



**BROKEN  
CHALK**

Submission to the Universal Periodic Review of the United  
Nations Human Rights Council 4<sup>th</sup> Cycle – 46<sup>th</sup> Session

## **Right to Education**

### **Country Review: Afghanistan**

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**Submitting Organization: BROKEN CHALK**

**October 2023**

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**Broken Chalk** is an Amsterdam-based NGO established in 2020 that monitors and minimises worldwide human rights violations in education. We aim to promote universal and equal access to education for all.

We encourage and support achieving societal peace with our international sponsors and partners by advocating for intercultural tolerance, preventing radicalism and polarisation, and tackling educational inequalities.

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## I. Introduction

1. The following report has been drafted by Broken Chalk as a stakeholder contribution to the fourth cycle of the Universal Periodic Review [UPR] for the Islamic Republic of Afghanistan. As Broken Chalk's primary focus is to combat human rights violations within the educational sphere, the contents of this report and the following recommendations will focus on the Right to Education.
2. Four decades of sustained conflict have heavily affected Afghanistan's educational landscape. Recurrent natural disasters, chronic poverty, drought, and the COVID-19 pandemic have exacerbated the situation for Afghan children and have taken a toll on the fragile education system.<sup>1</sup>
3. The current Taliban policies governing education are enshrined in documents distributed to education officials across different levels within the movement.<sup>2</sup> The Taliban education philosophy follows a unique mixture of Pashtun culture and Islamic law, highly prioritising religious education. However, the Taliban's High Commission for Education also emphasises the need for "modern" education alongside religious teachings.<sup>3</sup>
4. Although the overarching education policy acknowledges the need for secular subjects to be taught alongside religious ones in schools, these statements are directly followed by religiously motivated restrictions that imply that a series of topics included in the state curriculum should be eliminated and not taught (particularly about subjects such as history and biology).<sup>4</sup>
5. The current practices and decisions on education established by the Taliban regime contradict national and international laws. Afghanistan's Constitution (Articles 43-44), adopted in 2004, guaranteed equal access to education for boys and girls. The Education Law 2008 once again addressed equal rights for all children, free and compulsory education until ninth grade, and free education until attaining a Bachelor's degree. At the international level, Afghanistan has ratified the 1948 Universal Declaration of Human Rights (UDHR, Article 26 recognising the Right to Education) and other human rights treaties that reaffirm the Right to Education (i.e. CESCR Articles 13-14; CRC Articles 28-29; CEDAW Article 10).<sup>5</sup>

6. Gender inequality, poverty, and questionable legislation, combined with factors such as traditional gender norms and practices, a shortage of schools, insufficient transportation, and geographical barriers, have led to an estimated 3.7 million Afghan children being out of school, 60% being girls.<sup>6</sup>

## II. Brief overview of the last UN-UPR cycle

7. Afghanistan was under review by the UPR WG 32 in January 2019. The country has received 259 recommendations, of which 236 were supported (an increase of 25% compared to the 2nd cycle in 2014).<sup>7</sup>
8. Out of the 259 recommendations received by Afghanistan during the last UN UPR cycle, 33 were related to education. All of these recommendations were supported. Some of the issues addressed by the recommendations include ensuring access to quality education for asylum-seekers and refugees (recommendation 136.257 by Pakistan), establishing a system to identify and assess the educational needs of children with disabilities, and providing them with inclusive education (recommendation 136.253 by Bulgaria), intensifying efforts to prevent and combat child marriages, fight all forms of violence against children and to promote their rights, including the right to education (recommendation 136.241 by Italy), investing more efforts to provide education for all children in all areas of the country (recommendation 136.184 by Serbia), and stepping up efforts in addressing barriers to education, especially for women and girls (recommendation 138.180 by the Philippines).<sup>8</sup>
9. In its national report prepared for the 2019 review session, Afghanistan emphasised that according to its Constitution and educational law, without any gender discrimination, girls are entitled to enjoy free education up to the undergraduate level.<sup>9</sup> The country also drew attention to its third National Education Strategic Plan (2017-2021), which included such ambitious goals as the provision of accelerated education for children left out of school (50% of which being for girls), provision of literacy courses for women and raising it from 60% to 100% by 2021 and launching awareness increasing programs on the importance of education for girls.<sup>10</sup> Last but not least, the national report showcases several other initiatives of the Ministry of Education, including several courses to educate and promote literacy to the older generation, attempts to equalise

the educational gap between urban and rural areas and an operation plan to improve school security.<sup>11</sup>

### III. Socioeconomic Issues and Barriers

10. The return to power of the Taliban in August 2021 has plunged the country into a humanitarian crisis, accompanied by international isolation and deeper poverty. According to the UN Office for the Coordination of Humanitarian Affairs, the percentage of the Afghan population living in poverty went up from 47% in 2020 to 97% in 2021.<sup>12</sup> A lack of social protection and an exodus of professionals, including lawyers and teachers, has left sectors such as healthcare and education severely under-resourced and inaccessible to the population.<sup>13</sup>
11. Even before the current humanitarian crisis, half the primary school-aged children in Afghanistan were not enrolled in school, with rural areas notably lacking adequate infrastructure, educational materials, and qualified teachers (predominantly female educators). Girls, children with disabilities, and children from ethnic and religious minorities have suffered the most from the increasing gaps and inequalities in access to education.<sup>14</sup>
12. Afghanistan has one of the lowest literacy rates in the world, with 57% of the adult population unable to read and write, according to data from 2018 collected by UNESCO. Moreover, we observe a significant-gender gap, with 80% of women being illiterate compared to 51% of men. Literacy rates also vary depending on the family's socioeconomic status or whether they live in an urban or rural region. The disparities are thus intersectional and cumulative. For instance, in 2011, 90% of women living in rural areas were illiterate compared to 31% of men living in urban areas. It must, however, be noted that Afghanistan was making steady progress in addressing this issue, with literacy rates increasing over time (e.g. 32% in 2011 compared to 43% in 2018).<sup>15</sup> More recent data collected by the World Bank in 2021 reveals little change in recent years. Afghanistan's literacy rate is estimated at 23% for women compared to 52% for men, with women in rural areas being less likely to be literate than other groups.<sup>16</sup>
13. Ongoing conflicts in Afghanistan have caused many Afghan families to lose their primary breadwinners. This also has implications for education and the future of boys and young

men, as the eldest brother is culturally expected to care for and provide for the family in the absence of the father. This often leads to young men giving up their education to support their families.<sup>17</sup>

#### IV. Gender Inequalities

14. After seizing power in 2021, the Taliban has denied girls access to education beyond puberty. The ban was introduced temporarily and should have been lifted on 22 March 2023; however, this has not happened.<sup>18</sup> This resulted in 1.1 million girls being prevented from attending secondary school and a 60% decline in women's enrollment in higher education.<sup>19</sup>
15. After the takeover of Kabul by the Taliban, the Afghan education sector shut down for approximately one month due to the instability and chaos. Soon afterwards, in a statement, the Taliban's Ministry of Education explicitly referred to restrictions on girls in society and further mentioned that people “do not want” schools for their female children.<sup>20</sup>
16. In the second month, universities were allowed to reopen under the condition of observing a policy of gender segregation. Public and private universities lacked proper resources to separate classes for male and female students, so they often used a curtain for division. Female students were obliged to cover their faces, and male teachers were not allowed to teach female students.<sup>21</sup>
17. Since September 2021, the return to school for all Afghan girls over 12 has been indefinitely postponed, and in December 2022, university education for women was suspended until further notice.<sup>22</sup>
18. Women's rights activists have protested these decisions and the discriminatory policy of the Taliban. However, they were suppressed and faced violence. Female protesters and organisers were harassed, abused, beaten, and subjected to detention, enforced disappearance, torture, and ill-treatment.<sup>23</sup>
19. The Taliban de facto authorities unjustly deny girls and women their right to education. As Afghanistan is a state party to United Nations human rights treaties, notably the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination Against Women, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the country is obliged to respect, protect, and fulfil the right to

education without discrimination, based on gender or any other ground, and irrespective of the authority in power.<sup>24</sup>

20. The ban on education has further implications for Afghan society and the future of women and young girls. Girls lack spaces to meet, learn, socialise, and develop. Combined with the country's dire economic and humanitarian situation, the ban on education for girls has led to rising rates of child marriage and child labour.<sup>25</sup>

## V. Insufficient Resources and Disruptive Elements

21. Education in Afghanistan is heavily reliant on international aid. External aid represents a large proportion of education expenditure, around 49% in 2020.<sup>26</sup> Thus, international support has been essential in maintaining access to education. However, the Taliban has not readily acknowledged this, which brings uncertainty toward how the situation may develop and how the regime might react to certain conditions that donors may impose.<sup>27</sup>
22. public education expenditure is inadequate at the same time, reaching 3.9% of the country's GDP in 2019. Afghanistan's total government expenditure on education stands at 12%, compared to the international benchmark of 15-20%. Estimates calculated before August 2021 suggested that the total budget allocated to education would have to be doubled between 2020 and 2025 to increase student enrolment by 2.5%.<sup>28</sup> The situation seems to be deteriorating further, as the most recent values dating from 2020 indicate a drop in government expenditure on education, standing at 2.9% of the GDP, a whole per cent lower than the previous year.<sup>29</sup>
23. The instability in Afghanistan has severely impacted its education system. Even during the rule of the Islamic Republic of Afghanistan, the threat posed by the Taliban continued to be a significant concern for the education sector. Additionally, the conflict between the Taliban and ISIS-K has led to attacks on educational institutions, including the American University of Afghanistan (August 2016) and Kabul University (November 2020).<sup>30</sup>
24. Widespread corruption represents an additional barrier to education in Afghanistan. The corruption within the Ministry of Education has been responsible for several malpractices, including the presence of 40,880 fraudulent teachers on payroll, 1,033 fictitious schools, and the embezzlement of over 20 million USD.<sup>31</sup>

25. Higher education in Afghanistan faces numerous challenges, including scarce learning resources, limited opportunities for further education and career growth for graduates, and low employment prospects for those who completed their studies. Additionally, due to the low salaries in the public sector, many academic staff members take up additional work in the private sector, which has led to a weak teaching and research culture in both public and private higher education institutions.<sup>32</sup>

## VI. Two Decades of Progress Under Threat

26. Despite the security issues, corruption, resource and cultural barriers to education, since 2001, the Afghan education system has undergone significant improvements. The Islamic Republic of Afghanistan sought to end the spread of violence and hatred through education.<sup>33</sup> Through sustained efforts, enrolment at all education levels has increased tenfold over the past two decades. Substantial gains have been made for girls and female literacy, with the number of girls in school rising from practically **0 to 2.5 million in 2018** and nearly doubling the female literacy rate. Efforts were made to expand the school network across the country, with legal and policy actions being taken to modernise and improve the quality of education.<sup>34</sup>

27. The two decades of sustained progress are now encountering fragility and are actively threatened following the Taliban's return to power in 2021. Besides the obvious negative impacts on women and girls and their effective ban from education, the Taliban regime also affects the Afghan education system negatively in several ways.

28. The American University of Afghanistan, one of the few internationally accredited universities in the country, has been closed for political reasons. Additionally, the ban on education for girls and women has led to a substantial decrease in enrolment numbers and the subsequent bankruptcy of several other educational institutions, limiting the accessibility of higher education in Afghanistan.<sup>35</sup>

29. Research funding and university projects have been discontinued, including in crucial areas for the country, such as agriculture, livestock, irrigation, and water management.<sup>36</sup>

30. University subjects and curriculums are pushed to adopt a strict Islamic focus. A direct result of this has been the removal of fine arts faculties, including music courses, teachings and cultural activities. These changes are detrimental to the cultural heritage



of Afghanistan. They starkly contrast with the actions of previous leaders and regimes that have encouraged and invested in the country's radio, cinema, and culture growth.<sup>37</sup>

31. Academic freedom is currently under threat in Afghanistan, with the country's progress towards establishing free and uncensored educational institutions hindered by recent events.<sup>38</sup>
32. The conversion of schools and learning centres into madrasas in several provinces of Afghanistan demonstrates the aim of the Taliban regime to shift formal educational institutions towards informal ones gradually.<sup>39</sup>
33. It is unclear whether the Taliban accurately appreciates the level of funding and capacity required to maintain current access to education, as there is little indication that education is a current funding priority for the regime – at least insofar as it continues to indirectly benefit from the international funding flowing throughout the Afghan education system.<sup>40</sup>

## VII. Recommendations

34. *Broken Chalk recommends the following measures to address the critical challenges faced by the Afghan education system and promote the right to education for all:*
35. **Upholding International Obligations:** Broken Chalk strongly urges Afghanistan to honour its commitments under international human rights treaties, including the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination Against Women, and the International Covenant on Economic, Social and Cultural Rights, ensuring that the right to education is upheld without discrimination.
36. **Gender Equality in Education:** Broken Chalk calls for the immediate and unconditional lifting of the ban on girls' education. The government should take proactive steps to create a safe and inclusive environment for girls and women to access quality education.
37. **Increase Investment in Education:** Broken Chalk recommends that Afghanistan allocate more of its national budget to education to reach the international benchmark of 15-20%. Additionally, the country should seek increased international support and cooperation to ensure the sustainability of its education system.

- 38. Quality and Access:** Broken Chalk stresses the importance of addressing disparities in educational access. This involves improving infrastructure, providing necessary educational materials, and ensuring the availability of qualified teachers, especially in rural and underserved areas.
- 39. Protection of Educational Institutions:** Broken Chalk calls for decisive action to protect educational institutions from attacks and threats. The integrity of universities should be safeguarded, and academic freedom should be promoted and protected.
- 40. Non-religious forms of education:** Broken Chalk is concerned with the recent conversion of schools and learning centres into madrasas. Formal education should continue to coexist with informal religious education options, promoting a balanced approach to education.
- 41. Transparency and Accountability:** Broken Chalk encourages Afghanistan to increase education funding transparency and prioritise education as a fundamental investment in the country's future.
- 42. Engagement with the International Community:** Broken Chalk calls upon Afghanistan to engage constructively with the international community. This includes ensuring the continued flow of aid and support for education and creating avenues for dialogue and cooperation on improving the Afghan education system. The international community is urged to support education in Afghanistan and actively monitor progress.
- 43. Conflict Resolution and Peacebuilding:** Broken Chalk recommends that the Afghan government actively engage in conflict resolution and peacebuilding efforts to create a stable and secure environment where education can flourish. A peaceful and safe nation is essential for successfully implementing educational initiatives.
- 44. Inclusive Curriculum Development:** Broken Chalk suggests the development of an inclusive curriculum that embraces diversity, respects different cultural backgrounds and promotes tolerance and understanding among students. This curriculum should reflect the country's rich cultural mosaic.
- 45. Youth and Community Engagement:** Broken Chalk encourages the involvement of youth and other communities in decision-making processes related to education. Engaging these stakeholders ensures that educational policies and programs are tailored to Afghan children's and their families' specific needs and aspirations.

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