



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Afghanistan*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information about the steps taken:

(a) To review and harmonize all legislation, policies and measures – including the removal of derogatory terminology such as “handicap”, “*mayub*” and “*mayubin*” – to adhere to the Convention and the human rights model of disability, rather than a medical model of disability that fails to recognize disability as the result of interaction of an impairment and environmental barriers;

(b) To ensure and promote the effective participation of organizations of persons with disabilities, including the participation of women and children with disabilities, in the design and monitoring of legislation, policies, programmes and regulations relevant to persons with disabilities;

(c) To implement the legal and policy framework, including through the allocation of adequate financial and human resources, designed to advance the full inclusion of all persons with disabilities in the State party, including the Act on the Rights and Privileges of Persons with Disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please inform the Committee about the measures taken:

(a) To ensure that legislation, including the Act on the Rights and Privileges of Persons with Disabilities, prohibits all forms of discrimination on the basis of disability and ensures equal and effective legal protection against such discrimination, including multiple and intersectional discrimination, in compliance with the Convention and taking into account the Committee’s general comment No. 6 (2018);

(b) To eliminate discrimination between those who are born with an impairment (derogatorily referred to in Dari as *mayub*) and those who acquire an impairment as a result of war (referred to in Dari as *malul*);

(c) To recognize the denial of reasonable accommodation as a form of discrimination on the grounds of disability in both the public and the private spheres.

3. Please provide information on the existing judicial and administrative remedies available in cases of discrimination on the basis of disability. Please provide disaggregated data on the investigations conducted, sanctions imposed and remedies provided, including in

* Adopted by the pre-sessional working group at its fifteenth session (28 March–1 April 2022).



cases of multiple and intersectional discrimination, and particularly to women and girls with disabilities.

Women with disabilities (art. 6)

4. Please provide information on the measures taken:

(a) To mainstream the rights of women and girls with disabilities into all legislation, policies and programmes in accordance with the Convention and the Committee's general comment No. 3 (2016), ensuring that women with disabilities can, on an equal basis with others, obtain access to health care, education, employment and all sociopolitical activities;

(b) To implement the Act on the Elimination of Violence against Women and the Act on the Prevention of Harassment of Women and Children, prioritizing the prevention of violence within the family and of the public humiliation of women, especially those with disabilities, including by providing specific training for all service providers and justice sector personnel, and by enforcing sanctions against perpetrators of discrimination, including gender-based violence against women with disabilities, and providing remedies for victims.

Children with disabilities (art. 7)

5. Please provide information on:

(a) The steps taken to provide accessible early intervention, habilitation and rehabilitation services for all children with disabilities, in order to prevent their seclusion at home, and to provide services and support to children with disabilities, their families and caregivers;

(b) The system in place to enable children with disabilities, including children with intellectual disabilities and children with psychosocial disabilities, to effectively participate and voice their opinion on matters that affect them;

(c) The measures taken to protect children with disabilities from violence and abuse at home, at school, in institutions and in public spaces, including reviewing the Child Rights Protection Act to explicitly include disability among prohibited grounds for discrimination.

Awareness-raising (art. 8)

6. Please inform the Committee about measures taken:

(a) To raise awareness throughout society, particularly among persons with disabilities, their parents and families, relevant professional groups and government officials at all levels, regarding the rights and dignity of all persons with disabilities;

(b) To meaningfully involve organizations of persons with disabilities, including organizations of women and girls with disabilities, in the design, implementation, monitoring and evaluation of awareness-raising strategies to eliminate the medical model of disability and replace it with the human rights model, as provided for in the Convention;

(c) To engage the media in projecting a positive image of persons with disabilities, recognizing their skills, merits, abilities, and contributions to the community and the economy, and dispelling harmful beliefs that disability is a curse.

Accessibility (art. 9)

7. Please provide information on how organizations of persons with disabilities are engaged in the design, implementation, monitoring and evaluation of accessibility standards in relation to the physical environment, transport, information and communications, and other facilities and services open or provided to the public in both rural and urban areas.

Right to life (art. 10)

8. Please provide information about the measures taken to protect the right to life of persons with disabilities, in the context of reports of violent attacks perpetrated against

civilians, including extrajudicial killing and corporal punishment, such as flogging and stoning leading to death.

Situations of risk and humanitarian emergencies (art. 11)

9. Please provide information about the measures taken, with the involvement of persons with disabilities through their representative organizations:

(a) To establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the scope of the virus and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times;

(b) In the context of the current economic and humanitarian crises, to provide immediate assistance for persons with disabilities facing large-scale displacement, extreme food insecurity, lack of shelter, lack of income and lack of access to cash;

(c) To protect and ensure the safety of persons with disabilities, particularly women and girls with disabilities and persons with disabilities who are internally displaced, in situations of risk, in the context of the current economic and humanitarian crises, whereby there are widespread concerns about targeted violence and human rights violations and disrupted access to essential goods and services, including clothing, food and education;

(d) To implement the Sendai Framework for Disaster Risk Reduction 2015–2030.

Equal recognition before the law (art. 12)

10. Please provide information on the legal and other measures taken to ensure that persons with disabilities, in particular persons with intellectual disabilities and psychosocial disabilities, enjoy legal capacity in all areas of life. Please include information on the steps taken to replace guardianship and other systems of substituted decision-making with supported decision-making regimes, taking into account the Committee's general comment No. 1 (2014).

Access to justice (art. 13)

11. Please provide information on the measures taken:

(a) To ensure, in law and in practice, full, unrestricted and effective access to justice for all persons with disabilities, particularly women with disabilities, on an equal basis with others and at all stages of legal proceedings, including by providing procedural and age-appropriate accommodation and accessible information about their rights;

(b) To promote the recruitment of persons with disabilities in the justice sector;

(c) To review the training curricula for judges, legal professionals, court officers and law enforcement officials, including police and prison officers, to include the provisions and standards of the Convention.

Liberty and security of person (art. 14)

12. Please provide information on:

(a) The steps taken to review and repeal any laws that allow for deprivation of liberty on the basis of actual or perceived impairment, in particular regarding persons with intellectual disabilities and persons with psychosocial disabilities;

(b) The number of persons with disabilities deprived of their liberty, including in hospitals, institutions and mental health facilities, disaggregated by sex, age and type of impairment, and instances in which the allegation of arbitrary or unlawful detention has been challenged;

(c) Training programmes for health professionals, prison officials and other staff on the rights of persons with disabilities and, in particular, respect for their dignity, liberty and security in all places of deprivation of liberty, including mental health facilities, prisons and detention centres.

Freedom from torture or cruel, inhuman, or degrading treatment or punishment (art. 15)

13. Please inform the Committee about the measures taken to establish an independent complaints and monitoring mechanism to prevent and provide redress for instances of torture or inhumane and degrading treatment of persons with disabilities, including medical or scientific experimentation without the free and informed consent of the individual concerned. Please inform the Committee about any public awareness campaigns to prevent the ill-treatment of children with disabilities, especially within the home and school settings.

Freedom from exploitation, violence and abuse (art. 16)

14. Please provide information on the measures taken:

(a) To prevent and combat all forms of exploitation, violence and abuse, including physical violence, humiliation, restriction of physical movement and denial of permission to attend public gatherings and to interact with friends, of persons with disabilities, particularly women and girls with disabilities and persons with intellectual disabilities and persons with psychosocial disabilities living in institutions or in rural areas;

(b) To prevent begging by children with disabilities and forced marriage of girls and women with disabilities;

(c) To enforce sanctions against perpetrators, and to provide remedies for victims, including their comprehensive rehabilitation.

Protecting the integrity of the person (art. 17)

15. Please provide information on:

(a) The measures taken to protect persons with disabilities, particularly women and girls with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, from being subjected to forced sterilization and abortion without their free and informed consent;

(b) The legal measures taken to prohibit the use of immobilizing equipment, physical or chemical restraints and forced treatment in psychiatric care units and in homes.

Liberty of movement and nationality (art. 18)

16. Please inform the Committee about the measures taken to ensure that all children with disabilities are registered at birth. Please also indicate the steps taken to end all restriction of movement of persons with disabilities in the State party including the requirement that women, including women with disabilities, be accompanied by a male relative (*mahram*).

Living independently and being included in the community (art. 19)

17. In the light of the Committee's general comment No. 5 (2017), please inform the Committee about:

(a) Legal and implementing regulations to promote the right of persons with disabilities to live independently and be included in the community, and the repeal of any regulations that prevent persons with disabilities, irrespective of the type of impairment, from choosing their place of residence and where and with whom they live on an equal basis with others;

(b) Deinstitutionalization strategies, their time frames and the specific resources allocated for their implementation, including review of article 44 of the Child Rights Protection Act, which promotes the establishment of orphanages;

(c) Measures taken to transition persons with disabilities from the Afghan Red Crescent Society institutions (referred to as *marastoons*) to full independent living and inclusion in the community.

Personal mobility (art. 20)

18. Please inform the Committee about:

(a) The measures taken to support persons with disabilities in enhancing their personal mobility, including through the provision of mobility aids, assistive devices, other assistive technologies, forms of live assistance and intermediaries, and information and communications technology, in particular in rural areas;

(b) Regulations designed to provide waivers for persons importing any assistive devices.

Freedom of expression and opinion, and access to information (art. 21)

19. Please inform the Committee about:

(a) The laws or policies in place to promote and protect the freedom of expression of persons with disabilities, including persons with intellectual disabilities and persons with psychosocial disabilities, and of disability rights activists;

(b) The measures taken to recognize Afghan Sign Language as an official language and to promote the learning of sign language, the availability of qualified sign language interpreters and the use of sign language in all settings, in particular in education, in the workplace and in community settings;

(c) The steps taken to improve the accessibility of information and communications and other services open or provided to the public in all settings, through appropriate modes, means and formats of communication, such as sign language, Braille, audio or tactile information, alternative and augmentative communication, Easy Read and pictograms.

Respect for privacy (art. 22)

20. Please indicate the measures taken to ensure respect for the privacy of persons with disabilities, particularly for women and girls with disabilities, and to impose sanctions and provide remedies for failure to respect this right to privacy in all areas of life.

Respect for home and the family (art. 23)

21. Please provide information on the steps taken:

(a) To repeal all discriminatory legislation that denies persons with disabilities their rights in matters relating to the home, the family, parenthood (including the adoption and fostering of children) and relationships, on an equal basis with others, without discrimination and on the basis of their free consent;

(b) To strengthen the services available to parents and families with children with disabilities, including early intervention and support services.

Education (art. 24)

22. Please inform the Committee about:

(a) The regulations, policies and programmes adopted to promote inclusive education without discrimination and on an equal basis with others, rather than a special education policy, including by revising article 15 of the Education Act and article 56 of the Child Rights Protection Act;

(b) The allocation of adequate resources to establish inclusive and accessible schools, to train teachers and personnel working in educational institutions on inclusive methodologies and to provide accessible teaching materials and means and formats of communication;

(c) The percentage of children with disabilities who are deprived of education, through statistical data disaggregated by age, sex, school level and type of impairment, in both urban and rural areas;

(d) Plans to reopen schools at all levels of education to reduce the current high rate of illiteracy, and plans to establish protection measures to ensure the safe participation of children with disabilities, particularly girls with disabilities, in school;

(e) The strategies in place to change the attitudes of all persons in the education sector towards children with disabilities with a view to building a culture that values diversity and the participation and involvement in society of all persons with disabilities.

Health (art. 25)

23. Please inform the Committee about the steps taken to ensure:

(a) The physical accessibility of, and the accessibility of information and communication regarding, high-quality health-care facilities, equipment and service provision for persons with disabilities, especially in rural areas;

(b) Access to sexual and reproductive health care for all persons with disabilities, including women and girls with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, including access to maternal health care, family planning and contraception, and including by increasing the number of female health professionals; and access to awareness-raising programmes on health rights, including the requirement that the free and informed consent of the individual concerned be obtained prior to any medical or psychiatric treatment or intervention;

(c) The availability of mental health services, including by training health workers, especially women, to raise awareness and inform communities and individuals about mental health support;

(d) The revision of laws that permit involuntary treatment, such as article 23 of the Mental Health Act, to require that mental health services are provided only with the prior, free and informed consent of the individual concerned;

(e) The prioritization of persons with disabilities in the provision of COVID-19 services, including access to tests, vaccines and information.

Habilitation and rehabilitation (art. 26)

24. Please inform the Committee about the availability of rehabilitation services, including adequate psychosocial support for persons with physical disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, and specifically for persons with disabilities who are survivors of conflict-related violence and who experience depression, anxiety and post-traumatic stress disorder.

Work and employment (art. 27)

25. Please inform the Committee about:

(a) The measures taken to increase employment opportunities for and the recruitment of persons with disabilities, especially women with disabilities, including by developing strategies to implement the quotas set out in the Act on the Rights and Privileges of Persons with Disabilities;

(b) The measures taken to ensure the provision of reasonable accommodation to employees with disabilities in the workplace and to ensure penalties and remedies for the denial of reasonable accommodation;

(c) Plans to reinstitute the right of women, including women with disabilities, to engage in all professions, and plans to ensure a safe working environment by combating workplace harassment, including by investigating complaints and prosecuting offenders as provided in article 30 of the Act on the Elimination of Violence against Women.

26. Please provide data about persons with disabilities engaged in the public and the private sectors, disaggregated by sex, age, duration of employment, and professional qualification.

Adequate standard of living and social protection (art. 28)

27. Please provide information on:

(a) The budgetary and other measures taken to improve the standard of living and to expand the social protection programmes to benefit persons with disabilities, paying particular attention to women and children with disabilities, in both rural and urban areas, and to internally displaced persons with disabilities residing in the State party;

(b) Access to the financial assistance granted under the Act on the Rights and Privileges of Persons with Disabilities to alleviate disability-related expenses, such as the provision of assistive devices and personal assistants, and entitlement to poverty reduction schemes;

(c) Plans to revise articles 4 and 8 of the Act on the Rights and Privileges of Persons with Disabilities, to expand the criteria for receipt of financial assistance and social protection programmes beyond those who acquire an impairment on duty or during armed conflict, and article 36 (3) of the Child Rights Protection Act;

(d) Plans to facilitate the acquisition of a disability certificate, which is required to qualify for government assistance.

Participation in political and public life (art. 29)

28. Please provide information on the measures taken:

(a) To revise the discriminatory provisions in the Elections Act, namely its articles 22 (3), 22 (4), 25 (5), 29 (4), 32 (3), 35 (2), 37 (2) and 40 (2), which force elected officials to relinquish their seat upon becoming “disabled permanently”;

(b) To provide an accessible voting environment for persons with disabilities, including the physical accessibility of all polling stations and the use of accessible formats, such as Braille, in electoral materials, and to ensure that persons with disabilities are guaranteed secrecy in the voting process;

(c) To ensure the meaningful participation of women with disabilities in decision-making, including by facilitating the participation of women with disabilities in all public affairs, including in the voting process.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

29. Please inform the Committee about the measures taken to improve the collection, analysis and dissemination of disaggregated qualitative and quantitative data on persons with disabilities, including those living in rural areas and in conflict zones, and about how persons with disabilities, through their representative organizations, are closely consulted and meaningfully involved in this process.

International cooperation (art. 32)

30. Please describe the level of consultation with and participation of persons with disabilities, including women and girls with disabilities, through their representative organizations, in the process of gaining access to international cooperation funds for disability-specific projects, agreements and programmes, particularly those related to the implementation of the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

31. Please provide further information on:

(a) The current structure of the authorities delegated to deal with implementation of the Convention, the identified focal points and the coordination mechanisms;

(b) Whether the Afghanistan Independent Human Rights Commission, including its Disabled Support Section, continues to function, its current status, mandate and resources, and the way in which persons with disabilities, through their representative organizations, are involved in its work.
