

Contributions to the HR Universal Periodic Review

Afghanistan

Right to Education

- *Legal and strategic framework*

The Constitution, the Afghan National Development Strategy (ANDS), the Afghan Millennium Development Goals, the Education for All (EFA) Goals, the Education Law and the National Education Strategic Plan (NESP) all highlight the vital role of the education system (from pre-primary to tertiary) in shaping the future of Afghanistan. The right to education is vital to contribute to other human rights such as access to health.

In Afghanistan, the Constitution was reviewed and approved by the 500 member delegates of the Constitutional Loya Jirga in early 2004. The Constitution guarantees all children and youth equal right to access quality education. The new Constitution has put special emphasis on Education. Education is underlined in articles 17, 43, 44, 45, 46, and 47.

Article 43 of the Constitution states that:

"Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. 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."

In 2008, Afghanistan adopted a new Education Law which guarantees equal right for all children to education (Article 3).

Article three:

"The citizens of the Islamic Republic of Afghanistan have equal rights to education without any kind of discrimination."

Other articles are referring to non-discrimination in education such as article fifteen on Education of Persons with Special Needs:

"Education of children and adults who needs special educational and training, and due to different reasons are left behind from education and training, shall be provided in different educational levels, in accordance with its related rules."

The new Education Law is also making strong statement against all forms of physical and psychological punishment in schools and other education settings in article thirty-nine:

"Every kind of physical and psychological punishment of students is prohibited even for their correction and chastisement. Violators shall be prosecuted in accordance with the legal provisions."

The Government of Afghanistan, with support of the UNESCO International Institute of Educational Planning (IIEP), has developed its National Education Strategic Plan (NESP) for the period 2006-2010. This plan was developed based on the principles of the Constitution, the Afghanistan Millennium Development Goals for education for the year 1399 (2020), and the mid-term benchmarks of the Afghanistan Compact set for 1389 (2010).

- *Progress in access to education*

In terms of access to education, Afghanistan has made significant progress during the last years. School enrolment has grown from 900,000 in 2002 to around 6 million in 2007 from grade 1 to 12. Progress is also significant in terms of reducing gender disparities. The percentage of girls of the school population has grown from almost 0% in 2001 to over 37% in 1386 (2007). More than 2.1 million girls are now enrolled in schools. It is clear from the 1386 (2007) data that the percentage of girls enrolling in schools is continuing to rise. In 1386 (2007) 69,000 students graduated from upper secondary schools, 25% of these were girls. This is the largest number of graduates from upper secondary schools in the history of Afghanistan.

In October 2008, the Ministry of Education of Afghanistan developed the National Education Report in view of the 48th session of the International Conference on Education (November 2008) organized by UNESCO International Bureau of Education and focusing on Inclusive Education.

http://www.ibe.unesco.org/National_Reports/ICE_2008/afghanistan_NR08.pdf

Inclusive and child-friendly education is seen as an effective tool to achieve quality education for all children. In 2007, 12 pilot schools were established in Kabul city with support from UNESCO and UNICEF welcoming all children regardless of their gender, abilities, disabilities as well as social, economic, religious and ethnic backgrounds. The Ministry of Education intends to expand this programme in 2009 to include more schools as well as pre-schools.