

Introduction

Education has been proved to be the foundation of every society and good news for its bright future, and access to education is a certain and fundamental right of all human beings, children in particular. It is famously said, “Where the gate of a school opens, the gates of ignorance are closed.” From the perspective of the sacred religion of Islam, and national and international instruments, education is the right of all children, both girl and boy. All Afghan children should access this right fairly and equally, without any discrimination on such grounds as race, ethnicity, religious denomination, language, place of birth, social status, and so forth. Equality of educational opportunity is one of the prerequisites of the society.¹

Education means change, growth, and development in a person’s physical, psychological, social, intellectual, and technical talents.²

As a means of child development and a ground for the realization of other human rights, education is considered a key economic and social right. Education is significant for facilitating access to a better level of life, for eradicating poverty, for reducing the impacts of child labor, and for promoting gender equality. Education helps children to grow into adults who can fully participate in the social and political lives of their country. Education also helps address certain

¹ Gholam Dastgir Hazrati and Abdulhaq, *Education of Child Rights*, publisher: Afghan Independent Human Rights Commission (AIHRC), third edition, 1384, p82

² Enayatullah Adel, *Education*,

<http://www.taand.com/news/index.php?mod=article&cat>

cross-cutting issues like public health, economic development, and social mobility.³

The right to education is enshrined in Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the States parties to the Covenant have recognized every person's right to education. Primary education should be compulsory and made available for all, free of charge.⁴ Article 28 of the Convention on the Rights of the Child (CRC) emphasizes that the right to education is essential for every child and points out that this right should be provided based on equality of opportunity.⁵

The Afghan Constitution has enshrined the right to education for all Afghan nationals that is provided for free by the state until the Bachelor's degree in the state educational institutions and the state is obligated to develop education in a balanced manner across the country, provide compulsory intermediate education, design and implement effective programs, and provide the ground for teaching in mother tongues where such tongues are spoken.

As per Article 44 of the Afghan Constitution, the state has the duty to design and implement effective programs in order to create educational balance and develop education for women, improve the education of the *kuchis*, and eliminate illiteracy. Article 3 of the Law on Education also has specified, "The

³ AIHRC, *Third Report on Economic and Social Rights in Afghanistan*, the section on education, Qaus 1387

⁴ The full text of Article 13 of ICESCR is available in the appendix of this research.

⁵ The text of Article 28 of CRC is available in the appendix of this research.

nationals of the Islamic Republic of Afghanistan have an equal right to education without any kinds of discrimination.”

There are also problems at the global level about the access of children to education. For example, the United Nations Millennium Development Goals (MDGs) report in 2008 has got this to say regarding the access by child refugees to universal primary education:

“Among other deprivations, the majority of child refugees are left with no educational opportunities. Children, who are affected by conflict and political unrest and those who need a normal structure in their lives, are most likely deprived of adequate education.”

Based on a report by the United Nations High Commissioner for Refugees (UNHCR), over 1.5 school-aged child refugees live in camps or slums in developing countries. Information gathered about 114 refugee camps in 27 countries the world over indicates that full enrollment of children in primary school happens in only 6 out of every 10 camps and out of at least every 5 child refugees, 1 is outside the formal educational system. Out of every 8 camps, 1 camp with inappropriate primary education opportunities enrolls less than half of all school-aged children. Girls are especially vulnerable who may not be able to complete their primary education due to lack of a safe educational environment, poverty, and early marriage.⁶

Currently over 6 million children go to school, or have access to education, in Afghanistan. The Minister of Education said,

⁶ UN MDGs report, 2008, goal 2, access to universal primary education, please see http://www.undp.org/publications/MDG_Report_2008_En.pdf

“About 40 percent of the country’s children who are qualified to enroll in school, are deprived of their access to education.”⁷

The right to education for all has been enshrined in the Afghan Constitution and therefore no one can be deprived of this right for any reason whatsoever. Although there has been a considerable progress in the field of education at the national level, boys’ enrolment in primary school is almost twice that of girls and three to four times that of girls in secondary school. Gender is observed only at the primary education level in urban areas, but in rural areas, fewer girls than boys enroll in primary and secondary schools. Beyond the primary education level, boys’ school enrolment is ten times that of girls.⁸

A large number of children are deprived of education because of discrimination (particularly children in rural areas, girls, children belonging to minorities, and children with disabilities).⁹

Family economic problems, insecurity in the country and lack of road safety (from home to school), the long distance of school, lack of professional teachers and women teachers, inappropriate school environment, and in general lack of quality education in the country have discouraged children and have caused them to drop out or have no access to school, or

⁷ Afghanistan National Television, news section, 24 Jaddi 1387

⁸ Education Sector Strategy, Policy and Objectives Framework, the section on equality, 2008-2013

⁹ AIHRC, *Third Report on Economic and Social Rights in Afghanistan*, Aqrab 1387, the section on education

not attend school regularly.¹⁰ In general, schools, especially those for *kuchis*, lack adequate facilities.¹¹

The present demand for education is considerably greater than the existing and available resources. Many discrepancies exist regarding children's school enrollment based on provinces, gender, and urban and rural areas. 82 percent of school-enrolled children are at the primary education level. Half of schools do not have adequate, safe, and appropriate space for learning, causing parents to prevent their girls from attending secondary schools in particular.¹²

The quantity of children's school enrollment increased noticeably compared with the previous years,¹³ but what is more essential and important is the quality of education that is almost missing and this needs to be assessed and analyzed so that the relevant authorities can take efforts to improve it.¹⁴

Based on the findings of this research, the interviewed school-going children do not have access to equal educational and training facilities and equipment. Observations indicate that there is only nominal education in outlying areas of the country; the quality of the rendered education is not

¹⁰ Please see the sections of this research about reasons for dropping out, reasons for non-enrollment in school, and reasons for not regularly attending school.

¹¹ Education Sector Strategy, summary of strategy, present state of education sector, the section on challenges

¹² Ibid

¹³ Please see Education Sector Strategy, the section on progresses in education sector since 2002.

¹⁴ Please see the section of this research about reasons for not regularly attending school (poor quality of education) and also the section of the Education Sector Strategy related to the quality of education.

satisfactory and there is poor access to the facilities and equipment needed by the students.

The findings of this research show that the Afghan government has not been very successful in providing balanced and equal education for all children and a large number of girls and boys do not have access to education for various reasons. This is while the government has committed in the Constitution that education is compulsory and free until the intermediate level (basic education). But so far after five years from the entry into force of the Constitution, about 40 percent of qualified children are deprived of their access to education.

Taking this need into account, the AIHRC launched an extensive research on the situation of fair access of children to education in the country and in order to use this research, its report will be made available to governmental officials, relevant organizations, and people in general.

In this report, we try to assess and analyze the quality and situation of children's access to education with attention to the Afghan government's national and international commitments regarding the right to education.

Based on the government's commitments, this research report has been produced to (1) find out the reasons why children have dropped out of school or have no access to school or do not regularly attend school, and (2) if school-going children covered by this research have had fair access to school and the necessary educational facilities such as buildings, standardized curriculum, textbooks, libraries, professional teachers, suitable school location, and the like).

Finally, we can say that the present research focuses on the fair access by children to education in the country. At the end, conclusions have been drawn based on the research findings and according to these conclusions, necessary recommendations have been put forward to improve the fair access of children to education in the country.

Research Methodology

Methodology for Data Collection

In this research, in addition to library-style research, data were collected by using different tools like questionnaires, interviews, and observations. Regarding the questionnaires, we should say that separate questionnaires were prepared for different target groups such as children who go to school, children who do not go to school, parents, school authorities, and education experts. Efforts were taken to collect the necessary information through the questionnaires.

It is noteworthy that before data collection exercise started in the provinces covered by this research, field data collection officers, who are experienced individuals in the field of education, were determined and trained about field data collection methodologies through workshops held in the AIHRC's regional offices in Kabul, Jalalabad, Herat, and Mazar-e-Sharif.

Analysis Unit

In this research, analysis unit included two groups of children: (1) children who go to school (together with their access to education) and (2) children who do not go to school. It is worth mentioning that the second group is divided into two categories: (1) children who have left school for various reasons and (2) children who have never gone to school.

Number and Categorization of Respondents

This is a considerable research if we take the number of respondents into account, for a vast majority of respondents

were involved in this research and they are categorized as follows:

- 3,347 children who go to school
- 776 children who do not go to school
- 780 parents (parents of both children who go to school and children who do not go to school)
- 156 school authorities
- 25 directors of education departments
- 5 education experts in Afghanistan

In general, 5,089 persons participated as respondents in this research and the majority of them are children who have access to school.

Research Constraints

It is natural that every research has its idiosyncratic constraints. The present research too had its limitations.

First, due to security challenges, researchers could not make their presence felt in some areas of the country. For example, researchers were unable to collect data in the provincial capitals of Helmand and Nimruz due to security considerations.

The other problem was that it was impossible to access full and reliable information and figures about schools in some provinces. For this reason, a number of questionnaires have been filled out incompletely and it was not possible to enter this information into the database. Similarly, in one province, the director of education department refrained from filling out the questionnaire.

The data collected for this research were first recorded into the database through the Access program and then were analyzed using the SPSS program.

The Structure and Content of the Present Research

The structure of this research is compatible with that of any other research in the area of humanities and all the stages of a humanities research have been taken into account in the present research. Efforts were made to use the figures appropriately and due attention was paid to analysis unit that includes children who go to school and children who do not go to school, their situation, and the disaggregation of their gender. The sources used in this research have been, to a large extent, written as footnotes to this research report.

From the point of view of content, this research has, to some extent, logical order and sequence, based on which quantitative figures have been analyzed and interpreted together with qualitative data. It means that quantitative figures have not been deemed sufficient and efforts have been taken to strike a relative balance between quantitative and qualitative analysis in the content of this research.

Geographical Coverage of the Research

In the present research, from the geographical perspective, efforts were taken to interview residents of different parts of the country and allow them to play a prominent role in this research. On this basis, questionnaires were filled out and data were collected in 26 provinces of the country, including Badghis, Bamiyan, Badakhshan, Balkh, Parwan, Paktia, Panjsher, Jawzjan, Khost, Daikundi, Samangan, Ghor, Faryab,

Kabul, Kapisa, Kunduz, Kandahar, Kunar, Laghman, Logar, Nangarhar, Nuristan, Nimruz, Wardak, Herat, and Helmand.

In each province, 6 schools including 3 girls' school and 3 boys' schools were covered by this research. In general, 156 schools were covered by this research.

Historical Background

Afghanistan is an ancient country where education arose traditionally and according to the conditions of time. Children were educated under the guidance of the then literate individuals and this education did not have a formal shape and occurred privately in religious places, houses, and regal courts. But in the second term of Amir Sher Ali Khan's government, attention was paid to the modernization of education in line with reform in other sectors of social life. He established two schools, one named Harbi School and the other named Molki school, which were new and modern. In the time of Amir Habibullah Khan, only Habibia and Harbi schools were functional. But some girls belonging to well-to-do families learned such subjects as literature, geography, and arithmetic at home under the guidance of governesses, fathers, uncles, and elder brothers and the same girls served later as teachers in schools under the reign of King Amanullah.¹⁵

In the time of King Amanullah, much attention was paid to education and schools were established in the capital and provinces and even special schools were built for girls. In 1301/1923, the first Afghan Constitution entered into force and according to it, education was recognized as the right of all Afghan nationals and education was accepted to be provided for free for all Afghans and it was compulsory until the primary period. In this period, the scope of modern education was broadened from the capital to provincial centers and other areas. With the fall of King Amanullah, these initiatives were

¹⁵ Lecture by Prince Ehsanullah, "Da Afghanistan," on the occasion of World Day of Women in Hamburg, reporter: Baqi Samandar, April 13, 2005

<http://www.goftaman.com/daten/fa/articles/part1/article38.htm>

threatened, schools were closed down, and the teaching of modern subjects stopped, and, therefore, the children of Afghanistan were deprived of education.

After 1308/1930, boys' schools were slowly opened, but girls' schools remained closed due to the then cultural sensitivity. Then in 1310/1932, girls' schools reopened.¹⁶ Education slowly developed, but it was not balanced across the country. On Qaus 19, 1327/December 10, 1948, the Afghan government signed the Universal Declaration of Human Rights (UDHR) wherein education was enshrined as a human right.

During the presidency of Mohammad Daoud, education developed more than the previous epochs and a large number of children, both girls and boys, were enabled to access school. From the downfall of Mohammad Daoud's regime to the establishment of the interim administration (1380/2001), education experienced several ups and downs and suffered numerous damages.

In 1374/1994, Afghanistan ratified the Convention on the Rights of the Child (CRC).¹⁷ By accepting the CRC, the state has the duty to implement its commitments and provide the ground for children's fair access to school and render them the

¹⁶ For a detailed study of the historical background of education in Afghanistan, please see the following:

- Habibullah Rafi, *The Beginning and Development of Education in Afghanistan*, publisher: Afghanistan Studies Center, 1376
- Mohammad Akram Andishmand, *Modern Education in Afghanistan*, <http://www.jame-ghor.com/Archive%20Jam-ghor/Andishmand%20Muaref%20Asri%20Darafghanistan.htm>

¹⁷ AIHRC's Annual Report, June 2004-May 2005, Section 3.1

necessary facilities and services so that they can learn in a healthy educational atmosphere.¹⁸

After the establishment of the interim administration, the people of Afghanistan sent their children, especially girls, to schools, which is unprecedented in the country's history.¹⁹ Despite this, only about 40 percent of school-aged children go to school.²⁰ The government of Afghanistan has accepted commitments at the national and international levels regarding the right to education and has the duty to implement those commitments. In 1382/2004, the new Afghan Constitution entered into force and based on the Constitution, the state has a commitment to provide education for all Afghan nationals until the Bachelor's degree for free of cost²¹ and the law has emphasized this duty.²² Additionally, the education commitments and duties of the Afghan government have also been contained in the Afghanistan Compact, Afghanistan National Development Strategy (ANDS), MDGs report (1384-1400), and Afghan National Strategic Plan on Education (1385-1389).²³

The Definition of the Child

¹⁸ Please see Articles 28 and 29 of the CRC regarding the right to education.

¹⁹ The draft Education Sector Strategy, Afghanistan National Development Strategy (ANDS), Section Two: Situation Analysis, Hamal 1386

²⁰ Remarks by the Minister of Education, National Television, news section, 24 Jaddi 1387

²¹ The Articles of the Afghan Constitution that contain explicit provisions regarding the right to education are as follows: Articles Seventeen, Forty-Three, Forty-Four, Forty-Five, and Forty-Six. These can be referred to when necessary.

²² Please see Article 3 of the Law on Education, Official Gazette, Ministry of Justice, extraordinary issue, serial no: 955, date of issue: 3 Asad 1387.

²³ For studying these documents, please refer to the website of Afghanistan Development Forum: <http://www.adf.gov.af>.

According to the Procedural Law for Dealing with Children in Conflict with the Law, a child is a person who has not completed the age of 18.²⁴ And Article 1 of the CRC stipulates, “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Also from the perspective of educationists, a child is a person who is different from adults in his or her development and performance, has limited knowledge and experience in living, and his or her life is full of truth and innocence.²⁵

The Right to Education

Education is *per se* a human right and an indispensable means for the realization of other human rights. As a competence-giving right, education is a basic tool that economically isolated children and adolescents can use to free themselves of poverty and ensure their full participation in the society. Education plays an invaluable role in empowering women, protecting children from exploitative and hazardous labor and sexual exploitation, promoting human rights standards and democracy, safeguarding environment, and controlling population growth.²⁶

The Extent of Children’s Enrollment at School

²⁴ Please refer to Paragraph 1 of Article 4 of the Procedural Law for Dealing with Children in Conflict with the Law, Official Gazette, Ministry of Justice, Islamic Republic of Afghanistan, extraordinary issue, serial no: 846, 3 Hamal 1384.

²⁵ Dr. Gholam Dastgir Hazrati, *Human Rights Monthly*, issue 8, 1386

²⁶ Human Rights in Afghanistan: National and International Legal Standards, Kabul, prepared by: AIHRC and UNHCR, 1385/2006, Kabul, p77

Education Sector Strategy concedes that though there has been considerable progress in the field of education, boys' enrollment in primary schools has been almost twice that of girls, while the enrollment of boys in secondary schools has been three to four times that of girls. Gender equality has been fairly observed at the primary education level in urban areas, but in rural areas, girls' enrollment in primary and secondary schools is less than that of boys and after the primary education level, boys' enrollment is ten times that of girls.

Inadequacy of girls' schools and women teachers, especially after primary education, is the most important obstacle for fewer enrollments of girls in schools and for lack of gender equality in education. *Kuchi* children, children with educational problems, preschoolers, and children who dropped out but want to re-enroll, are less likely to be admitted in schools.²⁷

The present demand for education is considerably greater than the existing and available resources. Many discrepancies exist among provinces, urban areas, and rural areas. 82 percent of school-enrolled children are at the primary education level. Half of schools do not have adequate, safe, and appropriate space for learning, causing parents to prevent their girls from attending secondary schools in particular.

Rural areas have a serious shortage of women teachers. 80 percent of districts lack girls' high schools, because there are no women teachers to educate high-school-level schoolgirls (there are 216 girls' high schools all over the country and most of these high schools are situated in the provincial centers).

²⁷ Education Sector Strategy, Policy and Objectives Framework, the section on ensuring equality

Women constitute only 28 percent of existing teachers and of that, 80 percent work in urban areas.²⁸

²⁸ Education Sector Strategy, summary of strategy, present state of education sector, the section on challenges

Research Findings

Children without Access to School

According to the report of 15-year development objectives of the Islamic Republic of Afghanistan and Afghanistan's 2007 human development report, more than half of qualified children cannot go to school, despite considerable progress in primary education sector.²⁹ Now this figure has reduced to 40 percent, meaning that currently 40 percent of qualified children do not have access to school.

Children who are deprived of education fall into two categories: (1) children who have dropped out of school for various problems and reasons and (2) children who have had no access to education from the beginning. The two categories will be analyzed separately, referring to the responses provided by the interviewed children and parents.

Table 1

| Overall figures of girl and boy children who do not go to school | Number | Percentage |
|---|---------------|-------------------|
| Girls who have dropped out of school | 151 | 48.6% |
| Girls who have never gone to school | 160 | 51.4% |
| Total | 311 | 100% |
| Boys who have dropped out of school | 284 | 61.1% |
| Boys who have never gone to school | 181 | 38.9% |
| Total | 465 | 100% |

²⁹ 15-year development objectives, Islamic Republic of Afghanistan, 1384 report, access to universal primary education (objective 2), [http://www.ands.gov.af/src/src/MDGs_reps/repsdari/MDG%20Summary%20Report%20-%20Dari%20Final%20\(PDF\)%20March%206%2006.pdf](http://www.ands.gov.af/src/src/MDGs_reps/repsdari/MDG%20Summary%20Report%20-%20Dari%20Final%20(PDF)%20March%206%2006.pdf) and Afghanistan human development report, 2007, chapter one, section: access to universal primary education (objective 2)

According to table 1, 48.6 percent of interviewed girls have dropped out of school, while the remaining 51.4 percent have never gone to school. Similarly, 61.1% of boys have dropped out of school and 38.9% have never gone to school. These figures indicate that the number of girls who have dropped out is less than that of girls who have never gone to school. Conversely, the number of boys who have dropped out is greater than that of boys who have never gone to school.

Children Dropping Out of School

As is evident from the research findings, child dropouts is a major problem of the country's educational system, creating pause in the education process and if they are not provided with re-access to school, they may be deprived of continuing their education and ultimately of their right to education. On this basis, it was necessary to study this vulnerable group of Afghan children in the present research and to explore the main reasons why they drop out of school.

Table 2

| Categorization of children dropping out of school | Number of girls | Percentage of girls | Number of boys | Percentage of boys |
|--|------------------------|----------------------------|-----------------------|---------------------------|
| Dropping out at primary level ³⁰ | 105 | 69.5% | 185 | 65% |
| Dropping out at secondary level | 43 | 28.5% | 82 | 29% |
| Dropping out at high-school level | 0 | 0 | 16 | 6% |

³⁰ In Article 17 of the new Law on Education that was promulgated by presidential decree on 13 Saratan 1387, primary and secondary levels of education have been named intermediate education, including grades 1-9.

| | | | | |
|--------------|------------|-------------|------------|-------------|
| Unanswered | 3 | | 0 | 0 |
| Total | 151 | 100% | 284 | 100% |

The above figures indicate that children drop out of school mostly at primary education level, followed by secondary (6th grade) and high-school (10th, 11th, and 12th grades) education levels.

Based on the research findings whose figures have been presented in table 2, if girl and boy dropouts are comparatively analyzed, it is found out that girls drop out of school earlier or before they complete their primary or fundamental education, but boys have dropped out of school in all the three levels of education.

According to Afghanistan’s 15-year development goals, Afghan boys have a greater chance to complete their primary education than girls do. For every girl who completes her education, there are two boys who graduate.³¹

Reasons Why Children Drop Out of School

When children drop out of school and are deprived of their access to education, it is natural that there are various reasons that deprive children of their right to education. According to the sampling of this research, 435 children (girls and boys) who had dropped out of school gave the following reasons:

Table 3

³¹ 15-year development objectives, chapter five, access to universal primary education (objective 2)
[http://www.ands.gov.af/src/src/MDGs_Reps/repsdari/MDG%20Summary%20Report%20-20Dari%20Final%20\(PDF\)%20March%206%2006.pdf](http://www.ands.gov.af/src/src/MDGs_Reps/repsdari/MDG%20Summary%20Report%20-20Dari%20Final%20(PDF)%20March%206%2006.pdf)

| Reasons given by child dropouts | Percentage of reasons given by girls | Percentage of reasons given by boys |
|--|---|--|
| School being far | 10.1% | 10.4% |
| Security problems | 6.9% | 7.8% |
| Having no guardians | 8.7% | 18.7% |
| Family not allowing | 25.7% | 4% |
| No women teachers | 14.7% | 0% |
| Got to work | 7.8% | 36% |
| Ancillary costs of education | 4.6% | 9.6% |
| Language problem | 0.9% | 0.7% |
| Lack of professional teachers | 0.9% | 1.6% |
| Inappropriate treatment by teachers | 0.9% | 0.4% |
| Sickness | 1.4% | 2% |
| Marriage | 10.1% | 0% |
| Inattention to lesson | 2.8% | 1.8% |
| Inappropriate school environment | 4.1% | 0.7% |
| Inappropriate treatment by students | 0.5% | 0.7% |
| Expulsion from school | 0% | 1.3% |
| Total | 100% | 100% |

School Being Far

Long distance between home and school is a major reason why children (girls and boys) drop out of school. As is evident from the above figures, of all interviewed girls, 10.1 and of all interviewed boys, 10.4 stated that they were unable to continue going to school because of long distance between home and school. In this regard, the responses are almost the same. Observations show that this problem has more severity in cities than in villages.

The majority of field researchers in provinces covered by this research observed that long distance between home and school is a major reason why children leave school before they finish their studies. The Director of Planning of the Ministry of Education too regards long distance as a major reason why children, especially girls, drop out.³² Observations show that children, who graduate from primary or secondary schools, do not have access to higher schools or in places where there are such schools these schools are very far from homes, making it difficult or sometimes impossible for children to access them.

The 1386 report on the situation of human rights in Afghanistan confirms that lack of higher schools is one of the challenges and problems of fair access of children to education. Sequence in education is lacking in many parts of the country. What it means is that in many provinces, the number of high schools is not proportionate with that of secondary schools and the number of secondary schools is not proportionate with that of primary schools, causing a large number of children to unwillingly leave school before they are able to complete their education. Girls' schools have more problems than boys' schools.³³

Security Problems

According to national laws³⁴ and international commitments, the Afghan government has the duty to provide the physical

³² Interview with Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, 1387

³³ The situation of human rights in Afghanistan, 1386, publisher: AIHRC, the section on the right to education

³⁴ Please refer to Paragraph 3 of Article 75 of the Afghan Constitution and Paragraph 3 of Article 2 of the Law on Police, Official Gazette, Ministry of Justice, Islamic Republic of Afghanistan, serial no: 862, 1384/6/31.

security of its nationals and from this perspective, we can say that children have the right to study in a safe environment and leave home for school safely,³⁵ but the country's security problems have caused some children to drop out of school.

Based on the findings of this research, of all interviewed girls, 6.9 percent said that security problems were the reason why they dropped out. It means they were unable to attend their schools as a result of insecurity in their areas and were, thus, deprived of education, while of all interviewed boys, 7.8 percent referred to security problems as the reason why they dropped out. Lack of security is a key challenge to fair access by the Afghan children to education.³⁶

A field researcher writes in his/her observations, "The security situation is not certain. Most schoolchildren are fearful and cannot continue their education."

Having No Guardians

Lack of guardians for children is a major problem and among the fundamental reasons why children drop out of school. As the findings of this research indicate, of all interviewed girls, 8.7 percent and of all interviewed boys, 18.7 stated that they left school because they have no parents or guardians who can look after them.

Findings show that lack of guardians can be studied as a major reason why boys drop out of school and ranks the second after

³⁵ Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, 1387

³⁶ Remarks by Abdulkarim Qader, scientific and professional member, Department of Education, Ministry of Education, 1387

labor in the reasons for dropping out of school, which is 10 percent more than that of girls with regard to dropping out of school.

As per observations, the majority of children in Afghanistan are left without guardians as a result of parental death or disappearance. When children do not have parents, especially fathers who are responsible to financially maintain families, it is natural that their children and families encounter poverty and economic problems and children are forced to extend their hands for begging instead of going to school. Article 53 of the Afghan Constitution requires the government to provide financial assistance to the survivors of the martyred and disappeared and help the elderly, unsupported women, persons with disabilities, and poor orphans.³⁷

Family Not Allowing

According to the figures presented in this research, of all interviewed girls who have dropped out of school, 25.7 percent said that their families did not allow them to continue their lessons at schools and lack of familial permission has caused these girls to abandon education.

It is worth mentioning that these figures are considerable regarding the reasons given by girls for abandoning school,

³⁷ Full text of Article 53 of the Afghan Constitution: “The state shall adopt necessary measures to regulate medical services as well as financial aid to survivors of martyrs and missing persons, and for reintegration of the disabled and handicapped and their active participation in society, in accordance with provisions of the law.

The state shall guarantee the rights of retirees, and shall render necessary aid to the elderly, women without caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law.”

because only 4 percent of all interviewed boys stated that their families had caused them to drop out. If we compare the figures related to the boys with those of the girls, we find out that the girls are more vulnerable than the boys and this is due to the unacceptable traditional practices against girls that have dominated the country.

No Women Teachers

Of all interviewed girls, 14.7 percent stated that they dropped out of school because there were no women teachers. Based on remarks made by the Planning Director of the Ministry of Education, nonexistence and inadequacy of women teachers is a big challenge in girls' schools and for this reason, girls who are at lower ages and in whose schools there are not enough women teachers, cannot continue their education because of cultural limitations.³⁸ This is while women teachers constituted only 27.69 percent of all 142,508 teachers in public education.³⁹ In the Education Sector Strategy (1387-1391), this figure is 28 percent⁴⁰ and the majority of women teachers work in urban areas.⁴¹ It should be added that the Ministry of Education too regards the inadequacy of women teachers as a fundamental hurdle, obstructing the equal access by girls to education.⁴²

³⁸ Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Hamal 1387

³⁹ Statistics by the Department of Planning, the Ministry of Education, Summary, School Survey 1386 (2007)

⁴⁰ Education Sector Strategy, summary of strategy, present state of education sector, the section on challenges

⁴¹ National Strategic Plan of Education 1385-1389. summary of the section on the current situation of education

⁴² National Strategic Plan of Education 1385-1389

Got to Work

Economic problem is a major, fundamental reason why children cannot continue their education and it impacts the people of Afghanistan. This major, fundamental problem has caused parents to force their children into labor. In addition, distance between home and school, local traditional practices, and early marriages are the major, fundamental reasons why children leave their education unfinished.⁴³

Today labor is a key problem facing children. A large number of children are encountered with the worst forms of labor and their number is increasing day by day. Some children are laboring on street, some are engaged in begging, and some are doing hard labor. All these are shocking realities that threaten the future builders of this country and deprive them of their legitimate rights.⁴⁴

The direct expenditures of education vary considerably from one family to another and relate to the number of children they have and who go to school. Also educational level and the location of the school affect the educational expenditures of families. Direct expenses have other effects that prevent the enrollment of children at school and instead, the girl or boy children have to work so that the family can be supported.⁴⁵

Of all interviewed boys who have dropped out of school, 36 percent stated that they had to abandon their education due to

⁴³ Study on the situation of child rights in Afghanistan (research report in 1386), publisher: AIHRC, Education Unit

⁴⁴ Study on the situation of child rights in Afghanistan (research report in 1386), the section on the right to protection against labor

⁴⁵ Beyond School Walls, the section on why boys and girls are not enrolled at school, AREU research, Saur 1385

their families' economic problems, while 7.8 percent of girls provided the same answer. There is, thus, a huge difference between girls and boys in this regard.

But among the boys who dropped out of school for labor, cases were observed that some of these boys did so not because of economic problems purely. A boy who dropped out of school due to labor, said, "My father told me no to go to school and instead go and work." This boy adds that their family is in a good economic situation, but his father prevented him from going to school so that the boy can be apprenticed somewhere. This is while the government is required under Article 32 of CRC to protect children against economic exploitation and any work that threatens their education or development and growth.⁴⁶

Although the Afghan Constitution has guaranteed free and compulsory education until the intermediate level, in practice this legal provision has had no executive effect on an

⁴⁶ Full text of Article 32 of CRC: "1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

uncountable number of child laborers who even cannot complete their primary education.⁴⁷

Ancillary Costs of Education

Though the free nature of education in Afghanistan is a positive point, children cannot afford to pay for their ancillary costs of education like uniform (clothes), stationery, vehicle fare, and the like.⁴⁸

Of all interviewed girls, 4.6 percent and of all interviewed boys, 9.6 percent have dropped out of school due to not being able to pay for their transportation, clothes, books, and so forth. Findings show that boys are more affected than girls, but the figures related to girls are also considerable: 4.6 percent of girls have left their education uncompleted because their families are too poor to pay for their school expenditures.

Marriage

Early marriages of girls are violations of their rights. In these cases, immature girls are married to men with the consent and agreement of their families and marriage is imposed on them. In addition to being a violation of their human rights, forced marriage inflicts many physical and psychological damages on girls.⁴⁹

⁴⁷ An overview on the situation of child laborers in Afghanistan, section: access of child laborers to education, 1384

⁴⁸ An overview on the situation of child laborers in Afghanistan, section: access of child laborers to education

⁴⁹ Mohammad Jawad Salehi, Family and Human Rights, the chapter on the methods of violations of family rights in Afghanistan, the section on early marriages. (This paragraph is cited freely.)

Of all girls who have dropped out of school, 10.1 percent have stated marriage as the reason for their dropout.

Sometimes families coerce their girls into early marriages for various reasons. Based on the findings of field researchers, early marriage was the reason for dropout of girls aged 14. In interviews with parents of these girls, they said that if their girls do not marry at this age, it will be very difficult to find husbands for them. On the other hand, economic weakness of families is a fundamental cause of early marriages of girls, culminating ultimately in their dropout.

Similarly, one of our field researchers writes in his/her observations, “In one school, about 450 girls were in the list of permanent absentees. The main reason for their absence, according to the school authorities, was marriage and familial objection to education due to the increased age of these girls.” We can see that early marriage is a key cause of violation of girls’ right to education.

Inappropriate Treatment by Teachers

Inappropriate treatment by teachers such as bad language, scolding, and battering has negative effects on student psyche and creates psychic complexes in children, causing some of these children to leave school before completing their education.

As the findings of the research indicate, of all interviewed girls, 0.9 percent and of all interviewed boys, 0.4 percent stated that they left school because of inappropriate treatment by teachers and have been deprived of their access to education. Although these figures are not considerable compared with other reasons

of school dropout, these are still important because of their long-term ramifications.

In addition, considering the fact that many students regard violence and humiliation as a commonplace affair, the declared percentage in this regard can be indicative of the matter that in practice these figures can be much higher because of student disillusionment as a result of violence against children. This is while CRC in its Paragraph 2 of Article 28 stipulates, “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.” It is understood from this legal provision that inappropriate behavior toward schoolchildren must be stopped.

Fortunately in the new Law on Education that entered into force through an executive directive endorsed by the President, any form of physical and mental punishment of students has been banned and the violators should be prosecuted.⁵⁰

Inappropriate School Environment

Children should study in an appropriate educational atmosphere and this atmosphere requires the availability of the necessary facilities like appropriate sanitation, clean and healthy potable water, desks, chairs, recreational centers, and restrooms. Inappropriate school environment negatively affects the child’s educational morale and finally causes some of children to drop out of school.

As the research findings indicate, of all interviewed girls, 4.1 percent and of all interviewed boys, 0.7 percent stated that they

⁵⁰ Please refer to Article 40 of the Law on Education.

dropped out of school due to the presence of inappropriate atmosphere in school.

The above figures show that in proportion to boys, inappropriate school environment leaves more unfavorable impacts on girls, because girls' responses are more than those of boys' regarding this question. This is while lack of appropriate school environment is an equally major challenge for the fair access by the children to education in Afghanistan.⁵¹

⁵¹ Abdulkarim Azizi, Human Rights Commissioner, AIHRC, 1387

Children Who Have Never Gone to School

Of all 311 interviewed girls who did not go to school, 160 (51.4 percent) and of all 465 interviewed boys who did not go to school, 181 (38.9 percent) had never gone to school.

Also of all parents, 27 percent said their boys had never gone to school and 73 percent said their girls had never gone to school. Based on these findings, we can conclude that girls have a limited opportunity and possibility for inclusion in the educational system and parental interest in their girls' educational inclusion is three times lower than that in boy's educational inclusion.

Reasons for Non-inclusion of Children in School

In this section, the reasons why girls and boys do not have access to school are analyzed, taking into account the obvious discrepancies in the research findings:

Of all 311 interviewed girls, 160 (51.4 percent) had never had access to school and of all 780 interviewed parents, 226 stated that their girls had never had access to school.

The following table shows the figures related to the reasons for non-inclusion of children in school from their own perspective that has been disaggregated from the gender point of view and then the prominent reasons are analyzed:

Table 4

| Reasons | From the perspective of girls | From the perspective of boys |
|----------------------|-------------------------------|------------------------------|
| School being far | 13.8% | 7.8% |
| Girls' education not | 12.1% | 0% |

| | | |
|------------------------------------|-------------|-------------|
| common | | |
| Nonexistence of girls' school | 11.6% | 0% |
| Lack of women schoolteachers | 4.7% | 0% |
| Family not allowing | 17.7% | 8.2% |
| Ancillary costs of education | 10.4% | 26.7% |
| Having no guardians | 8.2% | 17.8% |
| Marriage | 7.3% | 0.4% |
| Insecurity and harassment en route | 6.9% | 6.8% |
| Lack of school buildings | 0.9% | 3% |
| Labor | 1.3% | 17.1% |
| No teaching in mother tongue | 2.2% | 2.5% |
| Lack of professional teachers | 0.4% | 0.4% |
| Lack of school | 0% | 6.4% |
| Disabilities | 2.6% | 6% |
| Total | 100% | 100% |

School Being Far

Of all girls who had never gone to school, 13.8 percent and of all boys who had never gone to school, 7.8 percent stated that they were unable to enroll in school because there is a long distance between their homes and schools.

The above figures indicate that compared with boys, girls face more obstacles because of faraway schools. We can, therefore, say that long distance between home and school is a major concern regarding those girls who have never gone to school. This is a significant concern that causes families not to send

their girls to school. Parents are highly unlikely to allow their girls to walk to school for a period as long as two hours.⁵²

Family Not Allowing

Who the decision-maker is about children's enrollment in school is directly linked with the nature of intra-family relationships and their powers. Interactions among families depend on family members, their ages, and their positions and roles that are extremely complex. Families have many differences in this regard, but generally the patriarch is basically the decision-making power in the family structure. Women also have an active share in decision-making, and in some cases women do wield considerable authority.

Sometimes grandparents and elder brothers make decisions regarding children. Decision-making leads to such consequences as cooperation, opposition, and argumentation.⁵³

According to the findings of this research, of all interviewed girls, 17.7 percent stated they did not go to school because their families did not permit them and of all parents whose girls had never gone to school, 12 percent regarded their girls' inclusion in school as unnecessary. Also of all interviewed boys, 8.2 percent stated they did not go to school because they did not have the family permission. Similarly, 12 percent of interviewed parents believe that girl's education is not common because there are no girls' schools in their areas and that available, existing schools are very far from their houses. This

⁵² AIHRC, *Third Report on Economic and Social Rights in Afghanistan*, the section on participation in development, Qaus 1387

⁵³ Beyond School Walls, the section on why boys and girls are not enrolled at school, AREU research, Saur 1385

is significant, because such remarks are not made about boys' education.

Lack of Women Schoolteachers

For a category of girls, lack of women teachers in schools has stopped them from going to school.⁵⁴ The research findings indicate that of all interviewed girls, 4.7 percent and of all interviewed parents, 17 percent have regarded lack of women schoolteachers as the reason why their girls do not go to school.

It should be mentioned that Afghanistan human development report,⁵⁵ National Strategic Plan of Education,⁵⁶ most of the directors of departments of education,⁵⁷ and the Planning Director of the Ministry of Education have considered the lack of women teachers in schools as the obstacle preventing girls from going to school.⁵⁸ The precondition of having women teachers has given rise to a vicious cycle. Girls are not educated, for this is a lack of women teachers, and at the same time, women teachers are not trained because girls are not educated to become teachers.⁵⁹

⁵⁴ Ibid, the section on why boys and girls are not enrolled at school

⁵⁵ Afghanistan human development report, 2007, chapter one, the section on universal primary education

⁵⁶ National Strategic Plan of Education, 1385-1389, chapter one, the section on girls' access to education

⁵⁷ Of all 25 directors of departments of education in the provinces, 15 confirmed this problem.

⁵⁸ Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

⁵⁹ AIHRC, *Third Report on Economic and Social Rights in Afghanistan*, the section on participation in development, Qaus 1387

Ancillary Costs of Education

The main income of a family is usually spent on providing the necessary food and health items. Although education is free in state schools, children's monthly expenditures like notebooks, pens, books, clothes, and transportation are incurred by parents and family.⁶⁰ Poverty is a key reason of deprivation at the local level. 2007 National Assessment of Risk and Vulnerability estimates that 42 percent of the country's population lives below the poverty line.⁶¹

The research findings show that of all interviewed girls, 10.4 percent and of all parents of these girls, 12 percent referred to inability to pay for transportation, clothes, books, etc as the reason for non-inclusion of their girls in the school system. Similarly, 26.7 percent of all interviewed boys and 27.9 percent of their parents referred to inability to pay for ancillary costs of education as the reason for the non-inclusion of their boys in schools.

Marriage

Unfortunately child engagement and marriage is commonplace in Afghanistan due to unacceptable customs, leaving negative effects on the lives of girls and boys, one of which is their deprivation of their access to education, especially girls' access to education. Child marriage is banned not only in national laws, but also in international instruments.

⁶⁰ Beyond School Walls, the section on why boys and girls are not enrolled at school, AREU research, Saur 1385

⁶¹ AIHRC, *Third Report on Economic and Social Rights in Afghanistan*, the section on participation in development, Qaus 1387

For example, the declaration of World Conference on Women held in 1995 in Beijing proclaimed that child marriage should be criminalized and efforts should be made to determine the minimum age for marriage.⁶²

In the same manner, Article 71 of the Afghan Civil Code has absolutely criminalized the marriage of a child aged below 15. Another paragraph of the Article has allowed the marriage of a girl aged below 16 (between 15 and 16 years of age) only through her father or competent court after it is found out that the person is appropriate for her.

Also Paragraph 2 of Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states, “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”

Of all interviewed girls, 7.3 percent and of parents of these girls, 11 percent referred to marriage as the reason why their girls do not go to school. This is while it is true only about 0.4 percent of boys.

Early marriage unfavorably affects girls. Marriage in childhood is extremely harmful for girls. This type of marriage often stops them from completing their education and they are separated from their families at a tender age.⁶³

⁶² Study on the situation of child rights in Afghanistan, 1386

⁶³ *Third Report on Economic and Social Rights in Afghanistan*, publisher: AIHRC, the section on child marriages

Insecurity and Harassment on the Way to School

As analyzed in the section related to the reasons why children drop out of school, insecurity and harassment was a major reason for dropping out of school, it is too a reason for the non-inclusion of children in schools. According to the findings of this research, of all interviewed girls, 6.9 percent and of the parents of these girls, 9 percent regarded insecurity and harassment as the reason for the non-inclusion of their girls in the school system. Similarly, of all interviewed boys, 6.8 percent stated the same reason for not being included in the school system and 12.3 percent of their parents confirmed it.

These figures show that in general a considerable number of children have not been included in the school system and a considerable number of parents have preferred this to their children being subjected to insecurity and harassment on the way to school. Insecurity on the way to school and inside the school has raised the concerns of the state, organizations, families, and children, especially in the past two years.

In addition, harassment on the way to school occurs mainly in areas where schools are far from residential quarters. Many cases of harassment have a sexual nature. According to the latest statistics, 32 cases of sexual assault against children were recorded by the Commission only during 5 months in 2008. This indicates that girl and boy children are almost equally at the risk of sexual harassment and this harassment has sometimes led to sexual assault against children and even their deaths.

Labor

Poverty and inability to pay for the educational expenditures of children, especially girls, is the main obstacle for their inclusion in the school system. Working children are the primary income source of their families,⁶⁴ particularly when parents are unemployed or sick or have passed away.

Research findings show that of all interviewed girls, 1.3 percent stated that they had to work and this work is an obstacle preventing them from going to school and of all parents of interviewed girls, 6 percent said that their girls had to work, while of all interviewed boys, 17.1 percent replied that they had to work and this work stops them from going to school, but of all parents of interviewed boys, 32.8 percent said that their boys had to work and for this reason, they cannot be included in the school system.

In this area, gender-disaggregated research findings yield many discrepancies between interviewed girls and boys, for a higher percentage of boys are deprived of education due to labor. But as mentioned in the section on child dropouts, child work should not prevent them from going to school, because all children should, according to national laws⁶⁵ and international commitments of the Afghan government, have an equal and non-discriminatory access to education.

Creating alternative livelihoods, offering by the Ministry of Education of financial assistance to the needy students, and developing standards for providing social and economic security to families can be solutions that can establish the

⁶⁴ Beyond School Walls, the section on poverty, livelihood, and child labor

⁶⁵ Please refer to Article 43 of the Afghan Constitution and Article 3 of the Law on Education.

conditions in which children can be free of labor and can be enabled to go to school.

This is while the Ministry of Education has nothing to say in its National Strategic Plan of Education 1385-1389 about children who cannot be educated due to labor and has predicted no programs in this regard.

No Teaching in Mother Tongue

The right to education in mother tongue is the inalienable right of children at least at the primary education level.

Ibn Khaldon, an Islamic scholar, referred to this educationally significant affair seven centuries ago, “The education of sciences should take place in the mother tongue of students so as to facilitate learning.”

The right to choose educational language is an important issue in the field of education that has received the attention of the international community. For example, in the UNESCO conference in Paris, all the participating countries easily accepted this apparently common recommendation and emphasized that before children are familiarized with the second or third languages, they should receive their primary literacy and education in their mother tongue.⁶⁶ This is reflected in Article 30 of CRC.⁶⁷

⁶⁶ Educating Child Rights, p86

⁶⁷ “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”

Not teaching in the child's mother tongue is a reason why a category of children do not go to school. The research findings indicate that 2.2 percent of girls and 2.5 percent of boys have not been included in the school system because teaching does not happen in their mother tongue. This concern was raised by 5 percent of parents.

This is while Paragraph 2 of Article 16 of the Afghan Constitution specifies, "In areas where the majority of the people speak in any one of Uzbeki, Turkmani, Pachaie, Nuristani, Baluchi or Pamiri languages, any of the aforementioned language, in addition to Pashto and Dari, shall be the third official language, the usage of which shall be regulated by law." Also the Afghan Constitution in its Paragraph 2 of Article 43 has required the state to provide the ground for teaching to happen in mother tongue where such tongue is spoken.

Having No Guardians

Of all interviewed girls, 8.2 percent and of all interviewed boys, 17.8 percent stated that they couldn't attend schools because they had no guardians.

The fact that children don't have guardians leads to unfavorable consequences like non-enrollment at school and their deprivation of education. This has various causes in Afghanistan. According to the research findings, a category of interviewed children regarded lack of guardians as the reason why they are not included in the school system. Observations indicate that unsupported children have to work for their livelihoods due to their families' poverty and economic troubles and this prevents them from going to school.

Paragraph 1 of Article 57 of the Procedural Law for Dealing with Children in Conflict with the Law says, “Parents are considered as legal guardians of a child who has not completed 18 years of age.” This Article in its Paragraph 2 reads, “In case a child has no legal representative, the court shall appoint a guardian for the child.” And in Article 59 of this Law, we read, “A child’s guardian has all the authorities and responsibilities of the child’s parents...” As per these legal provisions, the court should appoint a legal guardian for a child who has no legal representative and the legal guardian has the duty to take an active part in the child’s education.

Other Reasons

Of all interviewed girls who had never gone to school, 0.9 percent said that school had no building, 0.4 percent said that there were no professional teachers, 2.6 percent said that they were persons with disabilities and were, thus, unable to be admitted into the school system.⁶⁸ And of all interviewed parents, 3 percent stated their girls did not go to school because there was no school building, 1 percent stated that their girls did not go to school because there were no professional teachers, and 1 percent stated that their girls were not included in the school system because they were sick.

Also of all interviewed boys, 6 percent said that they were unable to go to school and have access to education because they were persons with disabilities.

Table 5

⁶⁸ For details on the access by children with disabilities to education, please refer to the section on education of special children, children with disabilities in the present research.

| Reasons for non-inclusion of girls and boys in school from parental perspective | Regarding boys | Regarding girls |
|--|-----------------------|------------------------|
| School being far | 6% | 9% |
| Girls' education not common | 0% | 10% |
| Nonexistence of girls' school | 0% | 12% |
| Lack of women schoolteachers | 0% | 17% |
| No need for girls to go to school | 0% | 12% |
| Nonexistence of school | 6.4% | 0.8% |
| Having no guardians | 17.8% | 0% |
| Family not allowing | 8.2% | 0% |
| Ancillary costs of education | 26.7% | 12% |
| Language problem | 2.5% | 2% |
| Security problems and harassment | 6.8% | 9% |
| Labor | 17.1% | 6% |
| No regular lessons at school | 0% | 1% |
| Sickness | 0% | 1% |
| Inadequacy of teachers | 0% | 1.6% |
| Lack of professional teachers | 0% | 1% |
| Marriage | 0.4% | 11% |
| No school building | 0% | 3% |
| Total | 100% | 100% |

Education of Special Categories of Persons

Children with Disabilities

The Convention on the Rights of Persons with Disabilities defines persons with disabilities as, “Those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”⁶⁹

The CRC reads, “Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreational opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.”⁷⁰

According to the definition of the World Health Organization (WHO), disability is “any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.”⁷¹

⁶⁹ Paragraph 2, Article 1, Convention on the Rights of Persons with Disabilities, published in Dari by: National Association for the Protection of Persons with Disabilities (UNDP/ANDP), printed in the year 1386/2007

⁷⁰ Paragraph 3, Article 23, CRC

⁷¹ Education of Child Rights, p65

As per the figures provided by the International Organization of Persons with Disabilities, there were almost 196,000 school-qualified children with disabilities in Afghanistan in the year 1384, of which only 22.4 percent, including 15 percent of girls, attended normal schools and the rest were deprived of education. Of all these children, over 75 percent drop out of school at the primary education level.

The presence of children with disabilities in higher education after completion of secondary education is below 1 percent. The International Organization of Persons with Disabilities attributed school dropout to such factors as lack of appropriate educational materials, lack of trained teachers who can communicate with children with disabilities, discriminatory treatment of children with disabilities, and other similar factors.

Currently there is only one state-run school for persons with visual impairment that is supported and managed by the Ministry of Education, providing education for 150 visually impaired persons. Over 3,900 children with disabilities are educated informally by NGOs.⁷²

Considering the figures contained in this research, 2.6 percent of all girls and 6 percent of all boys regarded their disabilities as the reasons why they never had any access to school.

It is, therefore, concluded that there are extremely limited educational facilities for children with disabilities in Afghanistan and that the majority of them are deprived of education.

⁷² National Strategic Plan of Education in Afghanistan 1385-1389, chapter one, education for special categories of people

***Kuchi* Children**

According to the National Strategic Plan of Education, 6.6 percent of *kuchi* boys and 1.8 percent of *kuchi* girls have access to school on an average basis. These children are likely to spend their time at school during winter when their families live in warmer areas.⁷³ This is while as per the National Strategic Plan of Education, at least 35 percent of *kuchi* children should have access to special, formal education by the year 1389.⁷⁴

The Ministry of Education says that currently about 70 schools are functional for *kuchi* children and these schools have such problems as lack of professional teachers and other necessary, basic facilities.⁷⁵ The Education Sector Strategy specifies, “Schools for children with special needs are woefully lacking while those for *kuchi* children are inadequate.”⁷⁶ Nonetheless, the government has, in the Afghan Constitution, committed to design and implement effective programs for the purpose of improving *kuchi* education.⁷⁷

Hindu and Sikh Children

Hindu and Sikh children constitute a category of Afghan children who have very limited access to education. In the year

⁷³ Afghanistan National Strategic Plan of Education, chapter one, education for special categories of people

⁷⁴ Ibid

⁷⁵ Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, 1387

⁷⁶ Education Sector Strategy, summary of strategy, present state of education sector, the section on challenges

⁷⁷ Please refer to Article 44 of the Afghan Constitution.

1386, a special primary school was built by the Ministry of Education for Hindu and Sikh children in Ghazni province with a capacity of about 100 students at a time.

The school curriculum is related to religious traditions and values of Hindus and Sikhs and a part of textbooks is in Hindi. The representative of Hindus and Sikhs in Ghazni province says that they themselves prepared the textbooks. Some of these textbooks are in Dari, which are made available for the students of this school by the Ministry of Education.⁷⁸

There also is a school for Hindu and Sikh children in Jalalabad city, which the provincial education authority says is functional based on a protocol between Sweden's Save the Children and the Department of Education.⁷⁹ The school director says, "This school doesn't have a specific building. Some students study in Sikhs' place of worship and others study in a private house. Their religious lessons are in their mother tongue and other subjects are in Pashto." The director further says that there is no recreational space in the school and these children are harassed on the way and for this reason, they are accompanied by their parents. The other problem is that there are no higher levels of education. When these children graduate from primary school, there is no further educational opportunity for them.⁸⁰

78

http://www.bbc.co.uk/persian/afghanistan/story/2007/06/printable/070618_k-ram-hindus-school.shtml

⁷⁹ Remarks by Mohammad Eqbal Azizi, Director, Department of Education, Nangarhar, 13 Hut 1386

⁸⁰ Remarks by Eqbal Singh, Director, School for Hindu and Sikh Children, Jalalabad, 13 Hut 1386

It is noteworthy that based on a request by Hindu and Sikh residents of Helmand province, the Department of Education opened a special school for their children.⁸¹ This is while the Strategic National Plan of Education (1385-1389) is silent about the education of Hindu and Sikh children. Currently there are no formal policies in the government framework for the education of Afghan Hindu and Sikh children. But as per Article 43 of the Afghan Constitution, these people are recognized as the citizens of Afghanistan and they are entitled to free education provided by the state.⁸²

⁸¹ http://www.wakht.com/latest_news/007227.php

⁸² Remarks by Mohammad Eqbal Azizi, Director, Department of Education, Nangarhar, 13 Hut 1386

Children with Access to School

This section studies and analyzes children who go to schools. The education authorities say that now over million children are being educated and 40 percent of these are girls,⁸³ indicating an increase of 5 percent in the number of girls compared with the previous year (1386).⁸⁴ This is while the Afghanistan Compact emphasizes, “By 20 March 2011: in line with Afghanistan’s MDGs, net enrollment in primary school for girls and boys will be at least 60% and 75% respectively.”⁸⁵ If this goal is not meticulously and consistently pursued, it will not be possible to attain it. The Ministry of Education too has included this goal among its priorities in its National Strategic Plan of Education (1385-1389) and has designed programs to attain it. If these programs are properly implemented in practice, it may be possible to attain this goal.

It is worth mentioning that 3,447 children were sampled in this research with 49.5 percent being girls and 50.5 percent being boys. From the point of view of age, they were 7 to 18 years old and from the point of view of grade at school, they were in grades 1 to 12.

Of all interviewed children who go to school, 87.4 percent (43.5 percent girls and 43.9 percent boys) stated that they

⁸³ Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

⁸⁴ According to the Ministry of Education’s 1386 survey, of all schoolchildren, 35 percent were girls. Please refer to http://www.moe.gov.af/EMIS/School20v2.3_2.zip%20Survey%201386%20Report%20.

⁸⁵ Please refer to the Afghanistan Compact, Annex 1: Benchmarks and Timelines, Economic and Social Development, Education, 11-12 Dalw 1384/31 January-1 February 2006.

attend school regularly and 12.6 percent (6.6 percent girls and 6 percent boys) said that they do not attend school regularly.

Reasons for Children’s Irregular Attendance at School

It is the duty of the government to provide equal access of children to education and this should receive serious attention. This includes both quantitative and qualitative access.⁸⁶ But based on the findings of this research, there are many problems in practice that lead to children’s irregular attendance at school and these obstacles include child labor, poor quality of education, cultural constraints, insecurity and harassment, long distance between home and school, and so forth, which were mentioned by the interviewed students and parents. These are analyzed in the following table:

Table 6:

| Reasons for children’s irregular attendance at school | Percentage of girls | Percentage of boys | Percentage of parents |
|--|----------------------------|---------------------------|------------------------------|
| School being far | 26.3% | 24.1% | 0% |
| Labor | 11.6% | 32% | 36.3% |
| Security problems and harassment | 6% | 12.5% | 6.8% |
| No guardians | 0.9% | 4% | 0% |
| Cultural constraints | 17.9% | | 5.3% |
| Inability to pay for ancillary costs of | 0.9% | 2.3% | 6.8% |

⁸⁶ Study of the general situation of children in Afghanistan, 1386, the section on the right to education

| | | | |
|---------------------------|-------------|-------------|-------------|
| education | | | |
| Poor quality of education | 34.3% | 20.8% | 44.8% |
| Sickness | 1.6% | 3% | 0% |
| Inattention to lessons | 1.6% | 1.3% | 0% |
| Total | 100% | 100% | 100% |

School Being Far

Of all interviewed girls who did not go to school regularly, 26.3% and of all interviewed boys, 24.1 percent stated that they could not regularly attend school because it was very far.

In general, parents want to send their children to school, but when schools are not near their houses or when they are not sure about the safety of their children, especially girls, they are not interested in sending their children to school.⁸⁷

A field researcher writes in his/her diary, “Students have to walk for one to three hours to come to the district school from their villages. Some students come to school by bicycle, but these facilities are not available for girls. There are also no transportation facilities from these villages to the district school, because there are no appropriate roads and where roads exist, there are no fare cars.” It is, thus, concluded from this observation that long distance between home and school is a basic reason why children, especially girls, do not have regular school attendance.

A parent said in an interview that there was no girls’ school in their area and the existing girls’ school is very far from them.

⁸⁷ National Strategic Plan of Education (1385-1389)

Labor

Child labor is a key reason why children do not regularly go to their schools, because they are compelled to work to support their daily lives and solve their economic problems.

Children who work for long hours lose significant educational opportunities that can equip them with knowledge and skill, endow them with self-confidence, and prepare them for an effective participation in the economic and social life of their society.⁸⁸

Child laborers cannot normally pursue their lessons, they cannot focus on their lessons because they are fatigued, and they do not have enough time to do their homework. It seems very difficult for these children to maintain a regular, continued school attendance and develop the quality of their education.

Fatigue due to long, daily work leaves little chance to acquire knowledge and use it, because child laborers are absent for consecutive days or feel tired and sleepy in the classroom, and they are, therefore, unable to assimilate the lessons. The quality of education of these children is poor and they are the ones whose majority is unable to rise to higher levels of education. This too exposes them to further labor, reduction in their self-confidence feelings, and a bleak future.⁸⁹

Of all interviewed schoolboys, 32 percent stated that they were forced to work due to economic problems and this prevents them from going to school, but of all interviewed schoolgirls,

⁸⁸ An overview of the situation of child laborers in Afghanistan, the section on the effects of labor on children, publisher: AIHRC, 1384

⁸⁹ Ibid, the section on the access of child laborers to education

only 11.6 percent stated that they couldn't regularly attend their schools because of labor. It is noteworthy that research findings indicate that schoolboys are more vulnerable than schoolgirls in this respect. This is while of all interviewed parents, 36.3 said that their children had to work and for that, they couldn't maintain a regular school attendance.

Security Problems and Harassment

Of all children who did not have a regular attendance at school, 9.2 percent (3.1 percent girls and 6.1 percent boys) said that they were unable to regularly attend school due to security problems and harassment on the way to and inside their schools. Also of all parents whose children did not regularly attend school, 6.8 percent stated that there were security challenges and difficulties and their children were unsafe on the way from home to school and the other way about.

Insecurity is a big challenge toward children's regular attendance at school, ranging from battering of students to kidnapping, killing, and threatening students with issuing night letters. This causes students not to regularly attend their schools. In some provinces, insecurity has shut down many schools and as a consequence, thousands of children have been deprived of going to their schools. Figures presented by the Department of Planning of the Ministry of Education in Mizan 1387 shows that during the year 1387, 234,272 students were deprived of their education and 640 schools were closed down, constituting 7 percent of all schools across the country. From the year 1386 to Mizan 1387, 220 schools were demolished

and 254 teachers and students were killed by the opposition and another 329 injured.⁹⁰

In accordance with Paragraph 3 of Article 75 of the Afghan Constitution, the government has the duty to provide public security.⁹¹ The physical security of school-going children is also part of public security and part of the government's duty. It is worth mentioning that the Director of Planning of the Ministry of Education too regards insecurity as a major challenge facing the regular attendance of children at school. According to the Director's remarks, girls encounter many problems in regularly attending their schools and they are even directly threatened in night letters.⁹² On the other hand, lack of security has posed a serious threat to the implementation of the country's education policy.⁹³

A field researcher quotes parents of some school-going children who complained against the safety of their children, "We are anxious about our school-going children, because they are threatened to death and kidnapping by certain individuals en route to school. Even some students have fallen prey to bandits and abductors, who take children to unknown places and demand ransom. If we inform the security authorities, they don't act immediately to arrest the bandits and abductors."

⁹⁰ The aforesaid figures were made available by the Department of Planning of the Ministry of Education through a letter dated 17/7/1387.

⁹¹ Pursuant to Paragraph 3, Article 2, Police Law, "Public security is a circumstance in which the state legal system, freedom, human dignity, and physical and financial integrity of people are maintained."

⁹² Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

⁹³ The draft Education Sector Strategy, Afghanistan National Development Strategy (ANDS), the section on security situation, Hamal 1386

Cultural Constraints

Of all interviewed girls who did not regularly attend school, only 17.9 percent said that they couldn't have a regular school attendance due to such cultural constraints as lack of women teachers at school and early marriages.

Of all 137 parents, 5.3 percent stated that their children were not interested in going regularly to their schools, because education did not happen in their mother tongue. Some of them have problems at school, because they are not able to understand the tongue in which education is rendered. For this reason, these children don't maintain a regular school attendance.

Poor Quality of Education

Of all interviewed girls who did not regularly attend school, 50.6 percent, of all interviewed boys who did not regularly attend school, 20.8 percent, and of all interviewed parents whose children did not regularly attend school, 32.2 percent stated that they or their children did not maintain a regular school attendance because of poor quality of education, comprising such areas as lack of school building, inappropriate school environment, inadequacy of teachers, lack of professional teachers, and improper treatment by teachers.

The Ministry of Education too has detailed the causes for poor quality of education in its National Strategic Plan of Education:

“The quality of education is very low in Afghanistan⁹⁴ and the causes for poor quality of education are various in Afghanistan, including inadequacy of professional teachers who know the subjects and new teaching methodologies, lack of a safe, learning-friendly environment, lack of learning materials, teacher-centered classrooms, and parrot-like education in Afghanistan. There are verbal reports that refer to corporal punishment as a classroom management method in Afghanistan.”⁹⁵

Likewise, education authorities confirm the above causes to be responsible for irregular school attendance⁹⁶ and according to Afghanistan’s 2007 human development report, the quality of education is very low in Afghanistan and requires universal attention.

Other Reasons

There are other reasons for irregular school attendance which you can find in table 6.

⁹⁴ National Strategic Plan of Education (1385-1389), chapter two, strategic framework, the section on the quality of education

⁹⁵ National Strategic Plan of Education (1385-1389), chapter one, the section on the quality of education

⁹⁶ Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

Access of Students to Equipment, Services, and Facilities

Educational Curriculum

Educational curriculum is an inseparable, fundamental principle for any educational system, in absence or incompleteness of which the education of children is at risk of being scattered.

According to the new Law on Education, “Unified educational curriculum is a standard establishing the general objectives of public and private education and according to which, the Ministry of Education shall regulate portions, textbooks, methodologies, evaluation, materials, and educational aides.”⁹⁷

Of all interviewed school principals, 51 percent said that they used the new educational curriculum, but 33.3 percent said that they used a mixed educational curriculum (all the three educational curricula), 15 percent said that they used the old educational curricula, and 0.6 percent said that they used the NGO educational curricula.

The research findings indicate that the new educational curriculum is not consistently used by all the schools covered by the present research. It means that the new educational curriculum is not generalized all over the country and the students of all the schools covered by this research do not have the same access to this curriculum, while Article 45 of the Afghan Constitution reads, “The state shall devise and implement a unified educational curriculum based on the tenets

⁹⁷ Paragraph 1, Article 30, Law on Education

of the sacred religion of Islam, national culture as well as academic principles...”⁹⁸

The above figures show that schools in Afghanistan do not use a unified educational curriculum. In light of lack of adequate human resource and necessary budget, education authorities regard the development of a unified educational curriculum as a major challenge.⁹⁹

According to the Ministry of Education, previous educational curricula in Afghanistan did not socially and economically reflect the necessities of society and different groups had developed educational curricula from the point of view of their political competitions and leanings.¹⁰⁰ The Ministry of Education has taken actions to develop a unified educational curriculum. So far the curriculum for primary schools has been developed and the development of the curriculum for secondary schools is on-going.¹⁰¹ The old educational curriculum that was developed 20 years ago is still being used in secondary schools.¹⁰² This is while the Ministry of Education should, based on the established objective, develop a national, modern, and quality educational curriculum by the year 1389 for primary and secondary schools based on the

⁹⁸ The full text of this article is available in the annex of this report.

⁹⁹ Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

¹⁰⁰ The draft Education Sector Strategy, Afghanistan National Development Strategy (ANDS), Hamal 1386

¹⁰¹ Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

¹⁰² Educational Sector Strategy, the section on the quality of education

Islamic fundamentals and values, and national, regional, and international standards.¹⁰³

School Building

School structure is an important infrastructure for the education system. The Education Sector Strategy (1387-1391) specifies that in the year 1384 (2005), only 25 percent of school structures were usable.¹⁰⁴

Table 7

| Statistics related to the structures of schools covered by this research | | | | |
|---|-------------------------------|---------------------|--------------------|---|
| Options | Percentage of students | | | Percentage of school authorities |
| | Overall percentage | Percentage of girls | Percentage of boys | |
| Buildings | 74.8% | 37.9% | 36.9% | 53% |
| Tents | 13.2% | 6.2% | 7% | 14% |
| Outdoors | 5.6% | 3.9% | 1.7% | 16% |
| Under trees | 5.7% | 2% | 3.7% | 17% |
| Unanswered | 0.7% | 0.5% | 0.2% | 0% |
| Total | 100% | 50.4% | 49.6% | 100% |

The research findings show that of all school-going interviewed children, 74.8 percent (37.9 percent girls and 36.9 percent boys) said that their schools had buildings. But these figures do not mean that 74.8 percent of schools do have buildings.

Of all school authorities, 53 percent said that their schools had buildings and these figures indicate that of all the schools covered by this research, only 53 percent have buildings.

¹⁰³ National Strategic Plan of Education (1385-1389), fourth program: development of educational curriculum and educational materials

¹⁰⁴ Education Sector Strategy, the section on access to education

According to the observations made by the field researchers, in schools that had no buildings, students study in tents, outdoors, under trees, in malls, in shops, in mosques, in religious places, in people's houses, or in rented houses.

The research findings show that of 13.2 percent of students who study under tents, 6.2 percent were girls and 7 percent boys. Of all school authorities, 14 percent stated that their students studied under tents. About children who study outdoors, the findings indicate that there is a discrepancy between the interviewed girls and boys. Of all school-going interviewed children, 5.6 percent studied outdoors, including 3.9 percent of girls and 1.7 percent of boys.

The above figures indicate that there are more girls than boys who study outdoors in the schools covered by this research and also of all school authorities, 16 percent said that their students studied under the blue sky and these figures show that students who study outdoors are more than those who study under tents in the schools covered by this research, because of all school authorities, 14 percent stated that their students studied under tents.

Also of all interviewed children, 5.7 percent (2 percent girls and 3.7 percent boys) said that they studied under trees and of all interviewed school authorities, 17 percent stated that their students studied under trees. The research findings reveal that there are more boys than girls who study under trees in the schools covered by this research and if we compare the percentage of responses of authorities to those related to study under tents and outdoors, we find out that this percentage seems to be relatively high. At last, an analysis of research data in this area yields that students in schools covered by this

research study in buildings, under trees, outdoors, and under tents respectively.

According to the observations made by field researchers, there is a destruction called building in some of the schools in Afghanistan that have no four-wall structures or classrooms, but only consist of some rooms that are allocated for administrative, logistical, and other purposes. It should be noted that in many schools that have small and limited structures, only students of higher ages and grades study in classrooms and students of lower ages and grades study under tents, under the sky, under trees, and elsewhere.

Based on the observations made by field researchers, though some schools do have buildings, they have to place students under tents, under trees, under the sky, and elsewhere, because there are high numbers of students in these schools. This is also confirmed by the Ministry of Education.¹⁰⁵ Pursuant to the National Strategic Plan of Education (1385-1389), over 90 percent of schools should have buildings and appropriate educational facilities should be provided for girls and boys alike.¹⁰⁶ The current figures show that only about 50 percent of schools have buildings and the remaining 50 percent are left with no buildings.¹⁰⁷

Access to Textbooks

¹⁰⁵ Interview with Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, 1387

¹⁰⁶ National Strategic Plan of Education, summary, the view of the Ministry of Education, the section on the situation of education in 1389

¹⁰⁷ Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

Textbooks form a key component of educational system, in absence of which the system will face serious challenges. Every student has the right to access the necessary textbooks and based on the Afghan Constitution, the state has the duty to provide free education for all.¹⁰⁸

Based on information provided by different categories of interviewees (students, parents, and school authorities), approximately 25 percent of interviewed students use the textbooks distributed by the Ministry of Education on an average basis, 60 percent use some books distributed by schools and some books bought from the market, 3 percent borrow books from one another, and 12 percent use books bought from the market by spending private capital.

In reply to the question whether they have one book for each subject, 50 percent said that they had one book for each subject, 44 percent said that they didn't regularly have one book for each subject, and 6 percent said that they had no books at all. These figures indicate that all the students of schools covered by this research do not have equal and fair access to textbooks.

According to the observations made by field researchers in some schools, textbooks are not complete and teachers, as a result, prepare notes instead. This causes troubles, because the time of teachers and students is spent on note-giving and note-taking and there is little time left for actual teaching and learning.

It should be mentioned that there are some challenges for the distribution of textbooks in the country. For example, "Based

¹⁰⁸ Please refer to Article 43 of the Afghan Constitution.

on a communiqué of the Ministry of Education on 5 Sunbula 1387, some 100,000 textbooks belonging to the Kandahar Department of Education were burned by the opposition in the Moqor area of Ghazni province on Kabul-Kandahar road.”¹⁰⁹ As a consequence, students in Kandahar were deprived of their access to textbooks. Based on another communiqué of the Ministry of Education on 7 Sunbula 1387, some 8,344 textbooks including religious textbooks for students in Nuristan province were burned by the opposition in Walwabo area of Wama district of Nuristan province.¹¹⁰ This deprived some students in this province of their textbooks.

Also sometimes schools’ textbooks have been held as “hostages.” For example, the textbooks of a school in Badakhshan province were held by the driver, because his transportation charges were not paid. As a result, these textbooks failed to reach students on time and there was a delay in the education process.

Access to Laboratory

The responses given by school authorities show that of all the schools covered by this research, 84 percent lack laboratory systems and of all interviewed students, 75.3 percent have no access to scientific education. Laboratory systems were functional in only 16 percent of schools and of all interviewed students, 8.3 percent had access to laboratories.

Of all interviewed students who have access to laboratories, 28 percent stated that they have access to laboratory once in a month, 27.7 percent stated that they have access to laboratory

¹⁰⁹ Afghanistan National Television, 5 Sunbula 1387, news

¹¹⁰ <http://www.moe.gov.af/gi/news/sanbullah87/7-sanbullah87.hpm>

twice in a month, and 20 percent stated that they have no access to laboratory during a month. This is while of all school authorities, 16 percent said that their students have access to laboratory once in a month, 52 percent said that their students have access to laboratory twice in a month, and 12 percent stated that their students have access to laboratory three times in a month.

In some schools where students have access to laboratories, the facilities and equipment there have not been regulated in a standardized format and proportionate to the needs of the time so that it can meet the requirements of students and solve their educational problems. These figures show that over three-fourths (75 percent) of students have no access to laboratories in the schools covered by the present research.

The National Strategic Plan of Education (1385-1389) says that there are almost no laboratories in Afghan schools¹¹¹ and it is evident out of research findings that a large number of students do not have equal and fair access to laboratory facilities in schools.

Access of Students to Desks and Chairs

As per the figures obtained from the interviewees (students and school authorities), an average 55 percent of students use chairs in the schools covered by this research, 40 percent of students sit on carpets in schools, and about 5 percent of students have neither chairs nor carpets.

¹¹¹ National Strategic Plan of Education 1385-1389, chapter three, first program, general education

The research findings indicate that all interviewed students do not have access to chairs. Observations reveal that the majority of primary-school students do not have access to an adequate number of chairs and in some schools students sit on worn-out, unusable carpets. There are also students who have access to neither chairs nor carpets and it is natural for these students to sit on stone and soil or use cloths or other means brought by them to their schools. This decreases the quality of education in students.

Access to Clean Potable Water

Pursuant to Article 1 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the right to water is an essential element of the right to an adequate standard of living and the right to health.

The right to healthy potable water can prevent an individual's affliction with various diseases and improve the health of the child. This is linked with the sources from which water is obtained. For example, the use of open water sources can cause health problems.¹¹²

According to two categories of interviewees (students and school authorities), an average 52.8 percent of students in the schools covered by this research use closed water well, 24.3 percent use stream water, 6.9 percent use tap water, 5.9 percent use spring water, 2.8 percent use open water well, and 14.9 percent use potable water in their schools.

¹¹² Study on the general situation of children in Afghanistan, 1386, the section on the right to water

These figures indicate that after closed water well, the most number of students in the schools covered by this research use stream water and it is vivid that stream water is unhealthy. It is evident from the research findings that all students in the schools covered by the research do not have an equal, fair access to safe drinking water.

According to observations in a province, “Except in the provincial capital, students in the observed schools do not have access to open water well and they share the stream water with animals.” The figures provided by the Ministry of Education shows that there is healthy potable water in only 20 percent of the country’s schools.¹¹³

According to the Deputy Minister of Education, clean drinking water is not available even in schools in Kabul city.¹¹⁴ A field researcher in Kabul province writes in his/her diary, “Students use tap water in some of schools in Kabul city and they use closed water well in the district capitals covered by this research. In rural schools, students use spring and stream water. This observation is indicative of vivid discrepancies at capital, urban, and rural levels, while the Ministry of Education has, in the National Strategic Plan of Education (1385-1389), committed itself to providing healthy drinking water to all schools in accordance with the minimum health standards for schools.¹¹⁵

¹¹³ National Strategic Plan of Education (1385-1389), chapter three, first program, general education

¹¹⁴ Remarks by Mohammad Seddique Patman, Deputy Minister of Education, http://www.bbc.co.uk/pashto/news/story/2008/10/081015_hf-hand-washing-day-afg.shtml

¹¹⁵ National Strategic Plan of Education 1385-1389, chapter three, first program, fifth section: services for students, objectives

Table 8

| Sources of drinking water for students in schools covered by this research | Percentage |
|---|-------------------|
| Closed water well | 52.8% |
| Stream water | 24.3% |
| Tap water | 6.9% |
| Spring | 5.9% |
| Open water well | 2.8% |
| Don't use (no access to water) | 14.9% |
| Total | 100% |

Access to Health Facilities

The right to health is a fundamental, essential human right, through which each person is entitled to enjoy the most appropriate health standards and facilities. The right to health is a basic component of life that is important for the realization of all other human rights.¹¹⁶

According to the responses given by both categories of interviewees (students and school authorities), on an average basis, around 49 percent of students have fallen ill during lessons in schools covered by this research. Similarly, approximately 44 percent of the students who fell ill during lessons have been transferred to hospitals or health clinics by the school management. The school management has provided in-school first aid for 11 percent of such students, but 35 percent of students have been reported to their parents and the school management has provided no assistance for 10 percent of students who have fallen ill during their lessons. In total, 45 percent of students who fell ill during lessons have received treatment managed by the school authorities.

¹¹⁶ Study on the general situation of children in Afghanistan, 1386, publisher: AIHRC, the section on the right to health

The above figures confirm the claim that all interviewed students do not have equal and fair access to health facilities.

In accordance with Article 24 of the Convention on the Rights of the Child (CRC), it is a key right of the children to access health services. Also Paragraph 2 of Article 54 of the Afghan Constitution has required the state to take the necessary measures to protect the physical and mental health of the child.¹¹⁷ It undoubtedly can be said that children who study in schools do not enjoy health services in their schools.

Table 9

| The measures taken by the school management regarding students falling ill during lessons | Percentage |
|--|-------------------|
| Transferred to hospital | 44% |
| Reported to parents | 35% |
| Provided first aid | 11% |
| No cooperation | 10% |
| Total | 100% |

Restrooms at School

According to the responses given by the interviewees (students and school authorities), about 74 percent of interviewed students have restrooms in their schools, 20 percent do not have restrooms in their schools and they, therefore, use the land around their schools for this purpose, and 6 percent have no restrooms in their schools, cannot use the land around their

¹¹⁷ Paragraph 2, Article 54, Afghan Constitution, “The state shall adopt necessary measures to provide for the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.”

schools and even their teachers do not allow them to leave the classroom for defecation.

In some schools where there are restrooms, these have not been constructed well. For example, a field researcher writes his/her observations about a school restroom in one of the provinces in the country:

“The school restroom is a small four-walled structure made irregularly of stones. Students who go there for defecation are not completely hidden from the eyes of others and this we call a ‘restroom’ in our questionnaire.”

This example indicates that there are only nominal restrooms in some of the schools and students cannot use them properly. It is also important to study the safety and location of these restrooms, because it was observed that many restrooms are located outdoors far from the school building in terrible sanitary conditions.

Table 10

| Places used by students for defecation | Percentage |
|---|-------------------|
| Restroom | 74% |
| Desert (land around school) | 20% |
| None | 6% |
| Total | 100% |

The Dimension of Distance (Distance between Schools and Students’ Houses)

The Committee on the Economic, Social, and Cultural Rights has explained the right to education in its General Comment 13

that education should geographically happen within a safe physical environment that is accessible for all.¹¹⁸

Table 11

| 1. Distance from interviewed students' perspective in minutes | Percentage |
|---|-------------------|
| House 60 minutes away from school | 27% |
| House less than 60 minutes away from school | 18% |
| House 30 minutes away from school | 38% |
| House less than 30 minutes away from school | 18% |
| Total | 100% |
| 2. Distance from school authorities' perspective in kilometers | Percentage |
| School one to two kilometers away from students' house | 24.7% |
| School two to three kilometers away from students' house | 32.3% |
| School over four kilometers away from students' house | 26.9% |
| Total | 100% |

Long distance between home and school is a major reason why children drop out of schools, do not enroll in schools, and do not attend schools regularly, which were analyzed above in their relevant sections. Here we will analyze children's fair access to education from the point of view of distance.

Of all interviewed children, 55.6 percent stated that their schools were near to their houses and 44.4 percent stated that their schools were far from their houses.

The findings of the research indicate that it takes one hour or more than one hour for the majority of students to leave their houses and reach the schools covered by this research and it takes half an hour or less than half an hour for almost half of

¹¹⁸ Study on the rights of the child in international and domestic laws, section 1: child education in international and domestic laws (materials prepared by the Research and Policy Unit for child rights education)

students to reach their schools, as represented in table 11. The above categories reveal that all the interviewed students do not have an equal and fair access to school from the point of view of distance.

It should be mentioned that of all interviewed school authorities, 41 percent said that their students had a relatively equal access to schools from the point of view of distance, 58.3 said that their students did not have an equal access to schools from the point of view of distance, and 0.6 gave no answers. Of all school authorities whose students did not have a relatively equal access to schools, 26.9 said that schools were over four kilometers away from some of their students' homes, and 16.1 percent said that schools were approximately three to four kilometers far from student's homes.

A field researcher writes in his/her observations, "In the observed school, students had many problems because of the long distance between home and school. Even 1st-grade students have to walk for three hours to reach the school."

The statistics and field researcher's observation show that all interviewed children do not have a relatively equal and fair access to schools from the point of view of distance. Schools are far from their houses and their access is limited. The low economic status of families has caused most children to walk to school, because they cannot pay for transportation costs. Long distance between home and school causes children not to attend their schools regularly, sometimes causes them to drop out of their schools, and even causes the absence of teachers.

In its third report on economic and social rights in Afghanistan, the AIHRC says, "Schools are extremely scattered and focused in urban areas. Most children are forced to walk to the nearest

concentration of population to reach their schools. This is common in rural areas even at the primary-school level. Walking this distance can be unsafe and even impossible for such causes as bad weather, impassable roads, insecurity, mines, and other unexploded materials. There are fewer secondary schools and high schools are rarely accessible out of provincial capitals. It means that in absence of public transportation, only rich families or those families who can make their living arrangements in cities can send their children to high schools. Others either have to tolerate a multi-hour walk or have to scrap going to school at all.”

We can, therefore, say that the number of schools in the country is not proportionate to the number of children who are qualified to go to school and students are forced to walk a long distance to reach their schools—a problem that the Ministry of Education too confirms.¹¹⁹

Access to Sports

Of all interviewed children who have access to school, 41.6% said that they had access to physical education and sports in their schools and 58.4% said that they had no access to physical education and sports. Also of all interviewed school authorities, 41 percent stated that their students did not have access to sports facilities. These findings show that the absolute majority of students do not have access to sports in the schools covered by this research.

Of all children who did not have access to sports in their schools, 55.6 percent said that there was no sports spot in their

¹¹⁹ Remarks by Mohammad Azim Karbalaee, Director-General of Planning, Ministry of Education, Saratan 1387

schools, 23.5% said that they didn't have sports equipment in their schools, 14.1 percent said that there were no physical education instructors in their schools, and 8.6 percent said that school authorities did not allow them to engage in sports.

Of all interviewed authorities in whose schools students did not have access to sports, 60.5 percent said that there was no sports field in their schools, 35.1 percent said that there were no sports instructors, 1.2 percent said that they had little time and there were multiple-hour lessons in their schools and therefore children could not engage in sports, and 2.6 percent said that their students did not have the permission to engage in sports.

The findings of the research show that the majority of students in schools covered by this research firstly do not have access to sports because there are no sports fields in their schools. Therefore, most of the research-covered schools lack sports fields and other main reasons why children do not engage in sports include lack of sports equipment and lack of professional physical education instructors, leading to the violation of children's rights. It is while the Ministry of Education has a duty under the Law on Education to provide the needs of an educational institution, including sports field and equipment.¹²⁰ Sports trainers are a must when there are sports field and equipment available at school.

The reason that children are not permitted by the school authorities to engage in sports is worrying, because school authorities cannot prevent the physical education of students for reasons that are not acceptable. Finally, a category of students cannot engage in schools due to multiple-hour lessons at school.

¹²⁰ Paragraph 6, Article 7, Law on Education

According to Article 31 of the CRC, the government has a commitment to recognize the right of children to play that corresponds to their age. Hence, if children do not have access to age-appropriate sports in their schools,¹²¹ it is a violation of their rights, which is against their best interests and their physical and mental development. We can therefore say that play and activity are among human needs that act as foundations for human physical and mental growth and development.¹²²

Access to Library

Of all interviewed school-going children, 18.3 percent said that there were libraries in their schools and 81.7 percent said that there weren't any libraries in their schools. Also of all interviewed school authorities, 22.4 percent stated that there were libraries in their schools and 77.6 percent stated that there weren't any libraries in their schools. Of all interviewed children whose schools had libraries, 33.8 percent said that they had access to library once in a month, 14 percent said that they had access to library twice in a month, 11.3 percent said that they had access to library three times in a month, and 40.9 percent said that they had no access to library in a month.

The research findings show that of all schools covered by this research, only 22.4 percent had libraries and of all interviewed students whose schools had libraries, 40.9 percent had no access to library within a month, indicating that these schools cannot regulate the use by their students of books, magazines, publications, and other necessary educational materials.

¹²¹ Please read the text of this Article in footnote 62.

¹²² Child rights education, p10

As the figures show, there are no libraries in many schools and in schools covered by this research that have libraries, all students do not have the same access to these libraries. Even within a month, students cannot use the libraries of their schools. According to the CRC, it is the right of children to have access to proper information.¹²³ And based on the Law on Education, the Ministry of Education has the duty to establish libraries according to the needs of schools.¹²⁴

Access to Recreational Activity

Based on the responses given by the two categories of interviewees (students and school authorities), on an average basis, 93 percent of interviewed children use recreational activity and 7 percent do not use it.

It is worth mentioning that of all interviewees, 71 percent said they did not use the recreational time because they had little time, 21 said they did not use the recreational time because there is no recreational place, and 8 percent gave no answers.

This is while recreational activity is a basic right of children that has been enshrined in Article 31 of the CRC, which reads:

“1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

¹²³ For more information, please refer to Article 17 of the CRC.

¹²⁴ Paragraph 6, Article 7, Law on Education

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.”¹²⁵

Treatment of Teachers toward Students

Of all interviewed school-going children, 91 percent said that they were satisfied with their teachers’ behavior and 9 percent said that they were dissatisfied with the behavior of their teachers.

Of all students who were dissatisfied with their teachers’ behavior, 33.6 percent said that their teachers had used violence against them, of whom 52.1 percent said that their teachers had threatened them and used bad language against them and 47.9 percent said that their teachers had beaten them.

The findings of the research show that there is still a culture of violence in Afghan schools and that the Ministry of Education has been unable to implement and monitor an appropriate, acceptable strategy to combat violence against students in the school ambiance.

Teachers carry rods to punish students in first- to fifth-grade classrooms and try to control the classrooms with the use of rods. Some slap students and some use bad language. Violence against schoolchildren is more common in villages than in cities.¹²⁶

¹²⁵ Article 31, CRC

¹²⁶

http://www.bbc.co.uk/persian/afghanistan/story/2006/04/printable/060430_s-corporal-punishment.shtml

A field researcher writes in his/her observations, “Teachers carry rods with themselves in classrooms and use them to control the students and make them read the lessons.”

The Ministry of Education’s National Strategic Plan of Education too confirms that corporal punishment is a classroom management technique in Afghanistan.¹²⁷ This is while Paragraph 2 of Article 28 of the CRC specifies, “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.” It is explicit that violence against children should be prevented. Fortunately the new Law on Education too specifies, “Any form of physical and mental punishment of students, even for their correction and rectification, is banned. The violators should be prosecuted in accordance with the provisions of law.”¹²⁸

Table 12

| Types of inappropriate behavior in case of student dissatisfaction of teacher behavior | Percentage |
|---|-------------------|
| Beating | 47.9% |
| Threats and bad language | 52.1% |
| Total | 100% |

Teacher Attendance

Of all interviewed school authorities, 83.3 percent said that teachers in their schools attend their classes on time and 16.7

¹²⁷ National Strategic Plan of Education (1385-1389), first chapter, the section on the quality of education

¹²⁸ Please refer to Article 39 of the Law on Education.

percent said that teachers in their schools do not attend their classes on time.

Of all school authorities in whose schools teachers are not present on time, 71.4 percent said that teachers are not present due to lack of adequate salary, 25.7 percent said that teachers are not present due to long distance, and 2.9 percent said that teachers are not present due to negligence and lack of punctuality.

A provincial education director regarded teachers' inadequate salary as a cause of reduction in teaching quality¹²⁹ and this is while the International Covenant on Economic, Social, and Cultural Rights (ICESCR) reads, "...the material conditions of teaching staff shall be continuously improved."¹³⁰

Table 13

| Reasons for teacher absence from the point of view of school authorities | Percentage |
|---|-------------------|
| Inadequate salary | 71.4% |
| Long distance | 25.7% |
| Teachers not committed to punctuality | 2.9% |
| Total | 100% |

Teaching

Of all interviewed school authorities, 81.4 percent stated that they were satisfied with the way teachers taught in their schools, 17.3 percent stated that they were dissatisfied, and 1.3 percent gave no answers.

¹²⁹ National Strategic Plan of Education (1385-1389), chapter one: situation analysis, the section on salary for teachers

¹³⁰ Please refer to Section (e), Paragraph 2, Article 13, ICESCR.

Of all school authorities who were dissatisfied with teaching in their schools, 54% said that the reason was unprofessional teachers and 18 percent said that the reason was lack of these teachers' familiarity with new educational methodologies.

As it can be found out from the above figures, a number of school authorities were dissatisfied with their teachers, because these teachers were not professional and were not equipped with new educational methodologies so that they could improve their teaching. Nonetheless, the National Strategic Plan of Education has criticized the current teaching methodologies and specified, "Teacher-centered teaching and parrot-like education is a common method employed in classrooms in Afghanistan." In the Law on Education, the government has determined the "development of teacher's knowledge and professional skills" as the goal of teacher training courses.¹³¹

¹³¹ Paragraph 3, Article 26, Law on Education

The Number of Teachers and Their Educational Degree

The Number of Teachers

Of all interviewed school authorities, 41 percent said that teachers are not enough for students in their schools. Similarly, of all 25 provincial education directors, only 20 percent said that the number of their teachers is proportionate to the number of students and 80 percent said that it is not enough.

The findings of research show that the current number of teachers does not suffice the needs of the educational system. Inadequacy of teachers in schools is a big problem for the country's educational system—what school authorities and provincial education directors regard as a worrying challenge and what parents consider as a problem facing the equal access by children to education. Some students also do not regularly attend their schools because there aren't enough teachers and some have even dropped out of schools for the nonexistence or inadequacy of teachers (please refer to the sections on reasons for dropping out of school and reasons for children's irregular school attendance in this area).

Teachers' Educational Degree

The educational degree of teachers in schools covered by this research is, based on information provided by the interviewed school authorities, as follows:

17 percent of teachers have educational degrees below the baccalaureate level. Similarly, 38.3 percent of these teachers have baccalaureate's degree, 26.3 percent have educational degrees above the baccalaureate level, 14 percent have bachelor's degree, 2.5 percent have educational degrees above

the bachelor level, 1.7 percent have master's degree, and 0.3 percent have educational degrees above the master level.

These figures show that there are few professional teachers with high educational degrees in the schools covered by this research. If we add the percentages of educational degree below the baccalaureate level and baccalaureate's degree, 55.3 percent of teachers are unprofessional in the schools covered by this research—high figures and a major challenge confronting the country's educational system, preventing the equal access by the students to education from the point of view of teacher professionalism.

As the Ministry of Education's documentation reveals, a very limited category of existing teachers in the educational system have educational degrees above the 12th grade.¹³² According to the Ministry, currently about 77 percent of the country's teachers are unprofessional (have baccalaureate's degree)¹³³ and for this, the majority of students are deprived of enjoying teaching rendered by professional teachers.

According to the observations of a field researcher, teachers who engage in teaching in schools are not academic and professional with most of them having low educational degrees and having obvious problems in teaching. Lack of professional teachers negatively affects student morale and causes dropout or irregular school attendance.¹³⁴

Table 14

¹³² Please refer to the National Strategic Plan of Education 1385-1389, summary, first program, universal education.

¹³³ Remarks by the Planning Director of the Ministry of Education, 1387

¹³⁴ Please refer to the sections on dropout and irregular school attendance.

| Teachers' educational degree in schools covered by this research | Percentage |
|---|-------------------|
| Below the baccalaureate level | 17% |
| Baccalaureate's degree | 38.3% |
| Above the baccalaureate level | 26.3% |
| Bachelor's degree | 14% |
| Above the bachelor level | 2.5% |
| Master's degree | 1.7% |
| Above the master level | 0.3% |
| Doctorate | 0% |
| Total | 100% |

Harassment of Students by Students Themselves and Others¹³⁵

Of all interviewed school-going children, 9.5 percent said that they were treated inappropriately and 90.5 percent said that they were not treated inappropriately. Also of all interviewed school authorities, 35.9 percent said that they saw students treating one another unsuitably.

Of all students who were treated inappropriately by others, 46.8 percent said that such treatment occurred outside school and 53.2 percent said that such treatment occurred inside school.

¹³⁵ It includes such treatment and behavior as physical violence, bad language, and other inappropriate, degrading, and inhuman treatment that occurs against schoolchildren on the way to and from school and within school either by students themselves or others. Of course, it does not include inappropriate treatment and violence by teachers against students that was discussed in a separate section of this research report.

The findings of this research indicate that a category of schoolchildren were treated unsuitably, bringing out a discouraging attitude among them towards their schools. If school environment is not safe and healthy, children do not attend schools regularly or even drop out.¹³⁶ Harassing children is disrespect to their human dignity. For example, a schoolgirl told our field researcher, “My father died. When I come to school, my classmates call me ‘fatherless’ and I feel humiliated.”

Bilateral Relations between School Management and Students’ Parents

Of all interviewed parents, 50.5 percent said that they were in contact with the management of schools in which children study, 36.2 percent said that they were not in contact with school management, and 13.3 percent said that there had so far been no issues or problems that required contacts between them and school management.

It should be mentioned that of all interviewed school authorities, 93.6 percent said that they had contacts with parents and 6.4 percent said that they had no contacts with parents. Also of all interviewed parents who were not in contact with school management, 45 percent said that bilateral relations between parents and school management were not common, 39.4 percent said that they had been informed by the school management, but they themselves had been absent to discuss the problems of their students, and 15.6 percent gave no answers.

¹³⁶ Please refer to the sections on reasons for dropout and children’s irregular school attendance.

Of all interviewed school authorities that did not contact with parents, 41.7 percent said that they did not contact because parents did not come to school and 58.3 percent said that relations between school management and parents were not common.

The research findings show that the culture of relations between parents and school management has not developed and the process of parental participation in the management of school and in the solution of the problems of their children in school is very slow. This is while a basic educational duty of parents is to pay attention to their children's education and training and not to neglect it. The most important concerns in this area include selection of an appropriate school and a decent teacher, keeping track of the child's education, and cooperation with school.¹³⁷ School authorities also should be in touch with parents to solve educational problems, improve the quality of education, and prevent the commission of law- and discipline-related violations.

Research findings raise this concern that of all parents and school authorities who are not in contact with one another, the majority of them did not do so because it was not common and even when they were informed, parents refused to go to school to deal with the issues related to the education of their children—an egregious violation of the CRC and in contravention with the best interests of the child.¹³⁸

¹³⁷ Child Rights Education, p108

¹³⁸ Please refer to Article 3, CRC.

Conclusions and Recommendations

As mentioned in the introduction section, approximately 40 percent of children are deprived of education and girls are more vulnerable in this regard and a large number of children do not have access to school in rural areas. But compared with the past years, there are now more children who have access to school quantitatively and the number of schools too has increased. Despite all these, there are not enough schools for children and as a result of lack of enough schools and school buildings, there are multiple-hour lessons in some schools across the country (one shift, two shifts, and three shifts).

Family economic problems, insecurity, lack of safety on way to and from school, long distance between home and school, lack of professional teachers and women teachers, inappropriate school environment, and in general lack of education quality have discouraged children by causing them to never have access to school, drop out, or attend school irregularly.

Special-category children (children with disabilities, *kuchi* children, and Hindu and Sikh children) face manifold problems in the area of education and there are limited educational facilities for them.

The findings of the research show that all interviewed children/students do not have similar and balanced access to educational facilities, equipment, and services, such as suitable and equipped building, appropriate school location, textbooks, new educational curriculum, library, laboratory, chair, carpet, recreational activity, and sports. There are few professional teachers in schools and the number of existing teachers is not proportionate to that of students. Those children who have dropped out without family agreement and who have never

gone to school because of parental prohibition do not know the importance of education and are not aware of the rights of the child and they are, therefore, deprived of education.

There are different forms of violence against children in schools by teachers, children are harassed on the way to and inside school, students and school authorities are not satisfied with the way teachers teach, and reciprocally teachers are in a poor situation and do not enjoy an adequate standard of living—all putting negative impacts on the Afghan educational system.

The culture of bilateral relationships between parents and schools has not developed. Textbooks are either missing or burnt due to the lack of a proper distribution mechanism. The physical security of schools, students, and teachers faces serious challenges. Therefore, in order to improve and promote the status of children's fair access to education in the country, the following recommendations are presented:

- The government and the international community should implement the commitments they have undertaken in the Afghanistan Compact and the United Nations should play the roles of coordination and cooperation;
- The government should provide the fair and equal access of all girls and boys including special-category children to education and it should particularly take the necessary measures to remove the existing cultural constraints against girls' education;
- The government should, in a balanced manner, provide all schoolchildren with the educational curriculum and other facilities and equipment, such as textbooks,

educational aides, library, laboratory, school building, educational atmosphere at classroom, chair, and other materials, according to the requirements of time and modern education;

- Serious measures should be taken to train professional teachers, especially women teachers, so that the problems of lack of professional teachers and existing constraints against girls' education can be solved;
- New schools should be established according to need and due attention should be paid to the location of such schools so that they are relatively near and rather equally accessible to all schoolchildren;
- The Law on Education should be regulated, approved, and implemented in accordance with national and international commitments and the requirements of time;
- The Ministry of Education should raise public awareness of the importance of education and use the media, religious scholars, civil society institutions, local elders, and other means in this area;
- The Ministry of Education should continuously and transparently monitor and evaluate the educational system and the media and civil society should draw the main educational problems of children to the attention of relevant authorities;
- The Ministry of Education should take the necessary measures to provide the ground for the literacy of children who have dropped out and have never gone to school for various reasons;
- Primary education in mother tongue should be provided for children;
- The current salary of a teacher is at a very low level and it is not enough to provide them with an adequate

standard of living—leaving negative impacts on the educational system and constraining the fair and equal access of children to education. On this basis, the Afghan Independent Human Rights Commission proposes the establishment of a suitable salary for a teacher so that his or her right to an adequate standard of living can be relatively realized;

- The Ministry of Education should make it possible for parents to have role and participation in the education of their children and develop such role and participation and it should also implement policies aimed at preventing violence against children in schools;
- The security forces should pay attention to the physical security and safety of schools, teachers, and schoolchildren and they should identify and legally deal with all individuals who burn schools or textbooks, murder teachers and schoolchildren, or threaten them;
- The Ministry of Education should consider the human rights educational curriculum in textbooks for 1-12 grades.

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Annex

Some National and International Commitments with Regard to the Right to Education

National Commitments

Afghan Constitution

Article Forty-Three

Education is the right of all citizens of Afghanistan, which shall be offered up to the BA level in the state educational institutes free of charge by the state.

To expand balanced education as well as to provide mandatory intermediate education throughout Afghanistan, the state shall design and implement effective programs and prepare the ground for teaching mother tongues in areas where they are spoken.

Article Forty-Four

The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country.

Article Forty-Five

The state shall devise and implement a unified educational curriculum based on the tenets of the sacred religion of Islam, national culture as well as academic principles, and develop religious subject curriculum for schools on the basis of existing Islamic sects in Afghanistan.

Article Forty-Six

Establishing and administering higher, general and specialized educational institutions shall be the duty of the state.

The citizens of Afghanistan shall establish higher, general and specialized educational as well as literacy institutions with permission of the state.

The state shall permit foreign individuals to establish higher, general and specialized institutions in accordance with the provisions of the law.

Admission terms to higher educational institutes of the state and other related matters shall be regulated by law.

Article Forty-Seven

The state shall devise effective programs for fostering knowledge, culture, literature and arts.

The state shall guarantee the copyrights of authors, inventors and discoverers, and, shall encourage and protect scientific research in all fields, publicizing their results for effective use in accordance with the provisions of the law.

Law on Education

Article Three

The nationals of the Islamic Republic of Afghanistan shall have equal access to education without any forms of discrimination.

Article Seven

The Ministry of Education shall have the following duties and powers:

1. To regulate educational plans such as preschool education, intermediate (fundamental) education, secondary education, technical-professional education, vocational education, artistic education, formal Islamic

- education, teacher training, literacy, essential literacy, correspondence education, and distance learning;
2. To establish schools, madrassas, teacher training institutes, technical-professional schools, vocational and artistic institutes, literacy centers, and hostels according to the needs of the society;
 3. To establish and equip state schools for students with exceptional and elitist abilities and for students with special needs;
 4. To issue permissions for the establishment of private domestic, mixed, and international education institutes and to monitor their activities;
 5. To provide learning means and aides;
 6. To build libraries, laboratories, cultural centers, information technologies, and sports fields and to provide sports equipment according to the needs of the education institutes;
 7. To issue graduation certificates for graduates of different educational levels as legally specified.

International Commitments

Convention on the Rights of the Child

Article Twenty-Eight

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching

methods. In this regard, particular account shall be taken of the needs of developing countries.

International Covenant on Economic, Social, and Cultural Rights

Article Thirteen

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

International Convention on the Elimination of All Forms of Racial Discrimination

Article Five

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...(v) The right to education and training;...