

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON AFGHANISTAN¹

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- Suggested questions and recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References in the National Report are *in Italics*.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
HIV/AIDS			Lack of information. Discrimination in health services. Stigma affects access to economic and social rights. Need for legal framework to protect rights, including testing and treatment (39)
Trafficking/sexual exploitation /violence against children	National Strategy Program to protect children from exploitation, violence, abuse. (47). Laws and policies against human smuggling	Increasing tendency to rape report, investigation and prosecution. Sexual violence against boys by armed actors (18)	Children abducted, smuggled, sold as sex slaves. Extended sexual abuse of boys (15). Sexual exploitation / rape /marriage (27)

¹ These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org

	and trafficking, esp. of children. Transit route country (74). Child protection network against violence, child smuggling and abuse (83)		
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HIV/AIDS

Sexual Rights Initiative (SRI) noted that the challenge for HIV prevention is to achieve universal access of Afghans to HIV prevention, treatment, care, and support services. But HIV-related stigma and discrimination undermine Afghanistan's responses to the epidemic, because they prevent people from accessing information and important HIV prevention and treatment services. The take-up of HIV counselling and testing services, for example, is low. Discrimination against people living with HIV affects their access to information and knowledge, employment, housing, insurance, social services, education, health, and inheritance rights for women and men. Strong prejudice against people living with HIV has been found in health services. SRI further noted that the Ministry of Public Health drafted a Strategic Plan on HIV/ AIDS and Sexually Transmitted Infections (STI) in Afghanistan for the period 2003-2007. (Para 39, Summary)

Trafficking/ sexual exploitation of children / Violence against children

The National strategy for children at risk strategy was adopted in 2004 in order to form a protective mechanism for children and families at risk (), to strengthen capacities of families and communities for addressing the needs of children at risk (). This strategy is aimed to protect children from exploitation, violence and abuse. In this strategy, various groups of children have been identified who are at risk and should receive protection support by the GoA and international community (Para 47, NR)

The Constitution of Afghanistan supports this right in Articles 23 and 49, which stipulate "Freedom is the natural right of humans and is inviolable." The GoA endorsed the Law on Combating the Abduction and Human Trafficking in 2008, the Article 4 of which authorizes the formation of the Commission for Combating Abduction and Human Smuggling. This commission is presided over by law enforcement organizations. As per the statement of the Ministry of Justice, Afghanistan is not the source country but a transit route for human trade. Despite these efforts, human smuggling through Afghanistan or from Afghanistan, especially that of the children, is a main human rights challenge (Para 74, NR)

In order to protect children against violence, child smuggling, and child abuse, the GoA in cooperation with international organizations, has established child protection networks throughout the country. (Para 83, NR)

The High Commissioner highlighted that there were signs of increasing willingness on the part of victims to report rape, and of the authorities to investigate and prosecute some cases with high profile cases in 2008. The Special Representative for Children and Armed conflict reported about worrisome allegations about sexual violence against boys by armed actors (Para 18, Compilation).

World Vision Afghanistan (WWA) noted recent reports suggesting that Afghanistan is a primary country where children are abducted, smuggled over the borders, and sold as sex slaves or child labourers in the neighbouring countries or in the Gulf States. Reports indicate that sexual

violence against Afghan boys is common throughout the country, but is most prevalent in the north. In northern Afghanistan, "Bacha bereesh" (beardless boys) are kept by powerful older men who sexually abuse them (Para 15, Summary).

Afghanistan Independent Human Rights Commission (AIHRC) noted that child marriage and rape and other forms of sexual exploitation of children are a challenge. () Statistics suggest that around 80 per cent of children do not have National Identification Cards, which causes numerous problems, including under-age marriage and unfair court proceedings (Para 27, Summary).

Suggested questions and recommendations:

- Ask Afghanistan what legal protections exist for boys against sexual violence and exploitation and how are those protections being implemented /Recommend that Afghanistan introduces specific legal measures to prevent and sanction sexual violence against boys -if those measures do not already exist- and that it takes strong and swift action against those perpetrating this crime, while providing assistance to victims and sensitizing communities and families into condemning and reporting these acts.
- Recommend Afghanistan to implement as soon as possible a program to provide National Identification Cards to all children, as a contribution to eradicate under-age marriage and other social problems.
- To create a legal framework to safeguard the rights of people living with HIV/AIDS, including access to testing, confidentiality measures and non-discriminatory treatment by the health services (Para 39, Summary)
- The challenges of Oral Substitute Therapy (OST), as well as Anti Retroviral Therapy(ART), and other HIV services needs to be overcome by building a multispectral, enabling environment through better policy, surveillance, advocacy, and communication.
- Reducing and overcoming stigma as the greatest challenge for universal access to HIV prevention, treatment, care and services need to be addressed through culturally appropriate Behaviour Change Communication interventions. (Universal Access Protocol, MOPH, 2008).
- To educate and sensitize all public officers, particularly those in the health and law-enforcement sectors on their obligations in terms of non-discriminatory treatment towards women, and persons living with HIV and AIDS.
- To investigate and, when needed, punish, discriminatory and abusive behaviour on the part of public officers, particularly those in the health and law-enforcement sectors towards women, and persons living with HIV and AIDS.