THE RIGHT TO EDUCATION TO REDUCE POVERTY IN AFGHANISTAN: A LEGAL ANALYSIS UNDER INTERNATIONAL HUMAN RIGHTS LAW

THESIS

Arranged by:

Sabera Hussaini (24912119)

Supervisor: Prof. Dodik Setiawan Nur Heriyanto, S.H., M.H., LLM, Ph.D.

MASTER PROGRAM IN LAW

FACULTY OF LAW

UNIVERSITAS ISLAM INDONESIA

YOGYAKARTA

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I hereby submit this thesis to the Board of Examiners in fulfillment of the requirements for the Master's Thesis Examination at the Faculty of Law, Universitas Islam Indonesia. In relation thereto, I hereby declare that:

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24912119

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Assalamu'alaikum Wr. Wb.

Alhamdulillahirabbil 'alamin.

All praise and gratitude are due to Allah SWT, the Most Merciful and Most Compassionate, for His blessings, guidance, and strength that have enabled the author to complete this thesis entitled **"The Right to Education to Reduce Poverty in Afghanistan: A Legal Analysis under International Human Rights Law."** This thesis is submitted in partial fulfilment of the requirements for the degree of **Master of International Human Rights Law** at the Faculty of Law, Universitas Islam Indonesia.

The completion of this thesis would not have been possible without the support, guidance, encouragement, and kindness of many individuals and institutions. Therefore, the author would like to express sincere gratitude to:

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   Finally, the author acknowledges that this thesis is not free from limitations and shortcomings. Therefore, constructive criticism and suggestions are sincerely welcomed for the improvement

of this work. The author hopes that this thesis will contribute to the development of international human rights law and provide useful insights into the relationship between the right to education, poverty alleviation, and the protection of human rights in Afghanistan.

Wassalamu'alaikum Wr. Wb.

Yogyakarta, September 6th 2026

Sabera Hussaini
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Abstract

Education is a fundamental human right and a key mechanism for reducing poverty and promoting sustainable development. This thesis examines the role of the right to education in poverty reduction in Afghanistan through the framework of international human rights law. It aims to analyze how education contributes to poverty alleviation and to assess Afghanistan's legal obligations to respect, protect, and fulfil the right to education under international human rights instruments. The research employs a normative legal research method using statutory and conceptual approaches. Data were collected through a comprehensive review of international treaties, domestic legislation, judicial materials, academic literature, and reports published by international organizations, and were analyzed using descriptive qualitative methods. The findings reveal that the denial of education, particularly the exclusion of girls from secondary and higher education since 2021, has intensified multidimensional poverty, reinforced structural inequality, and undermined social and economic development. The study further finds that these restrictions violate Afghanistan's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly the principles of equality, non-discrimination, progressive realization, and non-retrogression. Drawing on the Human Rights-Based Approach and Structural Violence Theory, the thesis concludes that ensuring equal access to education is both a legal obligation and an essential prerequisite for sustainable poverty reduction, social justice, and human development in Afghanistan.

Keywords: Right to Education, Poverty Reduction, International Human Rights Law, Afghanistan, Girls' Education.

CHAPTER I

INTRODUCTION

1.1. Background of Study

One of the most illustrative cases after 2021 is that of Amina, a 15-year-old Afghan girl interviewed by the BBC in March 2025.[1] After the Taliban banned secondary education for girls, Amina was forced to abandon her studies, despite her dream of becoming a doctor. She explained that when her father told her schools were closed, she felt devastated, she explained that she wanted to study so she could be a doctor. Without access to education, her chances for skilled employment and economic independence were effectively destroyed.[2] For Amina's family already living in poverty this deprivation ensured that the cycle of socio-economic hardship would persist. This individual narrative reflects a broader lived reality for millions of Afghan girls whose educational exclusion perpetuates poverty and structural inequality.[3]

This paper examines how the post-2021 ban on girls' education in Afghanistan has substantially exacerbated multidimensional poverty and human rights deprivations.[4] Empirical evidence, including individual testimony[5]and statistical indicators from UNICEF,[6] UNESCO, [7]and the World Bank demonstrates that the systematic denial of girls' education has entrenched

[1] Mahjooba Nowrouzi, "Afghanistan: Madrassas the Only Choice for Afghan Girls Barred from School," BBC, March 24, 2025, accessed 2025-08-1, https://www.bbc.com/news/articles/c36wyzl3n00o.

[2] Mahjooba Nowrouzi, "Afghanistan: Madrassas the Only Choice for Afghan Girls Barred from School," BBC, March 24, 2025, accessed 2025-08-1, https://www.bbc.com/news/articles/c36wyzl3n00o.

[3] UNICEF, "Depriving Girls of Secondary Education Translates to a Loss of at Least US$500 Million for Afghan Economy in Last 12 Months," UNICEF South Asia, August 15, 2022, accessed 2025-11-02, https://www.unicef.org/rosa/press-releases/depriving-girls-secondary-education-translates-loss-least-us500-million-afghan?utm_source=chatgpt.com.

[4] UNICEF, "Depriving Girls of Secondary Education Translates to a Loss of at Least US$500 Million for Afghan Economy in Last 12 Months," UNICEF South Asia, August 15, 2022, accessed 2025-11-02, https://www.unicef.org/rosa/press-releases/depriving-girls-secondary-education-translates-loss-least-us500-million-afghan?utm_source=chatgpt.com.

[5] Mahjooba Nowrouzi, "Afghanistan: Madrassas the Only Choice for Afghan Girls Barred from School," BBC, March 24, 2025, accessed 2025-08-1, https://www.bbc.com/news/articles/c36wyzl3n00o.

[6] UNICEF, "Depriving Girls of Secondary Education Translates to a Loss of at Least US$500 Million for Afghan Economy in Last 12 Months."

[7] Unisco, "Afghanistan: Four Years on, 2.2 Million Girls Still Banned from School," UNISCO, August 13, 2025, https://www.unesco.org/en/articles/afghanistan-four-years-22-million-girls-still-banned-school.

intergenerational cycles of poverty, [8] reduced social mobility, and weakened human capital formation.,[9]

Despite Afghanistan's constitutional guarantee of free education and its accession to key international human rights instruments including the ICESCR, [10]CEDAW, [11] CRC, [12] CRPD, and the 1960 Convention against Discrimination in Education the practical realization of the right to education remains fundamentally obstructed. [13] Since 2021, the Taliban's restrictions on girls' secondary and higher education, [14] alongside persistent institutional weaknesses, administrative corruption, and discriminatory socio-cultural norms, have undermined the implementation of these commitments.[15] As a result, education in Afghanistan operates within a context of structural deprivation and gender-based exclusion, where weak enforcement mechanisms and the absence of accountability frameworks allow systemic violations to persist.

Poverty is one of the most important and enduring human challenges in developing societies, having a direct and widespread impact on the lives of millions of people. In addition to the lack of income and assets, this phenomenon has social, legal, cultural, and human dimensions, the most important of which are the deprivation of basic rights such as education, health, housing, and equal opportunities for participation in society.[16] In Afghanistan, the issue of poverty is of particular importance and has been involved in continuous crises caused by

[8] UNESCO, *Protecting the Right to Education for All Afghans | UNESCO* (n.d.), accessed August 14, 2025, https://www.unesco.org/en/emergencies/education/afghanistan.

[9] The World Bank, "Afghanistan – National Reconstruction and Poverty Reduction: The Role of Women in Afghanistan's Future," The World Bank, March 2005, 1–2, https://documents1.worldbank.org/curated/en/391881467989548647/pdf/356061English01stan0Report0on0women.pdf?utm_source=chatgpt.com.

[10] Sital Kalantry, Jocelyn E. Getgen, and Steven A. Koh, "Enhancing Enforcement of Economic, Social, and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR," *HUMAN RIGHTS QUARTERLY* 32 (n.d.).

[11] "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)," in *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies*, 1st ed., by Wade M. Cole (Wiley, 2016), 1–3, https://doi.org/10.1002/9781118663219.wbegss274.

[12] United Nations General Assembly, *Convention on the Rights of the Child* (United Nations / OHCHR, 1989), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

[13] Convention against Discrimination in Education - Legal Affairs, 15 (1960), accessed 15/11/2025, https://www.unesco.org/en/legal-affairs/convention-against-discrimination-education.

[14] Basir Ahmad Hasin, Mir Mohammad Ayoubi, and Nasar Ahmad Shayan, "Challenges and Prospects: Women's Education in Contemporary Afghanistan," *Frontiers in Global Women's Health* 6 (March 2025): 1, https://doi.org/10.3389/fgwh.2025.1477145.

[15] UNESCO(United Nations Educational , Scientific and Cultural Organization), "Afghanistan: 1.4 Million Girls Still Banned from School by de Facto Authorities | UNESCO," UNESCO, June 20, 2024, https://www.unesco.org/en/articles/afghanistan-14-million-girls-still-banned-school-de-facto-authorities.

[16] K. C. Baiju, "Nexus of Multidimensional Poverty and Educational Deprivation among the Social Groups: Evidence from a Developing Country," *Journal of Governance and Regulation* 12, no. 1 (2023): 148–50, https://doi.org/10.22495/jgrv12i1art14.

war, political instability, and economic challenges for more than four decades, all of which have played a direct role in creating and deepening poverty. [17]

The United Nations defines poverty not only as an economic deficiency, but also as a denial of human dignity and deprivation of equal life opportunities. This human-centered definition offers a form beyond a purely financial and economic perspective that considers poverty to have more complex meanings, including restrictions on the active participation of individuals in society, various forms of discrimination, and deprivation of access to basic services. In this context, poverty is considered a structural deprivation that is not only caused by a lack of resources, but also by unequal and discriminatory social and economic systems.[18]

In Afghanistan, by United Nations and international organizations estimates, over 42 percent of the entire population in the country lives below the poverty line, and about 20 percent are on the verge of falling into poverty. These figures indicate the breadth and depth of poverty in the country, in addition to which, vulnerable groups such as women, children, people with disabilities and internally displaced people are severely affected by multidimensional deprivations. These deprivations include limited access to education, decent health services, safe housing and social protections, which severely threaten the lives and future of these groups. [19]

The Multidimensional Poverty Index (MPI), [20] developed by the United Nations Development Programmed (UNDP) and the Oxford University Human Development Initiative, shows that poverty in Afghanistan goes beyond a lack of financial income and encompasses a wide range of deprivations, including the quality of education, health, housing, food security, and lack of opportunities for social participation. The MPI shows an increase of 5.3 million people in the multidimensional poor population in the country between 2015 and 2023, with more than 64 percent of the population living in multidimensional poverty. This worrying trend, following the severe restrictions of Taliban rule on key areas such as education and

[17] United Nations Development Programme, "Fragile Gains, Deepening Subsistence Insecurity:(*Afghanistan Socioeconomic Outlook 2023–2024* (New York: UNDP, 2024), 5–7, accessed May 30, 2025, https://www.undp.org/afghanistan/fragile-gains-deepening-subsistence-insecurity-

[18] dpicampaigns, "Goal 1: End Poverty in All Its Forms Everywhere," *United Nations Sustainable Development*, n.d., accessed July 24, 2025, https://www.un.org/sustainabledevelopment/poverty/.

[19] United Nations Development Programme, "Fragile Gains, Deepening Subsistence Insecurity (2023–2024)."

[20] Oxford Poverty and Human Development Initiative(OPHI); Unicef Afghanistan, *Afganistan: Adjusted Multidimintional Poverty Index 2023* (OPHI and UNICEF Afganistan, 2023), https://www.unicef.org/afghanistan/documents/afghanistan-mpi-report?utm_source=chatgpt.com.

women's employment, has led to a deepening of gender gaps and an increase in structural poverty.[21]

Poverty in Afghanistan encompasses not only income deprivation, but also systemic exclusion from education and meaningful social participation, especially for women and girls. According to reports from international institutions, Afghanistan faces one of the highest poverty rates in the world, with its multiple dimensions, from income poverty to poverty in access to basic services, affecting the lives of millions of people. [22]

Education is one of the most fundamental human rights and a vital tool for individual empowerment and poverty reduction. Afghanistan ratified the Convention on the Elimination of Discrimination in Education (1960) in 2010 and guarantees free education up to the bachelor's level in Article 43 of the Constitution. These commitments reflect the position of education as a driver of social justice and equality of opportunity.[23] However, UNICEF statistics show that around 60% of the 4.2 million children out of school are girls in Afghanistan. This exclusion is largely due to discriminatory cultural norms, insecurity and restrictive policies.[24] A 2024 UNESCO report states that Afghanistan, under the Taliban, is the only country in the world to ban secondary and higher education for women. Since 2021, at least 1.4 million girls have been deprived of education; a figure that rises to 2.5 million if girls who have already dropped out are included. This ban affects about 80% of school-age girls.[25]

The present study draws on two complementary theoretical frameworks that together provide a robust foundation for examining the link between the right to education and poverty reduction in Afghanistan. The first is the Human Rights–Based Approach to Education, which conceptualizes education not merely as a tool for economic advancement but as a fundamental human right that imposes both legal and moral obligations on states to respect, protect, and fulfil it.[26] The second is Johan Galtung's Structural Violence Theory, which explains how

[21] United Nations Development Programe, *United Nations Development Programme FRAGILE GAINS, DEEPENING SUBSISTENCE INSECURITY, 2023–2024*, SOCIO-ECONOMIC REVIEW (UNDP, 2025), https://www.undp.org/sites/g/files/zskgke326/files/2025-04/undp-afg_so_review-2025-screen.pdf.

[22] UNITED NATIONS, "Human Rights Dimension of Poverty in Afghanistan," Refworld, March 2010, https://www.refworld.org/reference/countryrep/ohchr/2010/en/72651.

[23] *The Constitution of the Islamic Republic of Afghanistan*, n.d.

[24] "Full Report-Situation Analysis.Pdf," n.d., accessed June 4, 2025, https://www.unicef.org/afghanistan/media/6291/file/Full%20Report-Situation%20Analysis.pdf.

[25] UNESCO(United Nations Educational , Scientific and Cultural Organization), "Afghanistan."

[26] UNICEF and UNESCO, eds., *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 14–15, https://unesdoc.unesco.org/ark:/48223/pf0000154861.

poverty and inequality are reproduced through entrenched political, social, and institutional structures that systematically restrict individuals' access to basic rights and opportunities.[27]

Using these frameworks in tandem, this research argues that poverty in Afghanistan extends beyond economic deprivation and constitutes a structural violation of human rights, particularly the right to education.[28] Consequently, sustainable poverty alleviation requires addressing both legal and institutional inequalities, ensuring the realization of educational rights for all, especially women and other marginalized groups.[29]

Despite these critical poverty indicators, Afghanistan has committed itself to a broad set of international legal obligations concerning economic, social, and cultural rights, including the right to education. The International Covenant on Economic, Social and Cultural Rights (ICESCR), [30]the Convention on the Elimination of Discrimination against Women (CEDAW),[31] the Convention on the Rights of the Child (CRC) [32]and the Convention on the Rights of Persons with Disabilities (CRPD), [33] the practical implementation of the commitments of these documents faces serious obstacles. Weak institutional structures, lack of appropriate mechanisms for implementing commitments, administrative corruption, inequality in resource allocation, and security instability are among the most important factors in the failure to provide basic rights to all members of society.[34]

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[27] Johan Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research* 6, no. 3 (September 1969): 167–91, https://doi.org/10.1177/002234336900600301.

[28] G. Nokukhanya Ndhlovu, "Structural Violence and the Perpetuation of Women's Poverty: Exploring the Issue of Child Maintenance in South Africa," *Development Studies Research* 11, no. 1 (December 2024): 2–3, https://doi.org/10.1080/21665095.2024.2400895.

[29] Sandra Liebenberg and Bradley Slade, "Applying a Human Rights Lens to Poverty and Economic Inequality: The Experience of the South African Human Rights Commission," *Federal Law Review* 51, no. 3 (September 2023): 296–314, https://doi.org/10.1177/0067205X231188637.

[30] United Nations, "United Nations Treaty Collection," December 16, 1966, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en; United Nation, "International Covenant on Economic, Social and Cultural Rights (ICESCR) | Global Health & Human Rights Database," accessed June 13, 2025, https://www.globalhealthrights.org/instrument/international-covenant-on-economic-social-and-cultural-rights-icescr/?utm_source=chatgpt.com.

[31] Barbara Holland-Cunz and Uta Ruppert, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979," in *Frauenpolitische Chancen Globaler Politik*, ed. Barbara Holland-Cunz and Uta Ruppert (Wiesbaden: VS Verlag für Sozialwissenschaften, 2002), 91–97, https://doi.org/10.1007/978-3-663-10102-4_7.

[32] United Nations, "Convention on the Rights of the Child," November 20, 1989, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=_en.

[33] United Nations, "Convention on the Rights of Persons with Disabilities," December 13, 2006, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&clang=_en.

[34] *The Constitution of the Islamic Republic of Afghanistan*.

According to Article 25 of the Universal Declaration of Human Rights,[35]and Article 11 of the ICESCR,[36]Everyone has the right to an adequate standard of living, which includes access to education, health, housing, food, and social security services. However, the report of the United Nations High Commissioner for Human Rights (OHCHR), entitled Human Rights Dimensions of Poverty in Afghanistan,[37] shows that poverty in the country is the result of unjust structures.

Although extensive reports document poverty and gender inequality in Afghanistan, existing scholarship rarely analyzes these conditions through a rights-based legal lens,[38] particularly regarding the denial of education as a core driver of multidimensional poverty.[39]This gap is critical, given that Afghanistan is now the only nation in the world to impose a national ban on secondary education and higher education of girls which denies millions of women and girls access to equal education and leaves future generations in poverty.[40] Therefore, there is a pressing need for normative legal research that examines how the failure to uphold the right to education especially for girls constitutes a violation of binding international obligations and exacerbates structural poverty in Afghanistan.

1.2. Problem Formulation

1. How does the right to education, as protected under international human rights law, contribute the poverty alleviation in the context of Afghanistan?
2. How does Afghanistan's obligation under the International Human Rights Law to uphold the right to education contribute to poverty reduction?

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[35] United Nations, "Universal Declaration of Human Rights," United Nations, United Nations, Article 25, accessed July 28, 2025, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[36] "International Covenant on Economic, Social and Cultural Rights," OHCHR, Article 11 accessed July 28, 2025, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

[37] United Nation, "Statement by the Special Rapporteur on Extreme Poverty and Human Rights at the 23rd Session of the Human Rights Council," OHCHR, accessed June 12, 2025, https://www.ohchr.org/en/statements-and-speeches/2013/06/statement-special-rapporteur-extreme-poverty-and-human-rights-1.

[38] Rangita De Silva De Alwis, "Holding the Taliban Accountable for Gender Persecution: The Search for New Accountability Paradigms under International Human Rights Law, International Criminal Law and Women, Peace, and Security," *German Law Journal* 25, no. 2 (March 2024): 289, https://doi.org/10.1017/glj.2023.113.

[39] Precious Sheidu, "Education in Afghanistan: Barriers and Economic Impact," *The Borgen Project*, March 11, 2025, https://borgenproject.org/education-in-afghanistan-2/.

[40] NICEF Afghanistan, "Situation Analysis of Children and Women in Afghanistan," UNICEF Afghanistan, August 2021, https://www.unicef.org/afghanistan/media/6291/file/Full%20Report-Situation%20Analysis.pdf?utm_source=chatgpt.com.

1.3 Research Objective

1. To analyze how the right to education, as protected under international human rights law, contributes to poverty alleviation in the context of Afghanistan.
2. To analyze Afghanistan's obligation under the International Human Rights Law to uphold the right of education to Reduce Poverty.

1.4 Research Originality

In this section, a collection of previous studies that have examined poverty from socio-economic or development perspectives, and a small number that have examined poverty from the perspective of international law, has been compiled. Reviewing the findings of previous research actually illuminates the originality of the present study. The present study attempts to prevent problems such as plagiarism and duplication of topics by placing the present study within the framework of a broader scientific understanding of poverty and human rights, which will be discussed in detail below.

Arifuzzaman(2021), in his research, examines poverty as a multidimensional phenomenon and highlights its close connection with human rights violations. He argues that human rights violations are both a cause and a consequence of poverty. To effectively combat poverty, he emphasizes the need to consider its social, political, and legal dimensions, since it often results from structural discrimination, ineffective public policies, and a lack of governmental accountability. Drawing on Amartya Sen's empowerment approach, Arifuzzaman views poverty as more than just a lack of income. He focuses on individuals' inability to achieve a decent standard of living and stresses the importance of adopting rights-based frameworks in designing poverty reduction strategies. Furthermore, he underlines the critical role of legal obligations both of governments and non-governmental organizations in addressing poverty. His study rejects traditional criteria as sufficient for defining poverty and instead calls for a more comprehensive and inclusive definition to ensure the effectiveness of poverty reduction policies and programs [41]

Ghosh (2001) in his research, assesses the complex relationship between globalization, poverty reduction, and human rights and states that globalization can provide opportunities for

[41] "Exploration of Poverty and Human Rights Violation: A Legal Analysis," *Asian Journal of Social Sciences and Legal Studies*, February 25, 2021, 10–22,accessed Jun 15, 2025, https://doi.org/10.34104/ajssls.021.010022.

economic growth and poverty reduction, but this depends on the existence of supportive policies and institutions. Globalization may increase inequalities and expose vulnerable groups to greater risk, but by increasing trade and foreign investment, it can increase productivity. And increase the poverty income. Emphasizing the human rights approach to poverty reduction, the author considers it not only as a lack of income but also as a deprivation of basic human rights. And he emphasizes the responsibility of governments and the international community to ensure the realization of these rights.[42]

Abuom (2000) In this research, examines poverty as a multidimensional issue that includes the deprivation of basic rights such as education, health and sanitation, focusing on the group of women in Africa and states that women are most affected by poverty in the fields of education and health, and this is the most serious obstacle to achieving sustainable development in Africa. Past efforts to reduce poverty in Africa have not yielded satisfactory results due to reasons such as insufficient attention to the role of women, lack of political consensus, lack of political will, and insufficient participation of the private sector. This research emphasizes that improving women's access to health and education services plays a key role in improving the quality of life and reducing poverty in Africa, and that comprehensive and multifaceted approaches, with the cooperation of governments, international organizations and civil society, are essential to combat poverty and improve the situation of women.[43]

Khawari(2023) in this study examines the extent and severity of household poverty in Mazar-e-Sharif city, Balkh province, Afghanistan, during two time periods before and during the COVID-19 pandemic (2019/20 and 2020/21). Data from 1,060 households were collected randomly and analyzed using the Foster-Greer-Turbeck (FGT) poverty index and independent t-test. The poverty status was analyzed based on household income and expenditure. The results show that the poverty rate in Mazar-e-Sharif is very high, with more than two-thirds of the population living in extreme poverty. The depth and severity of poverty have also increased significantly during the COVID-19 pandemic. The poverty gap and income inequality have also widened during this period. The study emphasizes that the Afghan government and international organizations must take urgent measures to tackle poverty and save millions of

[42] Sekhar Ghosh, "Poverty Alleviation and Human Rights: Implications of Globalization," *India Quarterly: A Journal of International Affairs* 57, no. 1 (January 2001): 75–88, accessed Jun 15, 2025, https://doi.org/10.1177/097492840105700104.

[43] *Towards Poverty Alleviation in Africa: Women's Issues in Health and Education*, 2025.

lives. Also, poverty is increasing in urban areas, especially in large cities such as Mazar-e-Sharif, and recent economic, political, and social crises have worsened the situation.[44]

Trani, J,-F (2016), This study examines multidimensional poverty in Afghanistan with an empowerment approach, and its main goal is to identify the poorest segments of society, including people with disabilities, in order to achieve Sustainable Development Goal 1 (zero poverty). The main issue is that poverty in Afghanistan exists in a multidimensional and complex form that cannot be understood solely on the basis of income and encompasses multiple dimensions such as health, education, living conditions, employment, social participation, mental and physical health. Also, specific groups such as women, the elderly, ethnic minorities, residents of rural areas, and people with disabilities experience the most deprivation. Therefore, poverty reduction policies must pay attention to these differences and inequalities to be effective.[45]

Rahimi, F. A. F. (2015) in this study examines poverty in Afghanistan and emphasizes that ongoing wars, insecurity, and lack of regional economic and political integration are among the main factors contributing to the increase in poverty in the country. Afghanistan is one of the poorest countries in the world, with indicators such as low per capita income, short life expectancy, and poor health and education. Poverty in this country has various dimensions and is most severe in rural areas and among the nomadic population. Insecurity has destroyed infrastructure, displaced millions of people, and reduced people's access to basic needs. Also, the policies of neighboring countries and the lack of regional cooperation have exacerbated the poverty situation. The study suggests solutions such as ensuring security and increasing regional cooperation to reduce poverty.[46]

Pogge, T. (2005) says, extreme global poverty, which is characterized by deprivation of basic needs such as food, housing, health, and education, is a widespread violation of human rights. Approximately 2.5 billion people live in extreme poverty, and many of the deaths caused by this poverty are preventable. The problem of global poverty is not only an economic issue, but also has moral and human rights dimensions; rich countries directly contribute to the perpetuation of poverty by maintaining unjust global economic and political structures.

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[44] Baqir Khawari, "THE EXTENT OF HOUSEHOLD POVERTY IN AFGHANISTAN: A CASE STUDY OF MAZAR-I-SHARIF CITY, BALKH PROVINCE (2019/20 AND 2020/21)," *Journal of Research in Economics* 1, no. 1 (2023): 22–40, https://doi.org/10.29228/JORE.22.

[45] Jean-Francois Trani et al., "Multidimensional Poverty in Afghanistan: Who Are the Poorest of the Poor?," *Oxford Development Studies* 44, no. 2 (April 2016): 220–45, https://doi.org/10.1080/13600818.2016.1160042.

[46] Farid Ahmad Farzam Rahimi, "The Impact of Security and Regional Integration on Poverty Reduction in Afghanistan," *Journal of International Studies* 8, no. 1 (May 20, 2015): 183–95, https://doi.org/10.14254/2071-8330.2015/8-1/16, accessed Jun 15, 2025,.

Thomas Pughe believes that these countries have a negative moral responsibility not to contribute to this poverty by exploiting the weaknesses of poor countries and supporting an unjust global system. This global system includes international organizations and agreements that are designed mostly to benefit rich countries and restrict the poor's access to resources and markets. Pogue suggests that global institutional and economic reforms, such as taxes on natural resources and support for democratic governments, can be effective in reducing poverty, and emphasizes that the primary responsibility for poverty alleviation lies with rich countries and international institutions, which must change the existing unjust system.[47]

Wilfried Hinsch and Markus Stepaniens (2005) examine extreme poverty as a human rights violation and draw a distinction between weak and strong violations in this regard. They emphasize that extreme poverty is not just an economic problem, but also a moral and human rights issue; deprivation of basic needs such as food, housing, health, education and freedom from discrimination violates fundamental human rights. The authors argue that poverty itself is not a rights violation, but when governments or institutions fail to prevent and address it, this neglect is considered a human rights violation. They also point to the role of discrimination, social exclusion and the lack of participation of the poor in decision-making, which worsens their situation. Corruption in the provision of social assistance is also an example of human rights violations by governments. Finally, the study emphasizes that a human rights-based approach must be adopted to address extreme poverty, which identifies the responsibilities of governments and international institutions and ensures the participation of poor people in decision-making.[48]

Hinsch, W., & Stepanians, M. (2005), in this study examines the relationship between extreme poverty and human rights from a philosophical perspective and attempts to show that accepting extreme poverty as a morally unacceptable situation can be a violation of human rights. Although many consider extreme poverty to be a serious moral problem, it is not yet fully accepted that extreme poverty is a violation of human rights at the global level. The United Nations has described extreme poverty in its statements and resolutions, such as General Assembly Resolution 134 in 1992, as a violation of "human dignity," but has refrained from explicitly using the term "violation of human rights." Resolutions of the UN Commission on Human Rights in 1993 and 2001 also emphasized the connection between poverty eradication

[47] Thomas Pogge, "World Poverty and Human Rights," n.d, accessed Jun 16, 2025.

[48] "Hinsch, Wilfried, and Markus Stepanians. 'Severe Poverty as a Human Rights Violation—Weak and Strong.' In Real World Justice: Grounds, Principles, Human Rights, and Social Institutions, Pp. 295-315. Dordrecht: Springer Netherlands, 2005.," n.d, accessed Jun 16, 2025.

and the full realization of human rights, but the language used remains vague and indecisive. The closest official statement to this is the speech of then UN Secretary-General Kefi Annan in 2002, who called poverty a denial of human rights, but this issue has not yet been officially and clearly accepted as a right.[49]

Kizilkaya (2021), in this chapter examines the negative impacts of war and conflict on poverty and human rights violations. Unlike many studies that focus on the role of poverty and human rights violations in generating and exacerbating conflicts, this study focuses on the direct and destructive effects of conflicts themselves on increasing poverty and exacerbating human rights violations. It also examines new initiatives and efforts that aim to integrate human rights norms and poverty reduction programs into conflict management and resolution processes. The findings show that in recent years, there has been increased attention to early warning systems and conflict prevention in vulnerable areas, a process facilitated by technological advances, particularly in remote data collection. However, there is still a need for more in-depth and detailed research on poverty at the household level. In the area of peacebuilding, strategies based on strengthening the resilience and empowerment of communities in conflict and vulnerable countries hold promise, but to achieve this goal, more efforts must be made to guarantee the fundamental rights of individuals, regardless of their collective identities. Finally, this chapter highlights the necessity to create conflict resolution policies that are grounded in the complex relationship between conflict, poverty and human rights norms which is based on a deep and reciprocal understanding.in order to provide effective solutions to reduce harm and build sustainable peace.[50]

Gilabert (2004), This article is about Thomas Pughe's view of the responsibility of rich countries for extreme global poverty. Pughe argues that this responsibility is more because the rich have caused harm to the poor by creating an unjust global system and therefore should make amends for this harm, than simply because they want to help out of kindness. The author agrees that these kinds of responsibilities (called "negative duties") are important, but he argues that they are not enough and should not be left to them alone. He argues that even if the rich have not directly caused poverty, they still have a responsibility to actively and seriously help the poor; a responsibility that goes beyond a simple act of charity and should be seen as a duty

[49] *Hinsch, Wilfried, and Markus Stepanians. "Severe Poverty as a Human Rights Violation—Weak and Strong." In Real World Justice: Grounds, Principles, Human Rights, and Social Institutions, Pp. 295-315. Dordrecht: Springer Netherlands, 2005.*accessed Jun 17, 2025.

[50] Zafer Kizilkaya, *Chapter 33 Conflict, Poverty and Human Rights Violations Zafer Kizilkaya Restricted Access Article Category: Handbook Chapter Publication Date: 23 Mar 2021 Page Range: 521–534 Collections: Law 2021 DOI: Https://Doi.Org/10.4337/9781788977517.00048*, March 23, 2021, 521–34, https://doi.org/10.4337/9781788977517.00048.

of justice. Finally, the article argues that to tackle global poverty, we need a stronger concept of human solidarity that includes positive and binding responsibilities.[51]

No	Title	Problem Formulations	Similarities	Differences
1	Arifuzzaman, M., Rafee, F. E. R., & Islam, M. J. (2021). *Exploration of poverty and human rights violation*: A legal analysis. *Asian Journal of Social Sciences and Legal Studies*, *3*(1), 10–22. https://doi.org/10.34104/ajssls.021.010022	a. What can be the exact definition of poverty? b. What is the approach of human rights? c. To what extent does poverty violate human rights? d. Is there any link between discrimination and poverty? e. Can poverty line standard be maintaining the equity? f. What would be the legal obligations of international institutions or duty holders? g. What would be the human rights approach to	Both studies examine the multidimensional relationship between poverty and human rights violations with an analytical and conceptual approach. Both studies emphasize the need to design poverty reduction strategies based on a legal approach. The role of legal obligations of governments and non-governmental organizations is considered.	Its geographical scope is general and global; it does not focus specifically on one country, the solutions remain general and theoretical, it lacks a detailed legal and institutional review, and it lacks an analysis based on specific international obligations. But the thesis has a specific focus on Afghanistan, features a detailed institutional-legal analysis, offers concrete and practical solutions based on international obligations, and

[51] Pablo Gilabert, "The Duty to Eradicate Global Poverty: Positive or Negative?," *Ethical Theory and Moral Practice* 7, no. 5 (2005): 537–50, accessed Jun 17, 2025.

		incorporate poverty reducing plans?		emphasizes socio-economic rights, especially for vulnerable groups
2	Ghosh, S. (2001). *Poverty alleviation and human rights*: Implications of globalization. *India Quarterly*, *57*(1), 75–88. https://doi.org/10.1177/097492840105700104	How does globalization impact the realization of human rights in the context of poverty alleviation, particularly in developing and conflict – affected countries?	Both studies consider poverty not only as a lack of income but also as a deprivation of basic human rights. Both studies emphasize the role of human rights in poverty reduction and the responsibilities of governments to guarantee these rights. Both studies point to the multidimensional relationship of poverty with human rights violations and discrimination and consider a comprehensive and multidimensional definition of poverty to be important.	It includes a broad and general geographical dimension (South Asian countries). It lacks a detailed institutional-legal study, and belongs to the periods of 80-90. However, the thesis focuses specifically on Afghanistan after 2021. It provides legal and practical solutions for the specific conditions of Afghanistan.
3	Abuom, A. (2000). *Towards poverty alleviation*	Why is the necessary to revisit the issue of poverty alleviation with a special emphasis on	The similarities between this research and the thesis are in the multidimensional understanding of poverty and the emphasis on a broader	It sees poverty as a failure in the development system, not as a violation of human

	in Africa: Women's issues in health and education. Transformation, 17(14), 135-141. https://www.jstor.org/stable/43070265	women, particularly in the areas of health and education, given the limited success of past efforts?	definition of poverty, focusing on specific areas such as health and education. Both studies also emphasize the role of human rights and the responsibility of governments in reducing poverty. They also consider structural challenges, inequality, and discrimination as factors that increase poverty.	rights. It does not consider women's political and economic participation as a binding law. Rather, it examines it from a capacity-building and development perspective. The thesis, on the contrary, takes a legal approach and evaluates the state based on binding international obligations, focusing on the legal responsibility of the Afghan government.
4	Khawarı, B. (2023). *The extent of household poverty in Afghanistan*: A case study of Mazar-I-Sharif City,	What is the nature and extent of poverty in Mazar-e-Sharif? What impact has the COVID-19 pandemic had on household poverty levels?	Both studies examine the situation of poverty in Afghanistan. They examine poverty as a multidimensional phenomenon that includes income, access to health services, education, and living standards, and they consider the role of the	The research area is limited to the city of Mazar-e-Sharif, and emphasizes reforming economic and social policies, strengthening

	Balkh Province (2019/20 AND 2020/21). *Journal of Research in Economics*, *7*(1), 22-40.		government and international institutions to be fundamental in reducing poverty. They emphasize the need for comprehensive and urgent programs to combat poverty.	local governments. In contrast, the thesis studies poverty alleviation at the national level, citing international documents, with limitations on topics such as education,
5	Trani, J,-F., Kuhlberg, J., Canings, T., & Chakkal, D. (2016). Multidimensional poverty in Afghanistan: Who are the poorest of the poor? Globalisation, Societies and Education, 14(2), 220-245. https://doi.org/10.1080/	How can multidimensional poverty in Afghanistan be effectively measured using a capability approach, and who are the most deprived groups, including persons with disabilities, to inform targeted poverty eradication policies aligned with the first Sustainable Development Goal?	Both studies consider poverty to be a multidimensional phenomenon that goes beyond income and includes deprivation in education, health, standard of living, and other dimensions. Both point to the need for comprehensive and targeted policies by the government and international institutions to reduce poverty and respond to inequalities. These similarities indicate a comprehensive and human rights-based approach in both studies to understanding and reducing poverty in Afghanistan.	The main difference is in the theoretical approach and the ultimate goal. The study sees poverty from the perspective of empowerment and social policymaking, and empirical data. And provides solutions for setting more effective policies. This issue is at the level of recognizing and describing the situation of

	13600818.2016.1160042			poverty. While the thesis enters the level of government responsibility and accountability towards human rights.
6	Rahimi, F. A. F. (2015). *The impact of security and regional integration on poverty reduction in Afghanistan. Journal of International Studies*, *8*(1), 183-195.	How can multidimensional poverty in Afghanistan be better understood and the different dimensions of deprivation identified so that effective policies can be designed to reduce poverty, particularly through security and regional cooperation?	Both studies consider poverty to be a multidimensional phenomenon. The role of structural factors such as war, insecurity, and political instability in exacerbating poverty is highlighted in both studies. The need for careful planning, comprehensive policies, and regional cooperation to reduce poverty is also emphasized in both studies. Finally, both believe that economic growth alone is not enough and that inequalities and socio-economic factors must also be taken into account.	The two studies differ in their theoretical framework and approach to poverty reduction. The latter focuses on external factors such as the influence of regional and international actors, insecurity, and political instability, and considers the main solution to be ensuring security through regional cooperation and reducing dependence on external forces. In contrast, the thesis views

				poverty as a violation of human rights, as outlined in international documents, and emphasizes the state's responsibility to provide basic services to its citizens. It focuses on domestic reforms, strengthening legal institutions, and social equality based on human dignity.
7	Pogge, T. (2005). *World poverty and human rights*. *Ethics & International Affairs, 19*(1), 1–7. https://doi.org/10.1111/j.1747-7093.2005.tb00484.x	How can the unjust global economic and political system be reformed so that the poor can be guaranteed access to resources and their basic rights, extreme global poverty can be eradicated, and wealthy countries and international institutions can properly fulfill their	Both studies consider poverty to be a multidimensional phenomenon that includes, in addition to income, deprivation in education, health, and basic services. The role of structural factors such as war, insecurity, and political instability in exacerbating poverty is prominent in both studies, and they argue that economic growth alone is not sufficient to reduce poverty and that inequalities and socio-	The main difference between the two studies is in their level of analysis and theoretical framework: the study takes a broader, global-level perspective, while the thesis takes a national approach, examining the causes,

		responsibilities in this regard?	economic factors must also be taken into account.	consequences, and strategies for reducing poverty in a specific country.
8	Hinsch, W., & Stepanians, M. (2005). Severe poverty as a human rights violation — Weak and strong. In A. Follesdal & T. Pogge (Eds.), *Real world justice: Grounds, principles, human rights, and social institutions* (pp. 295–296). Springer.	Can extreme global poverty be definitively and formally recognized as a violation of human rights, and what political, legal, and philosophical obstacles exist in the path to achieving this recognition?	Both studies consider extreme poverty as a human rights violation and highlight the responsibility of governments to eliminate it and guarantee basic rights. They also emphasize the role of poor people in decision-making and the need to reform unjust structures. These approaches focus on social justice and human rights.	This chapter of the book, with a philosophical and theoretical approach, attempts to reveal linguistic and conceptual gaps in the global human rights literature. It seeks to strengthen the theoretical foundations for considering poverty as a violation of human rights at the global level. While the thesis assumes this principle and tries to analyze and present legal and development solutions for the realization of this right in the context of a crisis-stricken country. Focusing

				on Afghanistan, it examines structural factors, government institutions, international obligations, and legal obstacles in the field of poverty eradication.
9	Kizilkaya, Z. (2021). *Conflict, poverty, and human rights violations*. In B. A. Andreassen (Ed.), *Research handbook on human rights and poverty* (pp. 521–534). Edward Elgar Publishing. https://doi.org/10.4337/	How conflicts affect poverty and human rights violations, and what strategies can help integrate poverty reduction and human rights into the conflict management and resolution process?	Both acknowledge the complex and reciprocal relationship between poverty, human rights, and conflict, and emphasize that conflict can exacerbate poverty and increase human rights violations. Both also emphasize the importance of integrating human rights principles and poverty reduction into policies and strategies for crisis management and conflict resolution. Furthermore, both emphasize the need to empower individuals and ensure their fundamental rights, regardless of their collective identities, and emphasize the need to develop comprehensive	Kyzylkaya's chapter focuses specifically on the effects of armed conflict and violence on poverty and human rights violations. In fact, the chapter's perspective is on the consequences of conflict, while the thesis also emphasizes underdevelopment structures and legal and social inequalities in peacetime.

	9781788977517.00048 .		policies that are aware of the interplay between conflict, poverty and human rights.	
10	GILABERT, P. (2005). *THE DUTY TO ERADICATE GLOBAL POVERTY: POSITIVE OR NEGATIVE? Ethical Theory and Moral Practice*, *7*(5), 537–550. http://www.jstor.org/stable/25733600 .	Is the responsibility of rich countries to help the poor simply because they should not harm them, or should they have a more active and serious responsibility to help?	Both works emphasize the responsibility of rich countries towards global poverty and see helping the poor as a moral and legal duty, not simply an act of charity. Both also pay attention to the importance of global solidarity and the role of international institutions in achieving social and economic justice.	The study focuses on the distinction between negative and positive duties, and specifically challenges Poge's theory, which emphasizes negative duties. This article has a deeper theoretical level and seeks to develop a theory of binding cosmopolitan solidarity. At the same time, the Declaration is based on the international human rights framework and focuses on the human right to freedom from poverty and the responsibility of states to provide education. The

				thesis is more practical and legal, looking at concrete examples in the developing world.

A deep examination of previous studies reveals that these studies have mainly focused on analyzing the multidimensional dimensions of poverty and its relationship with human rights violations. These studies do not consider poverty to be limited to income deficiency alone, but also include deprivation of basic rights such as education, and social participation. In addition, they have highlighted the role of structural factors such as war, insecurity, discrimination, and ineffective policies in exacerbating poverty.

The studies discussed above emphasize reforming structures, adopting a rights-based approach, and paying special attention to vulnerable groups. However, most of these studies have a general and theoretical approach and have paid less attention to the detailed examination of the legal obligations of governments in a specific country and to providing practical solutions based on international documents. The present proposal has profound and fundamental differences compared to prior research that distinguish it from the general and theoretical approaches of the past. First, while the reviewed literature mainly analyzed the multidimensional dimensions of poverty in general and at the global level, this research focuses specifically on the situation of poverty in Afghanistan and, with an institutional and legal approach, examines the specific responsibilities of the Afghan government towards the realization of the fundamental rights of citizens. This special focus on a country with specific political, social, and economic conditions allows for more detailed and practical analyses.

Second, unlike previous studies that have focused more on the theoretical and general examination of human rights obligations, the present proposal identifies and analyzes the concrete and tangible legal and institutional obstacles that hinder the practical realization of fundamental rights in the area of education. These obstacles include weak domestic laws, lack of effective enforcement structures, administrative corruption and structural discrimination against vulnerable groups, which have received less attention in previous research. Furthermore, this study not only examines the challenges but also identifies opportunities based on international human rights instruments that can contribute to sustainable poverty reduction in Afghanistan.

Third, this study emphasizes the translation of international obligations into domestic binding regulations and strengthening accountability systems, an issue that has been less addressed in previous studies in a practical and institutional context. In other words, by focusing on practical and institutional solutions, this proposal attempts to bridge the gap between legal obligations and their actual implementation in Afghanistan and highlights the role of the state and national institutions in ensuring equal access to economic and social rights for all citizens. This practical approach, based on local realities, demonstrates the fundamental difference and added value of this study compared to previous studies.

1.5. Definition of Terms

The international law analysis of poverty as a human right in Afghanistan is based on the premise that access to basic needs such as education, health, and housing is among the binding obligations of states.[52]

a. Poverty

The UNDP definition of poverty encompasses various dimensions, including lack of health, education, and living standards, so poverty is not just a lack of income. [53] The UN Human Rights Council also considers poverty to be a multidimensional human rights phenomenon that results from the systematic deprivation of resources, opportunities, and capabilities necessary to enjoy fundamental rights.[54]

By examining definitions of poverty from different perspectives, the UN perspective is chosen as the main conceptual framework in this study. Given the objectives of this study, which is to examine poverty as a multidimensional phenomenon within the framework of international human rights, this perspective is most consistent with the human rights approach of the present study. This perspective examines poverty in relation to human dignity, deprivation of fundamental rights, and structural inequalities. In addition, the multidimensional definition of poverty is also the basis for the formation of many

[52] "Human Rights Dimension of Poverty in Afghanistan," Refworld, accessed June 12, 2025, https://www.refworld.org/reference/countryrep/ohchr/2010/en/72651.

[53] "Undp-Afg_so_review-2025-Screen.Pdf," n.d., accessed May 31, 2025, https://www.undp.org/sites/g/files/zskgke326/files/2025-04/undp-afg_so_review-2025-screen.pdf.

[54] United Nation, "Statement by the Special Rapporteur on Extreme Poverty and Human Rights at the 23rd Session of the Human Rights Council."

international human rights instruments, which emphasize the importance of meeting basic needs, social participation, and equality of opportunity for all individuals.[55]

b. Poverty Alleviation

Poverty alleviation is not only a development goal but also a legal obligation for governments based on human rights principles, which includes a set of policies, programs, and legal, social, and economic measures designed to reduce or eliminate poverty. Article 25 of the 1948 Universal Declaration of Human Rights introduces the right to an adequate standard of living as a prerequisite for freedom from poverty.[56]

c. Human Rights

Humans have an inherent, universal, and inalienable set of rights simply under their human nature. These rights are recognized as human rights in international instruments such as the Universal Declaration of Human Rights (UDHR),[57] the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

d. Right to Education

The International Covenant on Economic, Social and Cultural Rights, in its article 13, considers the right to education to be universal, free, and non-discriminatory. This right includes free and compulsory primary education for all and access to secondary education for all, and equal access to higher education based on merit. This right is considered a means of empowering individuals and realizing other human rights.[58]

1.6. Theoretical Review

Poverty remains one of the most serious and persistent challenges facing millions of Afghans. It does not only limits access to basic needs but also undermines human dignity and blocks social development. In recent years, a growing number of human rights scholars have argued that poverty should not be viewed solely as an economic issue, but as a violation of

[55] Dan Brockington, Jim Igoe, and Kai Schmidt-Soltau, "Conservation, Human Rights, and Poverty Reduction," *Conservation Biology* 20, no. 1 (February 2006): 250–52, accessed 18, 2025, https://doi.org/10.1111/j.1523-1739.2006.00335.x.

[56] "Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 25," OHCHR, accessed June 12, 2025, https://www.ohchr.org/en/press-releases/2018/12/universal-declaration-human-rights-70-30-articles-30-articles-article-25, accessed Jun 18, 2025.

[57] "UDHR," n.d.

[58] "General Comment No. 13: The Right to Education (Art. 13)," Para 1, accessed Jun 18, 2025.

fundamental human rights. From this perspective, access to education, healthcare, and adequate housing are not just services but essential rights. The denial of these rights plays a major role in the continuation of poverty and social exclusion.

a. The Basic Concept of Rights of Education

The right to education was first recognized as a universal right in Article 26 of the Universal Declaration of Human Rights (UDHR). Article 10 of the CEDAW Convention later guaranteed this right to women and girls.[59] Articles 13 and 14 of the ICESCR also require States to provide free and compulsory primary education and progressively expand access to secondary and higher education.[60] Articles 28 and 29 of the Convention on the Rights of the Child (CRC) emphasize quality education and the full development of the child, [61] In addition, UNESCO documents recognize education as a cultural and development-oriented right. [62] General Comment No. 13 of the ICESCR Committee identifies education as both a fundamental right and a tool for empowerment and poverty reduction, and identifies four key principles of accessibility, affordability, relevance and equity as core obligations of States. The Commentary emphasizes that the implementation of free primary education is an urgent and unconditional obligation.[63]

Although education is not explicitly defined as a "right" in international humanitarian law (IHL), [64] the Geneva Conventions and their Additional Protocols support the continuation of education in times of war. According to the principle of distinction, schools, teachers and students are civilian targets and must be protected from attack (Protocol I, Articles 48 and 51;[65] Protocol II, Article 13). The Fourth Geneva Convention also obliges states to provide education for orphaned or separated children (Article 24) and, in situations

[59] "Convention on the Elimination of All Forms of Discrimination against Women (<span Style="font-Variant."

[60] Kalantry, Getgen, and Koh, "Enhancing Enforcement of Economic, Social, and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR."

[61] United Nations General Assembly, *Convention on the Rights of the Child*.

[62] Convention against Discrimination in Education - Legal Affairs.
International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), accessed 2025-10-12 https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=iv-3&src=ind.

[64] "Q&A: ICRC and Access to Education | International Committee of the Red Cross," April 1, 2019, https://www.icrc.org/en/document/qa-icrc-and-access-education.

[65] "Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.," accessed December 11, 2025, https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-48.

of occupation, to facilitate the operation of educational institutions and education appropriate to the language and culture of the children (Article 50).[66]

In addition to the fact that the right to education is formally acknowledged in the international law, the international law has given a clear normative content of the right that subjects the States to specific and binding responsibilities.[67] The International Committee on Economic, Social and Cultural Rights(ICESCR) interpretation implies that there are three types of the rights to education obligations to States which are the obligation to respect, the obligation to protect and the obligation to fulfil.[68] It means that, on the one hand, the States, are obliged not to participate in any activity, direct or indirect, which will interfere with the access to education on the part of individuals and, on the other, are obliged to protect against the intervention of third parties the individuals, among whose rights must be observed in every possible manner by making the legislative, administrative and budgetary decisions. Here, education is not viewed as a social service anymore, but it is seen as a basic and claimable right that plays a central role in efficient exercising of other human right, democratic participation and ascending the social ladder.[69]

In addition to this, the right to education is ratified in the international law as one of the pillars of the human dignity and equality and sustainable development.[70] The international institutions are exerting much pressure that education is an empowering right.[71] and without effective access to education; there is no way one can effectively enjoy civil, political, economic, social, and cultural rights.[72] Both the denial or the access to education, particularly among the vulnerable groups (women, children, minorities and individuals affected by armed conflict) is not only a breach of individual rights, but also a structural impediment to peace, development and the rule of law.[73]The implementation of the right to education should be understood in the context of modern international undertakings, such as the Sustainable Development Goals, which put inclusive, equitable, and quality education

[66] "Education in Emergencies," Right to Education Initiative, accessed December 11, 2025, https://www.right-to-education.org/issue-page/education-emergencies.

[67] Dr. Ghulam Mohammad Qanet, *CHILDREN'S RIGHT TO EDUCATION IN INTERNATIONAL ARMED CONFLICTS: GAZA-PALESTINE*, March 19, 2025, 432, https://doi.org/10.5281/ZENODO.15050248.

[68] Dr. Ghulam Mohammad Qanet, 433.

[69] Dr. Ghulam Mohammad Qanet, 433–34.

[70] Chiedza Simbo, "Comprehending Education: A Compelling Case for Prioritizing Education within National and International Development Agendas," *International Journal of Research in Business and Social Science (2147- 4478)* 14, no. 4 (July 2025): 420, https://doi.org/10.20525/ijrbs.v14i4.3934.

[71] Chiedza Simbo, 421.

[72] Chiedza Simbo, 420–21.

[73] Chiedza Simbo, 420–25.

at the center in issues of social cohesion, minimizing inequalities, and long-term political and economic stability.[74]

b. The State Obligation to Fulfill the Rights of Education

According to the official international documents regarding human rights including articles 13 and 14 on Covenant on Economic, Social and Cultural Rights, [75]article 10 on the Convention on the Elimination of Discrimination against Women[76] and articles 28 and 29 on the Convention on the Rights of the Child,[77] It is the duty of the states to vigorously and constructively implement the right to education to its citizens in a manner that is not discriminative in line with gender, ethnicity, language or religion.[78] The duties of these include ensuring that there is an inclusive, quality, and sustainable education system such as building educational infrastructure all over the country, having a scientific and standardized curriculum that follows international standards, having an education system that gives minority mother tongue education and enhancing literacy, technical and vocational education systems.[79]

It is also the responsibility of the Government to train and recruit and retain qualified teachers and professors and ensure that the qualified ones do not flee by funding them and good management of resources to ensure that no standards of education are compromised. [80]As an obligation of the international law, the government has to eliminate economic, cultural and structural impediments between girls, women, persons with disabilities and children in underprivileged regions access education and safeguard schools and educational settings against violence and discrimination. The lack of these commitments, therefore, does not only show that the government is not executing its global duty, but it goes to show that the existing system had failed to offer at least a baseline upon which this basic right can be exercised by all citizens.[81]

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[74] Dr. Ghulam Mohammad Qanet, *CHILDREN'S RIGHT TO EDUCATION IN INTERNATIONAL ARMED CONFLICTS*, 438.

[75] Kalantry, Getgen, and Koh, "Enhancing Enforcement of Economic, Social, and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR."

[76] "Convention on the Elimination of All Forms of Discrimination against Women (<span Style="font-Variant."

[77] United Nations General Assembly, *Convention on the Rights of the Child*.

[78] Małgorzata Marska, "Right to Education in Afghanistan and the Impact of the Media," *Ñawi* 6, no. 1 (January 2022): 205–6, https://doi.org/10.37785/nw.v6n1.a10.

[79] Marska, 203–7.

[80] Marska, 207–8.

[81] Zafar Shayan, "Gender Inequality in Education in Afghanistan: Access and Barriers," *Open Journal of Philosophy* 05, no. 05 (2015): 279–83, https://doi.org/10.4236/ojpp.2015.55035.

Besides making education universal, the international law imposes upon the States the duty to ensure the practice of the principle of equality and non-discrimination in education system. [82] The right to education cannot be achieved merely by having institutions of learning, and it must also be achieved by getting rid of structural and historical discrimination that makes certain groups of people have unequal access to education.[83] In that respect, the State should make special and specific efforts to safeguard girls, other ethnic and linguistic minorities, disabled and children in poor and remote regions to ensure actual, rather than formal equality in terms of enjoying education. Lack of attention to these groups is quite a violation of the international commitments of the State in the sphere of the right to education.[84]

The right of the State to fulfil the right to education is not restricted to the normal conditions, it is not lost even in the cases of crisis such as armed conflict, political instability or emergencies.[85] The international human rights instruments have required the States to ensure a minimum education level and avoid massive closure of learning institutions. Under these conditions, one of the most important tasks of the state will be to take other educational precautions and ensure special security of defenseless children, schools and educational institutions against violence and discrimination. The inability to perform these requirements does not only challenge the very right to an educative process, but carries a long-term and irreversible consequence on the social and human maturation of the society.[86]

1.7. Research Methods

The research method is a very important and fundamental part of any research that determines the framework and direction of the study. In this thesis, which examines the issue of poverty reduction as a human right in Afghanistan and the legal analysis of the realization of the rights to education, within the framework of international human rights law, the research method is designed based on documentary and legal analysis. In this section, given the legal nature of the subject, the main focus is on a detailed analysis of international and domestic

[82] Konstantina Michopoulou, "The Principle of Equality in Education: Exploring the Legal Aspects of the Right to Inclusive and Equitable Quality Education for Achieving the Development of a Democratic Citizenship," *European Journal of Education and Pedagogy* 6, no. 2 (April 2025): 64, https://doi.org/10.24018/ejedu.2025.6.2.940.

[83] Michopoulou, 66.

[84] Michopoulou, 66–67.

[85] Committee on Economic, Social and Cultural Rights(CESCR), "University of Minnesota Human Rights Library," 1999, https://hrlibrary.umn.edu/gencomm/escgencom13.htm?utm_source=chatgpt.com.

[86] Committee on Economic, Social and Cultural Rights(CESCR).

legal documents, legal texts, judicial opinions, and relevant academic sources in order to comprehensively and reasonably examine the challenges and opportunities for the realization of human rights in Afghanistan.[87]

a. Type of Research

This research is a type of normative legal research that is conducted to examine the issue of poverty reduction as a human right in Afghanistan, focusing on the rights to education, within the framework of international human rights law. The normative legal method studies and analyzes legal rules and norms that are expressed in international documents, treaties, legal customs, general principles of law, judicial decisions, and legal theories. This method, with a prescriptive approach, attempts to examine the degree of compliance of Afghanistan's domestic laws and policies with international obligations in the field of realizing economic, social, and cultural rights and to identify its strengths and weaknesses.[88]

b. Research Approach

The thesis uses a combination of the following approaches:

1. Statute Approach: Analysis of international legal instruments (such as the International Covenant on Economic, Social and Cultural Rights) and Afghan domestic laws related to education.
2. Conceptual Approach: Examination of key concepts such as "poverty reduction", "human rights", and "state obligations" in international law.

c. Sources and Types of Legal Material

In legal research, the sources and data used play an important role in the validity and depth of the analysis. To achieve accurate and documented results, the research materials and sources must be collected and categorized systematically and comprehensively. In this study, sources and data are divided into three main categories, each of which plays a complementary role in analyzing the issue of poverty reduction as a human right in

[87] Lee McConnell and Rhona Smith, *Research Methods in Human Rights* (Routledge, 2018).

[88] Ndreassen, Bard., Clair Methven O'sBrien, and Hans-Otto Sano, eds. *Research Methods in Human Rights*: A Handbook. 2nd ed. Handbooks of Research Methods in Law. Cheltenham, UK; Edward Elgar Publishing, 2023, https://www.elgaronline.com/edcollbook/book/9781803922614/9781803922614.xml.

Afghanistan. This categorization allows the researcher to look at the issue from different legal, statutory, and scientific perspectives and, by utilizing international documents, national laws, and specialized analyses, to present a complete and accurate picture of the status of the rights to education. Such an approach ensures that the studies are not only based on legal texts, but also gain greater depth and breadth by considering expert perspectives and practical experiences, and that existing gaps and challenges are well identified.

1. Primary Legal Materials

a) The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a binding document that requires the states to make education accessible to everyone without discrimination and of quality. [89]

b) The Convention on the Rights of the Child (CRC) focuses on providing good, equal and inclusive access of primary and secondary education to all children, with a specific focus on the rights of those who are most vulnerable such as girls and those that are vulnerable.[90]

c) The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is a compulsory convention requiring the states to eradicate all gender, cultural and structural obstacles to education so that girls and women can have access to education.[91]

d) The Constitution of Afghanistan offers a national based structure towards the actualization of the right to education and binds the state to accomplish quality and fair education through creating educational infrastructure, enhancing the curriculum and developing capacity of teachers.[92]

e) The Education Law of Afghanistan, also outlines how the education system of the country is to be carried out, regulated and monitored.[93]

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[89] United Nation, "International Covenant on Economic, Social and Cultural Rights (ICESCR) | Global Health & Human Rights Database."

[90] United Nations General Assembly, *Convention on the Rights of the Child*.

[91] "Convention on the Elimination of All Forms of Discrimination against Women (<span Style="font-Variant."

[92] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan," Ministry of Justice, Transitional Islamic State of Afghanistan, 2004, https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/66413/AFG66413%20ENG.pdf?utm_source=chatgpt.com.

[93] Islamic Republic of Afghanistan. Ministry of Education, "Education Law," July 21, 2008, 2.

Collectively, these documents and laws make up the national and international legal framework, which governs the national government of Afghanistan in terms of the rights of the right to education.

2. Secondary legal materials

Books, scientific articles, reports of international and non-governmental organizations (such as the United Nations, the World Bank, Human Rights Watch. legal dictionaries, encyclopedias, and reference sources for definitions and principles.

d. Data collection techniques

In this study, data was collected using library method and a systematic review of documents. First, the primary legal sources such as international treaties, domestic legislations, government regulations, and judicial opinions were identified and examined in the first stage to establish the legal framework surrounding the right to education in Afghanistan. The second stage involved the scientific literature such as books, peer-reviewed scientific articles, and academic research on the topic in order to extract theoretical views, research background, and expert analyses. In the third phase, the reports and publications of the credible international and governmental organizations, namely, the United Nations, UNESCO, UNICEF, the Afghanistan Independent Human Rights Commission, and human rights organizations, were examined to receive the real, field-based, and recent information regarding the situation in the education sector in Afghanistan. The last phase involved accessing the most recent legal documents, policies, and official information in online legal databases and official government websites. All the obtained data were thematically grouped, compared, and analyzed to present a broad overview of the situation with the right to education and the role of the government.

e. Data analysis techniques

The collected materials are examined using descriptive qualitative analysis, which includes:

1. Systematic organization and classification of legal texts and scientific sources.
2. Interpreting the content within the framework of the research questions and objectives.

3. Using deductive reasoning, that is, starting from the general principles of international human rights law and applying them to the specific context of Afghanistan.
4. Extracting results on the level of compliance, gaps, challenges and opportunities in Afghanistan's legal and policy framework in the area of poverty reduction and the realization of the rights to education.

1.8. Writing Framework

Chapter I is explaining the background of the research, the importance of the right to education and its role in reducing poverty in Afghanistan. It also clarifies the background of the study, problem formulation, research objectives, research methodology, and writing structure.

Chapter II explores the legal and theoretical principles of the right to education in the light of the binding international instruments like the ICESCR, CRC and CEDAW. It also uses the human rights-based approach (HRBA) and the theory of structural violence to demonstrate how discrimination and educational exclusion have become institutional violence. The chapter is also brought to a close by giving a framework that elaborates on the connection between right to education in terms of structural violence and poverty reduction in Afghanistan.

Chapter III examines the role of the right to education in poverty reduction in Afghanistan, as recognized in international human rights instruments. It also explains the structural barriers affecting the use of education to reduce poverty and the role of Afghanistan’s obligations under the ICESCR, the CRC and CEDAW conventions in guiding education policy reforms, particularly at the secondary and higher education levels for girls.

Chapter IV is an overview of the major findings of the research and the direct and definitive answers to the two major questions. It also contains understandable and feasible policy guidelines to enhance access, quality, and equity of education, grounded on the international obligations of Afghanistan. Lastly, it highlights that education system needs to be reinforced as a condition towards sustainable poverty reduction in Afghanistan.

CHAPTER II

THEORETICAL FRAMEWORK

2.1 Structural Violence Theory

The theory of structural violence was developed by Johan Galtung as a part of his greater theory of violence and peace. Galtung extends the traditional definition of violence by arguing that violence is a social reality that denies humans the ability to achieve their true potential and even physical harm to the body. According to Galtung, violence is a thing that happens whenever individuals are influenced in a manner that leads to the actualization of the same being lower than the potential one. In other words, violence takes place when there is an incongruity between what people could and what they actually achieve in response to avoidable circumstances in society.[94] According to Galtung, violence is the reason for the discrepancy between what may have been and what is. Violence either widens this disparity or keeps it from closing. For instance, if a person passes away from a sickness that could be avoided with current medical knowledge and resources, this state can be seen as violent since the potential level of well-being is greater than the actual level.[95]

Galtung makes a distinction between structural (indirect) and personal (direct) violence under this more comprehensive definition of violence. The term "personal violence" describes circumstances, such as physical assault or murder, in which there is a clear actor who purposefully causes harm to another person. However, structural violence happens when harm is ingrained in the social structure and does not always require a perpetrator who can be easily identified. In many situations, societal structure rather than individual behavior is what causes suffering. Structural violence exists when social, political, or economic systems systematically produce unequal life chances among individuals or groups. Even if this inequality is preventable, certain members of society in these circumstances enjoy noticeably better conditions than others. For example, if the life expectancy of the upper class is substantially higher than that of the lower class because of unequal access to resources, then violence exists within the social structure even when the offender cannot be clearly identified.[96]

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[94] Johan Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research* 6, no. 3 (1969): 168–69, https://www.jstor.org/stable/422690.
[95] Galtung, 169.
[96] Galtung, 171–72.

The fact that structural violence is ingrained in societal structures and institutions is one of its main characteristics. Structural violence is ingrained in institutional arrangements, power structures, and resource distribution, in contrast to direct violence, which happens through observable acts. As a result, people may experience deprivation or inequality because the social structure itself limits their prospects rather than because someone specifically hurts them.[97] According to Galtung, structural violence frequently occurs when particular groups dominate opportunities, resources, or knowledge, preventing others from reaching their full potential. The actual level of human realized falls short of what is feasible when resources or social understanding are distributed unjustly or purposefully diverted from enhancing human welfare, leading to violence within the system.[98]

The consistency and concealment of systemic violence is another crucial feature. Because structural violence is ingrained in regular social structures, it often goes unrecognized, in contrast to personal violence, which is spectacular and readily apparent. Because structural violence seems like a typical or natural aspect of social life, those who are impacted by it might not even recognize it as violence. Galtung highlights that because structural violence is linked to comparatively permanent social structures, it frequently persists longer than personal violence. While individual acts or disagreements may cause personal violence to change over time, structural violence often doesn't as long as the underlying social institutions don't.[99]

Structural violence can take many different forms, such as unequal access to housing, health care, education, and employment possibilities. Because the unequal exposure to risk stems from avoidable social arrangements rather than purely natural causes, a society where some people live in safe and well-built homes while others live in unsafe structures that collapse during natural disasters is an example of structural violence.[100]

According to structural violence theory, poverty frequently results from unfair social institutions rather than personal situations. Johan Galtung claims that structural violence happens when social structures and power dynamics routinely limit people's capacity to fulfill their basic needs and realize their full potential. These disparities are ingrained in institutions, laws, and social norms that influence how opportunities and resources are distributed in society.

[97] Galtung, 172.
[98] Galtung, 169.
[99] Galtung, 173–74.
[100] Galtung, 178.

By restricting access to social services, education, and economic opportunities, especially for vulnerable people, these institutional arrangements have the potential to prolong poverty.[101]

Another way to conceptualize systemic violence is as a lack of educational opportunities. For some populations, especially children from low-income families and marginalized areas, educational prospects are frequently restricted by structural injustices. According to research, structural violence significantly impairs children's access to education and intellectual growth, preventing many from going to school and reaching their full potential. Furthermore, social institutions consistently limit educational chances, as seen by global disparities in schooling, such as women's poorer educational achievement.[102]

2.2. Human Rights-Based Approach

The United Nations system created the Human Rights-Based Approach (HRBA) to development cooperation in an effort to incorporate human rights into development policies and programs. The UN Secretary-General urged all UN organizations to integrate human rights into their operations and programs in the wake of the 1997 UN reform agenda. Several UN agencies started implementing a human rights-based strategy in their development cooperation in response to this push and the growing understanding that development and human rights are strongly related. However, the strategy was first implemented differently by several agencies. The United Nations Development Group adopted the document "The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding among UN Agencies" in 2003 in order to solve this problem and create a common framework. According to this paper, HRBA is a framework within which all policies, technical assistance, and development cooperation programs seek to further the achievement of human rights as acknowledged in international human rights agreements, especially the United Nations. [103]Within this framework, development processes aim to strengthen the capacities of duty-bearers to fulfill their corresponding obligations and of rights-holders to assert their rights,

[101] G. Nokukhanya Ndhlovu, "Structural Violence and the Perpetuation of Women's Poverty: Exploring the Issue of Child Maintenance in South Africa," *Development Studies Research* 11, no. 1 (December 2024): 2400895, https://doi.org/10.1080/21665095.2024.2400895.
[102] Milton Schwebel and Daniel J. Christie, *CHAPTER 10 CHILDREN AND STRUCTURAL VIOLENCE*, n.d., 15–16.
[103] OECD and World Bank, *Integrating Human Rights into Development, Second Edition: Donor Approaches, Experiences, and Challenges* (The World Bank, 2013), 1, https://doi.org/10.1596/978-0-8213-9621-6.

while human rights standards and principles direct development programming in all sectors and at all stages of implementation.[104]

In this sense, the Human Rights-Based Approach is regarded as a framework for development that is operationally focused on advancing and defending human rights and normatively based on international human rights norms. In order to guarantee that nations fulfill their obligations, development projects must address patterns of inequality, discrimination, and exclusion while bolstering accountability systems.[105]

Fundamental human rights concepts must serve as the foundation for development policies and programs, building on the Human Rights-Based Approach's conceptual framework. These guidelines guarantee that development programs are carried out in a way that complies with international human rights norms in addition to their goal of attaining economic advancement. In this sense, the HRBA framework highlights a number of fundamental ideas that direct the formulation, execution, and assessment of development programs, such as participation, accountability, nondiscrimination, empowerment, and the rule of law.

a. The principle of Participation

The Human Rights-Based Approach's participation principle states that people and communities must actively participate in all stages of development processes, including assessment, planning, implementation, monitoring, and evaluation. [106] Meaningful involvement ensures that stakeholders, particularly rights-holders, have genuine influence over decisions that affect their lives, which promotes ownership and increases the effectiveness of development projects. This concept has a strong basis in international human rights law.[107] For example, Article 25 of the ICCPR expressly affirms the right to

[104] OECD and World Bank, 2–3.
[105] Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*, HR/PUB/06/8 (New York and Geneva: United Nations, 2006), 15, https://doi.org/10.1163/9789004502758_044.
[106] UNICEF and UNESCO, eds., *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 15.
[107] Ethiopian Civil Society Organizations Council.(ECSOC), *Applying a Human Rights-Based Approach: Training Manual for Local Civil Society Organizations in Ethiopia* (Addis Ababa, Ethiopia: Ethiopian Civil Society Organizations Council (ECSOC), 2024), 18, https://ecsoc.net/images/Resource/Human_Rights-Based_Approach_Training_Manual_for_Local_CSs_in_Ethiopia.pdf.

engage in public affairs,[108] while the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights acknowledge peoples' right to self-determination and their capacity to pursue economic, social, and cultural development. In reality, involvement should be meaningful, free, and active, necessitating special efforts to involve vulnerable and excluded populations. From an HRBA standpoint, participation can take many forms, from partnership and complete control over decision-making processes to information access and consultation. Higher levels of engagement lead to more empowerment and accountability.[109]

b. The principle of Accountability

A key element of the Human Rights-Based Approach to development programs is the accountability principle.[110] Accountability in development practice necessitates that all parties participating in development processes including governments, development organizations, and donors take ownership of attaining particular results.[111] However, accountability in a human rights-based framework goes beyond generic program responsibilities by tying development initiatives to precisely defined human rights entitlements and the associated legal duties outlined in international human rights legislation.[112] Effective programming in this situation starts with determining the difficulties duty-bearers face in carrying out their responsibilities. Such analysis serves as the foundation for developing tactics meant to get beyond these challenges and enhance the realization of rights. In order for rights-holders, especially marginalized and disadvantaged groups, to effectively assert their rights, accountability procedures must also increase their capability. Therefore, this strategy requires both national and local accountability systems that are easily accessible, clear, and efficient. Additionally, increasing awareness of rights and responsibilities, strengthening institutional capacities, bolstering judicial and

[108] United Nations, *International Covenant on Civil and Political Rights*, 999 UNTS 171 (New York, 1976), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.
[109] Ethiopian Civil Society Organizations Council.(ECSOC), *Applying a Human Rights-Based Approach: Training Manual for Local Civil Society Organizations in Ethiopia*, 19.
[110] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 15.
[111] Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*, 24–25.
[112] Morten Broberg and Hans-Otto Sano, "Strengths and Weaknesses in a Human Rights-Based Approach to International Development – an Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experiences," *The International Journal of Human Rights* 22, no. 5 (May 2018): 670, https://doi.org/10.1080/13642987.2017.1408591.

administrative oversight mechanisms, and harmonizing national legal frameworks with international human rights standards are all ways to promote accountability.[113]

c. The principle of Non-Discrimination and Equality

Non-discrimination is the major principle in the international human rights law and a fundamental component of the Human Rights-Based Approach (HRBA).[114] It confirms that each individual has a right to enjoy their rights without any kind of distinction as is evident in such important documents as the Universal Declaration of Human Rights,[115] International Covenant on Civil and Political Rights[116] and International Covenant on Economic, Social and Cultural Rights.[117] According to the Office of the United Nations High Commissioner of Human Rights, this principle does not merely mean treating all people equally, but should take into consideration real life inequalities that leave some categories of the population unable to exercise their rights completely.[118] In that regard, HRBA demands more insight into exclusion by targeting marginalized individuals and considering the factors that warrant the discrimination on a societal, legal, and institutional level.[119]

This has been expanded further to understandings of the Human Rights Committee under the International Covenant on Civil and Political Rights. Its ruling indicates that being equal under the law is not sufficient when the result is not equal on the ground. For instance, in Broeks v. In the case of Netherlands,[120] the Committee had determined that even seemingly neutral social benefits rules may be discriminatory in actuality.[121] In Diergaardt v. In Namibia, the issue of limiting language was perceived as a disadvantage to the minority

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[113] Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*, 24–25.
[114] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 15.
[115] United Nations, "Universal Declaration of Human Rights," United Nations, December 10, 1948, https://www.un.org/en/about-us/universal-declaration-of-human-rights?utm_source=chatgpt.com.
[116] United Nations General Assembly, "International Covenant on Civil and Political Rights," December 16, 1966, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.
[117] Office of the United Nations High Commissioner for Human Rights (OHCHR), "International Convenant on Economic, Social and Cultural Rights(ICESCR)," United Nations Human Rights, 1966, https://2covenants.ohchr.org/About-ICESCR.html.
[118] Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*.
[119] "Unsdg | Human Rights-Based Approach," accessed March 24, 2026, https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach.
[120] S. W. M. Broeks v. the Netherlands, UN Doc. CCPR/C/OP/2 ___ (Human Rights Committee 1987), https://www.bayefsky.com/pdf/104_netherlands172_1984.pdf?utm_source=chatgpt.com.
[121] *Broeks v Netherlands*, para 12.3-12.4.

groups, [122] Moreover, in Toonen v. The Committee assured that protection against discrimination applies to sexual orientation in Australia.[123] Collectively, this set of cases underscores that non-discrimination must involve proactive initiatives aimed at eliminating observable and unobservable biases to achieve a greater HRBA objective, which is fairness, inclusion, and equal decency of everyone.

d. The principle of Empowerment

The human rights approach to poverty reduction emphasizes empowerment as a key factor, because no alleviation of poverty can be achieved without empowering the poor; and by bringing in the element of rights, the poor are no longer viewed as passive and needy, but as active and claimants of rights and poverty reduction is now a legal necessity. [124]The Office of the United Nations High Commissioner to Human Rights believes that empowerment is a procedure that enhances the awareness of people about their rights, and their ability to hold those who bear duties accountable, and the elements of the human rights normative framework, including universality, non-discrimination, participation, accountability and interdependence of rights, support this empowerment, but effective participation demands, at minimum, economic security and capacity-building through human rights education.[125]

e. Rule of the Law

One of the major principles of the PANEL framework is the principle of legality in the Human Rights-Based Approach (HRBA), according to which all development actions, policies and programmes must be founded on international human rights standards, in particular binding treaties, and human rights must be acknowledged as legally binding claims; according to this principle, even the legislation must be consistent with human rights principles and that human rights can be asserted by humans through credible legal mechanisms.[126] The rule of law does not entail the presence of clear and general laws only but also mandates the presence of fair

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[122] Diergaardt v. Namib., Comm. 760/1997, U.N. Doc. CCPR/C/63/D/760/1997 (HRC 1998), UN Doc. CCPR/C/69/D/760/1997 ___ (Human Rights Committee 2000), https://www.worldcourts.com/hrc/eng/decisions/1998.07.07_Diergaardt_v_Namibia.htm?utm_source=chatgpt.com.

[123] Toonen v. Australia, UN Doc. CCPR/C/50/D/488/1992 ___ (Human Rights Committee 1994), https://www.refworld.org/jurisprudence/caselaw/hrc/1994/58144.

[124] Office of the United Nations High Commissioner for Human Rights (OHCHR), *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, HR/PUB/06/12 (Brill | Nijhoff, 2006), 4–6, https://doi.org/10.1163/9789004502758_044.

[125] Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*.

[126] Office of the United Nations High Commissioner for Human Rights.

and efficient procedures of such that involves access to independent courts, the right to hear chances, fair trial guarantees and the right to be heard.[127]

Through the Human Rights-Based Approach (HRBA), education policies are evaluated in the light of the state to be meeting its justifiable obligations in the international human rights law. Here, the state as the central obligator is expected to make sure that the education policies adhere to the international standards and provide access to quality education without any discrimination and equality. The strategy looks into whether the poor and vulnerable people are actively participating in the process of decision making, there are accountability mechanisms to check and remedial actions against violations and individuals are empowered both in terms of awareness and ability to appeal to their right to receive education. HRBA evaluates as well that legal frameworks regarding education are in line with human rights standards and are complemented by affordable and efficient judicial or administrative systems. By so doing, this method not only converts education into a policy goal but also a claimable right such that governments are under an obligation to make education a reality through an inclusive, participatory and accountable approach.

2.3 The Right to Education under the International Human Rights Law

a. The Right to Education under the International Covenant on Economic, Social and Cultural Rights (ICESCR)

A significant international human rights agreement that protects fundamental economic, social, and cultural rights is the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which was ratified by the UN General Assembly on December 16, 1966, through Resolution 2200A (XXI), and went into effect on January 3, 1976. The Universal Declaration of Human Rights and the United Nations Charter both highlight the inherent dignity and equal rights of every member of the human family, which is the basis of the Covenant. It requires States Parties to uphold and defend these rights and to take the necessary steps to guarantee that people can fully exercise their civil and political rights as well as their economic, social, and cultural rights.[128]

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[127] Jeremy Walrdon, "1. THE RULE OF LAW AND THE IMPORTANCE OF PROCEDURE," in *Getting to the Rule of Law* (New York University Press, 2011), 3–14, https://www.degruyterbrill.com/unauthorizedDownload/10.18574/nyu/9780814728437.003.0001?action=Downloading+PDF&countDenial=true&download=true.

[128] Office of the United Nations High Commissioner for Human Rights (OHCHR), "International Convenant on Economic, Social and Cultural Rights(ICESCR)."

Article 13(1); States Parties acknowledge that every individual has the right to education. They agree that education must aim at the complete development of the human personality and the promotion of human dignity. It should also reinforce respect for human rights and fundamental freedoms. Furthermore, education must empower individuals to participate meaningfully in a democratic society, foster mutual understanding, tolerance, and friendship among nations and among different racial, ethnic, and religious communities, and support the efforts of the United Nations in maintaining international peace.

Article 13(2)

1. In order to fully realize this right, States Parties recognize that primary education must be compulsory and provided free of charge to all without exception.
2. Secondary education, in all its forms including technical and vocational streams must be made broadly available and accessible to everyone through all suitable measures, particularly through the gradual implementation of free education.
3. Higher education must be made equally accessible to all individuals based on merit or ability, using all appropriate methods, especially by progressively introducing free education.
4. Basic or fundamental education should be promoted or strengthened as much as possible for individuals who did not receive or complete their primary education.
5. States must actively work toward expanding and improving a comprehensive school system at every level, establish an adequate scholarship or fellowship system, and continuously enhance the working and financial conditions of teachers.
6. States Parties commit to respecting the freedom of parents and where relevant, legal guardians to select schools for their children other than public institutions, provided that such schools comply with the minimum educational standards set or approved by the State. They must also ensure that children's religious and moral education align with the convictions of their parents.
7. Nothing in this article should be interpreted as limiting the freedom of individuals or organizations to establish and manage educational institutions, provided that the principles outlined in paragraph 1 are respected and that the education offered meets the minimum standards prescribed by the State.

Article 14: Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 13 of the Covenant on Economic, Social and Cultural Rights outlines a comprehensive and binding framework for the realization of the right to education and obliges States parties to specific obligations at different levels of education. This article distinguishes between immediate and progressive obligations; in the case of primary education, States are required to ensure compulsory and free education as an immediate obligation, while in the case of secondary and higher education, the principle of progressive realization prevails and States must move towards free and equal access by using the maximum available resources. Furthermore, this article does not limit itself to physical access to education but also specifies the value and normative goals of education; including the full development of the human personality, strengthening human dignity, promoting human rights, tolerance and international peace. In addition, the emphasis on equality of access, the establishment of an appropriate scholarship system and the continuous improvement of the status of teachers indicate that the realization of the right to education requires structural and sustainable policymaking at the national level. Therefore, Article 13 is not only a formal recognition of the right to education, but also a legal basis for measuring the performance of governments in the field of educational policies.

In this context, Article 14 complements Article 13 by imposing a specific obligation on States that have not yet achieved this requirement at the time of ratification. It requires such States to develop a detailed plan of action within two years to progressively implement free and compulsory primary education. Therefore, Article 14 functions as a mechanism to ensure the effective realization of the educational rights recognized under Article 13.[129]

[129] Committtee on Econumic, Social and Cultural Rights, *General Comment 13* (United Nations, 1999), https://hrlibrary.umn.edu/edumat/IHRIP/circle/gencom13.htm?utm_source=chatgpt.com.

b. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

One of the most universally acknowledged international tools on women rights is considered to be the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was adopted by the United Nations General Assembly in 1979 and is commonly known as the Universal Bill of Rights of women. This Convention contributes to the legal definition of the displacement of women by offering a framework of legal means of recognizing and eradicating the different types of disparities in the political, economic, social and cultural areas. Based on that, the member states commit to secure the principle of equality between women and men in practice and to fight any form of discrimination, amending laws, creating protective institutions and taking effective measures.[130]

According to Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, three fundamental and central principles can be extracted in the field of education:

First, the principle of equality in education, which emphasizes the guarantee of equal rights for women and men at all levels of education. This equality includes not only access to the education system, but also equal conditions in educational guidance, obtaining qualifications, quality of education and participation in educational and extracurricular activities.

Second, the principle of non-discrimination, which requires governments to eliminate any distinction, restriction or stereotyping based on gender in educational environments. This principle emphasizes in particular the reform of curriculum content, teaching methods and cultural attitudes that lead to the reproduction of gender inequality.

Third, the principle of equal access and opportunities, which emphasizes the provision of equal opportunities to benefit from educational resources, including scholarships, continuing education programs, literacy and participation in sports and educational

[130] United Nations Women, "Convention on the Elimination of All Forms of Discrimination against Women," UN Women, accessed March 28, 2026, https://www.un.org/womenwatch/daw/cedaw/.

activities. This principle also focuses on the need to reduce educational gaps and support women who are left out of the education system.[131]

Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women and the interpretation of the article in the General Recommendation No. 36 show that the legal requirements of the article are not only a mere pronouncement, but multidimensional and specific. First, the States must not only avoid any form of direct or indirect discrimination in the education sphere, but also, take positive steps to create an environment, in which women and girls are able to exercise the right to education in real and effective beneficence. This incorporates three fundamental categories of obligation which are the obligation to respect (non-interference), the obligation to protect (prevent discrimination by others) and the obligation to fulfill (positive legislative, executive and policy action). [132]

Legally, the significance of this article is that it changes the right to education of a woman to the right that is justifiably a moral right into a right that is legally taken. This implies that States have to acknowledge this right in national law and to offer efficient means of availing justice and redress in case such right is violated. Moreover, Article 10 extends past the idea of formal equality and dwells upon the realization of substantive equality; in other words, the States have to define and eliminate structural, cultural and economic obstacles which deprive women access to equal education. Therefore, this article is deemed as one of the most important tools in international law not only as it ensures the right to education, but also opens the path to women empowerment and achieving their other fundamental rights.[133]

c. Convention on the Rights of the Child

One of the most universal international tools on children rights protection is the Convention on the Rights of the Child (CRC) which was adopted by the United Nations General Assembly in 1989 and came in effect in 1990. Focusing on the intrinsic dignity of the child and his or her necessity to be special protection, the Convention acknowledges a

[131] United Nation, "The Convention on the Elimination of All Forms of Discrimination Against Women," 2004, https://www.unodc.org/pdf/criminal_justice/Convention_on_the_Elimination_of_all_forms_of_Discrimination_against_Women.pdf?utm_source=chatgpt.com.
[132] Committee on the Elimination of Discrimination against Women, *General Recommendation No. 36 (2017) on the Right of Girls and Women to Education*, CEDAW/C/GC/36 (New York: United Nations, 2017), https://documents.un.org/doc/undoc/gen/n17/398/03/pdf/n1739803.pdf.
[133] Committee on the Elimination of Discrimination against Women.

group of civil, social, economic and cultural rights to make sure that the child develops comprehensively. It is significant because it enforces the legal obligation by governments to ensure that children have a safe environment to live in, and they would respect, be equal and have real opportunities to grow and blossom.[134]

The Convention on the Rights of the Child, in Article 28 of the Convention, acknowledges education as an inalienable right of every child and compels the States to fulfill this right gradually and on the principles of equal opportunity. In this regard, States should offer free and mandatory primary education, increase access to secondary and higher education and eliminate economic and social obstacles. Moreover, this article does not end with offering access, but also advocates continuity of education by lowering the rates of dropout, offering educational guidance and ensure the further involvement of the children in the education system. Moreover, the education system implementation should be followed by maintenance of human dignity of child and any disciplinary action in schools should be in accordance to the human dignity and rights of child.[135]

The convention in article 29 describes the purposes and the character of education and said that education must not be simply the impartation of knowledge but must be oriented towards the overall growth of the personality of the child, his talents and intellectual and physical capacity. The article also insists on the maturing of respect toward the human rights and the basic freedoms, the cultural identity, the national and international values, and views education as a way of equipping the child to the responsible life in free society, founded on peace, tolerance and equality. Moreover, the child must be taught the spirit of respecting the environment and living peacefully with others and thus enable him or her to contribute positively and actively in the society.[136]

Articles 28 and 29 of the Convention on the Rights of the Child do not just acknowledge the right to an education, they also undertake States to a set of specific measures in the same respect. States are required to offer a free, compulsory primary education, increase access to secondary and higher education and minimize the barriers to education like economic poverty and dropout as stated in these articles. They also stress that not only access alone but also the orientation of education, in its content and methods, to the formation of the

[134] United Nations General Assembly, *Convention on the Rights of the Child*.
[135] United Nations, *Convention on the Rights of the Child*, 1577 UNTS 3 (New York, 1989), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.
[136] United Nations.

personality of the child, to the reinforcement of the respect of human rights, to the orientation of the child to life in society, should be stressed. As such, it is not just the duty of the States to offer education, but to also enhance and check the education system.[137]

Legally, the significance of these articles is that they turn the right to education of the child into an international binding responsibility by the States. This implies that the domestic law of States should take into consideration this right and do what needs to be done to enact it. More so, the emphasis on the purpose of education in Article 29 reveals that the quality of education is equally significant and that it is not enough to provide access to it. Collectively, the articles are significant in associating education to other concepts like equality, human development and human dignity.

d. Constitution of Afghanistan

In 2004, the Loya Jirga ratified the Constitution of Afghanistan and it was signed by President Hamid Karzai as the basic document of the Afghan legal system. The Constitution defines the overall structure of political and legal life of the country, it focuses on the rule of law, the primary rights of the citizens, and adherence to the principles of the Charter of the United Nations and human rights.[138]

Article 43 of the constitution of Afghanistan mentions that it is the right of all Afghan citizens to education and that the government must offer it without charge to the level of bachelor degree in state-funded educational institutions. The government also has the duty of developing and executing effective programs on the balanced development of education, to grow and spread secondary education on a compulsory basis all over the country, and to offer education in the native languages in regions where the native languages are widespread.

Article 44 of this law also provides that the government should put in place effective programs to put in place and enhance balanced education to women, enhance the level of enlightenment of the nomads and should undertake all measures to eliminate illiteracy in the nation.[139]

[137] United Nations.
[138] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan."
[139] Islamic Republic of Afghanistan.

e. The Education Law of Afghanistan

The Education Law of Afghanistan, as the legal framework for regulating educational affairs in the country, specifies the goals, principles, and responsibilities of the government in the field of education. According to Article 2 of this law, the education system has been regulated with the aim of providing balanced, fair, and inclusive education, improving the quality of education, strengthening social values, and providing opportunities for citizens to participate in educational affairs. Also, according to Article 3, all Afghan citizens have the equal right to access education without any discrimination, and Article 4 guarantees compulsory primary education and free provision of educational services in government institutions.[140]

In addition, Article 6 introduces the Ministry of Education as the supreme authority responsible for designing, regulating, directing, and implementing educational goals in the country, and considers this institution responsible for managing all levels of education below the bachelor's degree. Also, according to Article 7, the Ministry of Education is required to regulate educational programs, establish and develop educational institutions, issue licenses for private educational institutions and supervise their activities, provide teaching materials, and create educational facilities. Overall, this law provides a framework under which the government is responsible for regulating, developing, and delivering educational services at the national level.[141]

[140] Islamic Republic of Afghanistan. Ministry of Education, "Education Law."
[141] Islamic Republic of Afghanistan. Ministry of Education.

CHAPTER III

ANALYSIS AND DISCUSSION

3.1. The right to education, as protected under international human rights law, contribute the poverty alleviation in the context of Afghanistan

a. The Relationship Between the Right to Education and Poverty Reduction Under International Human Rights Law

The right to education is one of the most fundamental human rights and occupies a central place within the international human rights framework. It was first recognized universally in Article 26 of the Universal Declaration of Human Rights[142] and subsequently elaborated in binding treaties including Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights,[143] Article 10 of CEDAW, [144]and Articles 28 and 29 of the Convention on the Rights of the Child.[145] These instruments collectively establish education not merely as a social service but as a legally protected entitlement essential to human dignity and development.

General Comment No. 13 of the Committee on Economic, Social and Cultural Rights further clarifies that education is both a fundamental human right in itself and an indispensable means of realizing other human rights. It emphasizes that education functions as an empowerment right by enabling economically and socially marginalized individuals to escape poverty and participate fully in society.[146] This empowerment dimension is reflected in the broader developmental literature, which recognizes education as enhancing individuals' knowledge, skills, and capabilities necessary for socio-economic advancement

[142] Universal Declaration of Human Rights (1948), https://www.un.org/en/about-us/universal-declaration-of-human-rights?utm_source=chatgpt.com.
[143] United Nations, "International Covenant on Economic, Social and Cultural Rights," OHCHR, December 16, 1966, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.
[144] "Convention on the Elimination of All Forms of Discrimination against Women (<span Style="font-Variant."
[145] United Nations General Assembly, *Convention on the Rights of the Child*.
[146] United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, UN Doc Symbol: E/C.12/1999/10 (Geneva: United Nations, 1999), 1–8, https://www.refworld.org/legal/general/cescr/1999/en/37937.

and fuller participation in community life[147]. In this sense, education serves not only as a protected legal entitlement but also as a practical mechanism for expanding substantive human freedoms and opportunities.

In developing countries, the lack of educational facilities is one of the main factors reproducing poverty, [148]because the deprivation of knowledge skills limits the ability of individuals to earn sufficient income and ultimately pushes families below the poverty line. [149]Empirical evidence shows that increasing the level of education is directly associated with improving economic status; in such a way that people with secondary and higher education enjoy better income opportunities and economic status than those with only primary education or less.[150]

At the macroeconomic level, education strengthens workforce productivity, promotes national competitiveness, and contributes to more equitable income distribution, thereby supporting broader socioeconomic development and structural poverty reduction.[151]

From a Human Rights-Based Approach, education must be understood not merely as an economic investment but as a legal entitlement grounded in dignity, equality, participation, and state accountability.[152] Such a framework transforms individuals from passive recipients of aid to those who consciously demand their rights, while at the same time presenting governments as responsible and committed actors who have the duty to fully implement these rights. From this perspective, poverty is not seen only as a lack of income,

[147] Miremba Bacia K, "Influence of Women's Education on Poverty Reduction," *RIJCRHSS Publications* 3, no. 2 (2024): 20–21, https://smartie.kiu.ac.ug/public/assets/publications/ef6f150e51e10ef5c2947c9f265e98ae145c4535.pdf.
[148] Bacia K, 20–21.
[149] Phillip Brown and David James, "Educational Expansion, Poverty Reduction and Social Mobility: Reframing the Debate," *International Journal of Educational Research* 100 (2020): 2–4, https://doi.org/10.1016/j.ijer.2020.101537.
[150] Zheng Shi and Md Qamruzzaman, "Re-Visiting the Role of Education on Poverty Through the Channel of Financial Inclusion: Evidence From Lower-Income and Lower-Middle-Income Countries," *Frontiers in Environmental Science* 10 (May 2022), 2-5, https://doi.org/10.3389/fenvs.2022.873652.
[151] Zheng Shi and Md Qamruzzaman, "Re-Visiting the Role of Education on Poverty Through the Channel of Financial Inclusion: Evidence From Lower-Income and Lower-Middle-Income Countries," *Frontiers in Environmental Science* 10 (May 2022), 2-5, https://doi.org/10.3389/fenvs.2022.873652.
[152] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 14–15.

but also as a profound deprivation of human rights, a disregard for human dignity and worth, and a limitation of an individual's real-life opportunities and possibilities.[153]

Although education plays a significant role in poverty reduction and contributes to reducing poverty by improving employment prospects and income levels, as well as enhancing health outcomes, decision-making ability, and social participation,[154] it cannot by itself eradicate poverty in the absence of broader structural reforms. [155]labour market constraints, Structural inequalities, educational exclusion, and political instability are among the major factors that limit the poverty-reducing effects of education.[156] Therefore, the relationship between education and poverty reduction must be assessed within a multidimensional and structural framework.[157]

b. Structural Barriers to Educational Access in Afghanistan as Drivers of Poverty

According to Johann Galtung's theory of structural violence, violence is not limited to direct and physical behaviors; it also occurs when social, political, and economic structures are organized in a way that limits individuals' access to the opportunities necessary for the fulfillment of their human potential.[158] In Afghanistan, deprivation of education is not the result of individual choices, but rather the result of a set of interconnected structural barriers that have systematically limited access to education for some groups, especially women and girls.[159] In addition to violating the fundamental right to education, these barriers play a fundamental role in perpetuating and exacerbating multidimensional poverty by reducing human capital, limiting employment opportunities, and reproducing social inequalities.[160]

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[153] Olivier De Schutter, *Chapter 1: A Human Rights-Based Approach to Measuring Poverty* (2021), 2–20, https://www.elgaronline.com/edcollchap/edcoll/9781788977500/9781788977500.00010.xml.
[154] Sher Khan et al., "Role of Education in Poverty Reduction: Perceptions of Afghan Students," *Social Science Review Archives* 3, no. 4 (December 2025): 3703, https://doi.org/10.70670/sra.v4i1.1473.
[155] Phillip Brown and David James, "Educational Expansion, Poverty Reduction and Social Mobility: Reframing the Debate," *International Journal of Educational Research* 100 (January 2020): 1, https://doi.org/10.1016/j.ijer.2020.101537.
[156] Savaş Varlık et al., "The Unbreakable Chain: The Cycle of Social Inequality – Violence, Poverty and Education," *Humanities and Social Sciences Communications* 12, no. 1 (June 2025): 1, https://doi.org/10.1057/s41599-025-05302-z.
[157] George E. Halkos and Panagiotis-Stavros C. Aslanidis, "Causes and Measures of Poverty, Inequality, and Social Exclusion: A Review," *Economies* 11, no. 4 (April 2023): 4, https://doi.org/10.3390/economies11040110.
[158] Galtung, "Violence, Peace, and Peace Research," 1969, 168–69.
[159] UNISCO, "Banned from Education: A Review of the Right to Education In," accessed July 11, 2025, https://www.unesco.org/en/articles/banned-education-review-right-education-afghanistan.
[160] Jasper Ward and Jasper Ward, "UNICEF Warns Afghanistan Could Lose up to 25,000 Female Health Workers, Teachers," Asia Pacific, *Reuters*, April 28, 2026, https://www.reuters.com/world/asia-pacific/unicef-warns-afghanistan-could-lose-up-25000-female-health-workers-teachers-2026-04-28/.

From the perspective of the Human Rights-Based Approach, education is not simply a tool for economic development, but a fundamental and inalienable right[161] that the state and governing structures are obligated to respect, protect, and fulfill.[162] Therefore, whenever governance structures or social arrangements operate in a way that disrupts equal access to education, it is not simply a question of development inefficiency, but also a violation of human rights obligations and the structural reproduction of inequality.[163]

In Afghanistan, the most obvious manifestation of this structural violence can be seen in the institutionalized gender discrimination against women and girls.[164] Through the lens of structural violence the ban on secondary and higher education for girls and the extensive restrictions on their presence in the public sphere and the labor market are not simply political decisions, but rather reflections of an institutional architecture that systematically deprives women of access to the means of personal and economic empowerment. [165]Because the prevailing legal and political structure has deliberately created a situation in which half of the country's population is prevented from fulfilling their human potential.[166] At the same time, from the perspective of HRBA, this situation is a clear violation of the right to education, the principle of non-discrimination, and the principle of equality in the enjoyment of fundamental rights.[167]

The effects of this deprivation go beyond the educational sphere, as excluding women from education [168]effectively excludes them from pathways to skill acquisition, formal employment, and economic independence,[169] and deepens their financial dependence on patriarchal family structures. Empirical research has shown that educational restrictions against women in Afghanistan have led to reduced economic participation, increased early

[161] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 10.
[162] UNICEF and UNESCO, 39.
[163] UNICEF and UNESCO, 16–17.
[164] Karima Bennoune, "The International Obligation to Counter Gender Apartheid in Afghanistan," *Feminist Dissent*, no. 7 (2023): 7–11, https://doi.org/10.31273/fd.n7.2023.1506.
[165] Abdul G. Noury and Biagio Speciale, "Social Constraints and Women's Education: Evidence from Afghanistan under Radical Religious Rule," *Journal of Comparative Economics* 44, no. 4 (November 2016): 824–25, https://doi.org/10.1016/j.jce.2016.07.005.
[166] Sebghatullah Qazi Zada and Mohd Ziaolhaq Qazi Zada, "The Taliban and Women's Human Rights in Afghanistan: The Way Forward," *The International Journal of Human Rights* 28, no. 10 (November 2024): 1669, https://doi.org/10.1080/13642987.2024.2369584.
[167] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 29–31.
[168] Bennoune, "The International Obligation to Counter Gender Apartheid in Afghanistan," 12–15.
[169] Qazi Zada and Qazi Zada, "The Taliban and Women's Human Rights in Afghanistan," 1669–700.

marriage, and reduced social independence.[170] Thus, the educational deprivation of women not only violates their rights, but also, by systematically excluding them from the cycle of production and income, weakens the economic capacity of families and society and reproduces poverty at a structural level.[171] UNESCO has also warned that the continuation of these policies could remove hundreds of thousands of women from the labor market and impose billions of dollars in economic losses on Afghanistan in the coming decades.[172]

However, gender discrimination is not the only mechanism that reproduces educational deprivation.[173] The unequal structure of development between urban and rural areas also shows that access to education in Afghanistan is a function of the geography of power and resource distribution. In many rural areas, the long distance to school,[174] the lack of transport infrastructure, the shortage of qualified teachers, and the lack of girls' schools mean that place of birth effectively determines the extent to which individuals have access to education.[175] This is an example of structural violence in Galton's view,[176] because the unequal distribution of public resources unfairly allocates opportunities for growth and development based on geographical location. Burde and Linden's study shows that simply reducing the distance between home and school significantly increases children's enrollment especially girls' suggesting that a significant part of educational deprivation is due to unequal distributional structures rather than individual preferences.[177] In the context of HRBA, this situation represents a violation of the principle of equal access and non-geographical discrimination in the enjoyment of public services. When the quality of and

[170] Noury and Speciale, "Social Constraints and Women's Education," 833–37.
[171] Dr Abdul Ghafoor Awan and Aasma Malik, "IMPACT OF FEMALE EDUCATION ON POVERTY REDUCTION: AN EVIDENCE FROM PAKISTAN," *Global Journal of Management, Social Sciences and Humanities* 6, no. 2 (June 2020): 321–24, https://gjms.b-cdn.net/2020/Volume%206/Issue%202,%202020/Asma%20Malik%20Research%20paper.pdf.
[172] UNESCO, *Banned from Education: A Review of the Right to Education in Afghanistan* (UNESCO, 2025), 36–37, https://doi.org/10.54675/ZGFZ4761.
[173] Wahiba Abu-Ras et al., "A Scoping Review of Gender-Based Violence Interventions Conducted in Afghanistan," *International Journal for Equity in Health* 25, no. 1 (March 2026): 2, https://doi.org/10.1186/s12939-026-02830-1.
[174] Rafiuddin Najam, Harry Anthony Patrinos, and Raja Bentaouet Kattan, "The Mis-Education of Women in Afghanistan: From Wage Premiums to Economic Losses," *Journal of Population Economics* 39, no. 2 (March 2026): 3, https://doi.org/10.1007/s00148-026-01148-0.
[175] UNICEF Afganistan, "Education-Providing Quality Education for All," UNICEF Afghanistan, accessed May 7, 2026, https://www.unicef.org/afghanistan/education.
[176] Galtung, "Violence, Peace, and Peace Research," 1969.
[177] Dana Burde and Leigh L. Linden, *The Effect of Village-Based Schools: Evidence from a Randomized Controlled Trial in Afghanistan*, Working Paper Series, May 2012, 27–31, 36–38, https://doi.org/10.3386/w18039.

access to education are dependent on location, the governance structure has effectively classified human development opportunities based on geography.[178]

Furthermore, the impact of conflict and insecurity on Afghanistan's education system should not be understood as merely external or temporary. Decades of war, attacks on schools, military occupation of educational facilities, forced displacement of the population, and threats against teachers and students have chronically weakened the education system.[179] Although the violence of war is direct on the surface, it is reproduced as structural violence when its consequences lead to the ongoing destruction of educational institutional capacities, declining school attendance, and the erosion of human capital across generations. In other words, war is not just a moment of violence; rather, by creating lasting disruption in educational institutions, it creates a structure of enduring deprivation that limits the ability of subsequent generations to escape poverty.[180] From a human rights perspective, the inability or refusal of the ruling structure to ensure the security of educational environments and protect continued access to education is also a violation of the obligation to protect and fulfill the right to education.[181]

On the other hand, the relationship between poverty and education in Afghanistan is not a one-way relationship, but poverty itself has become a structural barrier to education and is reproduced through educational deprivation.[182] Many Afghan families, under severe economic pressure, are forced to employ their children or prevent them from accessing education in order to participate in the household economy.[183] The significant increase in child labor in recent years confirms that education has become an unbearable cost for many families in times of economic crisis.[184] This situation shows that educational deprivation is not the product of household "choice" but the result of structural coercion resulting from economic conditions.[185] In Galtung's framework, a structure that forces individuals to choose between survival and education is a violent structure because it places people in a

[178] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 56–61.
[179] UNESCO, *Banned from Education*, 37–39.
[180] Najam, Patrinos, and Kattan, "The Mis-Education of Women in Afghanistan," 2.
[181] United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 13*, 5–6.
[182] Carlo Raffo et al., "Education and Poverty: Mapping the Terrain and Making the Links to Educational Policy," *International Journal of Inclusive Education* 13 (June 2009): 341–58, https://doi.org/10.1080/13603110802124462.
[183] Najam, Patrinos, and Kattan, "The Mis-Education of Women in Afghanistan," 4.
[184] UNESCO, *Banned from Education*, 39–40.
[185] Raffo et al., "Education and Poverty," 349–53.

position where they are forced to sacrifice their long-term development in order to meet their basic needs. [186]From the HRBA perspective, economic poverty does not exempt the state from responsibility; rather, the government's commitment to the progressive realization of the right to education requires the adoption of special support measures for disadvantaged groups. The absence of such support means the failure of the governing structure to fulfill its positive obligations towards the right to education.[187]

In addition, restrictive cultural and social norms in some sectors of Afghan society also play a role in reproducing educational deprivation, but the analysis of these norms should not stop at the level of cultural description. [188]An analytical approach requires that these norms be understood as part of an unequal social structure, not simply as local choices or traditions.[189] When early marriage, prioritizing domestic roles for girls, or undervaluing women's education are accepted and reproduced within the context of the social order, these norms become informal mechanisms of structural violence that limit equal access to education. [190]In other words, culture here is not a neutral phenomenon but part of the social architecture that reproduces discrimination.[191] From a human rights perspective, relying on tradition or culture to justify deprivation of education cannot legitimize the violation of fundamental rights, because human rights emphasize universality and the impossibility of justifying discrimination by reference to cultural norms.[192]

In addition to all these factors, the infrastructural and institutional weaknesses of the Afghan education system demonstrate that, even in the absence of explicit legal barriers, underinvestment in education is itself a form of structural exclusion. [193]The shortage of schools, the lack of adequate educational facilities, the lack of female teachers, the weakness of health services in schools, and the institutional failure to extend educational coverage to disadvantaged areas have all resulted in the right to education remaining a theoretical right

[186] Galtung, "Violence, Peace, and Peace Research," 1969, 3.
[187] *General Comment No. 13: The Right to Education (Art. 13)*.
[188] Razia Arooje and Nina Burridge, "School Education in Afghanistan," in *Handbook of Education Systems in South Asia* (Springer, Singapore, 2021), 16, https://doi.org/10.1007/978-981-15-0032-9_10.
[189] Abu-Ras et al., "A Scoping Review of Gender-Based Violence Interventions Conducted in Afghanistan," 2.
[190] Arooje and Burridge, "School Education in Afghanistan," 16–18.
[191] Abu-Ras et al., "A Scoping Review of Gender-Based Violence Interventions Conducted in Afghanistan," 3.
[192] Martyn Barrett, "The Assault on Universal Human Rights from Intercultural Education: Myths, Facts and a Defence," *Social Sciences* 15, no. 2 (February 2026): 15–18, https://doi.org/10.3390/socsci15020136.
[193] Hazrat Usman Mashwani, Syed Manzoor Hussain Shah, and Muhammad Ilyas Khan, "Infrastructural Needs for Establishing Non-Formal Schools in Afghanistan: A Case Study," *International Research and Publishing Academy (iRAPA)* 4, no. 1 (2024): 107–16, https://doi.org/10.48112/aessr.v4i1.717.

for a large segment of society.[194] In the context of HRBA, the realization of the right to education requires that education is not only legally permissible, but also practically accessible, available, acceptable, and responsive to the needs of different groups[195]. Thus, the lack of adequate infrastructure is not simply a technical or managerial issue, but also reflects a structural failure in the implementation of the state's human rights obligations to provide the conditions for the effective realization of the right to education.[196]

In sum, what is observed in Afghanistan is not a set of discrete and independent barriers, but rather an interwoven network of structural mechanisms that mutually reinforce each other and create a self-reproducing cycle of deprivation and poverty. Gender discrimination,[197] geographical inequality, insecurity, economic poverty, social exclusion, and institutional weakness interact to create a structure in which educational deprivation leads to reduced human capital, limited employment opportunities, reduced income, and the reproduction of multidimensional poverty, which in turn weakens the ability of the next generation to access education. Thus, the relationship between education and poverty in Afghanistan is not a linear and simple one, but deprivation from education itself is one of the central mechanisms of the production and reproduction of structural poverty.[198] Consequently, from the perspective of both Galtung's theory of structural violence and a human rights-based approach, the Afghan education crisis should be analyzed not simply as a development issue, but as a system of structural deprivation and persistent violations of fundamental rights that actively reproduce poverty, inequality, and social exclusion in society.

c. The Practical Contribution of Education to Poverty Alleviation in Afghanistan

Extensive empirical evidence shows that there is a direct and significant relationship between educational progress and poverty reduction. Within the framework of the first Sustainable Development Goal, namely the eradication of poverty, education is recognized

[194] Arooje and Burridge, "School Education in Afghanistan," 29–30.
[195] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 29–32.
[196] UNICEF and UNESCO, 39.
[197] Mohammad Ayub Yusufzai and Dr Geeta, "Gender Inequalities in Access to the Right to Education: The Consequences of the Taliban's Gender-Based Educational Policy on Women in Afghanistan," *Journal of Human Rights* 17 (December 2024): 119–21, https://doi.org/10.22096/hr.2024.2022754.1653.
[198] Yusufzai and Geeta, 120–22.

as one of the most effective tools for reducing structural poverty and preventing its persistence in future generations. Various studies show that increasing the level of education not only increases job opportunities, but each additional year of education can increase an average of about ten percent of an individual's income.[199] In this regard, UNESCO analyses show that increasing the average number of years of adult education by just two years could lift about 60 million people out of poverty. Also, if everyone worldwide completed secondary education, the number of people living in poverty could be reduced by about 420 million. This could significantly reduce global poverty, especially in poor regions of South Asia, including Afghanistan.[200]

However, in the context of this research, the relationship between education and poverty reduction should not be analyzed solely from an economic perspective. This relationship requires an integrated analytical framework based on Johan Galtung's theory of structural violence[201] and a human rights-based approach.[202] Galtung's theory explains how unequal social and political structures reproduce deprivation and poverty,[203] while the human rights-based approach emphasizes state responsibility, equality, and ensuring non-discriminatory access to education. From this perspective, education is not simply a tool for economic development, but a fundamental right whose realization can undermine structures of deprivation and social exclusion.[204]

One of the most important practical contributions of education to poverty reduction in Afghanistan is to increase literacy and employability.[205] With a large portion of the Afghan population working in the informal economy and low-wage jobs, access to education can increase opportunities to participate in more sustainable economic activities.[206] Educated individuals typically have greater access to job opportunities, professional skills, and stable

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[199] UNESCO, *UNESCO: Sustainable Development Begins with Education | Global Education Monitoring Report* (2023), accessed 2025-10-10 https://www.unesco.org/gem-report/en/articles/unesco-sustainable-development-begins-education.
[200] UNESCO, *World Poverty Could Be Cut in Half If All Adults Completed Secondary Education | Global Education Monitoring Report* (2023), accessed 2025-10-10 https://www.unesco.org/gem-report/en/articles/world-poverty-could-be-cut-half-if-all-adults-completed-secondary-education.
[201] Ndhlovu, "Structural Violence and the Perpetuation of Women's Poverty," December 2024, 3.
[202] United Nationa Sustainable Development Group, "Unsdg | Human Rights-Based Approach," Un Sustainable Development Group, n.d, https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach.
[203] Galtung, "Violence, Peace, and Peace Research," 1969, 171.
[204] OECD and World Bank, *Integrating Human Rights into Development, Second Edition*, 2–4.
[205] UNESCO, *Education: What You Need to Know and Why It Matters | UNESCO* (2026), https://www.unesco.org/en/articles/what-you-need-know-about-education-and-why-it-matters.
[206] Thomas Bossuroy, M. Virginia Ceretti, and Anais Dahmani-Scuitti, *A Focus on Youth, Women, and Employment Support Programs*, March 2025, 6.

incomes, and as a result, their economic vulnerability is reduced. Therefore, education can reduce economic dependency and increase the capacity of individuals to improve their living conditions.[207]

The importance of education in Afghanistan is not limited to increasing incomes, but is also directly related to social empowerment.[208] As discussed earlier, education functions not only as an economic mechanism but also as a rights-based instrument of empowerment. In Afghanistan, this becomes particularly visible through its impact on employability, women's participation, and intergenerational mobility.[209] People who have access to education are more able to participate in social and economic decision-making and are less exposed to social exclusion. As a result, the realization of the right to education can transform individuals from passive recipients of assistance to rights holders who are able to claim rights and actively participate in society.

The role of women's education in poverty reduction in Afghanistan is of particular importance. Women's education not only increases their economic participation opportunities, but also has a direct impact on the well-being of the family and society.[210] Educated women participate more in economic activities, play a more active role in family decision-making, and pay more attention to children's health and education.[211] Studies also show that women's education is directly linked to a decrease in early marriage, a decrease in child labor, and an increase in investment in the education of the next generation.[212] Therefore, women's education can strengthen the economic capacity of families and reduce family poverty.[213]

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[207] Bossuroy, Ceretti, and Dahmani-Scuitti, 7.
[208] UNESCO, *Education*.
[209] Christopher J. Johnstone et al., "A Human Rights-Based Evaluation Approach for Inclusive Education," *Sage Publications* 45, no. 3 (2024): 447, https://journals.sagepub.com/doi/10.1177/10982140231153810?utm_source=chatgpt.com.
[210] Bossuroy, Ceretti, and Dahmani-Scuitti, *A Focus on Youth, Women, and Employment Support Programs*, 7–13.
[211] Shanika Samarakoon and Rasyad A. Parinduri, "Does Education Empower Women? Evidence from Indonesia," *World Development* 66 (February 2015): 428, https://doi.org/10.1016/j.worlddev.2014.09.002.
[212] Jennifer McCleary-Sills et al., "Child Marriage: A Critical Barrier to Girls' Schooling and Gender Equality in Education," *The Review of Faith & International Affairs* 13, no. 3 (July 2015): 69, https://doi.org/10.1080/15570274.2015.1075755.
[213] UNESCO, *World Poverty Could Be Cut in Half If All Adults Completed Secondary Education | Global Education Monitoring Report*.

Education also plays an important role in reducing intergenerational poverty.[214] In Afghanistan, poverty and educational deprivation often reproduce each other; as poor families tend to provide fewer educational opportunities for their children, and this deprivation continues into subsequent generations. Conversely, education can weaken this cycle and pave the way for the social and economic mobility of the next generation. Children from educated families usually have more educational and career opportunities and are less likely to remain in the cycle of poverty.[215]

In addition to the individual and family levels, education also plays a key role in Afghanistan's long-term social and economic development. Expanding equitable access to education can increase labor productivity, strengthen institutional capacity, and expand social participation. A society in which a large portion of its population is deprived of education will face constraints on economic development, institutional weakness, and social inequality. From this perspective, education is not only a tool for reducing individual poverty, but also a fundamental prerequisite for sustainable development and social justice in Afghanistan.[216]

Finally, this research shows that the right to education, as a fundamental human right, can play an important role in reducing poverty in Afghanistan. Realizing this right can help weaken structures of deprivation and inequality by increasing employability, strengthening the economic capacity of families, empowering women, reducing intergenerational poverty, and promoting social and economic development. However, realizing these capacities requires effective implementation of government commitments, ensuring equal and non-discriminatory access to education, and adopting policies based on equity, participation, and accountability. Therefore, in the Afghan context, education is not only a development tool, but also one of the most effective rights-based mechanisms for sustainable poverty reduction and social justice.[217]

[214] Baiju, "Nexus of Multidimensional Poverty and Educational Deprivation among the Social Groups," 149–50.
[215] Michelle S. M. Momo, Sofie J. Cabus, and Wim Groot, "Household Deprivation and the Intergenerational Correlation of Education: An Analysis of Developing Countries," *International Journal of Educational Research* 109 (January 2021): 1–2, https://doi.org/10.1016/j.ijer.2021.101797.
[216] Morten Sigsgaard, *Education and Fragility in Afghanistan: A Situational Analysis; Research Papers IIEP; 2009*, 2009, 21–28, https://inee.org/resources/education-and-fragility-afghanistan-situational-analysis?utm_source=chatgpt.com.
[217] Sigsgaard, 10–28.

3.2. Afghanistan's obligation under the International Human Rights Law to uphold the right of education to Reduce Poverty

a. Afghanistan's International and Domestic Legal Obligations to Protect the Right to Education

Afghanistan by acceding to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1983, the Convention on the Rights of the Child (CRC) in 1994, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2003, [218]Afghanistan has committed to guaranteeing the right to education to all citizens without discrimination. These commitments oblige the State to create the necessary conditions for equal, effective and sustainable access to education.[219], [220],[221] However, the current state of education in Afghanistan shows that there is a deep gap between the State's legal obligations and the practical reality; a gap that is particularly evident in the widespread exclusion of girls from education.[222]

According to article 13 of the Covenant on Economic, Social and Cultural Rights, the State of Afghanistan is obliged to ensure free and compulsory primary education and to facilitate progressive and equal access to secondary and higher education. This obligation is not limited to the establishment of educational institutions, but the State must take effective and sustained measures to the maximum extent of its available resources to achieve the practical realization of the right to education.[223]The Committee on Economic, Social and Cultural Rights also emphasizes in its General Comment No. 13 that States are obliged to ensure equal and non-discriminatory access to education even in times of crisis.[224]

[218] Office of the United Nations High Commissioner for Human Rights(OHCHR), "Ratification Status for Afghanistan," UN Treaty Body Detabase, accessed May 9, 2026, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN&utm_source=chatgpt.com.
[219] International Covenant on Economic, Social and Cultural Rights (ICESCR), art 13.
[220] United Nations General Assembly, "CEDAW 29th Session 30 June to 25 July 2003," United Nations / OHCHR, 1979, art 10, https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm.
[221] United Nations, *CRC*, arts 28-29.
[222] UNESCO(United Nations Educational , Scientific and Cultural Organization), "Afghanistan."
[223] Office of the United Nations High Commissioner for Human Rights (OHCHR), "International Convenant on Economic, Social and Cultural Rights(ICESCR)," art 2(1).
[224] United Nation, "General Comment No. 13: The Right to Education (Article 13) (1999)," OHCHR, accessed May 9, 2026, https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999.

Under the ICESCR, State obligations extend beyond the simple provision of educational institutions and require the establishment of an education system that is available, accessible, acceptable, and adaptable to the diverse needs of society.[225] In the current situation in Afghanistan, each of these elements is seriously violated. The closure of schools and universities for girls has eliminated equal access to education; gender and social restrictions have hindered free access to education; and restrictions on educational content have reduced the quality and acceptability of education.[226] According to a 2024 UNESCO report, Afghanistan is the only country in the world that has officially banned secondary and higher education for girls, and since 2021, more than 1.4 million girls have been deprived of education; a figure that rises to about 2.5 million if girls who had previously dropped out are included.[227] This situation shows that educational restrictions in Afghanistan are not simply the result of administrative weaknesses or lack of resources, but represent a direct violation of the government's international obligations regarding the principle of non-discrimination and equal access to education.[228]

The Convention on the Elimination of All Forms of Discrimination against Women also obliges the Afghan government to eliminate any gender discrimination in education and to ensure equal access for women and men to all levels of education.[229] However, existing policies regarding girls' education show that the educational deprivation of women in Afghanistan goes beyond an educational limitation and has become part of a broader pattern of structural discrimination. [230]Depriving women of education excludes them from economic, social and political participation and perpetuates their economic and social dependence. From this perspective, the violation of women's right to education is not simply a violation of an individual right, but also reproduces unequal power structures and perpetuates social exclusion.[231] According to UNICEF, about 60 percent of the 3.7 million

[225] United Nation.
[226] Talitha Aqiella Marsanthy, "Exclusion and Discrimination in Access to Education Against Afghanistan Women: An International Human Rights Study," *Research Horizon* 5, no. 6 (December 2025): 2717–19, https://doi.org/10.54518/rh.5.6.2025.918.
[227] UNESCO(United Nations Educational , Scientific and Cultural Organization), "Afghanistan."
[228] Yusufzai and Geeta, "Gender Inequalities in Access to the Right to Education," 119–21.
[229] United Nations General Assembly, "CEDAW 29th Session 30 June to 25 July 2003," art 10.
[230] Marsanthy, "Exclusion and Discrimination in Access to Education Against Afghanistan Women," 2714–20.
[231] Homayoun Mallyar, "Women's Rights in the Taliban Regime," *International Studies Journal (ISJ)* 20, no. 2 (2024 2023): 198–201, https://doi.org/10.22034/ISJ.2023.411080.2055.

out-of-school children in Afghanistan are girls; a statistic that shows that educational discrimination in Afghanistan is structural and gendered in nature.[232]

The importance of this issue becomes even more apparent when education is considered as one of the main tools for women's empowerment. Restricting girls' education not only reduces women's employment opportunities and economic independence, but also undermines their participation in social and family decision-making.[233] In a society like Afghanistan, where women already face extensive cultural and social constraints, the deprivation of education actually reinforces the cycle of poverty, dependency and gender inequality. Therefore, women's educational deprivation cannot be considered solely an educational issue, but is directly linked to the reproduction of poverty and social exclusion.[234]

The Convention on the Rights of the Child (CRC) obliges the Afghan government to guarantee the right to education without discrimination for children and to provide them with equal access to education. Article 28 of the Convention emphasizes equal educational opportunities, and Article 29 considers education as a means for the development of the personality, respect for human rights and the preparation of children for participation in society.[235] Furthermore, General Comment No. 1 and General Comment No. 20 of the Committee on the Rights of the Child further clarify that States are required to respond to the particular vulnerabilities of adolescent girls and eliminate barriers such as discrimination, child marriage, violence, and exclusion from education.[236],[237] In this context, the Taliban's ban on girls' education reflects Afghanistan's failure to meet its

[232] UNICEF Afganistan, "Education-Providing Quality Education for All."
[233] Tayyba, Kausar Kiran, and Abdul Ghafoor Awan, "Role of Women's Education in Economic Empowerment and Decision-Making," *Journal of Asian Development Studies* 14, no. 3 (August 2025): 1926–27, https://doi.org/10.62345/jads.2025.14.3.152.
[234] Ali Randhawa, Muhammad Tahir, and Muhammad Umar Zaman, *Dialogue Social Science Review (DSSR) The Psychological and Socioeconomic Impacts of Education Denial on Afghan Girls*, February 1, 2025, 1106–9, https://www.researchgate.net/profile/Ali-Randhawa/publication/389775471_Dialogue_Social_Science_Review_DSSR_The_Psychological_and_Socioeconomic_Impacts_of_Education_Denial_on_Afghan_Girls/links/67d16bd8bab3d32d84410739/Dialogue-Social-Science-Review-DSSR-The-Psychological-and-Socioeconomic-Impacts-of-Education-Denial-on-Afghan-Girls.pdf.
[235] United Nations, *CRC*, arts 28-29.
[236] Committee on the Rights of the Child, *General Comment No. 1 (2001), Article 29 (1), The Aims of Education* (United Nations Committee on the Rights of the Child, 2001), https://www.refworld.org/legal/general/crc/2001/39221.
[237] Committee on the Right of the Child, *General Comment No. 20 (2016) on the Implementation of the Rights of the Child during Adolescence*, UN Symbol: CRC/C/GC/20 (United Nationas Committee on the Rights of the Child, 2016), https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-20-2016-implementation-rights.

international obligations to ensure the right to education and to provide a safe, equitable and sustainable learning environment.[238]

At the national level, the 2004 Afghan Constitution also recognizes the right to education as a fundamental right of citizens. Article 43 of the Constitution explicitly states that education is the right of all citizens and that the state is obligated to provide free education at the undergraduate level in public institutions. Article 44 also obliges the state to design and implement effective and specific programs for the education of women, nomads, and disadvantaged groups.[239]

The Afghan Education Law, which was passed in 2008, based on Articles 17, 43, 44, 45, 46, and 47, is a domestic legal document that clearly states the government's obligations towards education. [240] Article 1 states that the main objective of this law is to regulate the country's education affairs within the framework of the principles of the Constitution and Islamic values. In addition, Article 2 of this law obliges the Afghan government to strengthen and uphold the fundamental principles of human rights, such as ensuring equal rights to education for all citizens, improving the quality of education, strengthening respect for human rights and women's rights, and eliminating any discrimination.[241]

Article (3) of this law, by stating that "citizens of the Islamic Republic of Afghanistan have equal rights to education and no discrimination of any kind is permissible in this regard, establishes the principle of equality and the prohibition of discrimination as a binding obligation for the government. [242]

This provision is in line with Afghanistan's international obligations, particularly Article 13 of the International Covenant on Economic, Social and Cultural Rights and Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 243 which obligate the government to ensure equal and non-discriminatory access to education. In addition, Article (4) of the Education Law, by making primary education compulsory and free of charge at all levels of education in government

[238] Marsanthy, "Exclusion and Discrimination in Access to Education Against Afghanistan Women," 2717–20.
[239] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan."
[240] Islamic Republic of Afghanistan. Ministry of Education, "Education Law," 2.
[241] Islamic Republic of Afghanistan. Ministry of Education, "Education Law."
[242] Islamic Republic of Afghanistan. Ministry of Education, 3.
[243] "Convention-CEDAW-English.Pdf," n.d., accessed July 14, 2025, https://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/Convention-CEDAW-English.pdf?utm_source=chatgpt.com.

institutions, expresses the government's commitment to the progressive realization of the right to education, a commitment that is considered a core responsibility of governments not only at the national level but also in the international human rights system.[244]

These provisions, together with the threefold human rights obligation respect, protection and fulfillment obligate the Afghan government to provide the necessary structural and financial frameworks for universal access to education, improve the quality of education, and prevent any gender, ethnic or social discrimination in the education system. In this way, the 1387 Afghan Education Law can be considered a clear reflection of the government's efforts to align domestic obligations with international principles and standards, especially in line with the practical realization of the right to education as one of the fundamental rights.[245]

Afghanistan's obligations to the right to education include three fundamental levels of respect, protection and fulfilment. The State must not only refrain from direct interference with individuals' access to education, but also prevent discrimination and educational deprivation and provide the necessary legal, administrative and financial conditions for universal access to education.[246] However, the current situation in Afghanistan shows that the State has not only failed to fulfil this right, but has itself become a direct agent of restricting education, especially for girls. [247]As a result, it can be said that Afghanistan faces serious and persistent violations in the implementation of its international obligations to the right to education; violations that not only undermine fundamental human rights but also reproduce poverty, inequality and social exclusion. From this perspective, ensuring the right to education in Afghanistan is not simply an educational or development issue, but rather one of the most fundamental prerequisites for achieving social justice and sustainable poverty reduction.[248]

b. Critical Assessment of Afghanistan's Compliance with the Right to Education

Despite Afghanistan's extensive commitments under international human rights law, the current educational situation demonstrates a profound gap between legal obligations and

[244] Islamic Republic of Afghanistan. Ministry of Education, "Education Law," 3.
[245] Committee on Economic, Social and Cultural Rights(CESCR), "University of Minnesota Human Rights Library," 1999, accessed 2025-10-14 https://hrlibrary.umn.edu/gencomm/escgencom13.htm?utm_source=chatgpt.com.
[246] United Nation, "D) General Comment No. 13."
[247] Mallyar, "Women's Rights in the Taliban Regime," 190–94.
[248] Marsanthy, "Exclusion and Discrimination in Access to Education Against Afghanistan Women," 2723.

practical implementation. Although Afghanistan is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),[249] the realization of the right to education remains severely limited, particularly for girls and marginalized populations. The persistence of educational deprivation indicates not only institutional weakness but also serious failures in the implementation of binding human rights obligations.[250]

According to UNICEF statistics, approximately 60 percent of the 4.2 million out-of-school children in Afghanistan are girls.[251] This exclusion is closely linked to discriminatory social norms, insecurity, poverty, and restrictive educational policies.[252] In addition, UNESCO reported in 2024 that Afghanistan is currently the only country in the world that officially prohibits girls from accessing secondary and higher education. Since 2021, at least 1.4 million girls have been deprived of education, while the number rises to nearly 2.5 million when previously excluded girls are included.[253] These figures demonstrate that educational deprivation in Afghanistan is not merely the result of administrative weakness or lack of resources, but reflects systematic discrimination and direct interference with the right to education.[254]

From the perspective of international human rights law, such restrictions constitute serious violations of the obligations to respect, protect, and fulfill the right to education. The obligation to respect requires the state to refrain from interfering with access to education.[255] However, the ban on girls' secondary and higher education represents direct state interference in the exercise of this right.[256] The obligation to protect requires the state to prevent discrimination and ensure safe and equal educational access for all individuals.[257] Nevertheless, ongoing gender discrimination, insecurity, and social barriers continue to obstruct girls' educational participation.[258] Furthermore, the obligation to fulfill requires the

[249] United Nation, "D) General Comment No. 13."
[250] UNESCO, *Banned from Education*, 5–7.
[251] NICEF Afghanistan, "Situation Analysis of Children and Women in Afghanistan."
[252] Aabid Rahman Rahmany, "Youth and Education in Afghanistan After 2021," *Journal of Contemporary Politics* 4, no. 1 (June 2025): 3, https://doi.org/10.53989/jcp.v4i1.9.
[253] UNESCO(United Nations Educational , Scientific and Cultural Organization), "Afghanistan."
[254] Yusufzai and Geeta, "Gender Inequalities in Access to the Right to Education," 110.
[255] "CESCR General Comment No 3 1990," *Seafarers Rights International*, n.d., accessed June 13, 2025, https://seafarersrights.org/legal_database/cescr-general-comment-no-3-1990/.
[256] Yusufzai and Geeta, "Gender Inequalities in Access to the Right to Education," 110–24.
[257] United Nation, "D) General Comment No. 13."
[258] Rahmany, "Youth and Education in Afghanistan After 2021," 3–4.

government to adopt positive legislative, administrative, and financial measures necessary for universal educational access. Yet the shortage of female teachers, inadequate educational infrastructure, and lack of institutional capacity demonstrate serious failures in fulfilling these obligations.[259]

The consequences of educational deprivation in Afghanistan extend far beyond the education sector itself. Education and poverty are deeply interconnected, as the denial of education significantly reduces employment opportunities, income generation, and social mobility. In Afghanistan, the exclusion of girls from education reinforces cycles of dependency, poverty, and inequality across generations.[260]Women's illiteracy weakens their participation in the labor market, limits their role in social and political decision-making, and negatively affects family health and child welfare. Consequently, depriving women of education not only violates individual human rights but also undermines the broader social and economic development of society.[261]

From this perspective, the current situation in Afghanistan can also be understood through the lens of Structural Violence Theory. Educational deprivation is not simply an isolated educational problem but part of a broader structure of inequality and exclusion embedded within political, social, and economic systems. The systematic denial of education to girls institutionalizes gender inequality and reproduces conditions that prevent large segments of society from achieving their full human potential. In this context, poverty is not merely an economic condition but a consequence of structural barriers that restrict access to opportunities, resources, and participation in public life.[262]

At the same time, the Afghan case demonstrates a significant contradiction between formal legal commitments and practical realities. Afghanistan's Constitution and Education Law formally recognize education as a fundamental right and prohibit discrimination in access to education.[263],[264] Similarly, Afghanistan's ratification of major international human rights treaties legally obligates the state to ensure equal and accessible education for all

[259] United Nation, "D) General Comment No. 13."
[260] Hasin, Ayoubi, and Ahmad Shayan, "Challenges and Prospects," 2.
[261] Imad Hilal, "THE TALIBAN WAR ON WOMEN'S EDUCATION A HUMAN RIGHT CRISES IN AFGHANISTAN," *International Journal of Contemporary Issues in Social Sciences* 3, no. 3 (2024), 819, https://ijciss.org/index.php/ijciss/article/view/1239.
[262] Galtung, "Violence, Peace, and Peace Research," 1969, 170–71.
[263] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan."
[264] Islamic Republic of Afghanistan. Ministry of Education, "Education Law," 2.

citizens.[265] However, the current educational policies and restrictions imposed after 2021 directly contradict these commitments. Therefore, the issue is not solely the absence of legal standards, but rather the failure to implement and enforce them effectively.[266]

A critical distinction must also be made between state inability and state unwillingness. Before 2021, many barriers to education in Afghanistan were associated with armed conflict, insecurity, poverty, weak institutions, and limited state capacity.[267] However, following the Taliban's return to power, restrictions on girls' education increasingly reflect deliberate policy decisions rather than mere institutional incapacity. The prohibition of girls' secondary and higher education represents intentional exclusion based on gender and cannot be justified under the principle of progressive realization recognized in international human rights law.[268] Since the principle of non-discrimination constitutes an immediate obligation, Afghanistan cannot lawfully suspend girls' educational rights on political, ideological, or cultural grounds.

Nevertheless, achieving the practical realization of international educational standards in Afghanistan also requires consideration of local realities and institutional sustainability. The Afghanistan Education Transition Framework (AESTF, 2022) emphasizes that gender inequality, insecurity, weak institutional capacity, and lack of resources are major obstacles to educational development.[269] The framework further argues that educational reform should combine international human rights principles with community participation, culturally responsive approaches, and national ownership.[270] Similarly, UNESCO's 2024 education strategy highlights community-based education, flexible learning systems, female teacher development, and technological expansion as practical mechanisms for improving educational access and resilience.[271] The Asian Development Bank (ADB) likewise stresses

[265] Office of the United Nations High Commissioner for Human Rights(OHCHR), "Ratification Status for Afghanistan."
[266] Rahmany, "Youth and Education in Afghanistan After 2021," 3–5.
[267] Farhat Easar et al., *Education in Afghanistan since 2001: Evolutions and Rollbacks*, Research Series of Rumi Organization for Research (Rumi Organization for Research, 2023), 1:11–14.
[268] Easar et al., 1:14–17.
[269] Ministry of Education, Islamic Republic of Afghanistan, *Afghanistan_education_sector_transitional_framework_3_mar_2022* (kabul: Ministry of Education / UNESCO / UNICEF, 2022), 10–17, https://planipolis.iiep.unesco.org/sites/default/files/ressources/afghanistan_education_sector_transitional_framework_3_mar_2022.pdf.
[270] UNICEF and UNESCO, *A Human Rights-Based Approach to Education for All* (New York: UNICEF, 2007), 25-37,61-71,113-118.
[271] UNESCO, "Flexible Learning Pathways: A More Relevant Future for All | UNESCO," June 19, 2023, https://www.unesco.org/en/articles/flexible-learning-pathways-more-relevant-future-all.

that sustainable educational reform depends on institutional strengthening, rural educational investment, and reducing long-term dependence on external assistance.[272]

These reports collectively demonstrate that the realization of the right to education in Afghanistan requires more than formal treaty ratification. Effective implementation depends upon political commitment, institutional accountability, local participation, and sustainable structural reform.[273] In this regard, localization of international standards should not be understood as a rejection of human rights principles, but rather as a process of adapting universal norms within domestic social and cultural realities while preserving fundamental rights and equality.[274]

c. International Accountability and the Role of International Human Rights Mechanisms

The systematic deprivation of the right to education, particularly the ban on girls' access to secondary and higher education, goes beyond a matter of domestic policy and carries international legal consequences. Under the principle of continuity of state obligations, a change of government or the establishment of a de facto authority does not terminate or suspend a state's international obligations. Therefore, Afghanistan remains bound by the human rights treaties it has previously ratified. [275] In this context, the widespread prohibition on girls' education is inconsistent with the state's obligation to progressively realize the right to education under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).[276],[277] It also constitutes a retrogressive measure, as it not only prevents further progress in realizing the right to education but also reverses the educational achievements made over previous years.[278] As emphasized by the Committee on Economic,

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[272] Jouko Sarvi, *A New Start for Afghanistan's Education Sector* (Manila: Asian Development Bank, South Asia Department, 2003), 25–32, https://www.adb.org/sites/default/files/publication/27935/new-start-education-sector-afg.pdf.

[273] Office of the United Nations High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*, 15–28.

[274] Mao Xiang and Belengar Francis Maïnkade, "The Human Rights-Based Approach to Sustainable Development: Lessons from Recent African Investment Treaty Practice," *Heliyon* 9 (July 2023): 15–28, https://doi.org/10.1016/j.heliyon.2023.e18578.

[275] Office of the United Nations High Commissioner for Human Rights (OHCHR), *Situation of Human Rights in Afghanistan: Report of the Office of the United Nations High Commissioner for Human Rights*, Report A/HRC/54/21, Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General (Geneva, 2023), https://www.ohchr.org/.

[276] Office of the United Nations High Commissioner for Human Rights (OHCHR), "International Convenant on Economic, Social and Cultural Rights(ICESCR)."

[277] "General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)," Refworld, accessed June 12, 2025, https://www.refworld.org/legal/general/cescr/1990/en/5613.pp 2

[278] *General Comment No. 13: The Right to Education (Art. 13)*, pp 44.

Social and Cultural Rights, retrogressive measures are generally not permitted unless the State can show that it carefully considered all alternatives and that the measures are justified under the Covenant and within its available resources.[279]In the case of Afghanistan, however, no valid legal justification has been provided for these restrictions. Therefore, the education policies introduced after August 2021 can be regarded as a continuing violation of Afghanistan's international human rights obligations and give rise to the state's international responsibility for failing to protect the right to education.[280]

International human rights law establishes a range of accountability and monitoring mechanisms through which State compliance with human rights obligations can be assessed and violations can be documented and reported. Treaty-monitoring bodies, including the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child, review State compliance, [281] issue Concluding Observations, [282] and issue General Comments and recommendations that provide expert and persuasive guidance on the interpretation and implementation of treaty obligations. [283]Although these mechanisms do not impose legally binding sanctions comparable to domestic courts, their findings and interpretations constitute important sources for assessing State compliance and can contribute to implementation through international dialogue and follow-up.[284]

In the case of Afghanistan, the Human Rights Council's Special Rapporteur on the situation of human rights in Afghanistan plays an important role in documenting violations, reporting to international bodies, maintaining international scrutiny, and drawing attention to

[279] *General Comment No. 13: The Right to Education (Art. 13)*, pp 45.
[280] United Nations General Assembly, "CEDAW 29th Session 30 June to 25 July 2003."
[281] Office of the United Nations High Commissioner for Human Rights (OHCHR), *Manual on Human Rights Monitoring: Applicable International Human Rights and Humanitarian Law Framework*, HR/P/PT/7/Rev.1, Manual on Human Rights Monitoring (Geneva, Switzerland: Office of the United Nations High Commissioner for Human Rights, 2011), https://www.ohchr.org/sites/default/files/Documents/Publications/Chapter05-MHRM.pdf.
[282] United Nations, Secretariat, *Concluding Observations*, HRI/MC/2014/2, International Human Rights Instruments (Geneva, 2014), 3.
[283] Office of the United Nations High Commissioner for Human Rights (OHCHR), *Manual on Human Rights Monitoring: Applicable International Human Rights and Humanitarian Law Framework*.
[284] Office of the United Nations High Commissioner for Human Rights (OHCHR), 10.

the continuing denial of women's and girls' rights, including the right to education.[285],[286],[287] The Human Rights Council has repeatedly extended this mandate, most recently through Resolution 60/2 adopted in October 2025.[288] The Special Rapporteur's reporting has specifically documented the suspension of secondary education for girls and the broader deterioration of women's and girls' economic, social and cultural rights.[289] These monitoring mechanisms therefore contribute to international accountability by documenting and investigating human rights violations, clarifying applicable human rights standards, raising public awareness, and increasing pressure for compliance and reform.[290],[291]

Nevertheless, the effectiveness of these accountability mechanisms remains constrained by the decentralized structure of international law, which relies substantially on State cooperation, implementation, and political commitment rather than a centralized system of compulsory enforcement[292]. This limitation has become particularly evident in Afghanistan, where the de facto authorities have engaged selectively with their international obligations and have failed to fully implement recommendations issued through United Nations human rights mechanisms[293]. Consequently, the role of the international community extends beyond merely documenting violations and encompasses broader efforts to ensure accountability, justice, remedies and reparations, as well as to prevent the recurrence of human rights

[285] Bennett Richard, *Situation of Human Rights in Afghanistan*, Report of the Special Rapporteur on the situation of human rights in Afghanistan A/79/330 (New York: United Nations General Assembly, 2024), file:///C:/Users/moham/Downloads/A_79_330-EN.pdf.
[286] Richard Bennett, *Situation of Human Rights in Afghanistan*, Report of the Special Rapporteur on the situation of human rights in Afghanistan A/HRC/55/80 (Geneva: United Nations Human Rights Council, 2024), https://digitallibrary.un.org/record/4045185?utm_source=chatgpt.com&v=pdf.
[287] Richard Bennet, *Situation of Human Rights in Afghanistan*, Report of the Special Rapporteur on the situation of human rights in Afghanistan A/HRC/52/84 (Geneva: United Nations Human Rights Council, 2023), https://digitallibrary.un.org/record/4011793?utm_source=chatgpt.com&v=pdf.
[288] United Nations Human Rights Council, *Situation of Human Rights in Afghanistan*, Human Rights Council Resolution A/HRC/RES/60/2, Human Rights Council, Sixtieth Session (Geneva: United Nations Human Rights Council, 2025), 2, https://documents.un.org/doc/undoc/gen/g25/169/81/pdf/g2516981.pdf.
[289] Special Rapporteur on the situation of human rights in Afghanistan, *Situation of Human Rights in Afghanistan*, Report of the Special Rapporteur on the situation of human rights in Afghanistan A/HRC/51/6 (Geneva: United Nations, Human Rights Council, 2022), pp. 26–30, https://docs.un.org/en/A/HRC/51/6.
[290] Office of the United Nations High Commissioner for Human Rights, "Human Rights Achievements - OHCHR 20 Years," OHCHR 20 Years, 2013, https://at20.ohchr.org/achievements.html?utm_source=chatgpt.com.
[291] Office of the United Nations High Commissioner for Human Rights, "Special Procedures of the Human Rights Council," OHCHR, accessed August 10, 2026, https://www.ohchr.org/en/special-procedures-human-rights-council.
[292] Valentina Carraro, "Promoting Compliance with Human Rights: The Performance of the United Nations' Universal Periodic Review and Treaty Bodies," *International Studies Quarterly* 63, no. 4 (December 2019): 1079–82, https://doi.org/10.1093/isq/sqz078.
[293] United Nations, "Taliban Must Uphold International Obligations, Restore Women's 'Non-Negotiable' Rights, Security Council Told," UN Meetings Coverage and Press Releases, March 10, 2025, https://press.un.org/en/2025/sc16015.doc.htm.

violations.[294]International organizations, donor States, and United Nations agencies should strengthen coordinated responses through sustained dialogue and international cooperation, while ensuring that humanitarian and development assistance continues to support the realization of the right to education, particularly for girls and vulnerable communities.[295]

Although international human rights mechanisms cannot substitute for domestic responsibility and accountability, they provide an important system of international oversight and scrutiny. International accountability should therefore be understood not as a single enforcement mechanism, but as a complementary system through which international human rights bodies monitor State performance, scrutinize the adequacy of national accountability and redress mechanisms, and issue recommendations aimed at strengthening domestic human rights protection.[296]

[294] Office of the United Nations High Commissioner for Human Rights, *Situation of Human Rights in Afghanistan*, Report of the Office of the United Nations High Commissioner for Human Rights A/HRC/57/22 (Geneva: United Nations / Office of the United Nations High Commissioner for Human Rights, 2025), paras. 58-60. phttps://documents.un.org/doc/undoc/gen/g24/161/16/pdf/g2416116.pdf?utm_source=chatgpt.com.
[295] United Nations Afghanistan, *2025 UN Afghanistan Annual Results Report | United Nations in Afghanistan*, Annual Results Report (United Nations, 2026), p.4-6, 12-14, https://afghanistan.un.org/en/313178-2025-un-afghanistan-annual-results-report.
[296] United Nations Development Programme; Office of the United Nations High Commissioner for Human Rights, *Who Will Be Accountable? Human Rights and the 2030 Agenda* (New York: United Nations Development Programme (UNDP) / OHCHR, 2015),p.58 https://www.ohchr.org/sites/default/files/Documents/Publications/WhoWillBeAccountable.pdf?utm_source=chatgpt.com.

CHAPTER IV

CONCLUSION

4.1. Conclusion

The study identifies the denial of girls' right to education in Afghanistan as one of the most deeply rooted forms of structural injustice that perpetuates poverty, inequality, and human rights violations. By excluding half of its population from education, Afghanistan has severely undermined its social development and economic growth. Education, as recognized under the UDHR, ICESCR, CEDAW, and CRC, is both a fundamental human right and a legal obligation essential for empowerment and poverty reduction. The government's failure to protect this right, particularly following the ban on girls' education after 2021, represents a serious regression in human rights protection and contradicts the international principles of progressive realization and non-retrogression. Evidence shows that these restrictions have reduced household income opportunities, limited labor participation, and intensified intergenerational poverty, thereby undermining the right to an adequate standard of living guaranteed under the ICESCR. Drawing on the Human Rights-Based Approach (HRBA) and Structural Violence Theory, the study concludes that educational deprivation in Afghanistan is not merely a policy failure but a manifestation of institutionalized discrimination embedded in legal and social structures. Ultimately, ensuring girls' access to education is both a legal and moral obligation and a necessary condition for achieving equality, human dignity, and a sustainable poverty-free society.

Based on the discussion and findings of this study, it can be concluded that Afghanistan is legally obligated under international human rights law, particularly the ICESCR, CRC, and CEDAW, to respect, protect, and fulfil the right to education as a fundamental mechanism for poverty reduction and social development. These obligations require equal, accessible, and non-discriminatory education for all, especially girls and vulnerable groups. However, the study finds that Afghanistan has failed to effectively implement these obligations, particularly following the restrictions on girls' secondary and higher education after 2021.The findings further demonstrate that educational deprivation in Afghanistan is not merely the result of institutional weakness or lack of resources, but reflects structural discrimination embedded within political, and social systems. The systematic exclusion of girls from education constitutes a continuing violation of the principles of equality, non-discrimination, progressive

realization, and non-retrogression, and has intensified poverty, reduced economic opportunities, limited women's participation in public life, and reinforced intergenerational inequality. The study further finds that international human rights mechanisms play an important role in documenting these violations, maintaining international scrutiny, and supporting accountability; however, their effectiveness is limited by the absence of centralized international enforcement and the limited cooperation of the de facto authorities. Therefore, the realization of the right to education remains essential for sustainable poverty reduction, social justice, and human development in Afghanistan, while international accountability should function as a complementary system of monitoring, scrutiny, and pressure to support the continued realization of this right, particularly for girls.

4.2 Recommendations

a. The Government of Afghanistan should immediately lift all restrictions on girls' education at all levels, especially secondary and higher education, and ensure equal and non-discriminatory access to education in accordance with international human rights obligations. This is a fundamental legal and state responsibility under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Universal Declaration of Human Rights (UDHR).
b. The Government should develop and implement a comprehensive human rights-based education system and policy (HRBA) that embraces the principles of equality, non-discrimination, participation, accountability, and inclusion. The country's education laws and institutions should also be aligned with international human rights standards, and independent monitoring bodies should be established to monitor and ensure the implementation of the right to education, especially for girls, rural communities, internally displaced persons, and other vulnerable groups.
c. The Afghan government should invest more in education infrastructure, especially in rural and conflict-affected areas where access to schools and educational facilities is limited. These measures should include building safe schools, improving health facilities for girls, providing appropriate educational materials and technology, as well as expanding community-based education programs and alternative teaching methods to ensure that girls who are excluded from formal schooling can also access education.
d. The recruitment, training and support of female teachers should be a priority in education policies, as the presence of qualified female teachers plays a crucial role in

increasing girls' enrollment, their continued education, and reducing cultural and social barriers in conservative societies. Strengthening the capacity of female teachers can increase families' trust in girls' education and enhance women's participation in the country's social and economic development.

e. International organizations, including the United Nations, UNICEF, and UNESCO, should strengthen coordinated international support for the realization of the right to education in Afghanistan. International human rights mechanisms should continue to monitor and document violations, maintain international scrutiny, and use appropriate diplomatic and accountability mechanisms to encourage compliance with Afghanistan's international human rights obligations. International cooperation should also support education programs for girls and vulnerable groups while strengthening mechanisms for accountability, monitoring, and access to appropriate remedies.
f. The Afghan government and policymakers should recognize education as a fundamental instrument for poverty reduction, sustainable development, and social justice. Public awareness initiatives should promote the social and economic importance of girls' education, while religious leaders, civil society, and community leaders should be engaged in reducing social and cultural barriers to women's and girls' education.
g. Future research should further examine the long-term consequences of girls' educational deprivation in Afghanistan, particularly its effects on economic growth, public health, child marriage, women's economic participation, and intergenerational poverty.

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