



**Islamic Republic of Afghanistan
Ministry of Justice**

OFFICIAL GAZETTE

Extraordinary Issue

Law on Protection of Child Rights

Date: 11th March 2019

ISSUE NO: (1334)

**Decree
of the President of Islamic Republic of Afghanistan on Endorsement of the
Law on Protection of Child Rights**

Number: (362)

Date: 5 March 2019

Article 1:

In accordance with the provisions of the Paragraph (16) of Article 64 and consideration of Article 79 of the Constitution of Afghanistan, I hereby endorse the Law on Protection of Child Rights, which has been ratified by the Cabinet of Islamic Republic of Afghanistan, in their decision number (21) dated March 5, 2019, in 16 chapters and 108 articles.

Article 2:

Minister of Justice and State Minister for Parliamentary Affairs have the duty to send this decree and the Law on Protection of Child Rights to the National Assembly within 30 days from holding its first session.

Article 3:

This decree enters into force from the date of endorsement and along with the cabinet Resolution and the law shall be promulgated in the Official Gazette.

**Mohammad Ashraf Ghani
President of the Islamic Republic of Afghanistan**

**Resolution
of the Cabinet of Islamic Republic of Afghanistan
Regarding the Law on Protection of Child Rights**

Number: (21)

Date: 5 March 2019

The Cabinet of Islamic Republic of Afghanistan in accordance with the provisions of the Article 79 of the Constitution of Afghanistan, ratifies the Draft Law on Protection of Child Rights, as a presidential decree, in their decision dated March 5, 2019, in 16 chapters and 108 articles.

**Mohammad Ashraf Ghani
President of the Islamic Republic of Afghanistan**

Chapter One	11
General Provisions	11
<i>Basis</i>	<i>11</i>
<i>Article One:</i>	<i>11</i>
<i>Objectives</i>	<i>11</i>
Article Two:	11
<i>Terminologies.....</i>	<i>12</i>
Article Three:	12
<i>Implementing Agency:.....</i>	<i>14</i>
Article Four:	14
<i>Jurisdiction:</i>	<i>14</i>
Article Five:	14
<i>Principle of Non-Discrimination.....</i>	<i>14</i>
Article Six:	14
<i>Principle of Child Survival and Growth.....</i>	<i>15</i>
Article Seven:.....	15
<i>Principle of Child Participation</i>	<i>15</i>
Article Eight:	15
Chapter Two.....	16
National Commission on Protection of Child Rights	16
<i>Composition of the Commission.....</i>	<i>16</i>
Article Nine:.....	16
<i>Technical Committee on Protection of Child Rights</i>	<i>18</i>
Article Ten:	18
<i>Provincial Technical Committee on Protection of Child Rights</i>	<i>20</i>
Article Eleven:	20
Chapter Three	21
Children Rights	21
Article Twelve:	21
<i>The right to live.....</i>	<i>22</i>
Article Thirteen:.....	22
<i>Right to have a name</i>	<i>23</i>
Article Fourteen:	23
<i>Right to have Identity.....</i>	<i>23</i>
Article Fifteen:.....	23
<i>Right to Maintain Identity and parentage</i>	<i>23</i>
Article Sixteen:	23
<i>Right to Birth Registration</i>	<i>24</i>
Article Seventeen:	24

<i>Contents of Birth Registration Form</i>	25
Article Eighteen:	25
<i>Right to breastfeed With Mother’s Milk</i>	26
Article Nineteen:	26
<i>Oversight and Ensuring Safety</i>	26
<i>Improvement of the Life Standard of Child</i>	26
<i>Article Twenty One:</i>	26
<i>Prohibition of Child Exploitation</i>	26
<i>Article Twenty Two:</i>	26
<i>Prohibition of Child Harassment</i>	26
<i>Article Twenty Three:</i>	26
<i>Right to Custody and Breastfeeding</i>	27
<i>Article Twenty Four:</i>	27
<i>Right to Freedom of</i>	27
<i>Religious Minorities’ Child</i>	27
<i>Article Twenty Five:</i>	27
<i>Growth and Protection of Fetus</i>	27
<i>Article Twenty Six:</i>	27
<i>Obligations of the Government Regarding Health of Mother and Fetus</i>	27
<i>Article Twenty Seven:</i>	27
Chapter Four	28
Health care	28
<i>Supervision and Monitoring of Treatment</i>	28
Article Twenty-Eight:	28
<i>Child’s Right to Access to Appropriate Health Services</i>	28
Article Twenty-Nine:	28
<i>Right to Vaccinate</i>	29
Article Thirty:	29
<i>Guidance on Family Planning</i>	29
Article Thirty One:	29
<i>Right to Have Health Card</i>	30
Article Thirty-Two:	30
<i>Presenting Health Card</i>	30
Article Thirty-Three:	30
Chapter Five	30
Rehabilitation of Child With Disability	30
<i>Physical and Mental Rehabilitation</i>	30

<i>Article Thirty-Four:</i>	30
<i>Protecting Victim Child</i>	31
Article Thirty-Five:	31
<i>Protecting Child with Disability</i>	31
Article Thirty-Six:	31
<i>Conducting Educational Courses for Children with Disabilities</i>	31
Article Thirty-Seven:	31
<i>Recruitment of Children with Disabilities</i>	32
Article Thirty-Eight:	32
<i>Prohibition of Use, Purchase, and Selling of Narcotics by Children and Their Treatment</i>	32
Article Thirty-Nine:	32
<i>Social Protection and Rehabilitation</i>	32
Article Forty:	32
<i>Information Exchange</i>	33
Article Forty One:	33
Chapter Six	34
Social Services	34
<i>Right to Rest, Entertainment and Recreation</i>	34
Article Forty-Two:	34
<i>Establishing Nursery and Kindergarten</i>	34
Article Forty-Three:	34
<i>Establishing Orphanages</i>	35
<i>Providing Social Insurance</i>	36
Article Forty-Five:	36
<i>Establishment of Welfare Fund</i>	36
Article Forty-Six:	36
<i>Protection of Children at Risk, Unusual and Abandoned Children or in Need of Care</i>	37
Article Forty-Seven:	37
Chapter Seven	37
Education	37
<i>Equal Right of Child to Educational and Learning</i>	37
Article Forty-Eight:	37
<i>Free and Compulsory Education</i>	37
Article Forty-Nine:	37
<i>Providing Conditions for Education and Learning</i>	38
Article Fifty:	38
<i>Prohibition of Deprivation from Education</i>	38
Article Fifty One:	38
<i>Ensuring Order and Discipline in Schools and Madrasas</i>	39

Article Fifty-Two:	39
<i>Fighting illiteracy and Promoting Modern Teaching Methods</i>	39
Article Fifty Three:	39
<i>Education of Indigent and Children with Disabilities</i>	39
Article Fifty-Four:	39
<i>Design and Implementation of Educational Programs</i>	39
Article Fifty-Five:	39
<i>Prevention of Teachers Violence</i>	40
Article Fifty-Six:	40
Chapter Eight	41
Cultural Development of Child	41
<i>Right to Freedom of Speech and Expression</i>	41
Article Fifty-Seven:	41
<i>Intellectual Growth and Mental Development of Child</i>	41
Article Fifty-Eight:	41
Access of Children to Information	41
Article Fifty-Nine:	41
<i>Right to Establish Associations</i>	42
Article Sixty:	42
<i>Prohibition of Using Children in Political Activities</i>	42
Article Sixty-One:	42
Chapter Nine	43
Protection of Child Worker	43
<i>Protection of Child from Economic Exploitation</i>	43
Article Sixty-Two:	43
<i>Prohibition of Adolescent Recruitment</i>	43
Article Sixty-Three:	43
Chapter Ten	44
Separation of Child from Parents	44
<i>Prohibition of Child Separation from Parents</i>	44
Article Sixty-Four:	44
<i>Ensuring Direct Contact of Child with Parents</i>	44
Article Sixty-Five:	44
<i>Joining Child to Family Members</i>	44
Article Sixty-Six:	44
<i>Ensuring Protection in the Family Environment and Communications</i>	45
Article Sixty-Seven:	45
Chapter Eleven	46

Guardianship and Protection of Child	46
<i>Guardianship of Child Separated from the Family</i>	46
Article Sixty-Eight:	46
<i>Rights and Obligations of Guardian Before Child</i>	46
Article Sixty-Nine:	46
<i>Illegal Transfer of Child Abroad</i>	46
Article Seventy:	46
<i>Prohibition of Child Transfer Abroad by Guardian</i>	47
Article Seventy-One:	47
<i>Protection of Child Without Guardian</i>	47
Article Seventy-Two	47
<i>Protection of Refugee Children</i>	47
Article Seventy-Three:	47
<i>Access to information to Join Parents</i>	47
Article Seventy-Four:	47
Chapter Twelve	48
Prohibition of Child Recruitment in Military Activities	48
<i>Prohibition of Recruitment</i>	48
Article Seventy-Five:	48
<i>Observance of International Humanitarian Law</i>	48
Article Seventy-Six:	48
Chapter Thirteen	49
Child Violations	49
<i>Criminal Liability of Child</i>	49
Article Seventy-Seven:	49
Arrest, Detention and Confinement of the Child	49
Article Seventy-Eight:	49
<i>Prohibition of Torture, Imprisonment and Capital Punishment</i>	49
Article Seventy-Nine	49
<i>Treatment with Accused Child</i>	50
Article Eighty:	50
<i>Keeping Children under Detention and Confinement</i>	50
Article Eighty-One:	50
<i>Rights of Suspect and Accused child</i>	50
Article Eighty-Two:	50
<i>Proceeding of Child Cases</i>	51
Article Eighty-Three:	51
<i>Right to Free Defense and Appointing Legal Assistant</i>	51
Article Eighty-Four:	51

<i>Right to Appeal</i>	51
Article Eighty-Five	51
<i>Right to Appoint Interpreter</i>	51
Article Eighty-Six	51
<i>Prohibition of Physical and Mentally Excruciation</i>	52
Article Eighty-Seven:	52
<i>Not Compelling Child to Give Testimony and Confession</i>	52
Article Eighty-Eight:	52
<i>Filing a Lawsuit</i>	52
Article Eighty-Nine:	52
<i>Rights of Victim Child</i>	52
Article Ninety:	52
<i>Observance of the Rights of Children of Imprisoned Mothers</i>	53
Article Ninety One:	53
<i>Prevention of Child Purchase and Sale</i>	54
Article Ninety Two:	54
<i>Protection of Children Against Kidnapping and Trafficking</i>	54
Article Ninety Three:	54
Chapter Fifteen	55
Protection of Children Against Prostitute and Sexual Activities	55
<i>Prohibition of Violent and illegal Acts Against Child</i>	55
Article Ninety-Four:	55
<i>Prohibition of Broadcasting Immoral Movies</i>	55
Article Ninety-Five:	55
<i>Prevention of Exploitation and Sexual Misuse</i>	55
Article Ninety-Six:	55
<i>Prevention of Children from Entering to Deviating Places</i>	55
Article Ninety-Seven:	55
<i>Prohibition of Publication, Purchase and Sale of Book, Magazine, and Newspaper of Pornographic Contents</i>	56
Article Ninety-Eight	56
<i>Prohibition of Bacha Bazi</i>	56
Article Ninety-Nine:	56
Chapter Sixteen	57
Final Provisions	57
<i>Responsibility of Parents or Guardian to Pay for Alimony of Child</i>	57
Article Hundred:	57
<i>Reporting Responsibilities of Institutions</i>	57

<i>Article Hundred and One:</i>	57
<i>Founded Child (Waif)</i>	57
<i>Article Hundred and Two:</i>	57
<i>Proposing Regulations and Adopting Procedures</i>	58
<i>Article Hundred and Three:</i>	58
<i>Implementation of the Relevant Legislative Document</i>	58
Article Hundred and Four:	58
<i>Prioritization</i>	58
Article Hundred and Five:	58
Function of Children Protection Network	58
Article Hundred and Six:	58
<i>Obligation of Other Entities</i>	58
<i>Article Hundred and Seven:</i>	58
<i>Enforcement</i>	59
<i>Article Hundred and Eight:</i>	59

Law on Protection of Child Rights

Chapter One

General Provisions

Basis

Article One:

This Law has been enacted in accordance with the provisions of Article 7 and Article 54 of the Constitution of Afghanistan.

Objectives

Article Two:

The objectives of this law are:

1. Clarifying and determining obligations of the relevant ministries and governmental institutions to ensure child rights.
2. Providing conditions for healthy nurture and education of the child.
3. Securing the livelihood, health and physical and mental wellbeing of the child.
4. Providing conditions for physical growth and mental development of the child to prepare her/him integrating into the community.
5. Determining responsibilities of parents or legal representative of the child, and the government to ensure material and intellectual rights of the child.
6. Accepting the fundamental role of the child in building a society, as the future constituents of the country.
7. Protecting children at risk, with a physical or mental disability or with unusual behavior in need of care and protection.
8. Providing legal ground for a fair trial of the juvenile offender and her/his reintegration to the family and society.
9. Ensuring the best interests of the child in all areas and legal action against violators of child rights.

10.Ensuring other material and intellectual rights of child stipulated in the Convention on the Rights of the Child

Terminologies

Article Three:

The following terminologies shall be interpreted as follows:

1. **Child:** a person who has not completed the age of 18.
2. **A child without guardian:** a person whose breadwinner has died, imprisoned, lost, absented, addicted to drugs or the breadwinner has been announced as ineligible by court's order or in some way he avoids providing a livelihood for the child.
3. **Guardianship:** is safekeeping, educating, nurturing, and providing material and spiritual needs of an orphan and child without a guardian.
4. **Guardian:** a person who has acquired the guardianship of one or more children in accordance with the provisions of law.
5. **A child with Unknown Identity:** is a child whose parentage is unknown.
6. **Indigent Child:** is a child who, in the level of primary and usual needs, cannot afford to pay for his livelihood and education.
7. **Orphanage:** is a place where indigent child, a child without a guardian, orphan or child in need of care and protection, is guarded and protected.
8. **Breadwinner:** father, mother, brother, sister, grandfather, and grandmother (maternal or paternal), or a person who is responsible for the livelihood of a child in accordance with the provisions of law.
9. **Custody:** is caring and nurturing of the child during the period in which the child needs care and nurture.
- 10.**Legal Representative:** includes parents, legal guardian, executor of will, guardian, relatives, custodian or agent of a child.

11. **Nursery:** is a place where the child is provided with the care during breastfeeding in accordance with the relevant legislative document.
12. **Kindergarten:** is a place where the child is nurtured and educated after the breastfeeding period in accordance with the relevant legislative document.
13. **Forced Labor:** is the work or service imposed on a child causing harm to his well-being, education, physical or mental health, and/or sentimental or social development of the child.
14. **Heavy labor:** any work which is beyond the physical power of the child and has a negative impact on his physical or mental development.
15. **Child Exploitation:** is exploitation of a child for business, work, sexual and misbehavior purposes including physical and mental misbehavior leading to injury to the physical, mental and psychological health or life or human dignity of the child.
16. **Sexual Exploitation of Child:** is touching of a child for sexual pleasure, encouraging or persuading and forcing the child to be used by another person for sexual pleasure, using or exposing the child for sexual activities or immorality and pornography, and providing or permitting the child for sexual and economic exploitation.
17. **Bacha Bazi:** is keeping a male or she-male child for sexual pleasure, dancing in public or private parties, singing, clothing with female clothes, pederasty, rape, intercourse, touching, pornography, and sleeping with.
18. **A child with disability:** Is a child with physical, sensorial, psychological defect, from natural or acquired causes, in such a way that has decreased his ability in economic and social spheres.
19. **Vulnerable child:** is a child whose physical, mental, sentimental or protective wellbeing or her/his interests and educational conditions are endangered or violated, and/or her/his parents have abandoned her/him.

20.**Parentage**: is the consanguine and affinity relation with parents.

21.**Identity**: is the complete information of a person including name, surname, father name, grandfather name, date of birth by denoting day, month and year, place of birth, permanent and current residence.

Implementing Agency:

Article Four:

(1) Ministries and governmental and non-governmental organizations and other relevant persons are responsible for implementing this law in their relevant activities.

(2) Ministries and relevant government organizations are obliged to undertake necessary actions in their relevant legislative documents for observing and implementing the objectives and provisions of this law.

Jurisdiction:

Article Five:

(1) The provisions of this law are equally applicable on all ministries, governmental and non-governmental organizations and in the relevant working area of other agencies and family environment.

Principle of Non-Discrimination

Article Six:

(1) Any form of discrimination, on the basis of race, color, sex, language, tribe, religion, views, political beliefs, or origin and place of birth and alike, that either related to the child herself/himself or her/his legal representative, is prohibited.

(2) A child is protected, in accordance to the provisions of law, against any form of discrimination on the basis of her/his parents, legal representative or family members' status, activity, views or beliefs or origin of birth.

Principle of Child Survival and Growth

Article Seven:

- (1) The right to survive and physical and mental growth is among the natural rights of the child.
- (2) The government is obliged to provide conditions for survival and physical and mental growth to all children.

Principle of Child Participation

Article Eight:

The relevant ministries and organizations are obliged to provide conditions for child participation in all spheres of social life, considering her/his age and level of mental growth, talent, enthusiasm for education, work performance, development, learning legitimate professions, self-confidence, well-conditioned, and respect for the parents and family and social environment.

Chapter Two

National Commission on Protection of Child Rights

Composition of the Commission

Article Nine:

(1) To observe and protect child rights, oversight and evaluation of the implementation of the provisions of this law and to ensure coordination among ministries and relevant governmental and non-governmental organizations, the National Commission on Protection of Child Rights under the presidency of Vice President shall be established with the following composition:

- 1- Minister of Labor and Social Affairs as Deputy,
- 2- Attorney General as a member,
- 3- Minister of Justice as a member,
- 4- Minister of Finance as a member,
- 5- Minister of Interior Affairs as a member,
- 6- Minister of Women Affairs as a member,
- 7- Minister of Public Health as a member,
- 8- Information and Culture Minister as a member,
- 9- Education Minister as a member,
- 10- Higher Education Minister as a member,
- 11- Hajj and Endowment Minister as a member,
- 12- One member of the High Council of the Supreme Court as a member
- 13- One member of the Independent Commission for Overseeing the Implementation of Constitution as a member,
- 14- Chairman of Afghanistan Human Rights Commission as a member,
- 15- General Director of National Security as a member,
- 16- Director of Afghan Red Crescent Society as a member,

- 17- Director of Central Statistics Office as a member,
- 18- Director General of Local Governance as a member,
- 19- Director of Human Rights and International Affairs of Ministry of Foreign Affairs as a member,
- 20- Head of Afghanistan Independent Bar Association as a member,
- 21- Head of Afghanistan Lawyers Association as a member,
- 22- One representative of the Civil Society as a member,
- 23- Chairman of the Executive Board of Afghanistan Chamber of Commerce and Industries as a member,

(2) The commission mentioned in section (1) of this article has the following duties and authorities to:

- 1- Prepare the Policy on Protection of Child Rights and submit it to the government for approval,
- 2- Oversee the implementation of provisions of this law and the government approved policies,
- 3- Ensure coordination among relevant governmental and non-governmental organizations,
- 4- Take decision on the key issues related to the children,
- 5- Evaluate the submitted reports and take decision accordingly,
- 6- Submit biannual reports of the performed activities on protection of child rights to the government,

(3) Regular meetings of the commission mentioned in section (1) of this article take place once every three months and the extraordinary meetings can be held upon the suggestion of the two third of the members or at the discretion of the of Chair of Commission as needed.

(4) The secretariat of the commission mentioned in section (1) of this article remains with the Children Protection Network of the Ministry of Labor and Social Affairs and the Office of the Chief of Staff of the vice president.

Technical Committee on Protection of Child Rights

Article Ten:

(1) For better implementation of the provisions of this law, a technical committee on protection of child rights under the presidency of the Minister of Labor and Social Affairs shall be established with the following composition:

- 1- Deputy Attorney General as a member,
- 2- Professional Deputy Minister of Justice as a member,
- 3- Security Deputy Minister of Interior Affairs as a member,
- 4- Deputy Ministry of Women Affairs a member,
- 5- Deputy Minister of Public Health as a member,
- 6- Deputy Minister of Information and Culture as a member,
- 7- Deputy Minister of Education as a member,
- 8- Deputy Minister of Higher Education as a member,
- 9- Deputy Minister of Hajj and Endowment as a member,
- 10- One member of the Afghanistan Independent Human Rights Commission as a member,
- 11- Chief of Kabul Province Juvenile Appellate Court as a member,
- 12- One member of the Executive Council of Afghanistan Independent Bar Association as a member,
- 13- Member of the Steering Council of Afghanistan Lawyers Association as a member,
- 14- Deputy Director of the Central Statistics Office as a member,
- 15- Head of the Child Protection Network of Ministry of Labor and Social Affairs as secretary.

(2) The technical committee mentioned in section (1) of this article has the following duties and authorities:

1. Studying and evaluation of children basic problems in the country level and adopting preventive measures to address them.
2. Designing public awareness programs on the observance of children rights and submitting it to the National Commission on Protection of Child Rights for approval.
3. Maintaining coordination among the relevant governmental and non-governmental organizations activities to ensure children rights in accordance with the provisions of this law.
4. Requesting information about juvenile cases from social service organizations, police authorities, attorney office, court and the Child Protection Network of Ministry of Labor and Social Affairs.
5. Collecting statistics and figures of vulnerable, displaced, labor, disabled, and student and those in conflict with law and children without guardians, based on gender disaggregation.
6. Recommending amendments to the provisions of this law, after the approval of national commission on child protection.
7. Recommending draft of the relevant regulations, bylaws, and procedures for better implementation of the provisions of this law to the National Commission on Protection of Child Rights.
8. Preparing annual performance reports on ensuring children rights and submitting it to the National Commission on Protection of Child Rights.
9. Preparing annual reports on the situation of children in Afghanistan and submitting it, after the approval of the National Commission on Protection of Child Rights, to the United Nations through the Ministry of Foreign Affairs.

10. Performing other duties assigned by the government.

(3) Regular meetings of the Technical Committee on Protection of Child Rights shall take place on a monthly basis. The extraordinary meetings can be held any time upon the request of two third of the members or by the decision of the chair of the committee.

(4) The manner of performance of the Technical Committee on Protection of Child Rights is regulated by an internal procedure approved by the members of the committee.

Provincial Technical Committee on Protection of Child Rights

Article Eleven:

(1) To observe and protect child rights, oversee and evaluate the implementation of the provisions of this law and to ensure coordination among governmental and non-governmental organizations and relevant specialized social service organizations in provinces, the Provincial Technical Committee on Protection of Child Rights under the presidency of the governor, with the composition of the representatives of secondary units of ministries, and organizations mentioned in the section (1) of article ten of this law, shall be established.

(2) The committee mentioned in section (1) of this article is obliged to submit the relevant performances report to the technical committee mentioned in the section (1) of article ten of this law.

Chapter Three

Children Rights

Basic Rights of Child

Article Twelve:

(1) Child according to the provisions of this law and other relevant legislative documents has the following basic rights:

- 1- The right to live
- 2- Having a name
- 3- Having a nationality
- 4- Having identity and parentage
- 5- Birth registration
- 6- Breastfed with mother's milk
- 7- Prevented from any forms of discrimination
- 8- The right to custody and breastfeeding
- 9- Access to health services
- 10- Vaccination and other health preventive services
- 11- Physical and mental rehabilitation
- 12- Physical health and wellbeing
- 13- Use of social cares
- 14- Rest, entertainment, and recreation
- 15- Benefiting and using the child fund in case of need
- 16- Protection against any forms of physical and mental excruciation
- 17- Learning and education
- 18- Freedom of speech and expression
- 19- Intellectual and mental development
- 20- Access to information

- 21- Establishment of youth associations
- 22- Protection and support against economic exploitation
- 23- Protection against forced and heavy labor
- 24- Having family and prohibiting segregation from parents
- 25- Being safe and secure in the family and education environment and society.
- 26- Having guardian and protection
- 27- Prevention from recruitment in military and semi-military activities
- 28- Protection against any form of torture, excruciation, inhuman and insulting punishment, and cruel actions.
- 29- Keeping juvenile offenders separate from elders during supervision, detention, and correction.
- 30- Benefiting from the rights of the suspect and accused during prosecution under the criminal procedure law.
- 31- Benefitting from fair trial according to the provisions of law
- 32- Prevention of using a child in immoral and sexual acts
- 33- Protection against kidnapping and trafficking
- 34- Other rights mentioned in the legislative documents.

(2) Ministries and governmental organizations and other relevant organizations are obliged to observe the rights mentioned in section (1) of this article.

The right to live

Article Thirteen:

(1) A Child who is born alive has the natural right to live (as a gift of Allah) and shall be protected in accordance with the provisions of this law and other legislative documents.

(2) Ministries and governmental and non-governmental organizations are obliged to take and apply appropriate measures to ensure the right to live and healthy growth for the child.

Right to have a name

Article Fourteen:

- (1) A child at the birth has the right to have an appropriate name.
- (2) Parents, guardians or legal representative are obligated to choose an appropriate name for the child after her/his birth and register her/his identity in the relevant offices according to the provisions of law.
- (3) Name of the child should not have humiliating content or insult the dignity of the child, or against the religious beliefs.
- (4) If the child is not satisfied by the name chosen by her/his parents, guardian or legal representative, he/she can change the name in accordance with the provisions of law.

Right to have Identity

Article Fifteen:

- (1) A child at the birth has the right to have an identity.
- (2) Affairs related to the child identity should be regulated in accordance with the provisions of law.

Right to Maintain Identity and parentage

Article Sixteen:

- (1) Adoption of a person whose lineage is known shall not have the effects resulting from proof of parentage, such as alimony, custodial remuneration, inheritance, prohibition of marriage and prohibition of marriage with a divorcee.
- (2) A child with no identity and orphan child without legal guardian or executor can be taken for guardianship, in accordance with the provisions of law.

Right to Birth Registration

Article Seventeen:

(1) Health center officials are obliged to record, at the time of birth, child's date of birth, sex, name and surname, and her/his parents' name, nationality, residence, and occupation, on the specific registration card and give it to the parents.

(2) Following individuals are obliged to inform the nearest population registration office within one month from the birth of a child and obtain the specific birth registration card:

1- Health center officials where the child is born

2- Family of the child

3- Head of the village or district representative

(3) The specific birth registration cards are provided by the population registration office and are distributed for free.

(4) The Health Center, where a child is born and has died, is obliged to inform the population registration office of the date of birth and death of the child.

(5) Whenever the fetus is dead before birth, at first the birth and then the death is recorded. If the death of the fetus is before the sixth month of pregnancy, only the death is recorded.

(6) In areas where is no health center, the community leader is obliged to record the birth and within 7 days of recording provide it to one of the health centers or population registration offices.

(7) The health center is obliged to send the birth registration form to the population registration office within three days of birth registration.

(8) Afghan nation parents of a child, that is born abroad, are obliged to inform the political or consulate agency of Afghanistan resides there, of the birth or death of

their child within three months or to inform the population registration office within thirty days of their arrival to the country.

(9) The population registration office is obliged to issue the national identity card for the child in consideration of her/his birth card, according to the provisions of the population registration law.

Contents of Birth Registration Form

Article Eighteen:

The birth registration form contains the following information:

- 1- Name and surname of the child
- 2- Father name
- 3- Mother name
- 4- Grandfather name
- 5- Date of birth
- 6- Place of birth
- 7- Tribe
- 8- Nationality
- 9- Residence
- 10- Sex (male or female)
- 11- Residencial place and occupation of the parents of the child
- 12- Blood Group
- 13- Other information deemed necessary by Ministries of Interior Affairs and Public Health.

Right to breastfeed With Mother's Milk

Article Nineteen:

- (1) From birth, a child has the right to be breastfed by his/her mother for two complete years unless her/his mother has an acceptable excuse.
- (2) Other issues related to child breastfeeding with mother's milk shall be regulated according to the regulation on child breastfeeding with the mother's milk.

Oversight and Ensuring Safety

Article Twenty:

Relevant ministries and governmental organizations are obliged to undertake necessary measures for overseeing on implementation of the provisions of this law and ensuring the safety of the children.

Improvement of the Life Standard of Child

Article Twenty One:

Relevant ministries and governmental organizations are obliged to undertake measures to assist legal representatives of the child, considering the relevant financial resources, in a manner that they can provide the child with appropriate food, clothes, and housing, and improve the life standard of the child.

Prohibition of Child Exploitation

Article Twenty Two:

- (1) Any forms of economic or sexual exploitation of children is prohibited.
- (2) Relevant ministries and governmental organizations are obliged to undertake necessary measures to avoid child exploitation.

Prohibition of Child Harassment

Article Twenty Three:

- (1) Application of any forms of physical and mental harassment against a child is prohibited.

(2) No one can be a cause of spiritual, physical or mental harassment of the child; the perpetrator shall be prosecuted in accordance with the provisions of law.

Right to Custody and Breastfeeding

Article Twenty Four:

According to the provisions of law, the child has the right to custody, breastfeeding, alimony, guardianship, and executorship.

Right to Freedom of Religious Minorities' Child

Article Twenty Five:

Children of other inhabited religions in the country are free to pursue their religion and faith and to celebrate their religious and cultural ceremonies alike other children of the country within the scope of the provisions of law.

Growth and Protection of Fetus

Article Twenty Six:

(1) A pregnant woman has the right to conduct medical checkups with the assistance of her family to grow and protect and give a healthy birth to the fetus.

(2) A pregnant woman cannot abort without any legitimate and legal excuse determined by the doctor.

(3) Husband or any other person does not have the right to force the pregnant woman to abort.

Obligations of the Government Regarding Health of Mother and Fetus

Article Twenty Seven:

Relevant ministries and governmental organizations are obliged to undertake necessary financial and health measures for the growth and protection of fetus, healthy birth of child and protection of mother's health.

Chapter Four

Health care

Supervision and Monitoring of Treatment

Article Twenty-Eight:

Ministries and governmental and non-governmental organizations that provide specialized support and health care services and facilities to child, are obliged, each in their concerned areas, to supervise and monitor the care, protection, and treatment of children under the protection, care or physical and mental treatment of the specialized social service organizations or health centers, adhere to the standards laid out by the concerning health care authorities.

Child's Right to Access to Appropriate Health Services

Article Twenty-Nine:

(1) Relevant ministries and governmental organizations are obliged, each in their relevant areas, to undertake necessary measures, for child access to appropriate health services, as follows:

1. Taking necessary measures to reduce infant and child mortality rate.
2. Expanding primary health care and necessary medical and preventive health care services.
3. Fighting against infectious diseases and malnutrition within the framework of primary health care.
4. Providing adequate nutrition and safe drinking water.
5. Prenatal and postnatal health care to mothers.
6. Giving awareness to parents and children on the basics of health and nutrition, benefits of mother's milk, hygiene and environmental hygiene.

7. Expanding preventive health care, guidance for parents and family about learning methods of establishing a healthy family and their relevant services.

8. Raising awareness about the harmful effects of traditional treatments and taking measures to prevent them.

9. Fighting against superstition and other negative traditions that are harmful to the health and wellbeing of a child.

(2) Other child health-related issues should be regulated in accordance with the relevant legislative document.

Right to Vaccination

Article Thirty:

(1) Parents or legal representative of the child are obliged to presenting the child for an initial vaccination in nearest vaccination center within (24) hours of the date of birth.

(2) Parents or legal representative of the child are obliged to obtain the child vaccination specific card from nearest vaccination center and complete the child all vaccines in the specified date.

(3) The relevant ministries and governmental organizations are obliged to provide conditions for child access to free vaccination in accordance with the relevant legislative document.

(4) Governmental and private health centers are obliged to administer vaccines mentioned in section (1 and 2) of this article for free.

Guidance on Family Planning

Article Thirty One:

Ministry of Public Health and other relevant ministries and governmental organizations are obliged to take necessary measures through publicity and guidance, for the establishment of healthy family and avoiding back to back births

that cause infant mortality and malnutrition and creates obstacles and problems for child nurture.

Right to Have Health Card

Article Thirty-Two:

Ministry of Public Health, for recording the required health services, is obliged to prepare a health card that records all required information regarding the physical and mental treatment of the child.

Presenting Health Card

Article Thirty-Three:

(1) Parents or legal representative of the child are obliged to present the health card of the child while visiting a health center or a doctor.

(2) Parents or legal representative of the child are obliged to bring the child for health checkups to the health center at least once a year.

Chapter Five

Rehabilitation of Child With Disability

Physical and Mental Rehabilitation

Article Thirty-Four:

The relevant ministries and governmental organizations are obliged to undertake necessary measures to achieve physical and mental rehabilitation of the child, who is harmed due to negligence, exploitation or sexual abuse, torture or any other forms of harsh, inhuman, and degrading treatment or punishment and/or armed conflicts, such rehabilitation and re-accommodation shall be assisted for the child health, self-esteem, and dignity.

Protecting Victim Child

Article Thirty-Five:

The relevant governmental organizations are obliged to take necessary measures to protect victim child and undertake necessary steps to treat, rehabilitate and protect such children.

Protecting Child with Disability

Article Thirty-Six:

(1) Ministries of Labor and Social Affairs and Public Health and other relevant organizations are obliged to protect a child with disability against actions which are causing harm to the health, physical & mental development, emotional and social status of the child.

(2) A child with disabilities shall receive rehabilitation services (providing social, mental, medical, educational and occupational services) free of cost.

(3) The relevant ministries and governmental organizations are obliged to provide special social protection to a child with a physical or mental disability, in a way that enables her/him to improve self-confidence and have a respectful live and active participation in the society.

(4) The relevant ministries and governmental organizations are obliged to establish special and accessible places and sites with the necessary equipment, to ensure access of children with disabilities to education, internship, health and rehabilitation services, employability, entertainment, and sports opportunities.

Conducting Educational Courses for Children with Disabilities

Article Thirty-Seven:

(1) Ministry of Education in cooperation with the Ministry of Labor and Social Affairs is obliged to conduct vocational and educational courses, suitable to the abilities and talents of children with disabilities, to educate and train them.

(2) Ministry of Labor and Social Affairs is obliged to provide employment opportunities for the children graduated from the courses mentioned in section (1) of this article, suitable to their age, abilities, and residence.

(3) Ministry of Education is obliged to provide a monthly list of children with disabilities, who are graduated from the courses mentioned in section (1) of this article, to the Ministry of Labor and Social Affairs.

Recruitment of Children with Disabilities

Article Thirty-Eight:

Employers who recruit fifty or more employees in one or different locations, for internship or apprenticeship, are obliged to recruit at least four percent of these employees from children with disabilities introduced by the Ministry of Labor and Social Affairs, according to the provision of labor law, provided that the work does not cause physical or mental harm to them.

Prohibition of Use, Purchase, and Selling of Narcotics by Children and Their Treatment

Article Thirty-Nine:

(1) The relevant ministries and governmental organizations are obliged to undertake appropriate measures, based on the provisions of law, to protect children from illegal use of narcotics and intoxicants and to prevent production, transportation, and selling of narcotics and intoxicants by children.

(2) The government is obliged to take measures for the treatment of addicted children in rehabilitative health centers.

Social Protection and Rehabilitation

Article Forty:

The relevant ministries and governmental organizations are obliged to provide conditions, in accordance with the provisions of law, for social protection and rehabilitation of children with disabilities, to take active participation in the society.

Information Exchange

Article Forty One:

The relevant ministries and governmental organizations are obliged to provide conditions, in the framework of international cooperation, for exchanging necessary information regarding preventive, therapeutic, and psychological health cares for children with disabilities and building the capacity and skills of relevant medical employees and improvement of their experiences.

Chapter Six

Social Services

Right to Rest, Entertainment and Recreation

Article Forty-Two:

(1) The child has the right to rest, vacation, entertainment (beneficial entertainments), and, considering her/his age, has the right to open participation in artistic, entertainment, comfortable, and cultural activities.

(2) The relevant ministries and governmental organizations are obliged to ensure equal and free enjoyment of the rights mentioned in section (1) of this article to all children.

(3) Ministry of Urban Development and Land Authority and municipalities are obliged to consider children entertainment parks in the city maps, to ensure the children right to entertainment. These sites, under any circumstances, are not changeable to other places.

Establishing Nursery and Kindergarten

Article Forty-Three:

(1) Ministry of Labor and Social Affairs, in cooperation with other relevant ministries and governmental and non-governmental organizations, shall establish nurseries and kindergartens for caring, protecting, nurturing and educating of the related employees' children in their workplaces, considering the following conditions:

- 1- Social protection of children and the development of their talents and skills.
- 2- Physical, mental, cultural, and ethical preparation of children, in consideration of the objectives and values of the religion and faith of society.
- 3- Helping family in caring, nurturing, and growing of the children.
- 4- Ensuring social relations among kindergartens and families of children.

(2) Ministry of Labor and Social Affairs, concerning the city plans and based on the needs of residents, is obliged to establish nurseries and kindergartens in residential areas, in accordance to the relevant legislative documents, for caring, protecting, nurturing and educating of children.

(3) Officials of Organizations are obliged to establish nurseries and kindergartens, in accordance with the relevant legislative document, for caring, protecting, nurturing and educating of the related employees' children in their workplaces.

(4) Administration of nurseries and kindergartens are obliged to do daily observance of the relevant children health and provide conditions for performing systematic medical checkups and diagnosis of ill children and providing first medical aids for them.

(5) Administration of nurseries and kindergartens are obliged to provide nurturing and education services to all children on an equal basis without any discrimination.

(6) Ministry of Labor and Social Affairs is obliged to monitor the situation of children in the nurseries and kindergartens, in accordance with the provisions of relevant legislative documents.

(7) Conditions for accepting children in nurseries and kindergartens and other related issues should be regulated in accordance with the relevant legislative document.

Establishing Orphanages

Article Forty Four:

(1) Ministry of Labor and Social Affairs is obliged to establish orphanages for growth and nurturing and ensuring the livelihood of indigent and without guardian orphan.

(2) Issues related to the acceptance of children in orphanages mentioned in section (1) of this article shall be regulated in accordance with the relevant legislative document.

Providing Social Insurance

Article Forty-Five:

To ensure the safety of children and provide social insurance for them the relevant ministries and governmental organizations, based on the financial resources of the child or her/his legal representative, are obliged to provide and expand social insurance contracts for the child.

Establishment of Welfare Fund

Article Forty-Six:

(1) Ministry of Labor and Social Affairs, in cooperation with the Ministry of Finance and contribution of generous persons, is obliged to establish welfare fund, for protection and rehabilitation of children with disabilities and other vulnerable children.

(2) Domestic and foreign natural and legal persons can contribute to the fund mentioned in section (1) of this article.

(3) Ministry of Labor and Social Affairs is obliged to indicate specific amounts, in their annual budget, to be transferred to the welfare fund.

(4) Ministry of Labor and Social Affairs is obliged to pay the following children till completion of 18 years of age, considering the financial and budgetary possibilities, a monthly remuneration from the welfare fund mentioned in section (1) of this article, in accordance to the procedure of welfare fund:

- 1- Indigent orphan child and child whose father or parents are unknown.
- 2- Child whose father or mother, or both are imprisoned, lost or absent and no financial resource exists for their livelihood.
- 3- Child whose mother has got married or imprisoned or has died and has no other breadwinner.
- 4- Other children who are entitled by the court for care and guardianship

Protection of Children at Risk, Unusual and Abandoned Children or in Need of Care

Article Forty-Seven:

(1) Ministry of Labor and Social Affairs and other relevant organizations, to protect children at risk, unusual, or in need of care, shall take the following measures:

1- Ensuring the safety and protection of children against harassment, violence, and misuse, in orphanages and specialized social services organizations for the children.

2- Protection of children who have been exploited, and their registration into technical and vocational educational centers.

(2) Ministry of Labor and Social Affairs undertakes necessary measures for the protection of children who have been ordered by the court to perform social services or have been sent to specialized social service organizations.

(3) Other issues related to the children mentioned in section (1) of this article, should be regulated in accordance with the relevant legislative document.

Chapter Seven

Education

Equal Right of Child to Educational and Learning

Article Forty-Eight:

Children including girls and boys, in accordance with the provisions of law, have an equal right to nurturing, education and learning.

Free and Compulsory Education

Article Forty-Nine:

(1) Intermediate or basic education is compulsory in Afghanistan.

(2) Pre-school, intermediate, secondary, technical, professional, vocational, artistic, and formal Islamic educations, in public educational and training institutions, are provided for free.

Providing Conditions for Education and Learning

Article Fifty:

Ministry of Education is obliged to undertake and implement the following measures for children access to education and learning:

- 1- Providing conditions for free and compulsory secondary education in the country.
- 2- Expanding secondary, including general and professional, free education and providing financial assistance to people in need, within the financial capabilities of the government.
- 3- Providing information and necessary educational and professional guidance and ensuring children have access to it.
- 4- Encouraging parents or legal representatives of the child to enroll their children into educational institutions.
- 5- Designing and implementing necessary plans for persuading children to attend school regularly and decreasing the level of failing and terminating of them from schools.
- 6- Overseeing the design and implementation of educational curricula and programs, including public and private schools, adherence to the international standards

Prohibition of Deprivation from Education

Article Fifty One:

No one including parents, guardian or employer has the right to hinder education and learning of a child. Government is obliged to undertake necessary measures to provide conditions for the education of the child.

Ensuring Order and Discipline in Schools and Madrasas

Article Fifty-Two:

Ministry of Education shall be responsible to adopt necessary measures for the implementation of order and discipline, which are in accordance with the dignity of children, in public and private schools and religious Madrasas.

Fighting illiteracy and Promoting Modern Teaching Methods

Article Fifty Three:

Ministry of Education shall attract, develop and expand international assistance regarding education, especially in removing ignorance, illiteracy, and lack of knowledge all over the country and to ensure child access to scientific and technical knowledge and modern teaching Methodologies.

Education of Indigent and Children with Disabilities

Article Fifty-Four:

- (1) Ministry of Education is obliged to provide free special education for children with disabilities in public schools.
- (2) Private educational institutions are obliged to provide educational facilities, in accordance with the law, for a child with disability, indigent, and child without guardian with low fees than other children, considering financial resources of their parents or legal representative.

Design and Implementation of Educational Programs

Article Fifty-Five:

Ministry of Education is obliged to design and implement educational programs in the following manner:

- 1- Creating and improving child behavior to respect parents, observe cultural identity, language, and values and to respect the national values of the country.
- 2- Create a sense for the child to respect the Human rights and freedom of others.

- 3- Ensuring the safety and security of the child in public and private educational institutions.
- 4- Providing conditions for the promotion of child personality, talents, and physical and mental skills.
- 5- Including necessary subjects and topics in the educational curricula.
- 6- Preparing children to continue living in the spirit of social responsibility, peace, friendship, toleration, patience and equality and friendship between all members of the society, including racial, religious and national groups.
- 7- Creating a sense of respect for the environment.

Prevention of Teachers Violence

Article Fifty-Six:

- (1) Ministry of Education is obliged to take necessary measures to prevent violence by teachers against a child.
- (2) Other issues related to the children education shall be regulated in accordance with the relevant legislative document.

Chapter Eight

Cultural Development of Child

Right to Freedom of Speech and Expression

Article Fifty-Seven:

- (1) The child has the right to freedom of thought, speech, and expression which include searching, discovering and accessing various types of information such oral, written, published or art piece and/or other means of information and their usage according to the choice of a child in accordance with the provisions of law.
- (2) Utilizing the rights mentioned in section (1) of this Article is not limited, unless they are in contradiction with the provisions of law, against the protection of national security, general order and ethics, or cause harm to the freedom and rights of others.

Intellectual Growth and Mental Development of Child

Article Fifty-Eight:

- (1) Relevant ministries and governmental organizations are obliged to provide conditions, considering the age and level of Intellectual growth and mental development of the child, to freely express her/his ideas pertaining to issues which have a positive impact on a child life.
- (2) Relevant ministries and governmental and non-governmental organizations are obliged to adopt necessary measures for physical, mental, intellectual, spiritual, moral, and social growth and development of the child.
- (3) Parents or legal representative of the child are obliged to facilities appropriate living conditions, within their financial capabilities, for the development of the child.

Access of Children to Information

Article Fifty-Nine:

Relevant ministries and governmental organizations are obliged to adopt the following measures for children to have access to information beneficial for the purpose of improvement of their social, mental, spiritual situation, and physical and mental wellbeing:

- 1- To motivate mass media officials for broadcasting information that have cultural and social resources for children.
- 2- To motivate international organizations and institutions for assistance in producing, exchanging, and distributing information and material from various relevant resources.
- 3- To motivate international organizations and institutions for the production and distribution of children books.
- 4- To motivate mass media officials for consideration of language and needs of children relevant to tribal minorities.
- 5- Protection of children from information and materials whose publication and distribution is considered harmful to children and cause deviation in their morality and encourage them towards racial, tribal, lingual, religious and regional extremism.

Right to Establish Associations

Article Sixty:

(1) Children, according to the law, have the right to establish literary and cultural associations and peaceful gatherings. This right cannot be limited unless in the circumstances which disrupt protection of national security, general order and ethics, public health, and freedom and rights of others.

(2) Government is obliged to provide conditions for the establishment of associations mentioned in section (1) of this article.

Prohibition of Use of the Children in Political Activities

Article Sixty-One:

Using children as means in political activities including demonstrations, gatherings, and strikes are prohibited.

Chapter Nine

Protection of Child Worker

Protection of Child from Economic Exploitation

Article Sixty-Two:

- (1) Relevant ministries and governmental organizations are obliged to take necessary measures to prevent children recruitment in work for exploitation or heavy labor including misuse of a child for begging or in works hazardous to the physical, mental, psychological, or social wellbeing of children, or in work which disrupts child education and learning.
- (2) Relevant ministries and governmental organizations are obliged to adopt legal, administrative, social and learning measures, considering following issues, to ensure implementation of the provisions of section (1) of this article:
 1. Determining and specifying the minimum age of recruitment in accordance with the international conventions and labor law.
 2. Determining and specifying working hours and eligibility for recruitment.
 3. Stipulating appropriate sanctions including disciplinary actions and punishment for abiding the provisions of this law.

Prohibition of Adolescent Recruitment

Article Sixty-Three:

- (1) Adolescent recruitment to works which are physical, heavy, hazardous to health and underground, overtime, or traveling for performing official duties are prohibited in accordance with the labor law. The offender shall be punished in accordance with the provisions of the law.
- (2) Adolescents who have completed 15 years of age, can be recruited as an internee in accordance with the provisions of law.

Chapter Ten

Separation of Child from Parents

Prohibition of Child Separation from Parents

Article Sixty-Four:

- (1) The child has the right to always be with her/his parents.
- (2) No person can separate a child from her/his parents without the consent of parents, except if the child has been neglected or exploited and/or due to the separation of their parents the child faces harm, in all circumstances the best interests of the child should be maintained.
- (3) Relevant authorities are obliged to take the required measures to prevent child separation from parents.
- (4) In the situation mentioned in section (2) of this article, the court, while taking its decision, shall give the right to both sides to express their view and file a lawsuit.

Ensuring Direct Contact of Child with Parents

Article Sixty-Five:

- (1) Relevant ministries and governmental organizations are obliged to provide conditions for the personal and direct contact of a child, who is separated from one or both parents, with the parents, except if it is contrary to the child's best interest.
- (2) Where child parents or one of them and/or guardian of child is under detention or, based on the court decision, is sentenced to imprisonment, or dies, upon the request of parents, child, or guardian, they should be provided essential information concerning the death or location of detention, imprisonment or residence of absent person, unless the provision of information would be contrary to the child's best interests.
- (3) Persons have present request mentioned in section (2) of this article, shall be legally protected and it entails no adverse consequences for the persons concerned.

Joining Child to Family Members

Article Sixty-Six:

- (1) Where a child or her/his parents have a travel request in or out of the country for joining each other's family members, the relevant governmental organizations, in accordance with the provisions of law and depending on

circumstance, are obliged to issue passport or visa and provide them with the necessary travel facilities within the country.

- (2) A child whose parents or one of them reside out of the country shall have the right to maintain, on a regular basis, personal relations and direct contacts with them. Except in exceptional cases, such as ensuring the protection of national security, general order, and ethics, harming the freedom and rights of others or violating the rights under this law.

Ensuring Protection in the Family Environment and Communications

Article Sixty-Seven:

The child has the right to privacy in her/his home and family, or communication, and is not interfered illegally, unless, otherwise the Islamic Sharia or law has provided differently. In case of violation, the offender shall be prosecuted.

Chapter Eleven

Guardianship and Protection of Child

Guardianship of Child Separated from the Family

Article Sixty-Eight:

- (1) If the child is temporarily or permanently separated from her/his family environment or living with her/his family member or members is against the best interest of the child, the relevant governmental organizations are obliged to keep her/him under protection and guardianship.
- (2) Relevant persons and governmental organizations are obliged to protect, care and keep the child, mentioned in section (1) of this article, under guardianship in such a way that might be an alternative to the protection and care of her/his parents.
- (3) In the situations, mentioned in section (1) of this article, tribal, religious, cultural, and lingual affiliations shall be taken into account.

Rights and Obligations of Guardian Before Child

Article Sixty-Nine:

- (1) The mutual rights and obligations of guardian and child, concerning care, protection, etiquette, respect, and compassion, are the same as religious and legal rights and obligations of parents and child between each other.
- (2) Guardian of a child, in accordance with the provisions of law, regarding the child, has the same responsibilities as the legal guardian or executor of a will in civil matters, she/he shall protect, and care the best interests of the child, and prevent harm to the child under her/his guardianship.
- (3) Guardian cannot beat or physically and psychologically torture and/or employ the child to illegal and heavy works.
- (4) Guardian is obliged to provide conditions for education or technical and professional trainings of the child under her/his guardianship.
- (5) Guardian cannot decide on the marriage of the child under her/his guardianship against the provisions of law and without the consent of the child.

Illegal Transfer of Child Abroad

Article Seventy:

No one, including separated parents, can illegally transfer or keep a child abroad.

Prohibition of Child-Transfer Abroad by Guardian

Article Seventy-One:

- (1) The guardian of the child cannot take the child abroad with her/him, unless if the competent court allows to do so and the guardian, in accordance with the provisions of this law, protect the child abroad.
- (2) A child with no guardian is given to the guardian by order of a competent court in accordance with the provisions of law.

Protection of Child Without Guardian

Article Seventy-Two:

- (1) A child whose parents or family members are unknown or does not have a guardian is protected according to the provisions of law.
- (2) Issues related to guardianship of child are regulated in accordance with the provisions of the relevant law.

Protection of Refugee Children

Article Seventy-Three:

A child, parents or one of them or/and guardian of the child shall be protected in accordance with the provisions of law while seeking asylum.

Access to information to Join Parents

Article Seventy-Four:

Relevant ministries and governmental organizations, in accordance with the provisions of article (59) and (66) of this law, are obliged to adopt necessary measures to provide access to information for children, from national or international sources, or for those immigrant child that needs necessary information to trace her/his parents or other family members for reunification with her/his family.

Chapter Twelve

Prohibition of Child Recruitment in Military Activities

Prohibition of Recruitment

Article Seventy-Five:

Recruitment of a child and using her/him in military forces, including Ministries of Defense and Interior Affairs and General Directorate of National Security forces, or forces of other organizations with military structures, is prohibited. This action is considered a violation of the child's human rights and the perpetrator is prosecuted in accordance with the provisions of law.

Observance of International Humanitarian Law

Article Seventy-Six:

- (1) Relevant ministries and governmental organizations are obliged to observe international humanitarian law, especially the attached Protocols to the Geneva Conventions on Children in Armed Conflicts.
- (2) Relevant ministries and governmental organizations, in accordance with the provisions of law, are obliged to prevent the use and recruitment of children, who have not completed the age of 18 years, in the armed forces and participation in armed conflicts.
- (3) Ministries and governmental organizations are obliged to take and implement necessary actions to ensure the protection of children who have been affected by armed conflicts.
- (4) Other issues related to the child in armed conflicts shall be regulated in accordance with the relevant legislative document.

Chapter Thirteen

Child Violations

Criminal Liability of Child

Article Seventy-Seven:

- (1) Undiscerning child or a child who has not completed seven years of age and discerning child or a child who has completed seven years of age but has not completed twelve years of age, if committed a violation has no criminal liability.
- (2) The adolescent child, who has completed twelve years of age but has not completed eighteen years of age, in case of committing a violation, has criminal liability.
- (3) When a child mentioned in section (2) of this article has committed a violation, shall be prosecuted in accordance with the provisions of law.

Arrest, Detention, and Confinement of the Child

Article Seventy-Eight:

- (1) A child cannot be perused, arrested and detained, unless in accordance with the provisions of law.
- (2) Arrest, detention, and confinement of the child, in accordance with the provisions of law, shall be used only as a measure of last resort and for a short period of time for their correction and rehabilitation.
- (3) No child shall be sentenced to confinement, unless by the verdict of a competent court and in accordance with the provisions of the law that has entered into force before the alleged action has been committed.
- (4) A child against whom a case is filed or is accused of violation of law is recognized innocent until she/he sentenced by the final verdict of a competent court.
- (5) Court, in determining the duration of confinement, shall consider minimum possible duration in accordance with the provisions of law.

Prohibition of Torture, Imprisonment and Capital Punishment

Article Seventy-Nine

- (1) The child shall not be subject to torture or punishment, and degrading, cruelly, and inhumanly treatments.

(2) The child shall not be sentenced to imprisonment or capital punishment.

Treatment with Accused Child

Article Eighty:

Relevant authorities are obliged to behave with the child against whom a case is filed or has committed an act, which is considered crime according to the law, in such a way which is suitable to the development, dignity and human values of the child.

Keeping Children under Detention and Confinement

Article Eighty-One:

- (1) Relevant ministries and governmental organizations are obliged to keep a child who is under detention and confinement separate from adults.
- (2) Juvenile correction and rehabilitation centers' authorities are obliged to observe the behaviors and conducts of the child who is under detention and confinement and provide required facilities for their reintegration to the normal social life.
- (3) Juvenile correction and rehabilitation centers' authorities, except in exceptional situations, are obliged not to restrict contact and visit of the child with her/his family.
- (4) Juvenile correction and rehabilitation centers' authorities are obliged to submit the report on the child's rehabilitation progress and execution of recommended orders to the court, as deemed necessary.
- (5) Juvenile correction and rehabilitation centers' authorities are obliged to provide conditions for access of a child under confinement to the social, educational, vocational, and psychological, and health services, considering her/his age and sex requirements.

Rights of Suspect and Accused child

Article Eighty-Two:

Suspect and accused child and her/his legal representative, considering the principle of the child's best interests, have the following rights:

- 1- knowing the crime charged with.
- 2- Immunity from arbitrary arrest or detention
- 3- Immunity from insult, humiliation, physical and mental torture, and any form of inhuman treatment.
- 4- Hearing witnesses whose testimonies are in her/his benefit.
- 5- Benefiting from the right to be silent
- 6- The right to defense and access to a free defense lawyer.
- 7- Right to have interpreter, in case of need, for free.

- 8- Access to documents and evidence of the case.
- 9- Right to object the proceedings of judicial institutions.
- 10- Prosecution without delay, in accordance with the provisions of law.
- 11- Confidential court proceedings.
- 12- Presence of parents or legal representative in different phases of prosecution.
- 13- Other rights that are given to suspect and accused in the Criminal Procedure Code and other relevant procedural laws.

Proceeding of Child Cases

Article Eighty-Three:

- (1) Justice and judicial authorities are obliged to inform the child, directly and, if appropriate, through her/his parents or guardians, of the charges against her/him, and to provide legal aids and other all necessary facilities for the preparation of her/his defense.
- (2) Justice and judicial authorities are obliged to proceed children related cases, in accordance with the provisions of law, without delay, independently and impartially, taking into account the mental situation and age of child, and situation of her/his parents or legal representative, in the presence of defense lawyer or legal assistant.

Right to Free Defense and Appointing Legal Assistant

Article Eighty-Four:

Justice and judicial authorities are obliged to provide conditions for free access of suspect and accused children, especially children under detention and confinement, to legal advises and assistance, to enable them, with the help of defense lawyer or legal assistant, defend themselves, in all phases of prosecution and ask the court and other relevant authorities the reasons depriving her/him from freedom.

Right to Appeal

Article Eighty-Five

If the accusation on a child is proofed, the child, in accordance with the provisions of law, has the right to appeal to the second and third instance courts and to ask for reconsideration of the case.

Right to Appoint Interpreter

Article Eighty-Six

If the child does not know the language used in court proceedings, she/he is given free access to an interpreter.

Prohibition of Physical and Mental Excruciation

Article Eighty-Seven:

- (1) Implementation of any kind of torture, unjust punishment, and inhuman, cruel and derogatory treatment to children are prohibited.
- (2) No one can beat and physically and mentally excruciate the child.
- (3) The perpetrator of crimes mentioned in sections (1) and (2) of this article shall be punished in accordance with the provisions of law.
- (4) Relevant ministries and governmental organizations, each in their relevant areas, are obliged to take required measures to prevent actions mentioned in the sections (1) and (2) of this article.

Not Compelling Child to Give Testimony and Confession

Article Eighty-Eight:

- (1) Justice and judicial authorities cannot compel the child to testify or to confess a crime. Examination, cross-examination, and presence of adverse witnesses and those testifying in favor of a child shall be under the same conditions.

Filing a Lawsuit

Article Eighty-Nine:

Whenever a lawsuit is filed against a child, the relevant ministries and governmental organizations are obliged to provide conditions for preparation of the defense, in accordance with the provisions of law, directly to the child or through her/his legal representative.

Rights of Victim Child

Article Ninety:

Victim child, considering the principle of the child's best interests, has the following rights:

- 1- Observing confidentiality of victim's identity and respecting her/his dignity.
- 2- Access to free emergency medical services.
- 3- Access to support centers, orphanages, and other secure places, upon his consent.
- 4- Having a defense lawyer or legal assistant.
- 5- Payment of compensation to the victim by perpetrator.

- 6- Reintegration to the family and society
- 7- Continuous care of her/his condition/status.
- 8- Other rights foreseen in the legislative documents.

Observance of the Rights of Children of Imprisoned Mothers

Article Ninety One:

- (1) Relevant ministries and governmental organizations are obliged to take required measures to protect the child whose mother is imprisoned with a child under 7 years old and to retain them separated from other prisoners.
- (2) Administration of the prison is obliged to take necessary measures, in accordance with the provisions of the Law on Prisons and Detention Centers, to provide nutrition and facilities for the nurture, education, and health of child whose mother is imprisoned and based on the necessity resides with her in the prison.

Chapter Fourteen

Purchase and Sale, Kidnapping and Trafficking of Child

Prevention of Child Purchase and Sale

Article Ninety Two:

- (1) Purchase and sale of a child and her/his body organs shall be prohibited.
- (2) Government is obliged to prevent purchase and sale of child and her/his body organs by any means and through any person even through her/his parents or any other organization and to prosecute the perpetrator in accordance with the provisions of law.

Protection of Children Against Kidnapping and Trafficking

Article Ninety Three:

- (1) Kidnapping and trafficking of the child shall be prohibited.
- (2) Relevant ministries and governmental organizations are obliged to prevent kidnapping and trafficking of children by any means and for any purpose and to take necessary actions, in accordance with the provisions of law, to ensure the safety of the children vulnerable to trafficking.

Chapter Fifteen

Protection of Children Against Prostitute and Sexual Activities

Prohibition of Violent and illegal Acts Against Child

Article Ninety-Four:

- (1) Violent actions including physical or mental, harming or exploitation, negligence, bad behavior or abuse, including purchase and sale and sexual misuse, against a child shall be prohibited.
- (2) Relevant ministries and governmental organizations are obliged to adopt necessary measures for preventing all acts mentioned in section (1) of this article.

Prohibition of Broadcasting Immoral Movies

Article Ninety-Five:

Ministry of Information and Cultural Affairs is obliged to prevent all kinds of sexual erogenous broadcasting including obscene and immoral movies for children, according to the provisions of law.

Prevention of Exploitation and Sexual Misuse

Article Ninety-Six:

Relevant Ministries and governmental and non-governmental organizations are obliged to prevent all forms of sexual exploitation and misuse of children, including persuasion or coercion of a child to engage in every kind of sexual activity or usage in prostitution or other illegal sexual activities or/and in pornographic images and videos.

Prevention of Children from Entering to Deviating Places

Article Ninety-Seven:

Ministries of Information and Cultural Affairs and Labor and Social Affairs, in cooperation with the Ministry of Interior Affairs, are obliged to prevent children from places where they can be morally distracted or from casinos including online casinos and other programs which might have negative effects on the physical, psychological, and moral welfare of child, for protection, development and promotion of their wellbeing.

Prohibition of Publication, Purchase, and Sale of Book, Magazine, and Newspaper with Pornographic Contents

Article Ninety-Eight

- (1) No one can publish or purchase and sell or giving the children access to book, newspaper, magazine, and other publications including obscene movies with pornographic, sexual, violent or discriminatory content.
- (2) Any activity deemed not suitable to the children's moral, by the High Commission on Protection of Child Rights,¹ shall be prohibited.
- (3) Perpetrators mentioned in section (1) and (2) of this article shall be prosecuted.

Prohibition of Bacha Bazi

Article Ninety-Nine:

Bacha Bazi is a crime, any person committing it, privately or publicly, individually or collectively, shall be punished in accordance with the provisions of law.

¹ Based on other provisions of this law this should be (National Commission on Protection of Child Rights)
Translator Note

Chapter Sixteen

Final Provisions

Responsibility of Parents or Guardian to Pay for Alimony of Child

Article Hundred:

If parents or guardian of the child, having financial resources, avoid to pay for alimony, livelihood and other basic needs of the child, the government, in according to the provisions of law, through relevant authorities, shall take necessary actions to force them to pay for the alimony, livelihood and other needs.

Reporting Responsibilities of Institutions

Article Hundred and One:

Relevant ministries and governmental organizations, taking into consideration the following elements, are obliged to submit their annual reports on the implementation of the provisions this law to the National Commission on Protection of Child Rights:

- 1- Identifying existing factors and difficulties in the implementation of the provisions of this law.
- 2- Avoiding repetition of basic information from the previous report.
- 3- Providing answers to the demands of the High Commission on Protection of Child Rights.²
- 4- Sharing reports with the public that they have access to them.

Founded Child (Waif)

Article Hundred and Two:

- (1) A person who finds a newborn baby is obliged to inform the nearest police station or community leader.
- (2) The police station mentioned in section (1) of this article is obliged to prepare a statement form for the child in which information about the child and person who found the child is recorded.
- (3) The Local police is obliged to inform the forensic and population registration offices to assess the age and name the child.
- (4) The relevant health center is obliged to send the recorded form and other documents to the population registration office, within seven days of age assessment and naming of the child.

² Based on other provisions of this law this should be (National Commission on Protection of Child Rights).
Translator note

- (5) The population registration office is obliged to record information of the child mentioned in section (1) of this article, in the birth register.
- (6) If one of the parents of the founded child, comes to the police department and admit that she/he is the father/mother of the child, the police department is obliged to prepare a statement form and send a copy of the form to the relevant population registration office, within seven days from the registration.

Proposing Regulations and Adopting Procedures

Article Hundred and Three:

For better implementation of the provisions of this law, the Ministry of Labor and Social Affairs, in cooperation with other relevant ministries and governmental organizations can propose regulations and adopt procedures.

Implementation of the Relevant Legislative Document

Article Hundred and Four:

Where this law has not provided a provision on issues related to protection and support of the children and other matters related to the children, proceedings will be done in accordance with the provisions of the relevant legislative documents.

Prioritization

Article Hundred and Five:

Where any provisions of other laws contradict the provisions of this law, the provisions of this law shall be given priority.

The function of the Children Protection Action Network

Article Hundred and Six:

The Children Protection Action Network established within the Ministry of Labor and Social Affairs for the protection of children shall function as per the terms of reference approved by the commission mentioned in article nine of this law.

The obligation of Other Entities

Article Hundred and Seven:

The relevant ministries and organizations are obliged to adopt and implement necessary measures, considering their financial resources, to implement the provisions of this law.

Enforcement

Article Hundred and Eight:

This law is considered enforced from the date of endorsement and shall be published in the official Gazette and contrary provisions to it shall be nullified.