



# Afghanistan

Child Justice Brief

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studio.

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# 1. Structural context

The child justice system in Afghanistan is not yet fully formed. Although there have been clear gains in establishing a separate justice system for children, the practical reality is that the government controls only parts of the country, and that security is unstable. Therefore, the formal state apparatus with ministries, institutions and representatives at the different regional levels, often works in parallel to a customary justice system which operates in rural or volatile areas. This informal system, based on traditional practices and divided along tribal lines or allegiances to warlords, sees disputes and crimes resolved by a council of elders (*jirgas* or *shuras*). These councils are almost exclusively male and can include members of local government, as well as members of armed groups.<sup>1</sup> It is estimated that they are responsible for resolving between 50 and 80% of legal cases in Afghanistan.<sup>2</sup> Despite this, little is known about the way that children are treated in the informal system and there is a legitimate concern that children who are in contact with the justice system do not have their rights respected.

## 1.1. Geography

Figure 1: Map of Afghanistan 2009<sup>3</sup>



Map No. 3956 Rev. 6 UNITED NATIONS  
July 2008

Department of Field Support  
Cartographic Section

<sup>1</sup> United Nations Office for Drugs and Crime (UNODC) (2007) *Afghanistan: Female prisoners and their social reintegration*. Although since 2001 women have participated in the national level jirgas they remain excluded from the local level jirgas where daily disputes are played out.

<sup>2</sup> UNODC (2009) *Justice for children in conflict with the law: a training manual for judges and prosecutors*.

<sup>3</sup> International Crisis Group (2010) *Reforming Afghanistan's broken judiciary*.

## 1.2. Society and culture

In Afghan society families are patrilineal, uphold a high respect for elders, and revere motherhood. Many Afghans live in large extended family households with three to four generations together.<sup>4</sup> Traditionally it is acceptable for a man to have more than one wife, and divorce is rare.

Although there have been moves to legislate for equality between the sexes in Afghanistan, in most areas of life women are seen as subservient to men.<sup>5</sup> Afghan women have one of the lowest Gender Development Index (GDI) indicators in the world, and women and girls face higher rates of poverty and illiteracy than their male counterparts. In addition, they have limited access to healthcare, education and work and experience continued and widespread gender violence.

Problematic behaviour of children is most frequently dealt with at family and community level. If children misbehave in a criminal way, or experience things deemed immoral, there is a tendency to want to correct them through punishment. It can be seen as a matter of honour. As such, in some cases, families may ostracise children in conflict with the law because they believe the child has disgraced the honour of the family.<sup>6</sup> This is especially damaging in situations when the children find themselves in conflict with the law for simply being the victim of a crime. Indeed, children who are victims of crimes such as rape and other sexual abuse are frequently punished rather than protected.

The sexual abuse of children is embedded in traditional customs. There is a widespread practice of wealthy or powerful men keeping boys to dance at parties and for sexual purposes (*'bacha bazi'*).<sup>7</sup> Indeed recent reports highlight that there is a 'significant degree of sexual exploitation of adolescent males' in Afghanistan through this practice and through the buying of boys for sex.<sup>8</sup> Nevertheless, no studies have fully investigated the practice. In turn, it is common for girls to be married at very young ages. For example in a study of 51 women in prison in Kabul, 65% had married between the ages of 10 and 15. In addition, an estimated 60-80% of all marriages in Afghanistan are forced.<sup>9</sup> Sometimes girls are used to resolve interfamily disputes through *'baad'* and *'baadal'* exchanges. *Baad* is the giving of an unmarried girl or girls to a family that has been wronged in compensation for the wrongdoing. *Baadal*, is an exchange of girls between families, each married to a male member of the other family.<sup>10</sup>

## 1.3. Legislation

The Government of Afghanistan ratified the UN Convention on the Rights of the Child in 1994. There have also been recent laws passed to protect children in conflict with the law such as the *Juvenile Code* (2005) and the *Law on Juvenile Rehabilitation and*

<sup>4</sup> UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors.*

<sup>5</sup> In the Afghanistan Constitution (2004) women and men are granted the same basic rights and the Law on the Elimination of Violence Against Women (2009) created and strengthened protections for women against a broad range of abuses, including rape, underage marriage, forced marriage, domestic violence, and denial of education.

<sup>6</sup> UNODC (2009) *Justice for children in conflict with the law: a training manual for judges and prosecutors.*

<sup>7</sup> Khan, S. et al (2009) *Rapid assessment of male vulnerabilities to HIV and sexual exploitation in Afghanistan.* Naz Foundation International.

<sup>8</sup> Khan, S (2008) *Everybody knows, but nobody knows: Desk review of current literature on HIV and male-male sexualities, behaviours and sexual exploitation in Afghanistan.* Naz Foundation International.

<sup>9</sup> UNODC (2007) *Afghanistan: Female prisoners and their social reintegration.*

<sup>10</sup> Human Rights Watch (2012) *"I Had To Run Away" The imprisonment of women and girls for "moral crimes" in Afghanistan.*

*Correction Centers* (2009). Following the Committee on the Rights of the Child's concluding observations in relation to Afghanistan in February 2011, UNICEF and other international partners are working with the Government of Afghanistan to pass a comprehensive Child Act that will consolidate all child protection legislation.

Apart from the child-specific legislation, the majority of practice relating to children in conflict with the law in Afghanistan relies on the universal criminal laws, including: the *Criminal Procedure Law* (1965); the *Penal Code* (1976); the *Law on Crimes against Internal and External Security of the Democratic Republic of Afghanistan* (1987); the *Interim Criminal Procedure Code for Courts* (2004); the *Police Law* (2005); the *Law on the Organisation and Structure of Courts* (2005); the *Law on Advocates* (2007); and the *Law on Combat against Terrorist Offences* (2008).

## 1.4. Responsible agencies

There are a number of different agencies that are involved in child justice in Afghanistan:

- Ministry of Interior (MoI)
- The Attorney General's Office (AGO)
- Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM)
- Minister of Justice (MoJ)
- Ministry of Education (MoE)
- The Supreme Court (SC)

These partners signed a 'Letter of Agreement' in March 2010 outlining each agency's responsibilities in regards to child offenders. They also introduced the role of social workers in complementing the work of police and prosecutors at the arrest and investigation stages.<sup>11</sup> Although the numbers of social workers in Afghanistan remain very small and non-existent in some areas, there is a commitment to increasing their numbers. The government is developing a training programme for social workers at Kabul University and NGOs are active in building the capacity of community workers to fulfill social work roles. Nevertheless, there remains a severe lack of government support to vulnerable families in general.

## 1.5. Criminal responsibility

The age of criminal responsibility in Afghanistan is 13.<sup>12</sup> However, only 10% of children in Afghanistan are registered at birth and many do not have identity cards, meaning that the majority of children do not know their age, or date of birth.<sup>13</sup> Although methods are employed to establish children's ages by criminal justice agencies, these are not always accurate.<sup>14</sup> The inability to establish the majority of children's ages makes it difficult to ensure that children in the criminal justice system are of the legal age of criminal responsibility.

<sup>11</sup> "The Letter of Agreement" between Ministry of Interior (MoI) & The Attorney General's Office (AGO) & Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM) & Ministry of Justice (MoJ) & Ministry of Education (MoE) & The Supreme Court (SC), March 2010.

<sup>12</sup> Juvenile Code Article 5.1: A person who has not completed the age of 12 is not criminally responsible.

<sup>13</sup> UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*.

<sup>14</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

## 2. Profile of children

### 2.1. Background

The majority of children in conflict with the law in Afghanistan come from poor social economic backgrounds.<sup>15</sup> A 2008 study of children in detention found that 55% of children rated their family as poor or very poor.<sup>16</sup>

In addition, studies show that prior to their arrest, the majority of children were more likely to be in typically adult situations. For example, a 2008 study showed that 76% of boys and 32% of girls reported that they were working before their arrest and detention.<sup>17</sup> The majority of boys interviewed in detention in a 2010 study reported being employed in jobs such as shop-keeping, tailoring, driving and farming. The majority of girls indicated that prior to arrest they were housewives with no education or employment experience.<sup>18</sup>

Most children in conflict with the law have very little experience of school. In a 2008 study of children in detention, 92% of girls and 72% of boys, had not completed primary level education, with 62% of girls and 36% of boys being illiterate.<sup>19</sup> Although generally enrolment rates in schools have risen every year since 2001, lack of female secondary schools, pressures to discontinue school, and a tendency to drop out of school at the onset of their menstrual cycle, mean many girls in Afghanistan only receive primary schooling.

### 2.2. Offences

The most common offences that children are arrested for are ‘moral’ or ‘ethical’ crimes, crimes against national security, and theft. The table below shows the statistics collected by the Ministry of Justice on the children held in custody in Juvenile Rehabilitation Centres (JRCs) as suspected, accused and sentenced prisoners.

**Table 1: Offences of children in conflict with the law: 2012<sup>20</sup>**

Offence	Ethical crimes	Crimes against National security	Theft	Murder	Narcotics smuggling	Stabbing/injury	Escape from home	Traffic Accident	Debauchery	Kidnapping	Fighting	Forgery	Robbery	Armed theft	Weapons smuggling	TOTAL
<b>January</b>	218	177	149	121	47	39	—	30	28	20	18	9	9	5	5	<b>909</b>
<b>February</b>	226	171	151	129	41	41	28	21	19	25	13	7	14	5	3	<b>894</b>
<b>March</b>	203	164	165	126	52	50	25	11	28	23	13	9	15	2	5	<b>891</b>

The category of ‘moral’ or ‘ethical’ offences includes: ‘running away’; adultery or ‘zina’

<sup>15</sup> Motley, K M (2010) *An Assessment of juvenile justice in Afghanistan*, Terre des homes.

<sup>16</sup> Afghanistan Independent Human Rights Commission (AIHRC) & United Nations Children’s Fund (UNICEF) (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>17</sup> Ibid.

<sup>18</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

<sup>19</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>20</sup> Ministry of Justice national juvenile count by province according to gender, including crime categories, 2012.

(sex outside of marriage); pederasty (sex between an adult male and a child); kidnapping; improper accompaniment or prostitution.<sup>21</sup> These offences are arbitrary because the children convicted of these offences are, in almost all cases, the victims of sexual abuse rather than the perpetrators. The child's inability to consent to sex is not recognised, and the adult perpetrators are very often not charged, or escape charge through bribery.<sup>22</sup> 'Running away', the most common 'moral' or 'ethical' offence for girls, is technically not a crime at all according to the *Penal Code* (1976). However children are arrested for 'running away' as it is believed that it is a symptom of, or a precursor to *zina*. In response to international criticism of arrests for 'running away', in 2010 the Supreme Court issued two edicts which stated that children should not be punished for running away from abuse in the home or a forced marriage unless they chose to find refuge in a stranger's house rather than another family member's house or a government institution.<sup>23</sup> More recently, the Attorney General's office decided in their High Council meeting of 29<sup>th</sup> March 2012 that prosecutors should not prosecute running away cases unless the case involves a crime as per Afghan laws.<sup>24</sup>

Children are used as accessories to the armed conflict that continues in Afghanistan as messengers and informants. Reports show that children between 13 and 16 are being used as suicide bombers by the Taliban through force, bribery, trickery or heavy indoctrination.<sup>25</sup> Very little is known about these children and there are hardly any programmes or institutions that are trying to protect them.

### 3. Child justice process

There are many barriers to ensuring a humane child justice system in Afghanistan. Lack of professional training, managerial oversight, and the unstable security situation mean that there is a disconnect between the law and practice on the ground.

#### 3.1. Arrest

There are two types of police in Afghanistan, the Afghan National Police (ANP) and ad hoc rural militias that operate where there is no ANP presence. Reports into children's experiences of arrest show that there is widespread physical and verbal abuse of children by the ANP on arrest.<sup>26</sup> Also, in approximately a third of cases, police do not inform the child's parents of their arrest.<sup>27</sup> In order to correct abuses of children by the police, in 2012 the Ministry of Interior included the establishment of specialised 'juvenile police' in all provinces in their operating structure ('*Tashkil*') to handle child cases.

<sup>21</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes; UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*; United Nations Assistance Mission to Afghanistan (UNAMA) (2009) *Arbitrary detention in Afghanistan: A call for action, Vol 1*.

<sup>22</sup> Motley, K M (2010) *An Assessment of juvenile justice in Afghanistan*, Terre des homes; UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*; UNODC (2008) *Afghanistan: Implementing alternatives to imprisonment, in line with international standards and national legislation*; Human Rights Watch (2012) "*I Had To Run Away*" *The imprisonment of women and girls for "moral crimes" in Afghanistan*

<sup>23</sup> Islamic Republic of Afghanistan Supreme Court General Administration Directorate of the Judiciary Secretariat of High Council guidance on running away cases on behalf of Atiquallah Raufi, Secretariat of High Council Director (24th August 2010) and Edict No. 1497/1054 on 26 October 2010.

<sup>24</sup> Letter of the Attorney General's Office High Council meeting on 29<sup>th</sup> March 2012.

<sup>25</sup> Office of the Special Representative of the Security-General for Children and Armed Conflict (2010) *Visit of the special representative for children and armed conflict to Afghanistan*.

<sup>26</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan* and Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*. Terre des homes.

<sup>27</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

The majority of children in conflict with the law in Afghanistan are first time offenders. A 2008 study found that for 93% of children in detention, this was their first offence. This proportion reflects international studies that report that approximately 90% of children coming into contact with the law will be first time offenders.<sup>28</sup> In order to address this, a policy/guidance on diversion at police and prosecutor level is currently being devised by UNICEF in collaboration with the government of Afghanistan.<sup>29</sup>

### 3.2. Investigation

The police are supposed to conduct the initial arrest and interrogation of a child and then pass the case on to the prosecutor for the investigation within 24 hours. The prosecutor then has one week to conduct the investigation.<sup>30</sup> However, in practice, these tight timescales are not adhered to. In addition, recent studies have uncovered abuses in prosecutors' investigations. This includes children being physically forced or intimidated into signing confessions, or unknowingly signing confessions written by police or prosecutors.<sup>31</sup> The fact that the majority of parents are not with their children during their interrogation only allows this abuse to continue.<sup>32</sup>

The Juvenile Code makes provisions for juvenile prosecutor offices to be established across the country.<sup>33</sup> In 2012 these had been established in all 34 provinces.<sup>34</sup>

### 3.3. Trial

There are three stages in the Afghan court process: cases have to go first to the Primary Court, then the Appeal Court and finally to the Supreme Court for approval. The Juvenile Code provides for Juvenile Primary Courts to be established in all provincial capitals.<sup>35</sup> However in 2012 there was just one official Juvenile Court in Kabul. Children outside of the capital are tried by family judges, many of whom are not specifically trained in child justice.<sup>36</sup>

The Juvenile Court is required to study the child's file within three days of receipt from prosecutors, and issue its decision within 10 days.<sup>37</sup> Nevertheless, these timescales are not adhered to, and in the majority of cases children's trials are delayed beyond the legally established timeframes.<sup>38</sup> As such, the vast majority of children held in detention in Afghanistan are being held prior to being sentenced.<sup>39</sup>

Although the Juvenile Code Article 22, and Article 5 of the ICPC, state that children have the right to have a lawyer, a 2008 study showed that only a minority, 38%, of children in

<sup>28</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>29</sup> UNICEF Afghanistan have employed Marianne Moore, Director of Justice Studio Ltd, to develop these guidelines.

<sup>30</sup> Government of Afghanistan (2005) *Juvenile Code* Articles 13 and 14. It is possible for the 24 hours to be extended to 48 and the one week to be extended to three on request.

<sup>31</sup> Motley, K M (2010) *An Assessment of juvenile justice in Afghanistan*. Terre des homes and Human Rights Watch (2012) *'I Had To Run Away' The imprisonment of women and girls for "moral crimes" in Afghanistan*.

<sup>32</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>33</sup> Government of Afghanistan (2005) *Juvenile Code* Article 9.

<sup>34</sup> Meeting with the Attorney General's Office 28<sup>th</sup> April 2012.

<sup>35</sup> Government of Afghanistan (2005) *Juvenile Code* Article 26.

<sup>36</sup> Meeting with the Attorney General's Office 28<sup>th</sup> April 2012.

<sup>37</sup> Government of Afghanistan (2005) *Juvenile Code* Article 30.

<sup>38</sup> UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*.

<sup>39</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*; and Ministry of Justice National Juvenile Court by Province according to Gender, Including Crime Categories. January 2012



conflict with the law had a defense lawyer when they appeared in court.<sup>40</sup> In addition, only 43% had a parent or guardian present during the trial, and many children were not provided with legal aid.<sup>41</sup>

The majority of judges in Afghanistan lack training, especially child rights training, access to statutes, and access to legal textbooks. As such, studies show that many children are not given a fair trial. In a 2010 study it was reported that judges told children to admit their crime, not to speak while they were present and not to look them in the eye. In turn, when 31 judges and prosecutors were interviewed, 71% said they believed that if a child invokes the right to remain silent in court then they are guilty of the crime.<sup>42</sup>

### 3.4. Sentencing

Sentences other than detention are available to judges, yet are rarely used. The options available are:

- Performing social services
- Sending the child to special social services institutions
- Issuance of warning
- Postponement of trial
- Conditional suspension of punishment
- Home confinement
- Surrender of child to his/her parents or those who have the guardianship rights
- Sending the child to the juvenile rehabilitation centres for confinement.<sup>43</sup>

Generally, it seems that these formal alternatives to detention are not being given to children.<sup>44</sup> In a 2008 study it was found that the majority of children (71%) had been sentenced to more than one year of detention.<sup>45</sup> Indeed, children reported that judges solicited bribes from them in order to consider sentences other than detention.<sup>46</sup>

### 3.5. Detention

In March 2012, there were 891 children (818 boys and 73 girls) recorded as being detained in JRCs in Afghanistan. Of these, only 119 had been sentenced. The remaining were either suspected (152), or accused (620) of crimes.<sup>47</sup> There has been an increase in the numbers of children in detention over the last four years. In September 2011 there were 897 children (783 boys and 114 girls); in December 2009 there were 600 (520 boys and 80 girls) and in January 2008 there were 455 children in detention in Afghanistan.<sup>48</sup> Since March 2012, JRCs have been operating in all 34 provinces under the jurisdiction of the Ministry of Justice (in contrast to adult prisons which are now the responsibility of the

<sup>40</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>41</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*; and Committee on the Rights of the Child 56<sup>th</sup> Session (2011) Concluding Observations of the Committee on the Rights of the Child: AFGHANISTAN.

<sup>42</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

<sup>43</sup> Government of Afghanistan (2005) *Juvenile Code*, Article 35.

<sup>44</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

<sup>45</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>46</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

<sup>47</sup> Ministry of Justice national juvenile count by province according to gender, including crime categories, March 2012.

<sup>48</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes. Breakdown of boys and girls unknown.

Ministry of Interior). The majority of JRCs are closed, however a small number of ‘open JRCs’ are operating in the country, primarily in urban centres, including Kabul. Open JRCs train children in the daytime and return the children to their homes for the night.<sup>49</sup>

The conditions in JRCs are generally poor.<sup>50</sup> Although there is a newly constructed JRC in Kabul, the majority of provinces’ JRCs consist of a rented house outside of the compound of the adult prison.<sup>51</sup> They suffer from a lack of space, heating, recreational equipment, blankets, shoes, and warm clothes in winter.<sup>52</sup> Recent studies suggest that approximately a third of children in JRCs experience symptoms consistent with Post Traumatic Stress Disorder.<sup>53</sup> There are little or no educational or recreational activities in the JRCs and the facilities lack basic equipment such as books, pens and writing paper.<sup>54</sup> The Attorney General’s Office has the authority to monitor JRCs every two weeks.<sup>55</sup> The Afghanistan Independent Human Rights Commission (AIHRC), supported by UNAMA, also conducts monthly visits to JRCs. Reports indicate that some children are still not separated from adults in detention facilities, and that children under the age of criminal responsibility have been found in JRCs.<sup>56</sup>

In addition to the population of children in JRCs there is an unknown number of children held in ANP and National Directorate of Security (NDS) detention, and by the international military forces. NDS is Afghanistan’s principal internal and external intelligence-gathering agency and plays a role in interrogating and detaining children on counts related to national security. It has been reported that children held in NDS detention are tortured to extract confession, and denied access to a lawyer.<sup>57</sup>

### 3.6. Resettlement

The JRCs do not support the reintegration of children and there are limited social services to undertake this task. This is of concern as many children have been rejected by their families upon release, especially if they were detained for a ‘moral’ or ‘ethical’ offence.<sup>58</sup> Overall, there is sadly very little support to help children returning to their communities to become socially reintegrated after detention.<sup>59</sup>

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<sup>49</sup> Government of Afghanistan (2009) *Law on Juvenile Rehabilitation and Correction Centers*.

<sup>50</sup> UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*

<sup>51</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*

<sup>52</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

<sup>53</sup> Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes; UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*.

<sup>54</sup> AIHRC & UNICEF (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

<sup>55</sup> Government of Afghanistan (2009) *Law on Juvenile Rehabilitation and Correction Centers*.

<sup>56</sup> Committee on the Rights of the Child 56<sup>th</sup> Session (2011) Concluding Observations of the Committee on the Rights of the Child: AFGHANISTAN.

<sup>57</sup> UNAMA & United Nations High Commission for Human Rights (2011) *Treatment of conflict-related detainees in afghan custody*.

<sup>58</sup> UNODC (2007) *Afghanistan: Female prisoners and their social reintegration*.

<sup>59</sup> UNODC (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*.

## 4. Further Reading

### Relevant literature

Afghanistan Independent Human Rights Commission (AIHRC) & United Nations Children's Fund (UNICEF) (2008) *Justice for children: The situation of children in conflict with the law in Afghanistan*.

Committee on the Rights of the Child 56<sup>th</sup> Session (2011) Concluding Observations of the Committee on the Rights of the Child: AFGHANISTAN.

Human Rights Watch (2012) *"I Had To Run Away" The Imprisonment of Women and Girls for "Moral Crimes" in Afghanistan*.

Khan, S (2008) *Everybody knows, but nobody knows: Desk review of current literature on HIV and male-male sexualities, behaviours and sexual exploitation in Afghanistan*, Naz Foundation International.

Motley, K M (2010) *An assessment of juvenile justice in Afghanistan*, Terre des homes.

Office of the Special Representative of the Security-General for Children and Armed Conflict (2010) Visit of the special representative for children and armed conflict to Afghanistan.

United Nations Assistance Mission in Afghanistan (UNAMA) & United Nations High Commission for Human Rights (2011) *Treatment of conflict-related detainees in afghan custody*.

UNAMA (2009) *Arbitrary detention in Afghanistan: A call for action, vol 1*.

United Nations Office for Drugs and Crime (UNODC) (2009) *Justice for children in conflict with the law: A training manual for judges and prosecutors*.

UNODC (2008) *Afghanistan: Implementing alternatives to imprisonment in line with international standards and national legislation*.

UNODC (2007) *Afghanistan: Female prisoners and their social reintegration*.

### Government laws, letters and agreements

Government of Afghanistan (2009) *Law on Juvenile Rehabilitation and Correction Centres, Unofficial English Translation*.

Government of Afghanistan (2009) *Law on the Elimination of Violence Against Women*

Government of Afghanistan (2005) *Juvenile Code, Unofficial English Translation*.

Government of Afghanistan (2004) *The Afghanistan Constitution*

Letter of the Attorney General's Office High Council meeting on 29th March 2012.

Edict No. 1497/1054 (26 October 2010).

Islamic Republic of Afghanistan Supreme Court General Administration Directorate of the Judiciary Secretariat of High Council guidance on running away cases on behalf of Atiquallah Raufi, Secretariat of High Council Director (24th August 2010)

The Letter of Agreement Between Ministry of Interior (MOI) & The Attorney General's Office (AGO) & Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSAMD) & Ministry of Justice (MoJ) & Ministry of Education (MoE) & The Supreme Court (SC) (March 2010)