**UNICEF AFGHANISTAN**

**Specific information request:**

**English**

1. **Please provide information on the legislative and policy framework in place in your country related to the status, establishment, resourcing, and functioning of representative organizations of persons with disabilities at the national, regional and local levels;**

The Afghan legal framework regulating the status, establishment, resourcing, and functioning of representative organizations of persons with disabilities at the national, regional and local levels comprises the 2004 constitution of Afghanistan, the law on Non-Governmental Organizations, and National Law of Rights and Benefits of People with Disabilities.

The 2004 Constitution of Afghanistan stipulates in its Chapter Two: Fundamental Rights and Duties of Citizens Article 35, that “To attain moral and material goals, the citizens of Afghanistan shall have the right to form associations in accordance with provisions of the law “

The Law on Non-Governmental Organizations sets out rules for the establishment, registration, functioning, organization and activity of non-governmental organizations. According to this law, non-governmental organizations, base their activities only for non-profit objectives in line with the provisions of the Constitution and other applicable legislation, while the state supports and encourages their activity. The provision by the State of conditions and facilities for non-profit organizations to achieve the purpose and object of their activity is regulated by law. The law provides for the foundation and registration rules of NGOs, their organization and functioning, income and economic activity, their transformation, fusion, cessation and dissolution. Thus, NGOs are founded by natural or juridical persons and acquire their legal capacity after they are established and registered in the court. The procedures for the registration are regulated by the same law on Non-Governmental Organizations.

The National Law of Rights and Benefits of People with Disabilities provides economic, social, political, cultural, educational and rehabilitation support to women, men and children with disabilities, the protection of their rights and their active participation in society. It does not mention directly about support of representative organizations of persons with disabilities.

1. **Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organizations, including children with disabilities, are consulted and involved in decision-making processes that directly or indirectly concern them;**

The 2004 Constitution of Afghanistan promotes the integration of people with disabilities into public and social life. Article 22 prohibits any form of discrimination between Afghan citizens. Article 53 provides for financial aid to persons with disabilities and guarantees their “active participation and re-integration into society.” Article 84 makes provision for two persons with disabilities to be appointed by the President as Members of Parliament in the House of Elders.

The National Law of Rights and Benefits of People with Disabilities stipulates that state shall promote active participation of people with disability in society. The law also states that 3% of jobs in government and the private sector are to be reserved for persons with disabilities. The law has however been criticized for not being adequately rights-based and for favoring war victims over other persons with disabilities.

The National Policy for Persons with Disabilities of 2004 with input from multiple stakeholders including disabled people’s organizations (DPOs) that was coupled with the revised Afghanistan National Disability Action Plan (ANDAP) 2008-2011, stipulate strategies for promoting participation of persons with disabilities and their representative organizations.

Afghanistan’s National Development Strategy further identifies disability as an important crosscutting issue and seeks to advance the rights of persons with disabilities across various sectors. Since 2007, a number of development programmes have included disability indicators.

1. **Please provide information on any consultative body or mechanism established to consult and engage with representative organizations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning;**

Lead responsibility for advancing the rights of persons with disabilities in Afghanistan is vested in the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD). MoLSAMD is also responsible to coordinate and consult with representative organizations of persons with disabilities. A Disability Stakeholder Group (DSG) is established in MoLSAMD that has a specific term of reference. The DSG is comprised of NGOs, INGOs, Civil Society, Media and representative organizations of persons with disabilities. The policy framework makes provision for the creation of a National Disability Commission, linked to the Office of the Deputy President, which has the duty to advance the development of a disability-friendly environment. The commission is also meant to collaborate with national and international bodies, including representative organizations of persons with disabilities, to monitor the implementation of the policy. However, such a commission was never established and the MoLSAMD continues to coordinate all matters relating to disability.

1. **Please provide information on the efforts undertaken at national, regional and/or local levels to strengthen the capacity of representative organizations of persons with disabilities, in order to facilitate their participation in legislative, policy and other decision-making processes;**

Due to the limited sources of the government, the efforts to strengthen the capacity of representative organizations of persons with disabilities to facilitate their participation in legislative, policy and other decision-making processes, are mostly project-based and funded by donors. Consequently, it is difficult to have an official and reliable information tracking who has done what and for whom. Based on anecdotic information, capacity building interventions have been supported by donors and other organizations (local or foreign NGOs, INGOs, IGOs or other). Often, these interventions are one-time events, or based on a fund-recipient approach, while their implementation is poorly monitored and the impact is not assessed.

1. **Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art. 33, para. 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para. 3);**

Afghanistan does not have a specific independent mechanism for monitoring the implementation of the CRPD in which persons with disability shall participate in the monitoring. However, the Afghanistan Independent Human Rights Commission (AIHRC) is monitoring the implementation of the CRPD in line with their mandate and fields of expertise at national level and local level. The AIHRC has the policy of hiring persons with disability in their department for disability related affaires.

1. **Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g., on the basis of disability, age, gender, ethnic origin, geographical location).**

The main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels are:

* lack of expertise in negotiation and advocacy
* lack of expertise in development of networks as well as lack of coordination skills
* lack of effective democratization within their representative organizations
* limited ability to pay membership fees to their associations
* lack of financial sustainability of their representative organizations
* social barriers, particularly attitudes, stereotypes and paternalistic behavior
* lack of effective access to information and communication (inaccessible websites formats, communication);

**Additional questions for civil society:**

1. **Please provide information on the existence of organizations of persons with disabilities in your country, including organizations of children and women with disabilities, as well as their composition and internal decision-making processes and procedures;**
2. **Please identify the main challenges faced by the diversity of persons with disabilities as members of mainstream or disability-specific non-governmental organizations, and in participating in the activities of such organizations, including challenges faced by persons who experience multiple discrimination.**