Rights of the Child.

6 - Ibid.

Sectors	Activities
Industry	Carpet weaving
	construction, activities unknown
	coal, gem, and salt mining
	Brick-making
	Working in metal workshops, including in the production of doors, windows, and water tanks
Service	Domestic work
	Transporting water and goods, including across international borders
	Street work, including peddling, vending, shoe shining, carrying goods, and begging
	Collecting garbage
	Washing cars
	Selling goods in stores
Categorical Worst Forms of Child Labour	Voluntarily recruited children used in hostilities by state armed groups
	Forced recruitment of children by non-state armed groups for use in armed conflict
	Use in illicit activities, including in the production and trafficking of drugs
	Domestic work as a result of human trafficking
	Commercial sexual exploitation, sometimes as a result of human trafficking
	Forced labor in the production of bricks and carpets, and in begging, each sometimes as a result of human trafficking
	Determined by national law or regulation as hazardous and, as such, relevant to Article 3 (d) of ILO

Source: US Department of Commerce, 2016

Table 26 reveals there are a number of activities children are engaged in, but which are categorized as the worst form of child labour by the ILO Convention 182. While their engagement in these activities are rights violations on their own, they also come with severe repercussions. These include for example, participating in illicit activities, such as the production and trafficking of drugs; forced labour in the production of bricks and carpet industries, recruitment in local security apparatus' and coal, gem, and salt mining. The report from the Afghanistan Independent Human Rights Commission report mentions the case of children engaged in carpet industries where they were obliged to work for twelve hours per day starting from the minor age of six years of age.<sup>7</sup> A Human Rights Watch report (2016) argues children as young as five worked in brick kilns, which the report qualified as 'punishingly exhausting'. In most cases, these brick kilns did not have shelter and hence they were less suitable for children<sup>8</sup>. As Table 26 shows, sexual exploitation too was a concern. The problem may not be widespread, but its impact and severity are enormous. In addition to sexual exploitation of girls, *Bacha Bazi* (boy play) has become a common practice, compelling the government to criminalize it in the revised Penal Code of 2017.

The mini survey conducted in Kabul, Mazar e Sharif, Faryab, Nangarhar, and Kandahar on the status of street working children identified similar areas of work in which children were engaged in. Although not comprehensive and cannot be used as baseline, the findings of the survey provides the overview

7 - Afghanistan Independent Human Rights Commission: An Overview on Situation of Child Labour in Afghanistan

8 - Human Rights Watch (2016): "They Bear All the Pains" - Hazardous Child Labour in Afghanistan

of the works children were engaged in. Table 27 (below) provides a glimpse of their response.

**Table 27: Types of work street working children are engaged in**

Activities	Kabul	Kandahar	Nangarhar	Faryab	Mazar e Sharif
Wheelbarrow porter	✓		✓	✓	✓
Shoe Shining	✓		✓		
Construction work	✓		✓		
Car Washing	✓				✓
Robbery and drug selling	✓		✓		
Knife and weapon selling	✓				✓
Blacksmith, Carpentry & painting	✓				✓
Welding and electrician	✓	✓			
Car repairing	✓				
Garbage collector		✓	✓	✓	✓
Street vending	✓	✓		✓	✓
Thorn and paper collecting		✓			
Food, tea and Ice cream seller			✓		✓
Cleaning			✓	✓	
Working in mines and brick mills			✓	✓	
Daily work and working with elderly			✓	✓	✓

Respondents came up with eighteen types of works children working in the street were engaged in. The dominant ones were wheelbarrow porter, street vending, and garbage collecting. Respondents also mentioned working in the construction and mining industries and in brick mills. As Table 27 shows, some of the activities they mentioned were very hazardous and illegal. These include selling knives and weapon and robbery and drug selling. Respondents may not be engaged in these activities themselves. However, they had knowledge of some of their peers who were engaged in them. Most of these works were heavy for a child and are carried out for long hours.

The impact of child labour on other rights of children is multidimensional. It is among the barriers for children's education; almost all of the activities they are engaged in are hazardous to their health; and drives them to other violations such as sexual harassment, psychological abuse and many more. Girls engaged in the carpet weaving continue with the activity until they suffer of failing eyes-sight or ill health intervenes.<sup>9</sup> One of the questions the respondents were asked about was the type of violations children working in street were exposed to. Table 28 (below) is constructed based on the data collected from the mini survey and it provides an overview of the risks this group of children are exposed to.

**Table 28: Types of violence children working in the street are exposed to by sex**

Types of violence	Boys		Girls		Total	
	Counts	%	Counts	%	Counts	%
Beating	167	44.3	96	64.0	263	49.9
Scolding	162	43.0	70	46.7	232	44.0
Theft of Property	101	26.8	36	24.0	137	26.0
Sexual abuse	64	17.0	19	12.7	83	15.7

9 - Samuel Hall Consulting (2014): Ties that Bind: Child Labor in the Afghan Carpet Sector. Report commissioned by Good Weave International. Kabul.

Police Harassment	99	26.3	66	44.0	165	31.3
AOG Harassment	49	13.0	40	26.7	89	16.9
Blaming	48	12.7	40	26.7	88	16.7
Refuse payment	82	21.8	31	20.7	113	21.4
Mines and explosive	49	13.0	16	10.7	65	12.3
Recruitment by armed groups	22	5.8	10	6.7	32	6.1
Suicide and spying	22	5.8	7	4.7	29	5.5
Working long hours	108	28.6	45	30.0	153	29.0
Denial of Food	138	36.6	40	26.7	178	33.8

Table 28 displays the risks children identified as associated with working in the street. According to their responses, half of the 482 respondents mentioned beating as a major risk. This is followed by scolding (44 percent of the respondents) and denial of food (34 percent). Children working in the street can also be subjected to police harassment (31.3 percent of the respondents) and working long hours. When the types of violence are analyzed by the sex of the respondent, 64 of girls who participated in the mini-survey mentioned beating as the major one while boys who responded the same were 44.3 percent. 46.7 percent of the girls identified scolding as one of the types of violence while this was 43 percent for boys. 44 percent of the girls included police harassment in their list of types of violation. When it comes to boys 26.3 percent mentioned police harassment as one of the types of violation.

As the above table shows, sizable number of boys (49) and girls (40) put harassment by AOG among the types of violations. 12.3 percent of the respondents identified exposure to mines and explosive while those who picked working long hours were 29 percent. Other types of violation include theft of property (26 percent); refusing payment (21.4 percent) and sexual abuse (16.9 percent).

In the context of Afghanistan, the nexus between children labour (especially street working children), poverty, conflict, and humanitarian crisis is strong. Children from families with very low income are vulnerable to engage in child labour, especially when they are displaced from their original place. Once their livelihood systems are disrupted, families resort to diverse coping strategies, including sending their children to different types of income generating activities, which are often hazardous to their lives. Boys are further vulnerable to recruitment by combating groups or to engage in illegal activities.<sup>10</sup> The study by SCI (2017) provides a detailed list of drivers for children to engage in child labour. Accordingly, 55 percent of adults and children respondents stated to supplement family income; for paying debt (41 percent of adults and 46 percent of children); families cannot afford school fee (29 percent adults and 25 percent of children) and others. Some of the reasons were also mentioned by the respondents of the mini-survey. Table 29 depicts the results.

Table 29: reasons for working in street

Reason for working in street	Frequency	%
income poverty	316	64.6
Lack of guardian	81	16.6
Support siblings	51	10.4
Peer influence	2	0.4
Family separation	6	1.2
Moved here because of insecurity needed income	13	2.7
Others	20	4.1
Total	489	100.0

10 - Interview with Mr. Rafi Aziz, the Deputy Director of Humanitarian Programme in Save the Children in Afghanistan.

Most of the drivers for working in street are already mentioned by previous studies. According to the participants in the mini-survey, they include income poverty (64.6 percent), lack of guardian (16.6 percent); and to support siblings (10.4 percent). In addition, some of the respondents were compelled to engage in child labour because they were displaced due to insecurity while quite few of them were driven by family separation.

### 3.6.3. Where stakeholders can focus on

Working children were asked to list down their priority areas. They came out with a long list of priority areas which might be useful for programming/ These are summarised in Table 30 (below).

**Table 30: Priority areas identified by respondent**

Priority areas	Number of Provinces	
	Boys	Girls
Job creation to our parents	5	3
support education	4	3
Loan service	3	3
cloth	3	3
Shortage of school materials	2	2
free health services	5	5
Shelter	4	4
Security	3	3
Peace and justice	3	3
Vocational training	3	3
Playground and parks	2	2
Protection of children	2	2
Public awareness	1	1
Education center for girls	1	1
Protection from robbery	2	1
Food	2	2

In most of the cases, the priority areas identified by both sexes are similar. These include creating jobs to parents, supporting the education of children working in street, free health service, peace and justice, and security. Addressing these issues demands a costed strategy, good coordination, strengthening child protection system, and social transformation programmes. The following are also some of the challenges that need to be overcome

- a) **Addressing societal challenges:** Societal challenges are related to traditions that overlook many of the rights of children. Although children's contribution to their family's sustenance can be desirable, in many cases, some of the activities they are engaged in are so hazardous to their lives. Therefore, agencies such as MOLSAMD that work in the protection of children from hazardous work may need to design their programmes in a comprehensive way that combines law enforcement approach and developing the economic

resilience of vulnerable family.<sup>11</sup>

- b) **Poor law enforcement:** Afghanistan has useful policies and legislations which can be used to protect children from child labour. Nevertheless, the response from law enforcing organs and relevant agencies is very low. The major challenge is budget constraint, which also has implication on the deployment of adequate number of officers. For example, in 2016, Afghanistan had only 32 labour inspectors for the whole of the country, and this is below the ILO standard of one inspector for 40,000 people.<sup>12</sup> Even more, the inspectors did not have any authority and capacity to enforce provision of the labour law which protect children. Law enforcement is also undermined by low level of awareness about child rights, corruption, and inadequate coordination at the local level. Therefore, increasing the number of labour inspectors, strengthening coordination through CPAN, improving public awareness about children and legislations related to child labour etc. can be entry points to use existing laws effectively.
- c) **Legislative gaps:** Advocate for the criminalization of debt bondage because this is one of the reasons for children to engage in child labour.
- d) **Budget constraint:** Neither the NSfCR nor the National Strategy for Street Working children are costed. Their implementation is therefore hugely undermined by budget constraint. According to a key informant from CPAN Balkh District, the Provincial Directorate of MOLSAMD submitted a project proposal to the ministry to address the situation of street working children. Unfortunately, due to budget constraint, the Ministry did not approve the project yet.<sup>13</sup> This is not an isolated case but what all provincial CPAN and the ministry are struggling with.

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11 - SCI 2017

12 - The US Department of Labour (2016)

13 - Interview with Mr. Mohammad Zakir, the Coordinator of CPAN in Balkh Province.

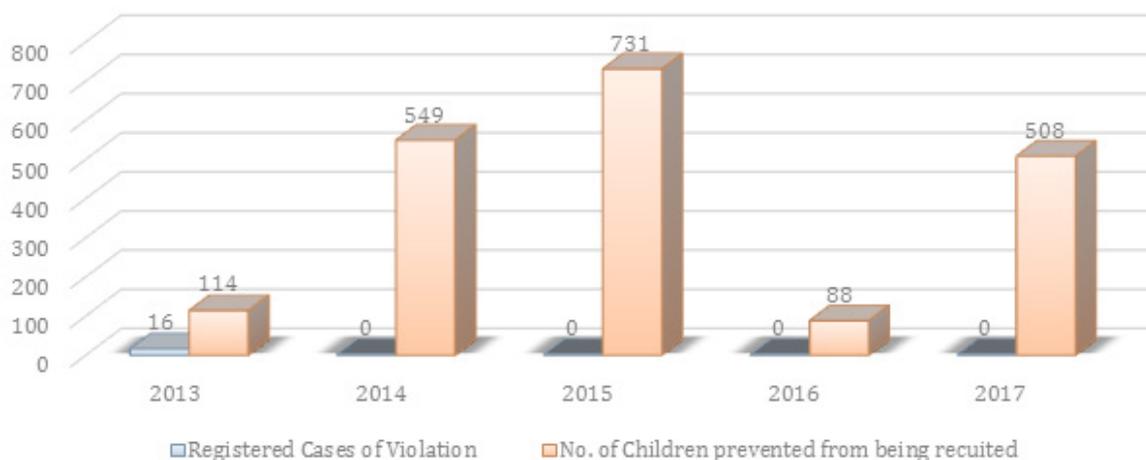
## 3.7. Children in Armed Conflict

### 3.7.1. Magnitude of the problem

The protract war of Afghanistan has a heavy toll on children. Children are affected in various ways ranging from actively engaging in combat to disruption of basic services. The 2015 UNICEF report notes that boys in Afghanistan are recruited and used by armed forces and armed groups for different purposes including active combat, suicide attack, spying and preparation and movement of Improvised Explosive Devices (IED). Notwithstanding the international treaties Afghanistan ratified and the policies ensuing therefrom, there are still persons under eighteen years enlisted in the Afghan National Defense Forces and by anti-government combating forces.<sup>1</sup> The same is also noted by the UN Security Council in 2015. The report notes that the recruitment and use of children was ongoing and the recruitment and use of 556 boys and four girls was documented, 75 percent of which were recruited and used by armed opposition groups.<sup>2</sup> Since 2015, however, the Government has been working to prevent minors' recruitment in the security forces. The National Security Forces of Afghanistan produced and started to implement age assessment guideline to prevent child recruitment.<sup>3</sup> Figure 9 (below) illustrates the outcomes of the measures taken by the National Security Forces to protect children from recruitment.



Figure 9: Number of children protected from joining the national army



Source: The Islamic Republic of Afghanistan (2018): Second UNCRC State Party Report.

1 - Unicef (2015): Child Notice Afghanistan 2015.

2 - Security Council 2015: Report of the Secretary - General on Children and Armed Conflict in Afghanistan - Reporting Period: 1 September 2010 to 31 December 2014.

3 - Afghanistan National Security Forces (2015): Age assessment guidelines to prevent and respond to child recruitment in the Afghanistan National Security Force (ANNF)



According to the Government report to the UN CRC, children have not been recruited into the National Security Forces since 2014. On the contrary, in 2014 549 children were prevented from being recruited and this increased to 731 the following year. In 2017, 508 children were also protected from the same. What the above figure reveals more than the numbers (because the numbers can be contested) is that there is a strong resolve by the Government to protect children from being recruited in the armed forces.

The age verification guideline, though very important, faces two challenges. First, the preponderant percentage of children do not have birth certificates, therefore there are still loopholes for minors to be enlisted in the national security forces. Second, it is difficult to apply this guideline when the recruiters are armed opposition groups. Third, children can still be recruited by local security agencies and changing this practice demands more awareness raising and law enforcement at the local level. Limitations related to capacity, knowledge about child rights; and traditional barriers etc hinder the application of the guideline.

A study by SCI reveals 18 percent of children and 13 percent of the adults interviewed stated they were vulnerable for recruitment in armed opposition groups in their communities. The same was also identified in the mini-survey of street working children. Although the problem is all over, children's vulnerability to recruitment varies from one region to another. For example, there were higher cases of child recruitment in Jawzian, Sari Pul, Balkh and Nangarhar provinces as compared to the others. Both children (19 percent) and adult (30 percent) respondents think that children are vulnerable for recruitment into government security forces. The reasons given by the respondents include low level of income, because armed opposition groups (AOG) are in the community or in the proximity; enticed by the popularity of the AOG, compelled by the costs associated with wedding, to do Jihad and others. Of all these, 74 percent of the children and 71 percent of the adults mentioned economic reasons.<sup>4</sup>

The recruitment of minors in armed groups is an offence that also drives in other violations. As a study by Save the Children notes 'child soldiers are victims, whose participation in conflict bears serious implications for their physical and emotional well-being. They are commonly subject to abuse and most of them witness death, killing, and sexual violence. Many are forced to perpetrate these atrocities, and some suffer serious long-term psychological consequences'<sup>5</sup>.

### 3.7.2. What stakeholders do

Reducing the impact of armed conflict on children is not an easy task. Therefore, the Government of Afghanistan and its partners can first start with the following:

- a) Ensure the recent recruitment guideline is strictly enforced by the defense forces. According to Mr. Najeebullah, in the Independent Human Rights Commission, there is a major reduction in the number of cases of minors in the defense forces. The problem however is more at local security forces.
- b) Roll down the Civil Registration and Vital Statistics Country Strategy Plan progressively with human resource, budget and other mechanisms.
- c) Work with local community leaders to influence AOGs from recruiting minors.
- d) Strengthen local and provincial CPAN and DRRs with human resource and budget to respond to the needs of children from conflict affected areas.

4 - Ibid.

5 - Save the Children International (2017): Knowledge, Attitude and Practices on Violence and Harmful Practices Against Children in Afghanistan.

## 3.8. IDP children and returnees

### 3.8.1. Legislation and policy framework related to Internally Displaced Persons and returnees

There are two policy instruments that directly focus on internally displaced persons and Afghan refugees and returnees. The first one is the 2013 National Policy on Internally Displaced Persons. This policy aims at setting out a comprehensive, effective, and realistic framework around issues affecting IDPs. Some of these are:

- addressing current and future institution of internal displacement,
- ensuring that approaches to internal displacement are based upon, and respect, protect and fulfil the rights of IDP,
- address the emergency and long-term needs of IDPs and the emergency needs host community,
- Identify and promote efforts to prevent or reduce and manage new internal displacement, and
- bring an end to displacement by identifying during solution.

The National Policy on Internally Displaced Persons is highly informed by rights-based thinking. It recognizes the unique challenges and vulnerabilities of women, including widows and adolescent girls, and persons with disabilities in displacement and indicates that programmes dealing with such groups should take their issues into consideration.<sup>6</sup> As described by a report of Amnesty International, 'the policy tasks provincial and other local authorities with emergency response and drawing up Provincial Action Plans for the Policy's implementation, and mayors and municipalities with integrating those internally displaced into their development plans. All relevant government ministries are required to integrate IDP issues into their annual budgets'.<sup>7</sup>

In 2017, the Government of Afghanistan formulated the Policy Framework for Returnees and IDP of Afghanistan. This framework has four objectives including the following:

- To ensure the safe and successful re-integration of returnees and IDPs into the social and economic fabric of Afghanistan,
- To assist returnees and IDPs to find productive employment as rapidly as possible and ensure their rights to public services, legal protection, or participation in Afghanistan's political and electoral institutions,
- Improve the documentation and registration system to address the problem of lack of transparency, and accountable provision of individual entitlement, and
- Ensure that the impacts of returnees and IDPs on host communities are considered, especially when considering interventions to strengthen basic service provisions for returnees and IDPs<sup>8</sup>.

**The 2017 Policy framework identifies four interrelated actors to implement the policy. These are:**

- The High Migration Council, which is a policy body and chaired by the President,
- The Council of Ministers' Sub-Committee on Migration Affairs, which has the decision-making role on operational issues and chaired by Chief Executive Officer (CEO),
- Displacement and Returnees Executive Committee (DiREC) with the responsibility of overseeing and leading the implementation of the policy. DiREC is jointly led by nominated representative from CEO and the Ministry of Refugees and Repatriation.
- DiREC working groups focusing on policy support, financial support, and technical support.

6 - Ministry of Refugees and Repatriation (2013): National Policy on Internally Displaced Persons.

7 - Amnesty International (2016): "MyChildren will Die this Winter" - Afghanistan's broken promises to the displaced

8 - Islamic Republic of Afghanistan (2017): Policy Framework for Returnees and IDPs.

In addition to the above measures, the government has been implementing different programmes to ensure IDP children get access to different services. For example, the MOE provided instruction to all of its directorate in the border provinces to temporarily enroll displaced children in their schools in accordance to their class level. In 2016, 1,995 internally displaced children. Since 2013, the MORR reached 2,706,839 displaced children with various types of support<sup>9</sup>.

### 3.8.2. Child rights in the IDP and related context

The humanitarian situation in Afghanistan was exasperated by the forced repatriation of Afghan refugees from Pakistan, Iran, and Saudi Arabia. According to the UNOCHA, thirty-three of the thirty - six provinces were affected by armed conflict, indicating the possible humanitarian context the country is in. Table 31 (below), though not exhaustive, provides a glimpse of the returnees and IDPs.

**Table 31 Conflict induced IDPs and returnees 2016 – 2018**

Issue	2018	2017	2016
Conflict induced IDP (population)	173,000	501,000	840,000
IDP children (%) out of total number of populations	57	57	55

Source: UNOCHA various reports (2016- 2018)

Table 31 illustrates large number of people were forced to leave their areas of residence due to armed conflict. According to the Ministry of Refugees and Repartition, the total number of IDPs in Afghanistan in 2018 was 1,333,000.<sup>10</sup> While the sheer number of the affected population is a huge concern on its own, the major challenge is the impact of the crisis on the population, especially on children. When it comes to returnees, the largest number was registered in 2016.<sup>11</sup> As the table shows, here as well, children comprise the largest percentage of the returnees. The 2018 Humanitarian Overview of UNOCHA shows conflict affected and returnee population are more likely to utilize negative coping mechanisms such as early and forced marriage, child labour and family separation.<sup>12</sup>

According to the data collected from FGDs of children in the IDPs, children encounter a wide range of problems, including the following:

- Large number of IDP children dropout of school because of lack of support and to engage in activities that generate income.
- Shelter is a critical issue for IDPs.
- Our parents are jobless
- Access to healthcare services is not adequate
- Children in IDP are not adequately protected. They are abused, exploited and their rights are violated
- IDP children suffer from psychological pressure
- “We are unhappy because we are far from our own village
- Etc.

The issues raised in the FGD are supported by other studies like the Multi-Cluster Needs Assess-

9 - The Islamic Republic of Afghanistan (2018): Second State Party Report to the UN Committee on the Rights of the Child

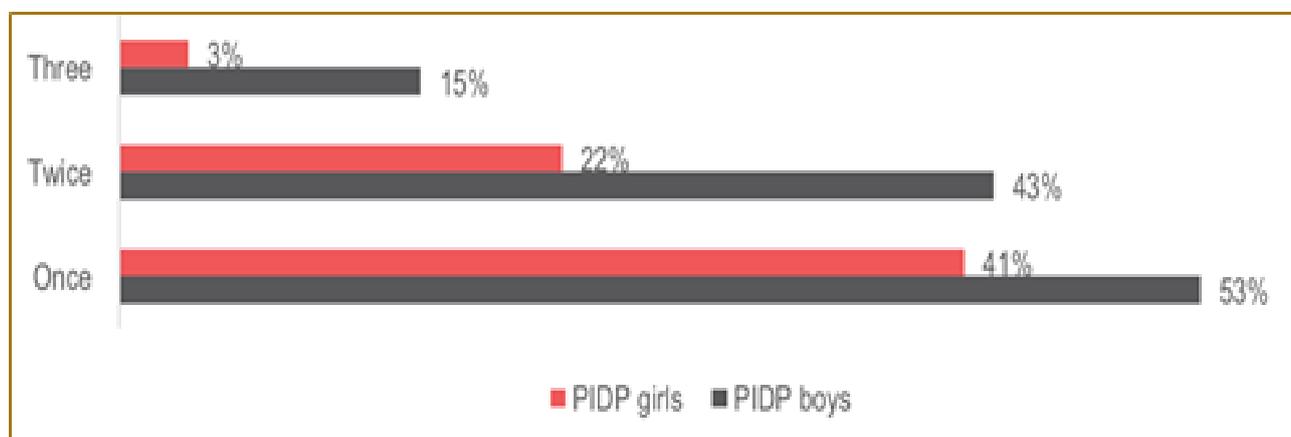
10 - <http://morr.gov.af/en/page/2204>

11 - There is huge variation on the figures. This one is taken from UNOCHA reports

12 - UNOCHA (2017)

ment of Prolonged IDPs (REACH, 2017) and Returnees and Internally Displaced Persons Monitoring Report (UNHCR, 2018). The following paragraphs use health and education data to illustrate the impacts of displacement on certain rights of children.

**Education:** According to the REACH research (2017), although the difference is small, school aged children in the prolonged IDPs are more likely to be out of school (56 percent) than those in the host community (51 percent). The research also shows regional variations in school attendance. Figure 11 (below) shows the number of times a child is displaced can have impact on her/his education.



As Figure 10 reveals, the higher the number of displacements a child passes through, the lower the chance for being in school. For example, 53 percent of the boys and 41 of the girls who were displaced once were in school when REACH was conducting the research. These go down to 43 percent for boys and 22 percent for girls among those who were displaced twice. In comparison, only 15 percent of the boys and 3 percent of the girls who were displaced trice, were in school. The report brings to the fore that lack of birth certificate could be a hinderance to have access to education among PIDP children.<sup>13</sup>

**Health:** The REACH study shows 70 percent of children under five children among the prolonged IDP households were likely to have been vaccinated as compared to 66 percent of those from the host community. Similar to school attendance, the frequency of being displaced inversely correlates with the likelihood of getting a child vaccinated. According to this research, among those families who were displaced once, it was only 27 percent that were not vaccinated. The percentage of unvaccinated children increases to 34 percent among those displaced twice and to 47 percent among those displaced three times<sup>14</sup>.

The Government of Afghanistan does not support new IDPs to establish temporary shelter. Hence, they rent rooms in host communities for a shelter, sometimes supported by international organizations through DRR. However, the support is not adequate partly because with the recent influx of deportees and returnees, the number of vulnerable persons has become enormous while the budget and human resource in the directorates and donor agencies are limited<sup>15</sup>. Lack of adequate support to families (IDPs or returnees) entails different child protection challenges. As many of the IDPs do not have adequate disposable income, they send children to engage in activities to generate additional income to sustain their families. Some of these activities can be hazardous to their health or compromise their education. Some drop-out of education otherwise they cannot take along their education with their income generating activities. They further become subjected to various types of child protection challenges mentioned in the preceding parts of this report.

13 - REACH (2017): Multi-Sector Needs Assessment pf Prolonged IDPs.

14 - Ibid

15 - Interview with key informants in the Kandahar Province Directorate of Refugees and Repatriation and Haji Abdulahmed, General Manager of Integration and Emergency Response.

## Returnees and deportees

Table 32: Afghan returnees by year

Year	Total returnees	From Iran	From Pakistan	From Europe
2015	684,257	510,395	170,572	3,290 (0.5% of the total)
2016	1,067,935	438,541	619,934	9,460 (0.9%)
2017	564,366	407,986*	**154,187	***2,193 (0.5%)
<i>Total</i>	2,316,558	1,356,922	944,693	14,943 (0.7%)

\*For Iran, the number of undocumented<sup>15</sup> returnees in 2017 was recorded up to 25 November. The number of documented returnees (only a fraction of the total at 320) was recorded up to 3 June.

\*\*Recorded up to 25 November 2017.

\*\*\*Recorded until the end of June 2017.

**Source: Oxfam (2018): Returning to Fragility-Exploring the Link Between Conflict and returnees in Afghanistan**

As Table 32 displays, there were more than 2.3 Million Afghan returnees between 2015 and 2017. Out of these, 59 percent were from Iran, 40.9 percent from Pakistan, and the remaining from Europe. The majority of these were women and children. According to the Oxfam research report, they account for 81 percent of the returnees from Pakistan.<sup>16</sup> A UNHCR report (2018) reveals only 55 percent of the boys and 30 percent of the girls that returned in 2017 had access to school. 31 percent of the returnees reported that they did not have access to health services. In addition, lack of adequate shelter; means of livelihood, and adequate food are among the major challenges encountered by the returnees. According to the UNHCR (2018), returnees and IDPs live in a poor housing condition; have little employment opportunities; their access to education and health facilities is not adequate.<sup>17</sup>

### Returnee children from Europe

The escalation of the armed conflict and the difficulty to live in a safe and better environment forced many Afghans to seek asylum in European countries. Although their number is not well known, this group include children. According to a recent study by Save the Children International Afghanistan Country Programme (2018), in 2005 and 2016, there were almost 600,000 Afghani asylum applicants registered in European Union (including children with their families and unaccompanied). In 2017, the figure dropped to 43,625. The research shows there are almost no regular route to reach Europe and through these journeys they encounter various problems including hunger, thirst and fear of death.<sup>18</sup>

In 2016, the EU and the Afghan government agreed to facilitate the returns of 4,260 asylum seekers to Afghanistan by 2017. Although their number known, some of the asylum seekers returned as part of this agreement. Regardless of the fact that returning to one's origin is one of the durable solutions to address the issues of asylum seekers, the way it was managed had some challenges. The SCI study came up with the following issues:

16 - Oxfam (2018): Returning to Fragility – Exploring the link between conflict and returnees in Afghanistan.

17 - UNHCR (2018): Returnees and Internally Displaced Persons Report.

18 - Save the Children (2018): From Europe to Afghanistan – Experience of Child Returnees.

- Among the 53 children who completed the questionnaires, 39 of the returnee children stated that they did not feel safe during the returns process. More than half of them reported that they came across instances of violence and coercion. Among the respondents, one in five children returned alone and 16 said they were accompanied by police. Even more, the follow-up of families of unaccompanied children is almost non-existent.
- The report also stated only three children interviewed received a specific integration plan and child-specific supports remain limited to non-existent.
- Children also face a real threat to their physical wellbeing on return and some of them were approached to recruit them to fight in combats and commit acts of violence.
- Returnees also do not have housing and economic situation sufficient to meet the standards in UNCRC and only 16 children out of the 53 were in school.
- The vast majority also access to psychological healthcare and they exhibit negative symptoms of psychological wellbeing.<sup>19</sup>

### 3.8.3. Issues that deserve due consideration

- Legislative and policy related:** Although existing laws and policies (especially the 2013 one) are elaborate in terms of the framework that Afghanistan would use to address the issues of IDPs and returnees (both through emergency and durable solutions), there are still challenges in implementation. The Amnesty International report notes that despite the promise offered in the IDP Policy, after more than two years of its launch, its implementation was not satisfactory. The focal organ - the Ministry of Refugees and Repatriation lacks adequate capacity, and this is further complicated by the 'next-to-nothing' input from other relevant line ministries. These gaps can partly be addressed by strengthening provincial DRRs with coordination budget and human resource; and establishing a focal unit dealing with children's issues.
- Context related setbacks:** Humanitarian response are undermined by setbacks like insecurity and geographical inaccessibility. In many instances, not all the population leave their areas when there is armed conflict or natural disasters. The weak and the elderly as well as children might be left out.
- Shortage of budget:** The Government allocates very small budget for the Ministry of Refugees and Repatriation, which is responsible for coordination of humanitarian response. As the result, provincial Directorates are cash strapped to take appropriate measures when emergencies take place. Both the Balkh and Kandahar key informants argue that their proposals for additional budgets were not approved by the ministry because the ministry itself is a low-budget ministry.<sup>20</sup> Therefore, while strengthening coordination, sometimes humanitarian stakeholders may not be readily able to respond to issues of IDP and returnee children. It is therefore worth-considering to allocate contingency budget for provincial directorates to address pressing needs of affected people.
- Shelter:** As noted earlier, shelter is among the major challenges faced by IDP children. The challenge is more severe when the winter season sets. The government, together with its partners, must come up with a clear strategy on how to respond to the shelter issue while working towards durable solutions to IDPs.
- Child protection:** Afghanistan has a functioning child protection system (through CPAN) that works towards the protection needs of children in provinces and some districts. Strengthening CPAN will also enhance the level of protection of IDP and returnee children. One of the main challenges of the network, according to those interviewed, is shortage of budget.

<sup>19</sup> - Ibid.

<sup>20</sup> - KI interviews in the two Directorates.

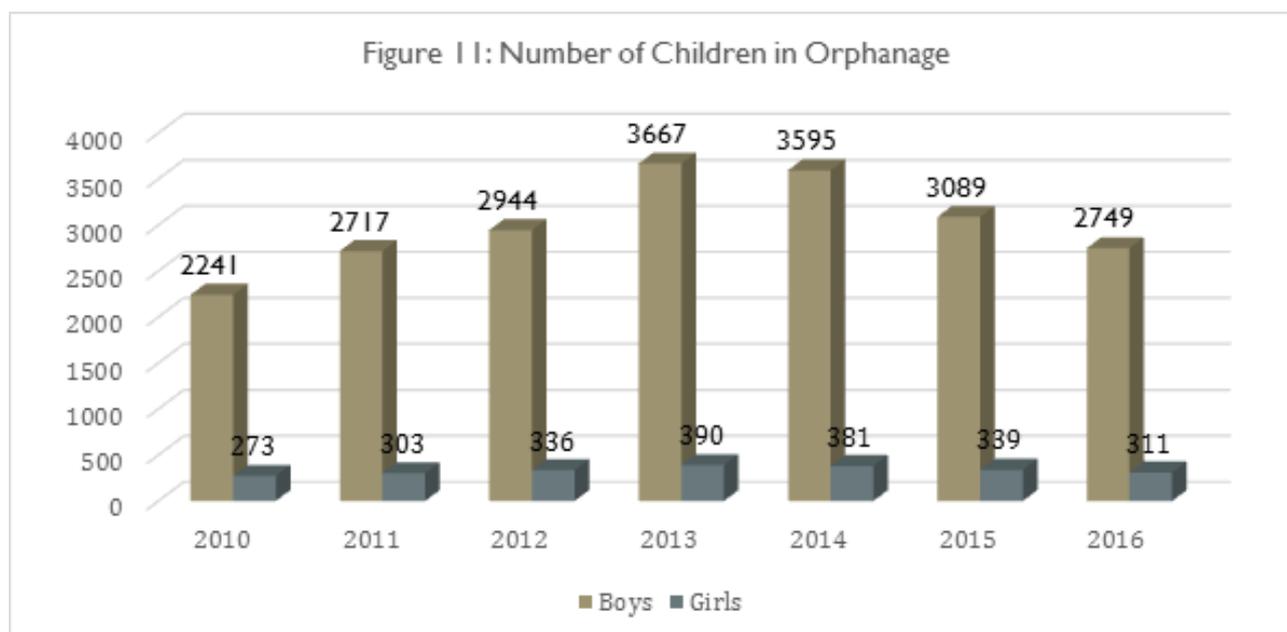
Therefore, establishing CPAN in those districts where it is not formed yet, and creating a budget code of its own, can put the network on a better position to address the protection issues of children in the IDPS and among the returnees.

- f - Governance issues:** Allegations of corruption in the focal ministry was mentioned in some reports as one of the barriers to implement the IDP policy. This challenge has already been recognized by the government and in 2015 the Ministry of Refugees and Repatriation set up an internal mechanism to address the issue.<sup>21</sup> As the directorates of refugees and repatriation work closely with IDPs and returnees, they require a simple mechanism to get the feedback of their service seekers and to act on their concerns. Such a mechanism can improve the quality of the services IDP and returnee children access to and to control any misuse of resources.
- g - Children returning from Europe:** European countries should refrain from returning children to Afghanistan because the reasons that drove them to seek asylum are still strong. Child rights actors should engage in global advocacy targeting European governments to apply international human rights standards and to observe the best interest of the child before returning children. Even more, the capacity of national agencies should be built to address the multi-faceted needs of returnee children.

### 3.8.4. Children deprived of family environment

The 2015 DHS of Afghanistan notes that out of the surveyed households, 1.2 percent had double orphan children living with them. Those reported they have single orphan were 6 percent of the total surveyed households. According to this survey, more rural than urban households reported they had orphan children. According to the Children Custody Law of 2014, guardians will be appointed to children with no caretaker or identity with the task of taking care of and accounting their best interest.<sup>22</sup>

In 2016, there were 72 orphanages in Afghanistan. The Government considers orphanage as the last resort to address the issues of this groups of children. Figure 11 (below) shows the number of children in orphanages.



Source: Islamic Republic of Afghanistan (2018): Second UNCRC Report.

Figure 11 shows the number of children living in orphanages started to decline since 2013 from

21 - Ibid

22 - Islamic Republic of Afghanistan (2018): Second UN CRC Report.

4057 to 3060 in 2016. The preponderant percentage of orphan children are already living within the extended family environment. A report from UNICEF (2015) states according to some NGO reports, up to 80 percent of children between 4-18 living in orphanages were not orphans but were children whose families could not afford providing basic services to their children. This report further states children encounter a wide range of abuses such as mental, physical, and sexual abuse and that in a number of the facilities do not have adequate running water, health services, recreational facilities etc.<sup>23</sup>

## What stakeholders need to do

- **Strengthening existing coping mechanisms:** The preponderant percentage of orphans are taken care by the extended family structure. Therefore, strengthening the family is the sustainable mechanism for ensuring the rights of orphan children.
- **Awareness raising about children's rights:** Orphan children are subjected to a wide range of rights violations. This is partly due to low level of awareness about their rights. Therefore, stakeholders working around children's issues should use innovative communication methods to raise public awareness about orphan children.
- **Closer follow-up and action around orphanages:** Children come across many types of violations in orphanages. MOLSMAD needs to carry out a regular monitoring of the establishments to ensure their services are as per the standard. Appropriate administrative actions need to be taken on those orphanages which are below the standards set by MOLSMAD orphanages.

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23 - Unicef (2015): Child Notice Afghanistan 2015.



# 4. ANALYSIS OF THE KEY ACTORS

## 4.1. Mapping of key actors in the child sector

The child sector in Afghanistan includes a wide range of actors that are so heterogeneous in interest, approaches, and layer of engagement. This is illustrated using Table 32 (below).

Table 33 Stakeholders matrix

Level	Domain of stakeholder	Role	Current dominant status
Community (it has multiple actors and the main stakeholders are those identified)	Community leaders	<ul style="list-style-type: none"> <li>Protect children from abuse and violence using child protection structures</li> <li>Facilitate the mobilization of resources for child focused services like construction of school, school desks etc.</li> <li>Raise the awareness of their constituencies about the rights of children</li> <li>Participate in child protection and Parent and Teacher Committees</li> </ul>	<ul style="list-style-type: none"> <li>Some community leaders protect children from abuse and violence using child protection structures. They support case tracking and reporting. On the other hand, there are also community members who are engaged in violating children's rights. This is partly because of lack of awareness or because they are relatively powerful than the victim. Community leaders are also subjecting of traditions values, some of which may not be in line with the rights of children.</li> <li>Community leaders can be agents of change and participate in awareness raising. However, most of leaders have limited knowledge about the rights of children</li> <li>Community members are actively engaged in child protection system and PTA.</li> </ul>



Level	Domain of stakeholder	Role	Current dominant status
	CBOs	<ul style="list-style-type: none"> <li>• Support children's issues at the local level</li> <li>• Deliver essential services</li> </ul>	<ul style="list-style-type: none"> <li>• According to some studies, community-based organizations are primarily interest based. These organizations may not have strong interest in children's issues but can be brought onboard with appropriate capacity development. They can also negotiate with OAGs to sustain service delivery such as immunization programme.</li> <li>• The potential of local CBOs in delivering essential services such as skills training, basic education, etc. is immense.</li> </ul>
	Community health works and other service providers	<ul style="list-style-type: none"> <li>• Delivering services</li> <li>• Protecting children from abuse and violence</li> </ul>	<ul style="list-style-type: none"> <li>• Teachers, community health workers Midwives make crucial contribution to taking essential services to children.</li> <li>• While there are cases where service providers perpetrated violence against children, the great majority of them support the protection of children.</li> </ul>
District level	Government offices such as education, health DRR, the judiciary CPAN etc	<ul style="list-style-type: none"> <li>• Deliver services</li> <li>• Create awareness about children's rights</li> <li>• Take judicial decisions on time</li> <li>• Coordinate different stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• District offices are responsible for coordinating and delivering deliver services</li> <li>• They are not too much engaged in awareness raising due to budget constraint</li> </ul>

Level	Domain of stakeholder	Role	Current dominant status
	CSOs	<ul style="list-style-type: none"> <li>• Deliver services</li> <li>• Create awareness about children's rights</li> <li>• Coordination</li> <li>• Monitoring and holding local government to account</li> <li>• Child rights advocacy</li> </ul>	<ul style="list-style-type: none"> <li>• There are many CSOs that are involved in service delivery. They are also active in awareness raising. However, their programme is not strong when it comes to monitoring government programmes and child rights advocacy.</li> <li>• They are hugely dependent on external support.</li> </ul>
At province level. This includes government directorates, INGOs and local CSO working around children	Government stakeholders	<ul style="list-style-type: none"> <li>• Implementing the laws and strategies that promote the rights of children.</li> <li>• Monitoring of child rights</li> <li>• Awareness raising</li> <li>• Coordination</li> <li>• Capacity development to district and community stakeholders</li> <li>• Prioritize children in their programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Some provincial organisations have the mandate to implement programmes. Otherwise, in most cases they play coordination role in child protection, emergency response IDP etc. CPAN is a very good example.</li> <li>• They are not engaged in monitoring of the rights of children. However, they do some sort of child rights awareness.</li> </ul>
	CSO	<ul style="list-style-type: none"> <li>• Service delivery</li> <li>• Awareness raising</li> <li>• Advocacy</li> <li>• Holding the government to account</li> </ul>	<ul style="list-style-type: none"> <li>• CSOs and INGOs' main focus is service delivery. They also network around selected issues. Unfortunately, they have huge fund constraints.</li> <li>• Awareness raising is also another area of their engagement. But when it comes to advocacy and holding the government to account, they are weak</li> </ul>
National institutions, CSOs, NGOs, UN Agencies	The legislative	<ul style="list-style-type: none"> <li>• Approve legislation</li> <li>• Hold the executive to account in terms of children's rights</li> </ul>	<ul style="list-style-type: none"> <li>• There are some delays in approving draft bills / for example the child act</li> <li>• They rarely pick children's issues as their agenda</li> </ul>
	The executive	<ul style="list-style-type: none"> <li>• Draft new bills focusing on children</li> <li>• Coordinates intra-government and other agencies</li> <li>• Develop policies and programmes focusing on children</li> <li>• Incorporate children's issues across other sector</li> <li>• Make progressive increment in the budget focusing on children's programmes</li> <li>• Reporting obligation</li> </ul>	<ul style="list-style-type: none"> <li>• Afghanistan has so many laws that can be helpful to promote the rights of children</li> <li>• There are policies – the gap is implementation.</li> <li>• Allocates budget – however the budget that goes to children's programmes is not adequate</li> <li>• Government has coordination mechanisms mainly thematic</li> <li>• The government has produced the second UNCRC report</li> </ul>
UN Agencies	All	<ul style="list-style-type: none"> <li>• Capacity building</li> <li>• Technical support</li> <li>• funding</li> </ul>	<ul style="list-style-type: none"> <li>• These are carried out by international organization (UN). However, their supports are short term and project tied</li> </ul>

Level	Domain of stakeholder	Role	Current dominant status
CSOs INGOs	Child focused	<ul style="list-style-type: none"> <li>• Implementation</li> <li>• Capacity building</li> <li>• advocacy</li> </ul>	<ul style="list-style-type: none"> <li>• INGO and CSOs have many service delivery programmes in child health education, emergency. However, these programmes are of short-term nature and tied to projects. The decline in funding also affected their operation.</li> <li>• There are many capacity building activities done by INGOs</li> <li>• There are advocacy works done by the INGOs together with National CSOs. More emphasis, however is on capacity building and service delivery.</li> </ul>

## 4.2. Depth of the coordination of key actors

One of the strengths of the child rights actors, especially the formal ones, is existence of some level of coordination, clearly defined by law and guided by a strategy and Memorandum of Understanding. Some of them are inter-ministerial, while a good number of them include UN agencies and NGOs. There are also many thematic groups, chaired by respective ministries, focusing on specific target group or issue. The following are just few of them:

- a) **Child Protection Action Network (CPAN):** The network is established by MoLSAMD by involving relevant representatives of government and non-governmental organizations. Its purpose is to strengthen child protection system to prevent and respond to threats of various types of abuse and violation against children. Although not established in all district, the network is functional in 33 provinces and 100 districts. As UNICEF's evaluation of the network rightly state, CPAN is Afghanistan's response to child protection needs. The discussion held with the CPAN focal persons at the National level and in Kandahar and Balkh provinces shows that the network is a point of convergence for organizations working around children's issues to discuss and address child protection issues.
- b) **Child Rights Advocacy Forum:** This is a CSO forum of around 20 national and international organizations working around the issues of children. Unlike CPAN, the forum does not have its own office but meetings take place on a monthly basis in the office one of the members. The main focus of the forum is child rights advocacy. Therefore, there is strong interaction with government ministries, such as MOLSMAD around policy and legislative areas.
- c) **Afghan Civil Society Forum Organization:** Established by the initiative of 76 CSOs, the organization focuses on involving its constituents in the peace and reconstruction process. The organization was established in 2002 with the support of Swisspeace.
- d) **Afghan Women Network:** The network has an office in Kabul and other three provinces. Its members are 150 organizations. Its focus areas are women, peace and security, women's participation and leadership; and women's social and legal protection. The network uses awareness raising, advocacy,

capacity building and networking as strategies to advance its objectives.

- e) **Civil Society and Human Rights Network:** Established in 2004, the network has 158 organizations. Its purpose is to establish a human rights movement to advance human rights.
- f) **The Ministry of Economy:** The ministry is the focal organ for the registration and licensing of NGOs operating in Afghanistan (both national and international). As its current record in the database shows, there are 1912 national NGOs delivering services, engaged in social programmes, reach their targets with economic interventions etc. The level of coordination played by the ministry is more of administrative than programmatic.
- g) **The Ministry of Justice:** The Ministry is responsible for registering and licensing of associations and CBOs.
- h) **United Nations Office for the Coordination of Humanitarian Affairs Afghanistan:** Afghanistan UNOCHA is one of the UN arms responsible for bringing together humanitarian actors engaged in emergencies.

### 4.3. The contribution of Cso in promoting the rights of children

The CSO sector includes a wide range of interest groups like CBOs, INGOs, national NGOs, trade unions, professional associations and others. In general, the sector has been given due consideration by international actors in the development and peacebuilding of Afghanistan. As a report by USAID shows, CSOs have been engaged in advocacy, service delivery, capacity development. Praven H. & Shayigan E. (2017) note that CSOs overall were successful in representing the communities they aim to serve, despite various setbacks and that the public appears to support the works of CSO when the sector proactively works to gain such support. They also point out coordination between CSOs and other sectors depends largely on political patronages and limited to processes managed by donors and CSO leaders<sup>1</sup>.

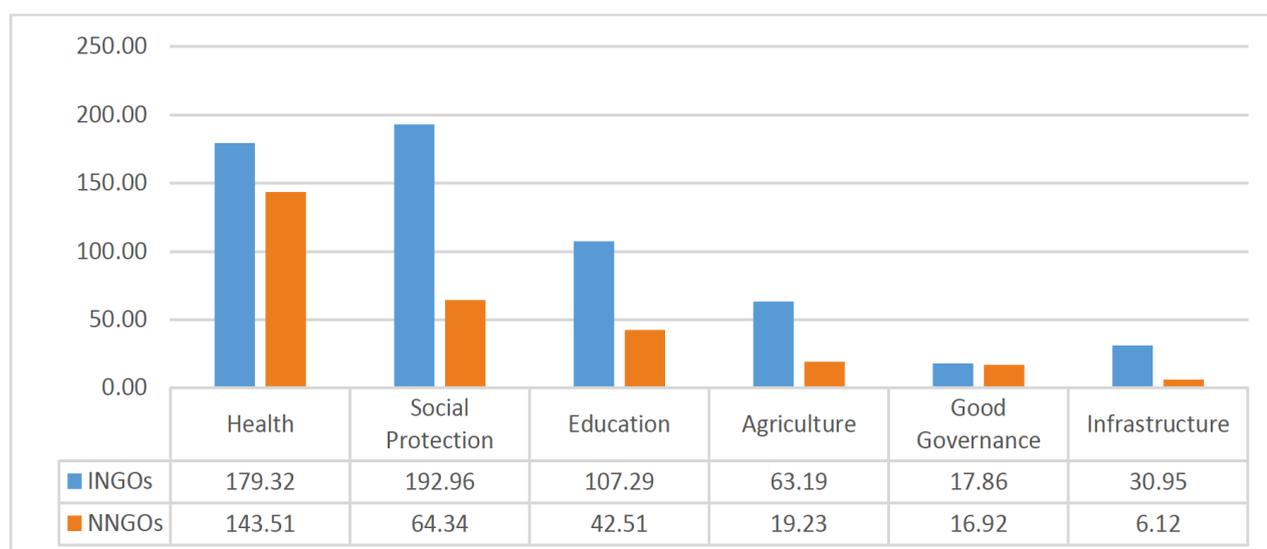
There is a relative ease in terms of CSO – government relation since 2014. The CSO registration is straightforward. While the Ministry of Economy is the responsible organ for the coordination of NGOs, the registration and of associations and CBOs is done by the Ministry of Justice. The 2017 Annual Report of the MoE shows that NGOs implemented 2,914 projects in the year. Out of these, 55 percent were by national/local NGOs while 45 percent were implemented by INGOs. As compared to 2016, however, the number of the projects in 2017 was less by 44 percent<sup>2</sup>

When it comes to resources mobilized, in 2017, spending by NGOs reached USD 884.1 Million, which was a 3.83 percent increase from what it was in 2016. The decline in the number of projects while expenditure increased signals NGOs moved more to bigger projects. The sectors they engaged in comprised education, agriculture, social protection, good governance and infrastructure development. Figure 12 (below) shows the resource spent across various sectors.

1 - Praven H & Shayigan E. (2017): The state of enabling environment for CSOs in Afghanistan 2017.

2 - Ministry of Economy (2017) NGOs Annual Report

**Figure 12: Sectoral allocation of NGOs (USD Millions)**



*Directorate of NGOs. Data 2017*

As Figure 12 displays, much of the resources spent by NGOs went to social protection, health, and education sectors. The sector's engagement was minimum in infrastructure development (given the fact that it is capital intensive). Although promotion of good governance had the smallest share of expenditure, NGOs spent closer to USD 35 Million, which is substantial as compared to the nature of work in good governance promotion. Overall, the NGOs investment and engagement were in sectors that benefit children directly.

When it comes to growth areas, Praven H & Shayigan E. (2017) mention that lack of transparency and the negative effects of corruption contributed to a restrictive governance environment. They further note that many of CSOs do not have sufficient fund and they rely on single source of income. With the recession of foreign aid, CSOs also were affected by funding constraint.<sup>3</sup>

3 - Praven H & Shayigan E. (2017)



## 5. CONCLUSION

Afghanistan has made a noticeable progress in the last two decades in creating a better environment for children to survive, develop, thrive, and get protected from various types of violence. There are a greater number of children in school now than a decade ago. Positive changes are also apparent in newborn, infant, child and maternal health. There is a better child protection system that stretches from the national to district levels. New child friendly laws, policies and programmes are in place to advance the rights of children to education, healthy life, and better protection. Substantial investment was made in the healthcare and education both by the public and private sectors. The sustained economic growth; the relative improvement in security; and the expansion of basic services between 2002 and 2012 enhanced the capabilities of many families to send their children to school and address their healthcare needs.

Notwithstanding the above, Afghanistan is still characterized by formidable challenges that undermine the full realization of children's survival, development, and protection. Its performances in many child wellbeing indicators (such as attainment in education, reduction in child and maternal mortality etc) are still far from SDG targets and the South Asian averages. Since 2015, the progress in reducing newborn death, expansion of education, and narrowing GPI both in lower and upper secondary has been slow. These are further compounded by the increase in the level of household poverty, expansion of children falling under vulnerable groups, and the growing number of people needing humanitarian assistance. In addition, the increase in armed conflict since 2016 has made the delivery of social programmes daunting while at the same exasperating the humanitarian situation. The number of IDPs and returnees bulged to more than a million owing to such drivers like escalation of armed conflict (especially in 2016), drought and huge deportation from Iran and Pakistan. More than half of these displaced persons are children.

There are interwoven factors that contribute to the slow pace of improvement in many of the child wellbeing indicators, especially from 2012 onwards. Harmful traditional practices hugely infringe the implementation of legislations and international child rights instruments that Afghanistan is a



Party to. Gender based discrimination and violence are still major hinderances of girls' education and healthy and active life. In addition, with the decline of foreign aid since 2012, the Government's capacity to support social programmes has become overstretched. This coupled with corruption and poor accountability, has reduced the reach and quality of the public social programmes targeting children. Active civic engagement to influence governance, although exists, is also undermined by capacity limitation and poor coordination. All these challenges, which are regressive in unison are further reinforced by pervasive poverty, armed conflict and natural disasters.

## Issues deserving due consideration

The challenges mentioned above are systemic by nature. As noted by one of the key informants in Save the Children, improving the wellbeing of a child demands the concerted actions of diverse stakeholders at different levels, covering many dimensions that affect childhood. For example, a child's access to education is influenced by the guardians' value to education, knowledge about child rights and level of income. In addition, the public sector's investment in education; level of stability and armed conflict; likelihood of the occurrence of natural disasters and the capacity to respond to them; prevalence of HTP and gender-based discrimination; existence and strength of child protection mechanisms, also influence a child's education. Therefore, in the case of Afghanistan, it is fundamental to locate children's issues within the broader political, social, and economic context and to make analysis of how this influence child wellbeing. The following are some of the concrete issues that deserve due consideration, especially by the government.

- a) **The increase in the number of vulnerable children:** Afghanistan has more than 20 vulnerable groups that require short term and long-lasting actions. These include among others, children with disabilities, street working

children, children in conflict with the law, children exposed to various types of abuses and others. Therefore, the government needs to revise the outdated 'Children at Risk' strategy to provide strategic direction to programmes focusing on vulnerable groups of children. Unlike the previous strategy, the revised one (if the Government decides to do that) must be costed in order to mobilize resource for its implementation.

- b) Reduced capabilities of families and communities:** The deepening of poverty in recent years has reduced the capability of many families to provide for their children's education, healthcare, adequate nutrition and protection. The escalation of armed conflict, recurrent drought, and the deportation of hundreds of thousands of families from Iran and Pakistan have further escalated the level of poverty among many families. With deepening poverty large number of children are compelled to engage in child labour, further undermining their rights. Even more, early marriage is still practiced widely; many of them subjected to the same drop out of school. Although addressing many of the issues mentioned here requires long-term and durable solutions, Afghanistan may need to develop a programme with a short-term perspective that aims at protecting basic services and addressing the fundamental needs of children from very poor families and communities.
- c) Discrimination:** Discriminations based on gender and (dis)ability are among the determinants that hinder a child from growing in a conducive environment to survive, grow, learn, and thrive in life. Furthermore, the mainstream social programmes of the government (like education) do not accommodate those who need especial focus such as street working children, returnees, children from Kuchi communities. Therefore, some groups are excluded or systemically discriminated from accessing available services because they are not tailored to their conditions. In addition to expanding child rights education across the society, the government together with development partners may need to establish and implement mechanisms for monitoring and administrative and legal sanctioning against public officials and service providers who fail to comply with the law and remain inactive when they come across any sort of discrimination against children.
- d) Good legislative and policy frameworks but poor implementation:** Although there are many improvements in legislation and policy frameworks, their impact on children is still not as profound as required. To begin with, knowledge about them is not across the board, especially at the grassroots level, including among law enforcement officials. Secondly, the structures that are meant to implement them do not exist or if they do, they are poorly staffed and under-budgeted. On top of these, there is no mechanism to hold service providers into account to ensure that the good policies and legal frameworks are budgeted for and duly implemented. Another major challenge is they suffer from budget constraint. Addressing these gaps is fundamental to ensure the implementation of the policies and legislations that are meant to advance the rights of children.
- e) Knowledge and perceptions about childhood and child rights:** There are many types of violations that children encounter at home, community, school, and by law enforcers. In most cases, the violations take place because knowledge about the rights of children is now so deep across the society. There

are good initiatives by agencies such as the Ministry of Education, MoLSAMD, and the AIHRC to expand awareness about child rights in schools and training facilities. The ministry mandated for children's rights might need to develop a context specific communication-based education to reach communities and traditional institutions with child rights education.

- f) **Governance related challenges:** Currently, Afghanistan does not have a comprehensive strategy and a legislation focusing on children. The void of these makes mainstreaming of children's issues in all government programmes very difficult. Even more, it is not so clear which government ministry or agency is the primarily focal point to coordinate and monitor the implementation of national and international child rights instruments that Afghanistan is a Party to. These voids must be addressed in order to sustain the gains achieved in advancing child rights and to make Afghanistan a better place for children.
- g) **Low priority given to children:** The ministries that are supposed to coordinate are donor dependant for their programmes and receive very small share of government budget. This is much felt in structures at provincial and district levels where children need closer support. Even more, there is no mechanism to check whether public and private investments in other sectors than education and health have taken the best interest of children as one of their primary consideration. It is therefore worth considering for the child rights focal ministry to introduce child impact assessment to ensure government decisions do not compromise children's best interests.
- h) **The children's views deficit:** Children have little influence on decisions and actions taken by local and national programmes. This often puts them in disadvantaged position because nobody asks their views and their priority issues are side-lined. Both the government and non-state actors continue with supporting children and young people to organize themselves to promote their issues. One of the areas of their engagement can be establishing platforms where child led groups and decision makers engage at the local and higher levels.
- i) **Conflict and natural disasters:** Children are the most affected group from the decades old conflict and the recurrent natural disasters. Though not the only ones, conflict and other humanitarian challenges have very strong influence in child survival, development, and protection.
- j) **Weak civil society:** In the last two decades, due consideration was given by international donors to enhance the contribution of civil society in peace building and development of Afghanistan. However, since 2012, the support to CSOs have started to decline negatively affecting their programmes across the country. Although CSOs work with the government in a number of child focused clusters, their influence on policy and legislation and their engagement in holding duty bearers to account has not been substantial, especially since 2014. Their network with community-based organizations is also not strong, although the later ones are closer to hard to reach children.

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## Key Informant Interviews

- 1) Vice Minister of the Ministry of Women Affairs
- 2) Head of the Child Protection Secretariat of MOLSAMD
- 3) CPAN Coordinator
- 4) Head of the Children's Directorate of AIHRC
- 5) Head of IMNCI in MoPH
- 6) Senior Newborn Officer in MoPH
- 7) Director of DRR of Kandahar Province
- 8) General Manager of Emergency Response
- 9) Head of the Child Health Unit in the Kandahar PHD
- 10) Kandahar CPAN Coordinator
- 11) Deputy Director of Education of Kandahar Province
- 12) A Representative of People's Action for Change
- 13) CPAN Coordinator of Balkh Province
- 14) Director of Balk Education Directorate
- 15) MCH Coordinator of DPH of the Balkh Province
- 16) Director of DRR of the Balk Province
- 17) Director of Emergency Response of Balkh Province
- 18) Planning and Programming of Kabul Directorate of Education
- 19) Provincial government representative of Kandahar Province
- 20) Representative of Nangarhar Directorate of Public Health
- 21) Faryab representative of Public Health Directorate
- 22) Faryab Provincial Government Representative
- 23) Provincial Government Representative of Mazar e Sharif
- 24) Mazar e Sharif School Representative
- 25) Two School principals in Mazar
- 26) Two School Principals from Faryab
- 27) Director of the Humanitarian Sector of SCI Afghanistan Country Programme
- 28) CP Manager and coordinator of SCI Afghanistan Country Programme
- 29) Manager of Livelihoods and Child Poverty in SCI Afghanistan Country Programme
- 30) Manager of the Children Working in the Street Project in SCI Afghanistan Country Programme
- 31) Coordinator of the CRG in SCI Afghanistan Country Programme





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