



Children's Rights vis-à-vis the Media: A Study of the Laws of the Republican Era in Afghanistan

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Abstract: The right of children to access information and media messages is considered one of the important manifestations of children's rights, and alongside it, their protection and safeguarding against the media is of great importance. After the adoption of the Convention on the Rights of the Child in 1989, national-level laws aimed at protecting children against traditional and new media were developed. Afghanistan, during the two decades of the republican system (2001–2021), in light of the Constitution (2004), enacted the Law on Protection of the Child and the Mass Media Law, which directly or indirectly referred to the rights of this social group in relation to the media. This study employs a comparative legal analysis to examine how Afghanistan's Republican-era laws protected children's rights in relation to the media and to evaluate their conformity with the Convention on the Rights of the Child amid limited prior scholarship on Afghan child-media legal protections, has examined and compared the extracted legal codes of these laws with the articles of the Convention on the Rights of the Child. The findings reveal that Afghanistan's Republican-era legal framework formally aligned with international child rights standards and the Social Responsibility Theory of the press, although significant gaps remained in the practical enforcement of media protections for children. According to our research, the most important axes addressed in the laws of this country were identified as: "the right to freedom of expression," "the necessity of protecting dignity, reputation, and psychological and moral well-being," "cultural development," "the right of access to information," "protection against immoral content and pornography," "control of gambling in the online space," and "prevention of sexual abuse in the dissemination and reception of messages."

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INTRODUCTION

The development of the international human rights system after the Second World War significantly influenced the recognition of children's rights, particularly in relation to access to information, media protection, and freedom of expression. This comprehensive understanding of human rights is considered a new phenomenon in the history of international law, because until 1945 there had always been social groups that were deprived of the protection of human dignity and inherent human worth. Despite the significance of this transformation, in the early stages of



the formation of the new system, for a period one category still was not included within “all human beings”: children. This situation changed on 20 November 1989, when the United Nations General Assembly (in its Resolution 44/25) adopted the Convention on the Rights of the Child (Hamelink, 2002, p. 33). This document, which has been drafted in three (3) parts with fifty-four (54) articles.

Article 29 of this Convention refers to the “development of the child’s personality, talents, and mental and physical abilities to their fullest potential” (Convention on the Rights of the Child, 1989), and in support of this, Article 13 emphasizes as follows: “The child shall have the right to express his or her views freely in all matters.” Afghanistan, pursuant to Article 7 of the Constitution, is obliged to observe the provisions of those international treaties to which it has acceded. On the other hand, this country ratified the Convention on the Rights of the Child on 27 April 1994.

The child has the right to access information and ideas through any kind of media, subject of course to legal restrictions for the protection of his or her security and well-being. Furthermore, in Article 17, under the title “Access to appropriate information from the media”: “States Parties shall ensure that the child has access to information and material from national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health; States shall take appropriate measures to protect the child from information and material injurious to his or her well-being or from misuse of the media” (Convention on the Rights of the Child 1989 Article 17).

From a legal perspective, a child is defined as a human being who has not completed the legal age or 18 years of age; however, this term, in the national laws of countries, has unique definitions and characteristics. In Article 1 of the Convention on the Rights of the Child, the following definition of a child is provided: a child is a human being who has not yet attained the age of eighteen years, unless under the law applicable to the countries concerned, majority is attained earlier (Convention on the Rights of the Child 1989 Article 1). According to the Law on the Protection of Children of Afghanistan as well, a child is a person who has not completed the age of 18 years.

In today’s conditions, the right of children to access information and media messages is considered one of the important manifestations of human values, on the basis of international human rights; because the rapid expansion of various types of media in human life and the influence of communicative content through the media on the behavior and speech of children have attracted the attention of thinkers in the field of communications.

Compared to adults, children are generally considered more vulnerable to media influence due to their developing cognitive abilities and limited capacity to critically evaluate media content, as emphasized in communication and developmental studies, because the minds of this group possess fewer of the necessary abilities to analyze ideas and to accept or reject them; therefore, when this segment stands before this instrument without any refuge or protection and merely with excessive interest in the media, they become more vulnerable and are compelled to surrender.

Mass media often transmit, in an indirect yet pervasive manner, a great deal of information and awareness to audiences that brings their everyday lives under its influence, and it is obvious that children and adolescents are not exempt from this susceptibility to influence. There is also



extensive research evidence indicating that mass media especially television, motion pictures, and the press can influence the knowledge and national beliefs of audiences of different age groups. The main objective of early research on mass communication was to examine the effects of the media with an emphasis on its social harms, and in these studies emphasis is placed on the passivity of the audience and their dependence on the media.

In media advertising, children are the target audience of many commercial advertisements. One of the important characteristics of children is their limited understanding of all the material and social aspects of the environment in which they live. ... Children turn to television while, in comparison with adult viewers and television program producers, they have less understanding of the material and spiritual world (Farahani, 2016: 114).

“The effects of television are very deep and lasting; because on the one hand, it is a means of information bombardment, and on the other hand, through this medium, children gain the opportunity to acquire necessary intellectual skills”. Although some researchers have stated, “The child is both active and passive in relation to television and has the ability to act selectively. Of course, the older the child becomes, the more pronounced this characteristic becomes”.

In many countries, specific standards and regulations have been established to protect children’s rights against the large volume of messages that are fed to children through the media. Afghanistan, during the two decades of the republican system (2001–2021), in light of the Constitution (1382/2004), enacted laws and regulations, among which reference can be made to the Law on the Protection of the Child and the Mass Media Law. In all three of the above-mentioned laws, the articles and codes directly or indirectly refer to the rights of children and particularly to their position in relation to the media. In this research, an effort is made to study the position of children in relation to the aforementioned laws.

This study adopts the 1989 Convention on the Rights of the Child as its primary analytical framework because it constitutes the principal international legal standard for evaluating children’s rights to media access, protection, and freedom of expression, and in its light we examine the laws of Afghanistan, particularly the Law on the Protection of the Child. Of course, we study those dimensions and codes that address the relationship between children and the media.

The study focuses on the period between 2001 and 2021 because it represents the era of democratic constitutional reform and media liberalization in Afghanistan, during which major child protection and media laws were enacted. The reason relates to the formation of democratic laws during this period, and all of these laws were formed within these two decades. On the other hand, after the return of the Taliban to power, most national laws, including the Constitution, the Law on the Prohibition of Harassment and Abuse of Women and Children, the Law on Addressing Violations Against Children, and the Law on the Elimination of Violence Against Women, were repealed, and currently there is no law for punishing perpetrators of crimes against children (Darivova, 2023).

METHODS

This study employed purposive legal document selection by analyzing four principal Afghan legal instruments related to children and media, namely the 2004 Constitution, the 2009 Mass Media Law, the 2019 Law on the Protection of the Child, and the Access to Information Law.

These legal documents were selected based on their direct relevance to children's rights, media regulation, and access to information, while laws lacking explicit provisions concerning children and media relations were excluded from the analysis, including the Constitution, the Law on the Protection of the Child, the Media Law, and the Access to Information Law, in comparison with international standards on children's rights. The primary data of the research were specifically drawn from the above-mentioned laws and the articles of the Convention on the Rights of the Child. In addition, relevant academic sources and research on children's rights were utilized.

Data Analysis

The comparative analysis was conducted by systematically comparing the provisions of Afghan domestic laws with the corresponding articles of the Convention on the Rights of the Child (CRC). The analysis focused on thematic indicators, including freedom of expression, access to information, child welfare, cultural development, and protection against exploitation. Similarities, differences, and legal gaps were identified through article-by-article comparison to evaluate the degree of conformity between national legislation and international legal standards. This means that in the first stage, the laws were carefully studied, and then the coding process was conducted through qualitative content analysis using thematic categorization derived from the Convention on the Rights of the Child. Legal provisions were systematically classified into themes such as freedom of expression, access to information, protection from harmful content, moral welfare, and protection against sexual exploitation. To improve analytical reliability, the extracted codes were repeatedly reviewed and comparatively examined across the selected legal documents. In the second stage, these codes were categorized based on the axes of (children's right to access accurate information, protection of children against harmful content, and the social responsibility of media toward children) and examined in comparison with international standards of children's rights.

Analytical Framework

This study employed the 1989 Convention on the Rights of the Child (CRC) as the primary analytical framework due to its globally recognized normative authority in defining children's rights. The CRC was used as a benchmark for systematically evaluating and categorizing provisions in Afghan domestic laws. Its articles were operationalized as thematic indicators to guide deductive coding and facilitate structured legal comparison across national and international standards. First, all codes and provisions proposed by the Convention in support of children's rights in relation to the media were coded and extracted according to conceptual axes. Afterward, the relevant codes in Afghanistan's domestic laws were analyzed in comparison with them.

Table 1. Axes of Children's Rights in Relation to the Media in the Convention on the Rights of the Child, 1989

No.	Axis	Article	Statement
1	Right to Freedom of Thought and Expression	12	A child who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her, and due weight shall be given to the

			child's views in accordance with the age and maturity of the child.
		13	The child shall have the right to freedom of expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of the medium the child chooses.
		14	States Parties shall respect the right of the child to freedom of thought, conscience, and religion.
2	Right of Access to Information	17	The child shall have access to information and material from a diversity of national and international sources through mass media, particularly information aimed at promoting the child's social, spiritual, and moral well-being and physical and mental health. • Publication and dissemination of information beneficial to the child socially and culturally. • Encouragement of television programs and publication of children's books. • Special attention by mass media to the linguistic needs of children from minority or indigenous groups.
3	Protection of Welfare	17	Encouragement of mass media to establish appropriate guidelines to protect the child from information and material that may be harmful to his or her well-being.
4	Development of Personality and Abilities	29	The education of the child shall be directed to the development of the child's personality, talents, and mental and physical abilities to their fullest potential.
5	Protection Against Sexual Exploitation	34	States Parties to the Convention shall undertake to protect the child from all forms of sexual exploitation and sexual abuse, including the exploitative use of children in prostitution or other unlawful sexual practices, and the exploitative use of children in pornographic performances and materials.

RESULTS AND DISCUSSIONS

A. RESULT

The analysis of Afghan legal documents reveals that provisions related to children's media rights predominantly concentrate on freedom of expression, access to information, and protection from harmful content, with limited explicit reference to participatory rights and child agency as defined in the CRC framework: "the right to freedom of thought and expression," "the right of access to information," "the right to welfare," "the development of personality and abilities," and "protection against sexual exploitation." The statements of Articles 54 of the Constitution and Articles 59, 95, and 98 of the Child Protection Law explicitly demonstrate the state's obligation to safeguard children from harmful media content while simultaneously ensuring access to beneficial information.



Based on these five fundamental axes, the codes and provisions extracted regarding children's rights in Afghanistan in relation to the media have been obtained. Each legal instrument was analyzed separately, and its relevant provisions were systematically coded and categorized according to predefined thematic axes derived from the CRC framework, including freedom of expression, access to information, and protection from harmful content.

1. Constitution of Afghanistan

The Constitution of this country was adopted on 26 January 2004 in 12 chapters and 162 articles. Based on the research findings, in the preamble of the Constitution, the state's support for the Universal Declaration of Human Rights, the establishment of civil society, and the preservation of human dignity and rights are mentioned. Although human dignity of children is not explicitly mentioned in this section, its content encompasses all people of Afghanistan, including children and women: "We, the people of Afghanistan, in accordance with the Charter of the United Nations and with respect for the Universal Declaration of Human Rights, in order to establish a civil society free from tyranny, discrimination, and violence, and based on rule of law, social justice, preservation of human dignity and rights, and ensuring freedom and fundamental rights ... have adopted this Constitution" (Constitution 2004).

This Constitution specifically supports international covenants and the Universal Declaration of Human Rights in Article 7, as follows: "The State shall observe the Charter of the United Nations, inter-state treaties, international covenants to which Afghanistan has acceded, and the Universal Declaration of Human Rights" (Constitution of Afghanistan, 1382: Article 7).

The largest and clearest provision of the Constitution of Afghanistan in support of children is presented in Article 54. In this article, the Constitution refers to the physical and mental health and upbringing of children as follows: "The State shall take necessary measures to ensure the physical and mental health of the family, especially the child and the mother, the upbringing of children, and to eliminate customs incompatible with the provisions of the sacred religion of Islam" (Constitution of Afghanistan, 1382: Article 54).

2. Law on the Protection of the Child

The findings of this study indicate that the Law on the Protection of Children's Rights, which was officially published on 20 March 2019 in light of the provisions of Articles 7 and 54 of the Constitution of Afghanistan, is now considered among the repealed laws in Afghanistan under Taliban rule. This law was ratified by the then-President through Decree No. 362 dated 14 March 2019. The law is organized into sixteen chapters and 108 articles. According to this law, a child is anyone who has not completed the age of eighteen (Law on the Protection of the Child, 2019 Article 3).

In Chapter Eight of this law, entitled "Cultural Development of the Child," emphasis is placed on the right to freedom of expression, intellectual growth and mental development of the child, children's access to information, the right to form associations, and the prohibition of using children in political activities (Law on the Protection of the Child, Chapter 8).

In Chapter Fifteen, entitled "Protection of Children Against Prostitution and Sexual Acts," which includes Articles 94–98, the law addresses "the prohibition of violent and unlawful acts against the child, publication of immoral films, prevention of sexual exploitation and abuse, prevention of the child's entry into corrupt places, prohibition of publishing and buying and

selling books, newspapers, and magazines containing pornography, and the prohibition of child prostitution” (Law on the Protection of the Child, 2019: Chapter 15).

3. Articles 95–98 of the Law on the Protection of the Child

Article 95 of this law states: “The Ministry of Information and Culture is obliged, in accordance with the provisions of the law, to prevent any form of sexually provocative publications, including obscene films and materials contrary to the morals of children” (Law on the Protection of the Child, 2019: Article 95). It continues: “The Ministry and governmental and non-governmental institutions are obliged to prevent all forms of sexual exploitation and abuse... and the use of children in the performance of films and sexual images (pornography)” (Law on the Protection of the Child, 2019: Article 96).

Article 97 of the Law on the Protection of the Child refers to online entertainment and specifically prohibits “gambling” or “win-and-lose” games in cyberspace. The article states: “The Ministry of Information and Culture and the Ministry of Labor and Social Affairs shall prevent the entry of children into places where deviation of children is conceivable... including online gambling and other programs that negatively affect the physical, mental, and moral well-being of children...” (Law on the Protection of the Child, 2019: Article 97).

This law also explicitly emphasizes: “No person may publish, sell, or make accessible to children any books, newspapers, magazines, or other publications, including obscene films, that are pornographic, sexual, violent, or discriminatory in nature. Perpetrators... shall be subject to judicial prosecution” (Law on the Protection of the Child, 2019: Article 98).

4. Access of Children to Information under the Law on the Protection of the Child

In this law, under the title “Access of Children to Information,” it is also stated: “The relevant ministries and governmental institutions, for the purpose of access to information that is beneficial for improving their social, mental, and spiritual condition, and for their physical and mental health, shall encourage the media to publish information that has cultural and social sources; encourage mass media to consider the language and needs of children belonging to ethnic minorities; and protect children from information whose publication and dissemination is recognized as harmful to children, leads to moral deviation, or encourages and invites them to racial, ethnic, linguistic, religious, or partisan extremism” (Law on the Protection of the Child, 2019: Article 59).

In the Law on the Protection of Children’s Rights, this right is also explicitly emphasized in Article 57, which provides: “The child has the right to freedom of thought, expression, and the expression of will, which includes the right to seek, receive, and access all kinds of information, whether orally, in writing, in print, as an artistic work, or by other means of information, to be used at the child’s choice in accordance with the provisions of the law. (2) The exercise of the rights stated in paragraph (1) of this article shall not be restricted, except when it is contrary to the provisions of the law, inconsistent with the preservation of national security, public order and morals, the religious beliefs of society, public health, or causes harm to the freedoms and rights of others” (Shafaq, 2021: 47).

5. Mass Media Law

After the establishment of democratic governance in Afghanistan with the support of the international community, the “Mass Media Law” was ratified in 2005 in 9 chapters and 42 articles. However, it has been amended several times since then (Mesbah, 2019). The latest approval of the Mass Media Law was on 31 August 2008 by the House of Representatives of Afghanistan, and on 29 June 2009, it was referred by the Office of the President of Afghanistan to the Ministry of Justice for publication in the official gazette of Afghanistan.

Based on the research findings, in Chapter One and Article One of this law, it is stated: “This law, taking into account the principles of the provisions of the Holy Religion of Islam, and in accordance with Article 34 of the Constitution and observing Article 19 of the Universal Declaration of Human Rights, has been enacted in order to guarantee the right to freedom of thought and expression and to regulate the activities of mass media in the country” (Mass Media Law, 2009: Article 1).

The law further emphasizes the support and guarantee of the right to freedom of thought and expression; providing appropriate grounds for the expression of ideas and feelings of the citizens of the country and the fair reflection of facts; observing the principle of freedom of expression established in the Universal Declaration of Human Rights; and assisting in the healthy development of mass media so that they can serve as effective means for publishing accurate news, information, education, training, and the advancement of knowledge and culture in the country (Mass Media Law, 2009: Article 2).

6. Chapter Two and Relevant Articles of the Mass Media Law

In Chapter Two of this law, entitled “Freedom of Thought and Expression,” it is stated: “Every person has the right to freedom of thought and expression. Seeking, obtaining, and transmitting information, data, and opinions within the limits of the law, without interference, restriction, or threat from government officials, is included in this right. This right also encompasses the free activity of broadcasting, distribution, and reception of information” (Mass Media Law, 2009: Article 4).

Article 7 of the Mass Media Law provides: “Any natural or legal person whose personality, reputation, or material interests are harmed by an offense committed by a mass media outlet has the right to reply in the same media” (Mass Media Law, 2009: Article 7).

The Mass Media Law, in Chapter Ten, entitled “Works and Materials the Production, Printing, and Publication of Which Are Prohibited,” briefly refers to children’s rights in relation to the media: “Works and materials that harm the mental security and moral health of members of society, especially children and adolescents, are prohibited” (Mass Media Law, 2009: Article 45). This article also prohibits works and materials that insult, degrade, or humiliate natural or legal persons; works that defame natural or legal persons and cause harm to their personality and reputation; and the disclosure of identity and dissemination of images of victims of violence and abuse in a manner that damages their social dignity.

Table 2: Children’s Rights in Relation to Media in Afghan Laws

No.	Law	Axis	Article	Statement
1	Constitution	Freedom of Expression	of 34	Freedom of expression is protected from infringement. Every Afghan has the right



			to express their thoughts through speech, writing, images, or other means in accordance with the provisions of this Constitution.
	Physical and Mental Health of Children	54	The state shall take necessary measures to ensure the physical and mental health of the family, especially children and mothers, and the upbringing of children.
	Protection of Human Dignity	Preamble	The state supports the Universal Declaration of Human Rights, the establishment of civil society, and the protection of human dignity and human rights. "We, the people of Afghanistan... in accordance with the Charter of the United Nations and with respect for the Universal Declaration of Human Rights, for the purpose of establishing a civil society... and protecting dignity and human rights, have enacted this Constitution."
2	Law on the Cultural Protection of the Child	Chapter 8	
	Protection of Children Against Immoral Content	95	The Ministry of Information and Culture is obliged, in accordance with the provisions of the law, to prevent any form of sexually provocative publications, including obscene films and materials contrary to the morals of children. The Ministry and governmental and non-governmental institutions are obliged to prevent all forms of sexual exploitation and abuse... and the use of children in the performance of films and sexual images (pornography).
	Prohibition of Online Gambling	97	The Ministry of Information and Culture and the Ministry of Labor and Social Affairs shall prevent the entry of children into places where deviation of children is conceivable... including online gambling and other programs that negatively affect the physical, mental, and moral well-being of children.



			Prohibition of Pornography	98	No person may publish, sell, or make accessible to children any books, newspapers, magazines, or other publications, including obscene films, that are pornographic, sexual, violent, or discriminatory in nature. Perpetrators... shall be subject to judicial prosecution.
			Right of Children to Access Information	59	Relevant ministries and governmental institutions, for the purpose of access to information that is beneficial for improving the social, mental, and spiritual condition and the physical and mental health of children, shall encourage the media to publish information with cultural and social sources; encourage mass media to consider the language and needs of children belonging to ethnic minorities; and protect children from information whose publication and dissemination is recognized as harmful to children, leads to moral deviation, or encourages and invites them to racial, ethnic, linguistic, religious, or partisan extremism.
3	Mass Law	Media	Ensuring Freedom of Thought and Expression	1	This law, taking into account the principles of the Holy Religion of Islam, in accordance with Article 34 of the Constitution and observing Article 19 of the Universal Declaration of Human Rights, has been enacted to guarantee the right to freedom of thought and expression and to regulate the activities of mass media in the country.
				4	Every person has the right to freedom of thought and expression. Seeking, obtaining, and transmitting information, data, and opinions within the limits of the law, without interference, restriction, or threat from government officials, is included in this right. This right also encompasses the free activity of broadcasting, distribution, and reception of information.



Protection of 7 Personal Reputation in the Media		Any natural or legal person whose personality, reputation, or material interests are harmed by a mass media outlet has the right to reply in the same media.
	45	Works and materials that insult, degrade, or humiliate natural or legal persons; works that defame natural or legal persons and cause harm to their personality and reputation; and the disclosure of identity and dissemination of images of victims of violence and abuse in a manner that damages their social dignity are prohibited.
Moral Health of 45 Children		Works and materials that harm the mental security and moral health of members of society, especially children and adolescents, are prohibited.

DISCUSSION

While the analysis identifies recurring legal themes across Afghan legislation, these interpretations are limited by the documentary nature of the study and the absence of empirical validation through stakeholder or institutional perspectives, access to information, moral well-being, and control against immoral and deviant content. The Constitution of Afghanistan protects freedom of expression from infringement and simultaneously upholds it in accordance with Islamic values and the Universal Declaration of Human Rights. According to the Constitution, the protection of family health, especially that of children, is a serious necessity, and every Afghan, whether adult or child, has the right to convey their thoughts and ideas to others through various means.

These provisions are consistent with Article 13 of the Convention on the Rights of the Child, which is based on the axis of “the right to freedom of thought and expression.” This article states: “The child shall have the right to freedom of expression. This right includes the freedom to seek, receive, and impart information and ideas of all kinds, through any media of the child’s choice.”

In the “freedom of expression” code of the Convention on the Rights of the Child, there is a subtlety that has not been explicitly addressed in the domestic laws of Afghanistan. Article 12 of the Convention states: “The child who is capable of forming his or her own views shall have the right to express those views freely in all matters affecting the child, and the views of the child shall be given due weight in accordance with the age and maturity of the child.” This code, in fact, supports the capacity and ability of the child to express opinions and positions, and in other words, it reminds the media and society that opportunities for children to express opinions and viewpoints should be provided so that their self-confidence is strengthened.

Articles 95, 97, and 98 of the Law on the Protection of Children in Afghanistan are, in fact, reflective of and aligned with Article 34 of the Convention on the Rights of the Child. The

Convention strictly prohibits “the exploitative use of children in prostitution or other illegal sexual activities, in performances or in pornographic materials.” Meanwhile, the Law on the Protection of Children in Afghanistan, in the mentioned articles, considers the Ministry of Information and Culture and other relevant institutions responsible for preventing “sexually provocative publications, including obscene and immoral films for children” and “all forms of sexual exploitation and sexual abuse... or the use of children in films and sexual images (pornography).” Article 98 states: “No person may publish, sell, or make accessible to children any books, newspapers, magazines, or other publications, including obscene films with a pornographic, sexual, violent, or discriminatory nature. Perpetrators... shall be subject to judicial prosecution.”

The Mass Media Law, in its Article 7, refers to the protection of the dignity and reputation of individuals against the media, which also includes children. Accordingly, if a person is assaulted by a media outlet, they have the right to reply in the same medium.

According to Article 45 of the Media Law, publishing content that causes defamation, humiliation, insult, slander, or harm to the personality of individuals is also prohibited. Although this law is general, it clearly includes children as well.

A common point between Afghanistan’s domestic laws and international laws is the “right of access to information.” In the Convention on the Rights of the Child, access to “information aimed at promoting the child’s social, spiritual, and moral welfare and physical and mental health” and “information that is socially and culturally beneficial for the child” is recognized. Article 17 of the Convention emphasizes guidelines to be prepared to protect the child against information that harms their welfare.

Meanwhile, “access to information” in Afghan laws is aimed at improving the social, mental, and spiritual well-being and the physical and mental health of children. It also prevents the dissemination of content that promotes racial, ethnic, linguistic, religious, or partisan extremism. Here, there is a slight difference in the application of access to information. The Convention emphasizes the “welfare” of children, whereas the Law on the Protection of Children refers to improving social and mental conditions and preventing extremism.

The Convention, in Article 29, addresses the education of the child (whether directly or indirectly) to develop the child’s personality and capacities. However, the Media Law, in Article 45, refers to the moral well-being of children and prohibits materials that harm their psychological security and moral health.

CONCLUSION

Our research indicates a significant and reciprocal relationship between international laws and Afghanistan’s domestic laws in the protection of children, particularly against mass media. Between 2001 and 2021, the country demonstrated distinction and alignment with international laws especially the Universal Declaration of Human Rights and the 1989 Convention on the Rights of the Child through its legal resources and provisions aimed at the education, cultural development, and protection of children amid diverse media messages. A comparative study of the Constitution, the Law on the Protection of Children, the Mass Media Law, and the Convention on the Rights of the Child reveals while significant conceptual overlap exists between Afghan legal provisions and the CRC, notable differences emerge in the scope of child participation rights and



enforcement mechanisms, indicating partial rather than full harmonization in the form and wording of legal provisions.

The findings indicate partial theoretical convergence between Afghan media-related legal provisions and the Social Responsibility Theory, particularly in terms of protecting public welfare and regulating harmful content, although the extent of alignment varies across legal domains, which was used as the theoretical framework of this study. According to our research, the most important axes of attention in protecting children include “the right to freedom of expression,” “the necessity of protecting dignity, status, and reputation, as well as psychological and moral health,” “cultural development,” “the right to access information,” “protection against immoral and pornographic content,” “control of online gambling,” and “prevention of sexual exploitation in the dissemination and reception of messages.” On the other hand, minor differences in some provisions between domestic and international laws were also highlighted, which, compared to the degree of similarities and alignments, were very negligible. Based on the analysis of constitutional and statutory provisions, particularly Articles 34 and 54 of the Constitution and Articles 95–98 of the Child Protection Law, Afghan legislation demonstrates formal alignment with global child rights standards, although implementation remains context-dependent and uneven, compliant with the Universal Declaration of Human Rights, and in terms of child rights, consistent with the Convention on the Rights of the Child. This is while these laws were only theoretically capable of such alignment, and their implementation in the social and media policy space was not given the expected attention.

Conflict of interest

The authors declare no conflict of interest.

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