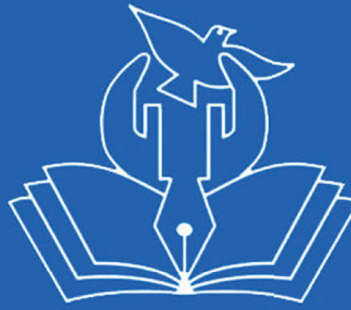


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	815
Land:	Afghanistan
Kilde:	Afghanistan Independent Human Rights Commission (AIHRC)
Titel:	Human Rights Situation of Person with Disabilities in 1394-1395
Udgivet:	30. april 2018
Optaget på baggrundsmaterialet:	10. december 2017



June 6 2002

Afghanistan Independent Human Rights Commission

Human Rights Situation of Person with Disabilities In 1394-1395





Afghanistan Independent
Human Rights Commission

About the report

Title:	Human Rights Situation of PwDs in Afghanistan 1393-2014
Author:	Ali Mohabati, Coordinator of the Rights of PwDs Unit
Translation:	Ali Rahim Rahimi
Data Analyze:	Seyed Shahin
Research:	Afghanistan Independent Human Rights Commission
Designing:	Ewaz Mohibbi
Publisher	Afghanistan Independent Human Rights Commission
Printing:	AIHRC
Publication year:	1396
Circulation:	2400 vols
Office Address:	
Phones:	0093292500676 /0093292500197
E-mail:	aihrc@aihrc.org.af
Net Web page:	www.aihrc.org.af

Contents

Introduction:	5
Method of data collection	6
Marital state of persons interviewed:	7
Degree of education of interviewed persons:	8
Type of disability of interviewees:	9
Causes and factors of disabilities of interviewees:	10
Number of PwDs in the family of interviewees:	11
Having a citizenship certificate or ID card:	12
Assistive or mobility device that PwDs use:	41
These devices are received from the following organs:	61
PwDs and the right to marry:	17
Story -1	19
Type of job for PwDs who were I interviewed:	22
The reason for unemployment of persons with disabilities	23
Accessibility in the work area:	24
Material privileges received by people with disability:	26
Story -2	29
The right to education for persons with disability:	30
Paragraph v of this Convention states:	30
What are the facilities in schools for students with visual and hearing disabilities? ..	34
The right to Health for PwDs:	35
story -3	36
Standard of Physical access to basic health services:	39

Political rights of persons with disabilities:	40
Problems of PwDs in the family and the community:.....	41
Story -4	42
Conclusion:.....	46
Recommendations:	46
Sources and references:.....	47

Introduction:

The Afghan Independent Human Rights Commission (AIHRC) has been established under Article 58 of the Afghanistan Constitution. The Article explicitly states: "The government establishes the AIHRC to monitor and promote the observance of human rights in Afghanistan¹".

Article 21 of the Law on the Structure, Duties and Mandate of the AIHRC also stipulates that the AIHRC is required to have its own monitoring programs in various fields; accordingly, the AIHRC has its own Strategic and Annual Action Plan, which requires the PwDs Unit to protect the rights of persons with disabilities; to monitor the human rights situation of PwDs on a regular basis; and to this end, AIHRC has designed a specific monitoring form in cooperation with the Database Unit. The colleagues in PwDs Unit complete this forms in the field during the interviews made with the PwDs and their families. The findings are recorded in the database, and later on, this information is first analyzed in the SPSS program, and then discussed with government officials and those experts in the field and specific solutions and recommendations, in order to get out of the problems, are presented to the government relevant authorities.

As we know, 2.7% of the population of the country is made up of people with severe disabilities,² which, unfortunately, is on the rise with the continuation of war and insecurity, and it requires the government take measures for the protection and rehabilitation of PwDs; because PwDs, in addition to universal legal protection, also need a range of special protections, and in order to be able to enjoy all their human rights, there must be adequate opportunities available and accessible to everyone, because people with different disabilities have different needs. For example, a physical handicap would have different requirements compared with a visually, hearing or mentally impaired person and people with other defects, and the governments should provide them with these requirements based on the Constitution and other laws.

The Constitution of Afghanistan, in Article 53, has defined the state's obligation toward PwDs and, in accordance with this article of the constitution of the country, "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, s 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 a caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law". "In 1388, the Government of Afghanistan approved and enforced the Law on the Rights and Privileges of Persons with Disabilities. This law has 40 Articles that in addition to guaranteeing material privileges for PwD-who have been directly affected by war, have also provided a number of privileges and benefits for all the people with other disabilities in general.

The government joined the Convention on the Rights of PwDs in 2012, which, in accordance with this Convention, the government should review and revise all its laws in the light of this Convention and introduce necessary adjustments in favor of persons with disabilities. To this end, in 1395, a working committee was formed by the Ministry of Labor, Social Affairs and Martyrs and Disabled (MoLSAMD) to make amendment to the Laws on the Rights and Privileges of Persons with Disabili

1- Afghanistan Constitution

2 - National Disability Survey conducted by Handicap International

ties. As a result, this law was amended in accordance with the Convention on the Rights of Persons with Disabilities, thus, different categories of persons with disabilities, including those with other disabilities, became equally entitled to all privileges, including material privileges.

This report that covers the years 1394 and 1395, include PwDs interviewees from 27 provinces of the country that responded in accordance with the questionnaire on the important issues of their human rights, including the right to education, the right to health, employment rights, political rights, the right to housing. The purpose of the preparation and publication of the report is to reflect the situation of PwDs, and draw the attention of the responsible authorities to the situation of PwDs in order to adopt practical measures to solve their existing problems.

The Importance of the Report: This report is the result of a continuous monitoring activities and filling out of a special form for/by PwDs' access to their human rights, and it is presented in the form of a monitoring-research report.

Method of data collection:

- Information resources: (information obtained during a monitoring mission from regional and provincial offices, headquarters databases, interviews with government agencies and experts).
- How the information was received: (questionnaires, interviews, etc.)

PWD Unit in accordance with the Law on the Structure, Duties and Mandates of AIHRC stipulated in Articles 21 and 25, in addition to the implementation of other programs that are mentioned in the Strategic Plan and Action Plan, PwDs Unit has prepared a form and has conducted interviews with different categories of PwDs in the provinces covered by PwDs Unit, and it should be noted that in this questionnaire in addition to general issues, their basic rights, including the right to education, the right to access the right to work, the right to political rights, and the right to housing, and some other issues are incorporated in the subset of these discussions. The information and data collected in these forms are entered into the database and analyzed in the SPSS program and the result is put at the disposal of sectoral institutions to address their problems.

The office that have completed the forms

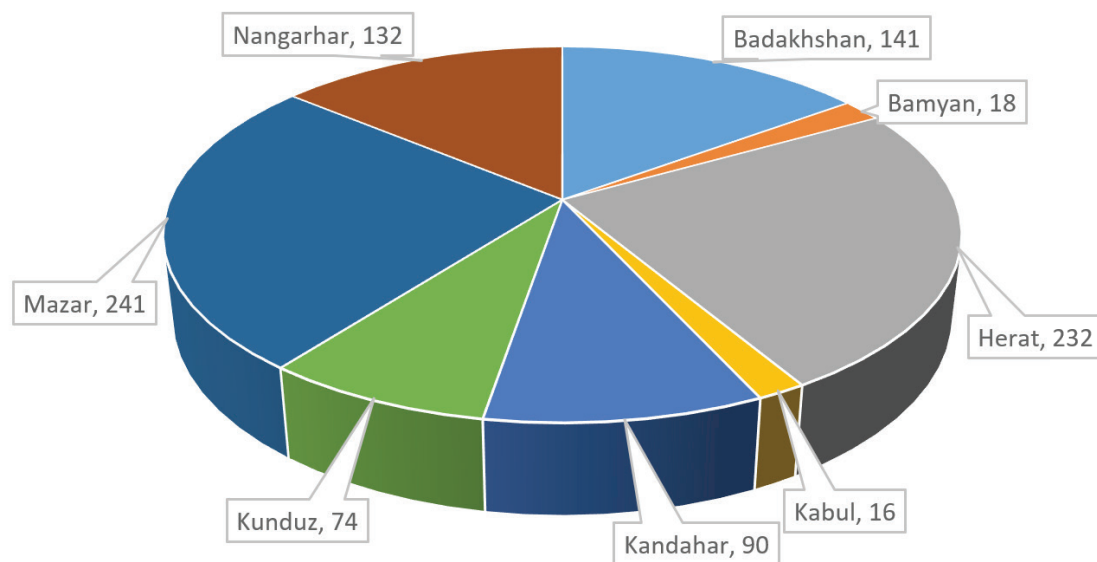


Diagram 1

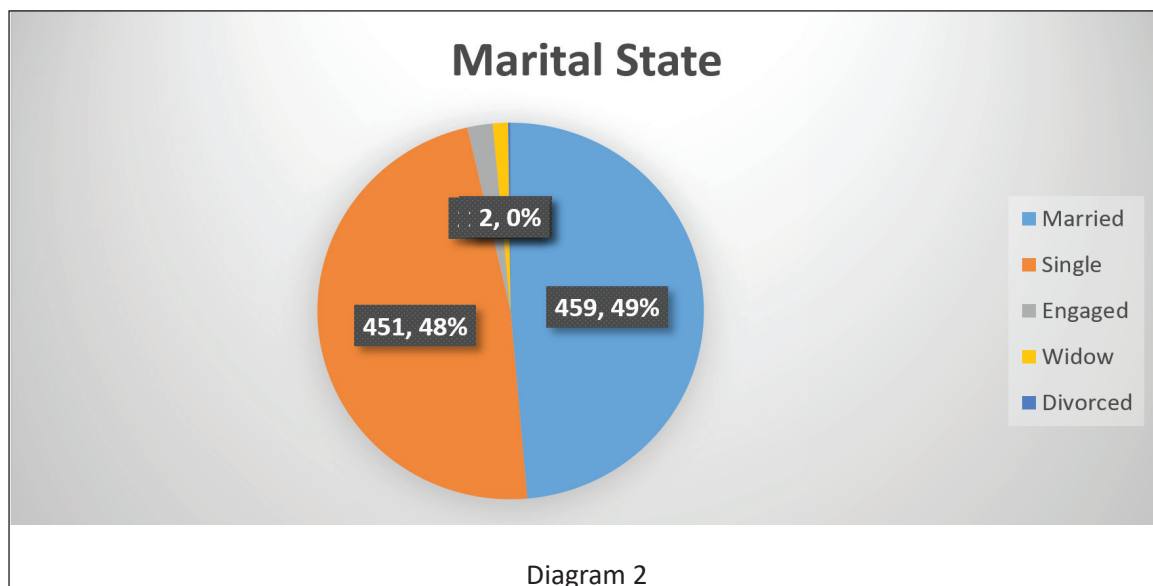
As seen in the diagram above. The interviews were conducted by the PwDs in regional and provincial offices.

Note: In this research, interviews were conducted with 944 PwDs who were at different range of ages, including the parents of those children who were not able to speak. Interviews were conducted with PwDs of different ages ranging from a two-year-old child to a 90-year-old man.

Interviewees' gender has been considered in this interview - 704 people were interviewed from the male group, and the rest were female.

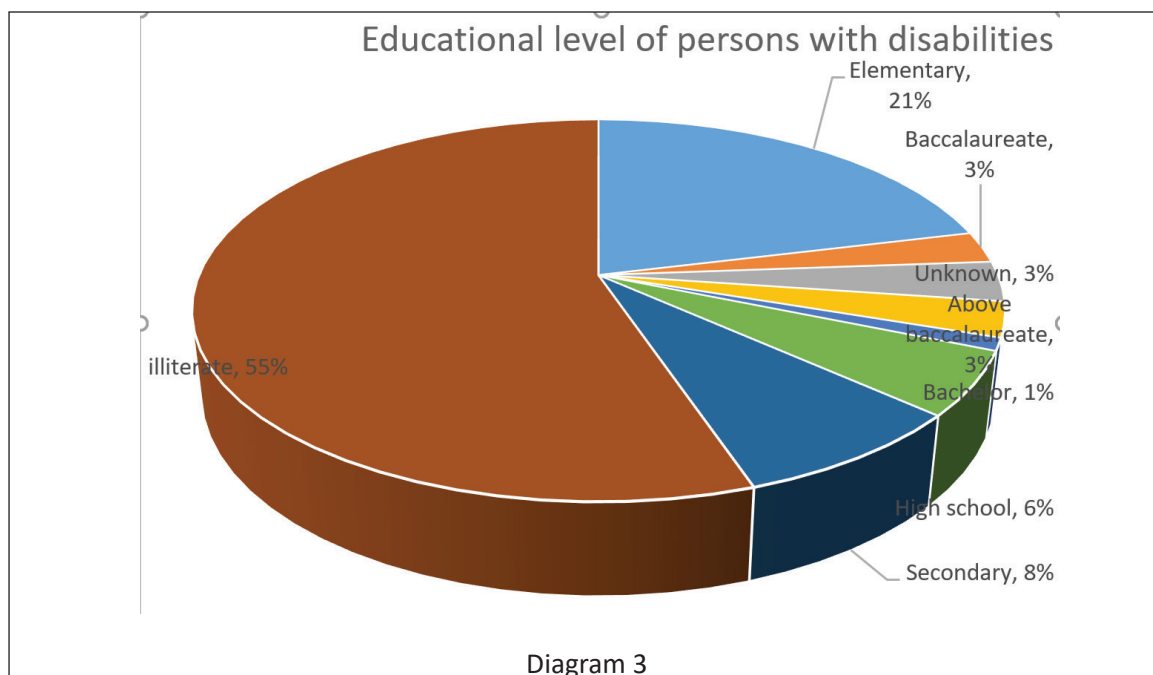
Marital state of persons interviewed:

Out of them 459 people were married and 451 people were single, 12 people were widows and 20 people were engaged, only 2 of them were divorced.



Degree of education of interviewed persons:

Knowing the level of education for PwDs was very important because, by knowing the degree of education of the interviewed individuals, we could understand their access to the right to education for persons with disabilities. What we have found out from our interview is shown in the diagram below:



The table above shows that out of 944 interviewees 521 of them were illiterate, accounting for 55% of the people interviewed, while 423 of them were in different periods of study, and 32 of them did not give the required answer, therefore, 200 students were studying elementary school, 77 of them were in secondary school, 51 of them were in high school and 25 were 12th grade graduated. 28 of them were above bachelorette only 10 were in their B.S. The findings in a report in 1393 also indicated that the number of illiterate was higher among persons with disabilities. According to this report, 55.2% of interviewed persons were illiterate, while this figure was 56.1% in the previous report, which is indicating an improvement of 1%, this shows 21.2% school attendance in the primary school but in the previous report, it was 17.7%, that means the number of students with disabilities who attended school is increased.

Type of disability of interviewees:

Type of disability of PWD is also an important issue, since each category of PwDs' access to their human rights varies, for example, a visually impaired person in order to have access to the right to education, needs to learn a braille and a special computer. Similarly, hearing impaired needs sign language, and also mentally handicapped people need specific training programs.

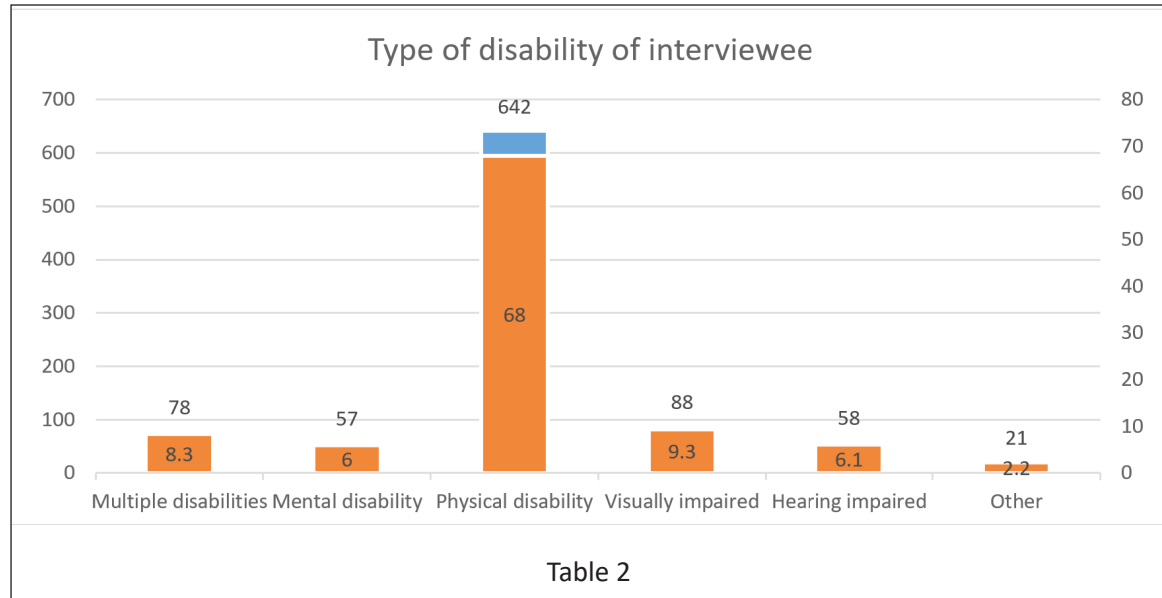
Physical access to public places is especially important for people with physical disabilities. Access to public places such as schools, hospitals, clinics, and other places of recreation and parks should be available to them.

Type of disability	Number	%	No
Multiple disability	78	8.3	1
Mental disability	57	6	2
Physical disability	642	68	3
Visual impairment	88	9.3	4
	58	6.1	5
Hear impairment	21	2.2	6
Other	944	100	7
Grand total			

Table 1

As shown in the diagram above, the type of disability of interviewees is also different; however, the most severe disabilities are physical disabilities, which make up 68% of the interviewees, the second category is visually impaired persons, making up 9.3%, and multiple disabilities come next making up 8.3 percent of the interviewees. Hearing impaired is 6.1% and mental disability is 6%.

The reason for the high figure of physical disabilities is reported to be war, the explosion of unexploded ordnance, traffic accidents, suicide incidents, and others. The report by the United Nations Mine Action Bureau reports say that 190 people die of unexploded ordnance and mines monthly; or become disabled. Afghanistan is among the countries that has signed the Ottawa Convention.



Physical disability was 66.4 % in the report of 1393, but this figure has reached to 68 % in the current report, this indicates that over the past two years, people with physical disabilities have increased in number, and the majority of these people has been affected by war, explosions of unexploded ordnance, roadside mines and traffic accidents.

Visually impaired persons make up 9.3 % of all interviewees, this indicates that the number of visually impaired persons is also higher in the country, as reported by the Ministry of Public Health and the World Health Organization, about 400,000 people are visually impaired or have visual problems in the country. We need to plan for their treatment and solve their other needs as well, and according to a doctor, the problems of about 300,000 of these people are curable.¹

Causes and factors of disabilities of interviewees:

Disability causes are also different in the interviewees. As 499 people have been affected by natural disasters (polio, congenital disabilities, etc.), 397 of them have been affected by wars, 24 of them by traffic accidents and 24 others didn't answer about the causes of their disability.

¹ - What is the situation of 400,000 blind people in Afghanistan? Nasir Behzad BBC Afghanistan, October 15, 2016

The cause of disability in the interviewees

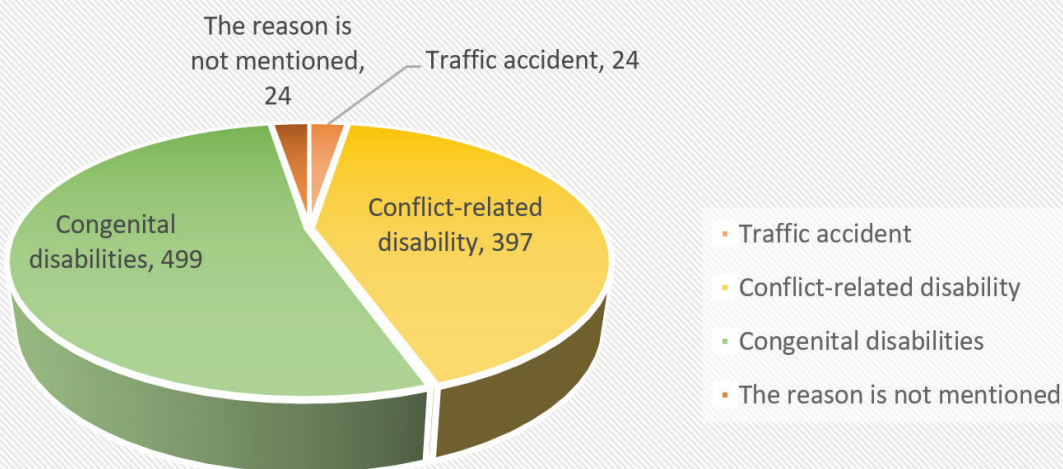


Diagram 3

Number of PwDs in the family of interviewees:

According to National Inquiry on Disability, made by the Handicap International in 2005, there is one PwDs in every five households. Our monitoring report shows that the number of PwDs in some families was more than one person.

Number of family members with disability			
Number of people with disability	Number interviewed	%	No
0	194	21.7	1
1	625	66.2	2
2	82	8.7	3
3	24	2.5	4
4	6	0.6	5
6	2	0.2	6
Total	944	100	7

Table 3

As shown in the table above, 625 interviewees reported of having one person with disability in their families, while 82 others said that 2 members of their family had a disability, this makes up 8.7% of the total number of the interviewees. 24 people reported of 3 PwDs in their families, 6 interviewees reported of having 4 people with disability in the family, and 2 others said that 6 members of their family were disabled including himself.

Having a citizenship certificate or ID card:

Having the citizenship certificate is essential for every citizen, the Afghan Constitution states in its Article 4: "The nation of Afghanistan is composed of all individuals who possess the citizenship of Afghanistan. Article 15 of the Universal Declaration of Human Rights, also stated about the citizenship of individuals: "1- Everyone has the right to be a nationality. 2-No one shall be arbitrarily deprived of his or her nationality nor denied the right to change his/her nationality".

Registration of Population Act published in the Official Gazette No. 5379 dated 10/9/1393 of the Ministry of Justice states on citizenship in paragraph 3 of Article 3 as follows: "Citizenship Certificate (Tazkera) is an official document that is used to establish the national identity of the country's citizen and shall be printed in (poly carbonite) and distributed in accordance with the provisions of this law¹".

On the other hand, having a national identity card in addition to establishing a person's identity is essential for the enjoyment of human rights of the people, such as the right to education, the right to political rights, the right to housing.

PwDs should have an ID card in order to be registered and exercise the rights and privileges of persons with disabilities; however, as far as the monitoring report is concerned, it indicates that most of the PwDs who were interviewed did not have ID card; Of the 944 people, only 208 people stated that they have had an ID card; however, the majority of them (716 people) didn't have ID card. 20 people avoided to answer the question.

Having an ID card is essential for all, especially persons with disabilities, therefore, parents and persons with a disability themselves should refer to the statistics office for registration and receiving an ID card; also Article 18 of the Law on the Rights and Privileges of Person with Disabilities regarding the notification of the birth of children with disabilities, obliges the Ministry of Public Health and other private health sectors to notify and report the issue of disabled child to the MoL-SAMD and this must be done in writing².

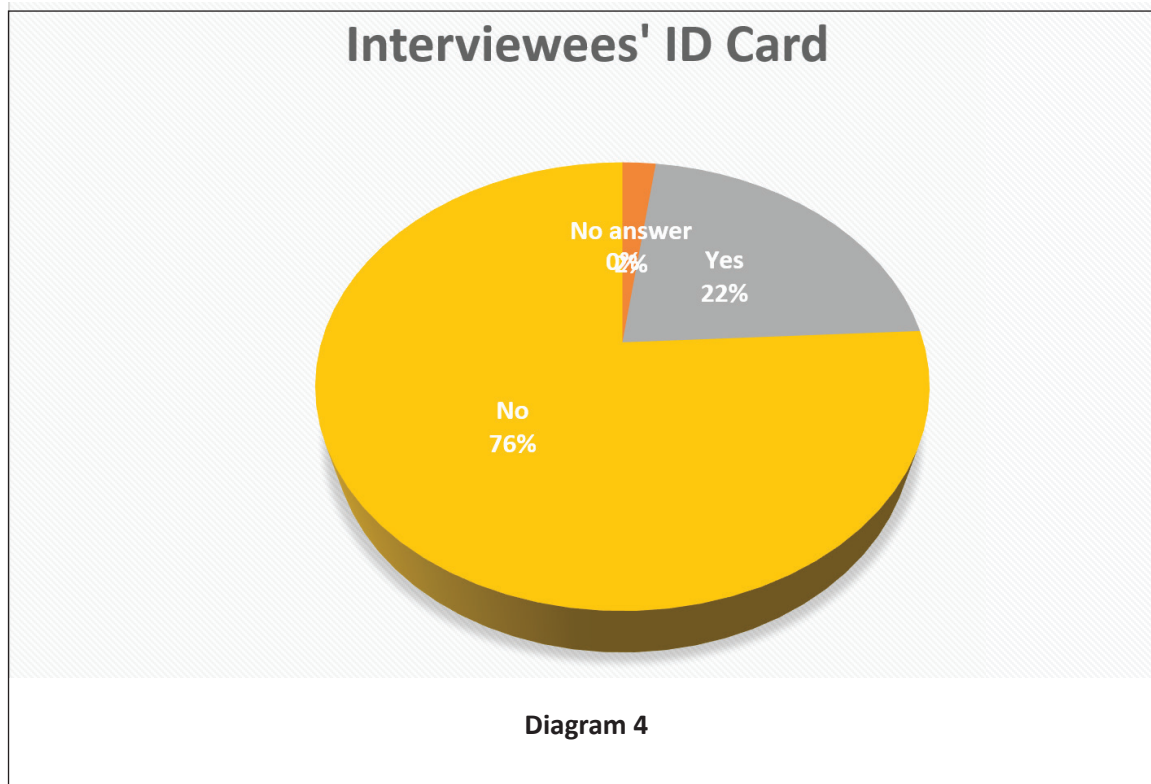
Since the likelihood of being disabled is possible in all ages, therefore this information should not be limited only to the child's birth, but as soon as a person becomes disabled for any reason, the governmental and non-governmental health centers must report the issue to the Ministry of Social Affairs, Martyrs and the Disabled.

1 - The third paragraph of the Population Register Act, published in the Official Gazette No 5379 dated 10/9/1393.

2- Law on the Rights and Privileges of Persons with Disabilities

Having National ID Card		
Question about NID Card	Number interviewed	%
Question about NID Card	20	2.1
No answer	208	22
Yes	716	75.8
No	944	100
Total		

Table 4



The report shows that 22% of the interviewees have had an ID card, but 75.8% of the interviewees of this study reported of not having an ID card; It shows a significant difference and it is a matter of grave concern because, in order to achieve citizenship and exercise human rights, all citizens of the country are required to have an ID card.

Assistive or mobility device that PwDs use:

One of the important issues for PwDs is the issue of rehabilitation of PwDs and creation of rehabilitation centers. In this regard Article 23 of the Law on the Rights and Privileges of PwDs provides: "The MoLSAMD in cooperation with the Ministries of Public Health and Urban Development and Municipalities and the Department of the Olympic Committee, shall establish and equip rehabilitation centers for PwD in the centers of the provinces according to its financial possibilities..¹"

Article 26, paragraph 3, of the Convention on the Rights of PwDs also states that " States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services".²

Therefore, persons with disabilities, according to their disability, need help with the assistive devices that the government is required to provide them in accordance with the Law of Rights and Privileges of PwDs and the Convention on the Rights of Persons with Disabilities.

In the report, it is also seen that, of the total number of people interviewed (944 people), only 440 people use the following assistive or mobility devices:

First of all, cane, second, artificial limbs and feet, third, the wheelchair; of course, the helper comes in the fourth, which usually guides visually impaired people, and finally the walker frame come last.

What assistive device they use?	Number interviewed	%
Cane	237	53.9
Artificial limbs	124	28.2
Wheelchair	57	13
Helper	13	3.0
Walker frame	9	2
Total	440	100

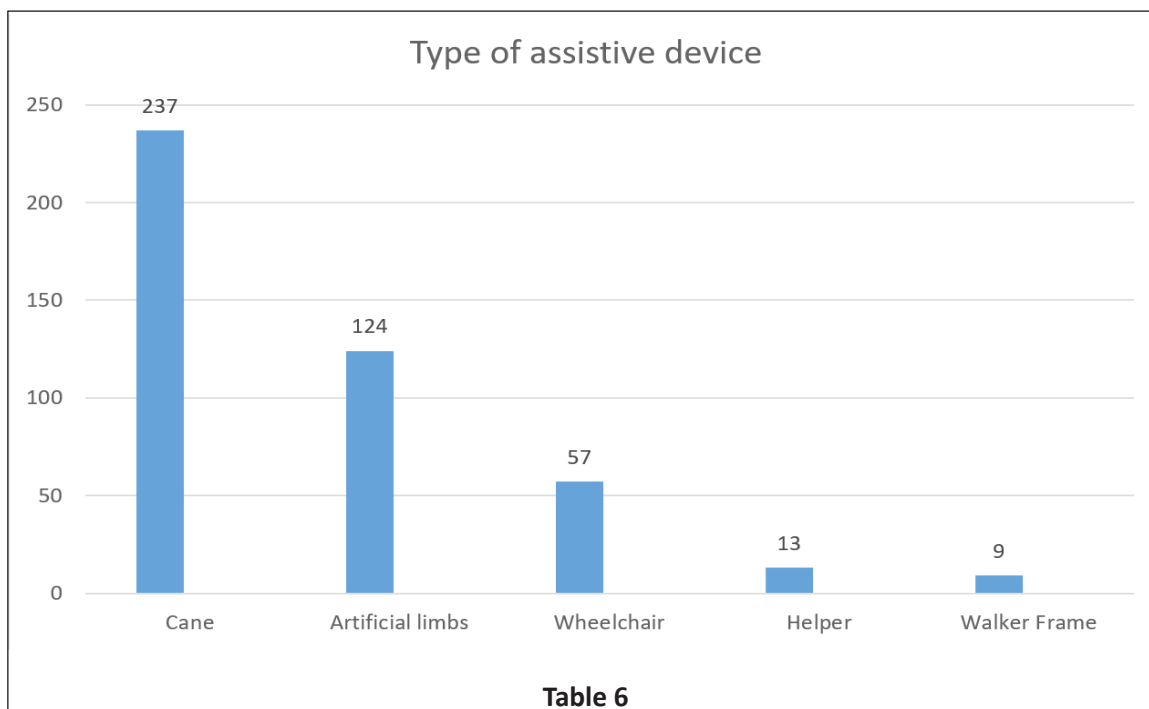
Table 5

1- Law on the Rights and Privileges of Persons with disabilities, approved on 28/09/1388, and published in the Official Gazette No. 1037 of the Ministry of Justice of the Islamic Republic of Afghanistan

2- Convention on the Rights of Persons with Disabilities, adopted on December 13, 2006 by the United Nations General Assembly, published by AIHRC

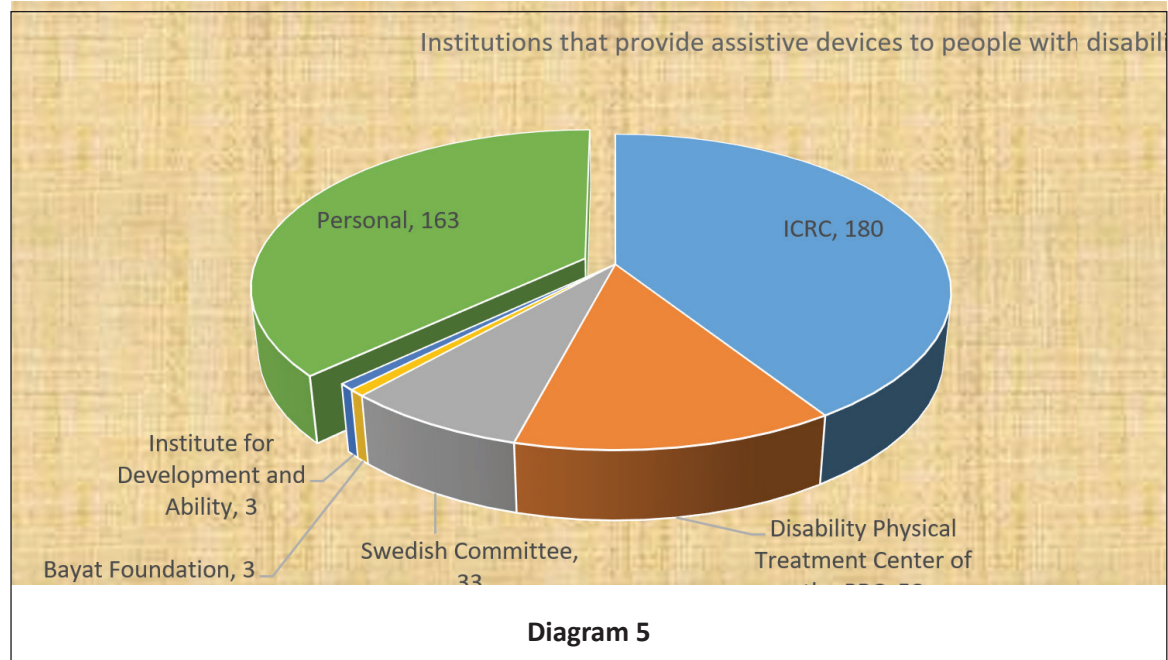


Assistive devices for the rehabilitation of PwDs



The majority of interviewees, 283 people that make up 53.9% of the interviewees, are using a cane; 124 people make up 28.2 % of the interviewees have artificial limbs; 59 people that make up, 13.0 % use wheelchairs, and 13 people use helpers (the person accompanying the visually impaired persons) and 9 of them were using the walker frame.

These devices are received from the following organs:



The organizations and institutions that provide assistive devices to PwDs are the ICRC, the Disabled Physical Treatment Center, the Swedish Committee for Afghanistan, the Bayat Foundation and the Institute for Development and Capacity. As seen in the statistics, the largest contributor and supplier of accessories needed for PwDs is the ICRC. The office delivers services in seven orthopedic centers located in different provinces of Afghanistan, and has been providing health and human rights services in Afghanistan for more than 30 years.

The Disabled Physical Disability Center is the second-largest institution for the rehabilitation of PwDs in this study, which is related to the Handicap International Network. The Swedish Committee for Afghanistan located in 15 provinces of the country, and delivers services in 13 provinces such as providing rehabilitation services (procurement of artificial organs, wheelchairs, crutches and walkers) training and public health services.

PwDs and the right to marry:

Marriage is a human right, and this right is reflected in national and international documents, and as stated in Article 54 of the Constitution: " Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of traditions which is contrary to the principles of the sacred religion of Islam. " ¹

The Civil Code of Afghanistan, in its Article 70 on marriage, explains: " Capacity to marry shall be complete when males attain 18 and females 16 years² ".

Article 16 of the Universal Declaration of Human Rights states: " the family is the natural and fundamental group unit of society and is entitled to protection by society and the State³ ".

Article 5 of the Islamic Declaration of Human Rights (Cairo) states: " (a) The family is the foundation of society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, color or nationality shall prevent them from enjoying this right. (b) Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare. "⁴

Article 23 of the Convention on the Rights of Persons with Disabilities, regarding the respect for the household and the family, reads as follows: "1. States Parties shall take effective and appropriate measures to eliminate discrimination against PwDs in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- (a) The right of all PwDs who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- (b) The rights of PwDs to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
- (c) Persons with disabilities, including children, retain their fertility on an equal basis with others.⁵

It is understood from the wording of this Article of the Convention that the Convention on the Rights of PwDs also prohibits any discrimination regarding the right of marriage of persons with a disability that has reached the legal age of marriage, and supports the formation of a family for persons with a disability, and recognize reproductive health and the number of children and access to appropriate information, education and family formation for persons with disabilities, and provide the necessary means to achieve these rights.

1 - Afghanistan Constitution, adopted in 1382, published by AIHRC

2 - Afghan Civil Code, Chapter Six, Marriage- Page 20

3 - The Universal Declaration of Human Rights dated December 10, 1948, the General Assembly of the United Nations, published the Independent Human Rights Commission of Afghanistan.

4 - Islamic Declaration of Human Rights, Adopted on 12th Muharram, 1411 Lunar, published by AIHRC

5- Convention on the Rights of Persons with Disabilities, adopted on December 13, 2006, by the United Nations General Assembly, published by the AIHRC.

In addition to the above, Article 10 of the Convention on Economic and Social, Cultural Rights, Article 23 of the International Covenant on Civil and Political Rights, also recognizes the right to form a family for those who have reached the age of marriage, and the government is required to protect this right. ¹

The reason why interviewees did not marry	Number interviewed	%
Disapproval by the opposite side	82	54.7
Lack of ability to afford alimony for the family	19	12.7
Poverty	48	32.0
Impotency	1	0.7
Total	150	100
Table 7		

According to this monitoring and research report, from a total of 944 interviewees, 451 of them were single. A number of them had not attained the legal age of marriage, and only 150 people responded about the reason why they did not get married, which is as follows: 82 people making up 54.7 % of the interviewees said their request were denied by the opposite side, 48 people make up 32.0 % of respondents mentioned poverty as a reason for lack of marriage, and 19 % reasoned lack of ability to provide alimony for not getting married, which are still related to economic poverty, which make up 2 % of respondents and only one person has mentioned impotence as the cause for not getting married.

¹ - Convention on Economic, Social and Cultural Rights, published by the AIHRC (www.aihrc.org.af).

Story-1

My name is Abdul Rahim Saifi from Herat province. I am 38 years old. I have got married and have 5 children. I have got my bachelor's degree in biology and at the moment I am working as a teacher in a school in Herat (the secondary school of Akhawan). I also work as an assistant of the National Association of the Disabled in Herat province, and as a member of the Commission on the Establishment of the Rights of Martyrs and Disabled in Herat. My disability is polio on left foot.

Concerning the problems of PwDs, while the Law on the Rights and Privileges of PwDs has provided for the employment of 3% of PwDs in government departments, but unfortunately, no people with disability has, so far, been employed in government departments. Very few people (1 or 2 people) are employed in the department of labor and social affairs, martyrs and disabled in Herat province, the excuse raised by all government departments is that PwDs do not have the ability; while this is by no means the case.



Also, in the health sector, the level of access to health for the people with disability is very low; most private hospitals, doctors and medical tests are not accessible to the people with disability, and the government needs to pay more attention in this regard, because the people with disability have now formed a huge stratum of our society. And they should be protected as a human society. I use a cane and with this I have been able to solve my many problems and enjoy my ability.

Hoping for the day that we have a society free from discrimination against the people with disability.

The right to work and employment of persons with disabilities:

The right to work is a fundamental human right, and this right has been recognized in national and international documents. Article forty-eighth of the Constitution of the country, adopted in 1382, states as follows: “ Work is the right of every Afghan. Working hours, paid holidays, employment and employee rights and related matters shall be regulated by the law. Choice of occupation and craft shall be free within the bounds of law¹”

Also in Article 22 of the Law of Rights and Privileges of Persons with Disabilities, this right is guaranteed as follows: “The government considers at least three percent of the employment quota for the qualified PwDs on their request, in accordance with the provisions of the law, in ministries and government departments.²

International human rights instruments also recognize this right for all members of the community, as stated in Article 6 of the International Covenant on Economic, Social and Cultural Rights: “ The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right”³

Article 27 of the Convention on the Rights of PwDs also provides for work and employment as follows:

“States Parties recognize the right of PwDs to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- (c) Ensure that PwDs are able to exercise their labor and trade union rights on an equal basis with others;
- (d) Enable PwDs to have effective access to general technical and vocational guidance programs, placement services and vocational and continuing training;
- (e) Promote employment opportunities and career advancement for PwDs in the labor market, as well as assistance in finding, obtaining, maintaining and returning to employment;

1- Afghanistan Constitution, adopted in 1382, printed by the AIHRC.

2 - Law on Rights and Privileges of Persons with Disabilities, adopted in 1388, published by AIHRC-1390.

3- Convention on Economic and Social Cultural Rights, published by AIHRC (www.aihrc.org.af)

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business; (g) Employ PwDs in the public sector;

(h) Promote the employment of PwDs in the private sector through appropriate policies and measures, which may include affirmative action programs, incentives and other measures; (i)

Ensure that reasonable accommodation is provided to PwDs in the workplace;

(j) Promote the acquisition by PwDs of work experience in the open labor market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities.

2. States Parties shall ensure that PwDs are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labor.

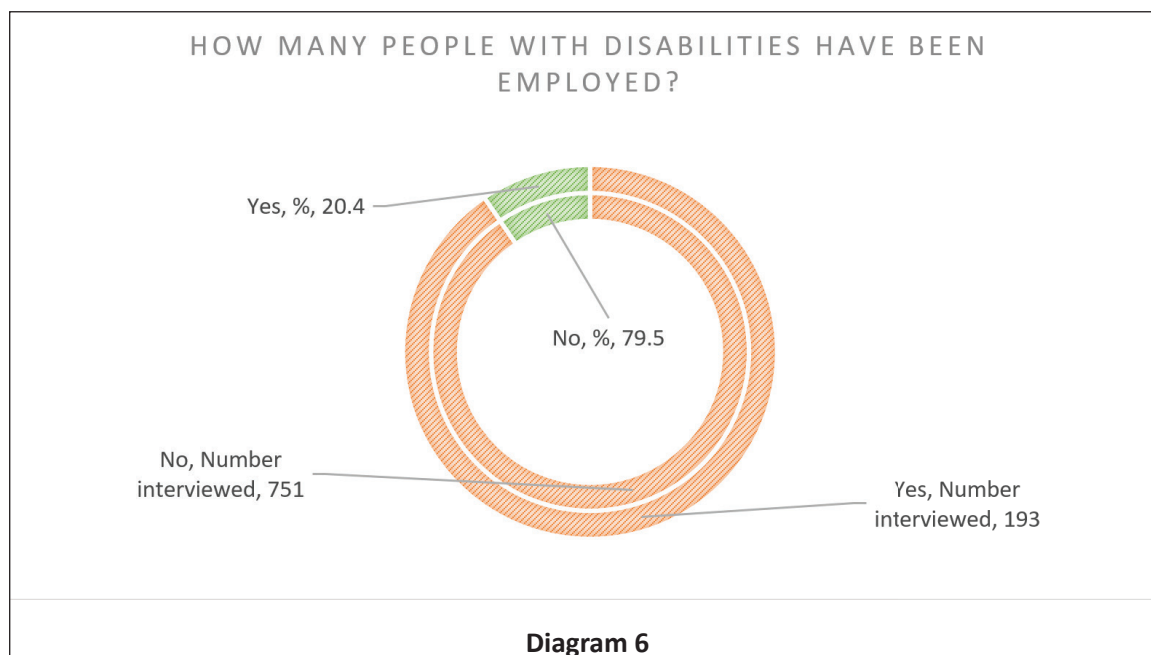
In goal eight of SDGs: decent /appropriate work and economic growth: promotion / promotion of sustainable and inclusive economic growth, full employment and appropriate productivity / desirable for all, in benchmark 8/5 it states that "by 2030, Achieving full employment and decent work for all women and men, including for young people and PwDs and equal pay for equal work. "¹

Then, by referring to domestic laws and international standards and, more recently, sustainable development goals, governments must take specific measures to create jobs for PwDs, with regard to their disabilities and capabilities.

What we see in the diagram below, out of 944 interviewees, 751 of them that make up 79.5% of the interviewees, responded that they had no employment. Only 193 people, making up 20.4% of the interviewees said that they had jobs. If we take into account those who are busy with education, still the number of PwDs who has a job is very small, which is also a matter of concern, because having a decent job is a right for all citizens, especially PwDs.

PwDs' right to employment		
Number interviewed		%
No	751	79.5
Yes	193	20.4
Total	944	100
Table 8		

1- The goals of sustainable development from 2016 to 2030 by the United Nations General Assembly.



Type of job for PwDs who were interviewed:

Of the 193 PwDs who have job, the type of their jobs are different, as we see in the table below:

?If you work, where	Number interviewed	%
Governmental Organ	17	8.8
NGOs	14	7.3
Free occupation	162	83.9
Total	193	100

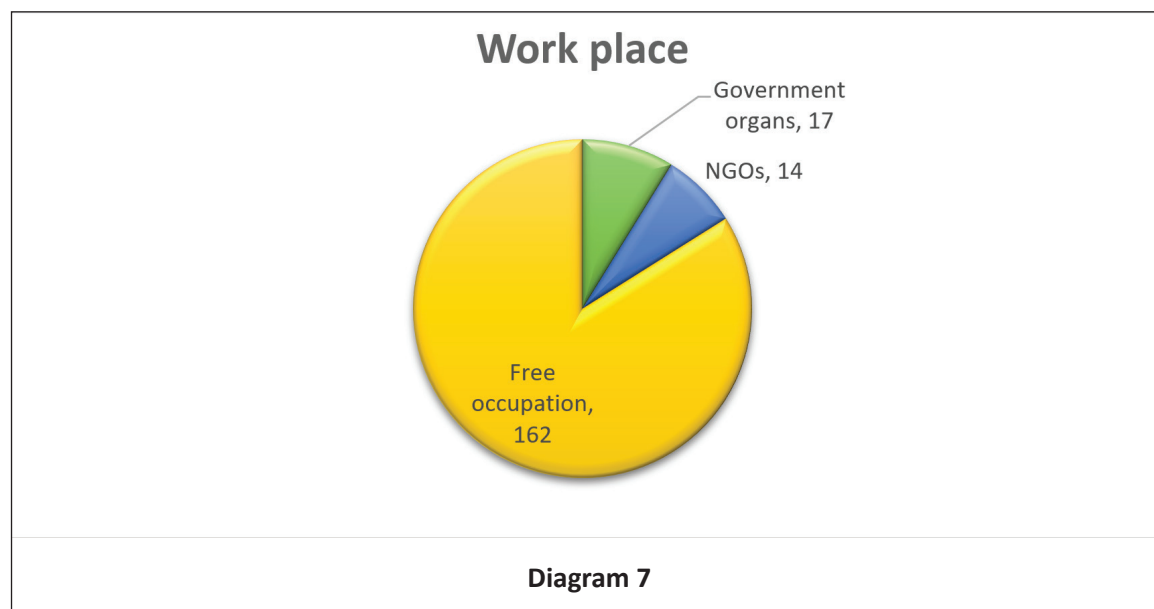
Table 9

On the table above, we see that of the 193 PwDs who have an occupation, 162 of them have free occupation and are engaged in physical work, which makes up 83.9 % of the total number of people who have a job, and 17 of them have official employment that makes up 8.8%, and 14 of them are working in nongovernmental organizations, accounting for 7.3%.

According to the statistics received from the MoLSAMD in 1394, 669 PwDs were employed in government offices and 863 in non-governmental and international institutions. ¹.

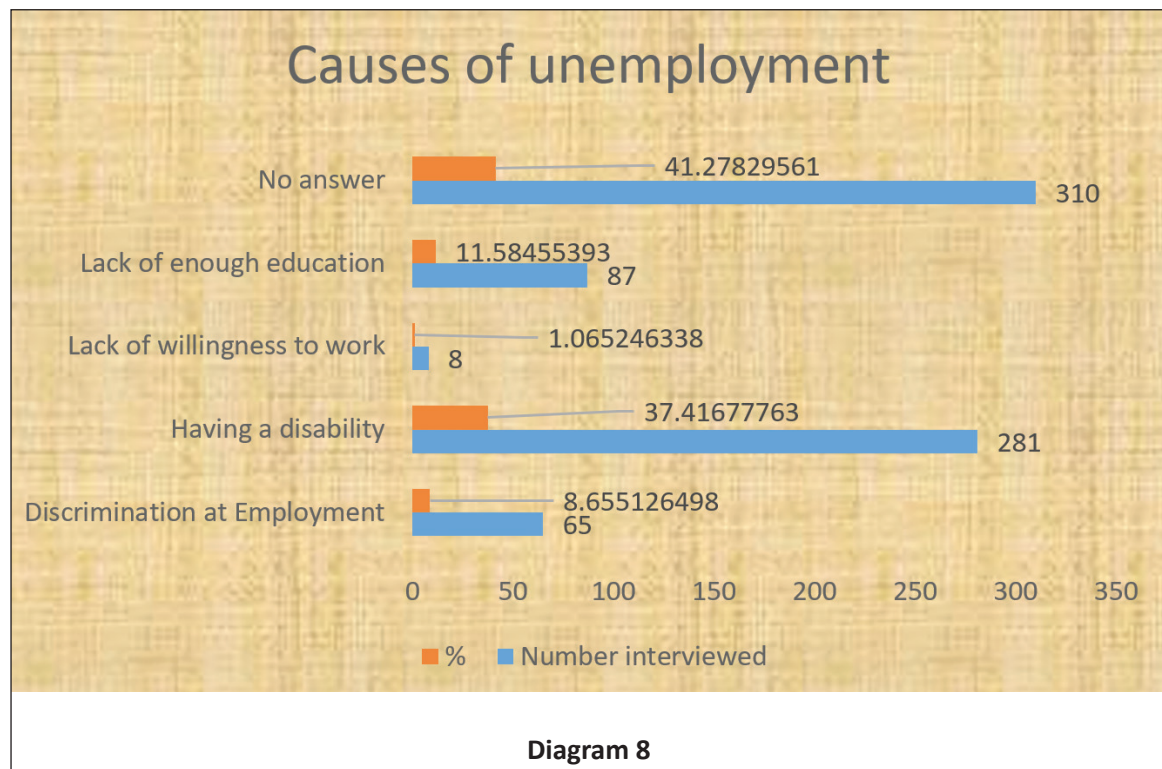
¹- Interview with the Deputy of MoLSAMD

The figure of those who have a free occupation or job is unknown. According to the information of the MoLSAMD the number of PwDs in non-governmental organizations is more, while Article 22 of the Law on the Rights and Privileges of PwDs provides for the employment of 3% of eligible persons with disability in government departments, and in this regard, the MoLSAMD should take the necessary measures, and the state agencies should pay close attention to the employment rights of persons with disabilities.



The reason for unemployment of persons with disabilities

Persons with a disability interviewed by the AIHRC stated that there were various reasons for their unemployment: having a disability, insufficient education, discrimination in recruiting, person's lack of interest in work. The majority of the interviewees stated having disability as the main reason, however, lack of adequate level of education and discrimination in recruitment are the next category; as we see in the table, 281 interviewees mentioned disability as the reason for their lack of employment; 87 people said they had not had an adequate level of education. 65 people have said that discrimination as the reason for their lack of employment. What is evident is the fact that there are still negative beliefs about the ability of PwDs, and on the other hand, the lack of opportunities for education for PwDs has left PwDs without work and caused them being looked down at home and in the community. If the ground for education and training as one of the most basic human rights of PwDs is provided, people with disability can contribute to the reconstruction and modernization of the country, and also provision of appropriate technical and vocational training for middle-aged/elderly PwDs according to the type of their disability and market requirement, can be very useful.



The above diagram shows that the society's view regarding the ability of PwDs is not satisfactory, and that they still view at PwDs as pitiful and from a medical perspective; this attitude needs to be changed, and in particular a positive discrimination in the employment of PwDs especially those who are capable must be considered. Some PwDs have described discrimination in the employment as a factor of their unemployment, meaning that the employer and the head of the administration prefer to employ a healthy person. Lack of adequate literacy is another reason for their lack of employment, which goes back to the need to provide an inclusive and special training for children with disabilities.

Accessibility in the work area:

One of the major factors in the unemployment of PwDs and their lack of access to public places is the lack of available transportation, the lack of ramps or special stairs in the buildings and the lack of lifts. Of course, sign language translator, braille, guiding signs and accessible toilets have limited their access to their human rights. As it was mentioned in the Report on the Situation of Physical Access of PwDs to the Public Places, that 1,729 buildings in 24 provinces of the country, mainly schools, government departments, hospitals and clinics, higher education institutions and mosques were surveyed and PwDs' access to these public places were shown as follows:

1. 41.6% of the buildings had ramps in their interance.
2. 36.3% of the buildings had ramp in the yard of the building.¹

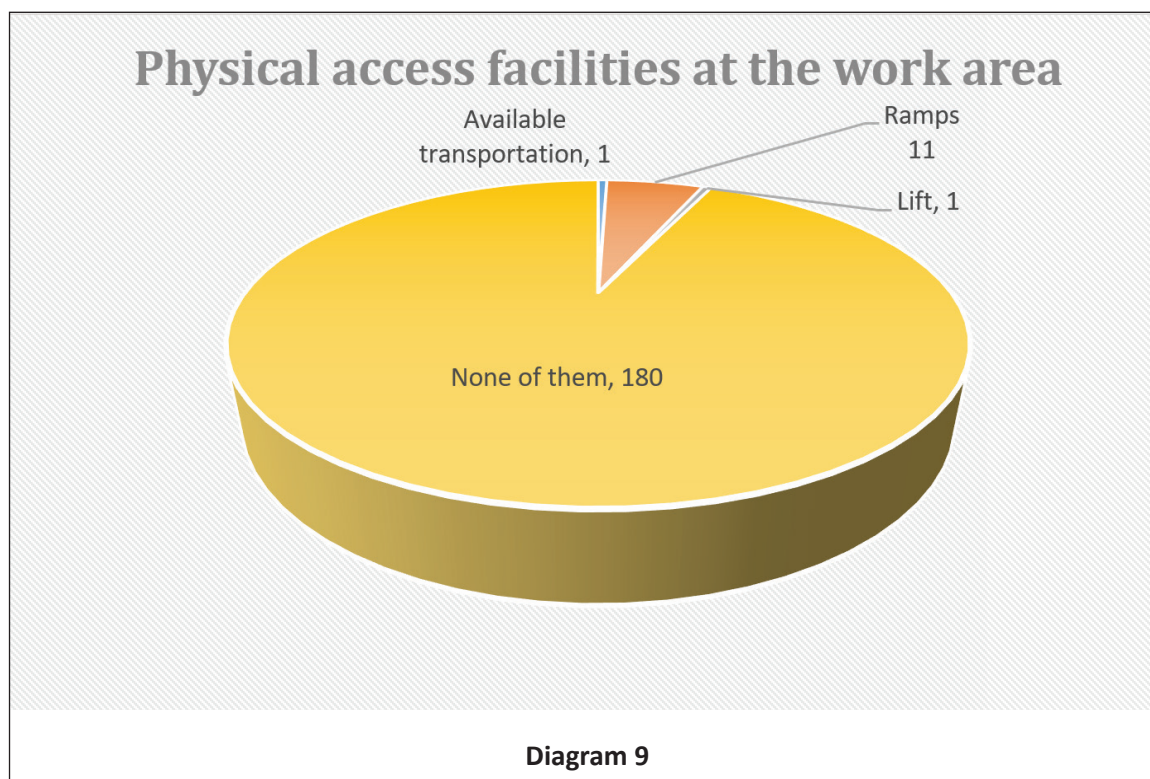
¹ Report on the situation of the physical access of persons with disabilities to public places, published in 1391 by the AIHRC.

What are the facilities in your work area?	No
Accessible transport	1
ramp	11
lift	1
Non	180
Total	193

Table -10

Of the 193 people employed, only one of them reported about available transportation, 11 people said that they had ramps in their workplace, and only one person reported about the existence of lift in his work area.

Therefore, the physical accessibility of PwDs should be taken seriously, and urban engineers and municipalities and the private sector should consider this when designing buildings, so that the public building should be accessible to PwDs. Ministry of Transport also should pay serious attention to the purchase of suitable vehicles as well as the facilities that are needed in the airports of the country, because the government is required to comply with the laws of the country and the Convention on the Rights of PwDs and must provide services for PwDs, and the private sector should also take this seriously.



Regarding discrimination, most of the PwDs who were interviewed did not answer this question, however 14.7% gave a negative answer, only 3.4% of them said they had faced discrimination due to their disability.

Out of the total number of interviewees, 38.7% of them had a disability card and had received a salary from the government; that is, they were registered by the MoLSAMD and were paid a pension; while the rest 61.3% of the interviewees represented that they did not have the material advantages because they were not included in the list of conflict related PwDs.

According to the latest report from the Office of Deputy Minister of Martyrs and Disability, 110,560 PwDs all over the country receive material assistances, however, it should be recalled that according to the Article 2 of the Law on Rights and Privileges of Persons with Disabilities, the government has divided the people with disability into two categories of “general disability and partial disability”. Those with partial disability receive 2,500 Afs and others with general disability receive a total of 5,000 Afs per month.

Since protection is one of the AIHRC’s mandate, and as people with natural disabilities do not enjoy the same privilege as conflict-related PwDs, the AIHRC have always tried to solve these problems. To this end, AIHRC has been contributing to the amendment of the draft of the law on the rights and privileges of persons with disabilities, and will continue its contribution in the implementation of the law on the rights and privileges of PwDs and its compliance with the Convention on the Rights of Persons with Disabilities.

In accordance with the law on the rights and privileges of persons with disabilities, PwDs have other special rights, enjoyment from the distribution of land plots, houses, Hajj of Baitullah Sharif and ... which, unfortunately, in this study it is shown that 96.6% of persons with a disability have not enjoyed this legal privileges, only 3.4% of them have used other legal privileges that require more advocacy.

Material privileges received by people with disability:

As we know, according to the Article 4 and 8 of the Law on the Rights and Privileges of Persons with Disabilities, a number of persons with a disability, in accordance with Article 7 of this Law, enjoy material privileges, with regard to Article sixth of this law.

Number of interviewees who receive disability pension

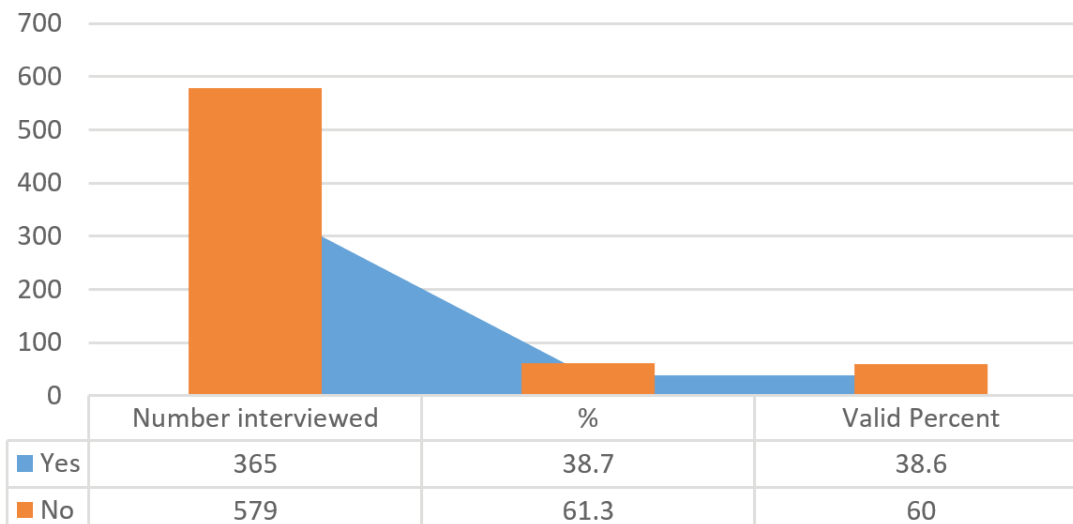


Diagram 10

According to the diagram, out of a total of 944 interviewees, only 365 people, making up 38.7% of the interviewees, receive a pension, and 579 people, making up 61.3% of the interviewed do not benefit from this privilege because in accordance with Article 7 of the Law on the Rights and Privileges of Persons with Disabilities; only those who have become disabled from the war effects since 1357 onwards are entitled to this privilege.

In addition to Material Assistance, which continues to be provided for PwDs who have become disabled from the war effects after 1357, a number of other rights and privileges are also guaranteed in the Law on the Rights and Privileges of PwDs for all persons with a disability in accordance with Article 17 of this Law. Article 17 of this law states: “congenital disabilities benefit from other rights and privileges, with the exception of the privileges provided in Article 4 and 8 of this law.” But, of the total number of 944 interviewees, only 32 of them have benefited from other rights and privileges of this law.

If yes, which legal privileges do you enjoy?	Number interviewed	%
Vocational training	3	9.375
Health services	2	۲۵,6
I am employed	9	180
Retirement pension	1	3.125
Learning	9	28.125
Land plot	3	9.375
No answer	5	15.625
Total	32	100

Table 11

9 people of those who benefit, according to the other provisions of the Law on the Rights and Privileges of PwDs have responded that they study at school, and 9 others have stated that they have been employed, and 3 people have received professional education, and 3 others have received land plot each, and 2 people have received health services, but 917 people responded that they had not benefited from other legal privileges. This indicates that the relevant departments have no devised plan to implement the law on the rights and privileges of persons with disabilities, and also the MoLSAMDM has not monitored the implementation of this law as ought to, and have not registered other PwDs other than those affected by the war. It is suggested that the MoLSAMDM should be active in this field and take action to start the registration of other PwDs and make a plan to monitor the process of implementation of the law on the rights and privileges of PwDs along with other ministries.

Story 2

My name is Khoda Dad, I am 20 years old and I am a congenital visually impaired. I was born in a middle-class family in the upper Dara-e Soof district of Samangan province. There is no facility for people with a disability to attend school or continue their education; therefore, I joined the ABB Association in 2004, and then in 1385 in Peshawar, in the Emal Khan Baba School, with the assistance of the ABB I studied up to the second class in braille. Because of the problems that I had, I came back to Afghanistan, and from 1387 to 1391 I couldn't continue to study, until finally, after the establishment of school of special education for the visually impaired people in 1391. I started from the third grade and passed the fourth grade exam successfully at the same time, and now I'm in the 8th grade.

And I hope to be graduated from the 12th grade and continue my study in one of my preferred fields of study in college and graduate from college and start teaching my other countrymen who have the same problems. Our problems in this school are the old books which were printed in 1385 to 1388, and were published in braille with the collaboration of the Bureau of the Swedish Committee, as there has been a huge change in the new curriculum books, we cannot use it. My request from the National Unity Government is to convert books from the first to twelfth grade in braille, and to convert the university entrance examinations questions, and lecture notes of the institutes of higher and vocational education into audio and sign language (for the deaf) so that we can also take the university entrance examinations similarly like other students.

Likewise, lack of ramp at schools, universities and private higher education institutions is still the main problem for people with disability.

Examination questions are prepared for PwDs and people without disabilities alike. Time for people without disability and people with disability is the same, however, for visually impaired persons 5 to 10 minutes are considered in the oral exam, while the lecture notes are not in braille, audio or in sign language.



The right to education for persons with disability:

Education and the right to education, is one of the fundamental human rights. PwDs also enjoy special protection in accordance with national and international law, which means that the right to education, in addition to being one of the rights and obligations of citizens is protected by national and international laws, with a special focus and emphasis on PwDs.

According to the Constitution: “ The state is obliged to devise and implement effective programs for a balanced expansion of education all over Afghanistan, and to provide compulsory intermediate level education. The state is also required to provide the opportunity to teach native languages in the areas where they are spoken.¹

Article 15, 16, 19, and 20 of the Law on the Rights and Privileges of the People with Disability also provide for the right to education of persons with disability as one of their basic rights and, in accordance with this law, departments and sector ministries, such as the MoLSAMD, The Ministry of Education, the Ministry of Higher Education and the Ministry of Education, is obliged to provide PwDs’ access to education, technology and profession. The explicit emphasis of this law on providing educational facilities for PwDs shows that our national laws also emphasize on the rights of PwDs to education, and provides that protection of this right is one of the responsibilities of the government. The Convention on the Rights of Persons with Disabilities, signed and ratified by the Government of Afghanistan, upholds the right to education of PwDs as a fundamental right, and encourages States Parties to plan and take appropriate measures to protect the rights of persons with disabilities.

Paragraph v of this Convention states:

Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling PwDs to fully enjoy all human rights and fundamental freedoms,

It means that State Parties believe in the importance of PwDs’ access to the right to education.

Article 24 of this Convention states:

States Parties recognize the right of PwDs to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

“Education”

- (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) The development by PwDs of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

¹- Constitution issued in 1382, publication of AIHRC

(c) Enabling PwDs to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) PwDs are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) PwDs can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) PwDs receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable PwDs to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that PwDs are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.¹

In Goal 4 “quality education” of (SDG) the education of persons with disabilities, ensuring inclusive and quality education for all and promote lifelong learning opportunities for all are considered:

¹ Convention on the Rights of Persons with Disabilities Adopted by the United Nations General Assembly December 13, 2006 Translation of the AIHRC

“By 2030, eliminating gender inequalities in education and providing equal access to all levels of education and vocational training for vulnerable people, including PwDs, indigenous people and children in vulnerable situations.”¹

According to the studies conducted in this section, we can say that the protection of the right to education for persons with disabilities, as enshrined in international law and the Convention on the Rights of Persons with Disabilities, is also guaranteed and protected in our national law. By signing and ratifying the Convention on the Rights of PwDs and by enshrining of the rights and privileges in Article 43 of the Constitution as well as in Article 15,16,19, and 20 of the Law on the Rights and Privileges of People with Disability, the government of Afghanistan has been able to take a significant step in this regard, but despite of all this achievements, the PwDs are faced with serious challenges in the education sector. When out of 944 people, only 391 people have access to education and training opportunities, this means that we have not yet succeeded to make it possible and have not been able to provide the necessary facilities and opportunities for PwDs to access education and training at national level.

The right to education is also one of the most important human rights for all, and in particular, by gaining this right, one can better use his other human rights and grow economically and socially and make their full participation in the society. Hence, access to this right is extremely important for PwDs.

Institutions where PwDs are studying	Number interviewed	%
No answer	717	76
Vocational training	18	1.9
University	22	2.3
Madrasa (religious)	2	0.2
Special school for visually and hearing impaired people	45	4.8
Private school	5	0.5
Public school	94	10
Other	41	4.3
Total	944	100
Table 12		

1- The fourth goal (4a) of the SDG <https://sustainabledevelopment.un.org/?menu=1300>

Of the total number of interviewees, 717 of them, which makes up 76% of the total interviewees did not answer, and of 204 people are busy in different stages of education 94 of them attend public schools, makes up 10% of the interviewees, and a total of 45 people studying in special schools for visually and hearing impaired people, makes up 4.8% of the interviewees and 18 of them are in vocational education, and 22 of them, 2.3% of the interviewees, are studying in the universities of the country, and only 5 people are studying in the private schools, therefore, we conclude that most of the students study in public schools, and special school for visually and hearing impaired persons comes next.

In an interview made with the Acting Head of Public Education Development Department, he spoke about the number of students and disability categories of students enrolled in schools: "There were 3,795 children with disabilities in four categories (visually and hearing impaired, physical disability and mental disability) who are engaged in specific and inclusive education in the following zones:

- Kabul Zone: including Kabul city districts and other districts of Kabul province and Parwan province
- Nangarhar Zone: including Nangarhar, Laghman and Kunar provinces
- Mazar-i Sharif Zone: Mazar-i-Sharif, Jawzjan and Samangan
- Takhar Zone: Takhar, Badakhshan and Kunduz
- Ghazni zone: Ghazni, Kandahar, Logar, and Maidan Wardak
- Herat Zone: Herat Province¹

Number of students with disabilities educated in public education schools

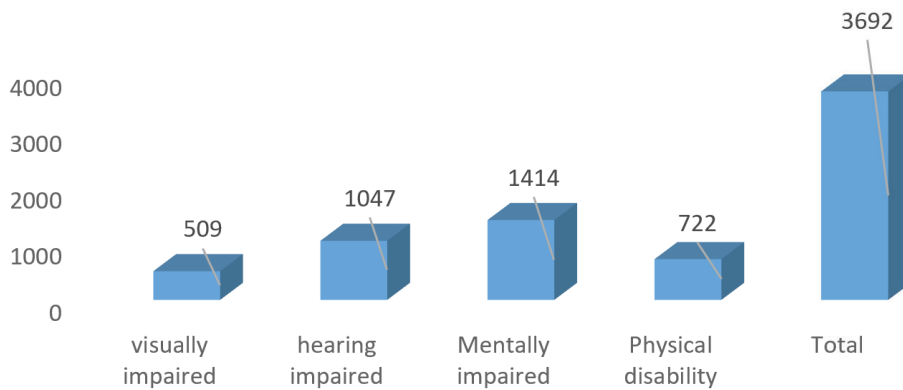


Table 13

1- Interview with Mr. Haqiqullah Haqiq, Acting Head of Public and Private Education Department, Ministry of Education, 5/3/2017

Out of a total of 3,692 students with a disability 509 of them were visually impaired, 374 of them were boys and 135 of them were girls. Of the 1,047 hearing impaired students, 681 of them were boys and 366 of them were girls. Of the 1,414 people known as mentally impaired, 977 of them were boys and 423 of them were girls, and of the 722 students with physical disabilities, 511 of them were boys and 211 of them were girls.

What are the facilities in schools for students with visual and hearing disabilities?

As we know, visually and hearing impaired children as well as mentally disabled children, must first become familiar with a series of special education, including braille and sign language, in order to naturally become involved with a study course. In an interview conducted with these students, 2 visually impaired students said that they had access to special computers, and 56 of them said that they have access to educational materials on the braille.

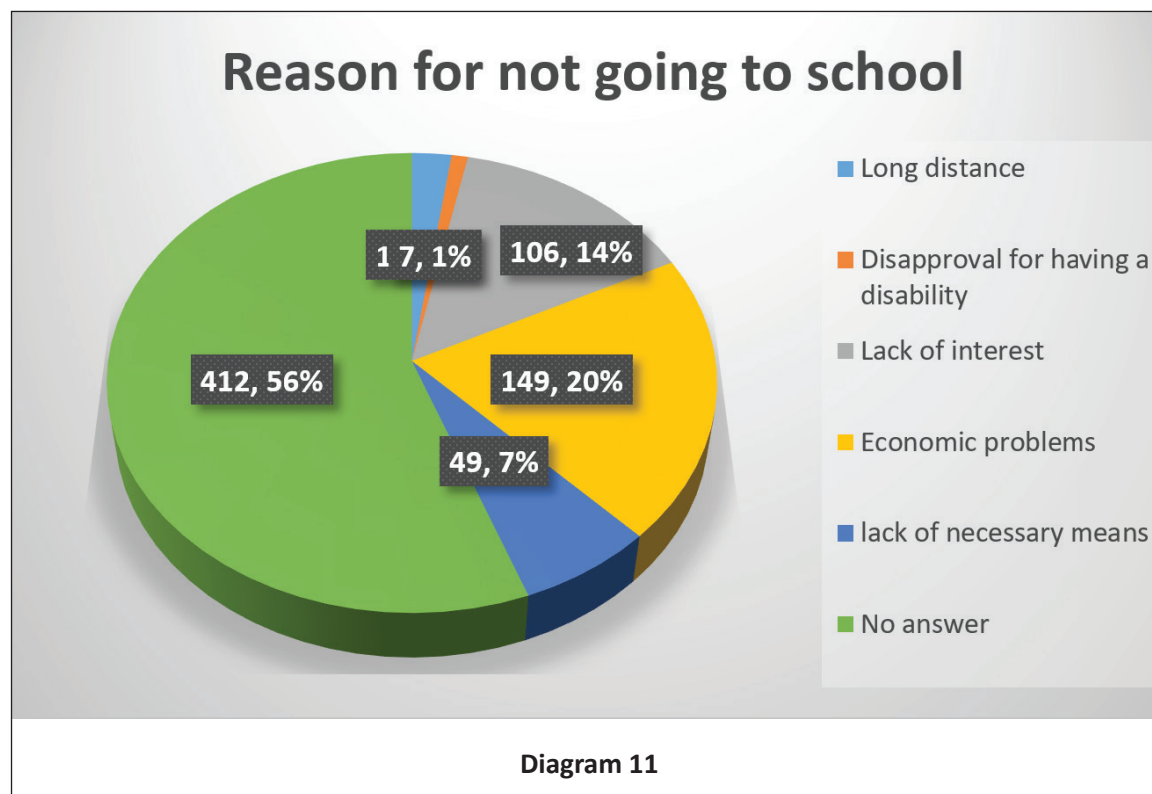
The reason for not going to school?		
	Number interviewed	%
No answer	336	35.6
Long distance	17	1.8
Disability	7	0.7
No interest	106	11.2
Economic problems	149	15.8
Lack of necessary means for disability	49	5.2
Other	280	29.7
Total	944	100
Table 14		

Interviewees mentioned the following reasons for not attending school: economic problems, lack of their interest in the lessons, distance from school, lack of necessary means, such as vehicles, and non-admission for having a disability, but many interviewees did not answer this question.

Now, with an overview, we see that it is very difficult for different categories of persons with disabilities, including the visually and hearing impaired, the mentally retarded, and those who suffer from spinal cord injury to attend schools. For these category of people there should be special schools at the beginning, so that they get familiar with braille and sign language, and then attend public schools, or there should be a special class for them in each school, so that after learning the essential issues they would be able to attend public school, and teachers should be familiar with

the sign language and the braille, and this is the responsibility of the state to facilitate the provision of inclusive education for all, including persons with disabilities.

In indicator 4a of SDG, we read: “Creating and upgrading education facilities that are child, disability and gender sensitive and provide safe, nonviolent, inclusive and effective learning environments for all.”¹ According to this article, governments are required by 2030 to provide a comprehensive and safe education for PwDs throughout the country.



The right to Health for PwDs:

The National Inquiry on Access to the Right to Health it is mentioned:

43% to 57% of the population do not have access to health services, 37% of people are dissatisfied with the provision of health services, 63% of dissidents complain of discrimination and ethnic intolerance in health centers.

Access to the right to health for all, including persons with disabilities, is also important because they also need a range of specific services, in addition to the medicine and the doctor, that the government should pay attention to. Regarding the right to health, Article 25 of the Convention on the Rights of PwDs states as such:

States Parties recognize that PwDs have the right to the enjoyment of the highest attainable stan

1- The fourth goal 4a of the SDG <https://sustainabledevelopment.un.org/?menu=1300>

Third story

Our blindness is not weakness, if the limitations on our way are removed

I am Amena Rasooli, a resident of Nahri Shahi district of Balkh province. I was born in an intellectual family in 1988. I have been studying for two years in midwife field and I have one and a half years' experience in this field. In November 2013, I lost my vision because of meningitis illness. Doctors in Balkh province could not diagnose my disease at the very beginning. I was hospitalized for 15 days, and later on, they instructed me to go to Pakistan, so I lost my vision on the way to Pakistan. "The lack of proper diagnosis, lack of specialized doctors, low quality of the medicines and the lack of attention of the doctors make people lose their lives every day or become disabled like me. "

The government should support PwDs and establish clinics and specially equipped hospitals for people with disability in order to help them access the right to health.

I am now a second year student at the Dari literature Department in the University of Balkh. Despite my disability, I'm working harder to get a master's degree after my bachelor's degree in order to open a new page of advancement in science for visually impaired people so that I would be able to help PwDs

Health and Access to Health is one of the most fundamental and necessary rights to enjoy the human rights, and every human being must have the highest standards of access to health for his or her future life.



dard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for PwDs to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

Provide PwDs with the same range, quality and standard of free or affordable health care and programs as provided to other persons, including in the area of sexual and reproductive health and population-based public health programs;

(b) Provide those health services needed by PwDs specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to PwDs as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of PwDs through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against PwDs in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 52 of the Constitution of the country pledges the government to provide all the citizens of the country with equipment for the prevention and treatment of diseases and free health facilities.

Article 25 of the Universal Declaration of Human Rights also explicitly states about the right to health: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control

In addition, the International Covenant on Economic, Social and Cultural Rights, in the Article 19, obliges the government to recognize the right of access to health for all and to take the necessary measures to fully uphold the right to health, including reducing the number of neonatal deaths, the mortality of children, prevention and the treatment of infectious diseases and the like, and the creation of appropriate conditions and medical assistance to the public; if the person is ill.

Article 24 of the Convention on the Rights of Children recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

Article 24 of the Convention on the Rights of the Child provides that States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.

The Constitution of the country, approved in 1382, provides for free health services to all citizens of the country in the Article 51, 55 and 53, and in particular Article 53 states: "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, s in accordance with provisions of the law. "

With regard to what we so far mentioned about access to the right to health from the domestic laws and international treaties, it is understood that this right is very much taken into consideration, and in paragraph 1 of Article 21 of the law on the Rights and Privileges of PwDs also this right has been guaranteed: "The Ministry of Public Health will take necessary measures to enable PwDs to have access to all types of health service, such treatment and physical, mental and psychological rehabilitation ."¹

During the monitoring and interviews conducted with the PwDs, they expressed their concerns about the right to health: 385 people said the reasons for their lack of access to the right to health was lack of money, and 24 people said long distance from health centers and 403 people mentioned lack of medical facilities, and 2 interviewees mentioned the lack of artificial legs as a reason for not exercising their right to health.

What problem did you face for your treatment?	Number interviewed	%
Lack of money	385	40.8
Long distance form the health center	24	2.5
Lack of artificial legs	2	0.2
Lack medical facilities	403	42.7
No answer	130	13.8
Total	944	100.0
Table 15		

One of the main reasons for lack of access to clinics and hospitals is the distance of health centers from the place of residence of PwDs, because the lack of suitable transport and difficult roads limit the access of persons with disability to their right to health; as shown in the table, 405 people mentioned the distances to health centers from 1 to 2 km, and 309 mentioned the distance from 2 to 5 km, and 129 people said that the distance between the health centers and their residential area was more than 5 km.

1- the Law on the Rights and Privileges of Person with Disability,

Distance of health centers from the place of residence of PwDs?		
	Number interviewed	%
1-2 km	405	42.9
2-5 km	309	32.7
More than 5 km	129	13.7
Less than 1 km	101	10.7
Total	944	100
Table 16		

Standard of Physical access to basic health services:

The World Health Organization has introduced two criteria (location and demography) for access to health services. In terms of location, distances of half a kilometer and in some countries up to two kilometers from home to health center, and in terms of demography, a complete and well-equipped health center that provides basic health services for at least 12,000 people. The emphasis of the World Health Organization in urban areas, is on the demography criteria, but in rural areas, on criteria of location or distance.¹

In the next section of this report, we will study that, according to report of the Ministry of Public Health, by the end of 1394, 50% of the rural population have been living within an hour walk and 37 % within a two-hour walk from the primary health service, and 13% have been living in distant and scattered areas, more than two kilometers away from the health centers.²

So, according to the above table persons with disabilities, since they cannot go without an available transport from their residential area to the health centers on foot, or with some relatives, so they have double problems, sickness and the disability.

Therefore, one of the other important issues for PwDs' access to health services is the availability of health facilities (hospitals and clinics) including ramp, lifts, wheelchairs, and special toilets for them are to be considered.

In the report on the right to health, quoted from the Statistics Department, issued in 1393, it is noted that 27% of people stated that the reason for their deprivation of health services were due

1- National Inquiry on Access to Quality Health Services, p. 29, author of Mohammad Azim Besharat, member of the AIHRC Research Unit, 1396. www.aihrc.org.af

2- ibid p-28

to the lack of access to health services, 11% mentioned the high cost of travel as a reason for not going to health centers, and 62% were deprived of access to health services due to other reasons such as they didn't consider it necessity, lack of a person to accompany, security concerns, etc.¹

Political rights of persons with disabilities:

The political right of PwDs is also crucial for the inclusion of PwDs and, by virtue of this right, they can demonstrate their capacities in decision-making, legislation and other public services, and become a source of valuable services.

This right is also guaranteed in national and international documents, as Article 33 of the Constitution provides: "The citizens of Afghanistan have the right to vote and to be elected." Article 15 of the Law on the Rights and Privileges of Persons with Disabilities, has also referred to it as non-discrimination: "Persons with disability shall be entitled to equal participation in the social, economic, political, cultural, educational, recreational, sport and any other field of public rights, without discrimination." Based on these articles of the law, citizens of Afghanistan have the right to exercise their right to vote and to be elected, and in this regard, the law does not accept any discrimination, and the law on the rights and privileges of PwDs also prohibits the denial of any human rights of persons with disabilities, and persons with a disability should not be deprived of this right due to disability.

Having a voter card	Number interviewed	%
No	332	35.2
Yes	612	64.8
Total	944	100
Table 16		

According to the above diagram, of the 944 people, 612 respondents answered that they had a voter card, and 332 of them said they did not have a voter card, and possibly because of being under age or for any other reason have not received a voter card.

On the other hand, the nomination of qualified PwDs in the National Assembly, the Provincial Council and other civil society organizations, as a human right, should be non-discriminatory for all in accordance with the Constitution of the country, but according to the interview with 944 PwDs it is seen that PwDs do not enjoy this right either. As shown in the table below, out of a total of 944 interviewees, only 5 respondents answered that they had nominated themselves to one of the Councils. This vision should change, and those with a disability should not be only voters, but nominee also.

¹- ibid p-29

Have you nominated yourselves in any of the provincial/district/civil institution councils yet?		
	Number interviewed	%
No answer	65	6.9
Yes	5	0.5
No	874	92.6
Total	944	100
Table 17		

Problems of PwDs in the family and the community:

PwDs have a number of problems in the family and community too, due to lack of awareness of the rights of people with disability, and that PwDs, like other citizens of the country, have legal rights and duties, but unfortunately, they are faced with violence in the family and community level. The first violence committed against children with disabilities is keeping them out of the reach of the people and not taking them in public circles. According to the report, there are many violent acts committed against persons with disabilities, including physical violence that is committed both at home and in the community.

The problems faced by PwDs in the society: the use of bad words, humiliating behavior and negligence to do their work in time.

Story -4

My name is Neda Mohammad, son of Raz Mohammad, 25 years old; I am the permanent resident of the fourth district of Kandahar province; when I was one and a half years old, I got paralyzed in my two legs because of an illness. I am still unmarried, but I hope to get married very soon ...



I graduated from the 12th grade of Mahmood Tarzi High School in 1395; Unfortunately, I did not find a job after the school; I also got computer training; I can use the computer.

I do not have problems in my house; because I have a kind parent, I have not seen any bad behavior from my relatives; but since I do not have a private house, I live in rent-ed houses; unfortunately, there is no special toilets and no other physical facilities for me in the rent house. .

My bitter and sorrowful memories are as such:

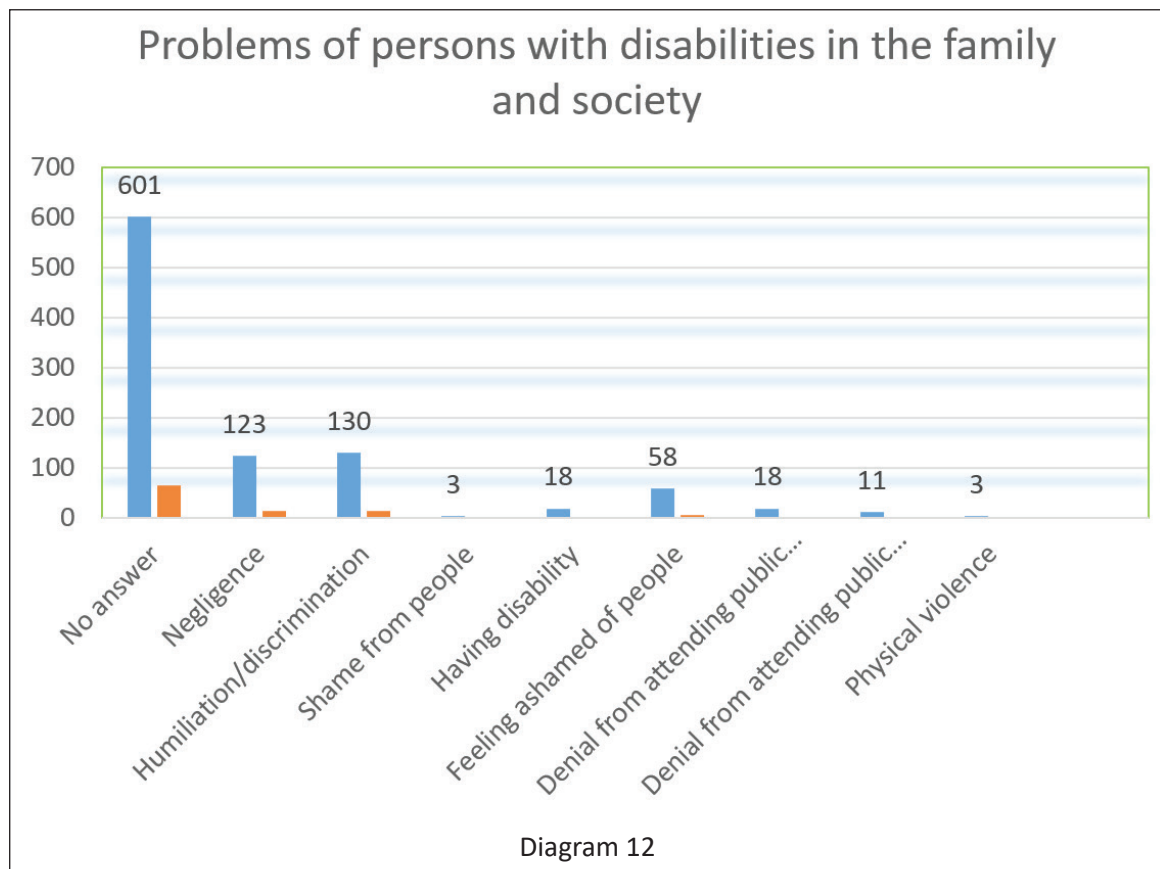
When I attended school, one day I returned home from the school, my mother said a story with a sorrow: my son, your uncle had come home today and asked me about you? I said with great pleasure that Neda Mohammad is going to school now. But your uncle said with a grin (hmm, now what does this boy do in the school? God will give a bit of bread for animal, what does he mean by going to school? “

There are a lot of problems in the community against PwDs; one is that people with disability fare seen with pity, the other is lack of physical access; you see, I use wheel-chair; there are bumpy roads and other traffic disorder; some time ago, a police car hit my a wheelchair and brook it; but believe me or not, the driver didn't even ask me if I was ok or not. He drove faster and went away.

The majority of people think that PwDs are beggars; when I want to buy something from a shop, the first-time shopkeeper thinks I want charity; or they give me some money or say God will give you. But when I ask for something from his shop then he knows that I am a customer. When I go to the mosque for prayer, there is no facility for people with disability in any mosque; and another interesting thing is that when I want to pull myself to prayers line, most of the time one of the prayer says “don't bother yourself, stay at your place, your prayers will be accepted in there and (laughs.)

Problems of PwDs in the family and the community	Number interviewed	%
No answer	601	63,7
Negligence	123	13
Humiliation/discrimination	130	13.8
Physical violence	2	0.2
Outdoor physical violence	1	0.1
Feeling ashamed of people	58	6.1
Severe disability	18	1.9
Denial from attending public gathering	10	1.1
Denial of going to relatives' homes	1	0.1
Total	944	100
Table 18		

The table above shows that of the 944 interviewees, 601 people did not answer this question, but the rest of them complained about the existence of contempt, insult and discriminatory treatment, physical violence, shame, severe disabilities, being banned from attending public meetings, and being banned from going to friends' home.



In the above diagram, 601 people did not answer, and the rest, out of the 343 people, 123 people complained of being neglected and disregarded, 130 people were humiliated and discriminated against, 58 people feel ashamed of people, 18 people mentioned of severe disabilities, 11 people were denied from participating in public gatherings and 3 have faced physical violence.

In the report 1393 on the situation of the rights of persons with disabilities, the result was as such: of 883 interviewed individuals, 275 people reported about their problems at home and in the community, of which 147 of them had complained of contempt and insult, 116 people from being neglected, 3 people were beaten by the local people, 4 people were prevented from participating in the general gathering and 2 people were denied from going to their friends' homes.¹

As well as according to a specific research that we had on the problems of PwDs in the family and community level, the level of violence and types of violence against PwDs is related to the level of education, employment and economic income of persons with disabilities. You can read more about it, with referring to this study in which 1500 people were interviewed.

As a result, PwDs are always complaining about the bad words and titles people use against them, humiliating behavior, pitiful treatment and denial of being employed in an appropriate work, and this behavior must be changed.

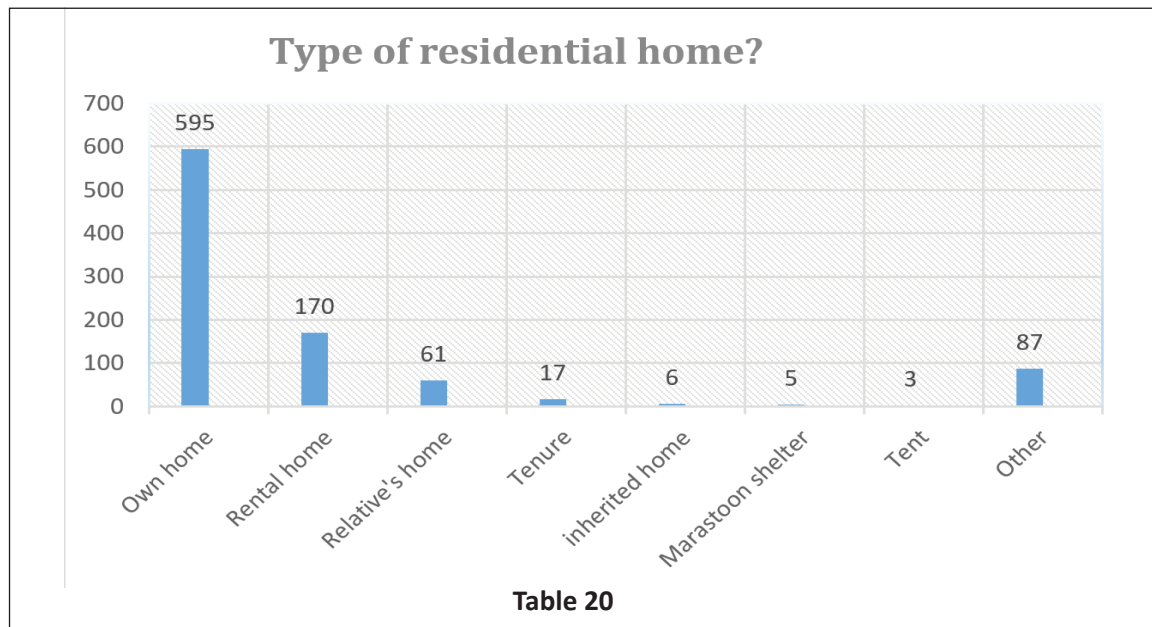
¹ Mohibati Ali, Report on the Situation of Persons with Disabilities Rights, 1393, Published by AIHRC

The right to housing is also a human right, and PwDs should also enjoy this right. This right has been guaranteed in national and international documents, as stipulated in a paragraph of Article 14 of the Constitution of Afghanistan: “ The state shall adopt necessary measures for the provision of housing and distribution of public estates to deserving citizens in accordance with the provisions of law and within financial possibilities. ”¹

Article 24 of the Law on the Rights and Privileges of PwDs concerning the allocation of land plot and residential quarters provides as follows:

1. Municipalities allocate separate quotas while distributing land plot in the center and provinces at a (50%) discount in the price for PwDs who don't have shelter.
2. The Ministry of Urban Development and other relevant departments, in distributing residential apartments, allocate a separate quota at a (20%) discount in the price for PwDs who don't have shelter.
3. Homeless PwDs with official duties; if they are in the same situation with other employees, priority is given to them when determining the quotas for land plot and residential quarters.²

The finding of our monitoring-research shows that, 595 people, 63% of whom were living in their own homes, and 61 of them, 6.5%, were living at their relatives' houses and 170 of them, 18% were living in rental homes and 17 people as tenure, and 6 others in inherited homes, and 5 in Marastoon shelter, and the rest did not respond.



1- Afghanistan Constitution, adopted in 1382, published by the AIHRC

2- Law on the Rights and Privileges of PwDs, published by the AIHRC,-1390

Conclusion:

The results of this report and the findings of the monitoring of the most basic rights of PwDs who have equal rights with other citizens of the country, shows that PwDs are still deprived from their basic rights in the field of education, access to health, access to work and employment, access to adequate housing and access to technical and vocational education, and no rehabilitation programs have been developed for persons with intellectual disabilities throughout the country; However, the Ministry of Education has reported of PwDs' access to comprehensive and specialized education for (visually, hearing and mentally impaired persons), but when we look at the figures, we see that the number of students in the public and private schools is small, and even if they have access to the school, their educational needs are not in accordance with their situation and they still do not have sign language translator and braille and so on.

The need for rehab programs for children with mental disabilities is extremely important, and the government is required to provide full support for a child with intellectual disabilities and his or her family.

Access to public places, especially schools, hospitals, clinics, urban transport and other government departments, and special toilet for PwDs, and facilities in the pedestrians and roads have not been considered by the public and private sector, therefor, PwDshave a lot of problems.

Recommendations:

- ✓ The Government, in particular, the Ministry of Education, should make effort to enroll the children with disabilities in schools and make the school environment, centers of higher education and semi-higher education suitable for children with disabilities.
- ✓ Professional teacher should be recruited to teach Braille, sign language, and special textbooks for visually impaired children should be prepared for the eligible students.
- ✓ The MoLSAMD and the Ministry of Public Health and the Ministry of Women's Affairs should take appropriate measures for the rehabilitation of persons with intellectual disabilities, and create the relevant centers at least at the level of the zones.
- ✓ A National Disability Survey, which, in accordance with the Convention on the Rights of Persons with Disabilities, is a basic requirement for planning for persons with disabilities, should be implemented by the relevant sectors as soon as possible.
- ✓ The government, the Ministry of the Economy, should consider the issue of disability in all its development plans.
- ✓ The government should prepare a report on the implementation of the provisions of the Convention on the Rights of Persons with Disabilities, and, while sharing it with the special committee on the Convention on the Rights of Persons with Dis

- ✓ abilities, should also share it with civil society organizations.
- ✓ The MoLSAMD must make and execute the appropriate measures procedure for the distribution of land plots, apartments, scholarships and other privileges for persons with disabilities.
- ✓ The government should make all government and non-governmental departments (schools, universities) suitable, and physically accessible for persons with disabilities, and provide training for all categories of persons with disabilities.
- ✓ Demand is made to the Ministry of Economics to address the issue of disability and put it in the priorities of its development programs in line with sustainable development goals.
- ✓

Sources and references:

1. Afghanistan Constitution, adopted in 1392, published by the AIHRC.
2. Civil Code of Afghanistan, Chapter Six, Marriage, Page 20
3. Law on the Rights and Privileges of Persons with Disabilities, adopted in 1388, the publication of the AIHRC, the collection of Laws, dated 1390.
4. Universal Declaration of Human Rights, adopted December 10, 1948, adopted by the United Nations General Assembly, Human Rights Declaration, publication of the AIHRC, Assad, 1394.
5. Islamic Declaration of Human Rights, adopted by 12th Muharram, 1411 Lunar, Meeting of Foreign Ministers of the Organization of the Islamic Conference in Cairo, published by the AIHRC, Assad, 1394.
6. Convention on Economic, Social and Cultural Rights, publication of the AIHRC, Web site www.aihrc.org.af Commission.
7. Convention on the Rights of Persons with Disabilities, adopted on December 13, 2006, by the United Nations General Assembly, publication of the AIHRC.
8. National Handicap Disability Survey of the Handicap International (2005)
9. Interview with the Ministry of Labor and Social Affairs of the Martyrs and the Disabled
10. Interview with the Acting Head of the General Education Department of the Ministry of Education
11. Ali Mohabati, Report on the Situation of Human Rights of PwDs in Afghanistan, 1393, published by the AIHRC.
12. Ali Mohabati, Report on the Situation of Access for PwDs to Public places, 1391, published

1. by the AIHRC.
2. Situation of PwDs and their problems in the family and community 1387
3. National Inquiry on the Right to Access Quality Health Services, p. 29, by Mohammad Azim Besharat, member of the Research Unit of the AIHRC, 1396, Commission site, www.aihrc.org.af
4. What is the situation of 400,000 visually impaired people in Afghanistan? Nasir Behzad BBC Afghanistan, October 15, 2016 - Mezan 24, 1395
5. <https://sustainabledevelopment.un.org/?menu=1300>