POVERTY AS A BARRIER TO THE RIGHT TO EDUCATION IN AFGHANISTAN: A STUDY BASED ON THE CONVENTION ON THE RIGHTS OF THE CHILD

THESIS

Arranged By:

FAIZA DANISHYAR

Student Number: 24912106

INTERNATIONAL PROGRAM

MASTER PROGRAM IN LAW

FACULTY OF LAW

UNIVERSITAS ISLAM INDONESIA

YOGYAKARTA

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THESIS

Presented as the Partial Fulfillment of the Requirements to Obtain

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POVERTY AS A BARRIER TO THE RIGHT TO EDUCATION IN AFGHANISTAN: A STUDY BASED ON THE CONVENTION ON THE RIGHTS OF THE CHILD

Has been examined and approved by the Thesis Supervisor and submitted to the Board of Examination for the Final Thesis Examination

On August 15th, 2026



Thesis Supervisor,

(Assoc. Prof. Dodik Setiawan Nur Heriyanto, S.H., M.H., LL.M., Ph.D.)

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

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ORIGINALITY STATEMENT

STATEMENT OF ORIGINALITY OF SCIENTIFIC WORK IN THE FORM OF A FINAL PROJECT

STUDENT OF THE FACULTY OF LAW

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بسم الله الرحمن الرحيم

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Hereby declare that I am a bona fide student of the Faculty of Law, Universitas Islam Indonesia, who has completed a Scientific Work (Final Project) in the form of a Thesis entitled: **POVERTY AS A BARRIER TO THE RIGHT TO EDUCATION IN AFGHANISTAN: A STUDY BASED ON THE CONVENTION ON THE RIGHTS OF THE CHILD**

I submit this Scientific Work to the Examination Committee for the Final Thesis Examination conducted by the Faculty of Law, Universitas Islam Indonesia. In connection with the foregoing, I hereby declare that:

1. This scientific work is entirely my own work, and in its preparation I have complied with and adhered to the rules, ethics, and norms governing the writing of scientific works in accordance with the applicable regulations.

2. I guarantee that this scientific work is genuinely original and free from any elements that may be categorised as an act of plagiarism or unauthorised copying of another person's scientific work.

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Thus, I make this statement truthfully and sincerely, in a state of good physical and mental health, with full awareness, and without any form of pressure from any person or party.

Yogyakarta, 27 August 2026

DECLARANT



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Assalamu'alaikum Wr. Wb.

Alhamdulillahi Rabbil 'Alamin.

In the name of Allah, the Most Gracious, the Most Merciful.

First and foremost, I would like to express my deepest gratitude to Allah SWT for granting me the strength, patience, and guidance to complete this thesis, titled **"POVERTY AS A BARRIER TO THE RIGHT TO EDUCATION IN AFGHANISTAN: A STUDY BASED ON THE CONVENTION ON THE RIGHTS OF THE CHILD,"** submitted in partial fulfillment of the requirements for a Master's degree at the Faculty of Law, Universitas Islam Indonesia.

I would like to express my sincere and heartfelt gratitude to my supervisor, Assoc. Prof. Dodik Setiawan Nur Heriyanto, S.H., M.H., LL.M., Ph.D., for his invaluable guidance, patience, and constructive feedback throughout the process of writing this thesis. His insights and encouragement have been instrumental in shaping this research from its earliest stages to its completion.

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My sincere thanks go to the Faculty of Law, Universitas Islam Indonesia, and to the International Master Program in Law, for providing me with the academic environment, resources, and opportunity to pursue this degree.

Finally, this thesis is dedicated to the children of Afghanistan, particularly the millions of girls who continue to be denied their fundamental right to education. It is my sincere hope that this research contributes, even in a small way, to the ongoing efforts to restore and protect that right.

Yogyakarta, August 15th, 2026

Faiza Danishyar

24912106

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ABSTRACT

Education is recognized as a fundamental human right under international law, yet millions of Afghan children remain excluded from it. This thesis examines economic poverty as a structural barrier to children's right to education in Afghanistan, analyzed through the framework of the Convention on the Rights of the Child (CRC). Using normative legal research combining statute and historical approaches, the study addresses two questions: how economic poverty affects children's access to education, and what legal obligations the Afghan state holds under the CRC. The findings show that poverty operates both directly—through school-related costs, child labour, and dropout—and indirectly, by weakening infrastructure, teacher availability, and gender equity, with early marriage further compounding girls' exclusion. Applying the CRC's tripartite framework of obligations, the thesis finds that different barriers engage distinct duties: the 2021 ban on girls' secondary and higher education constitutes a direct violation of the obligation to respect, while infrastructural and teacher shortages relate primarily to the resource-dependent obligation to fulfil, and weak enforcement against child labour reflects a failure of the obligation to protect. The study concludes that Afghanistan's formal legal compliance with the CRC diverges sharply from substantive implementation, a gap widened since 2021 and complicated by the state's contested international recognition, and recommends targeted legal, institutional, and international measures to close it.

Keywords: right to education, poverty, Convention on the Rights of the Child, Afghanistan, state obligations

CHAPTER I

INTRODUCTION

1.1. Background of Study

Access to education is a fundamental human right, recognized in numerous international instruments,[1] including the United Nations Convention on the Rights of the Child (CRC).[2] Education is not only a tool for individual empowerment but also plays a vital role in breaking cycles of poverty and promoting sustainable development.[3] Therefore, the fourth goal of the 2030 Global Agenda focuses on the importance of education "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all."[4]

Governments around the world are seeking to ensure that future generations are able to keep pace with the world's technological and economic developments by providing girls and boys with appropriate educational opportunities.[5] Education, as one of the most important areas of public policy, has become a platform through which governments demonstrate their commitment to social development and the provision of basic services expected by citizens. However, the Afghan education system has historically been influenced by numerous cultural, political, and social factors and has experienced periods of progress and setbacks.[6]

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[1] United Nations, *UNESCO, The Right to Education: What's at Stake in Afghanistan? (2021).* (place de Fontenoy, 75352 Paris 07 SP, France: United Nations Educational, Scientific and Cultural Organization, 2021), 1–42, (http://creativecommons.org/licenses/by-sa/3.0/igo/). By using the content of this document, the users accept to be bound by the terms of use of the UNESCO Open Access Repository (http://www.unesco.org/open-access/ terms-use-ccbysa-en).

[2] "United Nations General Assembly, Convention on the Rights of the Child," 1989, Article 28 https://www.unhcr.org/sites/default/files/legacy-pdf/4d9474b49.pdf.

[3] Ibid

[4] UNITED NATION, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (UNITED NATIONS, 2015), 1–41, *Goal 4* https://sdgs.un.org/sites/default/files/publications/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf.

[5] UNITED NATION, *Transforming Our World,* Goal 4.

[6] Zulikha Malekzai, "A Grounded Theory Exploration of the Educational and Societal Ramifications Resulting from School Closures Among Afghan Girls Following the Taliban's Resurgence" (Asian University for Women (AUW), 2024), p. 9. http://103.98.135.194:8080/bitstream/handle/123456789/176/Final%20Thesis%2c%20Zulikha%20Malekzai.pdf?sequence=1&isAllowed=y.

Afghanistan has been facing severe economic challenges for many years, stemming from decades of war, political instability, and limited infrastructure. These challenges have had a profound impact on the country's education system, especially in rural areas where poverty is most severe.[7] Currently, 4 million children are out of school. [8] In total, the number is estimated at 7.8 million[9], and 60% of them are girls.[10] Household poverty has reached over 97 percent, forcing many families to withdraw their children, particularly girls, from school to save on basic expenses or to engage them in labor.[11] Economic deprivation and social barriers had long prevented Afghan children from continuing their education, especially in rural areas, a problem now worsened by the current regime's restrictions.[12] The condition is aggravated or even caused by one of the withdrawal of international aid and the collapse of public institutions, poverty, and unemployment have risen to unprecedented levels.[13]

Therefore, economic poverty and lack of access to education are major structural factors in the spread of child marriage, especially among girls in Afghanistan. Data shows that poor girls and those who have never entered the education system are more likely to marry between the ages of 10 and 19. In rural areas where education is unavailable and poverty is chronic, early marriage is often chosen by families as a survival strategy, which not only violates the right to education but also perpetuates poverty, economic dependence, and social exclusion.[14]

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[7] UNITED NATION, *UNESCO, The Right to Education: What's at Stake in Afghanistan? (2021).*

[8] BiBi Amina Hakimi, "UNICEF: 4 Million Afghan Children Deprived of Education | TOLOnews," TOLOnews, 2025, https://tolonews.com/index.php/afghanistan-194521.

[9] Felicity Nneoma Ike et al., "Closing Gender Equality Gaps in Taliban-Ruled Afghanistan," *Discover Public Health* 22, no. 1 (May 2025): 240, https://doi.org/10.1186/s12982-025-00636-0.

[10] *Afghanistan Education Situation Report 2025* (UNESCO, 2025), 1–25, https://www.unicef.org/afghanistan/media/12631/file/Report_AFG_Education_EXTERNAL.pdf.

[11] UNESCO, *Afghanistan Education Situation Report 2025*.

[12] Heather Barr, *"I Won't Be a Doctor, and One Day You'll Be Sick": Girl's Access to Education in Afghanistan*, with Human Rights Watch (New York, NY: Human Rights Watch, 2017), https://www.hrw.org/sites/default/files/report_pdf/afghanistan1017_web.pdf.

[13] World bank, *AFGHANISTAN ECONOMIC MONITOR* (THE WORLD BANK, 2025), 1–8, https://thedocs.worldbank.org/en/doc/341dc8403597da812d91da6c1ce583ee-0310012025/original/Afghanistan-Economic-Monitor-September-2025.pdf.

[14] Noorulhaq Ghafoori, Hamayon Ehsan, and Sayed Akramİ, "The Impact of Poverty and Education on Female Child Marriage in Afghanistan Evidence from 2015 Afghanistan Demographic and Health Survey," *19 Mayıs Sosyal Bilimler Dergisi* 2 (June 2021): 417–31, https://doi.org/10.52835/19maysbd.897102.

Moreover, child labour has emerged as a direct manifestation of poverty and a critical barrier to education for thousands of Afghan children. [15] Following the August 2021 economic collapse, many families have become dependent on their children's earnings for daily survival, forcing them to leave school and work in informal or hazardous jobs. More than one-third (38.4%) of Afghan children are engaged in child labour, and one in ten children nationwide works in dangerous conditions, such as street vending, construction, or domestic labour.[16] These conditions reflect not only the failure of the state to implement adequate social protection policies but also the absence of enforcement mechanisms under Article 32 of the Convention on the Rights of the Child, which prohibits economic exploitation of minors.[17] Poverty-driven child labour thus perpetuates a vicious cycle: the more children work, the less they learn, and the fewer opportunities they have to escape poverty as adults. Unless addressed through targeted legal and socio-economic interventions, this cycle will continue to undermine the realization of children's right to free and compulsory education in Afghanistan.[18]

Furthermore, Afghanistan is still dealing with a complex and interconnected crisis of food insecurity, economic instability, displacement, and frequent natural disasters, three years after the Taliban seized power. At the moment, critical or worse levels of hunger affect 32% of the nation's population. Although there has been some progress since 2023, when 15.8 million people experienced severe food insecurity, the situation is still concerning. Declining employment opportunities, decades of conflict and the resulting displacement, natural disasters like earthquakes and floods, the aftereffects of repeated droughts, and the large-scale return of migrants from neighboring countries are all factors that contribute to persistent food insecurity.[19]

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[15] "AFGHANISTAN SOCIO-ECONOMIC OUTLOOK 2023," UNDP, accessed October 1, 2025, https://www.undp.org/afghanistan/publications/afghanistan-socio-economic-outlook-2023.

[16] "More than a Third of Children Surveyed in Afghanistan Pushed into Child Labour, as Country Marks Two Years of Taliban Rule - Afghanistan | ReliefWeb," August 14, 2023, https://reliefweb.int/report/afghanistan/more-third-children-surveyed-afghanistan-pushed-child-labour-country-marks-two-years-taliban-rule.

[17] United Nations, *Convention on the Rights of the Child*, adopted November 20, 1989, Article 32.
, https://www.unhcr.org/sites/default/files/legacy-pdf/4d9474b49.pdf.

[18] UNESCO, *Afghanistan Education Situation Report 2025*.

[19] UNITED NATION UNITED NATION, *Afghanistan Annual Country Report 2024* (World Food Programme, 2024), p.9. https://search.yahoo.com/search?fr=mcafee&type=E210US714G0&p=World+Food+Programme%2C+Afghanistan+Country+Report+2024%3A+Food+Security+and+Livelihoods+(Rome%3A+WFP%2C+2024)%2C+14.

Economic poverty is one of the main structural barriers to children's access to education in Afghanistan. Poor families, especially in rural areas, prevent their children from attending school due to the direct and indirect costs of education, or force them to drop out of school, engage in child labor, or early marriage. Despite the relative improvement in educational infrastructure, gender inequality and poor quality of education continue to hinder the full realization of the right to education.

However, existing research has mainly focused on either the development of the education system or has examined poverty in general and has not provided a specific analysis of the impact of economic poverty on children's right to education within the framework of international law. This research, focusing on the Convention on the Rights of the Child (CRC), which was adopted by Afghanistan in 1994, aims to fill this gap and analyze the relationship between economic structures and the practical realization of the right to education with a human rights-based approach.

1.2. Problem Formulation

3.1. How does economic poverty affect children's access to education in Afghanistan?

3.2. What legal obligations does the Afghan state has under the Convention on the Rights of the Child to ensure children's right to education?

1.3. Research Objective

1. To examine how the economic poverty affects on children's access to education.
2. To examine the legal obligations the Afghan state has under the Convention on the Rights of the Child to ensure children's right to education.

1.4. Research Originality

This section presents key insights from the existing body of literature, which collectively form the intellectual foundation for the current research. It includes a review of previous studies that are directly relevant to the main themes under investigation, thereby ensuring that the present study avoids unnecessary repetition and issues related to plagiarism. To achieve this, the author has carefully selected a diverse set of scholarly works, not only to acknowledge the contributions of earlier research but also to critically examine how these studies differ in terms of their conceptual

frameworks, methodological approaches, and thematic focus. These distinctions are explored in greater detail in the subsequent sections, providing context and justification for the direction and originality of the current study.

Jones (2008), "*Afghanistan on the educational road to access and equity*," analyzes primary education in Afghanistan within the framework of the National Education Strategic Plan and the country's efforts to achieve the Millennium Development Goals, focusing on issues of access and educational equity within the broader socio-political context. Moreover, this study provides a valuable assessment of policy implementation and structural challenges in the education system. It primarily considers education as a development and policy issue rather than as a legally binding right; nor does it analyze economic poverty as a legal barrier to the realization of the right to education. On the contrary, the present study, adopting a legal approach, conceptualizes economic poverty as a structural barrier to the realization of the right to education under the Convention on the Rights of the Child, shifting the analytical focus to the state's legal obligations and legal accountability. [20]

Mihai, Tițan, and Manea (2015), *Education and Poverty*, examine the connection between education and poverty from an economic and social perspective, emphasizing the role of education in reducing poverty and promoting economic development. However, their research provides valuable insights into the correlation between educational attainment and poverty levels; it conceptualizes education as a policy tool and socioeconomic variable, rather than as a legally guaranteed human right. Moreover, the study does not address economic poverty as a legal barrier to the realization of the right to education, nor does it assess state obligations under international human rights law. In contrast, the present study uses a legal approach that frames economic poverty as a structural impediment to the right to education, particularly under the Convention on the Rights of the Child. The authors attempt to shift the focus to legal standards, state responsibility, and accountability, thereby contributing legal value to the existing literature.[21]

Shayan. (2015), "*Gender Inequality in Education in Afghanistan: Access and Barriers*," she examines barriers to girls' education in the context of Afghanistan's social realities, using an

[20] Adele M. E. Jones, "Afghanistan on the Educational Road to Access and Equity," *Asia Pacific Journal of Education* 28, no. 3 (September 2008): 277–90, https://doi.org/10.1080/02188790802267423.

[21] Mihaela Mihai, Emilia Ţiţan, and Daniela Manea, "Education and Poverty," *Procedia Economics and Finance* 32 (2015): 855–60, https://doi.org/10.1016/s2212-5671(15)01532-4.

analytical and social approach, highlighting factors such as household poverty, insecurity, cultural norms, and weak educational infrastructure in limiting access to education. Although this study does not have a statistical or legal objective and focuses strictly on analyzing the barriers identified in previous studies, it mainly considers education as a social and policy issue related to access to education and does not analyze poverty as a legal or economic barrier to realizing the right to education. On the other hand, in the present study, the author conceptualizes economic poverty as a factor in the lack of research on the right to education by adopting a legal approach, shifting the focus from mere social barriers to the state's legal obligations, international standards, and legal accountability.[22]

Mirwais. (2020), "*The Impact of Economic Growth on Poverty in Afghanistan, 2001–2016.*" Examines poverty in Afghanistan using a quantitative and economic approach and analyzes the relationship between economic growth and poverty reduction based on macroeconomic indicators. This study shows that poverty can affect children from poor families' access to education; however, it views poverty more as an economic issue and does not examine it from a human rights perspective, particularly the right to education. Also, this study does not address state obligations under international human rights law. In contrast, the present study, using a legal approach, analyzes economic poverty as a structural obstacle to the realization of the right to education and shifts the focus from economic outcomes to the state's legal obligations and accountability.[23]

Ehsan, Ghafoori, and Akrami. (2021), In the article "*The Impact of Poverty and Education on Girl Child Marriage in Afghanistan: Evidence from the Afghanistan Demographic and Health Survey Data 2015,"* examine the relationship between poverty, education level and early marriage of girls using a quantitative and empirical approach and household and population data. The findings of the article show that poverty and low education level increase the likelihood of early marriage of girls, thereby revealing the important social consequences of economic deprivation. However, this study mainly considers education as a socio-economic variable and does not examine it as a guaranteed and legally binding right under international human rights. Moreover,

[22] Zafar Shayan, "Gender Inequality in Education in Afghanistan: Access and Barriers," *Open Journal of Philosophy* 05, no. 05 (2015): 277–84, https://doi.org/10.4236/ojpp.2015.55035.

[23] Kanishka Mirwais, "The Impact of Economic Growth on Poverty in Afghanistan during 2001 to 2016" (Erfurt, 2020).

it does not analyze economic poverty as a legal obstacle to the realization of the right to education and does not assess the state's obligations in this regard. In the present study, by adopting a legal approach, the author conducts a legal review of economic poverty as an obstacle to the realization of the right to education under the Convention on the Rights of the Child.[24]

Shaiq et al. (2022), *Dimensions of Poverty in Kunduz Province of Afghanistan*. In their socio-economic study of multidimensional poverty in Kunduz Province, identify structural deprivations such as low income, unemployment, and limited access to essential services. Their study effectively documents household-level poverty conditions, and poverty is one thing that constitutes a barrier to children's access to education; however, it does not examine education as a rights-based entitlement, nor does it explore the implications of poverty for the realization of fundamental rights. In contrast, the present study adopts a legal approach that conceptualizes economic poverty as a structural impediment to the right to education under the Convention on the Rights of the Child, shifting the focus toward state obligations, legal standards, and accountability of the state.[25]

Hakimi et al. (2023), *Assessing the Impact of e-Learning on Girls' Education in Afghanistan: A Case Study of Samangan University*. They used an empirical method to address obstacles to girls' education, concentrating on digital access, infrastructure, and sociocultural limitations. Although their study offers insightful information about educational access, it does not analyze education as a legally binding right under international human rights law or consider poverty as a legal obstacle. The current study, on the other hand, takes a legal approach that frames economic poverty as a structural barrier to the right to education. By focusing on state obligations and legal accountability, the study adds a distinctive normative value to the literature.[26]

Rezaei and Shahab (2025), *Impacts of Higher Education on Economic Growth of Afghanistan*. Explored higher education in Afghanistan primarily as an economic input, using an OLS econometric model, focusing on its relationship with GDP. Although their study provides

[24] Ghafoori, Ehsan, and Akramİ, "The Impact of Poverty and Education on Female Child Marriage in Afghanistan Evidence from 2015 Afghanistan Demographic and Health Survey."

[25] Muhammad Asef Shaiq et al., "Dimensions of Poverty in Kunduz Province of Afghanistan," *World* 3, no. 4 (November 2022): 979–92, https://doi.org/10.3390/world3040055.

[26] Musawer Hakimi et al., "Evaluating The Impact of E-Learning on Girl's Education in Afghanistan: A Case Study of Samangan University," *International Journal of Multidisciplinary Approach Research and Science* 2, no. 1 (November 2023): 107–20, https://doi.org/10.59653/ijmars.v2i01.368.

valuable insights, it does not examine education as a binding and enforceable right under the constitution or international human rights law. In contrast, the present study, adopting a legal approach, analyzes the right to education as a binding obligation of the Afghan government based on documents such as the Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, thereby shifting the focus from economic outcomes to government responsibility and accountability.[27]

In their article "*Closing gender equality gaps in Taliban-ruled Afghanistan*," Ike et al. (2025) examine the declining status of women's and girls' rights within a policy-analytical framework, focusing on the widespread restrictions on education, employment, and social participation since the Taliban's rule. Moreover, this study paints a striking picture of gender inequalities and the human rights crisis, it does not independently examine the role of economic poverty in undermining the realization of the right to education, nor does it analyze state responsibility within the framework of international law instruments. In contrast, the present study, using a legal approach, examines economic poverty as a systemic obstacle to the realization of the right to education, shifting the focus from the level of social consequences to legal obligations, state responsibility, and accountability mechanisms, and the author attempts to add new value to the existing literature.[28]

Rahmany. (2025), "*Youth and Education in Afghanistan after 2021*," examines the transformation of the Afghan education system after the Taliban's return to power and, using secondary data such as international reports, policy analyses, and academic sources, documents changes in youth educational opportunities and the consequences of restrictive policies on educational environments. Furthermore, this study provides a descriptive and comparative picture of educational developments and their socio-political consequences; it examines education primarily as a social and policy-oriented phenomenon but does not analyze its status as a legally binding right under international law, nor does it examine economic poverty as a structural obstacle to the realization of the right to education. The present study, by adopting a legal approach, conceptualizes economic poverty as a structural barrier to the realization of the right to education

[27] Habibullah Rezaei Rezaei and Jamshid Shahab, "Impacts of Higher Education on Economic Growth of Afghanistan," *Kunduz University International Journal of Islamic Studies and Social Sciences* 2, no. 1 (February 2025): 43–54, https://doi.org/10.71082/vx7m5b49.

[28] Ike et al., "Closing Gender Equality Gaps in Taliban-Ruled Afghanistan."

under the law and shifts the focus from social consequences and policy changes to state legal obligations and accountability mechanisms; the author thereby tries to add new value to the existing literature.[29]

No	Title	Problem Formulation	Similarity	Difference
1.	Jones, A. (2008). *Afghanistan on the educational road to access and equity*. Asia Pacific Journal of Education, *28*(3), 277–294. http://www.tandfonline.com/doi/abs/10.1080/02188790802276742	What factors (political, structural, cultural) have prevented Afghanistan from providing equitable and inclusive primary education, despite having all the prerequisites?	Both studies address and recognize that structural conditions, including poverty and instability, affect access to education.	Rather than taking a systemic view, this research examines the direct impact of economic poverty on children's right to education from a child rights perspective.
2.	Mihai, M., Taitan, E., & Manea, (2015). Education and poverty. *Procedia Economics and Finance*, *32*, 855–860. https://doi.org/10.1016/S2212-5671(15)01532-4	How can the level and quality of education affect poverty reduction in societies, and what is the relationship between education level and income level? Can investing in education lead to long-term poverty reduction?	This research emphasizes the interrelationship between education and poverty, showing that economic poverty hinders effective education and affects individuals' futures.	The article focuses on the role of education in poverty reduction, in this research it examines the impact of poverty on children's right to education. Also, the article

[29] Aabid Rahman Rahmany and lowast, "Youth and Education in Afghanistan After 2021," *Journal of Contemporary Politics* 4, no. 1 (June 2025): 41–49, https://doi.org/10.53989/jcp.v4i1.9.

				lacks an international legal framework, this research is analyzed based on the Convention on the Rights of the Child (CRC).
3.	Shayan, Z. (2015). *Gender inequality in education in Afghanistan: Access and barriers*. Open Journal of Philosophy, 5(3), 277–284. http://www.scirp.org/journal/doi.aspx?DOI=10.4236/ojpp.2015.55035	What are the main social and structural obstacles that prevent girls and women from accessing primary, secondary, and higher education in Afghanistan?	Both studies examine barriers to education in Afghanistan and acknowledge that poverty and related socio-economic conditions—such as low household income, limited resources, and restricted access to educational facilities—play a significant role in limiting educational opportunities for children, particularly girls.	This research analyses education as a social and access-related issue, while the present study treats education as a legally enforceable right and frames economic poverty as a barrier under international human rights law.
4.	Mirwais, M. (2020). *The impact of*	What is the relationship between economic	Both studies recognize	This research views poverty as

	economic growth on poverty in Afghanistan during 2001–2016. Journal of Economic Development Studies, 8(2), 15–28 https://www.db-thueringen.de/receive/dbt_mods_00046065	growth and poverty reduction in Afghanistan during 2001–2016?	economic poverty as a significant structural problem in Afghanistan and acknowledge that poverty negatively affects social outcomes, including children's access to education.	an economic outcome, while the present study frames poverty as a structural violation of the right to education, emphasizing state obligations and accountability.
5.	Ehsan, H., Akrami, S. O., & Ghafoori, N. (2021). The impact of poverty and education on female child marriage in Afghanistan: Evidence from 2015 Afghanistan Demographic and Health Survey. *19 Mayıs Sosyal Bilimler Dergisi, 2*(2), 417–431. https://doi.org/10.52835/19maysbd.897102	What impact do economic poverty and family education levels have on the early marriage of girls in Afghanistan?	Both studies recognize economic poverty and limited education as key structural factors affecting girls' lives and educational outcomes in Afghanistan.	The article focuses on early marriage of girls, while this thesis focuses on the deprivation of children's right to education. The article uses quantitative and statistical data (ADHS). The research is based on the international legal framework (CRC), while the

				article lacks legal analysis.
6.	Shaiq, M. A., Barati, A. A., Kalantari, K., Asadi, A., & Shaiq, M. A. (2022). *Dimensions of poverty in Kunduz Province of Afghanistan*. *World*, *3*(4), 979–992. https://www.mdpi.com/2673-4060/3/4/55	What structural deprivations constitute multidimensional poverty in Kunduz Province of Afghanistan?	Both studies recognize economic poverty as a structural factor that negatively affects children's access to education in Afghanistan.	This article uses a socio-economic approach to document poverty conditions and their social effects, without treating education as a rights-based entitlement or analyzing state obligations. on the other hand, this thesis examines economic poverty as a structural barrier to the right to education under the Convention on the Rights of the Child.
7.	Hakimi, M., Fazil, A. W., Khaliqyar, K. Q., Quchi, M. M., & Sajid, S. (2023). *Evaluating the impact of e-learning on girls' education*	How does e-learning affect girls' education in Afghanistan, particularly in terms of female students' experiences and perceptions?	Both studies address barriers to education particularly girls' education in Afghanistan and acknowledge that	This article adopt an empirical and socio-educational approach, treating education primarily as an issue of access

	in Afghanistan: A case study of Samangan University. *International Journal of Multidisciplinary Approach Research and Science, 2*(1), 107–120. https://www.researchgate.net/publication/375691977_Evaluating_The_Impact_of_E-Learning_on_Girl%27s_Education_in_Afghanistan_A_Case_study_of_Samangan_University		structural conditions, including society and people culture constraints, significantly affect educational access.	and delivery. In contrast, this thesis employs a legal framework that conceptualizes economic poverty as a structural and legal barrier to the right to education under international human rights law.
8.	Rezaei, H., & Shahab, J. (2025). *Impacts of higher education on economic growth of Afghanistan*. *Kunduz University International Journal of Islamic Studies and Social*	What is the impact of higher education on economic growth in Afghanistan from 1996 to 2022, as measured through the relationship between higher education indicators and GDP using an OLS econometric model?	Both studies acknowledge the role of education in broader socioeconomic outcomes in Afghanistan, recognizing that educational factors, including enrollment and	This article adopts an empirical economic approach, analysing the quantitative relationship between higher education and GDP, whereas the present thesis

	Sciences, 2(1), 43–54 https://kuijis.edu.af/index.php/kuijis/article/view/126		attainment, are linked to wider national development processes and social progress.	employs a legal human rights framework to conceptualize economic poverty as a structural barrier to the right to education under international law.
9.	Ike, F. N., Ogbodum, M. U., Usang, O. U., Okolo-Francis, P. N., Ahmadi, A., Adebisi, Y. A., & Okolie, E. A. (2025). *Closing gender equality gaps in Taliban-ruled Afghanistan*. *Discover Public Health, 22*(1), 240. https://doi.org/10.1186/s12982-025-00636-0	How have Taliban-era policies intensified gender inequality by restricting women's and girls' access to education and other social rights?	Both studies address barriers to education rights in Afghanistan and situate educational deprivation within a broader human rights context, while highlighting the impact of structural and governance-related factors on the enjoyment of fundamental rights.	This article adopts a policy and socio-political approach, while the present thesis uses a legal framework to analyze economic poverty as a structural barrier to the right to education.
10.	Rahmany, A. R. (2025). Youth and education in Afghanistan after 2021. *Journal of*	How the Afghan education system and youth educational opportunities have changed after 2021	Both studies address barriers affecting education in Afghanistan and situate educational	This study used a descriptive, policy-oriented approach to education,

	Contemporary Politics, 4(1), 41–49. https://jcp.bujournals.com/	under Taliban rule, focusing on the effects of restrictive policies?	deprivation within a broader socio-political and human rights context.	whereas the present study uses a legal framework that treats economic poverty as a structural barrier to the right to education.

When considered collectively, the reviewed literature shows that economic, sociological, policy-oriented, or empirical approaches have been used in the majority of the research on education and poverty in Afghanistan. These studies offer insightful information about topics like digital barriers, poverty dynamics, gender inequality, educational access, and the socioeconomic effects of deprivation. However, rather than being a legally enforceable human right based on international law, education is primarily viewed in these works as a development goal, policy variable, or socioeconomic outcome.

More significantly, the literature does not conceptualize poverty as a legal and structural barrier to the realization of the right to education, nor does it systematically examine the state's legal obligations, duties, and accountability mechanisms under international human rights instruments, despite the fact that economic poverty is widely acknowledged as a contextual factor affecting educational access. The content of the right to education and the degree to which economic deprivation engages state responsibility under treaties like the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Rights of the Child are also not adequately evaluated by current research.

In contrast, the current study examines economic poverty as a structural barrier to the realization of the right to education using a legal and human rights-based approach. This thesis changes the analytical focus from outcome-based and descriptive explanations to legal obligation, state responsibility, and accountability by basing the analysis on international legal instruments, general remarks, and normative standards. By doing this, the study advances knowledge of

education in Afghanistan as an enforceable right rather than a discretionary policy goal and adds a legal perspective that closes a significant gap in the existing literature.

1.5. Literature Review

a. International Human Rights Law

Education is a fundamental human right and serves as the cornerstone of peace and sustainable development,[30] and is firmly established in international law. which obliges governments to ensure equal and non-discriminatory access to education. Its first and most fundamental expression is found in Article 26 of the Universal Declaration of Human Rights, which states: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all based on merit."[31] A more comprehensive definition of education can be found in the International Covenant on Economic, Social and Cultural Rights. Article 13 of the Covenant recognizes the right of everyone to education and obliges states to work towards its realization.[32] At the same time, Article 14 of the Covenant also requires States that have not yet implemented free primary education to present a specific plan for its realization.[33]

The Convention on the Rights of the Child provides the most detailed and comprehensive statement of children's right to education. Article 28 of the Convention obliges States to ensure free and compulsory primary education, accessibility to secondary and higher education, and the reduction of dropout rates. And, where necessary, States are obliged to provide financial support for continuing education.[34] In addition, Article 29 defines the goals of education and emphasizes that education should lead to the

[30] Ibid.

[31] United Nations, "Universal Declaration of Human Rights," United Nations, United Nations, 1948, Article 26, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[32] UNITED NATIONS, "International Covenant on Economic, Social and Cultural Rights," OHCHR, 1966, Article 13. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

[33] Ibid, Article 14.

[34] "United Nations General Assembly, Convention on the Rights of the Child, Article 28."

development of personality, talents, and respect for human rights and fundamental freedoms.[35]

In addition to these instruments, other international treaties also guarantee the right to education, especially in relation to the elimination of discrimination. Article 5(e)(v) of the International Convention on the Elimination of All Forms of Racial Discrimination obliges States to ensure the right to education without discrimination on the basis of race, colour, or national or ethnic origin.[36] Similarly, Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women calls for all appropriate measures to eliminate gender discrimination in education and to ensure equal opportunities for women and girls at all levels of education.[37]

Moreover, the Convention on the Rights of Persons with Disabilities also emphasizes the right to education. Article 24 guarantees inclusive education and equal access to education systems for children and adults with disabilities, and considers these obligations to be an integral part of States' human rights obligations regarding the right to education.[38] Building on these binding human rights treaties, the right to education has been further strengthened in the global development agenda through Sustainable Development Goal 4 (SDG 4), which commits governments to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all." Therefore, governments are obliged to take legal, financial, and policy measures to ensure equal access to education for all.[39]

Furthermore, the Afghanistan Constitution recognizes education as a fundamental right and affirms in Article 43 that all citizens have the right to free education up to the bachelor's level, while Article 44 obliges the State to promote the education of women and support disadvantaged groups.[40] These obligations are further reinforced through ordinary legislation. The Education Law emphasizes equitable and non-discriminatory access to

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[35] United Nations General Assembly, "Convention on the Rights of the Child, Article 29."

[36] UNITED NATION, "International Convention on the Elimination of All Forms of Racial Discrimination," 1965, Article 5, https://www.ohchr.org/sites/default/files/cerd.pdf.

[37] UNITED NATION, "Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979, Article 10," OHCHR, 1979, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.

[38] UNITED NATION, "Convention on the Rights of Persons with Disabilities," OHCHR, 2006, Article 24, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities.

[39] UNITED NATION, *Transforming Our World: The 2030 Agenda for Sustainable Development,* Goal 4.

[40] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan," 2004, Articles 43- 44.

education and requires the government to expand secondary education and provide financial assistance to children in need.[41] In addition, the Law on the Protection of the Rights of the Child explicitly defines "education" as a basic right of the child,[42] makes primary education compulsory while declaring a wide range of educational fields, "Pre-school, intermediate, secondary, technical, professional, vocational, artistic, and formal Islamic educations, in public educational and training institutions, are provided for free."[43]

Also, the Higher Education Law provides free education up to the bachelor's level in governmental institutions. Overall, these provisions demonstrate that Afghanistan's domestic legal framework is in line with the country's international obligations under the Convention on the Rights of the Child, the Covenant on Economic, Social and Cultural Rights, and other international instruments. However, the practical implementation of these obligations continues to face serious limitations and challenges.[44]

b. The Concept of Right to Education

Education is a right for every individual.[45] Education acts as an enabler; its provision enhances the enjoyment of other human rights, and its denial impedes the enjoyment of many others. Although international human rights law has defined a framework for the purposes and means of education, the institutional disconnect between the human rights, education, and economic spheres reduces the effectiveness of these frameworks.[46] "Education is seem as the cause of panacea for all the diseases of society. This shows what a capacious it is and why human rights safeguards are necessary to prevent its abuse".[47]

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[41] Islamic Republic of Afghanistan, "Islamic Republic of Afghanistan Ministry of Education, Education Law," Official Gazette: Serial # (955), 2008, amended in 2015. https://planipolis.iiep.unesco.org/sites/default/files/ressources/afghanistan_education_law.pdf.

[42] Islamic Republic of Afghanistan, "Islamic Republic of Afghanistan Ministry of Justice,Law on Protection of Child Rights," 2019, Article 12. https://www.unicef.org/afghanistan/media/3936/file/Law%20on%20Protection%20of%20Child%20Rights.pdf.

[43] Islamic Republic of Afghanistan, "Islamic Republic of Afghanistan Ministry of Justice, Law on Protection of Child Rights," 2019, Chapter 7, Article 49. https://www.unicef.org/afghanistan/media/3936/file/Law%20on%20Protection%20of%20Child%20Rights.pdf.

[44] Abdul Qahar Azizi and Sayed Abdul Latif Monawari, "The Right to Education of a Child: A Comparison of Afghan Law on Protection of Child's Rights and the UN Convention on the Rights of the Child," *Cognizance Journal of Multidisciplinary Studies* 3, no. 6 (June 2023): p. 445, https://doi.org/10.47760/cognizance.2023.v03i06.030.

[45] UNITED NATION, "Universal Declaration of Human Rights, Article 26."

[46] Katarina Tomasevski, *Education Denied: Costs and Remedies* (Zed Books, 2003), p.1.

[47] Tomasevski, p.2.

Education in conflict-affected settings is not simply a technical or service sector, but a deeply political institution that operates in interaction with security, economic and governance dynamics. According to (Pherali,2018), in fragile states such as Afghanistan, education is embedded in a political economy affected by weak governance, corruption, and insecurity, and in such circumstances, educational spaces are vulnerable to the capture of radical actors. From this perspective, simply expanding access to education without considering the educational content, learning process, and vested interests does not necessarily lead to peace and stability, and in the context of poverty and state fragility, it can undermine the realization of the right to education and disproportionately affect socially and economically disadvantaged children.[48]

The protracted conflict in Afghanistan over the past two decades has structurally undermined access to education, its quality, and the education system. According to the author (Sahar, 2024), education during this period has not been simply a victim of conflict but has been embedded in a complex framework of political, security, and economic factors that, in some cases, reproduce inequalities and social exclusion. Criticizing purely technical approaches to educational reconstruction, this study emphasizes the need to understand the interrelationship between education, conflict, and human rights, and shows that without addressing these linkages, education cannot play an effective role in achieving sustainable peace and social justice, especially for women, girls, and marginalized groups in Afghanistan.[49]

Research indicates that education is not only a fundamental and empowering human right, but can also sometimes become a political institution, the realization of which is shaped by economic, security and governance conditions. In conflict-affected settings such as Afghanistan, weak governance, persistent insecurity and economic poverty undermine both access to education and its quality. The reviewed studies generally emphasize that purely technical or access-focused educational interventions are not sufficient to ensure the effective realization of the right to education. Instead, a contextualized, rights-based understanding of education – one that addresses structural inequalities and the interlinkages

[48] Tejendra Pherali and Arif Sahar, *Learning in the Chaos: A Political Economy Analysis of Education in Afghanistan*, 2018, 239–258, https://doi.org/10.1177/1745499918781882.

[49] Arif Sahar, "Knowledge on Fire: The Impact of Conflict and Violence on Education in Afghanistan," *Central Asian Survey*, October 10, 2024, 1–21, https://doi.org/10.1080/02634937.2024.2406534.

between education, conflict, and human rights – is essential for education to meaningfully contribute to social justice and sustainable peace.

1.6. Research Method

a. Type of research

This thesis applies a normative legal research method that focuses on analyzing legal norms, principles, and regulations related to the research problem. The data for this research are mainly obtained from Afghan domestic laws, international documents, including conventions, official reports, journal articles, and reputable scientific sources, regarding rights to education. The purpose of using this method is to examine existing legal dos and don'ts and provide an appropriate legal interpretation of them within the framework of the research topic.

b. Method of Approach

In this research, the writer will use two complementary approaches have been used to comprehensively examine the impact of economic poverty on children's right to education in Afghanistan, such as:

a. Statute Approach: to analyze domestic and international legal documents, especially the Convention on the Rights of the Child and Afghan laws.
b. Historical Approach: to examine the evolution of legal norms and educational policies in Afghanistan, especially since 2001.

c. Sources of Research Data

This research relies on primary and secondary legal sources, such as:

a. Primary Legal Material: The thesis relies on primary legal materials, which include Afghan national laws (such as the Constitution, Education Law, and Child Protection Law), international treaties and conventions (especially the Convention on the Rights of the Child).
    i. Constitution of Afghanistan: The Constitution of Afghanistan, adopted in 2004, provides the legal framework. article 43 recognizes education as a fundamental right and obliges the state to provide free education. Also, article 22 emphasizes the principle of equality and the prohibition of

discrimination. These regulations create binding obligations on the government to provide inclusive and non-discriminatory education.

ii. Education Law: The Afghan Education Law, by defining the goals of education, setting out the objectives of education, emphasizing compulsory basic education, and specifying the responsibilities of state institutions, explains the right to education enshrined in the constitution in an operational and practical manner.[50]

iii. The Law on the Protection of the Rights of the Child: The Law on the Protection of the Rights of the Child recognizes education as a fundamental right of the child and obliges the state to prevent children from being deprived of education by observing the principle of the "best interests of the child."[51]

iv. The Convention on the Rights of the Child 1989: The Convention on the Rights of the Child, to which Afghanistan acceded in 1990. Article 28 of the Convention recognizes the right of the child to education, and Article 29 specifies the objectives of education. The principles of non-discrimination (Article 2) and the best interests of the child (Article 3) are fundamental interpretative criteria for assessing the state's compliance with its obligations.[52]

b. Secondary legal Material: Include academic books, journal articles, legal commentaries, reports from international organizations (such as UNICEF and the United Nations), and analyses by experts in child rights and education.

d. Method of Data Collection

This study uses a normative legal research method and relies on a library-based research to collect data. This approach involves identifying, selecting, and reviewing relevant legal texts and scholarly works. Using this approach, this study seeks to provide a

[50] Islamic Republic of Afghanistan, "Islamic Republic of Afghanistan Ministry of Education, Education Law," Official Gazette: Serial # (955), 2008, amended in 2015. https://planipolis.iiep.unesco.org/sites/default/files/ressources/afghanistan_education_law.pdf.

[51] Islamic Republic of Afghanistan, "Islamic Republic of Afghanistan Ministry of Justice, Law on Protection of Child Rights," 2019, Article 12. https://www.unicef.org/afghanistan/media/3936/file/Law%20on%20Protection%20of%20Child%20Rights.pdf.

[52] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child."

comprehensive and systematic review of the existing literature related to the research topic, providing a basis for subsequent analysis and interpretation.

1.7. Writing Framework

Chapter I provides a general introduction to the research topic and includes the following sections: Background of the study, Problem Formulation, Research Objectives, Literature Review, Research Methodology, and writing structure.

Chapter II explains theoretical and Legal Foundation for the general overview of the international and national legal instruments related to children's right to education, including: International instruments: focusing on the Convention on the Rights of the Child (CRC, 1989), Universal Declaration of Human Rights (UDHR, 1948), Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), and Convention on the Rights of Persons with Disabilities (CRPD, 2006). The national legal framework of Afghanistan: examining the Afghan Constitution, the Education Law, and the Child Protection Law.

Chapter III is a research analysis of the impacts of economic poverty on children's rights to education in Afghanistan. It will also examine weaknesses in legal Protection and Enforcement, identifying gaps and implementation challenges in Afghan laws.

Chapter IV is provides the conclusion and recommendations based on the previous research.

CHAPTER II

THEORETICAL FRAMEWORK

2.1. The Basic Concept of the Right to Education

Education is commonly understood as the process through which individuals acquire knowledge and skills. According to UNESCO, the Oxford Living Dictionary defines education as "the process of receiving or giving systematic instruction, especially at a school or university," while learning is defined as "the acquisition of knowledge or skills through study, experience, or being taught.[53] As a human right, the right to education means that all individuals—regardless of age, including children, adolescents, youth, adults, and older persons—have the right to access quality education. [54] Meanwhile, according to UNESCO, education is a fundamental human right and a foundation for peace and sustainable development.[55] Education is an essential pillar of economic and social development.[56]

The right to education plays a fundamental role in how individuals participate in political and civic life, and consequently affects their enjoyment of civil and political rights. As Fons Coomans, a professor of law and expert on the right to education, states, civil and political rights such as freedom of expression, freedom of assembly and the right to political participation gain real meaning and function when individuals are educated. In addition, rights such as the right to vote, freedom of thought, freedom of belief and religion, as well as the right to privacy and family life, are closely linked to education.[57]

Education, in general, prepares people for the development of their activities throughout their lives. Therefore, education should be a permanent aspect of every citizen's life. It is a key driver of global development. It should provide opportunities for all to access meaningful, high-

[53] UNITED NATIONS, *Right to Education Handbook*.
[54] Ibid, p .23.
[55] Ibid
[56] Samuel Ntsanwisi, "Defending the Role of Formal Education in South Africa: A Theoretical and Argumentative Perspective on Reform," *Educational Considerations* 50, no. 3 (July 2025), https://doi.org/10.4148/0146-9282.2404.
[57] UNITED NATION, *Right to Education Handbook*, p.33.

quality lifelong learning through formal or informal flexible learning pathways.[58] As Ramsey Clark said "A right is not what someone gives you; it's what no one can take from you."[59]

Human rights are those rights that are considered essential for human survival and for maintaining human dignity and freedom. What is distinctive about human rights is that all human beings are entitled to them equally and that no one has the power to give or take away these rights.[60] And education is one of those rights, not merely a privilege; it is a fundamental human right. While many people would agree with this idea in principle, the deeper meaning of the right to education is often not fully understood. As a human right, it guarantees that every individual—whether a child, adolescent, young person, adult, or elderly person—has the entitlement to access quality education.[61] Furthermore, education is a universal right that should be truly accessible to all, regardless of diagnosis, ability, or background; it is not a privilege reserved for the wealthy or powerful, but a right that should embrace and celebrate all the diversity of learners.[62]

The right to education is not only about access to schooling but also about ensuring that education meets certain essential standards. In this regard, the framework developed by the United Nations Committee on Economic, Social and Cultural Rights identifies four key elements of the right to education, commonly known as the "4A Framework." These include Availability, Accessibility, Acceptability, and Adaptability.[63]

Firstly, availability refers to the existence of sufficient educational institutions, infrastructure, trained teachers, and learning materials. States are required to ensure that schools are available in adequate quantity and are properly equipped to provide education. Secondly, accessibility means that education must be accessible to all individuals without discrimination.

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[58] Fernando Almeida and Jos´e Morais, "Non-Formal Education as a Response to Social Problems in Developing Countries," *E-Learning and Digital Media* 22 (2024), https://doi.org/10.1177/20427530241231843.

[59] UNITED NATIONS, *Right to Education Handbook, p. 24*.

[60] Joe Karmel, *The Right to Education: Examining Its Meaning and Implications*, 2008.

[61] Ibid

[62] Mohamed Mosala and Maximus Monaheng Sefotho, "Education Is Education If It Is Available to Everyone," *Journal of Research in Special Educational Needs* 26, no. 1 (2026): e70051, https://doi.org/10.1111/1471-3802.70051.

[63] Katarina Tomaševski, "RIGHT TO EDUCATION PRIMERS," Swedish International Development Cooperation Agency, Sida., 2001, p. 27, https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf.

This includes physical accessibility, economic accessibility (affordability), and non-discrimination, particularly for vulnerable and disadvantaged groups. [64]

Thirdly, acceptability relates to the quality and relevance of education. Educational content, teaching methods, and school environments must be appropriate, culturally acceptable, and of good quality to meet the needs of learners. Finally, adaptability implies that education must be flexible and capable of adapting to the changing needs of society and diverse groups of learners. This includes accommodating children with disabilities, marginalized communities, and those affected by poverty. Together, these four elements provide a comprehensive framework for understanding the practical implementation of the right to education and highlight the obligations of states in ensuring inclusive and equitable education for all.[65]

2.2. Poverty and Human Rights

There is no "correct" definition of poverty, and none of them are value-neutral. Rather, a wide variety of definitions have been proposed. At the narrow end of the spectrum, these include defining poverty primarily in economic terms, focusing on an individual's income or material resources and consumption levels – as has traditionally been the approach taken by the World Bank, for example in measuring the extent of global poverty by reference to concepts, definitions, symptoms or experiences of the condition, which are expressed by some as characteristics of other people affected by it ("the poor") and by poor people based on their experience. This definition is used both for different measurement methods and for their findings.[66]

The World Bank recently revised its international poverty line based on new purchasing power parity (PPP) data released by the International Comparison Program in May 2024. PPP indices are the primary tool for converting different currencies to a common standard while also taking into account differences in price levels across countries. As a result of this revision, the new global

[64] UNITED NATIONS, "General Comment No. 13: The Right to Education (Art. 13)," 1999, https://www.refworld.org/legal/general/cescr/1999/en/37937.

[65] UNITED NATION; Emine Zendeli, "The Right to Education as a Fundamental Human Right," *Contemporary Educational Researches Journal* 7 (December 2017): 158–66, https://doi.org/10.18844/cerj.v7i4.2718.

[66] Suzanne Egan, "Introduction: Poverty and Human Rights - a Multidimensional Concept in Search of Multidimensional Collaboration," in *Poverty and Human Rights*, ed. Suzanne Egan and Anna Chadwick (Edward Elgar Publishing, 2021), p. 2. https://doi.org/10.4337/9781839102110.00005.

poverty line is set at $3.00 per person per day, replacing the previous line of $2.15 based on 2017 PPP data.[67]

Meanwhile, poverty is increasingly understood as a multidimensional phenomenon that goes beyond income deprivation. It includes a lack of access to essential services such as education, healthcare, and adequate living conditions. From a human development perspective, poverty is also defined as the deprivation of basic capabilities, limiting individuals' ability to lead a dignified and fulfilling life.[68] This recent multidimensional understanding of poverty has been largely shaped by the capability approach of economist Amartya Sen and, more importantly, his identification of poverty in terms of "capability deprivation", in which individual "performances" (and hence exposure to poverty) are subject to a wide range of heterogeneous contingencies, including each individual's personal characteristics and their physical environment, social space and relational perspectives (understood as established patterns of behavior in particular societies).[69] Hence, the greatest obstacle to achieving rights and goals is poverty, which is why countries have made ending poverty the first goal of the Sustainable Development Goals. Goal one "End poverty in all its forms everywhere."[70]

The framing of poverty within the human rights framework is relatively recent, and it is clear that human rights institutions in this field have been strongly influenced by the capabilities approach. For example, the Committee on Economic, Social and Cultural Rights (CESCR), in its 2001 statement on poverty and the International Covenant on Economic, Social and Cultural Rights, defined poverty as "a human condition characterized by persistent or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and of other civil, cultural, economic, political and social rights." For

[67] World Bank, "June 2025 Update to Global Poverty Lines," Text/HTML, World Bank, 2025, https://www.worldbank.org/en/news/factsheet/2025/06/05/june-2025-update-to-global-poverty-lines.

[68] Bank World, "Network Structure of Multidimensional Poverty," Text/HTML, World Bank, accessed April 21, 2026, https://www.worldbank.org/en/topic/poverty/brief/network-structure-of-multidimensional-poverty.

[69] Egan, "Introduction, pp. 3-4."

[70] UNITED NATION, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (UNITED NATIONS, 2015), 1–41, Goal 1, https://sdgs.un.org/sites/default/files/publications/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf.

the Committee, this multidimensional understanding of poverty "reflects the indivisible and interdependent nature of all human rights."[71]

2.3. Importance of the Right to Education for Human Development

This section's argument draws on the human development and capability approach, which reconceptualizes development not as mere growth in income, but as the expansion of individuals' substantive freedoms and capabilities to lead the kind of life they have reason to value.[72] As Stewart, Ranis, and Samman demonstrate in their comprehensive account of the human development paradigm, education functions as one of the central, non-negotiable dimensions through which societies translate economic growth into genuine human progress, alongside health and political freedom.[73] Within the specific context of children's rights, Hart and Brando argue that a capability approach allows education to be understood not merely as an outcome to be measured, but as a space in which children's agency, well-being, and participatory rights are actively developed and supported.[74] Brando further develops this framework by showing that children's capabilities are not static but are formed through an ongoing, dynamic process — meaning that the denial of education at any stage does not simply withhold a single opportunity, but disrupts the broader process through which a child's future freedoms and capabilities are built.[75] Viewed through this theoretical lens, poverty-driven educational deprivation in Afghanistan should therefore be understood not simply as an economic disadvantage, but as a direct constraint on the expansion of human capabilities and, consequently, on human development itself.

Education is the cornerstone of human development because it equips individuals with the knowledge, skills and attitudes necessary to meet the demands of the labour market and participate fully in society, and its importance is widely recognised.[76] It, closely linked to literacy, plays a vital

[71] Egan, "Introduction, pp. 4-5."

[72] Alison MacKenzie and Tien-Hui Chiang, "The Human Development and Capability Approach: A Counter Theory to Human Capital Discourse in Promoting Low SES Students' Agency in Education," *International Journal of Educational Research* 117 (January 2023): 102121, https://doi.org/10.1016/j.ijer.2022.102121.

[73] Ingrid Robeyns, *Wellbeing, Freedom and Social Justice: The Capability Approach Re-Examined* (Open Book Publishers, 2017), https://doi.org/10.11647/obp.0130.

[74] Caroline Sarojini Hart and Nicolás Brando, "A Capability Approach to Children's Well-Being, Agency and Participatory Rights in Education," *European Journal of Education* 53, no. 3 (2018): 293–309, https://doi.org/10.1111/ejed.12284.

[75] Sharon Bessell, "Rethinking Child Poverty," *Journal of Human Development and Capabilities* 23, no. 4 (October 2022): 539–61, https://doi.org/10.1080/19452829.2021.1911969.

[76] Zendeli, "The Right to Education as a Fundamental Human Right."

role in individual growth and social progress. Education equips individuals with the ability to participate effectively in social, economic and political contexts, while also promoting critical thinking, informed choices and opportunities for upward mobility. A clear example of this is in Indonesia, where higher education has been shown to have a positive impact on well-being, with a 1% increase in educational attainment being associated with a 1% increase in well-being. This highlights the need for sustained investment in equitable and high-quality education to support sustainable development. [77]

In addition, it enables citizens to understand their rights, participate in political decision-making, and hold governments accountable.[78] Furthermore, education strengthens human dignity and respect for human rights and acts as a "driving force for the empowerment of human potential" at the individual and collective levels.[79] When guaranteed as a fundamental right, education promotes social inclusion, reduces discrimination, and ensures that all individuals—regardless of gender, race, or socio-economic status – can access the resources necessary for personal and social development. Consequently, the right to education is not merely a service, but an essential tool for building peaceful, prosperous and just societies.[80] As Nelson Mandela said, "Education is the most powerful weapon which you can use to change the world."[81]

The right to education is of fundamental importance for human development because, first, as a fundamental right alongside the right to survival and health, it guarantees the minimum requirements for a decent life. Second, education is among the rights that governments are obliged to respect, protect and fulfil. Third, human development is based on expanding capabilities, increasing social participation and freedom from poverty, and education plays a key role in strengthening these dimensions.[82]

[77] Ntsanwisi, "Defending the Role of Formal Education in South Africa, p.6."
[78] Zendeli, "The Right to Education as a Fundamental Human Right, p. 160."
[79] Ibid, p. 159
[80] Ibid p. 163
[81] Samuel Ntsanwisi, "Defending the Role of Formal Education in South Africa: A Theoretical and Argumentative Perspective on Reform," *Educational Considerations* 50, no. 3 (July 2025),p 1 https://doi.org/10.4148/0146-9282.2404.
[82] Egan, "Introduction, p. 10 - 11."

2.4. Basic International Instruments on the Right to Education

In this chapter, a general overview of the international legal instruments related to the right to education is provided. Education is guaranteed as a human right in numerous human rights treaties, chiefly the Convention on the Rights of the Child (CRC, 1989), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), and the Universal Declaration of Human Rights (UDHR, 1948). [83] In addition to treaty-based obligations, other sources of international law also reinforce the right to education. According to Article 38 of the Statute of the International Court of Justice, customary international law, judicial decisions, and general principles of law are recognized as primary sources.[84]

Customary international law Since there is no parliamentary or world congress body to create international law based on law, the question arises as to how human rights can be implemented internationally; that is, by what authority? To answer this question, the Universal Declaration of Human Rights is a fundamental pillar of the Charter of the United Nations, and most, if not all, of its provisions have become part of customary international law. Furthermore, the widespread ratification of the two Covenants on Human Rights and the fact that the rights enshrined in the Universal Declaration of Human Rights are commonly recognised as "morally and ethically justified" means that there are now compelling grounds for claiming that the rights of the Universal Declaration of Human Rights have become part of customary international law. And the right to free and compulsory primary education is increasingly accepted as part of customary international law, as reflected in the established practice of States and the work of organisations such as UNESCO.[85]

Judicial decisions have played an important role in strengthening and interpreting the right to education under international human rights law. In the landmark case of D.H. and Others v. the Czech Republic, the European Court of Human Rights ruled that the placement of Roma children in special schools constituted racial discrimination and violated Article 14 of the European Convention on Human Rights in conjunction with Article 2 of Protocol No. 1 on the right to

[83]UNITED NATIONS, *Right to Education Handbook*, p. 28

[84] "Statute of The International Court of Justice," 1945, Art. 38. https://globalgovernanceforum.org/wp-content/uploads/Final-Revised-Statute-of-The-International-Court-of-Justice.pdf.

[85] Karmel, *The Right to Education: Examining Its Meaning and Implications, pp. 43-44*.

education. The Court emphasized that racial segregation in education is incompatible with human rights standards.[86]

In a broader context, the case-law of the European Court of Human Rights has significantly influenced the interpretation of education rights by addressing issues such as religious education, discrimination, exemption from religious classes and the display of religious symbols in schools. These judicial decisions also shape public understandings of the rights and encourage social actors to raise claims related to education and human rights. In addition, court rulings have wider "rile effects" by influencing public debates and perceptions about equality, inclusion and the right to education.[87]

Furthermore, General principles of law also support the recognition and protection of the right to education at the international level. Principles such as equality, non-discrimination and human dignity form the legal basis of the right to education in both international and domestic legal systems. These principles are reflected in the main international human rights instruments and are reinforced through judicial interpretations.[88] The case law of the European Court of Human Rights shows that the right to education must be implemented in a manner consistent with equality and inclusion, in particular for vulnerable and marginalized groups. In this regard, the courts have played a role in developing broader legal principles aimed at eliminating discrimination and promoting inclusive education.[89]

1. Convention on the Rights of the Child (1989) – Articles 28 and 29

The United Nations Convention on the Rights of the Child provides the most comprehensive statement of children's rights to, in and through education.[90] Article 28 of the Convention on the Rights of the Child explicitly recognizes the right to education for all children. According to this

[86] Roberta Medda-Windischer, "Dismantling Segregating Education and the European Court of Human Rights. D.H. and Others vs. Czech Republic: Towards an Inclusive Education?," *European Yearbook of Minority Issues Online* 7, no. 1 (February 2010): 19–55, https://doi.org/10.1163/22116117-90001628.

[87] Effie Fokas, "Religion and Education in the Shadow of the European Court of Human Rights," *Politics and Religion* 12, no. S1 (January 2019): S1–8, https://doi.org/10.1017/S1755048318000457.

[88] Medda-Windischer, "Dismantling Segregating Education and the European Court of Human Rights. D.H. and Others vs. Czech Republic, p.53."

[89] Fokas, "Religion and Education in the Shadow of the European Court of Human Rights, p. S7."

[90] Laura Lundy and Gabriela Martínez Sainz, "The Role of Law and Legal Knowledge for a Transformative Human Rights Education: Addressing Violations of Children's Rights in Formal Education," *Human Rights Education Review* 1, no. 2 (December 2018): 04–24, p. 5, https://doi.org/10.7577/hrer.2560.

article, states are obliged to provide primary education free and compulsory for all children. It also emphasizes the need to expand and expand access to secondary and higher education and requires states to take appropriate measures to reduce barriers to access to education, including reducing the dropout rate. This article shows that the right to education does not only mean the existence of an education system, but also requires the creation of conditions in which all children, without discrimination, can have effective access to education. Therefore, article 28 places a clear obligation on states to ensure universal and equal access to education.[91]

Furthermore, article 29 of the Convention on the Rights of the Child deals with the aims and objectives of education and emphasizes its qualitative and substantive aspects. This article states that education shall be directed to the full development of the child's personality and to the development of his or her mental and physical talents and abilities. It shall also promote respect for human rights, fundamental freedoms, cultural identity and social values. This article shows that the right to education is not limited to access to school, but that the quality, content and purpose of education are also of fundamental importance. Accordingly, governments are obliged to design and implement the education system in such a way as to ensure the all-round development of children and prepare them for a responsible life in society.[92]

2. International Covenant on Economic, Social and Cultural Rights (1966) – Articles 13 and 14

Article 13 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations in 1966, is one of the most comprehensive international provisions on the right to education. It recognizes the right of everyone to education and emphasizes that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

According to this article, States are obliged to make primary education compulsory and free for all and to progressively extend access to secondary and higher education. Furthermore, Article 13 emphasizes the importance of establishing an inclusive and equitable education system that is accessible to all without discrimination. This article shows that the right to education includes not

[91] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child."
[92] UNITED NATION, "GENERAL COMMENT NO. 1 (2001) ARTICLE 29 (1): THE AIMS OF EDUCATION," UNITED NATIONS, 2001.

only access to education, but also its quality, purpose and orientation, and obliges States to create the conditions for the full realization of this right.[93]

Continuing with Article 13, Article 14 focuses on the obligation of States that have not yet achieved free and compulsory primary education. According to this article, such States are obliged to develop and implement, within a specified period of time, a national action plan for the realization of free and compulsory primary education.[94]

3. Convention on the Elimination of All Forms of Discrimination Against Women (1979) – CEDAW- Article 10

It is one of the most important international instruments in the field of ensuring gender equality, including in the field of education. This convention obliges states to eliminate all forms of discrimination against women in all areas, in particular in access to education. According to article 10 of this convention, states parties are obliged to provide equal conditions for women and men at all levels of education. This includes equal access to educational programs, educational opportunities, scholarships, as well as the elimination of gender stereotypes from the curriculum. In addition, the convention emphasizes the importance of reducing the dropout rate of girls and ensuring their equal participation in the education system.

The importance of CEDAW is that it analyzes the right to education in the context of gender equality and shows that gender discrimination is one of the main obstacles to the realization of this right. Therefore, this document plays an important role in strengthening equal access to education for women and girls and achieving educational justice at the international level.[95]

4. The United Nations Convention on the Rights of Persons with Disabilities (CRPD), Article 24

The United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations General Assembly in 2006, is one of the most important international instruments in protecting the rights of persons with disabilities. Article 24 of the Convention is dedicated to the right to education, which obliges states to provide an inclusive and non-

[93] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."
[94] UNITED NATION, "International Covenant on Economic, Social and Cultural Rights."
[95] UNITED NATION, "Convention on the Elimination of All Forms of Discrimination against Women," 1979, https://www.ohchr.org/sites/default/files/cedaw.pdf.

discriminatory education system at all levels so that persons with disabilities can benefit from educational opportunities on an equal basis with others. The Convention also emphasizes access to quality education, the provision of necessary facilities and support, and the prevention of exclusion of children with disabilities from education. Therefore, the CRPD plays an important role in strengthening the concept of inclusive education and realizing the right to education for all, especially vulnerable groups.[96]

5. Universal Declaration of Human Rights (1948) – Article 26

Everyone has the right to education, and primary education shall be compulsory and free, and secondary and higher education shall be based on merit. In addition, Article 26 also specifies the objectives of education, stating that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. This article is of particular importance because it not only establishes the right to education as a fundamental human right but also addresses the qualitative dimensions and objectives of education. Therefore, the Universal Declaration of Human Rights provides a fundamental basis for the development of subsequent international instruments on the right to education and commits States to ensuring equal and non-discriminatory access to education.[97]

[96] UNITED NATION, "Convention on the Rights of Persons with Disabilities."
[97] UNITED NATION, "Universal Declaration of Human Rights."

CHAPTER III
ANALYSIS AND DISCUSSION

3.1. The Impact of Economic Poverty on Children's Access to Education in Afghanistan

1. Relationship Between Poverty and Education

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.[98] Education is a key driver of socioeconomic mobility, as it provides individuals with the knowledge, skills, and opportunities necessary to enhance their economic and social status. Access to quality education not only improves employment opportunities but also increases income levels and helps break the cycle of poverty, especially among historically disadvantaged groups.[99] Governments and international organizations like UNESCO and the World Bank promote universal access to education as a key strategy for fostering economic growth and alleviating poverty.[100]

2. Impact of Poverty on Educational Opportunities

Poverty significantly affects access to educational opportunities and remains a major obstacle to the realization of the right to education. Individuals from low-income families often face financial constraints that limit their ability to pay for school-related expenses such as tuition, uniforms, transportation, and educational materials. In addition, poverty is often associated with poor living conditions, child labor, and limited parental support, all of which negatively impact school attendance and academic performance.[101]

Another point is that family background, neighborhood conditions, parenting, and social capital shape a child's chances of educational success, meaning that poverty can create

[98] UNITED NATIONS, CESCR General Comment No. 13: The Right to Education (Art. 13).
[99] Ntsanwisi, "Defending the Role of Formal Education in South Africa."
[100] Ibid, p. 3."
[101] World Bank, *Pathways Out of the Polycrisis*, POVERT Y, PROSPERIT Y, AND PLANET REPORT (2024), https://www.worldbank.org/en/publication/poverty-prosperity-and-planet.

disadvantages long before academic performance is measured. As a result, poverty often reduces achievement and reduces the likelihood of progressing to higher levels of education.[102]

3. Education as a Tool for Poverty Reduction

Education plays a crucial role in poverty reduction by increasing people's skills, knowledge and employability. Education enables people to access better job opportunities, increase their income levels and improve their overall quality of life.[103] From a development perspective, education is a key driver of economic growth and social mobility. As the United Nations Development Programme has emphasized, access to quality education empowers individuals and communities, helping them to escape poverty and participate more effectively in economic and social life. Therefore, investing in education is widely considered a fundamental strategy for sustainable poverty reduction.[104] Furthermore, Poverty reduction is a key part of sustainable development and needs strong government support. The interrelated nature of the Sustainable Development Goals emphasizes the vital role of poverty alleviation as a key component in attaining the overall goals.[105]

By accepting international human rights instruments and committing to implementing the Sustainable Development Goals (SDGs), especially Goal 1 (End Poverty) and Goal 4 (Promote Quality and Equitable Education),[106] Afghanistan is obliged to effectively implement poverty reduction strategies.[107] Proper implementation of these strategies will not only reduce economic deprivation but also increase equal access to educational opportunities.[108] From a legal perspective, these commitments indicate that the Afghan government must align its social and economic policies with the principles enshrined in international instruments to break the cycle of poverty

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[102] Carlo Raffo, *Education and Poverty: A Critical Review of Theory, Policy and Practice*, pp. 11-16. (York: Joseph Rowntree Foundation, 2007).

[103] World Bank, "Education & Skills | World Bank Group," accessed April 23, 2026, https://www.worldbank.org/ext/en/topic/education.

[104] Abdallah Al Dardari, *UNDP, Afghanistan Socio-Economic Outlook 2023* (United Nations, 2023), 1–98.

[105] Md Tota Miah, Zoltán Lakner, and Mária Fekete-Farkas, "Addressing Poverty through Social Entrepreneurship for Sustainable Development: A Comprehensive Bibliometric Analysis," *Administrative Sciences* 14, no. 1 (January 2024): 16, p.6, https://doi.org/10.3390/admsci14010016.

[106] United Nation, "The Future We Want: Outcome Document of the United Nations Conference on Sustainable Development, Rio de Janeiro, Brazil, 20–22 June 2012," United Nation, 2012, https://sustainabledevelopment.un.org/content/documents/733FutureWeWant.pdf?utm_source=chatgpt.com.

[107] "General Comment No. 3: The Nature of States Parties' Obligations," 1990, https://www.refworld.org/sites/default/files/legacy-pdf/en/1990-12/4538838e10.pdf.

[108] *United Nations Educational, Scientific and Cultural Organization, Institute for Statistics, SDG 4 Country Profile: Afghanistan* (2025), https://download.uis.unesco.org/SDG4/SDG4-Profile-Afghanistan.pdf.

and educational inequality.[109] Otherwise, the gap between official commitments and practical realities will remain, and Afghanistan's international obligations in the field of children's rights and educational equity will continue to be violated.[110]

4. The Cycle of Poverty and Lack of Education

The relationship between poverty and education is often described as a vicious cycle, in which poverty limits access to education and lack of education, in turn, reinforces poverty.[111] Poverty and lack of education reinforce each other in a cycle. Children born into poor families are less likely to attend school or complete their education, which reduces their chances of securing stable, well-paid jobs in the future. As a result, they remain trapped in poverty, which is often passed on to subsequent generations.[112]

Breaking this cycle, therefore, requires more than just "making school accessible". A free, flexible and supportive education service, offering free tuition, evening or flexible hours, and mentoring that encourages children and families to value education, helped to remove key barriers. The result was not only re-entry into formal education, but also greater self-confidence, social awareness, and improved future aspirations such as becoming teachers, doctors, or police officers. In this way, education acts as both an immediate support and a long-term pathway out of intergenerational poverty.[113]

5. Multidimensional poverty and child poverty

Poverty is not limited to a lack of income. The concept of multidimensional poverty acknowledges that people may experience deprivation in several areas of life, including education, health, nutrition, housing, sanitation, and access to basic services. Children are particularly

[109] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

[110] *CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW): LEGAL REVIEW OF MEASURES INTRODUCED BY AFGHANISTAN'S DE FACTO AUTHORITIES THAT IMPACT WOMEN AND GIRLS* (2022), https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/de-facto-authorities-cedaw-based-legal-review-all-forms-disc-agt-convention-elimination-wm-measures-afghanistan-girls-1-en.pdf.

[111] A. Spada, M. Fiore, and A. Galati, "The Impact of Education and Culture on Poverty Reduction: Evidence from Panel Data of European Countries," *Social Indicators Research*, June 14, 2023, 1–14, https://doi.org/10.1007/s11205-023-03155-0.

[112] Muhammad Murtaza Ali and Sana Rouis Skandrani, "Education and Poverty: The Case of Street-Children in Urban Areas of Pakistan," *International Journal of Educational Development* 121 (March 2026): 103499, https://doi.org/10.1016/j.ijedudev.2026.103499.

[113] Ibid.

vulnerable to multidimensional poverty because deprivation in one dimension often affects other aspects of their development. For example, inadequate nutrition, poor living conditions, and limited access to health care can negatively impact a child's ability to attend and perform well in school.[114] Children, as a group, are particularly vulnerable to poverty, which threatens future economic development and social cohesion. Child poverty is implicitly linked to inequality of opportunity for all, which is in itself socially unjust. Furthermore, the consequences of living in poverty during childhood often persist beyond this period.[115]

Children experience poverty differently from adults because their needs vary depending on their age and stage of development. Child poverty includes deprivation in nutrition, education, health care, protection, shelter, and participation in society. Childhood deprivations can have long-term consequences, affecting educational achievement, health, future employment opportunities, and overall well-being throughout life.[116] Contemporary approaches increasingly assess child poverty through a multidimensional lens; that is, not only household income, but also access to education, health care, nutrition, adequate housing, support, and social participation. Such an approach provides a more comprehensive understanding of children's well-being and the barriers that prevent them from fully realizing their rights and capabilities. [117]

6. Overview of poverty in Afghanistan

Afghanistan has experienced persistent and widespread poverty due to decades of armed conflict, political instability, limited economic development, and limited access to basic services. Poverty in Afghanistan is reflected not only in inadequate household income, but also in broader forms of deprivation, including limited access to education, health care, employment opportunities, and essential infrastructure.[118]

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[114] Amélia Bastos and Carla Machado, "Child Poverty: A Multidimensional Measurement," *International Journal of Social Economics* 36, no. 3 (February 2009): 237–51, p.239, https://doi.org/10.1108/03068290910932738.

[115] Ibid, p. 237.

[116] *Ms. Katherine Ford_Intergenerational Poverty and the Persistence of Poverty* (n.d.).

[117] Jakob Dirksen and Sabina Alkire, "Children and Multidimensional Poverty: Four Measurement Strategies," *Sustainability* 13, no. 16 (January 2021): 9108, https://doi.org/10.3390/su13169108.

[118] Ramazan Ahmadi and Suat Kolukırık, "Poverty and Social Policies Related to Poverty in Afghanistan: A Study on Hazaras in Bamyan," *International Journal of Sociology and Social Policy*, March 17, 2026, 1–19, https://doi.org/10.1108/IJSSP-03-2025-0198.

UNICEF Afghanistan, in collaboration with the Oxford Poverty and Human Development Initiative (OPHI), has assessed poverty in Afghanistan based on three indicators: health, education and living standards, and found that 62.3 percent of the Afghan population lives in multidimensional poverty, as measured by the Multidimensional Poverty Index (MICS). This represents a significant increase from 50.8 percent in 2020 to 62.3 percent in 2023. Children are among the groups most affected by multidimensional poverty in Afghanistan. Research on child poverty shows that poverty goes beyond financial hardship and includes deprivation in areas such as education, health, nutrition, living conditions, and social inclusion.[119] In Afghanistan, children, especially those living in rural areas and vulnerable situations, experience multiple forms of deprivation that limit their opportunities and restrict their access to essential services, including education.[120]

In the Afghan context, children experience higher levels of poverty compared to adults. Evidence shows that child poverty is widespread across multiple dimensions of deprivation, with children aged 0–17 years constituting the poorest age group and accounting for more than half of the country's population. This situation underscores the importance of prioritizing policies and interventions aimed at reducing child poverty. Furthermore, young children, especially those aged 0–9 years, experience the highest levels of multidimensional poverty, followed by those aged 10–17 years, making them particularly vulnerable to the long-term consequences of deprivation.[121] Children bear the brunt of this poverty. The data shows a worrying disparity between children and adults: 66.9 percent of children are in multidimensional poverty compared to 56.8 percent of adults. This highlights the disproportionate burden of poverty on children and calls for focused policy action to improve access to education, healthcare, nutrition, social protection and other essential social services for children, especially in rural areas.[122]

Economic hardship has contributed significantly to educational barriers, with high dropout rates, child labour, and unequal access to learning opportunities. As a result, poverty acts not only as an economic challenge but also as a major obstacle to the realization of children's right to education. This situation raises significant concerns about the ability of the State to fulfil its

[119] *Afghanistan Multidimensional Poverty Index* (2023), https://www.unicef.org/afghanistan/media/11811/file/MPI%20executive%20summary.pdf.pdf.

[120] Ahmadi and Kolukırık, "Poverty and Social Policies Related to Poverty in Afghanistan."

[121] Dirksen and Alkire, p. 13.

[122] *Afghanistan Multidimensional Poverty Index*.

obligations under international human rights frameworks, in particular the obligation to ensure equal and accessible education for all children.[123]

7. Direct Effects of Poverty on Access to Education
    a. Inability to afford school-related expenses (uniforms, books)

Poverty directly affects children's access to education by limiting families' ability to afford essential school-related expenses. Although education is recognized as a fundamental right, attending school often entails additional costs beyond tuition, including uniforms, textbooks, stationery, learning materials, and other educational necessities. [124] For low-income families, these costs can impose a significant financial burden, especially when household resources are already limited, and families must prioritize basic needs such as food, housing, and healthcare. As a result, many children from poor families face difficulties maintaining regular school attendance or continuing their education. [125]

The inability to afford education can also exacerbate educational inequality, as children from disadvantaged families may have fewer learning opportunities than children from more affluent families. [126] Lack of basic educational materials can negatively impact students' participation, academic performance, and motivation to stay in school. Poverty therefore acts as a direct barrier to education by preventing children from fully benefiting from available educational opportunities.[127]

In Afghanistan, poverty remains a significant barrier to children's access to education, especially for families with limited economic resources.[128] Although public education is officially free, many families still face indirect costs of education, including the purchase of school supplies, uniforms, books, and other necessary materials. For poor families, these costs are difficult to meet,

[123] Amir Murtaza and Justin Rogers, "Forgotten Children: The Crisis of Child Welfare and Alternative Care in Afghanistan," *Institutionalised Children Explorations and Beyond* 12, no. 1 (March 2025): 56–73, p. 62, https://doi.org/10.1177/23493003251313920.

[124] Mbabazi Immaculate, *Poverty and School Dropouts in Secondary Schools In*, September 2024, p. 38, http://dissertations.umu.ac.ug/xmlui/handle/123456789/1788.

[125] Geoff Page, Maddy Power, and Ruth Patrick, *Uniform Mistakes: The Costs of Going Back to School* (2021), p. 1.

[126] Lorella Terzi, Elaine Unterhalter, and Judith Suissa, "Philosophical Reflections on Child Poverty and Education," *Studies in Philosophy and Education* 42, no. 1 (February 2023): 49–63, p. 53. https://doi.org/10.1007/s11217-022-09865-1.

[127] Abdul Baseer Khan, "Socio-Economic Barriers to Children's Education in Afghanistan," *Journal of Business and Management Revolution* 1, no. 1 (June 2020): 1–9, https://doi.org/10.37357/1068/jbmr/1.1.01.

[128] Khan.

which can affect decisions about children's education, especially when families face economic pressures and limited income opportunities.[129] Economic hardship has contributed to unequal educational experiences among Afghan children, especially those living in vulnerable communities. Children from poor families may come to school with inadequate supplies or be at greater risk of dropping out due to financial difficulties.[130] Poverty therefore continues to affect not only school enrollment, but also children's ability to effectively participate in and benefit from education.[131]

b. Distance to schools and transportation costs

Physical access to schools is another important factor affecting children's ability to participate in education. In many developing and low-income regions, long distances between homes and schools, coupled with high transportation costs, pose significant barriers, especially for children living in rural and remote areas. When schools are located far from communities, children may face difficulties in attending classes regularly due to the time, effort, and financial costs required to reach educational facilities. These challenges can reduce attendance rates and increase the likelihood of dropout, especially among children from poor families.[132]

In Afghanistan, limited infrastructure and poor transportation systems exacerbate the problem of physical access to education. The country's transportation networks remain underdeveloped, and many rural areas lack reliable roads and affordable transportation options. As a result, children in remote communities often have to travel long distances to reach schools, while transportation costs create an additional burden for economically disadvantaged families. These barriers particularly affect rural children, where limited infrastructure restricts access to essential public services, including education. [133]

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[129] Heather Barr, *"I Won't Be a Doctor, and One Day You'll Be Sick": Girl's Access to Education in Afghanistan*, with Human Rights Watch (New York, NY: Human Rights Watch, 2017), p. 82, https://www.hrw.org/sites/default/files/report_pdf/afghanistan1017_web.pdf.

[130] Khan, "Socio-Economic Barriers to Children's Education in Afghanistan."

[131] *Afghanistan's Education Crisis* (2025), https://e1.nmcdn.io/assets/ggheie/wp-content/uploads/2025/12/EiE-Hub-Brief_Afghanistans-Education-Crisis_December-2025.pdf.

[132] Mbabazi Immaculate, *Poverty and School Dropouts in Secondary Schools In*, September 2024, p. 21, http://dissertations.umu.ac.ug/xmlui/handle/123456789/1788.

[133] Mohammad Ajmal Stanikzai and Abdul Fatah Fayeq, "Analyzing Economic and Social Indicators of Afghanistan," *Cognizance Journal of Multidisciplinary Studies* 4, no. 6 (June 2024): 602–8.

The responsibility of the government is to ensure that geographical location and economic conditions do not hinder the realization of children's right to education. This requires investing in educational infrastructure, expanding schools in deprived areas, improving transportation systems, and providing support measures for children living in remote communities. In Afghanistan, addressing these challenges requires stronger public policies that aim to reduce regional inequalities and ensure equal access to education for all children, regardless of their place of residence.[134]

c. Child labor and children's contribution to family income

Economic poverty is one of the main factors pushing children into labor in Afghanistan. Many families experiencing severe economic difficulties depend on children's work as a survival strategy because household income is often insufficient to meet basic needs. According to a 2024 report by IUF Asia/Pacific and The Afghan Times, there are at least one million child laborers in Afghanistan, as declining household incomes, unemployment, and the humanitarian crisis have forced many children to contribute financially to their families. The report provides examples of children who have left school because their families depend on their earnings for survival.[135]

Child labor has a direct impact on children's access to education by increasing school dropout and reducing opportunities for learning. Poverty often forces children to prioritize work over education because their families cannot afford to lose their economic contribution. According to a report by Save the Children, more than a third (38.4 percent) of children have been forced to work to help their families cope with rising levels of poverty and hunger two years after the Taliban regained control.[136] The experiences of working children demonstrate how poverty creates educational deprivation. Some children work up to 12 hours a day and earn only around $1–$4, while others have completely abandoned school due to economic pressure. For instance, some children reported leaving education because they had to provide food and financial support for their families. Therefore, child labor in Afghanistan should be understood not only as a labor issue

[134] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

[135] *WORLD DAY AGAINST CHILD LABOUR* (2024), p. 1, https://iufap.org/wp-content/uploads/2024/06/world-day-against-child-labour-iuf-asiapacific-report-.pdf.

[136] "More than a Third of Children Surveyed in Afghanistan Pushed into Child Labour, as Country Marks Two Years of Taliban Rule - Afghanistan | ReliefWeb."

but also as a consequence of poverty that undermines children's right to education and contributes to the continuation of intergenerational poverty.[137]

The prevalence of child labor as a consequence of poverty raises important questions regarding the responsibility of the Afghan state to protect and fulfill children's right to education.[138] Under the Convention on the Rights of the Child (CRC), the state has an obligation to take appropriate measures to ensure that economic conditions do not prevent children from accessing education.[139] Although poverty may create significant challenges, the existence of economic hardship does not remove the state's responsibility to adopt policies and programs that reduce educational barriers and protect children from exploitation.[140]

The CRC requires states to progressively realize children's right to education through measures such as ensuring free and accessible primary education, reducing school dropout rates, and providing support for children in vulnerable situations. In the context of Afghanistan, the high prevalence of child labor demonstrates a gap between these legal obligations and practical implementation. When children are compelled to work because of family poverty, it indicates that existing social protection mechanisms and educational support systems have not been sufficient to prevent children from being excluded from education.[141]

Therefore, addressing child labor requires more than prohibiting children's employment; it requires the state to address the underlying causes of child labor, including poverty, unemployment, and lack of social support. The failure to provide adequate protection and equal educational opportunities for vulnerable children may constitute a failure to fully implement the obligations established under international human rights law, particularly the obligations to protect and fulfill the right to education.[142]

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[137] *WORLD DAY AGAINST CHILD LABOUR, p. 2*.

[138] *Afghanistan, 2023 Findings on the Worst Forms of Child Labor* (2024), p. 3, https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Afghanistan.pdf.

[139] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child," 1989, art. 28, 32, https://www.unhcr.org/sites/default/files/legacy-pdf/4d9474b49.pdf.

[140] "University of Minnesota Human Rights Library," 2011, https://hrlibrary.umn.edu/crc/afghanistan2011.html.

[141] Hazrat Shah Kayen, "THE IMPACT OF CHILD LABOR ON CHILDREN'S CHARACTER DEVELOPMENT: A CASE STUDY OF AFGHANISTAN," *Bhineka Tunggal Ika: Kajian Teori Dan Praktik Pendidikan PKn* 10 (November 2023): 326–36, p. 333, https://doi.org/10.36706/jbti.v10i2.22769.

[142] Virginia Morrow and Jo Boyden, *Responding to Children's Work* (2018), p. 6.

Harnessing the role of education in addressing child labour requires ensuring that families have the means to invest in their children's education and demonstrating that the returns on such investments are greater than the returns on child labour.[143] Universal access to quality education not only protects the rights of all children, but also breaks cycles of poverty and child labour across generations. A variety of strategies can be used to increase school enrolment and attendance while reducing dropout rates, such as: expanding access to early childhood development programes, early childhood care and education; introducing cash transfer programes and non-cash transfer schemes, such as food for education;[144] and reducing or eliminating direct and indirect costs of education, including eliminating school fees, providing free uniforms, textbooks and school transport.[145]

8. Indirect Effects of Poverty on Education

a. Lack of educational infrastructure in poor and rural areas

Afghanistan has seen progress, with more children attending school.[146] However, the quality of education and school attendance rates vary between cities and villages. The lack of educational infrastructure in Afghanistan, especially in poor and rural areas, is one of the indirect consequences of poverty on education. Limited financial resources from the government and local communities prevent the construction and maintenance of quality schools, and many children study in tents, open spaces or damaged buildings. These conditions reduce the quality of learning and motivation to attend school regularly. In rural areas, geographical distance, family poverty and lack of educational facilities exacerbate inequalities of opportunity and perpetuate the cycle of poverty for future generations.[147]

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[143] University of Rome Tor Vergata, and ICID, Italy, and IZA, Germany and Furio C. Rosati, "Can Cash Transfers Reduce Child Labor?," *IZA World of Labor*, ahead of print, 2022, https://doi.org/10.15185/izawol.293.v2.

[144] Aurolipsa Das and Narayan Sethi, "Cash Transfers and Human Capital Outcomes of Children in LMICs: A Systematic Review Using PRISMA," *Heliyon* 9, no. 4 (April 2023): e14758, https://doi.org/10.1016/j.heliyon.2023.e14758.

[145] *Leveraging Education to End Child Labour* (2024), https://www.unicef.org/innocenti/media/9371/file/UNICEF-Innocenti-Leveraging-Education_Child-Labour-2024-report, p. 7.pdf.

[146] Mohammad Ajmal Stanikzai and Abdul Fatah Fayeq, "Analyzing Economic and Social Indicators of Afghanistan," *Cognizance Journal of Multidisciplinary Studies* 4, no. 6 (June 2024): 602–8, p. 606, https://doi.org/10.47760/cognizance.2024.v04i06.030.

[147] UNESCO, *Afghanistan Education Situation Report 2025* (UNESCO, 2025), 1–25, p. 20, https://www.unicef.org/afghanistan/media/12631/file/Report_AFG_Education_EXTERNAL.pdf.pdf.

For example, the COVID-19 pandemic has made this even more evident. Poor children have faced increasing inequalities during the COVID-19 pandemic, such as lack of access to online education, educational facilities and appropriate support. On the one hand, education is seen as a way out of poverty and achieving personal fulfillment; On the other hand, education systems often reproduce and reinforce existing social and economic inequalities. This perspective suggests that the quality of education for poor children is not limited to access to school, but also to factors such as social conditions, educational facilities, family environment and equal opportunities. [148]

This situation suggests that the quality of education for poor children is not limited to access to school, but also to social, infrastructural and family factors.[149] From a legal perspective, this situation contradicts the fundamental principles of the Convention on the Rights of the Child, in particular Article 28 and the principle of non-discrimination.[150] Therefore, the lack of educational infrastructure and inequalities resulting from poverty not only hinder human development in Afghanistan, but also indicate a gap between the government's international commitments and the practical realities of children's rights.[151]

b. Limited access to qualified teachers

Access to qualified and trained teachers is an essential component of quality education. Poverty can indirectly impact educational opportunities by limiting access to skilled teachers, particularly in disadvantaged and low-income communities. Poor areas often struggle to attract and retain qualified teachers due to limited resources, poor working conditions, low salaries and inadequate opportunities for professional development.[152] As a result, students in these areas may receive a lower quality education than students in more developed areas. A shortage of qualified teachers not only affects students' academic achievement, but also reduces their ability to develop essential skills and successfully continue their education.[153] A shortage of trained teachers can also reinforce existing educational inequalities. Schools serving poor communities may rely on teachers

[148] Terzi, Unterhalter, and Suissa, pp. 50-51.

[149] Stanikzai and Fayeq, "Analyzing Economic and Social Indicators of Afghanistan, p. 606."

[150] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 28, 2."

[151] *United Nations Educational, Scientific and Cultural Organization, Institute for Statistics, SDG 4 Country Profile: Afghanistan*.

[152] United Nations Educational, Scientific and Cultural Organization, *Global Report on Teachers: Addressing Teacher Shortages and Transforming the Profession* (Erscheinungsort nicht ermittelbar: United Nations, 2024), p. 85, https://teachertaskforce.org/sites/default/files/2024-04/2349-23_GlobalReportonTeacher_WEB.pdf.

[153] United Nations Educational, Scientific and Cultural Organization.

with limited training or experience, which affects the quality of instruction and learning outcomes. Thus, poverty contributes to unequal access to education not only by creating financial barriers for families, but also by affecting the quality and availability of educational services.[154]

Limited access to qualified teachers, especially in rural and disadvantaged areas, remains a major challenge in Afghanistan. Many schools face a shortage of trained teachers due to economic hardship, poor educational infrastructure, and limited opportunities for teacher training. Rural schools often experience greater difficulties in recruiting and retaining qualified teachers due to their remote locations, insecurity, and poor working conditions.[155] As a result, students in these areas may have fewer opportunities to receive a quality education than students in urban centers. The shortage of qualified teachers has affected the overall quality of Afghanistan's education system; only 48 percent of the country's teachers currently meet minimum academic qualification requirements. In some areas, schools operate with inadequate teaching staff, and students may have limited access to teachers who are experts in various subjects. These challenges are particularly significant for children from poor communities, who already face multiple barriers to education.[156]

In addition, the shortage of qualified female teachers has a greater impact on girls' education, as access to female teachers is particularly important for increasing girls' participation in schools, especially in conservative rural communities. When schools lack sufficient numbers of trained teachers, educational opportunities are further limited, leading to higher dropout rates and widening inequalities in access to quality education.[157]

The government has a responsibility to ensure the availability of qualified teachers as part of its commitment to providing accessible and quality education. This includes investing in teacher training programs, improving teachers' working conditions, providing fair salaries, and ensuring an equitable distribution of qualified teachers in urban and rural areas.[158] According to

[154] United Nations Educational, Scientific and Cultural Organization.
[155] Barr, *I Won't Be a Doctor, and One Day You'll Be Sick*.
[156] "Education | UNICEF Afghanistan," accessed July 16, 2026, https://www.unicef.org/afghanistan/education.
[157] *Afghanistan's Education Crisis*.
[158] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

international education standards, governments are expected to take effective measures to improve the quality of teaching and eliminate inequalities in access to education.[159]

In Afghanistan, addressing the shortage of qualified teachers requires long-term policies focused on strengthening teacher education systems, increasing the number of female teachers, supporting rural schools, and creating conditions that encourage qualified teachers to work in disadvantaged areas. Without such measures, inequalities in access to teachers may continue to limit educational opportunities for vulnerable children.[160]

c. Gender inequality intensified by poverty

Women and girls in Afghanistan are at a disadvantage in terms of gender inequality.[161] Security concerns and conditions, as well as the prevailing culture of society, have affected girls' attendance at school. [162] Historical and cultural norms exclude girls from education and the labor market, perpetuating intergenerational cycles of poverty. For instance, only 20 percent of women are economically active, compared to 80 percent of men. According to UNICEF, of the 3.7 million children out of school, 2.2 million are girls, and when girls do access education, they are 1.3 times more likely to drop out before reaching grade 6, indicating that the risk of girls dropping out before completing primary school is very high. Inequality between women and girls in education leads to poorer development opportunities. In 2020, only two in nine women (21.7%) were literate, compared to one in two men (50.4%). All of these point to a deep gender gap in the Afghan context. [163]

Afghanistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2003, without any reservations.[164] According to Article 10 of this

[159] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child."

[160] UNITED NATION, *UNESCO, The Right to Education: What's at Stake in Afghanistan? (2021), p. 40.* (place de Fontenoy, 75352 Paris 07 SP, France: United Nations Educational, Scientific and Cultural Organization, 2021), 1–42, (http://creativecommons.org/licenses/by-sa/3.0/igo/). By using the content of this document, the users accept to be bound by the terms of use of the UNESCO Open Access Repository (http://www.unesco.org/open-access/ terms-use-ccbysa-en).

[161] UNICEF, *Situation Analysis of Children and Women in Afghanistan* (unicef, 2021), 1–152, p. 33, https://www.unicef.org/afghanistan/media/6291/file/Full%20Report-Situation%20Analysis.pdf.

[162] Stanikzai and Fayeq, "Analyzing Economic and Social Indicators of Afghanistan."

[163] UNICEF, *Situation Analysis of Children and Women in Afghanistan* (unicef, 2021), 1–152, p. 33, https://www.unicef.org/afghanistan/media/6291/file/Full%20Report-Situation%20Analysis.pdf.

[164] "UNITED NATIONS HUMAN RIGHTS TREATY BODIES," accessed July 16, 2026, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN.

convention, all forms of discrimination against girls and women are prohibited. Afghanistan is required by said treaty to ensure women have access to legal protection and are not subject to legal discrimination.[165]

Although significant progress has been made in the field of education, especially for women, over the past two decades, poverty exacerbates these gender inequalities because limited economic opportunities and weak social protection systems increase girls' vulnerability to educational deprivation. The educational challenges faced by Afghan girls are not only related to household poverty but also to broader structural barriers, including insecurity, limited resources, and discriminatory practices. After 2021, restrictions on women's and girls' education have deepened these inequalities and created additional barriers to accessing schools and continuing their education. Restrictions on educational rights are at odds with the principles of non-discrimination and Afghanistan's international obligations to protect women's rights.[166]

d. Early marriage and school dropout among girls

Early marriage is a major barrier to education. Married people are 4.3 times more likely to drop out of school than single people. In 2016-2017, almost a third (28.3%) of women in Afghanistan were married before the age of 18, and 4.2% before the age of 15.[167] Besides this, security and gender barriers due to poor infrastructure are another indirect impact of poverty on education, which is the creation of barriers for girls to attend school. In many areas, the lack of facilities such as separate toilets, protective walls, and a safe learning environment makes families concerned about the safety and privacy of girls. These concerns are greater in rural communities and can cause families to refrain from sending their daughters to school.[168]

This shows that poverty and the lack of infrastructure are not only economic problems, but are also linked to social and cultural factors. When schools fail to provide a safe and appropriate environment for girls, their educational opportunities are reduced, and the gender gap in education

[165] M. Yakub Aiyub Kadir and Siti Nurhaliza, "State Responsibility of Afghanistan Under Taliban Regime," *Jurnal Media Hukum* 30, no. 1 (January 2023): 1–18, p. 10, https://doi.org/10.18196/jmh.v30i1.16020.

[166] Aiyub Kadir and Nurhaliza, p. 14.

[167] UNICEF, *Situation Analysis of Children and Women in Afghanistan* (unicef, 2021), p.33.

[168] UNESCO, *Afghanistan Education Situation Report 2025,p.20*.

widens. As a result, weak educational infrastructure indirectly contributes to the reproduction of inequality between girls and boys.

This situation shows that poverty and lack of educational infrastructure are not only economic issues, but are also linked to social and cultural factors such as early marriage and the lack of a safe environment for girls. [169] From an international law perspective, such conditions are a clear violation of Afghanistan's obligations under CEDAW. In particular, Article 16 of the Convention emphasizes the right of women to marry freely and with full consent and obliges States to prevent child marriage. States are also obliged to remove barriers arising from gender discrimination, lack of appropriate facilities, and security concerns.[170] Therefore, poor educational infrastructure and the persistence of early marriage not only limit girls' educational opportunities but also reinforce the reproduction of gender inequality, in contradiction with Afghanistan's international obligations.[171]

Furthermore, the decline of educational opportunities after the Taliban takeover has created additional risks for girls, as restrictions on schooling have increased their vulnerability to social exclusion and future economic dependency. Afghan women and girls continue to face discrimination in education, and that limitations on girls' education create serious consequences for their social and economic development. In this context, preventing girls from completing education not only affects individual development but also weakens Afghanistan's long-term prospects for poverty reduction and social progress.[172]

The phenomenon of early marriage and girls' dropout in Afghanistan demonstrates that poverty and the lack of educational infrastructure are not only economic issues, but are also linked to social and cultural factors such as gender discrimination and the lack of a safe environment for girls.[173] From an international law perspective, this situation is a clear violation of the principle of

[169] UNESCO, *Afghanistan Education Situation Report 2025, p. 20*.

[170] UNITED NATION, "Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979," OHCHR, 1979, art. 16, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.

[171] Aiyub Kadir and Nurhaliza, "State Responsibility of Afghanistan Under Taliban Regime" p. 11

[172] Anonymous et al., "The Impact of Afghanistan's Policies on Early Child Marriage and Girl's Education: Current Trends and Future Consequences," *Risk Management and Healthcare Policy* 18 (October 2025): 3517–20, p. 3518, https://doi.org/10.2147/RMHP.S522218.

[173] Zala Shinwari and Ike Herdiana, "Girl's Experiences of Child Marriage in Afghanistan: A Scoping Review," *Journal of Educational, Health and Community Psychology* 11, no. 4 (December 2022): 734, https://doi.org/10.12928/jehcp.v11i4.24931.

non-discrimination in Article 2 of the Convention on the Rights of the Child, as girls are denied the equal right to access to education based on their gender. Under this article, governments are obliged not only to prevent direct discrimination, but also to remove structural and social barriers.[174] In Afghanistan, the widespread exclusion of girls from education after the Taliban takeover, coupled with early marriage and the lack of safe facilities in schools, is a clear example of this violation. These conditions not only limit girls' educational opportunities, but also reinforce the reproduction of gender inequality and jeopardize the country's social and economic future.[175]

e. Lack of basic services in schools and its impact on the quality of education

Poverty not only hinders access to school, but also affects the quality of the learning environment. Many schools in Afghanistan lack basic services such as electricity, safe drinking water, sanitation systems and proper facilities. The lack of these facilities makes the learning environment unable to meet the basic needs of students and makes learning conditions more difficult.[176]

The lack of electricity, especially in remote areas, limits the use of modern educational equipment and the creation of a suitable environment for studying. Similarly, the lack of heating systems in Afghanistan's cold winters can reduce student and teacher attendance. The lack of sanitation facilities such as clean water and proper toilets also affects children's health and increases the risk of dropping out of school. Therefore, the weakness of basic educational services shows how poverty indirectly undermines the quality and sustainability of education.[177]

9. The Cycle of Poverty and Educational Deprivation

a. Intergenerational transmission of poverty

Poverty is a persistent social challenge that affects societies around the world, and its effects are often passed on from one generation to the next through a process known as the

[174] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child," 1989, art. 2, https://www.unhcr.org/sites/default/files/legacy-pdf/4d9474b49.pdf.

[175] Shinwari and Herdiana, "Girl's Experiences of Child Marriage in Afghanistan, p. 740."

[176] *Unicef.Org/Media/118356/File/ UNICEF Afghanistan WASH on the Brink 2022.Pdf* (2022), https://www.unicef.org/media/118356/file/%20UNICEF%20Afghanistan%20WASH%20on%20the%20Brink%202022.pdf.

[177] UNESCO, *Afghanistan Education Situation Report 2025*, p. 20

intergenerational transmission of poverty. [178] Children born into poor families are more likely to experience poverty as adults than children from economically secure families, largely because poverty limits their access to essential opportunities, particularly quality education, health care, nutrition, and social support. [179] As a result, children who grow up in disadvantaged environments often face difficulties securing suitable employment in the future, reducing their ability to improve their own living conditions and provide better opportunities for their children. [180]

In Afghanistan, the relationship between poverty and limited educational opportunities plays a significant role in the persistence of intergenerational poverty. Children from poor families are more likely to face barriers such as dropout, child labor, limited access to educational resources, and reduced learning opportunities. These barriers prevent them from acquiring the skills and qualifications needed for sustainable employment and reinforce the cycle in which poverty is passed from parents to children.[181]

Breaking this cycle requires investing in children's development through access to quality education, health care, nutrition, and social protection programs. Education is a critical way to invest in human capital and plays an essential role in helping children from poor families overcome poverty; it increases children's capabilities, improves future employment prospects, and enables individuals to break free from the shackles of a poverty culture and achieve greater economic independence. [182] Ensuring equal access to education is therefore not only a matter of individual opportunity, but also a vital strategy for long-term poverty reduction and the realization of children's rights. [183]

From the perspective of the Convention on the Rights of the Child, the persistence of intergenerational poverty highlights the importance of government action to address the structural

[178] Hong Zuo et al., "The Impact of Education on Relative Poverty and Its Intergenerational Transmission —— Causal Identification Based on the Compulsory Education Law," *China Economic Review* 82 (December 2023): 102071, pp.1-2, https://doi.org/10.1016/j.chieco.2023.102071.

[179] Felicia Putri Anggrasari and Muhammad Hanri, "Breaking the Poverty Cycle: Impact of Social Assistance on Intergenerational Poverty," *The Journal of Indonesia Sustainable Development Planning* 6, no. 2 (August 2025): 225–38, p. 1, https://doi.org/10.46456/jisdep.v6i2.733.

[180] *Leveraging Education to End Child Labour*.

[181] Stanikzai and Fayeq, "Analyzing Economic and Social Indicators of Afghanistan."

[182] Hong Zuo et al., "The Impact of Education on Relative Poverty and Its Intergenerational Transmission —— Causal Identification Based on the Compulsory Education Law," *China Economic Review* 82 (December 2023): 102071, p. 13, https://doi.org/10.1016/j.chieco.2023.102071.

[183] *Leveraging Education to End Child Labour*.

barriers that prevent children from accessing education. Under Article 28 of the Convention, States are obliged to ensure free and compulsory primary education and to provide equal opportunities for secondary and higher education. [184] The government therefore has a duty to take positive measures to support disadvantaged children and ensure that poverty does not determine a child's educational opportunities or future prospects; in Afghanistan, widespread poverty and the lack of educational infrastructure that leave children vulnerable to dropout and child labor stand in clear tension with these obligations. [185]

3.2. Legal Obligations of the Afghan State under the Convention on the Rights of the Child (CRC)

a. National Legal Framework

1. Legal status of the CRC in Afghanistan

Afghanistan ratified the Convention on the Rights of the Child (CRC) in 1994 and its Optional Protocols in 2002 and 2003, which obligate the State to protect, respect, and fulfil the rights of all children within its jurisdiction. As stated in the CRC, the State must provide the necessary legal framework to protect children's rights in order to create an enabling environment for children and adolescents. These rights include the right to political participation, the right to protection, education, health, the right to decent work and protection from child labour, digital rights, and the right to equality and non-discrimination.[186]

Since 2001, the Afghan government has taken significant steps in restructuring the education system to protect and promote children's rights to education. The government and the international community began work on expanding education, and the 2004 constitution stipulated that basic education from grades one to nine would be compulsory for all children in the country, that higher education would be expanded, and that education up to the bachelor's level would be free. The Ministry of Education and the Ministry of Higher Education both separately drafted new education laws in support of the Afghan constitution. [187]

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[184] *Leveraging Education to End Child Labour, p. 7*.
[185] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child."
[186] UNICEF, *Situation Analysis of Children and Women in Afghanistan* (unicef, 2021), p.34.
[187] Hafiza Yazdani, "History of Formal Education and Influence of Politics in Afghanistan," *In Factis Pax: Journal of Peace Education and Social Justice* 14, no. 2 (December 2020): 120–139, p. 129-130.

Article 43 of the Constitution provides that education is the right of all citizens of Afghanistan, to be offered free of charge by the state up to the B.A. level, and obliges the state to devise and implement effective programs for a balanced expansion of education throughout the country, to provide compulsory intermediate-level education, and to provide the opportunity to teach native languages in the areas where they are spoken. [188] This provision textually mirrors Article 28 of the Convention, which likewise requires free and compulsory education and measures to reduce dropout;[189] however, unlike Article 28, Article 43 does not explicitly extend the guarantee of compulsory education to the primary level, nor does it establish any statutory mechanism for enforcing attendance or addressing non-enrolment, meaning that compliance with Article 28 remains largely formal rather than substantively enforceable.[190]

Article 44 requires the state to devise and implement effective programs for balancing and promoting the education of women, improving the education of nomads, and eliminating illiteracy in the country.[191] Read together with the constitutional guarantee of equality before the law (Article 22) and the Law on the Rights of the Child (2019), this provision offered formal compliance with the non-discrimination requirement of Article 2 of the Convention prior to 2021.[192] Since August 2021, however, this formal guarantee has been directly contradicted in practice by the ban on girls' access to secondary and higher education, demonstrating that textual compliance with the Convention offers no guarantee against substantive violation, particularly where the body exercising governmental authority is not the internationally recognized state party itself.[193]

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[188] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan," 2004, art. 43.

[189] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 28."

[190] "GENERAL COMMENT No. 5 (2003) General Measures of Implementation of the Convention on the Rights of the Child (Arts. 4, 42 and 44, Para. 6), CRC_GC_2003_5-EN," 2003, https://digitallibrary.un.org/record/513415?v=pdf; Asadullah Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child," *International Journal of Global Sustainable Research* 3 (2025): 1031–46, https://doi.org/10.59890/ijgsr.v3i12.113.

[191] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan, art. 44."

[192] Islamic Republic of Afghanistan, art. 22; Afghanistan Analysts Network and Rohullah Sorush, "Child Rights Protection Law in Afghanistan: Can the Parliamentary Chaos Be Resolved?," Https://Www.Afghanistan-Analysts.Org/En/Reports/Rights-Freedom/Child-Rights-Protection-Law-in-Afghanistan-Can-the-Parliamentary-Chaos-Be-Resolved/, March 18, 2020, Afghanistan, https://www.ecoi.net/en/document/2027956.html.

[193] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library* (2025); *Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan,*

Article 45 obliges the state to devise and implement a unified educational curriculum based on the provisions of Islam, national culture, and academic principles,[194] while Article 46 makes the establishment and operation of higher, general, and vocational education a duty of the state.[195] These specific rights are reinforced by the more general policy commitment set out in Article 17 of the Constitution, which, within the chapter on the fundamental principles of the state, obliges the state to adopt the necessary measures for the promotion of education at all levels.[196] None of these provisions, however, was ever accompanied by the kind of legislative process envisaged by Article 4 of the Convention, which requires states to adopt measures to the maximum of their available resources through ordinary legislative channels:[197] the principal statute intended to give domestic effect to these constitutional guarantees, the Law on the Rights of the Child, never completed ordinary parliamentary ratification and was ultimately enacted by presidential decree after repeated failure in the Wolesi Jirga largely due to unresolved disagreement over the Convention's definition of a child as anyone under eighteen.[198] Nor does Afghan domestic law contain any dedicated child labour statute giving effect to Article 32 of the Convention; only general labour law provisions apply, and enforcement mechanisms remain largely absent in practice.[199]

Taken together, this framework indicates that Afghanistan's domestic legal architecture achieves a reasonable degree of formal or textual compliance with the Convention, but that formal compliance diverges from substantive compliance in at least three respects: the absence of enforcement mechanisms even where textual provisions exist, the incomplete legislative process through which the principal child rights statute was enacted, and the state's active departure from its own domestic law since August 2021.[200] This distinction between formal and substantive compliance therefore refines the

Fifty-Eighth Session, February 24–April 4, 2025 (2025), https://www.policinglaw.info/assets/downloads/UN_Special_Rapporteur_report_on_Afghanistan_(2025).pdf.

[194] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan, art 45."

[195] Ibid, art 46.

[196] Ibid, art. 17.

[197] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art.4."

[198] Network and Sorush, "Child Rights Protection Law in Afghanistan."

[199] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child"; *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*.

[200] Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child"; *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.

conclusion reached elsewhere in this chapter: Afghanistan's difficulty in realizing children's right to education is not attributable to an absence of domestic legal provisions mirroring the Convention, but to the weakness of enforcement mechanisms even where such provisions exist, and to the state's active departure from its own domestic law since 2021.[201]

Notably, the drafting of this law began as early as 2014, marking Afghanistan's first attempt at comprehensive child rights legislation aligned with the Convention; it was ultimately enacted five years later by Presidential Decree No. 362 of 5 March 2019, published in Official Gazette No. 1334 of 20 Hut 1397 (11 March 2019) — twenty-five years after Afghanistan's ratification of the Convention. [202]

Despite Afghanistan's commitment to the Convention on the Rights of the Child through the ratification and adoption of child-related laws, the legal status and practical enforceability of the Convention in the domestic legal system require further examination.[203] According to Article 7 of the 2004 Afghan Constitution, the State was obligated to respect the Charter of the United Nations, international treaties, and international conventions to which Afghanistan had acceded.[204] This constitutional article provided the legal basis for recognizing international human rights obligations, including those arising from the Convention on the Rights of the Child.[205] However, the extent to which international treaties were directly invoked in national courts remained uncertain, as Afghanistan had not established a comprehensive mechanism for incorporating international human rights treaties into domestic law.[206]

Furthermore, although the Child Rights Protection Law was an important step towards harmonizing Afghan laws with the Convention on the Rights of the Child, significant gaps remained between legal obligations and their implementation. The

[201] Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child."
[202] Network and Sorush, "Child Rights Protection Law in Afghanistan"; *Europarl.Europa.Eu/Doceo/Document/B-9-2022-0524_EN.Pdf* (2022), https://www.europarl.europa.eu/doceo/document/B-9-2022-0524_EN.pdf.
[203] Asadullah Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child," *International Journal of Global Sustainable Research* 3 (2025): 1031–46, p. 1034 https://doi.org/10.59890/ijgsr.v3i12.113.
[204] Islamic Republic of Afghanistan, "The Constitution of the Islamic Republic of Afghanistan, art. 7."
[205] Aiyub Kadir and Nurhaliza, "State Responsibility of Afghanistan Under Taliban Regime,p.10."
[206] Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child."

protection of children's rights was affected by several structural challenges, including protracted conflict, poverty, weak institutional capacity, limited access to justice, and unequal access to basic services such as education and health care. As a result, formal recognition of children's rights under the Convention on the Rights of the Child did not always translate into effective enjoyment of these rights in practice.[207]

The implementation gap was particularly evident in the area of education. Although the Convention on the Rights of the Child recognizes education as a fundamental right and obliges States to ensure equal access to education, many Afghan children continue to face obstacles, including economic hardship, insecurity, displacement, and social constraints.[208] Therefore, while the Convention on the Rights of the Child has served as an important normative framework for the protection of children in Afghanistan, its effectiveness has largely depended on the government's capacity to implement domestic laws and fulfill its international obligations. [209]

Following the Taliban's return to power in August 2021, the legal protection framework established under the previous government faced significant challenges. Although Afghanistan had previously committed itself to international human rights instruments, including the Convention, the new authorities have not demonstrated a clear commitment to upholding the previous child rights framework in practice.[210] Institutional mechanisms responsible for monitoring and promoting children's rights were weakened, and several policies introduced after 2021 raised serious concerns about Afghanistan's compliance with its obligations under the Convention. These developments particularly affected children's rights to education, equality, and non-discrimination, which are core principles of the Convention.[211]

The impact of these changes has been particularly visible in the area of education. Since 2021, restrictions on girls' access to secondary and higher education have created a

[207] UNESCO, *Afghanistan Education Situation Report 2025*.
[208] *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*.
[209] Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child."
[210] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library* (2025), p. 22.
[211] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library, p. 25*.

large gap between Afghanistan's international legal obligations under Article 28 of the Convention and the reality of children's access to education.[212] The denial of educational opportunities to millions of girls is a serious challenge to the principle of equal access to education and non-discrimination. Thus, while the Convention remains Afghanistan's international legal obligation, the situation after 2021 reveals a significant gap between the formal legal status of children's rights and their practical implementation. This shows that the effectiveness of the Convention depends not only on ratification and legislation, but also on political commitment, institutional capacity, and implementation mechanisms.[213]

2. State Obligations under the CRC

International human rights law specifically obliges states to realize economic, social and cultural rights. These obligations are enshrined in instruments such as the Universal Declaration of Human Rights and, in particular, the International Covenant on Economic, Social and Cultural Rights, as well as other treaties such as the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women, the Convention on the Elimination of Racial Discrimination and the Convention on the Rights of Persons with Disabilities. According to this framework, even in times of crisis and resource constraints, states are obliged to fulfill their obligations at the three levels of respect, protection and fulfillment and to use the maximum available resources to advance these rights progressively. The principle of "progressive realization", although dependent on the economic capabilities of states, is in no way an excuse for inaction or violation of fundamental rights; rather, it obliges states to take immediate and specific measures and distinguishes between real inability and unwillingness to act. Therefore, even in difficult economic circumstances, governments have limited discretion to implement these rights and are obliged to guarantee minimum core obligations without delay.[214]

The Convention on the Rights of the Child (CRC) establishes a comprehensive legal framework requiring states to respect, protect, and fulfill children's rights. As a state party

[212] *Ibid, p. 30*.
[213] *Ibid*.
[214] Magdalena Sepulveda, *Report of the United Nations Independent Expert on the Question of Human Rights and Extreme Poverty: The Human Rights Based Approach to Recovery from the Global Economic and Financial Crises* (2011), pp. 4-5.

to the CRC, Afghanistan has the obligation to take all appropriate legislative, administrative, and policy measures to ensure the realization of children's rights, including the right to education. These obligations are not limited to recognizing education as a fundamental right; rather, they require the state to create an enabling environment where all children can access education without discrimination or unnecessary barriers.[215] Effective legislation, policies, programmes and public investment in children bring many benefits, including protecting and promoting children's rights, creating opportunities and facilitating their contribution, as adults, to the common good. [216]

3. Obligation to respect the right to education

The obligation to respect is the first and most fundamental level of responsibility of States in realizing the right to education. This obligation, under international human rights law, requires States to refrain from any action or omission that directly or indirectly interferes with the enjoyment of the right to education by children. Unlike obligations to protect and fulfil, which require positive State intervention, the obligation to respect is essentially negative in nature: it requires States to refrain from adopting laws, policies or administrative procedures that restrict access to education, discriminate against particular groups of children or otherwise undermine the effective enjoyment of this right. [217]

Under article 28 of the Convention on the Rights of the Child, States recognize the right of every child to education and are obliged to ensure that educational opportunities are equally available to all children. [218] The principle of non-discrimination reinforces this obligation under article 2, which requires States to guarantee the rights recognized in the Convention to every child without discrimination of any kind – irrespective of the child's or their parents' race, sex, language, religion, disability or status.[219]

[215] Azizi and Monawari, "The Right to Education of a Child."
[216] UNICEF, *Situation Analysis of Children and Women in Afghanistan* (unicef, 2021), p.34.
[217] Azizi and Monawari, p.446.
[218] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child," 1989, art. 28, https://www.unhcr.org/sites/default/files/legacy-pdf/4d9474b49.pdf.
[219] UNITED NATION, Convention on the Rights of the Child," 1989, art. 2.

Accordingly, any policy that deprives children of education on the basis of gender or other prohibited grounds directly conflicts with the State's obligation to respect children's right to education. The Committee on Economic, Social and Cultural Rights, in its General Comment No. 13, further explains that the obligation to respect requires States to refrain from measures that impede or restrict equal access to education – including discriminatory admission policies, arbitrary school closures and unjustified restrictions on educational participation.[220] Katarina Tomasevski's 4-A Framework similarly emphasizes that the obligation to respect requires States to refrain from interfering with the availability and accessibility of education. Discriminatory laws or policies that restrict equal access therefore constitute a violation of the right to education.[221]

The obligation to respect also includes the costs, requirements and administrative procedures that States themselves impose in relation to education. The Committee has emphasized that high educational costs – including informal school fees, compulsory uniforms and expensive educational materials – that effectively exclude disadvantaged children from school, even where primary education is officially declared free, are inconsistent with the obligation to respect.[222] In Afghanistan, indirect costs of this kind have been documented as a persistent barrier for poor families, despite the official guarantee of free public education.[223]

In Afghanistan, however, this obligation is directly and unambiguously reflected in the ban on girls' access to secondary and higher education that has been in place since August 2021.[224] Unlike poverty or poor infrastructure – which indicate a limited capacity of the State to realize the right to education and are discussed separately below – the prohibition of education is a clear example of a violation of the obligation to respect: it is a deliberate and positive policy through which the State itself actively restricts access to education based on discrimination, not a lack of investment in resources.[225] From the

[220] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."
[221] Katarina Tomasevski, *Education Denied: Costs and Remedies* (Zed Books, 2003), p. 51.
[222] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."
[223] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library, p. 9*.
[224] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.
[225] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

perspective of Tomasevski's 4-A Framework, the prohibition on girls' education directly violates the accessibility dimension of the right to education by denying equal access on the basis of gender. It also affects the availability of educational opportunities for girls by preventing them from attending secondary schools and universities altogether.[226]

The UN Special Rapporteur on the situation of human rights in Afghanistan has described this as "an institutionalized system of discrimination, segregation… and exclusion of women and girls", while UNESCO reports that at least 1.4 million girls were denied access to education as a direct result of this policy as of August 2024.[227] This example illustrates precisely what the obligation to respect is designed to prevent: not merely inadequate provision, but active interference by the State in the enjoyment of an existing right. Therefore, meeting the obligation to respect requires that the Afghan government eliminate discriminatory policies of this kind – from indirect financial barriers to the ban on girls' education – and refrain from any other measures that restrict children's access to education on prohibited grounds, in accordance with its obligations under the Convention on the Rights of the Child.[228]

4. Obligation to protect children from educational deprivation

The obligation to protect requires the state to take effective legal, administrative, judicial, and social measures to prevent children from being deprived of their right to education as a result of the actions of third parties or broader social and economic conditions.[229] Unlike the obligation to respect, which requires states to refrain from directly violating the right to education, the obligation to protect imposes a positive duty on states to shield children from deprivation of education caused by individuals, families, employers, private institutions, or socio-economic circumstances.[230] This obligation is particularly

[226] Tomasevski, *Education Denied, p. 51*.

[227] *Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, Fifty-Eighth Session, February 24–April 4, 2025* (2025), https://www.policinglaw.info/assets/downloads/UN_Special_Rapporteur_report_on_Afghanistan_(2025), p. 9.pdf.

[228] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child"; *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.

[229] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

[230] Ramazan Ahmadi and Mohammad R. Akbari, "Social Harms of Child Labor in Afghanistan (Case Study of Bamyan City)," *The Asian Institute of Research* 7 (June 2024), https://doi.org/10.31014/aior.1991.07.02.497.

significant where poverty, discrimination, exploitation, or insecurity place children at heightened risk of being deprived of education, and it therefore extends beyond preventing violations by state authorities to include the duty to prevent interference by non-state actors — for example, by enforcing laws against child labour, preventing discrimination in access to education, protecting children from violence and exploitation, and regulating private educational institutions.[231]

The Convention on the Rights of the Child contains several provisions that reinforce this obligation. Article 3 requires that the best interests of the child be a primary consideration in all actions concerning them, obliging states to ensure that policies and decisions affecting children's education prioritize their welfare and development.[232] Article 19 obliges states parties to protect children from all forms of violence, abuse, neglect, ill-treatment, and exploitation that may adversely affect their well-being and educational participation.[233] Article 32 specifically recognizes the child's right to protection from economic exploitation and from work that is hazardous, interferes with education, or is harmful to the child's development.[234] Together, these provisions indicate that protecting children's right to education requires states to address both direct legal violations and the underlying social conditions that threaten access to education. This obligation is also reflected in Katarina Tomasevski's 4-A Framework, which requires States to protect the accessibility and acceptability of education against interference by third parties. States must therefore regulate private actors and eliminate social barriers that prevent children from enjoying equal educational opportunities.[235]

The obligation to protect is particularly salient in a context of widespread poverty. Poverty increases children's vulnerability to child labour, forced domestic work, early marriage, trafficking, and other forms of exploitation that interrupt or permanently end their education.[236] Families facing severe economic hardship may rely on children's income to survive, leading to absenteeism or dropping out of school. Governments therefore bear a

[231] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."
[232] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 3."
[233] Ibid, art. 19.
[234] Ibid, art. 32.
[235] Tomasevski, *Education Denied*.
[236] *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*.

responsibility to take preventive measures, including strengthening labour inspections, enforcing compulsory education laws, providing child protection services, and implementing social protection programmes that reduce families' dependence on child labour.[237]

Discrimination is a further obstacle that falls within the scope of the obligation to protect. Children may face educational disadvantage on account of gender, disability, ethnicity, language, place of residence, immigration status, or socio-economic background, and international human rights law requires states to eliminate discriminatory practices and institutional barriers, including those imposed by private or non-state actors that hinder equal educational opportunity. Particular attention should be paid to children facing multiple, intersecting forms of deprivation, since poverty often compounds existing inequalities and places these children at greater risk of educational exclusion.[238]

In Afghanistan, fulfilling the obligation to protect remains especially challenging. Widespread poverty, protracted conflict, insecurity, child labour, displacement, and gender-based restrictions continue to undermine children's access to education.[239] Many children — particularly those from low-income families — are compelled to work to support their households, while others are denied access to school because of insecurity or discriminatory social practices. Girls are disproportionately affected, reflecting the combined impact of poverty, cultural norms, and legal and political restrictions on educational participation.[240] These conditions demonstrate that realizing the right to education in Afghanistan depends not only on expanding educational opportunities, but on effectively protecting children from the conditions, many of them poverty-driven, that prevent them from enjoying those opportunities.

Empirical evidence indicates that Afghanistan has largely failed to discharge this obligation in practice. Child labour affects an estimated 30 percent of children aged 5 to

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[237] *Ibid*.

[238] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child", art. 2; UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

[239] UNESCO, *Afghanistan Education Situation Report 2025*.

[240] *Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, Fifty-Eighth Session, February 24–April 4, 2025*.

17, while approximately 1.6 million children are engaged in hazardous forms of work,[241] and early marriage affects roughly 28 percent of girls nationwide.[242] These figures demonstrate that the State has not taken effective measures to shield children—particularly girls and those from poor households—from the socio-economic conditions that drive them out of school, notwithstanding the positive, preventive character of the obligation to protect. While some of this failure stems from limited institutional capacity amid ongoing conflict and displacement, a substantial part reflects weak enforcement of existing child protection and labour laws rather than an absolute absence of means, indicating a protection gap that is only partially explained by resource constraints.[243]

Accordingly, fulfilling the obligation to protect requires the Afghan government to strengthen child protection mechanisms, effectively enforce laws against child labour and other forms of exploitation, eliminate discriminatory barriers to education, and adopt targeted measures to protect children whose education is threatened by poverty, insecurity, or social exclusion, in accordance with its obligations under the Convention on the Rights of the Child.[244]

5. Obligation to Fulfill the Right to Education through Positive Measures

The obligation to fulfil requires states to take active, positive, and deliberate measures to ensure the effective enjoyment of the right to education for every child, going beyond the negative duty to refrain from interference (respect) and the duty to prevent third-party obstruction (protect) to require states to create the institutional, financial, and administrative conditions necessary for the realization of this right.[245]

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[241] "Children Bearing the Brunt of Afghanistan Crisis: UNICEF | UN News," May 18, 2023, https://news.un.org/en/story/2023/05/1136797.

[242] *Brief_Afghanistans-Education-Crisis_December-2025.Pdf* (2025), https://e1.nmcdn.io/assets/ggheie/wp-content/uploads/2025/12/EiE-Hub-Brief_Afghanistans-Education-Crisis_December-2025.pdf.

[243] *U.S. Department of Labor, Bureau of International Labor Affairs — Findings on the Worst Forms of Child Labor: Afghanistan (2023/2024 Report)* (2024), https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2024/Afghanistan.pdf.

[244] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 3."

[245] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

The Committee on Economic, Social and Cultural Rights, in General Comment No. 13, explains that the obligation to fulfil requires governments to facilitate and provide education through legislative measures, budget allocations, administrative policies, and social programmes; where individuals or families cannot realize the right to education on their own particularly because of poverty or other forms of deprivation governments bear a direct responsibility to provide the necessary support. This confirms that education is not merely a service governments may choose to provide, but a legally enforceable human right requiring sustained public investment and effective implementation.[246]

Article 4 of the Convention on the Rights of the Child obliges States Parties to take all appropriate legislative, administrative, and other measures to implement the rights recognized in the Convention; with respect to economic, social, and cultural rights specifically, States must undertake such measures to the maximum extent of their available resources and, where necessary, within the framework of international cooperation.[247] Articles 28 and 29 further define the scope of this obligation with respect to education: Article 28 requires states to make primary education compulsory and free for all children, encourage the development of accessible secondary education, take measures to reduce dropout rates, and ensure equal educational opportunity, while Article 29 requires that education be directed toward the full development of the child's personality, talents, and mental and physical abilities.[248] These provisions oblige governments not merely to establish schools, but to address the financial, geographical, social, and institutional barriers that prevent children from accessing education. According to Katarina Tomasevski's 4-A Framework, fulfilling the right to education requires States to ensure that education is available, accessible, acceptable, and adaptable. Achieving these four dimensions demands positive measures, particularly for children affected by poverty and other forms of disadvantage.[249]

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[246] Ibid.

[247] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 4."

[248] Ibid, arts 28- 29.

[249] Katarina Tomaševski, "RIGHT TO EDUCATION PRIMERS," Swedish International Development Cooperation Agency, Sida., 2001, pp. 14-15, https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf.

The obligation to fulfil is particularly significant in contexts of widespread poverty, humanitarian crisis, or armed conflict, where families are often unable to meet the indirect costs of education, including uniforms, textbooks, transportation, and examination fees, and where children may be compelled into child labour or domestic work that precludes regular school attendance.[250] In such circumstances, states are expected to adopt targeted, positive measures addressing the specific needs of disadvantaged children, including conditional and unconditional cash transfers, school feeding programmes, scholarships, free learning materials, and transportation assistance.[251]

The principle of progressive realization, enshrined in Article 2(1) of the International Covenant on Economic, Social and Cultural Rights, does not permit states to defer action indefinitely due to resource constraints. States must instead demonstrate that they are taking deliberate, concrete, and targeted steps toward the full realization of the right to education, using the maximum of their available resources; even where genuine financial constraints exist, states remain obliged to ensure non-discrimination, prioritize free primary education, and safeguard the minimum core content of the right to education.[252]

In Afghanistan, fulfilling the right to education faces substantial challenges arising from protracted armed conflict, widespread poverty, political instability, weak institutional capacity, and limited public resources.[253] Although Afghanistan has ratified the Convention on the Rights of the Child, many children continue to face significant barriers to attending school, and poverty remains a principal driver of child labour, early marriage, dropout, and unequal educational opportunity, particularly for girls and children in rural areas. These conditions reflect a persistent gap between Afghanistan's international legal obligations and the effective implementation of the right to education in practice.[254]

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[250] Barr, *I Won't Be a Doctor, and One Day You'll Be Sick*.

[251] *Leveraging Education to End Child Labour*; *Afghanistan Annual Country Report 2020* (2020), https://docs.wfp.org/api/documents/WFP-0000125374/download/; University of Rome Tor Vergata, and ICID, Italy, and IZA, Germany and Rosati, "Can Cash Transfers Reduce Child Labor?"

[252] UNITED NATION, "International Covenant on Economic, Social and Cultural Rights," OHCHR, 1966, art. 2(1), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights; "General Comment No. 3: The Nature of States Parties' Obligations, art. 2."

[253] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.

[254] *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*.

The available evidence suggests that the obligation to fulfil remains substantially unmet, though the shortfall is attributable in large part to genuine resource constraints rather than a simple absence of political will. Afghanistan's education sector response plan for 2025 was funded at only 22 percent of stated requirements, while nearly half of all schools lack safe buildings, and severe shortages of qualified—particularly female—teachers persist nationwide.[255] The suspension of major international donor funding in 2025 further reduced the resources available to sustain community-based education programmes, directly excluding hundreds of thousands of children from schooling.[256] Insofar as the obligation to fulfil is expressly conditioned on the "maximum available resources" under Article 4 of the Convention,[257] this pattern is consistent with a State lacking adequate resources rather than one wilfully declining to act; nonetheless, the persistence of chronic underfunding, without evidence of a coherent domestic strategy to mobilize alternative resources or prioritize the minimum core content of the right to education, indicates that Afghanistan has not met even the threshold of "deliberate, concrete, and targeted steps" required under the principle of progressive realization.[258]

This is further reinforced by evidence that the Taliban administration has, notwithstanding chronic revenue shortfalls, directed close to half of its domestic budget toward security and defence-related expenditure, suggesting that the underfunding of education reflects a matter of resource allocation and political priority rather than an absolute absence of fiscal capacity.[259] Accordingly, fulfilling the right to education in Afghanistan requires more than the formal legal recognition of education as a right. It requires sustained public investment, effective educational planning, targeted poverty-reduction strategies, and specific measures designed to ensure that disadvantaged children can access, remain in, and complete quality education on an equal footing with others.[260]

b. Challenges to the Implementation of the CRC in Afghanistan

[255] UNESCO, *Afghanistan Education Situation Report 2025*.

[256] *March Humanitarian Update 2025* (2025), https://www.unocha.org/publications/report/afghanistan/afghanistan-humanitarian-update-march-2025.

[257] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 4."

[258] "General Comment No. 3: The Nature of States Parties' Obligations."

[259] Zan Times, "Analyzing the Taliban Budget for 2023-24: Prioritizing Military Spending over Citizen Welfare," *Zan Times*, May 11, 2023, https://zantimes.com/2023/05/11/analyzing-the-taliban-budget-for-2023-24-prioritizing-military-spending-over-citizen-welfare/.

[260] *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.

1. Economic instability and limited government resources

Economic instability and limited public resources remain among the most significant obstacles to the effective implementation of the Convention on the Rights of the Child in Afghanistan. Decades of war, political instability, declining economic activity, and dependence on international aid have severely constrained the government's capacity to finance essential public services, including education.[261] Although international human rights law requires states to allocate the maximum of their available resources to realize economic and social rights, Afghanistan's limited financial capacity has reduced investment in school infrastructure, teacher recruitment, educational materials, and social protection programmes. As a result, economic constraints have significantly limited Afghanistan's ability to fulfil its obligations under the Convention, particularly with respect to ensuring equal educational opportunities for children living in poverty.[262]

2. Armed Conflict and Insecurity

Prolonged armed conflict and insecurity have significantly undermined the implementation of the Convention in Afghanistan. Between 2020 and 2023, the Global Coalition to Protect Education from Attack documented dozens of attacks on Afghan schools each year: 62 in 2020, 76 in 2021, and 68 combined in 2022–2023, the majority involving explosive weapons; the toll was especially severe in 2021, when explosive-weapon attacks killed or injured at least 185 students and educators, nearly all of them girls.[263] Years of violence have damaged education infrastructure, displaced millions of families, disrupted school attendance, and created unsafe learning environments for children. In many rural and conflict-affected areas, insecurity has limited access to schools, discouraged the deployment of teachers, and disrupted the continuity of education.[264] The conflict has also exacerbated poverty by destroying livelihoods and reducing household incomes, contributing to increased child labour and higher dropout rates. These

[261] UNESCO, *Afghanistan Education Situation Report 2025*.

[262] UNITED NATION, "International Covenant on Economic, Social and Cultural Rights"; UNESCO, *Afghanistan Education Situation Report 2025*.

[263] *Global Coalition to Protect Education from Attack* (2024), p. 16, https://protectingeducation.org/wp-content/uploads/eua_2024.pdf; "Explosive Weapons Attacks on Afghanistan Schools Increase," accessed July 15, 2026, https://www.hrw.org/node/379821/printable/print.

[264] *Global Coalition to Protect Education from Attack*.

circumstances show that armed conflict not only directly affects children's access to education, but also reinforces the socio-economic barriers that prevent them from effectively realizing their educational rights.[265]

3. Cultural and Gender Barriers

Socio-cultural norms and gender discrimination continue to create significant barriers to the implementation of children's educational rights in Afghanistan. Traditional attitudes regarding the role of girls in society, early marriage, and restrictions on girls' education, particularly acute in rural communities, have disproportionately affected female students, and since August 2021 these restrictions have hardened into a formal ban on girls' access to secondary and higher education.[266] Poverty often reinforces these discriminatory practices, as families facing financial constraints tend to prioritize boys' education over girls'.[267] As a result, girls from economically disadvantaged families experience multiple, intersecting forms of deprivation. These barriers are contrary to the principles of non-discrimination and equality enshrined in Articles 2 and 28 of the Convention on the Rights of the Child and continue to obstruct the effective realization of children's right to education.[268]

4. Weak Institutional and Administrative Capacity

The implementation of the Convention also depends on effective public institutions capable of developing, financing, and monitoring education policy. In Afghanistan, weak institutional capacity, limited administrative coordination, inadequate data collection, and insufficient monitoring mechanisms have reduced the effectiveness of education programmes; the shortage of qualified teachers, weak educational planning, and limited oversight of public spending further undermine both the quality of, and access to, education.[269] UNICEF has observed that, in many low-resource settings, public resources

[265] *United Nations S/2023/893 Security Council, Children and Armed Conflict in Afghanistan Report of the Secretary-General* (2023), https://documents.un.org/doc/undoc/gen/n23/366/25/pdf/n2336625.pdf.

[266] *United Nations S/2023/893 Security Council, Children and Armed Conflict in Afghanistan Report of the Secretary-General*; *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.

[267] *Ibid*

[268] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, arts. 2, 28."

[269] UNESCO, *Afghanistan Education Situation Report 2025*.

often fail to reach the children who need them most because governments either allocate insufficient funding to essential child-related services, including education, or fail to manage public finances effectively.[270] As a result, the quality, availability, and accessibility of educational services are significantly undermined.[271] These institutional and governance deficiencies weaken the State's capacity to effectively implement its international human rights obligations.[272] Strengthening institutional governance, enhancing financial accountability, and improving administrative capacity are therefore essential components of fulfilling the State's obligation to realize children's right to education in Afghanistan.[273]

Synthesis: Poverty, State Obligations, and the Implementation Gap in Afghanistan

The findings presented in this chapter demonstrate that poverty in Afghanistan operates not as a single obstacle to education, but as a multidimensional condition that interacts with social, cultural, institutional, and political factors to produce overlapping barriers to enrolment, attendance, and completion. Poverty directly contributes to dropout, child labour, inadequate educational resources, and limited access to qualified teachers, while indirectly reinforcing gender inequality, early marriage, and social exclusion.[274] Educational deprivation in Afghanistan cannot, therefore, be understood as a matter of insufficient infrastructure alone; it reflects the cumulative effect of structural poverty and social vulnerability.

Read against the tripartite framework of state obligations under the Convention on the Rights of the Child, these findings suggest a more precise conclusion than is often assumed. Most of the poverty-driven barriers identified in this chapter inadequate resources, weak infrastructure, and teacher shortages fall primarily within the obligation to fulfil, which requires positive, resource-dependent state action rather than mere restraint. By contrast, a smaller number of barriers, such as the ban on girls' education since 2021 and certain indirect financial requirements imposed by the state itself, constitute direct violations of the obligation to *respect*, since they

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[270] Ibid.

[271] "Committee on the Rights of the Child General Comment No. 19 (2016) on Public Budgeting for the Realization of Children's Rights (Art. 4), CRC_C_GC_19-EN," 2016, https://digitallibrary.un.org/record/838730?v=pdf.

[272] Ibid

[273] *World Bank, World Development Report 2018: Learning to Realize Education's Promise* (2018), https://openknowledge.worldbank.org/bitstream/handle/10986/28340/9781464810961.pdf.

[274] UNESCO, *Afghanistan Education Situation Report 2025*; Stanikzai and Fayeq, "Analyzing Economic and Social Indicators of Afghanistan"; *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*.

involve active state interference rather than a failure of capacity.[275] This distinction matters analytically: it indicates that Afghanistan's education crisis is not attributable to a single type of state failure, but to simultaneous failures across all three categories of obligation a finding that helps explain why piecemeal interventions (for example, targeting only school fees, or only teacher training) are unlikely to close the implementation gap on their own.

This points to a further complication that the existing literature on the CRC's tripartite framework does not fully address: the framework presupposes a functioning, internationally recognized state capable of being held to legal account. Since August 2021, Afghanistan has been governed by a de facto authority that is not internationally recognized as the government of Afghanistan, and that has, in several respects, actively reversed prior progress on children's right to education.[276] This raises an unresolved question for the application of the CRC framework itself: where a state's obligation to fulfil is contingent on maximum available resources,[277] and where the entity exercising governmental authority is not the internationally recognized duty-bearer,[278] it is unclear through what mechanism international accountability can practically operate.[279] This is not merely a poverty problem or an implementation gap in the ordinary sense; it is a structural gap in the enforceability of the Convention itself under conditions of contested statehood, a dimension that this thesis suggests warrants further scholarly attention beyond the scope of the present analysis.

Poverty also does not affect all children uniformly. Children from poor households, girls, children in rural areas, and internally displaced children experience compounding, intersecting forms of deprivation,[280] which suggests that general education policies alone cannot secure equal access; targeted interventions addressing the specific needs of disadvantaged groups are required

[275] UNITED NATION, "General Comment No. 13: The Right to Education (Art. 13)."

[276] *Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, Fifty-Eighth Session, February 24–April 4, 2025*; *Banned from Education_ a Review of the Right to Education in Afghanistan - UNESCO Digital Library*.

[277] "General Comment No. 3: The Nature of States Parties' Obligations, art. 2."

[278] *Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan, Fifty-Eighth Session, February 24–April 4, 2025*.

[279] "GENERAL COMMENT No. 5 (2003) General Measures of Implementation of the Convention on the Rights of the Child (Arts. 4, 42 and 44, Para. 6), CRC_GC_2003_5-EN."

[280] UNICEF, *Situation Analysis of Children and Women in Afghanistan*.

to give effect to the principles of non-discrimination and the best interests of the child under the Convention.[281]

Taken together, these findings support the conclusion that guaranteeing the right to education in Afghanistan is not solely an education-sector objective, but a cross-sectoral human rights commitment. Reducing child poverty, strengthening social protection, preventing child labour, and addressing gender-based restrictions are mutually reinforcing measures; education policy alone cannot succeed without broader economic and social measures aimed at poverty reduction. The central conclusion of this chapter, then, is not simply that poverty is a barrier to education[282] a finding well established in the existing literature but that the type of state obligation implicated by each dimension of poverty differs, and that the practical enforceability of these obligations is itself constrained by Afghanistan's contested political status since 2021.[283]

[281] UNITED NATION, "United Nations General Assembly, Convention on the Rights of the Child, art. 2."
[282] *World Bank, World Development Report 2018: Learning to Realize Education's Promise*.
[283] *AFGHANISTAN SOCIO-ECONOMIC REVIEW FRAGILE GAINS, DEEPENING SUBSISTENCE INSECURITY, 2023–2024* (2025), https://reliefweb.int/report/afghanistan/afghanistan-socio-economic-review-april-30-2025.

CHAPTER IV
CONCLUSION

4.1. Conclusion

Economic poverty affects children's access to education in Afghanistan through multiple, interacting pathways rather than a single mechanism. It operates directly by limiting families' capacity to afford school-related costs — uniforms, textbooks, and transportation — even where primary education is officially free, and by driving children into labour, with at least one million child labourers nationwide and 38.4 percent of surveyed children pushed into work within two years of the Taliban's return to power. Poverty also operates indirectly, by reinforcing inadequate school infrastructure, shortages of qualified teachers, and gender-based barriers such as early marriage — which increases the likelihood of dropout by a factor of 4.3 — and by compounding restrictions on girls' education, particularly where schools lack safe facilities such as separate toilets and boundary walls. With 62.3 percent of the Afghan population living in multidimensional poverty and children bearing a disproportionate share of this burden (66.9 percent, compared to 56.8 percent of adults), poverty in Afghanistan functions as a structural, multidimensional barrier that simultaneously undermines school enrolment, attendance, and the quality of learning, while perpetuating an intergenerational cycle in which limited education reproduces future poverty.

Under the Convention on the Rights of the Child, ratified by Afghanistan in 1994, the state bears three distinct categories of obligation — to respect, protect, and fulfil children's right to education — each requiring a different type of action, and each reflected to varying degrees in Afghanistan's domestic legal framework, including Article 43 of the 2004 Constitution and the Law on the Rights of the Child of 2019. This framework achieves a reasonable degree of formal, textual compliance with the Convention, but formal compliance diverges from substantive compliance in practice: the ban on girls' secondary and higher education since August 2021 constitutes a direct violation of the obligation to respect, since it reflects deliberate state interference rather than a lack of resources, while poverty-driven barriers such as inadequate infrastructure and teacher shortages fall primarily within the obligation to fulfil, which Afghanistan's economic instability, armed conflict, and weak institutional capacity have made difficult to satisfy. This gap between legal obligation and practical implementation has widened significantly since 2021 and is further complicated by the fact that Afghanistan's current governing

authority is not internationally recognized as the state duty-bearer under the Convention, raising an unresolved question as to the practical mechanisms through which international accountability can be enforced.

4.2. Recommendations

1. Recommendations to the Afghan Authorities

The Afghan authorities should remove all discriminatory laws, policies, and administrative measures that restrict children's equal access to education, particularly those affecting girls, in order to comply with the principles of non-discrimination and the right to education under the Convention on the Rights of the Child.

The Government should strengthen measures to eliminate child labour by effectively enforcing labour legislation, ensuring compulsory primary education, and expanding child protection mechanisms for children at risk of economic exploitation.

The Government should increase public investment in education and allocate available resources transparently and equitably, giving priority to disadvantaged groups, including children living in poverty, girls, rural communities, children with disabilities, and internally displaced children.

Targeted social protection programmes, such as cash transfers, school feeding programmes, scholarships, free learning materials, and transportation assistance, should be expanded to reduce the financial barriers that prevent poor children from attending school.

The Government should strengthen institutional capacity, improve financial accountability, and enhance education governance to ensure the effective implementation of its obligations under the Convention on the Rights of the Child.

The Government should address the root causes of household poverty directly, rather than relying solely on education-sector interventions, by expanding livelihood and employment programmes for parents and caregivers, particularly female-headed and rural households, so that families are not compelled to rely on children's labour or early marriage as coping strategies against economic hardship.

2. Recommendations to International Organizations and Development Partners

International organizations, including UNICEF, UNESCO, the World Bank, and other development partners, should continue providing technical and financial assistance to support children's access to education in Afghanistan, particularly for vulnerable and disadvantaged groups.

International assistance should prioritize programmes addressing child poverty, educational inequality, child labour, and community-based education, while ensuring that humanitarian support reaches children without discrimination.

The Committee on the Rights of the Child and other United Nations human rights mechanisms should continue monitoring Afghanistan's implementation of its obligations under the Convention and encourage compliance with international human rights standards.

Donors and humanitarian agencies should resume and sustain poverty-focused assistance — including cash-based interventions, food security programmes, and support for household livelihoods — recognizing that the suspension of international aid since 2021 has directly deepened the multidimensional poverty driving children out of school, and that education-sector funding alone cannot resolve a crisis rooted in household economic collapse.

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