



ngo group for the crc

STATE PARTY EXAMINATION OF AFGHANISTAN'S INITIAL PERIODIC REPORT

56TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
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Afghanistan ratified the Convention on the Rights of the Child (CRC) on 28 March 1994. On 18 January 2011, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Afghanistan.

Opening Comments

The delegation of Afghanistan was led by Dr. Mohammad Qasim Hashimzai, the Deputy Minister of Justice. He was supported by a delegation of representatives from the Ministry of Labour and Social Affairs, Ministry of Public Health, Ministry of Women's Affairs, Ministry of Education, and Ministry of Foreign Affairs.

Dr. Hashimzai said it was with great honour that the delegation presented Afghanistan's initial report. He thanked the Committee for the opportunity to discuss the challenges and achievements of Afghanistan and hoped the exchange of views would enable more effective implementation of the CRC. Dr. Hashimzai acknowledged that Afghanistan's initial report was overdue, stating that although Afghanistan ratified the CRC without reservation in 1994, three decades of war, instability, turmoil and poverty had delayed the submission of the report, which covered the period of 1994 to 2008. Dr. Hashimzai was pleased to inform the Committee that since the new government took office in 2001, human rights had been given significant importance and were now realised as an appropriate framework for development. He outlined the positive developments in Afghanistan, noting the adoption of the Constitution (2004) and the Juvenile Code (2005); the development of juvenile rehabilitation centres (2009); and recent laws on education, labour, health and human trafficking. Dr. Hashimzai said the government was improving the situation for children in Afghanistan and programmes for the betterment of children's rights were a major achievement.

Dr. Hashimzai elaborated on a few of Afghanistan's new strategies. First, the Education Strategy (2006-2010) significantly improved access to education. Education was free and compulsory and over 12,100 schools were operating across the country. Thirty-seven percent of the enrolled students were girls, a sevenfold increase since 2001. Also, of the 163,000 teachers, 30 per cent were female. Despite remarkable achievement, Dr. Hashimzai recognised there were still key challenges. Most pressing was the fact that 42 per cent of children, mainly girls, had no access to school and many school buildings were unusable.

With regard to health, Dr. Hashimzai noted the most prevalent problems for children included natal problems, diarrhoea, communicable disease, malnutrition, physical abuse, teen pregnancy and HIV/AIDS. He cited the Public Health and Nutrition Policy of Afghanistan (2008-2012) as an initiative to address these problems.

Dr. Hashimzai described the 2003 Child Protection Action Plan (CPAN), which, with the help of UNICEF, functioned in 28 of 34 provinces. CPAN responded to abuse reports and monitoring child rights violations; between 2007 and 2010 CPAN addressed 4,654 cases. While CPAN promoted and disseminated the CRC, Dr. Hashimzai emphasised that the government alone could not ensure the actualisation of children's rights. NGOs, social activists and all of civil society were essential for implementing national programmes and improving public awareness. To conclude, Dr. Hashimzai stated that despite Afghanistan's commitment to human rights, the country still faced significant challenges. He reiterated that the implementation of programmes for human rights required full cooperation of all concerned government bodies, civil society and the international community.

Mr. Krappmann, the Country Rapporteur, welcomed the delegation. He said the Committee had excitedly awaited Afghanistan's initial report and viewed the submission as a signal of recovery from the difficult years that Afghanistan had endured. Mr. Krappmann stated that the informative report, the clarifying written replies and the opening statement highlighted positive trends and features. Mr. Krappmann appreciated that the report addressed the challenges, was self-critical, and analyzed strategies that had not produced the desired results, all of which served as a good basis for constructive dialogue. Nevertheless, Mr. Krappmann noted that information in newspapers and other media sources showed the troubles had not ended, and wondered why the report provided very little about the adversities still facing Afghan children as a result of the ongoing conflict. He supposed that the government wanted to demonstrate that children's rights could still be realised in spite of the conflict, but stated that Afghanistan must not forget that many endeavours were needed to improve the conditions for children. Mr. Krappmann asked why the right to survival, in view of the high number of children killed in the ongoing conflict, had not been addressed. Mr. Krappmann also asked about child participation in peace processes; the coordination of national strategies and programmes; the possibility of a comprehensive action plan for children; the status of the independent human rights commission; and plans for a centralised system of data collection.

Mr. Krappmann asked the delegation to be realistic about the situation in Afghanistan, as the delegation's responses would provide a clear picture with which the Committee could formulate its recommendations.

General Measures of Implementation

Legislation

The Committee asked about the status of legislation harmonisation, as it seemed that a number of laws had not been revised. The Committee noted that Afghanistan had codified

national law, Islamic *sharia* law and custom law and asked which law took precedence. The delegation recognised that inconsistencies between the laws needed to be reviewed. The delegation said that according to the Constitution, courts observed international conventions when applying the law. Islamic law was only used when the provision could not be found elsewhere. The delegation compared the use of Islamic law to the common practice of applying best judgment if there was no law.

The Committee asked what status Afghanistan accorded to the CRC, as it had not been integrated into the Constitution. The Committee noted that according to the Written Replies, Afghanistan “regards” international treaties that it had ratified, but asked whether the word “regards” had legal import, as it did not sound very binding. If the CRC was not integrated into legislation, then it had no direct applicability. The Committee was also under the impression that compliance to the CRC applied only to Afghan children, not to all children living in Afghanistan and reminded the delegation that this was not in line with the CRC requirements.

Budget

The Committee asked what measures were taken to ensure visible investment in children.

Independent monitor

The Committee commended the establishment of the Afghanistan Independent Human Rights Commission, but asked whether the Commission was independent according to the Paris Principles. The delegation explained that the Afghanistan Independent Human Rights Commission was an independent entity and the government did not interfere. The Commission also had sufficient funding and qualified employees.

Dissemination and training

The Committee asked about training for people who work with children (e.g. child care providers, health care workers, judges) and asked whether the government had taken steps to disseminate the CRC. The Committee specifically inquired as to whether judges received appropriate training to apply the Constitution directly. The delegation explained that the government had taken measures to train judges, police and attorneys on the CRC, citing a national institute established specifically to train all defence lawyers and judges. The State was still learning to observe human rights during the detection of crime and investigation.

Coordination and monitoring

The Committee noted that a few coordinating bodies were mentioned in the report as well as various commissions, action networks and field monitors. The Committee asked the delegation whether one particular body was responsible for coordination of child rights-related action by government, which it saw as integral to full implementation of the CRC, and whether this body was equipped with proper human and financial resources. The delegation explained that the coordination of the implementation of the CRC was overseen by the Ministry of Labour and Social Affairs, Martyrs and Disabled (MoLSAMD) through the establishment of the Child Protection Action Plan (CPAN). The main objectives of CPAN were to design programme expansion, apply appropriate laws and policies, coordinate with the government and conduct assessment for future development. The delegation explained that the Children’s Secretariat had 12 staff, but that the State had a plan to develop this programme and increase the staff to 30 employees. The Committee reiterated that its major concern pertained to who was coordinating all of the activities. The delegation explained that

a newly opened unit in the Ministry of Justice, the Human Rights Unit, was responsible for checking the performance of the government in the area of human rights. The delegation added that professional people from the international community were in the unit.

The Committee asked whether the delegation was talking about the monitoring of human rights or the coordination of human rights. The delegation said that it was referring to both because coordinating human rights actions also meant monitoring them. The delegation explained that the Children's Secretariat sent people into the provinces to coordinate and monitor human rights actions. The government did not have much access to village reports, so provincial councils reported the cases.

Implementation

The Committee asked how the CRC was used in courts and tribunals. Noting that Afghanistan was ranked as the second most corrupt country in the world, the Committee asked whether corruption was one of the reasons that laws had not been implemented. The delegation explained that the Constitution specifically referred to the CRC and therefore courts followed it. Furthermore, when Afghanistan ratified an international treaty, the Ministry of Justice would make sure the laws were consistent with it. The delegation reiterated that Afghanistan was a post-conflict society with a lot of problems, but that the Code of Criminal Procedure was an improvement and would be applied soon.

The role of non-governmental organisations

The Committee understood that the delegation had a good relationship with NGOs and that NGOs were moving to difficult areas to provide services to civilians. The Committee wanted to know whether the State provided NGOs with proper protection to operate in these areas.

Data collection

The Committee noted the lack of data on children and their conditions and wanted to know whether the State had a concrete, time-bound plan to establish a centralised system for data collection and whether any plans or strategies had been evaluated.

Definition of the Child

The Committee noted there was no uniformity among legislation on the definition of the child. The Children in Conflict with the Law (2005) defined children as persons under 18, but it was the only law that included a definition of the child. The Committee asked whether the government of Afghanistan intended to align all laws with the CRC.

General Principles

Non-discrimination

The Committee understood that there were a variety of discriminatory practices towards children in hospitals, schools and in the home. The Committee asked what measures had been taken to eliminate discrimination against children and what was the legal sanction of this discrimination. The delegation highlighted Afghanistan's Law on the Elimination of Violence Against Women (2009), which had a specific provision to criminalise harmful practices towards girls. This law increased the penalties of perpetrators of violence against women and indicated the following actions as punishable: rape, forced prostitution, forced isolation and beating and the buying and selling of girls for the purpose of marriage.

The Committee noted that no one has touched on the idea of children being scared to go to school because of religious or ethnic differences.

Best interest of the child

The Committee noted that there was no systematic incorporation of the best interest principle in Afghan legislation and asked for further clarification.

Survival and development

The Committee wondered why the question of survival had not been addressed in the State report, particularly in view of the high number of children killed as a result of the ongoing conflict. The Committee recognised that the government had strategies to protect civilians, but noted that the rights of children did were not visible in these strategies.

Respect for the views of the child

The Committee noted that according to the State report, a provision in Afghanistan's Constitution provided for the child's views to be respected and sought, but in courts and trial procedures this principle was not implemented, particularly in rural areas. Instead, children were told by judges not to speak in court and some children were not given the opportunity to participate at all. Furthermore, the Committee noted that children in the informal justice process were often not present during the resolution process.

Civil Rights and Freedoms

Birth Registration

The Committee noted that the State had made changes to birth registration in 2007, but wanted to know how it planned to address the following obstacles: access in conflict areas; suspicion towards the government; low levels of hospital deliveries; lack of understanding of the importance of birth registration; and internally displaced persons. Also, in theory, children born out of wedlock could receive birth registration, but this was not true in practice. The delegation explained that the war destroyed the infrastructure for birth certification and there was still a long way to go; however a birth registration project had been started with the help of UNICEF. The delegation noted two challenges in the full implementation of this project: access to children in conflict areas and the low level of hospital delivery. To solve these problems, the State must train local governments accordingly and distribute birth certificates. The delegation acknowledged that the project was not 100 per cent successful, but noted that the government had started an initiative to distribute electronic IDs for all people, in the hope that at least the whole population would have proper identification.

The Committee recognised that Children in Conflict with the Law (2005) increased the age of criminal responsibility from 7 years to 12 years, but noted that limited access to birth registration made age verification difficult. The Committee asked the delegation to explain the steps it had taken and whether it intended to criminalise falsified identification.

Corporal Punishment

The Committee noted that corporal punishment was lawful in the home despite the official statement that prohibited all forms of violence against children. Furthermore, the Committee noted that corporal punishment in schools was prohibited under the Education Law (2008), but was still practiced. At the South Asia Forum for Ending Violence against Children, Afghanistan had made a commitment to protect children against violence; the Committee

wanted to know whether there had been follow-up to this commitment and whether the State planned on prohibiting corporal punishment in all settings. The delegation stated that corporal punishment was a punishable offence and the Ministry of Education, with the support of UNICEF, had started child-friendly initiatives to increase children's awareness.

Access to appropriate information

The Committee noted that Afghanistan had 27 private TV channels, 700 print media sources and a new media law. The Committee asked whether the State took into consideration children's rights in this law and whether there would be courses on safe media access.

Child abuse

The Committee welcomed Afghanistan's Law on the Elimination of Violence Against Women (2009), but suspected inaccuracies in the seemingly low number of abuse reports (1,459). The Committee noted that victims were often accused of the offence and therefore handled as perpetrators rather than as victims. Furthermore, victims were often kept in detention centres and were not provided with proper rehabilitation services.

The Committee wanted to know where a sexually abused child could go to receive support and legal protection and whether the Afghanistan Independent Human Rights Commission was accessible to children. The delegation acknowledged that violence in the family was a big challenge. It agreed that the number of reported cases was inaccurately low and that a lot of cases of violence against girls and women were not reported because of shame or fear. The delegation explained that cases could come through the Ministry of Women's Affairs, NGOs or the police offices. The State provided shelter facilities and defence lawyers to victims.

Early and forced marriage

The Committee noted that a girl child could be married at the age of 15 or younger and 60 per cent were married before 16 years. Furthermore, exact age could not be verified, as less than 10 per cent had birth certificates. The Committee asked how the legal age of marriage was enforced and enquired as to how many cases of early marriage had been declared as forced.

The delegation recognised that early marriage was hurting women in Afghan society and noted the importance of parents' participation in their children's upbringing and mentioned courses on respectful behaviour for women and children. The delegation explained that girls could register a marriage at 18 years, but registration was not compulsory so many cases of early marriage were undetected. The Parliament recently concluded that girls could legally marry at age 17. The delegation further explained that forced marriage was prohibited by law, regardless of the person's age and the Law on the Elimination of Violence Against Women (2009) would sentence a person up to 10 years for involvement in forced marriage. The Committee was under the impression that if a girl's guardian was able to demonstrate that the girl had reached puberty and had the desire to marry, then the marriage was legal. The delegation explained that when there was no birth certificate, the practice usually aired on the side of the child or said that the girl was no longer a child.

Family Environment and Alternative Care

Adoption

The Committee noted that there were cases of adoption, even though there was no legislation on adoption. In these cases, children were not always properly protected and sometimes

money was involved. The Committee wanted to know whether the State would pass a law on adoption. The delegation affirmed that adoption was not recognised by Afghan law, but stated that guardianship was legitimate and worked in the same way; a guardian had to meet certain conditions and the whole procedure was described in law. The Committee did not agree that adoption and guardianship were the same and stated that the practice described by the delegation was called *kafalah*. In response to the Committee's question of whether Afghanistan would consider a law on adoption, the delegation stated that it might happen in the future, if it was consistent with what Islamic law prescribed.

Orphanages

The Committee asked for the delegation's insight on the high number of children living in institutions. The Committee noted that many of the children who were called "orphans" were actually children of widows or divorced parents. The Committee believed that it was best for a child to live with their biological family, even if the family only had one parent; however this was not the practice in Afghanistan. The Committee asked the delegation to elaborate on situations when there *was* a mother and she was forced to put her children in an institution because she was a widow or single parent. The delegation explained that the villages could apply local standards and elders could resolve the issue. When a child was in a destitute situation, for example, if the mother could not look after the child, then the case would go to the court; institutionalisation was the last resort.

Basic Health and Welfare

Children with disabilities

The Committee asked about the implementation of strategies focused on children with disabilities. The Committee noted that children with disabilities had limited access to services and asked whether the delegation could provide statistics that demonstrated that the country was taking measures to ensure that children with disabilities could live within the community.

Health services

The Committee commended the government for prioritising health but stated that the health indicators were still alarming. The Committee asked whether the State measured the effectiveness of its health strategies and asked what was being done to improve access to health services, especially for rural and poor families. The delegation said the State relied on monitoring and evaluation by the Ministry of Public Health to ensure the effectiveness of health services. The Ministry of Public Health was working to involve all sectors and partners in a joint effort to implement services throughout the country and the State was committed to expanding the coverage of services with a view to ensure that all people were within one to three hours' walking distance of a health facility.

The Committee asked what was being done to recruit female midwives and other health workers. The delegation stated that there were 34 health centres and 24 of these centres had training centres for midwives. The delegation emphasised the increase in training centres, which could train about 2,000 health providers over eight years, but noted that between 5,000 and 6,000 midwives were needed.

Breast-feeding

The Committee noted the low breast-feeding rates and asked whether the State was addressing this issue. The delegation explained that the Ministry of Public Health was trying to promote breastfeeding through classes and the media.

Adolescents' health

The Committee recalled that the CRC recognised the evolving capacity of children and the importance of the period of adolescence. With this in mind, the Committee asked whether there were any plans or programmes to gain greater knowledge about adolescents. Specifically, the Committee asked about adolescent health. It understood that girls' access to health services was severely restricted as a result of the limitations on girls' movement within the country. The Committee noted that requiring a relative to accompany women and girls when they moved about outside their home would prevent adolescent girls from having confidential access to health. The delegation noted that if a family member prohibited a woman or child from going to a health facility then they would spend six months in prison. The delegation assured that the State was working to encourage girls and women to come to health facilities and to increase awareness about reproductive health programmes. In a joint programme between the Ministry of Public Health and the Ministry of Education, the State could broadcast important messages for girls who could not go to health facilities.

HIV/AIDS

The Committee asked how HIV/AIDS affected adolescent girls and whether there was a correlation between HIV/AIDS and early marriage, as most often early marriages were between young girls and older men. The delegation reported that it had a programme for HIV/AIDS that focused on prevention and treatment.

Drug and alcohol issues

The Committee noted that drug abuse was a big problem: between 60,000 and 100,000 children were reportedly addicted. The Committee asked how the State was addressing this issue and asked for examples that demonstrated the State was moving away from the impunity approach. The Committee noted that the penalty for a child convicted of a drug-related crime was reduced to one third of an adult's sentence, but asked for confirmation that children were treated as victims, rather than as criminals. The Committee also asked about prevention and rehabilitation strategies, particularly for street children. The delegation stated that all relevant sectors were working on a public health strategy to prevent addiction. The State had about 50 drug reduction centres and was working through these centres to prevent children's addiction.

Psychosocial development

The Committee noted that the right to development was equally as important as the right to life and survival and asked what measures had been taken to address the psychosocial development of children who were suffering from trauma and who had experienced violence. The Committee wanted to know whether these services had been integrated into mainstream services. The delegation explained that girls who had been victims of violence could come to the Ministry of Interior or the Afghanistan Independent Human Rights Commission and be referred to shelters. Also, the Ministry for Women's Affairs had 12 shelters throughout the country and had received a letter last week allowing them to establish a shelter for girls and women.

Education, Leisure and Cultural Activities

Girls and education

The Committee recognised the efforts made to bring girls into school, but wanted to know why some girls were still missing. The Committee also asked why there were rural/urban disparities and extremely high drop-out rates in general. The delegation stated that there were many reasons for the high drop-out rate and that it was a vicious cycle: girls did not finish school because there were no female teachers, but as a result, no girls were becoming teachers. The Ministry of Women's Affairs was working to create special incentives for girls to become teachers, particularly in rural areas, and the number of female teachers had increased: 13,000 students were enrolled in teacher training colleges, of which 40 per cent were female. Girls also made up 60 per cent of the attendance rate at community-based classes. The delegation acknowledged the need to increase girls' education and said that with the help of UNICEF, the Ministry of Education would discuss a strategy to promote girls' education.

Education Budget

The Committee queried the budgetary figures for education, which indicated that expenditures were lower than the planned budget. The delegation said that in 2010 there was a 200 per cent increase in budget allocation for education and estimated that education was allotted 12 to 14 per cent of the national operating budget. In education there were two types of budget and the expenditures for the development budget were low because some programmes were multi-year endeavours. The delegation pointed out the growing capacity of the Ministry of Education to spend the budget, which in turn increased resource dispersal.

The delegation highlighted the importance of joint cooperation between the government, communities and NGOs to improve education. The delegation acknowledged funding from Denmark, the World Bank and USAID and emphasised the need for international assistance to help fulfil the operating budget. The delegation projected that 8.3 billion US dollars would keep the Ministry of Education on track to meet the MDG goals.

School enrolment and attendance

The Committee noted the positive aspects of the education system: education was free; more teachers were being trained; and six million children were attending school, compared to one million in 2001. Nevertheless, problems still remained as six million children represented only half the children in Afghanistan. The Committee wanted to know whether there was a specific and realistic plan to bring the other half of the child population into school. The delegation explained that all children could be enrolled in school, even without identification. Children could be enrolled using the ID of their parents and with the approval of the village elder. The delegation also noted its five-year Education Strategy for Afghanistan and its goal to reach 98 per cent enrolment in basic education by 2020. The delegation cited limited resources as what would be the main obstacle to achieving this goal.

The Committee wanted to know what contributed to the high drop-out rates and proposed that corruption of the school system could be a reason. To this end, the Committee noted that children from wealthier backgrounds were treated better in school. The delegation recognised disparities among different regions of the country - and between genders - and reported that the Education Strategy for Afghanistan would allocate resources to construct schools and hire additional teachers and staff. The delegation acknowledged corruption in parts of the country and stated that the Ministry of Education had strategies to address this. The Ministry of

Education had an office to register claims and monitor compliance with laws and regulations, as well as a newly established Commission for Combating Official Corruption, which systematically took measures against corruption.

Technical training

The Committed noted that youth unemployment was high and asked whether there were plans to increase technical training. The delegation stated that because of limited capacity, less than two per cent of grade nine graduates were admitted to technical school. In the five-year Education Strategy of Afghanistan, the State hoped to increase the intake capacity from two to four per cent.

Curriculum and teacher development

The Committee noted that human rights education was part of the national school curriculum, but wanted to know whether it simply provided information about human rights or if the operating culture was actually shaped by human and children's rights. The delegation stated that human rights and health education were included in the new textbooks and were now taught in schools.

In response to the Committee's comment on the need for competent teachers, the delegation explained that it had short-term in-service trainings for teachers, as well as a long-term strategy to expand teacher training colleges and implement teacher training centres in all of the provinces. Teacher's salaries had increased in an effort to attract more qualified teaching staff and there were efforts to increase the number of rural teachers. Also, schools were regularly reviewed through the Education Development Board.

The delegation acknowledged international military forces' support in school construction, but noted the need to prevent this from negatively affecting the education system. The delegation also noted the large number of NGOs who were delivering education in areas of instability.

Student participation

With regard to student participation, the delegation said the State encouraged participation by parents, children and community members to improve the school enhancement plans and overall school quality. A recent pilot curriculum gathered input from parents, teachers and children, and the newly developed curriculum was based on interactive learning methods, which aimed to stimulate children to participate in the learning process. The delegation said that according to its information, the new colours and design of the textbook would have a 30 per cent impact on the students' learning achievement, which it would continue to assess. The delegation noted that there were student councils, poetry, sports and other extracurricular activities for children to be actively a part of.

Special Protection Measures

Street children

The Committee recalled that the State report declared that there were no street children, but that there were child street workers. The Committee maintained that as such, it could be agreed that there was a problem with children on the streets. The Committee welcomed Afghanistan's ratification of ILO Conventions 138 and 182 on Child Labour, but noted that the implementation of such conventions was weak. The Committee emphasised the

importance of dealing with children on the streets as a social matter, rather than a criminal matter, and wanted to know what was being done to monitor and control the number of child street workers. The delegation reiterated that there were no street children, but that there were child street workers and stated that a high-level commission was working to gather children from the street and divide them into two groups: those with families (and who could therefore be reintegrated) and those without (who were kept in a special centre).

Child labour

The Committee wanted to know whether the Law of Labour (2007) prohibited child pornography. The delegation explained that the Law of Labour outlined the conditions of employment for children. The minimum age of employment was 18, but light work could be performed by children under 18 years.

The delegation reiterated the government's steps to address child labour through the ratification of the ILO Conventions, the work of the Child Protection Action Plan and support programmes to decrease child labour and provide job opportunities for the family. The current strategy provided accelerated education for child workers and support for their families.

Juvenile justice

The Committee noted the existence of a number of decrees and laws, namely the Juvenile Code (2005), the Law on Investigation on Children's Violations and the Law on Juvenile Rehabilitation Centres (2009), but wanted to know how these laws were linked and what system was in place to regulate the justice system for minors. The Committee noted that the age for criminal responsibility was set at 12 years, but that children under the age of 12 had reportedly been in the justice system and had been sent to rehabilitation centres. The delegation stated that there was no criminal responsibility for children under 12 years of age.

The Committee noted that the punitive approach seemed to be a priority and asked what the State was doing to change this. The delegation assured that detention centres were a last resort and that the police would always look for alternatives first. There were two forms of detention: open door and closed-door facilities. Open-door centres were for children who could be corrected quickly and subsequently reintegrated, whereas closed-door facilities were for severe crimes and children could not leave. The delegation recognised that the detention system was flawed and reported that an appropriate alternative programme had been designed and would be implemented. The delegation noted that in some provinces, children were not separated from adults in detention centres and recognised this as a problem; however it maintained that detention centres were in conformity with international standards.

In response to the Committee's questions on impunity, the delegation explained that the laws and Constitution prevented impunity through NGO legal aid programmes and the Afghanistan Independent Human Rights Commission. Any person who could not afford a lawyer would be provided with one. The delegation identified the special court for children, the special prosecutors for children and NGOs, which would reveal impunity, and assured the Committee that the perpetrators would be tried in court. In spite of this, the delegation acknowledged that there were many cases where impunity was an issue.

The Committee noted that the term "irregular behaviour" on the part of adolescents, one of the three grounds for intervention by law enforcement agencies, was a very broad and non-legal concept that violated the idea of juvenile justice. The delegation explained that the State, with help from UNICEF, formulated juvenile justice laws that were consistent with the CRC

and a child would never be put into a detention centre for non-criminal behaviour. When asked to clarify what type of behaviour would be deemed “irregular”, the delegation said that the police would get involved if the child was caught up with the mafia or drugs.

When asked to clarify the difference between a rehabilitation centre and a correction centre, the delegation noted that there might be some confusion about what correction meant and that it defined correction as correcting and training children. In response to the Committee’s inquiry about social workers, the delegation explained that Afghanistan had more than 500 social workers that were running services for children.

In response to the Committee’s question on the maximum sanction for the deprivation of liberty, the delegation explained that if children who were being used by anti-government forces or terrorist activities were investigated and tried, then the most severe possible sanction would be half of what an adult would receive if convicted of the same crime.

Children in Armed Conflict

The Committee noted that the National Police still recruited children and wanted to know why it was not possible to end this practice. The delegation explained that nine ministries had signed an action plan to combat this and these nine focal points were working to provide information to children about how to protect themselves and create a reporting system.

On children in armed conflict, the delegation stated that the Ministry of Defence and the Ministry of Interior had signed an agreement to prevent the recruitment of children to the armed forces. The major issue was the deployment of children by opposition groups.

Child trafficking and sale of children

The Committee noted that internal trafficking of children was prevalent, and was manifested in forced prostitution, labour and begging. The Committee asked what measures were being taken to eliminate these practices and asked how the State was implementing the Law on Counter Abduction and Trafficking of Humans. The Committee also asked whether there was a system for victim identification and punishment of families who sold their children for forced marriage.

Children in prison with their mothers

The Committee noted that children living in prison with their mothers did not have access to education. Furthermore, many children stayed in prison past the legal age of 7 years because they had no other place to go. This situation denied children of all of their rights and the Committee asked whether measures were being taken to address this issue. The delegation explained that according to the President’s Decree, these children would still go to school.

Concluding Remarks

Mr. Krappmann thanked the delegation for providing the Committee with additional information about the situation of children in Afghanistan. He reiterated that Afghanistan was a country that had suffered war and conflict and noted that no child had enjoyed a peaceful period. Despite the challenging situation, Mr. Krappmann restated that Afghanistan had sent a report and that, although it was late, the Committee was delighted to have received it. The Committee had taken notice of Afghanistan’s remarkable progress and many good developments and this would be reflected in the Concluding Observations along with the problems, shortcomings and deficits that were not yet satisfactory. Mr. Krappmann noted that

many of the remaining issues were related to the status of – and violence against – girls and women. The Committee would indicate what should be done to address this issue.

The adoption of many laws, policies and strategies was positive, but Mr. Krappmann noted that it could be problematic, since coordination and implementation seemed to be difficult; this problem might have been exacerbated by the fact that so many measures had been supported by outside forces. While the support was welcome and needed, Mr. Krappmann thought it might make it difficult for Afghanistan to take full ownership and responsibility.

Mr. Krappmann noted that the delegation and the Committee shared similar views on most, if not all problems, and reiterated that the Committee's intention was to encourage the government to find ways out of these troubles. The Committee encouraged the government to work with civil society to achieve full implementation of the CRC. Mr. Krappmann concluded by sending his best wishes to each and every child of Afghanistan and with intense hope that at the next meeting, in five years' time, the Committee and the delegation would celebrate Afghanistan living in freedom, justice and peace.

The delegation thanked the Committee and admitted that the report was delayed, but reminded the Committee that just nine years ago Afghanistan did not have a government, nor a justice system. While a lot had been achieved, the delegation knew there were still many challenges ahead. The delegation emphasised Afghanistan's political will to incorporate the CRC into all provisions of the law. The delegation hoped that one day it would be impossible to point out a provision that was missing from Afghan law and agreed that in order to achieve this, Afghanistan needed a coordinating mechanism to implement the laws and programmes related to children. To conclude, the delegation thanked UNICEF and other international organisations for their involvement in the welfare and protection of children in Afghanistan.