



Convention on the Rights of the Child

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Committee on the Rights of the Child

Eighty-fifth session

11–29 May 2020

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined second to fifth periodic reports of Afghanistan

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 14 February 2020. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide information on the steps taken to withdraw its declaration to the Convention. Please specify the measures taken to enforce national legislation enshrining children's rights and to implement the Child Act. Please also inform the Committee which State body is responsible for coordinating the activities of various ministries in the field of children's rights.
2. Please inform the Committee of the financial, technical and human resources allocated to the National Commission for Child Protection, to the Afghanistan Independent Human Rights Commission concerning children's rights and to child-related policies. Please indicate the steps taken to establish a functional tracking system for the allocation and use of resources for children and to decrease dependence on donors. Please update the Committee on the establishment of a comprehensive database on children (CRC/C/AFG/2-5, para. 28).
3. Please provide information on any steps taken to amend article 70 of the Civil Code and to set the minimum age of marriage for girls at 18 years, without exception. Please indicate the impact on the equality between girls and boys of the gender and human rights strategy (2018–2022), the girls' education policy and the awareness-raising campaigns mentioned by the State party in its combined second to fifth periodic reports (CRC/C/AFG/2-5, paras. 36–39), and please specify the measures taken to protect children with disabilities.
4. Please explain the measures taken to prevent the death and injury of children as a result of direct or indiscriminate attacks, in particular improvised explosive device attacks, the presence of explosive remnants of war, attacks on civilian infrastructure and increasing aerial operations by the Afghan security forces, the international military forces and non-State armed groups. Please indicate the measures taken to investigate any such acts, to prosecute and sanction those responsible and to provide redress to the victims and their families.



5. Please describe the mechanisms in place to ensure that children's views are considered in all matters that affect them and that provisions on children's rights are included in any negotiated agreement between parties to the armed conflict. Please provide updated information on the measures taken to improve birth registration rates and the way in which births are registered, to strengthen the database maintained by the civil registration department and to increase public awareness of the importance of birth registration.

6. Please provide information on the measures taken to explicitly prohibit by law all forms of corporal punishment in all settings, including by amending article 194 (6) of the Shiite Personal Status Law (2009). Please clarify what measures have been taken to prevent violence against children, abuse of children, including sexual abuse, and neglect of children, to investigate, prosecute and punish all perpetrators and to provide remedies to victims, including by strengthening monitoring mechanisms in all provinces of the State party.

7. Please provide information on the measures taken:

(a) To end *bacha bazi* (sexual exploitation of boys), enforce and raise awareness of its prohibition under article 653 of the Penal Code (2017) and provide remedies to victims;

(b) To protect children from child marriage, *baad* (settlement of disputes by giving away girls), *badal* (exchange marriages) and honour killings;

(c) To prevent resorting to informal justice mechanisms that violate children's rights.

8. Please update the Committee on the draft family code and any other measures taken to ensure that the best interests of the child are the primary consideration in issues concerning custody and guardianship and with regard to children whose parents are imprisoned and/or sentenced to death. Please explain the measures taken to increase alternative care options, to introduce eligibility criteria for guardians and to prevent children from being placed under guardianship for economic reasons by supporting their families.

9. Please provide information on measures taken:

(a) To decrease child malnutrition rates and improve access to safe water;

(b) To increase children's access to sexual and reproductive health education and services and include such education in school curricula;

(c) To prevent and treat drug abuse among children;

(d) To address the issue of out-of-school children, particularly girls and children with disabilities.

10. Please inform the Committee on measures taken:

(a) To ensure the physical protection of children in conflict-affected areas, including by implementing the Safe Schools Declaration and ensuring the inviolability of hospitals;

(b) To ensure humanitarian access, including for polio vaccinations;

(c) To provide rehabilitation to child victims of conflict-related violence and to children who have been forced to commit or witness human rights violations or who have been exposed to propaganda.

11. Please explain the steps taken:

(a) To end the recruitment and use of children in combat and support positions by government forces and non-State armed groups;

(b) To ensure that children facing conflict- or terrorism-related charges are reintegrated, not stigmatized, and have access to legal aid, education and other services;

(c) To implement the National Policy on Internally Displaced Persons.

12. Please provide information on measures taken:

- (a) To increase the minimum age of criminal responsibility to 14 years;
- (b) To promote the use of diversion and non-custodial measures;
- (c) To implement article 15 of the Juvenile Code;
- (d) To prevent any violence at police stations and juvenile rehabilitation centres.

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

15. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Child victims of neglect, ill-treatment, violence and abuse, and the number of complaints, investigations, prosecutions and convictions in that regard (both in and out of the family);
- (b) Investigations into cases of sexual violence and rape of girls and boys and the outcomes of trials, including with regard to the penalties imposed on perpetrators and to the redress and compensation provided to victims;
- (c) Cases of neglect, ill-treatment, violence and abuse, including sexual violence, that were submitted to informal justice mechanisms, and their outcomes, including cases in which children, particularly girls, were re-victimized, including through *baad*;
- (d) The number and types of calls made by or on behalf of children received by the 24-hour helplines of the Ministry of Interior Affairs;
- (e) The number of complaints received by the department dealing with complaints from or on behalf of children about police misconduct;
- (f) Cases of *bacha bazi*, child marriage, forced marriage, *baad*, *badal*, honour killings and other harmful practices;
- (g) Children classified as malnourished, infected with polio and requiring and receiving mental health services;
- (h) Drug abuse among children, particularly in regions where opium is produced;
- (i) The number of children benefiting from health services delivered by mobile teams in 29 provinces to persons living in conflict zones and/or affected by crisis;
- (j) Children living in multidimensional poverty;
- (k) Children without access to safe water and sanitation;

- (l) Children working in the formal and informal economies;
- (m) Children trafficked for the purposes of labour and sexual exploitation;
- (n) Children involved in combat and support positions recruited by both State and non-State actors;
- (o) Children living in camps for internally displaced persons and in shelters.

16. Please provide data, if available, disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Separated from their parents and orphaned since the beginning of the 2001 armed conflict against non-State armed groups, including the Taliban, and since Islamic State in Iraq and the Levant established a presence in Khorasan Province, in 2015;
- (b) Living with relatives;
- (c) Placed in institutions and orphanages;
- (d) Placed under guardianship as an alternative care option for children deprived of a family environment;
- (e) Placed under guardianship because their parents have insufficient financial means, in accordance with article 11 of the law on child guardianship (2014).

17. Please provide data, if available, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families or with their extended families;
- (b) Attending regular primary schools;
- (c) Attending regular secondary schools;
- (d) Attending special schools;
- (e) Out of school;
- (f) Abandoned by their families;
- (g) Receiving financial support from the Ministry of Labour, Social Affairs, Martyrs and Disabled, based on a disability that is related to the armed conflict or an act of terrorism, and the amount they receive;
- (h) Receiving financial support from the Ministry of Labour, Social Affairs, Martyrs and Disabled, based on a disability that is not related to the armed conflict or an act of terrorism, and the amount they receive;
- (i) Receiving skills training (CRC/C/AFG/2-5, para. 88).

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Investigated by the Deputy Office for Women, Children and Human Rights of the Attorney General's Office;
- (b) Arrested;
- (c) Referred to diversion programmes;
- (d) In pretrial detention, and the duration of that detention;
- (e) Serving a sentence in detention, including data on the length of the sentence;
- (f) Deprived of their liberty in a facility where children in pretrial detention and children serving a sentence are detained together;
- (g) Provided with legal aid, including by State-appointed attorneys.

19. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

20. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
