**Initial report of Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Unofficial Translation)**

**INTRODUCTION**

1. Islamic Republic of Afghanistan (hereafter Afghanistan) acceded to Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography (hereafter Protocol) on June 23, 2002, without any reservation.
2. In accordance with the article 12, paragraph 1 of the OPSC, g Afghanistan hereby prepares its initial report on implementation of OPSC’s provisions. The report contains information concerning administrative, judicial, and institutional building measures carried out by implementing agencies within the State.
3. The report has been prepared based on revised guidelines of 2006, regarding initial reports to be submitted by states parties under article 12, of the paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child. (CRC/C/OPSC/2)
4. The report reflects administrative, judicial, legal and institutional building measures regarding the realization of children rights and protects them against slavery, violence, trafficking and other related ill-treatments.
5. To prepare the initial report of the protocol various governmental and non-governmental organizations took part. To have an inclusive and comprehensive approach towards reporting process, Afghanistan includes all relevant governmental departments and Afghanistan Independent Human Rights Commission, AIHRC, plus representatives of the civil society.
6. Reporting process of Afghanistan to International Human Rights Instruments composed of three national committees namely, Steering Committee, Technical Committee and Drafting Committee.
7. Steering Committee**:** The Steering Committee is a leading body in reporting process which inaugurates it, monitors the process through identification of obstacles and providing solution for challenges. After initial confirmation by the steering committee, the draft report is being submitted to the Vice President Office for final confirmation which subsequently MoFA will submit it to the UN.
8. Technical Committee**:** The Technical Committee is a representative body composed of members of governmental and non-governmental organizations that take part in assessing and group discussion on implementation of provisions of a concerned human rights convention. This Committee then reflects the executives’ measures of the government’s departments in the report.
9. Drafting Committee**:** TheDrafting Committee is comprised of some Technical Committee members and officers from reporting desk of human rights and women’s international affairs directorate of MoFA and its Legal Adviser who are tasked with preparing the draft report based on the guideline of reporting issued by the UN treaty bodies.
10. According to laws and regulations concerning children, in Afghanistan and inline with Art 1 of CRC, a child is a person who hasn’t reached 18 years old. Therefore, all persons who are under 18 years are assumed a child before the law and enjoy special protection designed for children. According to article 4, section 1 of the Juvenile Code “A child is a person who did not complete 18 years old. Therefore, if a child turns 18 he/she is still assumed as a child unless otherwise he/she completes 18 years old.
11. In order to counter children trafficking, the Afghan government established a commission by the name of “ High Commission against abduction and human trafficking” in 2008, then through amendment of the law this institution was renamed “ High Commission on combating Human Trafficking and Smuggling of Migrants” this commission is chaired by the Minister of Justice with participation of 11 deputy minister[[1]](#footnote-1) including; Deputy of Directorate of National Security, Member of Afghanistan Independent Human Rights Commission(hereafter AIHRC), Directorate of Jurists Union, Directorate of Independent Bar Association of Afghanistan and Directorate of a civil society organization. The commission’s mandate among other things are designing programs to eliminate human trafficking and protect victims of such crimes especially women and girls.
12. Following accession to theProtocol in 2003 and In order to prevent human trafficking, Afghanistan has signed extradition agreement with several countries which are mostly destination to trafficking of children and adults.
13. Based on Article 13 of the labor law, any person who recruited as a labor, among other things, he/she shall reach 18 years old. As stipulated in Section two of this Article, those who reach 15 years of age can be recruited in light jobs and those who reach 14 years of age are eligible to be recruited as a trainee. Based on Section four of this Article recruitment of children in physical hazardous job or job posing risks of disabilities are prohibited. Working hour of adults are 40 hours a week while juvenile aged 15-18 just work for 35 hours a week.
14. Afghanistan enacted the Law on Protection of Children Rights on 2019, in order to compile all children rights laws and regulations into a comprehensive and integrated document to pave the way for better realization of children rights.
15. Provisions of Optional Protocol is reflected in various laws and set of mechanisms for implementations. For instances, Penal Code 2017, the Law on Prohibition of Human Trafficking and Smuggling of Migrants 2016 and the Law on Protection of Children Rights 2017[[2]](#footnote-2). Based on Article 510 of Penal Code, recruitment, transfer, transport, keep and put under dominance of children for purpose of exploitation is trafficking. Furthermore, Section three of this Article provides that trade of children, exploitation and abusing of them for production of pornographic materials, coercing them into begging, recruiting them in hostilities or transplant of their organs are also means trafficking and punishable by the law. Article 22 and 23 of the Law on Protection of Children Rights prohibit sexual exploitation and harassment of children. Article three, Section two of the Law on Prohibition of Human Trafficking and Smuggling of Migrants also forbids sexual exploitation of children. Based on this law, trade of children, forcing them in dancing in public and private places, using children for production of pornographic materials, slavery of children, forced labor of children, forcing begging of children, using children in hostilities, children organ transplantation, use of children in medical experiments and force children for similar illegal actions are prohibited.
16. Based on facts and figures of MoLSA during 2017-2019, this ministry facilitates alternative care to 300 children through Children Custody law 2014, taking into consideration all conditions and best interest of the child. This ministry also, since 2015, provided custody for 18 unknown children[[3]](#footnote-3) through the said law for eligible guardians.
17. The MoI has registered and 16 cases of sale of children and refer those cases to judicial sector for further adjudication. Furthermore, the Ministry of Women Affairs, MowA, claims two children aged (7-9) resident of refuges camp in *Jare khoshke* Badghis Province were traded by their families due to the poverty.
18. To mitigate the effects of poverty, the MoLSA has signed 7 agreements with international organizations including the World Bank valued ten million dollar to protect impoverished children. Unfortunately, due to shortage of financial resource and magnitude of poverty this amount of money would not ensue tangible results in to life of people.
19. During 2016-2017 the ombudsman of AIHRC, has held 24 workshops for defense and security forces of Afghanistan. 781 participants including 543 men and 238 women are received training on prohibition of human trafficking and punishment of perpetrators. During these two years no case of trafficking was registered in AIHRC.
20. Prostitution is criminalized in the penal code of Afghanistan under various terms (Adultery, sodomy and similar actions against morals and public order) (Art. 640-650). Child prostitution is also criminalized in particular and punishable by the law. Article 97 of the Law on Protection of Children Rights provides that all related Gov. Ministries and departments and non-Gov. Organizations are obliged to protect the children against all forms of abuse, sexual exploitation and use of children in production of pornographic materials. Given the traditional and Ultra-conservative nature of society in Afghanistan there is no case of registered complaint against this crimes in courts.

**GENERAL MEASURES OF IMPLEMENTATION**

1. To have better coordination between various Gov. Departments that task with follow up and implementation of child-rights related issues, the oversight of children rights has been upgraded and bestowed to Vice-President Office. As Article 9 of the Law on Protection of Children Rights provides,” …. In order to preserve and oversight the implementation of the provisions of the Law on Protection of Children Rights, the National Commission for protection of children rights shall be established to be presided over by the Vice-President with participation of various governmental departments. [[4]](#footnote-4)
2. National Commission of Protection of Children Rights can formulate needed policies for children and submit them to Cabinet for approval, then monitor the implemented policies. To have effective and efficient activities being done by various governmental and non-governmental, this commission is tasked to coordinate among different stakeholders. This commission is obliged to submit mid-term report to the Cabinet every six month.
3. In compliance with the Article 11 of the Convention on the Rights of the Child and in order to prevent child trafficking, the MoI, has held numerous seminars and workshops on preventing child trafficking to raise awareness for its staff. This ministry identifies and arrests the perpetrators and refers them to judicial sector. During 14 years this ministry has done the following;

**Number of cases of arrested perpetrators by Police/years**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No. cases** | 988 | 427 | 978 | 212 |
| **Arrest Years** | 2015 | 2016 | 2017 | 2018 |

1. Victims of human trafficking including men, women and children were rescued by police force during check and control operations. Among others, during 2018, five children from Kabul and Herat provinces were trafficked to Turkey via Iranian border have been rescued by police and the perpetrators referred to judicial sector for further prosecution.
2. Ministry of Interior has held 216 workshops for its staff and police forces during 2015-2019 to raise awareness on how to behave with children who are in conflict with the law and on children rights, victims of domestic violence and women and children who are victims of harassment.

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| --- | --- | --- | --- | --- | --- |
| **Year** | **2015** | **2016** | **2017** | **2018** | **2019** |
| **No. Workshop** | 92 | 21 | 49 | 34 | 20 |
| **Beneficiaries** | 564 | 1088 | 1516 | 639 | 2379 |

1. Directorate of Protection of Human Rights within Ministry of Justice has held nine learning programs on seven International Human Rights Instruments and two Optional Protocols of the Convention on the Rights of the Child (CRC), this programs targeted six government entities including; Ministry of Interior, Ministry of Commerce, The Central Statistics Authority, Directorate General of Prisons and Detention Centers, and Independent Directorate of Local Governance. Furthermore, the Ministry also held 3 learning programs in Kabul for prisons managers of Provinces of Bamiyan, Badakhshan and Balkh. 325 participants including 235 men and 90 women received training on prison management.
2. To promote human rights issues, AIHRC has held 500 awareness raising programs through workshops in 2018. Every workshop composed of 25 participants which totaled 15000 participants during 2018. They received training on human rights issues in general and children rights in particular including prevention of children involvement in armed conflict, sexual abuse of children and child trafficking.
3. Due to serious concern on involvement of children in hostilities and to prevent violation of their rights by defense and security forces of Afghanistan, The AIHRC has established ombudsmen department within its structure since 2010. The ombudsman department protects children rights and prevents their violation by defense and security forces. To achieve more tangible results this department has signed memorandum of understanding with defense and security forces of Afghanistan on coordination and cooperation on the children rights in 2006.
4. In order to raise awareness for police force regarding children rights and how to behave with vulnerable children, and to prevent hazards posed by children involvement in armed conflict and also, prevent sexual violence and abuse against children the European Union Police Mission in Afghanistan in collaboration of MoI, has written and published a book titled” Children Rights and The Police Commitments” in 2013. This book is designed to be taught to the police force and covers provisions of the Convention on the Rights of the Child, Optional Protocol on Involvement of Children in Armed Conflict and Optional Protocol on Sale of Children, Prostitution and Pornography as well as incorporating the general principles of juvenile delinquency.
5. The Children Rights and the Police Commitments also emphasizes the rights of children in conflict with the law and describes how the police shall deal with children taking into consideration human rights standards. The police shall not shackle suspect children and use detention as a last resort and in shortest possible period. The police shall not behave violently with a child suspected or accused of breaching the law and the court also uses alternative to detention while issuing verdict as well.
6. Recently, UNICEF mission in Afghanistan in collaboration with the MoI, has written and published a book as” Child-friendly Police” in 2019. This book is now incorporated into the curriculum of the National Police Academy and covers fundamental rights of the children reflected in the Constitution, Civil Code, the Law on Protection of the Children Rights and also provisions of the International Human Rights Instruments as, CRC, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules 1985), United Nations Rules for the Protection of Juveniles Deprived of Their Liberty ( the Havana Rules 1990) and United Nations Guidelines for the Prevention of Juvenile Delinquency ( the Riyadh Guideline 1990). The young police officers who are admitted to the National Police Academy are being trained to understand all rules and regulations concerning children rights and its implication during their specialized missions.
7. To protect children rights and prevent violence against them the MoI, in collaboration with the UNICEF mission in Afghanistan has formulated “the Police Policy to Support and Protect of Children” in 2020.
8. In joint efforts by collaboration of the MoLSA and the Kabul University a faculty for social works has been established in 2014, to train young talented persons. The educated persons provide social and psychological services to vulnerable children particularly, those who are victims of drug abuse, and physical and sexual violence. In 2017, 20 students graduated from the faculty, in 2018, 26 students and in 2019, also 26 students graduated from social works faculty. Most of them recruited by MoLSA. Based on agreement between MoLSA and the Kabul University, a mastership course is planned to admit students in 2020. Students eligible for master degree shall be staff of the MoLSA.
9. Non- governmental organizations own 26 shelter in 21 provinces to provide legal and social services to victims of domestic violence. To guarantee the functionality of the shelters, the MoWA is regularly oversighting their performances to ensure they are working as par the all laws and regulations in effect. The MoWA also, established coordination committees in national and provincial level to scrutinize the finding of monitoring missions and identify the challenges.
10. The Family Guidance Centers in 19 provinces provide legal and social consultancy to women and children who are victims of human trafficking. Children Protection Action Network (CPAN), which works under supervision of the MoLSA act as an umbrella for coordination and collaboration between Governmental entities, Non-governmental organizations and the Civil Society institutions provide protection services for the victims of human trafficking in 110 districts across the country.
11. Awareness raising on human rights for school students is the basic and foremost activities of the MoE. To this aim, MoE has held numerous seminars and workshops for teachers and students on children rights and particularly, on risk of sexual abuse and child prostitution. Furthermore, alongside awareness raising programs to the public by a Specialized TV of the MoE, there is an awareness raising campaign in all schools on prevention of sexual abuse for all boys and girls.
12. Reproductive rights are incorporated in curriculum of student’s grade 7-12 of all schools. Students of 7 grades and above (14-19 years age) are being taught about risks of unprotected sexual acts, signs of puberty of children, family planning and prevention of unwanted pregnancy. As Afghanistan is among the youngest countries in the world with 47% of its population under 15 years, teaching reproductive rights and prevention of Sexual transmitted diseases (STD’s) is very important.
13. Based on Afghanistan Living Condition Survey (ALCS) 2017, 28% of women aged between ( 20-24) are married before their 18 year of age and 4.2% got marry before they are 15. Even though, the government tries to enhance the knowledge of people and bring down the underage marriage rate through mass media, mosques and instalment of billboards in public places, the majority of population in remote areas due to economic poverty and traditional practice still follows this custom. Therefore, one of objectives of the Strategy of Reproductive education for teenage girls who are married underage is training on sexual health and providing consultancy on interval between pregnancy to prevent Sexual Transmitted Diseases among teenage mothers and prevent infliction of hurt to their physical and mental.
14. Based on information received through provincial police headquarters during 2017-2018, 103 counts of violence, sexual abuse and other criminal acts were registered against children in MoI’s data base system which 70 cases committed against boys and 33 cases against girls.
15. The MoI, has registered 3o cases of violence against children including, sale of children, *Baad*, child and forced marriage. 18 cases regarded girls.
16. Based on data registered by the MoWA two girls aged 5 and 7 were married to two boys aged 8 and 9 years by their father and for payment of medical treatment of him. The police chased the children’s father to arrest him but he managed to escape and took refuge in anti-government armed forces area. This case is still open for prosecution.

**PREVENTION (para. 1, 2 of Article 9)**

1. In recent years, the National Directorate of Security, NDS, and MoI, have prevented 210 cases of trafficking of teenagers and young people who were transfered outside of the country by smugglers.
2. One of challenges confronting children is deportation of unaccompanied children from host and transit countries to Afghanistan. In some cases, the children are being deported apart of their families to Afghanistan due to lack of legal residential permit or other reasons without consideration to their families. The Afghan government has contacted the host and transit countries through diplomatic channels to prevent deportation of those children while their parents live there.
3. In recent years MoPh has provided health service and mental services to 14462 victims of human trafficking. 603 victims of trafficking are also protected by MoLSA in capital and provinces.
4. The MoI, has arrested 77 suspects of smuggling and refer them to judicial sector for further prosecution. Following trial of the suspects, 33 of them were convicted for crimes they have committed and awardee punishments ranging from short-term imprisonment to capital punishment.

18 persons have been convicted for middle imprisonment[[5]](#footnote-5),

8 persons have been convicted for long term imprisonment,

1 person has been convicted for short term imprisonment,

4 persons have been convicted for life imprisonment,

 2 persons have been convicted for capital punishment.

And 11 persons acquitted from the charges but, 31 persons’ cases are still under investigation.

1. To prevent criminal networks from committing criminal acts, the National Directorate of Security has identified 106 criminal networks and eliminated 28 of them during operations.
2. The fact and figures of the High Commission against Human and Migrants Trafficking shows that during the period between 2015,2016 and 2017 respectively 200, 411 and 760 children have received protection and during 2018, 532 children including 492 boys and 40 girls have received protection facilities.
3. To harmonize the national laws with international human rights instruments and the Convention on the Rights of the Child, the Afghan government enacted Juvenile Delinquency Law in 2006 and new Penal Code in 2018. The laws have been codified in compliance with the Beijing Rules, Havana Rules and the Riyadh Guidelines. Therefore, imposing death penalty, imprisonment and fine against children is prohibited.
4. Based on article 638 of the Penal Code, if a man has sexual intercourse with an individual/person under 19 years old, the children consent is not legally binding and the act is deemed rape.
5. Based on Article 636 of Penal Code, in rape crime committed by using force, threatening means or application of unaesthetic drugs, if the victim is a child the perpetrator shall convict for long term imprisonment for a period between 16-20 years.

**PROHIBITION AND RELATED MATTERS**

**(arts.3; 4, paras.2 and 3; 5; 6 and 7)**

1. Even though, there is no statistics on production of pornographic materials in Afghanistan. but, due to importance of the issue and prevention of such activities, based on Article 874 of the Penal Code the legislature criminalizes the production, distribution and keeping the pornographic materials. As this Article provides, anybody who commits this crime shall be sentenced to middle imprisonment up to two year or fine of 60000 up to 120000 Afs. If the distribution of pornographic materials aims to lure children into sexual acts, the perpetrator shall be convicted to maximum penalty.
2. To protect children against misuse of internet services, the Ministry of Telecommunication and Information Technology ( MoTIT) limits access to foreign sites containing pornographic materials. Furthermore, the Ministry also the Drafted Child Online Protection Policy which is scheduled to be approved soon. Based on this policy the access of computers or smartphones belonging to children is being limited.
3. Based on our laws, the promotion and marketing on sale of children, prostitution and pornography on cyberspace is forbidden in all territory of Afghanistan. No individual or legal person has no the right to produce pornographic materials across Afghanistan. Furthermore, no one has a right to showcase sexual performance in public or in cyberspace or promote such activities.
4. Based on the Penal Code, if somebody coerces a child into performing immoral acts or accept such acts as a business or provides means to immoral acts and deviances, the perpetrator is a criminal and shall sentence to three year imprisonment. If the perpetrator has family relationship up to three degree[[6]](#footnote-6) with the victim or the perpetrator profited by such acts he/she shall convict to maximum penalty of long imprisonment for a period of ten years (Article 618 of the Penal Code).
5. Article 654 of the Penal Code provides that if a person keep a boy for his sexual pleasure or use the boy to entertain himself, he shall sentenced to maximum three year imprisonment. And if a person trains the boy dancing to use him in *Bacha Bazi* gathering he shall to sentenced to two year imprisonment. If a person exploits a boy child and force him to dance in private and public gathering, the perpetrator shall receive more than three years imprisonment.
6. If *Bach Bazi* practiced by military personnel’s, the perpetrators shall receive an imprisonment term more than one up to five years. In case the military personnel knowingly let his/her subordinates practice *Bacha Bazi* and does not prevent such act he/she shall sentences to one year imprisonment (Article 660-661).
7. During 2019 the National Police of Afghanistan has found ten cases of violation of children rights including sodomy, killing and rape of children which committed by the police staff. The perpetrators then arrested and referred to judicial sector for further prosecution. It is worth mentioning that these cases were not happened during official services of the said suspects but the incidents took place out of duty station.
8. Besides criminalization of *Bacha Bazi* in the Penal Code, the MoI, issued a military order no.1846 to all of its personals to prevent *Bacha Bazi* and arrest all perpetrators. It is worth mentioning, before enactment of the Penal Code in a case a district commander of the MoI , participated to the *Bacha Bazi* gathering in one of northern province of the country the Minster dismiss him from military job. During 2018 five cases of *Bacha Bazi* and in 2019, 11 cases of *Bacha Bazi* prosecuted by the AGO based on Penal Code.
9. When a victim of human trafficking is a child the legislature considers it aggravating factors and sentences the culprit to more than ten year imprisonment. (Article 511 of the Penal Code).
10. If the perpetrator of human trafficking is husband/wife, parents or legal guardian of the victim or he is official of public office, the perpetrators shall be sentences to more than 10 years imprisonment. Moreover, if the perpetrator of human trafficking sodomizes the victim, he shall be sentences to 20 up to 25 years imprisonment. If the victim used for production of pornographic materials, the perpetrator shall be sentenced to 30 years imprisonment.
11. If the trafficker recruits a child in hostilities or transplants his organs resulting to permanent physical and mental disabilities or uses the child for medical experiment the perpetrator shall be sentenced to 20 up to 25 years imprisonment. If the victim dies of such activities the perpetrator will convict for 30 years imprisonment.
12. Article 518 of the Penal Code provides that the victim of human trafficking is not prosecuted. If the victim of human trafficking enters or exits Afghanistan illegally he/she shall not be prosecuted for such acts. Even, if the victim resides in Afghanistan illegally or uses forged documents have no criminal liability.
13. The Covenant on the Rights of Child in Islam which is the first human rights binding document of the Organization for Islamic Cooperation and Afghanistan is acceded to it in 2016, prohibits all forms of exploitation and abuse of the children including but not limited to sexual abuse and trafficking of the children, use of children in hostilities and similar acts hurts the children.
14. Article 85 of the Penal Code provides that legal person is criminally liable. Based on this Article, if the representatives and attorneys of the legal persons commit a crime on behalf of the legal persons bear the criminal liability. Article 86 stipulates punishments for the legal persons as; fine, confiscation of the property, cessation of business for specific time and dissolution of the legal person under the law.
15. According the article 515 of the penal code the legal person in human trafficking crime holds particular criminal liability. If the crime occurs in addition to individual person, the legal person also holds responsible and shall convict to fine between 3000000 up to 5000000 Afs. The range of fine provided in this law shall be amended taking into consideration financial fluctuations. In case of recidivism the work permit of legal person shall be nullified.

**PROTECTION OF VICTIMS RIGHTS**

**(Arts.8 and 9 paras 3 and 4)**

1. For protection of the rights of the victims of the crimes prohibited under the present protocol, the Afghan government are fully recognizing, respecting and protecting the rights of the victims at all levels of investigations and proceedings which concern them. Based on Article 667 of the Penal Code, the victims of sexual crimes and abuses including *Bacha Bazi* are not prosecuted.
2. To protect the identity of the victims of crimes prohibited in the protocol, the Article 665 of the Penal Code provides that, if the perpetrator of sexual crimes and abuses makes a recording of the victims while committing the crime he/she shall be sentenced to two years in prison.
3. To protect the victims of abuse including women and children against verbal, physical and psychological harassments that results to stress and low participation in society, the perpetrator holds responsability. The Article 672 of the Penal Code provides that, there is no need for judicial prosecution to file in the lawsuit by a plaintiff.
4. According to Article 524 of the Penal Code, the refugee who trafficked into Afghanistan by smugglers does not receive punishment for illegal entrance and stay in Afghanistan, nor is he responsible for using forged documents.
5. According to Article 14 and 15 of the Child Custody Law, to ensure the best interest of the child, the court is eligible to make more conditions for the legal guardian in addition to the conditions set by the law. The court shall issue a temporary custody period of six month for a child, if during this period the child is well received by his legal guardian the custody shall be extended.
6. Based on Article 21 of the Child Custody Law, the court shall terminate the custody of the child, if the legal guardian breaches the custody conditions. For instances, if the guardian behaves inhumanly ,beats up the child or tortures him/her or uses him/ her for illegal purpose like smuggling and other illegal activities.

**INTERNATIONAL ASSISTANCE AND COOPERATION**

**(art.10)**

1. Based on the Penal Code 2018, the MoLSA is tasked as secretariat of the children rights issues and shall present all problems regarding to children rights before the Vice-President for review and decision making. One of main challenges of the MoLSA is shortage of expertise and institutionalized weakness in formulation of strategies and policies to manage promotion and protection of children rights effectively and efficiently. Therefore, a memorandum of understanding was signed between the MoLSA and the UNICEF Afghanistan to hold high level programs for management and policy formulation to enhance the capacity of its staff for comprehensive management of children rights issues across Afghanistan.
2. In order to extend the birth registration across the country, the Central Statistics Office in collaboration with the MoPh has developed Online and Offline birth registration. As a result, during 2017 Number of Infants registration has reached 10.81% including 5.38% boys and 5.43% girls which totally 123969 newborns have been registered in 2017. This figure has increased to 500372 registered cases in 2019.
3. To eradicate virulent and communicable diseases, the MoPH with technical support provided by World Health Organization (WHO) launched annual campaign of polio vaccination for less than five years children across the country. There is an endeavor to provide vaccination even in conflict zones[[7]](#footnote-7).
4. One of the shortcomings of providing services to vulnerable children is less professional human capital in social services. Based on MoU signed between the MoHE and MoLSA in collaboration with the UNICEF a social service department has been established in the Kabul University. During 2017, 2018 and 2019 respectively 20, 26 and 26 students has graduated from B.A of social services and referred to MoLSA.
5. Afghanistan is interested in cooperation with all regional and international organizations to develop the human rights standards. But, due to various challenges including but not limited to financial, technical and shortage of human capital requesting such organizations to pay more attention on the promotion and development of human rights.

**OTHER LEGAL PROVISIONS**

**(art.11)**

1. To combat with human trafficking and prevention of child trafficking, The government of Afghanistan has acceded to following conventions.

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| --- | --- | --- | --- | --- |
| No.  | Convention | Status  | Adoption  | Accession date  |
| 1 | The Convention on the Rights of the Child (CRC) | Accession  | 20.11.1989 | 28.3.1994 |
| 2 | Optional Protocol on the CRC on Involvement of Children in Armed Conflict  | Accession  | 25.5.2000 | 24.9.2003 |
| 3 | Optional Protocol on the CRC on Sale of Children, Prostitution and Pornography | Accession  | 25.5.2000 | 19.9.2002 |
| 4 | Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933 | Final signature | Lake Success, New York, 12 November 1947 | 12.11.1947 |
| 5 | the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921 | Final signature | Lake Success, New York, 12 November 1947 | 10 April 1935 |
| 6 | Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others  | Accession  | 21 March 1950 | 21 May 1985 |
| 7 | Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime  | Accession  | 15 November 2000 | 15 August 2014 |
| 8 | Covenant on the Rights of Children in Islam | Accession  | 30 June 2005 | 2018 |
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**CHALLENGES CONFRONTING IMPLEMENTATION OF THE PROTOCOL IN AFGHANISTAN**

1. Insecurity in some provinces poses challenges for awareness raising, advocacy and rendering services to children. Therefore, some children across the country have no access to programs targeting children.
2. Shortage of budget at the national level is a serious problem for the realization of human rights values and hinders access of citizens to public services. Lack of child friendly budgeting is also a big challenge for the realization of children rights across the country. Due to lack of such budget, all awareness raising programs and services for children are provided by government and non-governmental organizations on small scales.
3. Lack of a central human rights database at the national level has caused a lack of gathering comprehensive and disaggregated data based on gender, age, minority group, nomads, and provinces, urban and rural areas.
4. One of the core challenges for the realization of human rights values and particularly, the children rights is the ultra-conservative nature of the society which poses barriers to dynamic characteristic of the culture and denies any necessity changes. Full Access to human rights requires suitable time, enough budget, qualified human capital and comprehensive management of the projects. To reach this aim, the government of Afghanistan is confronting to various challenges but, the first steps for the implementation of human rights standards has been taken through enactment of human rights oriented laws, formulation of strategies and policies suitable for positive change and paradigm shift in government structure through new institution building.
5. I.R. of Afghanistan as country arising out of conflict and in consequence spends most of its resources for the protection of its citizens against threats posed by terrorist organizations. Therefore, there is shortage of budget for development of infrastructure while more than 54% of the population lives under poverty line. It is obvious that, human rights development and access of citizens to basic services and promotion of human development index is needed to the assistance and support of specialized regional and international organizations. The Afghan government reaffirms its commitment to collaborate with all human rights initiatives.

The end

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1. . Senior Deputy of Security of Ministry of Interior, Prosecution Deputy of Attorney General, Representative of Supreme Court, Deputy Minister of Foreign Affairs, Deputy Minister of Labor and Social Affairs, Deputy of Ministry stof Hajj and Pilgrimage, Deputy Minister of Education, Deputy Minister of Women Affairs, Deputy Minister of Refugees and Repatriation, Deputy Minister of Public Health and Deputy Minister of Information and Culture. [↑](#footnote-ref-1)
2. This Law has been enforced by presidential decree on 10/3/2019 and promulgate in official Gazette No. (362). Based on Article 64 of Afghan Constitution the president has a right “…. To issue presidential decree and enacted laws ….” The presidential decree usually issued In recession period of the Parliament, but the Parliament shall review all laws enforced by presidential decree and has a authority to accept, amend or reject the said laws after parliament inauguration. Last example, is approval of the Law on Protection of Children Rights by majority of MP’s on 10/12/19. [↑](#footnote-ref-2)
3. . Unknown Children are those who may born out of wedlock or abandoned by their biological parents. [↑](#footnote-ref-3)
4. . Minister of Labor and Social Affairs as Deputy of the Commission, Attorney General as member, Minister of Justice as member, Minister of Finance as member, Minister of Interior as member, Minister of Women Affairs as member, Minister of Public Health as member, Minister of Information and Culture as member, Minister of Education as member, Minister of Higher Education as member, Minister of Hajj and Pilgrimage as member, Council Member of Supreme Court as member, Member of the Commission on the Oversight of Implementation of the Constitution as member, Directorate of Afghanistan Independent Human Rights Commission as member, General Directorate of National Security as member, Directorate of Afghan Red Crescent Society as member, Directorate of Central Statistics Authority as member, Independent Directorate of Local Governance as member, Director General of Human Rights and Women’s International Affairs of Ministry of Foreign Affairs as member, Directorate of Afghan Bar Association as member, Directorate of Afghan Jurist Union as member, A representative from Civil Society Organizations as member and Chief Executive Officer of Afghan Chamber of Commerce as member. [↑](#footnote-ref-4)
5. . Based on Article 147 of the Penal Code of Afghanistan, short imprisonment is includes a prison term more than three month up to one year. Middle imprisonment includes a prison term more than one year up to five years. Long imprisonment includes a prison term more than five years up to 16 years. Second degree Imprisonment for life includes prison term more than 16 up to 20 years and first degree imprisonment for life includes prison term more than 20 up to 30 years. [↑](#footnote-ref-5)
6. Article 56-59 Civil Code 1976. [↑](#footnote-ref-6)
7. . Conflict zone are those areas which are the government forces fight with armed groups. [↑](#footnote-ref-7)