Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Afghanistan - 5th Session - 2009
7th May, 2.30pm to 5.30pm

National Report

1. Afghanistan, as a country in transition, is facing a wide range of problems in political, social and economic areas after the fall of the Taliban regime. Nevertheless, in collaboration with the international community, the Government of Afghanistan (GoA) has managed to have a number of important achievements, including [...] enrollment of more than six million children in schools, a third of whom are girls; establishment of private schools and higher education institutions; expanded access to health services; [...] relative improvement of legal, political, economic, and social situation of citizens, especially of children and women; and adoption of Afghanistan National Development Strategy (ANDS) in which serious attention has been paid to eradication of poverty and improving the livelihood of the citizens.

2. However, there are still key challenges facing human rights in Afghanistan, including [...] violence against women and children, [...].

20. Afghanistan Independent Human Rights Commission that was established based on Article 58 of the Constitution constitutes one of the major achievements towards human rights protection. [...] AIHRC is also promoting rights of the child, women, and disabled people, observing cases of human rights violations, transitional justice and raising human rights awareness.

24. This Commission was established in 2008 to address the needs of children and the juveniles.

39. In addition to the six human rights conventions, the GoA has also ratified the Optional Protocol on Children in Armed Conflict on 24 September 2003, and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography on 19 September 2002. So far, no report has been submitted on these optional protocols.

D. National Education Strategy of Afghanistan

45. This strategy was adopted in 2007 on the basis of ANDS benchmarks. This strategy has been prepared to meet by 2020 the educational objectives set out in Millennium Development Goals (MDG), whereby the Ministry of Education should carry out specific programs to enhance education qualitatively and quantitatively in different areas. These goals include: increasing the level of girls' enrolment and school retention, incorporate human rights concepts in the educational curriculum and provide for the establishment of private schools. According to the plan for the development of basic education, there has been measures taken to establish 4,900 new schools and 4,800 community based schools to provide for education of minority groups, the disabled, and groups with special needs.

E. National public health and nutrition strategy of Afghanistan

46. Based on ANDS objectives, this strategy was adopted in 2008. Accordingly, the Ministry of Public Health (MoPH) is mandated to improve health and nutrition status of the people of Afghanistan in an equitable and sustainable manner, through provision of quality healthcare, services and promotion of a healthy environment and living conditions along with living healthy life styles. The anticipated outcomes of this strategy are to increase access to basic health services from 65 per cent in 2006 to 90 per cent in 2010, to reduce maternal mortality ratio from 1,600 per 100,000 live births in 2000, to 15 per cent meaning 1,360 per 100,000 live births in 2010, and to 21 per cent (1,246) by 2013 from the baseline and to 50 per cent (800) by 2015 from the baseline. For child mortality, the target is to reduce mortality rate of children under 5 years from 257 per 1,000 live birth in 2000 to 205 per 1,000 live birth in 2000 to 205 per 1,000 live births by 2010 in a 20 percent reduction, and to 35 per cent reduction from the baseline to 167 by 2013, and 50 per cent reduction from the baseline, to 128 by 2015; and, similarly to reduce the mortality rate of children under 1 year old from 165 deaths per 1,000 live births in 2000 to 20 per cent (132 deaths per 1,000 live births) by 2010 and to 30 per cent reduction from the baseline to 115 by 2013 and to 50 per cent reduction from the
[59x70]authorizes the formation of the Commission for Combating Abduction and Human Smuggling. This commission is presided over by law

and is inviolable.” The GoA endorsed the Law on Combating the Abduction and Human Trafficking in 2008, the Article 4 of which

8. Prevention of slavery and human trafficking

74. The Constitution of Afghanistan supports this right in Articles 23 and 49, which stipulate “Freedom is the natural right of humans

and is inviolable.” The GoA endorsed the Law on Combating the Abduction and Human Smuggling in 2008, the Article 4 of which

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enforcement organizations. As per the statement of the Ministry of Justice, Afghanistan is not the source country but a transit route for human trade. Despite these efforts, human smuggling through Afghanistan or from Afghanistan, especially that of the children, is a main human rights challenge.

11. Right to marriage and establishment of family

77. Protection to families applies to all members of the family and is an issue of interest for the GoA. Article 54 of the Constitution regards and protects family as the cornerstone of the society. As per the provisions of this article, the State needs to take firm steps to provide for physical and mental wellbeing of the families particularly for the mother and child health. Marriage age in the Afghan Civil Law for boys is 18 years and for girls 16 years. Despite this, the old traditions affect marriage and are a big challenge in this area. Approximately, over 40 per cent of marriages are premature or simply a forced marriage. Therefore, serious problems still prevail in ensuring the realization of this right.

2. Children rights

82. Children as one of the most vulnerable group of the country have suffered all kinds of violence during last three decades. Their rights were grossly violated. After the fall of Taliban, major steps were taken towards promotion of child right in the country. In 2002, after the reopening of schools, a total of three million boys and girls were able to go back to schools. Now in 2008/9 this figure has reached six million students a third of which are girls. Afghanistan has ratified the Convention on the Rights of the Child (CRC) in 1994, on the basis of which previous regulations on children right and justice were reviewed and amended. Major achievements have been made in reference to child health care in Afghanistan. Millions of children under 5 have been successfully vaccinated against major killer diseases of childhood such as; measles and polio. Since three years ago, northern and central provinces of the country have become immune against polio virus. Extension of mother and child health care services and facilities has dropped mortality rate under five years old by 25 per cent.

83. In order to protect children against violence, child smuggling, and child abuse, the GoA in cooperation with international organizations, has established child protection networks throughout the country. Also, to guarantee the rights of the child, the Law for Addressing Juvenile Violations was adopted in conformity with provisions of the CRC and for legal protection of juvenile to protect children’s interests while under trial, children at risk and children in need of basic care and protection.

84. Despite above mentioned progress, Afghan children, primarily girls, still are faced with great challenges. For example, millions of children mostly in conflict provinces can not attend schools. Daily, hundreds of children are dying from malnutrition and curable diseases and 35 per cent of these losses emanates from waterborne diseases. Due to growing poverty of their parents, yet, thousands of children go to labor markets, work in small plants or in farms. Children also are subject to different forms of violence, such as smuggling or abduction, exploitation, or sexual abuse.

4. Rights of the returnees and the displaced persons

86. Currently a total of 3.3 million Afghan refugees live in neighboring countries, mainly in Iran and Pakistan. In order to attend the problems of disabled and returnees, the State established the Ministry of Refugees and Returnees which addresses the problem of Afghan returnees in cooperation with UNHCR. These services include: helping returnee families in getting resettled at their home towns, extending humanitarian assistance, finding new jobs, helping them in building new shelter, as well as education of their children. The Ministry has attempted to take up serious measures for the refugees in accordance with international conventions and human rights standards, but because of non-cooperation of the host countries many problems still exist in this area.

D. Challenges in the area of human rights in Afghanistan

89. Based on realities of Afghanistan, the following recommendations are proposed for the areas of legislation, reforms in the judicial sector, adopting new policies on human rights, and creating mechanisms for the protection, support, and monitoring of human rights, in cooperation with international community:

26. Adopt necessary mechanisms for greater access of deprived children to formal education through launching village schools with special attention to girls’ education and employment of further female teachers;

31. Create mechanism for registration of child birth, marriage, divorce and identity card offices throughout the country.

Compilation of UN Information

1. Cooperation with treaty bodies

CRC: Initial to second report overdue from 1996 to 2001 respectively
OP-CRC-AC: Initial report overdue since 2004
OP-CRC-SC: Initial report overdue since 2004

2. Cooperation with special procedures
1. Equality and non-discrimination
11. While the Secretary-General and the High Commissioner respectively acknowledged some progress on women’s economic advancement and that women and girls had continued to make gains in the workplace, education and government, the High Commissioner noted that progress remains tentative, because of pervasive social, political and economic discrimination against women, as well as insecurity and the persistence of customary practices.

2. Right to life, liberty and security of the person
16. In 2008, the Secretary-General identified parties to the conflict, both State and non-State actors, who commit grave abuses against children. In particular, he highlighted the fact that children have been recruited and utilized by State and non-State armed groups and that non-State armed groups such as the Taliban continue to train and use children as suicide bombers. The Special Representative of the Secretary-General for Children in Armed Conflict expressed similar concerns UNICEF noted that an unknown number of children have been captured and arrested by Afghan law enforcement agencies and international military forces due to their alleged association with armed groups. Further concerns were expressed by the Secretary-General.

18. The Secretary-General referred to the insufficient protection for victims of or witnesses to sexual violence and the low level of cases being prosecuted, notably due to fear of violent retaliation and to the lack of specific legislation in line with CRC. In 2008, the Secretary-General noted that in the system of administration of justice, the criminalization of women who have been victims of gender-based violence and gender discrimination in the application of customary law continues to be a major concern. The High Commissioner highlighted that there were signs of increasing willingness on the part of victims to report rape, and of the authorities to investigate and prosecute some high profile cases in 2008. The Special Representative of the Secretary-General for Children and Armed conflict reported about worrisome allegations about sexual violence against boys by armed actors.

3. Administration of justice, including impunity, and the rule of law
21. The High Commissioner for Human Rights noted that customary law prevails, where traditional dispute resolution mechanisms are frequently used in place of formal court systems in criminal and non-criminal cases. These mechanisms often fail to respect even the most basic human rights standards, especially as regards women and girls. A particular issue of concern is the practice of baad, by which girls as young as seven years of age are given away to settle feuds and murder cases.

22. The 2004 Common Country Assessment (CCA) report noted that women’s and children’s rights are particularly affected by the lack of functioning formal justice mechanisms at every stage, including knowledge of rights, access to justice, and trial and detention. Particularly nomadic tribes and the poorest sector of society face similar disadvantages.

26. UNICEF informed that an under-developed independent bar and the lack of a state funded legal aid system is a major impediment to providing the necessary legal representation for vulnerable groups including children. The High Commissioner reported that detainees are rarely informed of their rights or given access to legal counsel, and defence lawyers are not given the opportunity to correctly carry out their activities. Both the Secretary-General and the High Commissioner noted slow improvements.

30. UNICEF noted that lack of due process in juvenile justice system is a serious concern. It noted that the Juvenile Code raised the minimum age of criminal responsibility from 7 to 12 years old. Yet, mainly due to the lack of means of age verification, children under the age of 12 years can be arrested and imprisoned for minor crimes such as theft.

4. Right to privacy, marriage and family life
31. The High Commissioner for Human Rights made reference to a 2006 AIHRC study, which indicated that the largest category of cases of violence against women consisted of forced marriages. She stated that there is a failure by officials to bring about redress for forced marriage. Nevertheless, she made reference to a then signed protocol on the eradication of child forced marriages.

6. Right to work and to just and favourable conditions of work
37. UNICEF referred to findings of a 2003 survey indicating that 24.3 per cent of children aged between 7 and 14 years were working, that girls work more than boys and that there is more child labour in rural than urban areas. According to UNICEF, much more needs to be learned about the nature, forms, concentration and cause of child labour in Afghanistan.

7. Right to social security and to an adequate standard of living
38. The High Commissioner for Human Rights referred to an AIHRC report according to which the Government is failing to meet its minimum core obligations under ICESCR. She noted that vulnerability and widespread poverty most severely impact upon women, children, the disabled, elderly, and the landless.

40. A 2007 WHO brief indicated that the lack of physical infrastructure impedes the improvement of health Also, the low status given to women, low level of water supply and sanitation coverage, extremely poor hygiene and environmental health shortcomings contribute to high infant and child mortality and morbidity. Due to the long period of conflict, over two million Afghans are affected by mental health problems. UNICEF informed that a substantial long-term investment to strengthen the health system was needed while making efforts to increase access to high impact in un-reached areas and addressing neonatal deaths.

41. The High Commissioner reported that Afghanistan continues to suffer from high mortality rates. She also underlined that, despite some progress, provision of and access to adequate health care, particularly for women and children, remains a serious concern. She noted that, although child mortality rate in Afghanistan is the third highest globally, the country has managed to reduce this rate by 25 per cent since 2001.

8. Right to education and to participate in the cultural life of the community
45. In 2009, the Special Representative of the Secretary-General for Children and Armed Conflict expressed grave concern about the increase in the number of child victims of attacks against schools by Taliban insurgents who deny children the right to education. She deplored the throwing of acid to prevent girl children and female teachers from going to school.

46. UNESCO informed that in terms of access to education and of reducing gender disparities, Afghanistan has made significant progress during the last years. UNICEF noted that there are still enormous gender gaps and that lack of security is a major challenge. The High-Commissioner for Human Rights noted that early marriage also tends to deprive girls of the opportunity to receive secondary education.

11. Human rights and counter-terrorism

52. The Secretary-General noted that child protection actors have welcomed the juvenile-specific provisions, including on offences relating to children associated with armed groups, in the Law on combating terrorist offences adopted in 2008. The Law states that when an offence has been committed by individuals below the age of 18, the 2005 juvenile code will apply.

64. The 2006-2008 United Nations Development Assistance Framework (UNDAF) lists the following priority areas of cooperation: governance, rule of law and human rights, sustainable livelihoods, health and education, and environment and natural resources. In July 2008, the Afghanistan UNCT commenced its preparation of the 2010-2013 UNDAF. FAO, UNEP, UNESCO, UNHCR and UNICEF submitted information on their capacity-building and technical assistance programmes.

Stakeholder’s Information

1. Amnesty International (AI) noted that the Government acceded to the Rome Statute of the International Criminal Court in February 2003, but it has yet to enact effective implementing legislation. Afghanistan Independent Human Rights Commission (AIHRC) noted that many international obligations of Afghanistan with regards to human rights have yet to be incorporated into existing domestic laws or translated into new laws. Front Line: the International Foundation for the Protection of Human Rights Defenders (FL) called on the United Nations to urge the Afghan authorities to confirm their commitment to protect the rights of women and girls in accordance with international human rights law and standards.

2. AI noted the Constitution that explicitly commits the Government to observe the United Nations Charter, the Universal Declaration of Human Rights and international human rights treaties to which Afghanistan is a party. AIHRC noted the adoption of a Juvenile Justice Law in 2005.

5. SRI noted that the Government has articulated its overarching goals for the well-being of its people in the Afghanistan Millennium Development Goals Country Report 2005 – Vision 2020. This collectively reflects Afghanistan's own aspirations for its people of reducing poverty and hunger, providing universal primary education, reducing child mortality, improving maternal health, combating diseases, promoting gender equality, ensuring environmental sustainability and enhancing personal security. According to SRI, a further vital and cross-cutting area of work is eliminating the narcotics industry, which they describe as a formidable threat to the people and the state, the region, and beyond.

12. AI stated that women in Afghanistan suffer from high rates of domestic violence and do not have recourse to legal protection. AIHRC also noted that women are subjected to numerous forms of physical and psychological violence, such as forced and under-age marriage, physical abuse, rape and other forms of sexual harassments, trafficking, bad dadan, honour killing and other forms of violence.

13. WWA noted the UNICEF’s estimates that there are 8,000 child combatants in Afghanistan (both active and former). In a recent survey of over 30,000 Afghans HRW found that up to 30 percent had participated in military activities as children. The recruitment of children as suicide bombers is an increasing threat and often involves significant cajoling and trickery. Many of these children are from destitute families in volatile regions of the country and are more easily persuaded to join the insurgents for protection. Children are no longer reportedly recruited into the Afghan National Army, but there are unconfirmed reports that the police auxiliary maintain informal associations with children. Nonetheless, the greatest cause for concern remains the Taliban, who continue to recruit children.

14. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children is lawful in the home. Children have limited protection from violence, but there is no explicit prohibition of corporal punishment in schools. In 2004 the Ministry of Education issued a letter to all schools prohibiting severe beating of children by teachers, and in June 2006 the Ministry of Education announced “that the use of any form of violent behaviours and punishment against children are seriously prohibited.” Further, in the penal system, corporal punishment is unlawful as a sentence for crime, but it is not explicitly prohibited as a disciplinary measure in penal institutions. And there is no explicit prohibition of corporal punishment in alternative care settings.

15. World Vision Afghanistan (WWA) noted recent reports suggesting that Afghanistan is a primary country where children are abducted, smuggled over the borders, and sold as sex slaves or child labourers in the neighbouring countries or in the Gulf States. Reports indicate that sexual violence against Afghan boys is common throughout the country, but is most prevalent in the north. In northern Afghanistan, “Bacha bereesh” (beardless boys) are kept by powerful older men who sexually abuse them.

27. AI noted the Afghan Civil Code, according to which the legal age of marriage for girls is 16 or 15 with the consent of her father or competent court. However, because of customary practices, approximately 57 per cent of girls marry before the age of 16. Women who seek to flee abusive marriages are often detained and prosecuted for alleged offenses like “home escape” or “moral” crimes that are not provided for in the Penal Code. AIHRC noted that child marriage and rape and other forms of sexual exploitation of children are a challenge. AIHRC further noted that children in need of special care, like those with disabilities, are generally neglected in national as
well as local planning. Statistics suggest that around 80 per cent of children do not have National Identification Cards, which causes numerous problems, including under-age marriage and unfair court proceedings.

28. Rights and Democracy further noted that numerous practices inconsistent with women’s rights are widespread in the country. The most challenging issues include forced marriages, walwar (a practice whereby the groom pays compensation to the bride’s family for expenses incurred in caring for the bride from birth to marriage), the practice of baad (literally, “blood money,” whereby a woman is given away by her family as compensation for a crime committed by one of its members to the family of the victim), child marriages, and domestic abuse

33. AIHRC noted that the number of children, faced with the worst forms of child labour, is unfortunately increasing day by day. WWA noted the estimates that there are roughly one million child labourers between the age of seven and fourteen in Afghanistan. In Kabul, it is estimated, according to WWA that 37,000 children beg or work in the streets, employed in a range of fields from carpet weaving to heavy vehicle repair to metal working. Many are also exploited in activities related to narcotics, including through their own addictions. Almost 96 per cent of child labourers in Afghanistan are prematurely forced into labour because of poverty and poor economic conditions.

37. WWA noted that there is limited access to quality health care throughout the country. For every 1,000 Afghan children born, 165 die within the first year, and one quarter of all Afghan children die before their fifth birthdays – the vast majority from preventable diseases. WWA further noted that children who live on the streets of Afghanistan are at grave risk and are exceptionally vulnerable to malnutrition and infectious diseases. Over 50 per cent of Afghan children throughout the country have stunted growth patterns. Infant malnutrition and the poor nutritional status of women are major contributors to high early death rates. [...]  

38. SRI noted that universal access to quality services is a primary means to reproductive health that the Afghanistan Government is committed to providing through the Ministry of Public Health. The Ministry has the task to ensure the accelerated implementation of quality health care for all people of Afghanistan, through targeting resources especially to women and children and to under-served areas of the country, and through working effectively with communities and other development partners. The Ministry of Public Health in Afghanistan has made some progress to expand the Basic Package of Health Services to around 90 per cent of the population. To date, according to SRI, the implementation of these programmes has made a demonstrable difference.

40. AI noted that boys are twice as likely as girls to complete primary school, and this difference widens significantly at higher levels of education. According to AIHRC, access to education is hampered by an ever-increasing insecurity, including assassination and intimidation of female teachers and students. AIHRC further noted that despite increase in number of students, construction and rebuilding of schools, access to education is not inclusive yet. It is estimated that more than half of school-age children do not attend schools. In this context, girls are particularly vulnerable and constitute only 35 per cent of students. Lack of girl’s schools is another factor as currently only 15 per cent of schools have been reserved for girls. HRW noted similar concerns and noted that even in areas free from armed conflict, girls continue to face immense obstacles to education, such as a lack of girls’ schools and transport, fear of sexual harassment and violence while en route to school, and early marriage resulting in drop out. The severe shortage of qualified female teachers outside of urban areas has not been adequately addressed.

41. HRW noted that despite a presidential decree guaranteeing married girls’ right to attend school, in April 2008 the Ministry of Education reinstated a policy directive ordering schools to separate married girls from other students and provide separate classrooms for them. There is no such policy for married boys, and this discriminatory directive may result in pushing married girls out of the educational system. Girls’ schools already lack resources and are unlikely to be able to offer separate classes and teachers for married girls.

42. AIHRC noted that the Government of Afghanistan has failed to design and implement effective programmes for settlement of nomadic Kuchis, improvement of their lives and education of their children. On the other hand, the existing condition of Kuchis has resulted in violent conflicts with local residents over pasturelands every year.

45 [...] WWA noted that hundreds of thousands of Afghan children have become displaced with or without their parents. The government estimates as many as 60,000 street children occupy the territory under its control – many of these children are malfed by the Government in a difficult situation when considering citizen’s right to shelter.

46. AIHRC noted some achievements in legislation. Most important new laws are on juvenile justice, the law of media, electoral law, the law on political parties, marriage registration certificate, the anti-corruption law and the law on establishment, functions and mandates of AIHRC.

Final Report

13. The delegation provided further information regarding measures for social protection. The Government was providing shelter to 9,312 orphan children in 54 orphanages, a total of 362 kindergartens were fully functional throughout the country. Concerning the right to food and to an adequate standard of living and shelter, in 2005, 44 per cent of Afghans lived under the poverty line, and 75 per cent did not have food security. The Ministry of Agriculture has developed a special food security programme in May 2008. Additionally, the rapid growth of urban dwellings, the return of new groups of refugees and internally displaced people, the expansion of poverty and slums in the cities put the Government in a difficult situation when considering citizen’s right to shelter.

14. Achievements in the last seven years on the right to health included a reduction in mortality rate of children under five. Health service coverage increased to 85 per cent of the population through 1,688 functioning medical facilities. Yet, malnutrition remained one of the most challenging public health issues.
15. On the right to education, the delegation provided information on some positive developments. In 2008 more than 6 million students attended schools, one third of whom were girls with 15,842 attending schools in rural areas. Adult literacy courses for women had opened all over the country. However, major challenges remained, including the destruction of schools by armed anti-Government forces, the shortage of qualified teachers particularly in rural areas, the shortage of financial and technical resources and low salaries for teachers.

19. Reference was made to measures taken concerning the rights of minorities, human trafficking and the rights of the child. [...] 

28. Singapore commended the Government's clear resolve to stem administrative corruption. Other important steps taken since the fall of the Taliban include providing education and empowering women. Singapore asked how the Government plans to promote education and school attendance and enquired about the lower enrolment of girls.

29. Norway addressed four issues: a) civil society and human rights defenders; b) remaining pervasive discrimination against women and girls; c) deterioration of freedom of expression, including intimidation of and violence towards Afghan journalists; and d) the implementation of the Action Plan on Peace, Justice and Reconciliation and made related recommendations.

31. The Philippines [...] asked about Government efforts to combat trafficking in children and further improve access to basic education and promote food security, especially in rural areas.

33. The Republic of Korea welcomed the establishment of special State commissions which aim to uphold the human rights of children, women and detainees. It noted that prejudice and discrimination against women are still persistent. The growing number of IDPs and returnees is of great concern to the Republic of Korea.

34. Bhutan recognized the challenges and constraints faced by Afghanistan and noted that progress in the area of governance and towards the achievement of the MDG targets in health and education were encouraging. [...] 

39. South Africa noted that acute poverty and unemployment prevail, and women continue to face enormous social, economic, security and human rights challenges. It referred to the importance of the requisite resources being provided to effectively implement the National Action Plan for Women. It recalled that the three-decades-long crisis had a detrimental impact on children, who have suffered all kinds of violence. South Africa made a recommendation.

46. Morocco mentioned that Afghanistan has demonstrated its commitment to human rights and set up a number of strategies and action plans to promote human rights, in particular in the areas of justice, education, children and health. [...] 

50. Austria made a number of recommendations in relation to: the impact of conflict on civilians; discrimination against women; and administration of justice. Austria welcomed the introduction of the juvenile criminal code in 2005 and asked about concrete measures to improve its implementation.

51. Brazil commended the increase in school attendance, especially with regard to the access of girls to education, and the widening of the school curriculum. It asked for further information on the role that international cooperation could play in the improvement of health indicators. Brazil made a number of recommendations.

52. The United Kingdom of Great Britain and Northern Ireland [...] also welcomed improvements in the situation for women and girls, but noted ongoing discrimination. It also noted concerns about intimidation of journalists and asked what Afghanistan was doing to ensure a free press. The United Kingdom made 4 recommendations.

54. Pakistan indicated that Afghanistan’s commitment to human rights is demonstrated by its very candid and frank national report. It noted that insecurity and armed conflict limit access to basic services, including education, and asked about the measures envisaged to overcome this problem. It said that Pakistan has extended financial and material assistance to Afghanistan and is contributing to the reconstruction of that country. Pakistan made a recommendation.

55. Palestine referred to the considerable developments in Afghanistan including the adoption of a new Constitution, the development of the political system, the reform of the judiciary, the increasing levels of education provided to children and the creation of the Ministry of Women’s Affairs. Palestine made a recommendation to Afghanistan. It believed that the recommendations contained in the national report are extremely important.

66. Slovenia expressed concern about the grave abuses of children in Afghanistan, in particular their recruitment by State and non-State armed groups and the training and use of children as suicide bombers by non-State armed groups such as the Taliban. Slovenia is gravely concerned about the reported increase in the number of child victims of attacks against schools by Taliban insurgents who deny children the right to education, especially by preventing girls and female teachers from going to school by throwing acid at them. Slovenia made a number of recommendations.

67. Slovakia, while acknowledging positive developments in the promotion and protection of human rights, expressed concern about reports of increased child labour and the dire social and economic situation in Afghanistan. Slovakia made a number of recommendations.

72. The United Arab Emirates welcomed the efforts of the Government in all the critical human rights areas, especially to improve the conditions of life such as combating poverty, promoting the right to food, adequate housing, education, health, women and children. It requested information on the initiatives of the Government to combat and eradicate poverty and to implement the CRC.

75. Maldives noted the efforts of Afghanistan such as the ratification of a Constitution that embodies the fundamental human rights; the establishment of AIHRC; ratification of six international human rights instruments; reopening of schools and providing educational
opportunities for 6 million students in 2008/2009; [...] 

80. Greece noted that the intensification of the conflict and the lack of infrastructures and facilities in rural areas constitute an obstacle to the realization of the right to education. Furthermore, it referred with concern to the increase in the number of child victims resulting from attacks against schools by insurgents. Greece made a recommendation.

81. Albania noted with satisfaction the creation of special committees responsible for monitoring the human rights situation in Afghanistan, including six commissions in charge of assuring the respect of human rights during investigations, interrogations and detention. In Afghan prisons, the commissions examine the problems of children and youth, [...] 

89. The delegation of Afghanistan responded to the observations of the Philippines and New Zealand, noting that article 52 of the Constitution stresses the right to health. The Government has the obligation to provide free health care and the Ministry of Health is authorized to ensure medical and preventive measures for public safety. Several strategies and public-private partnerships further this aim. Between 2004 and 2008, approximately 148 policy guidelines, laws, regulations and protocols were developed, applying to different aspects of health. Afghanistan's achievements in the years following the Taliban's rule have resulted in reduced mortality rates of children under 5 years of age (from 257 in 2001 to 191 in 2007), the expansion of public service coverage (from 9 per cent in 2001 to 85 per cent in 2007) and expansion of immunization to cover 83 per cent of the population. The Government stressed that the top health priority now is to improve maternal health and reduce maternal mortality.

**Conclusions and Recommendations**

15. Persevere in fighting corruption, in educating its people and especially its children, and in further empowering its womenfolk for greater participation in all sectors (Singapore);

25. Pursue, within the context of paragraph 1(d) of Human Rights Council resolution 9/12, the achievement of its MDGs in the areas of health and education through national plans of action (Brazil);

30. Maintain and develop the positive measures that have been taken, such as for example the setting up of a school system for girls and the training of women police officers and avoid entrenching in the law, discriminatory practices against women (Switzerland);

32. Expedite the implementation of all measures to address the situation of vulnerable groups in particular women and children (South Africa);

39. Enact legislation and take effective measures to protect and promote women's rights, especially with regard to forced marriages, honour killings and access to education for all girls (Austria);

42. Strengthen its efforts to ensure access to education - and to health care - for all its citizens, including those with disabilities, regardless of ethnicity, religion, tribal affiliation or economic status (Australia);

44. Take every possible measure to ensure the protection of the civilian population, in particular vulnerable groups, such as children, women and IDP's (Switzerland);

50. Take the necessary steps to prevent the assassination or intimidation of female teachers and students (Hungary);

51. Continue its measures to address all forms of violence against women and girls (Brazil);

53. Take immediate measures in order to comply fully with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovenia);

54. Take effective action against child labour, and against smuggling or abduction, exploitation or sexual abuse of children (Hungary);

55. Address the issue of the use of child labour in the country, while supporting an d facilitating children’s access to education, in particular in rural areas (Slovakia);

78. Take concrete measures to promote and protect the rights of women and children, in particular to facilitate their access to education and health as basic prerequisites for growth and development (Islamic Republic of Iran);

83. Consider adopting human rights education in its national education curriculum (India);

84. Continue the progress achieved and continue expanding the realization of the right to education for all sectors of society and the dissemination of the human rights culture through educational curricula (Saudi Arabia);

86. Step up its efforts to guarantee the right to education to all children and take effective measures to substantially increase the rate of attendance, particularly of the female population, in schools (Greece);

96. The following recommendations will be examined by Afghanistan which will provide responses in due time. The response of Afghanistan to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its twelfth session:

12. Foster a genuine culture of human rights in line with national and regional particularities as well as cultural, historical and religious backgrounds (Islamic Republic of Iran);

18. Intensify its efforts for the promotion of gender equality consistent with the obligations of Afghanistan under CEDAW, including
through the review and elimination of laws, customs and practices that lead to discrimination against women and girls, making available effective legal remedies for the victims of discrimination and violence, and actively promoting the participation of women and girls in different fields such as education, labour and political life (Mexico);

19. Take further steps to protect the human rights of those who live in rural areas where respect for basic human rights, especially with regard to women and children, remains impeded under customary law (Japan);

21. Take all possible measures to prevent the recruitment of children and the use of child combatants by the Taliban (Hungary);

22. Step up efforts including working closely with ICRC and other relevant parties, to stop the recruitment and use of children by all parties involved in conflicts in the country (Malaysia);

97. The following recommendations did not enjoy the support of Afghanistan:

2. Ratify the ICCPR-OP2, aiming at the abolition of the death penalty (Argentina); Response of the Islamic Republic of Afghanistan to the Recommendations Made by Participating Countries

18: Intensify its efforts for the promotion of gender equality consistent with the obligations of Afghanistan under CEDAW, including through the review and elimination of laws, customs and practices that lead to discrimination against women and girls, making available effective legal remedies for the victims of discrimination and violence, and actively promoting the participation of women and girls in different fields such as education, labour and political life (Mexico) Acceptable: Equal rights for men and women is enshrined in the Constitution and Afghanistan is committed to its obligations under CEDAW and has undertaken various activities and initiatives on CEDAW implementation in the country and will further foster activities in this regard. The Government has facilitated extensive and active participation of women in education, social, economic and cultural areas of life.

19. Take further steps to protect the human rights of those who live in rural areas where respect for basic human rights, especially with regard to women and children, remains impeded under customary law (Japan) Acceptable: There are a number of programs under Ministry of Justice including the “Justice in District Level” which help protect the basic human rights of women and children in rural areas. Besides, efforts are underway to establish relations between the formal judicial system and the informal one in order to bring the performances of the local jirgas in conformity with the laws of the country.

21. Take all possible measures to prevent the recruitment of children and the use of child combatants by the Taliban (Hungary) As far as the Government is concerned, the law and regulations on military service prevents the recruitment of people under 18. The Government especially through Ministry of Labor, Social Affairs, Martyrs and Disabled has taken serious supervising and protecting measures in this regard including the establishment of the Child Protection Action Network which is an inclusive network of governmental and non-governmental organizations and its overall goal is to prevent and respond to exploitation, abuse, and violence against children and ensure the protection of all children in Afghanistan. The Government of Afghanistan denounces the recruitment and use of children in conflicts.

22 Step up efforts including working closely with ICRC and other relevant parties, to stop the recruitment and use of children by all parties involved in conflicts in the country (Malaysia) Acceptable: The Government has taken serious efforts to stop the recruitment and use of children by all parties involved in conflicts in the country and has worked with different international organizations including ICRC to this end. The ICRC has indicated that they will take measures to encourage the opposition armed groups to refrain from recruitment and use of children in conflicts.