



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
21 December 2011

Original: English

---

**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined initial and second periodic reports of States parties**

**Afghanistan\***

---

\* The present document is being issued without formal editing.



---

## Contents

	<i>Page</i>
1. Chapter one: General information on preparation of the report and Government of Afghanistan . . . . .	4
2. Chapter two: Information on implementation of the Convention . . . . .	10
3. Chapter three: Articles one to sixteen . . . . .	25
4. Article one: Definition of discrimination . . . . .	25
5. Article two: condemnation of discrimination and remedial measures . . . . .	27
6. Article three: Implementation of the Convention through all available means . . . . .	28
7. Article four: Affirmative action . . . . .	33
8. Article five: Elimination of stereotypes. . . . .	34
9. Article six: Trafficking in women and girls . . . . .	37
10. Article seven: Political and social rights of women . . . . .	40
11. Article eight: Representation abroad . . . . .	45
12. Article nine: Nationality . . . . .	47
13. Article ten: Education . . . . .	49
14. Article eleven: Employment. . . . .	59
15. Article twelve: Health . . . . .	72
16. Article thirteen: Economic, social and cultural rights of women . . . . .	84
17. Article fourteen: Rural women. . . . .	87
18. Article fifteen: Equality before the law . . . . .	93
19. Article sixteen: Equality in family matters . . . . .	95

## Abbreviations

AFGA	Afghan Family Guidance Association
AIHRC	Afghanistan Independent Human Rights Commission
ANDS	Afghanistan National Development Strategy
APAP	Afghanistan Parliamentary Assistance Project
AREDP	Afghanistan Rural Enterprise Development Program
AWN	Afghan Women's Network
CDC	Community Development Council
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
COMPRI-A	Communications for Behavioral Change: Expanding Access to Private Sector Health Products and Services in Afghanistan
CPAN	Children Protection Action Network
CSHRN	Civil Society and Human Rights Network
CSO	Central Statistics Organization
CU	Coordination Unit (for reporting process of CEDAW)
DDA	District Development Assembly
DHRWIA	Directorate of Human Rights and Women's International Affairs
ECC	Election Complaints Commission
ECO	Economic Cooperation Organization
FEFA	The Free and Fair Election Foundation of Afghanistan
GDP	Gross Domestic Product
GNP	Gross National Product
GoA	Government of Afghanistan
GTZ	German Technical Corporation
IEC	Independent Election Commission
IFES	International Foundation for Election Systems
ILO	International Labor Organization
IOM	International Organization for Migration
IPPF	International Planned Parenthood Federation
LAOW	Legal Aid Organization for Women
LEVAW	Law on Elimination of Violence against Women
MDGs	Millennium Development Goals
Mishrano Jirga	The Senate of Afghanistan

MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoWA	Ministry of Women's Affairs
MSI	Management Systems International
NABDP	National Area-Based Development Program
NAPWA	National Action Plan for Women of Afghanistan
NGO	Non-governmental organization
NRAP	National Rural Access Program
NRVA	National Risk and Vulnerability Assessment
NSP	National Solidarity Program
PAR	Public Administrative Reform
PRR	Priority Reform & Restructuring
Ru-WatSIP	Rural Water Supply, Sanitation and Irrigation Program
SAARC	South Asian Association for Regional Cooperation
STEP	Support to the Electoral Process in Afghanistan
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNIFIM	United Nations Development Fund for Women (UN-Women)
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
VAWPD	Violence Against Women Primary Database
WHO	World Health Organization
Wolsi Jirga	House of Representatives of National Assembly of Afghanistan

## Chapter one: Introduction

### A. Information on preparation of Afghanistan's initial and second periodic report

1. The Government of Afghanistan (GoA) signed the Convention on Elimination of all forms of Discrimination against Women (CEDAW) on 14 August 1980, however, the conflicts in the country did not allow for the ratification of the Convention until 2003. Having in mind the violations of women human rights during the years of war, GoA ratified CEDAW on March 5, 2003 without any reservations.

2. According to article 18 of CEDAW, the GoA must have submitted a compliance report on the constitutional, legal and administrative measures for implementation of the Convention to the CEDAW Committee a year after ratification. Unfortunately, due to lack of working capacity in the reporting entities of the government, budgetary problems and government's involvement in preparing reports to other treaty bodies, the initial report could not be prepared in 2004. In 2009, however, the Government decided to prepare the combined initial and second periodic report and submit it to CEDAW Committee.

3. To prepare the CEDAW Report, an inter-ministerial mechanism has been prepared so that the key organizations that work on women's rights are involved in the reporting process. The special attention in the process was on CEDAW Committee Guidelines on Reporting and its General Recommendations. This mechanism consists of a Steering Committee, a Drafting Committee, four Working Groups and a Coordination Unit. The 12 members of the Steering Committee<sup>1</sup> are suggested by the Ministry of Foreign Affairs (MoFA) and approved by the President. The key responsibilities of the Steering Committee are to monitor the reporting process, provide advisory support and approve the draft of the report. Analysing and evaluating the collected data and writing the report is the responsibility of the Drafting Committee which has 24 members<sup>2</sup> from governmental and nongovernmental organizations. Further, the reporting process has four thematic working groups that worked in the areas of analysing international data, collecting the basic data in the country, reviewing the implementation of the Convention and analysing the laws and policies. In the thematic working groups, 30 governmental and nongovernmental organizations and civil society organizations are represented.

4. The Coordination Unit (CU) is established within the Directorate of Human Rights and Women's International Affairs (DHRWIA) of MoFA which coordinates and facilitates the reporting process. CU has also conducted a number of consultative meetings on the draft of the report in Kabul and provinces.

---

<sup>1</sup> The members of the Steering Committee represent the following organizations: Directorate of Law of Treaties of the Ministry of Foreign Affairs, Ministry of Education, Ministry of Public Health, Independent Human Rights Commission, Afghan Women's Network, UNIFEM and UNAMA.

<sup>2</sup> The members of the Drafting Committee represent the following organizations: Directorate of Law of Treaties of the Ministry of Foreign Affairs, Ministry of Education, Ministry of Public Health, Ministry of Women's Affairs, Directorate of Human rights and Women's International Affairs, Ministry of Public Affairs, Ministry of Justice, Supreme Court, Independent Human Rights Commission, Afghan Women's Network, Kabul University, and Central Directorate of Statistics.

5. In preparing the report, various sources including the Constitution of Afghanistan, laws, policies, strategies, regulations and different governmental and nongovernmental statistics are legally and technically studied and analyzed. The evaluation of the collected data was done in different stages by the working groups, Drafting Committee, CU, international experts, Steering Committee and at the consultative workshops. This approach helped to ensure credibility of the collected information and also raised the awareness on women rights in the organizations involved in the reporting process. CU, Drafting Committee and the Steering Committee have seriously considered the concepts of justice, non-discrimination, participation, accountability and professionalism during data collection and drafting the report.

6. In most cases, both Solar Hijri year and Gregorian year are used in parallel. For converting the solar year to Gregorian, the number 621 should be added to solar year. And to convert a Gregorian year to solar, number 621 should be subtracted from the Gregorian year.

## **B. Country Profile**

### **(a) Geography**

7. Afghanistan is located in the centre of Asia, and restored its political independence from the Great Britain in 1919. In north, Afghanistan is sharing border with Tajikistan, Uzbekistan and Turkmenistan Republics. The People's Republic of China is located in the far north east. In the east and south, Pakistan shares border and Iran shared borders in the west. The total area of Afghanistan is 652,225 kilo meters square (equivalent of 262072 miles). In terms of administrative divisions, Afghanistan is divided into 34 provinces and 364 districts. Afghanistan is a mountainous country with cold winters and hot summers.

### **(b) Population**

8. Based on the estimates, the population (minus nomads) is around 26 million, comprising 13.3 million men and 12.7 million women. From the overall population, 18.8 million or 76.7% live in rural areas, while 5.7 million or 23.3% live in the urban areas. Besides, 1.5 million nomads live mostly in the rural areas. 9.6 million of the rural population are men and 9.2 million are women.

9. According to the National Risks and Vulnerability Assessment (NRVA) 2007 (1386/1387), around 26% of the population were literate which included only 12% of women. The illiteracy rate in urban, rural and between nomads are accordingly 52%, 79% and 94%. Generally, families are headed by men, but according to the mentioned survey, 2% of women also act as the head of their families. Since 46.1% (11.7 million) of the people are below age 15, Afghanistan is known to have a young population. Only 3.7% of the overall population is above 65 years old. According to the Central Statistics Organization (CSO), around half a million widows live in the country.

**(c) Political structure**

10. Constitutionally, Afghanistan is a Presidential Republic and the concept of separation of powers is observed. The Executive branch consists of 25 ministries and a number of general directorates and independent commissions. The President is the head of state and the executive branch and at the same time, the commander in chief of the armed forces and has two vice presidents. The members of the cabinet are appointed by the President and are given vote of confidence by Wolsi Jirga (House of Representatives).

11. The National Assembly as the highest legislative organ of the country consists of two houses, the Wolsi Jirga and Meshrano Jirga (Senate). Wolsi Jirga has 249 members, at least 68 of whom should be women and are elected by the direct vote of eligible citizens. Meshrano Jirga has 102 members. One third of the Senate, 34 members, is appointed by the President for 5 years, the two remaining thirds are selected among the Provincial and District Council members for 4 and 3 years respectively. Any laws are ratified by the positive votes of both houses after signature of the President.

12. The Judiciary is an independent branch within the state which consists of the Supreme Court, Appellate Courts, and Primary Courts.

13. Each province has an elected Provincial Council. Although the Constitution projects elections for district and village councils, mayors and municipalities' associations, the election for these bodies has not been held so far.

14. Article 35 of the Constitution clearly supports the political activities in the country and the Law of Social Organizations and the Law of Political Parties are ratified for this end. By late 2010, 38 political parties and 2381 social organizations have received licenses from the Ministry of Justice (MoJ).

**(d) Social structure**

15. The way of life in Afghanistan is traditional and family forms the base of the society. The Constitution has accepted family as the basis of the society. Poverty, illiteracy, lack of rule of law and security, and violence particularly against women has slow down the society from developing in different areas. Employment, economic empowerment, and political influence have a major role in creating civic social classes. Most of the people living in cities have unstable jobs and do not benefit from social security. The average number of family members in rural areas is more than the urban areas. More than 99% of the population of Afghanistan is Muslim; there is a small percentage of Sikhs as well. Inner society behaviours are based on respect to traditions, elders in the family, tribe and religious leaders. Big landlords, religious leaders, tribal heads, ex commanders and political experts are the influential people in the society who play a major role in the social system of the country. Although more than 36% of people live under poverty line, a middle class is on the verge of formation. This social class mostly consists of journalists, lawyers, engineers, university and school teachers, traders and governmental and nongovernmental employees.

16. A life insurance system does not exist in the country. Only a few insurance organizations provide services on different subjects; the social facilities are not available for all. According to article 53 of the Constitution, the government has the obligation to provide health and financial assistance to the survivors of martyrs and to provide the disabled with treatment and help their active participation in society. The government has granted the pensions and gives the needed financial support to the

elders, poor women, poor orphans and the disabled based on its available resources. In 2010, around 10500 orphans, girls and boys, were being taken care of in 62 orphanages. Based on the needs of disabled children, special schools have been established in some provinces. However, due to shortage of financial resources, the government is not able to provide sufficient social services.

17. Even though Islam has given extraordinary importance to family, unfortunately some women are not treated fairly in the society. The traditional practices in the country have restricted women from benefiting their legitimate rights and access to the courts. Women's leaving their houses without the permission of their husbands is implied as recklessness. Male dominant traditions and customs are also among other elements that violate women's right to freely go out. Nevertheless, the government with the support of civil society organizations provides free access to attorneys and legal aid providers. Besides, the NGOs are implementing projects that have focus on legal consoling and legal aid in many provinces.

18. The death of more than 2 million people during the war has left behind around 5 million orphans behind and therefore has created a lot of difficulties. A big number of women and children were either killed during wars or left disabled and infected by different diseases. However, the exact data is not available in this regard. Overall, these all reasons resulted in low expectancy of 44 which is very low compared to other countries.

**(e) Economic structure**

19. The economy of Afghanistan is based on free market system. The government has always tried to create an efficient economic system in the country to respond to the needs of the Afghan society. To reach this goal, the government has supported the private sector and has established easing regulations and laws for national and international investors.

Table 1  
**Percentage of GNP, GDP and budget of Afghanistan between 2002 and 2009<sup>3</sup>**

2009	2008	2007	2006	2005	2004	2003	2002
Percentage of Improvement in National Productivity							
17.1	2.3	16.1	11.2	14.5	9.4	14.3	28.6
GDP in US dollars							
500	426	426	340	290	247	215	201
National Budget of the Government in Million Dollars							
	2 695.0	2 626.9	2 146.7	1 849.0	919.0	637.0	346.4

<sup>3</sup> Primary report of the Republic of Afghanistan to children's rights, Ministry of Foreign Affairs, 1388, p. 3.

**Table 2**  
**Division of Budget and Net & Gross National Productivity 1381-1387**  
**(2002-2009)**

<i>Indicators</i>	<i>Years</i>						
	<i>1381</i>	<i>1382</i>	<i>1383</i>	<i>1384</i>	<i>1385</i>	<i>1386</i>	<i>1387</i>
Total Budget							
(Million Afghanis)	15 514.0	31 427.0	40 088.9	91 385.1	106 925.0	130 608.0	186 207.3
Ordinary Budget							
(Million Afghanis)	15 514.0	21 972.0	26 701.0	32 882.2	40 346.2	53 600.0	73 829.5
Development Budget							
(Million Afghanis)	0	9 455.0	13 387.9	58 502.9	66 578.8	77008.0	112 377.0
Development and Private Economic Sector							
(Million Afghanis)				686.9	1 006.4	1 050.2	1 315.6
National Gross Productivity based on current price							
(Million Afghanis)	196 576	233 363	272 707	338 541	407 673	505 630	542 167
National Gross Productivity based on stable price							
(Million Afghanis)	196 576	224 723	245 936	281 633	313 139	363 798	372 109

20. Agriculture, trade, services and small industries form the most important economic sectors in Afghanistan. Agriculture provides 47% of the country's income which is considered to be the most important source of income for 80% of the population. 27% of the people do business and 23% of the people are busy in livestock sector. Out of each 20 families, the source of income of one family is provided through their relatives outside the country or through handcrafts. For 58% of urban citizens, trading is the main source of income. 74% of nomads work in livestock and 29% of them are busy with other activities. 19% of urban families, 7% of nomads, and 5% of urban citizens have at least one family member living outside the country. Small loans system is one of the other income sources for the people. List of those organizations which give loan to small and medium enterprises are listed in table 2 of the Annex 1.

21. Around 36% of the total population lives in total poverty which means 9 million Afghans are not able to get access to their most basic needs. The highest level of poverty is seen among the nomads, following them the rural residents and finally the urban citizens. Families that are headed by women are also poor. In general, about 8 million people in Afghanistan are employed, among whom 5.3 million are men and the rest are women. The General Survey on Current Enterprises of Afghanistan showed that 8% of the enterprises in 2008 in 17 provinces are owned by women. Generally, 46.8% of the workers in the medium enterprises sector are women. This shows a good gender balance.

## **Chapter two: Information on the implementation of the Convention**

22. The provisions of the Convention are embedded in the laws, regulations and policies in the country. The Constitution, the Law on Elimination of Violence against Women (LEVAW), the Political Parties Law, Social Organizations Law, Demonstration Law, Media Law, Labor Law, Election Law, Defense Lawyers Law, Legal Aid Law, Juveniles' Misconduct Law, NAPWA, Afghanistan National Development Strategy (ANDS) and other policies and laws have considered CEDAW provisions in relevant sections and have designed a practical framework for its implementation.

23. Since ratification of CEDAW in 2003, the GoA has obligated itself for implementation of it and has endeavoured necessary measures in this regard. Establishing specific entities for improvement of women's rights, ratifying laws that directly affect women's rights, ratification of work plans that consider different areas of Afghan women's lives and amendment of those laws that violate women's rights have been done as part of implementation of this Convention in recent years.

### **Constitutional, Legal and Administrative Framework**

#### **A. Constitutional and Legal Framework**

24. After consulting with different social groups particularly women, the Afghan Constitution was drafted, at which maximum efforts were exerted to explicitly crystallize women's rights. The Constitution was ratified after 20 days of discussions in early 2004. The articles of the Constitution refer to human rights as the following:

- i. In the preface of the Constitution, compliance to the United Nations Charter and respect to the Universal Human Rights Declaration is approved and the ratification of the Constitution is deemed to create a civil society devoid of tyranny, autarchy, discrimination and violence where lawfulness, social justice, human rights and dignity, and basic rights and freedoms of people are protected.
- ii. Article 4 forbids deprivation of the Afghan citizen from the right of nationality.
- iii. Article 6 obligates the government to establish a leisured and developed society on the basis of social justice, preservation of human dignity, support of human rights, realization of democracy, equality among all ethnic groups and tribes and balanced development in all areas of the country.
- iv. According to article 7, the government has the obligation to comply with UN Charter, international treaties, conventions to which Afghanistan is a party and Universal Declaration of Human Rights.
- v. Article 14 states GoA shall provide houses and distribute public properties to the needy citizens based on the financial resources of the government.
- vi. Article 16 states that publications in the media in all prevalent languages of the country are free and the government must develop all languages spoken in Afghanistan.
- vii. Article 17 obligates the government to improve education in all levels.

viii. Article 22 forbids all forms of discrimination and distinction among the citizens of Afghanistan. Likewise, all nationals of Afghanistan, both men and women are treated equally before the law and have equal rights and obligations.

ix. Article 23 states that life is the gift of God and a natural right and no one can be deprived of this right without a legal justification.

x. According to article 24, freedom is a natural right of every human. This right has no other limit but the rights of others and the public welfare. This article also protects the freedom and dignity of humans from invasion.

xi. Articles 25 to 31 are on criminal issues and in addition to considering presumption of innocence as a primary state; it has called crime a personal act. The process of prosecution, arrest and punishment must be done on the basis of law. Deprivation from nationality or sending humans on exile inside or outside the country as a punishment is forbidden. These articles also state that torture, torment and other punishments that are against human dignity are forbidden. Every person has the right to have a lawyer for defending her/himself against the charge and in case of not having financial ability, the government will support them.

xii. Article 33 gives the citizens the right to vote and to be elected.

xiii. Article 34 protects freedom of expression.

xiv. According to Article 35, establishing unions and political parties is the right of all citizens.

xv. Article 36 gives the people of Afghanistan the right to hold peaceful demonstrations.

xvi. Articles 37 and 38 preserve privacy of correspondence and habitation.

xvii. Article 39 gives the citizens the right to travel inside or outside the country and obligates the government to provide support to the citizens outside the country.

xviii. Article 40 says the property is immune from invasion.

xix. Articles 43 to 47 state that education is the right of all citizens and education up to bachelor level is free of charge. In addition, secondary school education is considered mandatory and the government must establish balance in and improve education for, women and nomads and eliminate illiteracy. The government also supports the cultural activities.

xx. Article 48 gives all the citizens the right to employment. Article 49 forbids forced labour and imposition of employment on children. Article 50 forbids all forms of discrimination in recruiting government employees.

xxi. Article 52 obligates the government to provide the prevention and treatment tools to the citizens free of charge. In addition, according to Article 53, the government will provide financial support to the survivors of martyrs and lost and will economically empower the disabled and affected. Furthermore, the government grants the pension of the retired and provides the needed support for the elders, homeless women, disabled people, and the poor orphans.

- xxii. According to article 54, family is the base of the society and the government has the responsibility to protect families both physically and spiritually and also protect mothers and infants.
- xxiii. According to article 58, the government establishes Afghanistan Independent Human Rights Commission (AIHRC) for monitoring, protecting and improving human rights. This is where people can go and file their complaints on cases of violation of their human rights. This commission submits and follows up the complaints in the relevant entities.
- xxiv. Articles 83 and 84 determine a specific quota for women in the country's parliament.

**Enactment and Amendments of Laws and Policies:**

25. The Taliban regime had set up numerous strict rules and regulations that restricted the rights and freedoms of all citizens particularly women. Nonetheless, the Interim Administration ruled out these restricting rules and regulations. In addition, a series of other laws were enacted that directly or indirectly affected the rights and freedoms of women. Following is a list of legislative documents that are directly or indirectly related to the rights of women and are enacted or amended in recent years:

1. The Constitution of Afghanistan
2. The Shia Personal Status Law
3. LEVAW
4. Education Law
5. Higher Education Law
6. Civil Servants Law
7. Labor Law
8. Police Law
9. Elections Law
10. Political Parties Law
11. Social Organizations Law
12. Prisons and Detention Centers Law
13. Regulations on Organization of Prisons and Detention Centers
14. Regulations on Legal Aid
15. Juveniles' Misconduct Law
16. The Law on the Rights of Disabled and Martyrs' descendants
17. Interim Criminal Procedural Code for Courts
18. Law on Structure and Authorities of AIHRC
19. Provincial Councils Law
20. Abduction and Trafficking Law

21. Regulations on Supporting and Empowering Child Nutrition through Breast Feeding

22. The president's decree on allocating budget for improving gender in Ministries

23. Dormitories regulation

24. Action Plan on Literacy

25. The National Program of Skills Development

26. Regulation on Scholarships and Education outside the Country

27. Regulation on Recruitment of Intellectuals and Professionals

28. Strategy on Children at Risk

Likewise, a number of laws were in force before establishment of Interim Government. They are still considered to be in force in case of compliance with the Constitution:

1. Penal Code

2. Civil Code

3. Nationality Law

4. Law on Structure and Authority of Judicial Courts

5. Insurance law

6. Civil Court Procedures

7. Regulation of Kindergartens and Nurseries

8. Law on Passport

9. Law on Rights Preservation

**Strategies and polices that relate to women established in the last eight years:**

1. Bonn Agreement

2. NAPWA

3. ANDS

4. Afghanistan Compact

5. Health and Nutrition Strategy

6. National Education Strategic Plan of Afghanistan

7. Higher Education Strategy

8. Agriculture and Rural Development Strategy

9. Strategy of the Social Protection

**LEVAW**

26. LEVAW came to force according to a legislative decree issued in 2009 and is cited in the courts regularly. Besides giving a definition of violence against women,

LEVAW has explicitly stated the indicators of violence. LEVAW also prohibits discrimination against women and has obligated different governmental organizations to use specific and effective measures towards eliminating discrimination against women. LEVAW has increased penalties for perpetrators of violence against women and has projected establishment of the High Commission on Elimination of Violence against Women.

### **The Law on Support to Family**

27. For more support to family, the draft of Family Support Law has been prepared and will be submitted to the National Assembly in the near future. MoWA, MoJ, the Supreme Court as well as civil society organizations have taken part in drafting this law.

### **Strategies and policies related to women's rights**

#### **Afghanistan National Development Strategy:**

28. ANDS (2009-2012) is a credible governmental document towards organizing the government development programmes for political, economic, social and security areas. 17000 people, nearly half of them women, in 34 provinces were directly consulted on the strategy. ANDS has identified specific goals and indicators in three basic pillars of security, governance, rule of law and human rights as well as social and economic development. The second pillar of the strategy insists upon human rights and gender equality as a cross-cutting issue. One of the main goals of the strategy is to develop gender equality in a way that women and men can enjoy equal security, rights and opportunities in all areas. The Cross Cutting Gender Strategy includes gender related issues stated in the Constitution, 15-year Development Goals in MDGs, Afghanistan Compact, Transitional National Development Strategy and international conventions such as CEDAW, Security Council resolution 1325 and Beijing Platform for Action.

29. The human rights and gender section of ANDS has identified three main specific goals:

- i. Implementation of 13 indicators of gender identified in Afghanistan Compact and 5-year priorities of NAPWA
- ii. Implementation of all commitments related to gender identified in each one of ANDS sectors
- iii. Improving of the basic capacity of ministries and governmental organizations for expanding gender equality

30. Cross Cutting Gender Strategy is following the below achievements:

- i. The governmental organizations welcome and implement policies, budget and different programs related to gender principles. Furthermore, more funds will be allocated to improve gender equality and the number of ministries with gender support mechanisms and gender experts will increase.
- ii. Improving the situation of women measured by these indicators: decrease in illiteracy level, increase in levels of women enrolled in educational organizations, women's control on their own income, equal salary for equal work for men and women, decrease in mother mortality rate, increase the

number of women in leading positions and the participation of women in all areas of life, creating more economic opportunities for women and access and control of women over their own income, access of women to the judicial system and decreasing women's vulnerability both inside and outside the family life.

iii. Increase in acceptance of gender equality in society by different means.

31. Implementing the Cross Cutting Gender Strategy is the duty of all governmental organizations in national and local levels; however, MOWA has the leading role in this area. Local authorities have to consider gender in their programs and conduct gender-sensitive monitoring.

32. The monitoring and controlling system of each ministry will take over the following tasks:

- i. Including the gender in terms of reference of the monitoring and evaluation unit and its head
- ii. Holding training programs on monitoring and gender sensitive reporting
- iii. Identifying important and sensitive indicators for gender
- iv. Collecting and processing separate information on women and men
- v. Highlighting the gender achievements in ministry and reports of sector
- vi. Conducting a survey for the basic information for carrying out monitoring

33. According to ANDS, statistics on gender is prepared and renewed annually and is available for use of strategic beneficiaries. This evaluation reflects achievements, correction in differences and leakages related to gender. National evaluation of scale of risks and vulnerability will also be endorsed to find access to gender related information. A mid-term evaluation was done in year 1387 (2008) and another evaluation in this regard will be conducted in 1390. The results of these evaluations will be used for future planning and updating NAPWA.

#### **National Action Work Plan for Women**

34. NAPWA was prepared after multiple talks and meetings with ministries, NGOs and the international community. NAPWA has been prepared according to the needs; challenges and problems women have faced during and after war. NAPWA is a ten year plan starting in 2008 and ending in 2018. This document was formally approved as an official document in the London Conference in 2010 based on which GoA has the responsibility to implement it. In addition, with the support of the international community, the government should take more widespread measures in regard to women. NAPWA is part of the efforts of the government towards implementing its commitments towards women in a systematic, continuous and coordinated manner. The main goal of this work plan is to combine long and short term plans so that the government and its counterparts follow up on those plans for the betterment of women's situation. It is worth mentioning that NAPWA is the common responsibility of all sections, organizations and individuals who should include issues and concerns on social gender equality in all work areas of the government which contains policies, budget, programs, service projects and activities as well as recruitment, training, promotion, and appointment of privileges and opportunities. The goal of NAPWA is to endorse women and gender equality which is based on three principles of ANDS

which are security, governance, rule of law and human rights, and social and economic development.

### **National Strategy on Judicial Sector**

35. This strategy is emphasizing on provision of legal aid to both men and women. Furthermore, it stresses on capacity development of employees in the judicial sector and ensuring women presence in all levels. Provision of the maximum resources for women at the courts and during investigation, custody of women according to international human rights norms, gender balance in recruitment of men and women and protection of victims of abuses of sexual abuses are other issues predicted in this strategy. In addition, the strategy emphasizes on public awareness on women's rights, consideration of women's rights in informal justice strategy and legislations.

### **Administrative Framework for Implementation of the Convention**

#### **MoWA:**

36. Establishment of MoWA was one of the first measures taken by the Interim Administration to eliminate discrimination against women and to improve work capacity and leadership of women. In last 8 years, 4 women have worked in MoWA as the minister. In general, MoWA is working to protect women rights and is considered a policy making entity on women and gender issues. Provincial Directorates of MoWA buildings in 22 provinces, the buildings in 5 provinces are under construction and buildings will be constructed in 4 other provinces in 2011.

Table 3

#### **Composition of MoWA's Employees from 2006 to 2009**

<i>Year</i>	<i>Men Employees</i>	<i>Women Employees</i>	<i>Men Worker</i>	<i>Women Workers</i>
2006	378	245	135	116
2007	251	261	160	91
2008	202	421	151	100
2009	208	415	73	214
2010	201	422		

37. As part of its major tasks, MoWA has made efforts towards inclusion of social gender equality, focus on capacity development and leadership of women, increase the access of women to health-care services, improve legal and economic situation of women, assist the vulnerable women, participation of women in political and social affairs and implementation of positive action policy in administrative reform program.

38. Since establishment 8 years ago, MoWA has implemented a number of social, political and economic programs with the help of the society and international community. The summary of those activities can be found in paragraph 82.

#### **Gender Units in Ministries:**

39. To oversee the implementation of NAPWA and gender strategy of ANDS, NAPWA asks for establishment of gender unit in each ministry. These units also monitor equal treatment of women during the recruitment process of civil servants. So

far, 14 of 25 ministries have the gender unit established and the other ministries will establish these units soon.

#### **Tri-tier Courts of the GoA:**

40. The courts of GoA are from the main implementers of law, particularly LEVAW. In case of violation of human rights, the victims can refer to judicial organs such as courts and ask for the punishment of the violators of human rights. Courts refer to LEVAW in their rulings.

#### **AIHRC**

41. AIHRC was established based on the Bonn Agreement; article 58 of the Constitution insists on its existence. If the governmental organizations do not follow up the cases of human rights violations or individuals' human rights are violated, people can refer to AIHRC and ask for a follow up on the issue. Moreover, AIHRC conducts research on the cases of human rights violation and provides the government and the public with the information. The Commission also has specific awareness programs on human rights, particularly women. AIHRC has planned a four-year program for years 2010-2013 which aims to support and monitor human rights of women and men in the country. AIHRC has five strategic goals for implementing its activities which are listed below:

- i. Strengthen the leadership role of authorities and employees of the Commission including women,
- ii. Training on human rights to people including women,
- iii. Empower people and organizations including women and women's organizations
- iv. Advocacy on human rights including women's rights
- v. Receive complaints of people including women and considering the received complaints

#### **Prosecution Office on Elimination of Violence against Women:**

42. This entity is established in the Attorney General Office to support the activities related to investigation, prosecution and conviction of the perpetrators of crimes against women. It also builds relationships with organizations and lawyers dealing with victims of violence, and asks for their support. Prosecution Office on Elimination of Violence against Women also bears the responsibility to investigate and control rape and runaways cases. In 2010, 17 professional and 5 administrative staff has worked in this office.

#### **The High Commission on Elimination of Violence against Woman:**

43. This Commission was created according to Presidential Decree No 1039 in June 2005. It identifies all forms of violence against women and works towards eliminating them with the support of relevant organizations. As part of its achievements, this organization has prepared its 5-year strategy and has conducted study trips and seminars on child and forced marriages which lead to the endorsement of prohibition of the Eradication of Child and Forced Marriage Protocol. In addition, the establishment of provincial offices of the commissions and creation of a monitoring

strategy in the country were other achievements of this commission. The Commission which is also endorsed in LEVAW is presided by the Minister of MoWA and holds meetings with participation of high officials of Attorney's General Office, Ministries of Interior, Justice, Public Health, Information and Culture, Education, Higher Education, Labor and Social Affairs and Hajj, AIHRC, President of Family Court of Kabul and President of Independent Bar Association. This Commission has reviewed 3299 cases of violence against women, land and other properties, theft and others in Kabul and 2920 cases in provinces and has instructed the responsible organizations to implement the decisions of the Commission.

**Family Cases Units in Police Stations:**

44. Under the leadership of Directorate of Anti-crimes of MoI, these units are established in 33 provincial police stations and their districts. The terms of reference of these units is recently prepared by Directorate of Gender and Human Rights of MoI in accordance to article 13 of LEVAW and distributed to all units. They are authorized to register and discuss the family violence cases including rape, force and child marriages. There are signs which indicate positive impacts on cases of violence against women. However, a number of restrictions exist such as shortage of policewomen, shortage of trainings and instructions, lack of separate places for policewomen and low awareness of related organizations in regard to this program.<sup>4</sup>

**Commission on Elimination of Sexual Abuse of Children and Women:**

45. After the media reported 18 cases of rape during April 2008, the President established the Commission which is led by the Vice President. The members of the commission are the Ministers of Interior Affairs, Justice, Women's Affairs, Public Health, Education, Information and Culture, Hajj and Labor and Social Affairs, a member of Supreme Court, president of the primary court for children, Attorney General, head of family court, Chairman of AIHRC, the authoritative representative of CPAN, head of Children's Rehabilitation Center, Chairman of Afghanistan's Red Crescent, the advisor of the President on Child affairs and 5 to 7 members from children's rights advocacy group of AWN. This Commission has the task of advising the relevant organizations in terms of fighting against women's and children's sexual abuse and demanding information and report from them. The Commission also refers the cases of sexual abuse to responsible organizations and works on public awareness around women rights.

**Other General Mechanisms on Supporting Human Rights**

46. The Independent Commission on Supervision on Implementation of the Constitution: This entity has the mandate to monitor the implementation of the provisions of the Constitution and report the violation of the Constitution to the President.

47. The Independent Election Commission and Electoral Complaints Commission: These two organizations protect people's rights to vote and get elected.

48. National Assembly: The National Assembly has the task of legislation and monitoring on law enforcement. In case of violation of human rights, the commissions

---

<sup>4</sup> Human Rights Watch, We Have the Promises of the World, Dec. 2009, Page 65.

and plenary session of the National Assembly can question the relevant organizations, and if not satisfactory, Wolsi Jirga can give a vote of no-confidence to the ministers.

49. High Office of Oversight on Monitoring the Implementation of Anti-corruption Strategy: This office has a major role in supporting the rights of people towards eliminating corruption which has affected most of the people.

### **CHALLENGES IN FULL IMPLEMENTATION OF THE CONVENTION**

50. The most important challenge confronted by the implementation process is lack of security. In insecure areas, women cannot fully enjoy their rights. In addition, the unappealing customs and traditions are added to these restrictions. The government, however, has established a number of entities and ratified laws to eliminate such customs. Furthermore, to reduce the challenges in implementation and introduction of the Convention to the Afghan public, GoA, AIHRC, civil society organizations and organizations related to the United Nations have republished the text of CEDAW convention. For example, AIHRC and UNIFEM have published and distributed the text of the convention. MoFA has published CEDAW convention and also translated and published the text of the General Recommendations of the CEDAW Committee in Pashto and Dari.

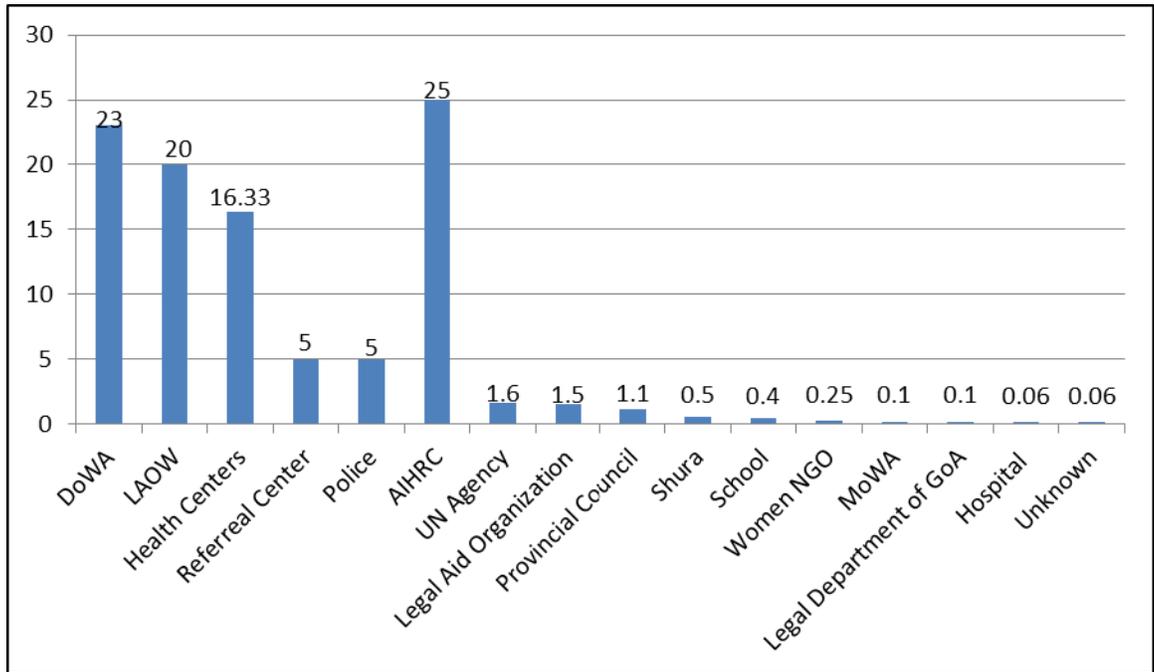
### **Status of Violence against Women**

51. Years of war and insecurity has spread the culture of violence in people's lives. The people have experienced physical, financial and mental violence. Armed disputes have increased mental and physical disorders in the country and physical and mental harms done to people have led to violence in families. Women and children have been most vulnerable to such violence.

52. Women in southern and eastern provinces are more subject to violence. In border areas, armed disputes and influence of Taliban are the main reasons behind increase of violence. Because of insecurity, the government is not able to provide sufficient health, educational and legal services in some areas. Besides, not many NGOs are active in insecure areas to provide services to the people. Therefore, victims of domestic violence have very limited access to legal remedies. As soon as the situation is getting better from the security point of view in those areas, the government institutions start to provide services.

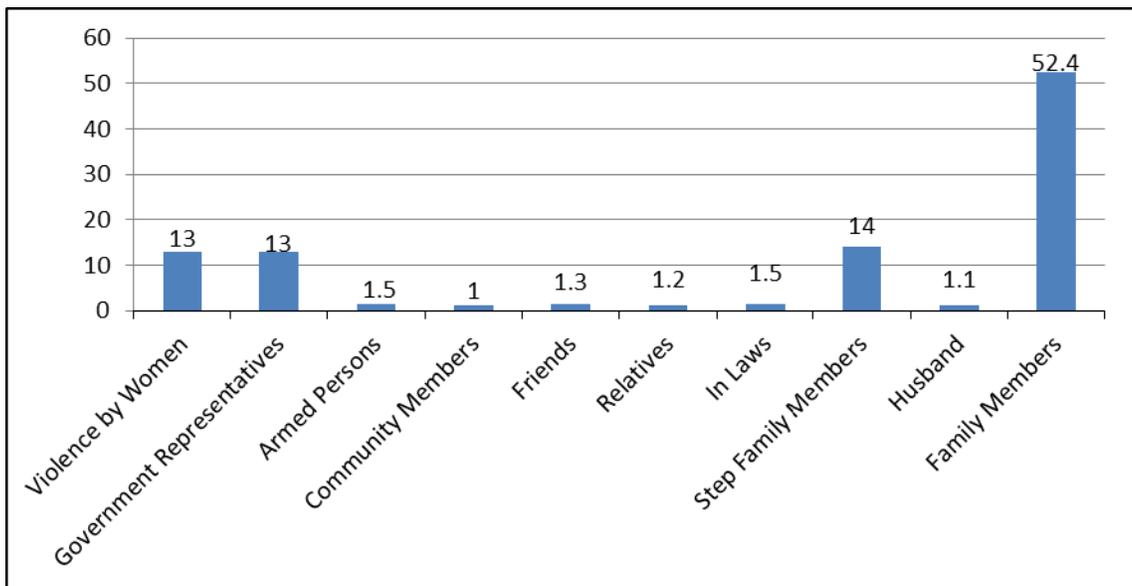
53. Various entities such as DoWAs, police, AIHRC, legal aid organizations, hospitals, prosecution offices and a number of other organizations record the cases of violence. A special mechanism for recording of violence cases is recently developed by MoWA and MoPH. From October 2006 to mid 2009, MoWA has processed 12038 cases. Kabul has 20% of the registered cases. Due to sensitivity of the issue, a large number of women victims of violence do not wish to register their cases.

**Graph 1**  
**Organizations in which Cases of Violence against Women are registered**



(Source: Violence against Women Primary Database (VAWPD), 2006 to 2009, MoWA)

**Graph 2**  
**Relationship of Perpetrators with the Victims of Violence Against Women In Percentage**



(Source: VAWPD, 2006 to 2009, MoWA)

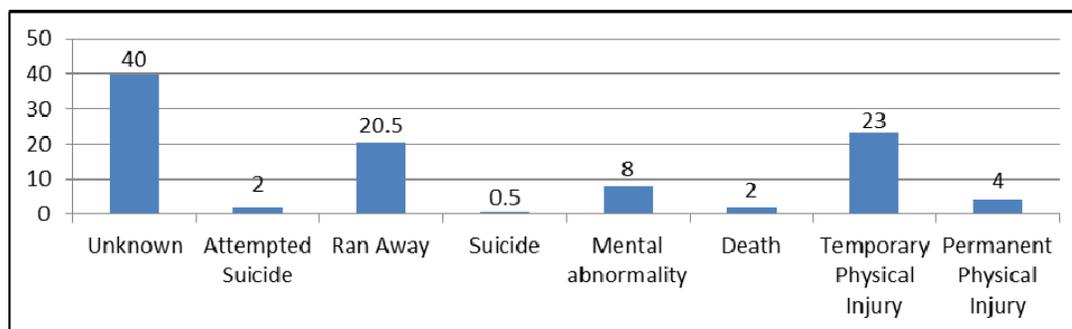
54. AIHRC has announced 6.7% of the marriages are forced marriages. Based on another survey by Global Rights, force marriage has great impact on the level of violence in the families. This survey shows 63.8% of the women who were forced to get married are facing physical violence, while 36.5% of those who were not forced to get married face such violence. Furthermore, 21.6% of women under forced marriage face sexual violence, while 10.6% of other women are exposed to this type of violence. The definition of the forced major in international conventions includes all those marriages that one party to the marriage does not have consent. Based on this definition, the underage marriage is considered as force marriage. Likewise the marriages of widowed without their consent and the marriage in which the girl is given as BAD are considered forced marriage.

55. The traditions which end to child or force marriages such as BAD (giving girls as blood price), BADAL (marriage of one boy and one girl with another girl and boy from the other family respectively) and exchange of girls for money, properties, land or loans do exist in the country. Afghanistan Human Development Report (2007) shows in many marriages, the girls are under 16 to 6 years old and some of the marriages are done without consent of the girls and boys. Most of these marriages prevent girls from their civil rights such as education. The wrong interpretations from Sharia and imposing it on women in most parts of the country has resulted in polygamy without considering the legal requirements, force marriage of under-age girls and force marriage of widows with the family members of their deceased husband.

56. Based on the above mentioned Global Rights survey which was conducted with participation of 4700 persons in 16 provinces, the sexual violence is higher in rural areas than the urban areas. 84.9% of rural women have experienced at least one type of physical, psychological or sexual violence; this percentage is 69.4% based on this survey.

57. The severe depression or mental diseases have been the main reasons for women's suicide which is unfortunately on rise. In 2010, the President's Adviser on Health Affairs stated that 28% of women which makes around two million people have severe depression. In a research in which the Adviser was involved, it indicated that around 2300 Afghan girls and women get suicide, including self-immolation, every year. VAWPD indicates that 20% of cases of violence against women end in ran away from home.

Graph 3  
**Outcome of Violence against Women**



(Source: VAWPD)

58. To protect the victims of family violence, MoPH has prepared a work plan which includes treatment, health advice and provision of psychological support. Based on this work plan, all health staff have the authority to include the treatment of victims of such violence cases in their daily working priority list.

59. AIHRC functions as the monitoring organization on the status of human rights and has monitored and recorded cases of self-immolation. Most of self-immolation cases have taken place in Herat and central provinces.

Table 4  
**The number of self-immolation cases from 2005 to 2010**

<i>Year</i>	<i>Number of Self-immolation Cases by Women</i>
2005	119
2006	106
2007	165
2008	84
2009	119
2010 (First 3 months)	33

(Source: AIHRC)

60. Self-immolation of women in the country is due to various reasons; each case has its own motives. Medica Mondiale organization, as a result of a research which was conducted in three provinces of Afghanistan in 2006 and 2007, concludes that 29% of self-immolations are caused by forced marriages, 40% by misbehavior of husband and his relatives, and 30% by marriage during childhood or a mix of these reasons. Despite this, unappealing traditions and customs, domestic violence, insecurity, sexual harassment of women, husband's addiction, enforcement of illicit acts and demands of the husband's relatives, family restrictions, age difference between husband and wife, absence of husband, immigration and its cultural effects, stress and mental torture and mental stress caused by poverty are all among the reasons which lead to self-immolation of women. Immigration and unappealing traditions brought from other countries cannot be avoided either. Based on research conducted, most of self-immolations are committed in cities in which people have travelled outside the country during the years of war and have brought the culture of self-immolation with them in return.

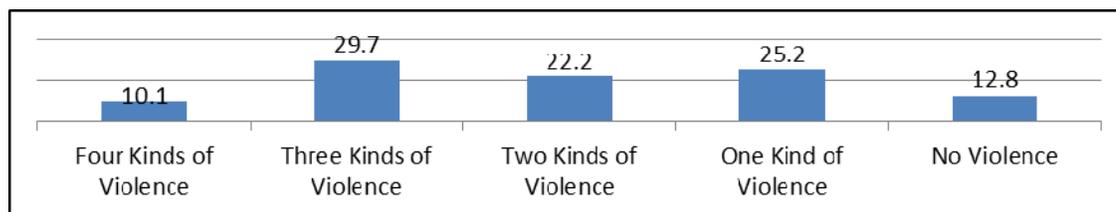
Table 5  
**Causes of self-immolation based on the answers of the participants (Medica Mondiale, 2006-2007)**

<i>Causes</i>	<i>Percentage of the participants</i>
Violence against women	23
Poverty	18
Not tolerating women	17
Women's Rights	15
The Media Effect	11

<i>Causes</i>	<i>Percentage of the participants</i>
External Effects	6
Unawareness on prohibition of self immolation in Islam	6
Illiteracy	4

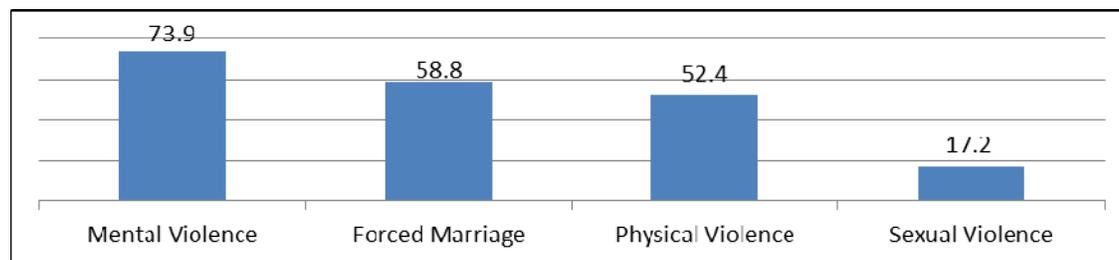
61. Understanding that self-immolation is a serious problem in the Afghan society, both GoA and the civil society have conducted various measures to fight against this phenomenon. Awareness programs on the consequences of self-immolation are vastly published in governmental and private media. In addition, a prosecution office particularly to deal with domestic violence has been established to respond to the complaints regarding domestic violence. MoPH and international organizations working in health sector have built a number of hospitals all over the country so that the victims of self-immolation who are mostly women are taken care properly. In general, there are 117 hospitals which treat the victims of self-immolation as well; however, some provinces like Herat have independent immolation hospitals. Besides, religious leaders have been requested to inform people on the prohibition of this act in Islam. Victims receive legal counselling and legal support. Meanwhile, LEVAW imposes excessive sanctions on people who cause self-immolation of women.

Graph 4  
Percentage of Each Type of Violence against Women



(Source: Survey conducted in 2006 by Global Rights in which 4700 members of families in 16 provinces took part).

Graph 5  
Percentage of Women Suffering from Violence



(Source: Global Rights Survey)

Table 6  
**Different types of violence against women in 2008 (AIHRC)**

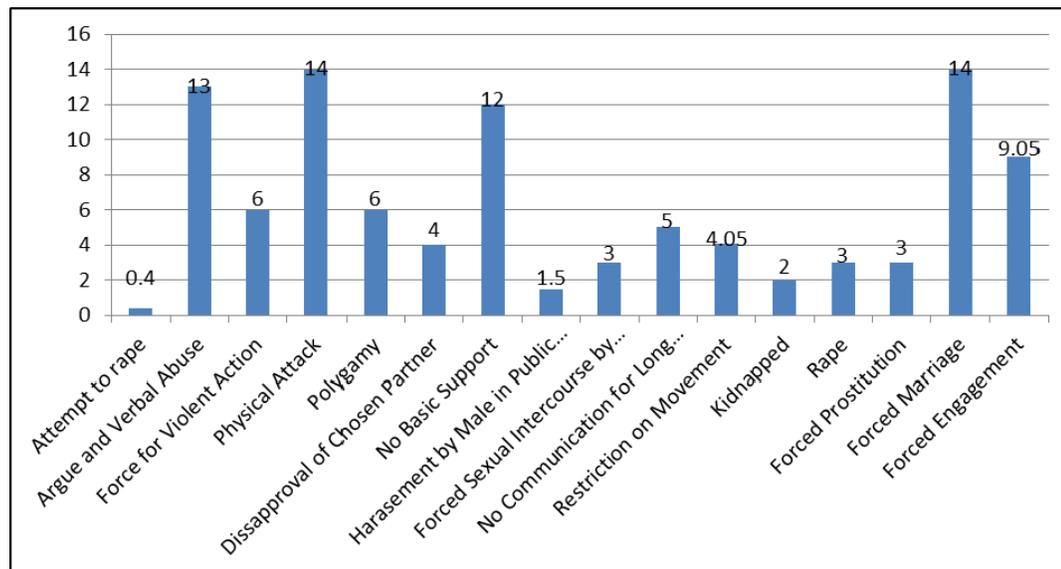
<i>Type of Violence</i>	<i>Total</i>	<i>Type of violence</i>	<i>Total</i>
Self-immolation	84	Abortion	193
Suicide	33	Not paying alimony	211
Eating Opium	171	Expulsion from home	25
Attempts to kill	12	Forbidding from social activism	37
Honor killing	96	Taking away of property	21
Beating	1 542	Violence Cases Which Resulted in Demanding for separation	66
Exchanging (BADAL)	33	Rape	80
Forced marriage	174	Running away from home	174
<b>Total</b>			<b>2 947</b>

62. MoI has also stated cases of violence against women in 2009/2010 as below. All the cases below are analyzed by the police and referred to legal organizations:

Table 7  
**Different types of violence against women in 2009/2010 (MoI)**

<i>Type of Incident</i>	<i>Number of Incident</i>	<i>Female Vulnerable</i>			<i>Suspects Arrested</i>
		<i>Woman</i>	<i>Girl</i>	<i>Total</i>	
Rape	71	43	28	71	95
Murder	230	179	19	198	259
Kidnap	70	38	0	38	90
Physical Violence	131	106	25	131	163
Human Trafficking	0	0	0	0	0
Self-Immolation	72	59	0	59	22

Graph 6  
Nature of Cases of Violence against from 2006 to 2009



(Source: VAWPD)

63. One of the most important reasons behind violence against women is vast illiteracy among Afghan women and men. Lack of awareness on the rights of men and women, unappealing customs and unemployment are the other reasons. Normally, poor families confront more violence. In the survey conducted by Global Rights, 46.6% of women have said the main reason behind violence against them is poverty. However, by creating more opportunities to women in educational organizations and employment sector, the level of violence has decreased gradually.

## Chapter three: Articles one to sixteen

### Article one: Definition of discrimination

64. The definition of discrimination in CEDAW Convention is “any distinction, exclusion or restriction made on the basis of sex which has the effect on purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Although a clear definition like this does not exist in the Constitution or the laws of Afghanistan, the examples and indicators of this definition are all condemned in the laws of the country. Article 22 of the Constitution forbids all kinds of discrimination among the citizens of Afghanistan, whether men or women. In addition, article 50 forbids any discrimination based on sex in recruitment. Article 9 of Labor Law forbids any type of discrimination in recruitment, payment of salary and benefits, choice of job, profession, skill and expertise, education right and social benefits. Based on the second paragraph of this article, women have special privileges during pregnancy. Article 3 of Education Law also states that “citizens of Afghanistan have the right to education without any discrimination.”

65. Envisage of different kinds of human rights in the Constitution of Afghanistan itself projects the fight against discrimination and efforts towards the equality of citizens. The preface of the Constitution talks about the formation of a civil society devoid of injustice, discrimination and a society ruled by lawfulness, social justice, preservation of human rights and munificence, freedom and basic rights of people. It also obligates the government to develop and conduct different economic, social and cultural programs without any kind of discrimination.

66. Although it has not defined discrimination, LEVAW is defining the concept of violence and has enlisted all acts that lead to violence against women. Article 3 defines violence against women as such: “includes all the acts that cause harm to the personality, body, property or spirit of women.” This is a general definition of violence which focuses on physical, spiritual and material violence.

67. To prevent obscurity and multiple interpretations of violence against women, the conducts that are considered as violence are clearly indicated in the law. Article 5 of LEVAW indicates the following as violence against women:

- Rape
- Force for prostitution
- Record the identity of victims of crimes and publishing them for the purpose of hurting their personality
- Burning or using chemical or poisonous material against the victims
- Force women to self immolation or suicide or using harmful material on them
- Injuring or disabling
- Beating
- Buying and selling of women for the purpose of marriage,
- Giving girls as blood price (BAD)
- Forced marriage\
- Restriction of marriage right or the right to choose their spouse
- Wedlock before legal age
- Cursing, threatening, harassing, and harming women
- Forced isolation
- Force women to addiction
- Forbidding occupancy of heritage and personal property
- Restrict women from the rights of education, employment and access to health services
- Forced labor
- Marrying more than one woman with disregarding legal provisions
- Disclaimer of imminence

68. All other laws including the Penal Code, Civil Code, Labor Law, and the Civil Servants Law have the principle of no-discrimination principle. National strategies

and policies have also been created considering the no-discrimination principle and have particular measures for elimination of discrimination between men and women.

**Article two: Condemnation of discrimination and remedial measures**

69. The Constitution has accepted the “No Discrimination Principle” and confirms the equality of all Afghan citizens before the law. Besides, MoWA not only condemns any discrimination against women, it also supports the victims of violence. Establishment of AIHRC was also for implementation of international human rights instruments and elimination of discrimination against the citizens, particularly women.

70. High rank authorities of GoA, including the president, ministers, members of the National Assembly and the Judicial Branch have consistently condemned discrimination against women. Understanding the concerns regarding armed attacks on girls and boys schools and prevention of women’s employment, GoA asked for passing a resolution by the Human Rights Council. This council condemns attacking schools through its resolution No 14/15 on 28 June 2010. The Shora-e-Ulema (Clerics Council), consisted of the most profound religious scholars, has also insisted on condemnation of discrimination against women in its resolutions.

71. The laws, regulations, strategies and policies reject any discrimination; they also have determined a minimum quota for women in electoral entities such as National Assembly and Provincial Councils so that women have practical roles in political and governmental organizations and can support eliminating discrimination against women.

72. Civil Society organizations in Afghanistan have used different measures to condemn and eliminate violence against women, among which are support in drafting the LEVAW, NAPWA, ANDS, draft of the Family Law and amendment of the Shia Personal Status Law. The Civil Society organizations have also helped and advised some governmental organizations in recognizing and solving women’s issues. Campaigns have also been launched by them to decrease violence and discrimination against women in five provinces and to encourage women in political process of the country. Among them are the “We Can”, “50 Percent”, “5 Million Women”, “Justice for All” and “Peace Building” programs. Awareness programs have also been offered to people through seminars, workshops, symposiums and other programs for Mullahs, clergies, ethnic leaders and the public to inform them of human rights, laws and human rights conventions. Likewise, civil society organizations have established women’s radio stations; have prepared informative TV advertisements and round tables about women’s rights in Islam, published posters, brochures, newsletters and educational guidelines.

73. As the result of long years of war and lack of people’s adequate access to justice and legal organizations, informal justice has found a peculiar status among people. In villages and remote areas, ethnic and local councils (Shuras) have a major role in solving disputes among people. However, unfortunately these Shuras are mostly male dominant and women rarely attend these meetings. Since the members of these Shuras are not aware of laws of the country, the decisions are made based on traditional regulations where normally women are victims. Although the role of local Shuras are not recognized officially as a mechanism according to the laws of Afghanistan and there are no existing mechanisms in this regard, MoJ is working to

form a mechanism in this regard through forming the Law On Peace Jirgas. The new mechanism will help legalize Jirga's and limit them to the commands of Law.

74. The inconspicuous presence of women seen as ministers, deputy ministers or directors and less female university students is due to social factors and GoA is working on eliminating them. In fact, the systematic discrimination against women that existed during the Taliban regime was eliminated as the Interim Administration was formed in 2001. The Bonn Agreement clearly prohibited violence against all the citizens of Afghanistan. GoA nullified all laws and regulations that discriminated women and some others were amended.

75. According to the Penal Code, the age for penal responsibility for both men and women is 18. However, the law has been lenient to women in enforcement of some punishments. For example, if a woman is pregnant or is breastfeeding a child and she receives a death sentence, her execution will be postponed till she raises her child.

76. There are two types of crime and punishment in Islamic Sharia: Hodood crimes and Tazeer (discretionary punishment). Hodood crimes refer to those crimes defined by the Islamic Sharia with fixed punishments and include adultery, drinking alcohol, brigandage, theft and qazf (to wrongfully accuse a chaste Muslim man or chaste Muslim woman of adultery or homosexuality). If a Hodood crime is proved, the judge shall punish the offender based upon the Sharia law. When the Hodood crimes are not proved, then the crime would be considered as Tazeer and shall be punished as defined by the country's respective law. Hodood and Tazeer shall be enforced equally for men and women, but with lenient punishments for women.

77. The laws of Afghanistan have strict penal commands to punish the perpetrators of crimes against women so that women are more supported. For example, LEVAW has increased the punishment of rape to 20 years of imprisonment. If the victim dies, the perpetrator will be sentenced to death.

78. MoWA, MoI, MoJ, courts, attorney offices and other law implementing organs follow on the rape cases. Based on MoWA's proposal, the President does not forgive or decrease the punishment of those who committed rape. Likewise, the victims of those crimes will receive governmental support. The Commission on Sexual and Rape Crimes is also established for this purpose.

79. Abortion is prohibited under the penal laws of Afghanistan. The prohibition is to protect pregnant women and to save the lives of the children and mothers. Despite this, Article 404 of Penal Code states that if abortion is done by a doctor, surgeon, pharmacist or a midwife only to save the life of mother, there will be no punishments.

80. The courts of the country set no limits for women to take part in justice establishments and courts and express their opinions as experts. However there are few female experts in the related fields and only a few are chosen as experts in penal, civil and economic affairs.

### **Article three: Implementation of the Convention through all available means**

81. Among 60 participants in Bonn Conference, where a national government for Afghanistan was profound, 6 were women. After Bonn Conference, Afghan women have attended other conferences on Afghanistan around the world. Although the

number of women has been lower than the number of men participating in these conferences. This can be mainly due to the fact that there are few women in the leadership level of the country.

82. GoA has established MoWA to better implement the CEDAW convention. MoWA considers the equality of gender in all areas and has placed the three UN slogans of peace, development and equality as the core of its activities. The goals and purposes of MoWA can be summarized as the following: a) capacity development of governmental organizations to implement NAPWA in the process of policy making, planning, program development, budgeting, implementation, monitoring, reporting and evaluation; b) Improvement the data base system and provision of technical resources for following up on gender equality goals by government and its partners; c) public awareness on gender equality as a tool for reaching to a developed and peaceful Afghanistan; d) establishment of effective mechanisms for monitoring the implementation of NAPWA in government and non-governmental organizations. Implementation of these should occur in the national and local level. MoWA has the following duties to fulfil those goals:

- Development of capacity of governmental departments to accelerate implementation of NAPWA,
- Training gender to civil servants,
- Piloting gender inclusion in policies and programs,
- Research and making policies,
- Establishment of a macro-mechanism for evaluation and monitoring,
- Encouraging governmental organizations for implementation of development plans for improvement of women’s conditions based on ANDS and NAPWA,
- Monitoring the implementation of NAPWA in governmental organizations,
- Collection of information, data and statistics for design of developmental plans for women,
- Inclusion of gender in programs, policies and budget of organizations

83. The total budget for 1389 (2009-2010) of the whole government is USD 4,443,213,268 out of which USD 5,642,000 is allocated for MoWA.<sup>5</sup> In 1389 (2010), MoWA had 623 staff, 422 of whom were women. From the time of establishment, MoWA has carried out widespread activities in social, economic, political, and cultural fields with the help of international society and civil society organizations which are mentioned as follows:

1. Preparation of NAPWA
2. Implementing pilot projects of NAPWA (policy of equal access of women to public transportation, implementing policy of positive discrimination by IARCSC to increase participation of women in civil service up to 30%, women’s participation in religious and cultural activities by the Ministry of Hajj and Ministry of Information and Culture, providing the policy for inclusion of girls in schools and policy for providing poor)

<sup>5</sup> Ministry of Finance, *National Budget of 1389*, p 3 and 27.

3. Supporting the amendment of civil and penal laws for benefit of women,
4. Drafting the text of LEVAW
5. Establishment of supporting centers for displaced women from their families
6. Establishment of Commission on Elimination of Violence against Women and its 5 year strategy,
7. Finalizing the policy for improvement of access of imprisoned women to justice
8. Preparing the protocol to prevent forced and child marriages
9. Sending female civil servants to short term training courses abroad
10. Holding workshops and seminars per year to increase capacity building for women
11. Holding literacy and skill development courses with the support of Deputy Ministry of Literacy and national and international institutions
12. Construction of female gardens and training centers in 15 provinces,
13. Establishment of MoWA's departments in 27 provinces,
14. Conducting research and surveys on women with chronic poverty in 5 province and absorbing international support to decrease women's poverty
15. Establishment of the first National Council of Women
16. Publishing the statistics book of women and men in Dari, Pashto and English
17. Establishment of Gender Units in 14 ministries
18. Revision of 36 strategies of ministries and 16 sector strategies of ANDS to include social gender equality
19. Providing key messages for religious scholars to increase people's awareness growth on accepted rights of women
20. Establishment of the first National Conference of woman entrepreneurs
21. Holding national conferences on prevention of violence and disadvantages of forced marriages
22. Holding the first regional conference on 'Women from the Perspective of Quran'
23. Establishment of four soya bean factories administered by women
24. Holding the fourth technical committee of South Asian Association or Regional Cooperation (SAARC) on women and children
25. Membership in conferences of SAARC ministers, Islamic Conference Organization and Economic Cooperation Organization (ECO)
26. Leading the information bank of SAARC and introducing focal points for this organization,

27. Developing priority programs of MoWA for capacity development to accelerate implementation of NAPWA.

The future plans of MoWA are as the following:

1. To expand capacity and skills development programs for women all over the country,
  2. To build training centers, women gardens, and DoWA's in all provinces,
  3. To absorb the support of national and international institutions to strengthen the programs related to women
  4. To strengthen women's participation in civil service
  5. To strengthen the role of NGOs in implementation of NAPWA
  6. To establish data bank on elite women
  7. To support the 30% appointment and inclusion of women in all levels of the government, nongovernmental administrations and private sector
  8. To establish a monitoring and policy making council to include social gender equality in government with the cooperation of governmental offices, Independent Directorate of Local Organs and funding organizations
  9. To strengthen political commitment and support in policy making and implementation of NAPWA
  10. To establish a technical resource center for inclusion of social gender equality
  11. To strengthen and support the political leadership of women
  12. To support and sensitize budget in regard to social gender equality
  13. To establish the Afghanistan Women Consultative Board
84. The women were increasingly involved in ratification of the new Constitution. 2 of the 8 members of the Drafting Committee were women and 7 of the 35 members of the Scrutiny Committee were also women. 20% of Constitutional Loya Jirga members were women, in contrast to Emergency Loya Jirga in which only 12% women were present. The latter council selected the Head of Transitional Authority.
85. Women are present in different unions such as the Lawyers and Experts Association and Female Lawyers Association. The trade sector, particularly in carpet weaving, sees more roles of women. Likewise, the women shopkeepers are increased.
86. AIHRC is working to eliminate discrimination against women which has established a special directorate to support women's rights and listen to complaints on violence against women. AIHRC collect the documents and witnesses and together with complaints, send them to related governmental organizations and follow up to ensure they are dully given consideration. The Commission also oversees the implementation of the Constitution, the laws and international treaties from human rights point of view. For legislation, amendment of laws and human rights obligations under international treaties, AIHRC advise the government and

the parliament on support to human rights and nullifying laws that are against international principles of human rights.<sup>6</sup>

87. Both houses of the National Assembly have commissions on women's affairs. Commission on Women's Affairs, Human Rights and Civil Society in Wolosi Jirga and Gender Commission and Civil Society in Mishrano Jirga discuss women's issues and implement monitoring programs in this area. Besides, women representatives of the first period of the National Assembly, along with other female politicians, established an organization named as Network of the Women of the Parliament in which more than 150 women representative of the Parliament and other women are members.

88. Afghan Red Crescent has served as a humanitarian and charitable foundation and organizes its support to people including widowed, the disabled, and descendants of the martyred. The Red Crescent activities includes humanitarian services such as training programs, vocational trainings, health-care trainings, providing food, accommodation and provision of health care and treatment necessities of those referring to these places to the extent possible. MoWA has passed a policy paper by the cabinet according to which underprivileged women, female beggars and those women with no financial support will be assisted. According to this policy, the Commission on Collecting the Beggars is established which collected about 2382 beggars from different parts of Kabul, 918 of whom were women from 2009 to September 2010. MoWA, by support of the Indian Government, has trained 1000 widowed and non-financially-supported women on how to process food elements, and how to do plantation and tailoring. There is also another project under process which is being assisted by the Italian Government aimed at supporting women.

89. A big number of organizations working in women related issues have made a network called the Afghan Women's Network (AWN). AWN covers 72 organizations and 3200 individual members. AWN, representing civil society, is a member in Steering Committee, Drafting Committee and other working groups of the reporting process to the CEDAW.

90. A number of centers have been established to defend women's rights during the past years. Some of these centers provide legal and family consultancy to women. Therefore, these organizations have trained attorneys so that the rights of the both sides of the litigation are better defended and supported in courts. These organizations also have an important role in raising public awareness on women's rights among people. Civil Society organizations have played an important role in drafting process of the Constitution, LEVAW, Family Law, Marriage Certificate, Law on Misconducts by Children, Elections Law, Social Organizations Law and other laws. These organizations have also had widespread activities in amending the discriminatory elements in Shia Personal Status Law. They have also been active in involving women in political, legal and election processes. These organizations also provide help and support to those women who have been separated from their families.

91. Since its establishment, the United Nations has fulfilled numerous development programs in Afghanistan, some of which have been focused on women. UNIFEM works with governmental and NGOs towards realization of women's

---

<sup>6</sup> Article 21, Law on Organization and Authorities of AIHRC.

rights. UNIFEM not only helps in the preparation of the initial and second periodic report of Afghanistan to CEDAW, but also has provided technical support to the NGOs to prepare their shadow report to CEDAW.

#### **Article four: Affirmative actions**

92. Considering the problems of women during years of conflict and their eliminated role during the Taliban regime, the Constitution in its article 44 makes the GoA responsible for “creating balance and developing education for women” and “ending illiteracy in the country” through “designing and implementing efficient programs”. In addition, recognizing the post-conflict situations, such as increase in the number of widows, the government is responsible “to help the elderly people, unsupported women, and people with disabilities and orphans according to the laws.”

93. To give a better share to women in the legislative branch, the Constitution and the Election Law has allocated a specific number of seats. Wolsi Jirga has 249 seats, and 2 women from each province, a total of 68, should be represented there. The women MPs will be elected among women candidates who got the most votes, although some men candidates might have more votes. Meshrano Jirga or the Senate has 102 members. One third of Senate members are appointed by the President, half of them should be women. One third of them are selected from provincial councils and one other third from the district councils of each province. Since the participation system is also implemented in the Provincial Council election, there is positive discrimination towards women in the Senate as well.

Table 8

#### **The Minimum Seats for Women in National Assembly and Status of Implementation**

<i>Wolsi Jirga</i>						
All Seats	Quota for each Province	Provinces	Women MPs in 1st Parliament		Women MPs in 2nd Parliament	
			No.	Percentage	No.	Percentage
249	2	34	68	27.3%	69	27.7%
<i>Meshrano Jirga</i>						
102		17	23	22.5%	27	26.7%

94. The participation of women in political area has risen dramatically. In 2001 Bonn Conference less 10% of negotiators were women, in 2002, women consisted 12% Emergency Loya Jirga which selected the Head of Transitional Government. In Constitutional Loya Jirga in 2004, 20% of participants were women. In the first election for Wolsi Jirga in 2005, 28% of seats were allocated to women. Likewise, women occupied 121 out of the minimum 124 allocated seats in 2005 election for provincial councils. In 2009 election for provincial councils, this number reached to 124 seats. Women also consisted 21% of members of Consultative Peace Council in spring of 2010.

95. NAPWA has a target of 30% women in governmental positions until the end of 2013. To reach this goal, the government will take steps towards positive

discrimination in employment, increasing number of female teachers, increasing capacity-building programs for women, emphasizing on women's education, providing educational scholarships for women and organizing awareness programs on the role of women in their communities. IARCSC is working to reach this goal in the employment process. In 2005, women's participation in the civil services departments was 25.9% and the percentage of women in decision making positions was 9%. MoWA and IARCSC have a joint experimental project in hand with the aim of raising women's participation in civil services departments to 30%. The objective of this project is to carry out a broad analysis on women's situation in civil services, implement experimented activities to improve women's situation and to support and monitor the work of the project. In addition, in IARCSC a Gender Unit has established to supervise and assist the implementing of this project.

96. NAPWA and ANDS have established a target of 35% participation of female students in universities until 2012 and the Ministry of Higher Education is working accordingly. In provinces with a need for female specialists, especially in war-stricken such as Kandahar and backward areas, more practical measures have been taken to absorb and invite women. Furthermore, a number of female students who had failed in the entrance exam of university in the past years are enrolled in higher education institutions. In 1387 (2008), 25 of these students were sent to Bangladesh to continue their studies. Since the year 1389 (2010), the plan of transferring female students to educational institutions in their residential areas and assistance for admission of those youth living in unsafe provinces in university if they have failed the entrance exam, has been confirmed. (The details are in article 10.)

97. Even though anti-discrimination is considered in providing educational scholarship and short and medium term educational programs, eligible female candidates are given priorities. In addition, there are some educational scholarships which are specifically allocated to women with high qualifications. During the past eight years, the Ministry of Higher Education has sent 5714 students to other countries to study in bachelors, masters or doctoral programs, 13% of who are women. Other ministries also try to engage women in such programs and follow positive discrimination policy in sending women for educational programs abroad. In 1388 (2009), 52 women as part of high delegations travelled to 14 countries and 150 women staff travelled to 12 countries. In this year, 15 women benefited from scholarships to 5 countries. From the Ministry of Urban Development, where the number of female engineers is traditionally limited, out of 64 staff that have been sent abroad, 15 were women. The ministries do not discriminate on the basis of gender in educational programs abroad, but traditional and cultural believes and family restrictions often make it hard for women to participate in such programs.

#### **Article five: Elimination of stereotypes**

98. The unacceptable traditions against women exist in most part of the country. Early marriages, exchanging girls for ending conflicts and forgiving crimes, preventing women from exiting their houses, preventing women from work, lack of men's participation in house affairs and rising children are examples of such beliefs and traditions.

99. Fighting the traditions and clichés that have thousands of years old roots in people's culture and belief is not an easy task and needs time and broad and intellectual work. Any attempts which do not take into account the social realities and want to destroy unsuitable cultural traditions that violate women's right, can

contribute in disorder and the weakening of the government. Given this fact, the GoA and civil society organizations have began activities against these unacceptable clichés. The success of these attempts will be visible over time, and expectations should not be high in short run. In fact, the establishment of MoWA and preparing the platform for civil society organizations activities are for fight against such traditions. Ratification of LEVAW is another step to fight against the traditions that contrast the law and Islamic Shari'a. Likewise, family support which is one of priorities of GoA highlights men's participation in house affairs and chores and the importance of both parents' participation in the up-brining of the children.

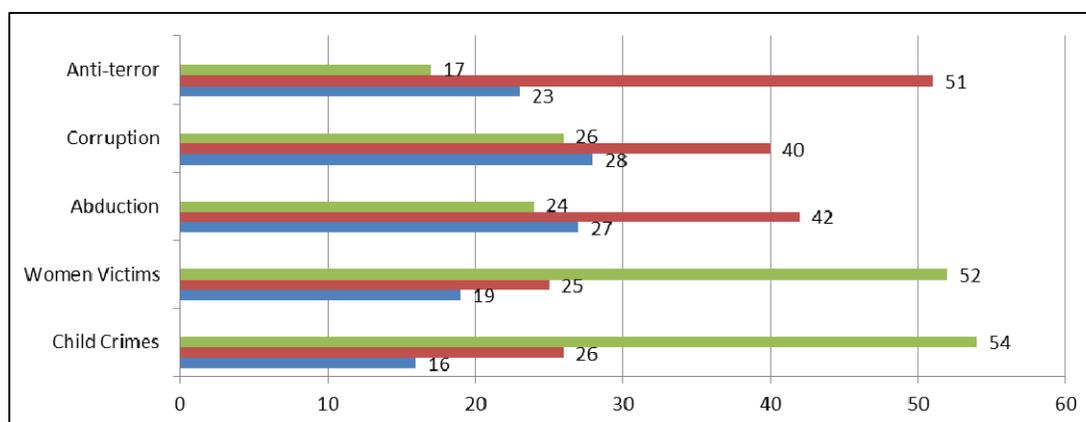
100. Women possess different occupations, but the majority of them work only in certain areas that are considered feminine. These jobs include carpet weaving, producing food, hairdresser, embroidery, vegetables and fruits processing, agriculture, herding and teaching in girls' schools. Nevertheless, the number of women who are busy with house chores is higher than those who work outside their homes. Women form 21% of civil servants, but most of them work with low wages. Military positions, trading, shop keeping, driving, aviation, construction works, street building, canalization and work in mines are often considered masculine fields.

101. In MoI, women have the right to work in all areas, except for some heavy works or in battle situations in which men are preferred. These jobs include: commander of police of provinces, commander of military units and public order, anti-terrorism and anti-narcotics units and crimes. Other than the above mentioned fields, there are no limitations or gender-based standards for occupying positions in this ministry. For example women have held positions as Head of Passport Department, Head of Gender, Human Rights, and Children Department. Most female employees of this ministry work in logistics, passport department, telecommunication, gender and human rights, monitoring, education, strategy and policy, procurement and administration sections. Recently, MoI and Ministry of Defense have initiated programs to recruit more women in security sector.

102. Based on 2009 Police Perception Survey, conducted by UNDP, 65% of respondents believed the female victims have the ability to report crimes in police station, however, 51% of Afghans believe the cases that are filed by a woman (without a man accompanied) are ignored by the police or are given less attention.

Graph 7

**Do you believe policewomen can deal cases similar (1st), worse (2nd) or better (3rd) than policemen? (In %)**



103. 65% of Afghans strongly believe for increase of policewomen to protect women victims. More than half of Afghans, 56% believe the people prefer to report to policewomen.<sup>7</sup>

104. 1163 policewomen are working in the country, 166 of them work on family cases. The enrolment of women in police is challenging due to the pessimism against policewomen at the time of war. However, MoI has considered an extra payment to the policewomen to increase their number.

Table 9

**Number of Policewomen from 2006 to 2010 (Source: MoI)**

<i>Year</i>	<i>Officer</i>	<i>Lower Officer</i>	<i>Soldier</i>	<i>Civil Servant</i>	<i>Contracted Servant</i>	<i>Total</i>
2006/2007	92	118	22	30	458	720
2007/2008	88	202	133	30	267	720
2008/2009	81	301	168	30	201	781
2009/2010	118	359	225	33	205	940
2010	171	413	331	33	215	1 163

105. Employment in the Afghan National Army is considered masculine and the number of women who work in ANA is very few. Nevertheless, MoD has started broad campaign to attract women to work. In 2010, 1247 women work in ANA as officers, soldiers, administrative, and servants. The process of encouraging more women to join ANA continues.

106. Traditionally, mothers are responsible for the up-brining of their children and house chores. Men do not effectively contribute in these affairs due to cultural reasons and their outdoor works. Generally, in Afghan families, the father, the husband or the son is the head of the family and has a larger responsibility towards the other members of the family. At home, men are the main decision-makers as well; their authority to make decisions include the marriage of their sons and daughters. Since mothers are more involved in the up-bringing of the children, awareness campaigns about the importance of participation of both parents in training of children have started in at least 10 districts of the country. AIHRC has arranged more than 6927 workshops for people of different backgrounds and categories about women and children's rights and the rights of persons with disabilities. In these workshops, 15111 children learnt on child's rights.

107. Text books and educational material in universities are generally prepared based on national and international standards and do not content the discriminatory subjects. In some previous school text books, some discriminatory clichés against women existed, but recently, the schools books have been revised and discriminatory clichés are removed. Likewise, both female and male authors and poets are introduced in the text books. In 2006, AIHRC agreed on the related issues with the MoE and sent two commission members as advisors in printing of the books. AWN and other civil society organizations also advise MoE in this field and their suggested comments have been taken into by MoE. In the university curriculums, there are no classes or subjects specified to one male or female students, and all students benefit from the same curriculum and classes. The police

<sup>7</sup> UNDP, Police Perception Survey 2009, Women and the Police Force, page 23.

educational system has specific classes on respectful behavior with women and a new department under the name of Gender and Women's Rights has been established.

108. MoWA, AIHRC and civil society have used media through various programs to raise people's awareness regarding women's rights. The mentioned sources have also provided people with legal advice and have used seminars and workshops to enlighten people on women's legal and religious rights. MoWA has held courses in three phases in 9 provinces which include the subjects of mediation, arbitration, capacity development, engagement, alimony, constitutional rights, giving girls as BAD, exchange marriages, value of family, education right and other rights of women. Likewise, training programs on constitutional law of women in some villages and one district of Nimrooz province, training programs in villages and center of Samangan and the campaign for enrolment of girls in schools for two weeks are provided by MoWA. To eliminate the unappealing customs and traditions, GoA is considering passing on the reconciliation Councils' law and regulating the expenses in weddings and funeral ceremonies.

109. It is hard to obtain an exact number of hours dedicated to women's rights in TV and radio programs because there are a handful of media channels and some of them have local broadcasts. However, generally all governmental and private media outlets have specific programs regarding women's rights. Afghan Woman's Voice Radio, Zohra Radio, Negah-e-Zan Radio and the Woman's Voice Magazine (Sadaye Zan) have programs on this subject. Some newspapers and magazines are specifically allocated to women such as Ershadul Naswan, Meerman, Sirat, Ayeenay-e-Zan (Women's Mirror), Malalay, Afghan Woman, Faryad-e-Zan (Woman's Shout), Payam-e-Madar (Mother's Message), Saday-e-Naswan (Women's Voice), Woman and Law, Afghan woman and Trade, Woman's Rights, World of Woman, Malika (the Queen), Tolo-e-Mehr (The Kindness Sunrise), and Maryam. The National Radio and Television of Afghanistan and the national and private media outlets have programs related to women such as Women and Society (Zan Wa Jami'a), The Other Half (Neema-e-Digar) and Woman (Banoo). Likewise, a number of books on women's rights in Islam have been published by NGOs and AIHRC.

110. Women have the right to drive. However, due to traditional beliefs, the number of women who drive is very few. Though, some women benefit from this right in Kabul and other big cities. To facilitate this process, a number of driving courses where women can learn to drive have been established in various provinces of Afghanistan. Similarly, women can participate in sport activities and sports are also included in girls' school curriculums.

#### **Article six: Trafficking in women and girls**

111. As an Islamic country, Afghanistan prohibits the abuse of all people in general and women in particular and punishes exploiters of women. Cases of exploitation, abuse and trafficking of women for prostitution happens less in Afghanistan in compare to other countries.

112. Afghanistan has signed a number of international conventions that prohibit the abuse and exploitation of women. The government signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in February 1985 and acceded to it in April 1987. Afghanistan has also signed the Anti-Slavery Convention in 1954. In addition, Afghanistan has joined SAARC, but has not signed the related SAARC treaty on fighting and preventing the trafficking of women and children for prostitution. In 1387 (2008), Afghanistan hosted the 4th

technical committee of SAARC about women and children. The GoA has also joined the Convention on the Rights of Child and its two optional protocols. These documents prohibit the trafficking and abuse of children.

113. In accordance with Islamic rules, the laws of Afghanistan classify prostitution and exploitation of women as serious crimes. The Anti-Human Trafficking and Abduction Law was passed in 1387 (2008) with the aim of supporting the victims of human trafficking, especially that of women and children. Article 3 of this law defines human trafficking: “transmission, transportation, employment, keeping or taking a person for use, in order to exploit the person by taking advantage from his/her economical problem or urgent situation, in exchange of paying or receiving money or benefits as well as other deceptive methods to attract satisfaction of the abused or her/his guardians.” This law also prohibits benefiting from the abused through employment, selling, buying, forcing to sexual or criminal activity, making pornographic photos or videos, war and compulsory work, disjoining part(s) or tissue(s) of body, performing medical examinations or forcing her/him to participate in other illegal work.

114. Article 4 of Anti-Human Trafficking and Abduction Law has assigned the High Commission on Anti-kidnapping and Human Trafficking with representatives from the General Attorney’s Office, the MoFA, MoI, Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD), MoE, Information and Culture, Pilgrimage and Religious Affairs, MoPH, Returning Refugees, Department of National Security, AIHRC and two representatives of relevant social organization as selected by the Minister of Justice. This Commission has the duties of monitoring human trafficking crimes, implementing relevant public awareness programs, creating cooperation between involved organizations, collecting statistics on trafficking and kidnapping and reporting on the issue to the government.

115. Anyone who sexually provokes or involves individuals below age of 18 in sexual activities or prostitution as his or her profession or provides them with facilities for such activities is considered criminals based on the Penal Code and is sentenced to at most 3 years in prison. If the exploited person is raped or forced to pederasty, the punishment can increase up to 15 years in prison.

116. Article 7 of the Anti-Human Trafficking and Abduction Law classifies the kidnapping of children and woman as severe smuggling crime and sentences exploiters who abuse humans for sexual activities or producing of anti-moral pictures and videos or pornography to long-term prison, which is about 16 to 20 years of imprisonment.

117. Article 8 of LEVAW has increased the punishment of an exploiter who forces an adult woman to prostitution to 7 to 16 years of imprisonment. If the exploited person is a child, the criminal is sentenced to at least 10 and at most 16 years in prison. Likewise, based on article 19 of LEVAW, if a person reveals the identity of the sexually abused, raped or engaged in compulsory sexual activity or prostitution or broadcasts their pictures or videos without the consent of law in a way that hurt their personality and public image will be sentenced to 3 to 5 years in prison.

118. LEVAW also classifies rape as crime and sentences those who committed rape to long-term prison. If the raped person dies, the criminal will be sentenced to death. Article 24 of LEVAW says buying and selling women for or under the pretext of marriage as well as any kind of mediation in this process are considered crimes and those who committed these crimes will be sentenced to at most 10 years in prison. Forced exclusion is also classified as violence and anyone who forces a woman to

isolate from others will be sentenced to short term imprisonment of at most 3 months, based on circumstances. Forcing women to compulsory work is also a crime and the accused is sentenced to short term imprisonment of at most 6 months. Article 17 of the Anti-Human Trafficking and Abduction Law states the exploited person cannot be sued and article 18 requires that the exploited be received by the Mahram (responsible and close family member), but in case of the exploited person's disagreement with this arrangement, she/he can live in any specified shelter or social center.

119. There is not an exact statistic on the number of prostitutes in Afghanistan, since this issue is extremely sensitive in the country. Six Chinese women in 2006-2007 and seven women again from China in 2007-2008 who came to Afghanistan for prostitution were expelled from the country. In a survey done by the International Organization for Migration (IOM) in Afghanistan, 4 out of 20 victims of trafficking have said that they have been sexually exploited. This organization has assisted 91 victims of trafficking, all of whom, excluding one, were Chinese. This report announces that 62% of the Afghan, Iranian and Pakistani trafficked women were smuggled for sexual abuse purposes.<sup>8</sup> The statistics of IOM in Afghanistan show that most of the trafficking has been done among men, while in 2008, out of 13 people registered by this organization, 6 were women who had mostly been smuggled for sexual abuse. The survey concludes that the majority of victims are Chinese, Iranians and Pakistanis, and not Afghans.

120. In 2010, there were 17455 prisoners in the prisons of Afghanistan; 851 of them are women. According to AIHRC, the number of women who have been imprisoned due to moral crimes reaches 194 women; however, this does mean all of prisoners are prostitute.

121. Abduction is a serious criminal issue in the country. However, in the last few years, AIHRC has not registered any cases of abduction of Afghan women. However, several women of foreign countries, who worked in NGOs in Afghanistan, have been kidnapped by insurgents, but released after negotiations. It is worth mentioning that the majority of kidnappings are not done for sexual exploitation or forcing women to prostitutions. According to a research conducted in 2007 by AIHRC and Save the Children Sweden, only 29% of cases of children's abuse are reported.

122. The Commission on Rape and Sexual Abuse against Children and Women, which works with the participation of a number of governmental and non-governmental organizations, monitors sexual abuse and exploitation cases and instructs responsible authorities to take appropriate measures to follow up those cases. This commission is working to raise public awareness on preventing sexual abuse of women and children.

123. MoWA provides legal advice to the female victims of trafficking. With the assistance of international organizations, the Ministry also provides shelter, food, and clothing as well as other assistance to those women. MoWA along with IOM work closely to supply basic needs such as food and shelter for those female victims who survived from trafficking in their return and inclusion in supportive institutes. In addition, MoI, AIHRC and IOM have been active in awareness raising and introduction of human trafficking. In 2007, IOM trained 35 teachers in border areas

---

<sup>8</sup> Regional Survey Report, Women's Trafficking in Afghanistan, International Refugees Organization in Afghanistan, June 2008, Pages 38 and 39.

on human trafficking so that they transfer their experience and knowledge to other 10000 teachers. This organization used posters and radio and television commercials to campaign in this regard<sup>9</sup> IOM also assists in recognizing and helping women who were trafficked and also conducts seminars and workshops in this regard. With the cooperation of international organizations, MoWA has also prepared and published around 10 TV programs on exploitation of women. In addition, it has sent some staff to other countries for study visits on this subject.

124. In addition, programs under the title of “A Prosperous Family and Health Society from Islam View” was conducted in 7 provinces by MoWA with the help of Ministry of Haj and UNFPA, in years 1384 (2005), 1386 (2007) and 1387 (2008) in which 155 religious scholars participated. Furthermore, in 1387 (2007) MoWA conducted trainings for 25 MoWA’s health staff and regional health staff on the rights of persons with disabilities. These programs have resulted in raising understanding of family members in raising children by all family members.

125. Afghan government’s organizations along with national and international organizations have initiated various programs to fight addiction which is one of the main factors resulting in prostitution. For example 1,699 workshops have been held on informing on harms of narcotics and 112480 individuals, including women, took advantage from these awareness programs in cities and villages. In addition, 9,731 individuals participated in competitions including sports events that promoted messages against narcotics. Furthermore, addicted women are invited to voluntarily attend the rehabilitation and anti-narcotics centers for treatment. In total, there are 26 centers in the country for treatment of addicted women and out of 14,714 addicts who have been under treatment, 2000 women have also been treated. The number of women who are not willing for treatment in the hospital are identified and their husbands and relatives take medications for them in their houses. Around 2,536 people were followed-up to ensure they will not return to addiction again and 12,155 people received appropriate consultation. In addition, 339 people were provided with vocational trainings during treatment. Various ministries and other governmental and non-governmental organizations are working in this field.

#### **Article seven: Political and social rights of women**

126. Any Afghan, whether man or women, who has completed the age of 18, has a voting card and is not prohibited from voting by law, can take part in elections and there is not any discrimination against women. The Election Law emphasizes on the equal rights of men and women to vote. Article 4 clarifies that all legible men and women have the right to vote. Article 5 stresses out on the free will of voters and prohibits any relationship-orientated policy for voting. This article prohibits direct or indirect imposition of any kind of restrictions on voters based on their ethnicity, language, sex, status, employment, etc.

127. In seven elections of presidency, parliament, provincial councils, district councils, village councils, mayors, and municipality councils in Afghanistan, women can take part both as voters and candidates. Women have also the equal right to participate in referendums as men.

128. Election Laws of Afghanistan impose no discrimination on women. However, due to security reasons and limiting traditions, some women avoid attaining this right. The ratio of female participation to male participation in elections is generally low in

---

<sup>9</sup> Regional Survey Report, Human Trafficking in Afghanistan, International Refugee Organization, June 2008, Page 54 and 55.

unsafe areas, and in some areas women participation descends to zero. Some families also prevent women from voting due to cultural problems. In order to motivate women to vote, the IEC has built separate voting cabinets for men and women and has provided female facilitators. Awareness programs have been broadcasted via media emphasizing the importance of women's participation in elections. Traditional beliefs, illiteracy, lack of common knowledge on the equality of women and men in elections, economical problems in paying for transportation to get to a voting place and shortage of female police in local areas have prevented either participation of a large number of women in elections or their free will in case of voting.

Table 10

**Percentage of voters and candidates in the elections categorized by gender****(Source: IEC)**

<i>Election Type</i>	<i>People with voting cards in million</i>	<i>Total/ percentage of women with voting cards</i>	<i>Total/ Percentage of men who voted</i>	<i>Total/ Percentage of Women who voted</i>	<i>Number of female candidate</i>	<i>Number of male candidate</i>	<i>Number of victorious female candidate</i>	<i>Number of victorious female candidates</i>
Presidential election 1383	11	44%	59%	41%	1	16	0	1
Parliament 1384	16.7	41.7%	3 565 633	2 637 869	258	2 491	68	181
Provincial Council 1384	12.7	41.7%	3 565 633	2 637 869	285	2 916	119	294
Presidential election 1388	4.527918	1 780 810	58.4%	38.8%	2	39	0	1
Provincial Council 1388	4.527 918	1 780 810	59.3%	38.2%	333	2 847	105	315
Parliament 1389	4 216 594	1 709 158	2 335 539	1 579 468	406	2 150	69	180

129. Two women are members of the leadership committee of the IEC. Besides, two out of nine secretaries of IEC are women. In total, 240 temporary and 15 permanent female employees are working in this commission which makes 7% of all staff. The IEC emphasizes on equal participation of women in elections and has done its best to provide all necessary facilities to encourage women's participation in the elections. To reach this goal, half of regional and district staff are women and there are equal number of female and male public awareness campaigners in all districts of Afghanistan. Likewise, gender equality is taken into consideration in hiring temporary elections employees in center and provincial offices. The commission has also established a gender unit to ensure female employees' rights and provide them with facilities for capacity development.

130. Since women have less access to information, organizations relevant to elections try to use media, seminars, poster and journeys to various areas as ways to stress the importance of participation of women and men in elections. In addition, the IEC, MoWA, civil society organizations, and STEP office which is working in 34 provinces, FEFA, Ebrar, CSHRN, UNDP, IFES, UNIFEM, COUNTERPART, National Democratic Institute (NDI) and Afghanistan Parliamentary Assistance Project (APAP) have had awareness programs on elections.

131. Organizations and activists working for women's rights tried as much as possible to send as many women as possible to voting centers in elections of 1388 (2009). In an initiative called "Women's 50% Campaign", women tried to show the importance of women's participation in politics, since they make half of the voting population. This campaign was held in Kabul and other 33 provinces to encourage female candidates and voters in participation.

132. Even though in the past few years, women's interest in participating in political life of the country has increased and they have participated widely in political programs including elections, they still face various challenges. As mentioned before, Afghanistan has a traditional society that often doesn't allow women to participate in public gatherings. In addition, because women have less access to education, in many cases they are not considered qualified to run for elected positions by the election law. Elections campaign requires a financial foundation while most women are not economically independent. Therefore, they do not have enough financial resources to take part in elections.

133. There are no restrictions on women in taking governmental posts and they can work as the president, ministers, governors, mayors, deputy ministers, independent directories and all offices belonging to civil services or military section.

Table 11  
**Number of women who have worked at key positions in executive branch since 2001**

<i>Interim Administration</i>		<i>Islamic Transitional Government</i>		<i>President Karzai's 1st Term</i>		<i>President Karzai's 2nd Term</i>	
Name of Organization	No.						
Ministry	1	Ministry	3	Ministry	1	Ministry	3
General directorship	0	General directorship	1	General directorship	1	General directorship	1
Directorship of independent commissions	0	Directorship of independent commissions	1	Directorship of independent commissions	1	Directorship of independent commissions	1
Deputy Minister	2	Deputy Minister	4	Deputy Minister	4	Deputy Minister	5
Governor	0	Governor	0	Governor	1	Governor	1
Mayor	0	Mayor	0	Mayor	1	Mayor	1
<b>Total</b>	<b>3</b>	<b>Total</b>	<b>9</b>	<b>Total</b>	<b>9</b>	<b>Total</b>	<b>12</b>

134. The Constitution and other laws do not bar women from membership of High Council of the Supreme Court; though none of current 9 members are women. Women can work as judges in penal and civil courts. Right now out of 2203 judges who work in penal and civil courts, there are 48 female judges in penal courts and 60 in civil courts which make a total of 118 female judges. Women can also work in the Attorney offices. In 2010, 75 female attorneys, consisting of 24 professional attorneys in provinces and 51 professional attorneys in capital, were enrolled in the country.

135. In accordance with the UN Security Council Resolution 1325 on women's active participation in the process of peace and negotiations, the GoA has provided

women with opportunities to participate in such processes. Recently, the authorities decided to prepare a work plan for implementation of the resolution, however, the process in its initial stages so far. Likewise, high authorities in GoA have always repeated that negotiations and peace with insurgents will not lead to women's deprivation of their current rights and the acceptance of Afghan Constitution, which emphasizes on women's rights, is one of the conditions for any peace deal. In spring of 2010, the Consultative Peace Jirga was held in which 21% of the participants were women. Out of 28 commissions that produced consultative statement on peace with insurgents, the secretaries of the 21 commissions were women and one of the commissions had a female chairperson. The Statement of the Consultative Peace Jirga in its 5th paragraph states that women and children's rights must be considered during negotiations and the Jirga emphasizes on equal implementation of laws on all citizens of the country. Likewise, GoA has established the High Council of Peace which has 60 members; 9 of them are women.

136. The GoA supports women's participation and leadership in all areas of life not only as a right but as a major principle of a democratic system and develops equal opportunities for women and men in civil services. In 2010, the number of women who have high positions in special areas of decision making is 9% which is very low in comparison to that of men. NAPWA emphasizes on an increase of women's participation in administration and decision making positions and pays attention to the employment of women in local areas.

137. Traditionally commerce is a field which is considered masculine, but recently, some women began to work in this field. The new conditions in the country have provided women with the opportunity to take part in economical sector. Most women work in hand-crafts, embroidery, carpet-weaving, bee-keeping and chicken-keeping. In an E-book, GTZ has registered 300 women are involved in trade. Likewise, out of 229 organizations registered at the MoWA, 200 are led by women. Also 50 organizations, unions, associations, and groups related to women have been registered at the MoJ. Women face various problems in the economics sector, the most important of which are lack of permission for women to leave their houses, travelling limitations for woman, and cultural problems regarding women's work outside their houses. The Ministry of Commerce and Industry has registered 263 women as head of the companies, 252 women as deputy heads, and 15 as members of companies. In recent years, a noticeable number of women have been working in commerce and banking fields. At the Federation of Businesswomen, 46 unions in the capital and 26 in provinces have been registered. In addition, 27 business women are also part of the Union of Beauty Parlors.

138. Women's Garden and Market Projects have been completed in 12 provinces. Similarly, two women's gardens are under construction and one will be completed next year. The Women's Garden and Market Projects will be continued in 19 remaining provinces throughout the next five years. Women's educational centers were also made for women in Kabul, Baghlan, Parwan, Ghazni and Bamyan. The women's gardens have played a big role in sharing women's experiences and marketing for them.

139. By mid-2010, a total of 1630 national and international organizations have been registered in the Ministry of Economics. In these organizations, 15591 female and 17310 male employees work. The establishment of social organizations and NGOs is one of the rights of every Afghan man and woman regardless of their sex.

Out of 1716 social organizations registered at the MoJ, there are 50 organizations that either are run by women or relate to women's issues. 344 of all NGOs and social organizations that registered by MoJ, Ministry of Commerce and MoWA. 293 organizations have license from the Ministry of Economics and 42 are registered at the MoJ. Likewise, in 14 registered unions, there are 245816 male and 115463 female members.

140. Widowed who are in need of financial support are assisted with shelter and safety by the government and international organizations. The number of shelters in the country reaches 10 and 319 women live in them. In Kabul, the Institute of Deprived and Unsupported Women and Children provide shelter and care to 10 women.

Table 12  
**Number of women in shelters 2005-2010 (1385-1389)**

<i>Year</i>	<i>No. of Female Beneficiaries</i>
1385 (2006)	101
1386 (2007)	40
1387 (2008)	42
1388 (2009)	53
1389 (2010)	(Up to August 2010) 83

(Source: MoWA)

Table 13  
**Number of shelters in Afghanistan in 2010 (AIHRC)**

<i>No.</i>	<i>Province</i>	<i>Name of Shelter</i>	<i>No. of women</i>	<i>No. of Children</i>
1	Kabul	HAKA Safe House	17	14
		Shelter of center for development of women's abilities (permanent)		5
2	Kabul	Shelter of center for development of women's abilities (Transit)	13	
3	Kabul	Shelter of Parwan's Referring Center	4	2
4	Parwan	Hajar International	20	13 boys & 4 girls
5	Kabul	Khanaye Naheed Orphanage	Temporary	Temporary
6	Kabul	Seema Samar		
7	Kabul	Seema Ghani		
8	Kabul	CCA	22	5
9	Balkh	Women for Afghan Women	20	5
10	Balkh	Center of Women for Women's Referring	Temporary	Temporary
11	Jalalabad	Nedaaye Zan (As a project)	40	
12	Herat			

<i>No.</i>	<i>Province</i>	<i>Name of Shelter</i>	<i>No. of women</i>	<i>No. of Children</i>
13	Badghis	Nedaaye Zan	18	
	Kapisa		6	1
14		Women' Safe House for Women		
		CCA Shelter House supported by		2
15	Bamyan	UNIFEM	4	

141. In order to work on the problems of women who live in shelters, a commission consists of the representatives from High Court of the Supreme Court, MoWA, Ministry of Hajj and Religion, AIHRC, MOJ, Directorate of Local Organs and Shelters' Directories arranges a series of meetings. If a shelter has an unacceptable condition, the Commission decided for the shelter's closure.

#### **Article eight: Representation abroad**

142. In addition to six branches of MoFA in different zonal centers, there are 85 resident and non-resident diplomatic missions and consulates of Afghanistan around the world. Male and female staff work in different ranks of the MoFA. Afghan laws and regulations do not discriminate against representation of women in diplomatic missions and consulates abroad. Given the principle of mutual cooperation with other countries and international organizations, working capacity of the staff and economic resources, MoFA appoints its staff in diplomatic missions and consulates abroad. At present, women occupy positions such as Ambassador, Charge de Affair, political staff in Embassies and General Consulates of the Islamic Republic of Afghanistan abroad. As ministers, MPs and members of the Executive and Judicial powers, women represented Afghanistan in international conferences, seminars, and forums. The criteria for participations in these gatherings are individuals' qualifications and their capabilities to represent the GoA in the best manner abroad with no gender-based discrimination against women.

143. Women of Afghanistan can represent their country in international conferences. Attempts are in place to include more women in the delegations to regional and international conferences. In the last eight years, ministers, deputy ministers and other high-ranking authorities have taken part in numerous international conferences on women's issues. To this end, the MoWA has pioneered in representing Afghanistan at ministerial, deputy ministerial and directorate levels in such international events.

144. MoFA has endeavored to recruit highly qualified women in the ministry. In 2010, out of 710 staff of MoFA, 84 are women (53 as full-time ministry staff and 31 women in diplomatic missions). With due consideration to the fact that women employees constitute a minor proportion of staff as compared to men, this ministry does not discriminate in any way against women recruitment and has considered positive discrimination in employing qualified women in the Afghan diplomatic system. Among the factors that have led to lower levels of female hiring is lack of women with higher education in fields of education relevant to the work of MoFA, restrictions by families on foreign postings, and lower levels of remuneration in the public sector.

145. The employment mechanism at MoFA is based on Labor Law and Civil Service Law which prohibit any discrimination against female candidates. MoFA appoints at least one senior female staff at the interviewing committee. Conditions for work in foreign diplomatic missions do not discriminate on the basis of gender and staff, both men and women, is provided with equal conditions. Henceforth, MoFA endeavours to raise the level of female employees in the diplomatic missions of the Islamic Republic of Afghanistan abroad.

146. The last eight years have provided women the chance to maintain their presence at the national and international levels. The Chairwoman of AIHRC, Mrs. Sima Samar has been appointed since 2005 as the UN Human Rights Special Rapporteur in Sudan. Similarly, the former Director of Human Rights and Women's International Affairs at MoFA, Mrs. Zohra Rasekh is in seat as CEDAW Committee member till 2012.

147. MoFA has established DHWRIA in 2003, in order to increase women's inclusion in the national and international decision-making, report to international human rights conventions and coordinate government delegations' trips to women-related international events. This Directorate has three Desks: Human Rights Desk, Gender Desk and Reporting Desk. The Human Rights Desk functions in relation to human rights issues and ensures working relations between GoA institutions and international human rights bodies. The Gender Desk has focused efforts to issues of gender equality and assists in organizing MoWA visits at international level. The Reporting Desk is responsible for coordinating and drafting Afghan reports to the international conventions Afghanistan has ratified. One of these reports is the Afghanistan Report to CEDAW. The Directorate of Human Rights and Women's International Affairs has promoted the rights of women employees of the MoFA and has celebrated occasions of the International Women's Day and awarded recognition to the contribution of the female staff of the MoFA. Usually, the Director of the Human Rights and Women's International Affairs is a woman who is also a member of the recruitment committee of the ministry.

148. MoFA is trying to develop and improve the capacity of all staff, particularly the female staff. To this end, MoFA Women's Association was formed in 2009 where all MoFA's female staff are members. MoFA Women's Association has been formed to build the capacities of female staff of the MoFA and coordinate efforts with internal departments of the MoFA to ensure the rights of female staff in the ministry.

149. As a capacity development department, the Institute of Diplomacy of MoFA has held several training programs with core ends to build the capacities of the staff. The training program is open to all staff members and women have had a good presence in these programs. These training programs focus on diplomatic principles, the fundamentals of law, economics and politics, computer and English language training. Furthermore, the Institute of Diplomacy provides the staff members to visit on short, medium and long terms in foreign countries for information and expertise exchanges and almost all the employees of the MoFA have benefited from these foreign training programs. Hitherto, the participation percentage of women employees of the ministry has been relatively lower than men, which is as a result of lower enrolment of female staff in the ministry. Shortage of women employees, capable of speaking fluently in foreign languages as compared to male employees, has affected their presence in foreign visits.

150. At the request of the general recommendations of CEDAW, GoA has continuously endeavored to promote public awareness on the provisions of CEDAW news, websites and reminding of Afghanistan's commitments in statements and press conferences. MoWA, AIHRC and AWN have held numerous programs to implement and raise awareness on CEDAW. These organizations particularly through seminars and workshops have raised public awareness of the provisions of the convention and have coordinated the implementation of the convention. A number of Civil Society Organizations and UNIFEM have taken the effort in publishing the convention and its distribution to the bulk of audiences, among them the public Government and non-government organizations. Meanwhile, MoFA has translated CEDAW General Recommendations in Dari and Pashto and also printed out CEDAW Convention in national languages and has shared them with relevant national and international organizations.

#### **Article nine: Nationality**

151. Based on article 4 of the Constitution, the nation of Afghanistan consists of everyone who has Afghan nationality. Even though the Afghan Constitution offers no specific definition of citizenship, the Nationality Law states the following: "political and legal relations of an individual with the Islamic Republic of Afghanistan..." Article 4 of this law clarifies that no Afghan national will be deprived of the nationality of Afghanistan. Likewise, this law prohibits the abolition of a person's nationality or her/his exile outside or inside the country. However, Afghan nationals have the right to renounce their nationality through a specific administrative process. The GoA has also ratified a number of international conventions regarding nationality which include but are not limited to the following: International Human Rights Declaration, International Convention for Civil and Political Rights, CEDAW, Convention on the Rights of Child, and Convention relating to the Status of Refugees and its protocols.

152. All people who are born of Afghan parents are considered Afghan nationals. According to the Nationality Law, if a foreign citizen, man or woman, marries a citizen of Afghanistan, man or woman, in accordance to Islamic Sharia, he can ask for Afghan citizenship by submitting a written petition. In this case, the 5 years period residency in Afghanistan which is required for getting Afghan nationality is not observed. Likewise, according to article 17 of the draft of the new Nationality Law, which will be sent to the National Assembly for ratification, any woman national of Afghanistan that marries a foreign national according to the Islamic Sharia principles, she will keep her Afghan nationality, unless she asks for leaving the Afghan nationality by her consent. If a person without any nationality marries an Afghan citizen, he would be recognized as Afghan citizen. Furthermore, if a foreign national resides in Afghanistan for more than 5 years, he can ask for citizenship of Afghanistan.

153. To get the citizenship of Afghanistan, there is not any discrimination between men or women. Article 14 of the Nationality Law says that foreign nationals can be given Afghan nationality without any racial, linguistic, sexual or educational discrimination. Based on article 22 of this law, receiving Afghan nationality is based on principles of the international treaties, only if they are not against the principles of Islamic Law. Article 41 states in case of contradiction between the Nationality Law and the international treaty or bilateral agreements between GoA and foreign country, the preference is given to the treaty or the bilateral agreement.

154. The Census Law requires all Afghan citizens, male and female, to receive the National Identification Document from the General Directory of Census Registration. Despite this, a great number of Afghans do not have national IDs, because the national ID distribution program has not started all over the country. Currently, any Afghan citizen, male or female, can voluntarily receive a national ID. A pilot program of distribution of electronic IDs has started, and the formal process starts as the situation allows.

155. Based on Passport Law, women who have completed the age of 18 can request for independent passport. The law also permits joint passport between couples if they themselves agree. Women below the age of 18 need the consent of their parent(s) or guardian(s) to receive a passport. Moreover, women have the right to travel and the Passport Law has not restricted this right.

156. Most marriages between Afghans and non-Afghans happen with citizens of neighbouring countries, the religion and culture of who are very close to that of the people in Afghanistan. Based on Nationality Law, if an Afghan woman weds a non-Afghan, she preserves her original citizenships. If a non-Afghan woman weds an Afghan man, in accordance with Islamic Shari'a, she can request citizenship from the GoA through a written application.

157. Based on article 16 of Nationality Law, receiving the Afghan nationality by the husband has no affects on the citizenship of the other partner or the couple's children. Based on the Nationality Law, the children below the age of 18 of those couples who have received Afghan citizenship are also recognized as Afghan citizens. When one of the parents receives Afghan Citizenship, child or children who live with one of the parents on the territory of GoA will be considered Afghan citizens. If, after completing the age of 18, the child/children request(s) to denounce their Afghan citizenship, their request will be accepted by the GoA. Likewise, if the husband or wife decides to denounce his/her Afghan citizenship, it has no affect on the citizenship of the other partner or the children. Likewise, if both husband and wife denounce their Afghan citizenship, the children will preserve their citizenship. Likewise, if the religion of the husband and wife are different, the child will follow the nationality of the parent whose faith is Islam.

158. The only important impact that citizenship can have on the rights of people in Afghanistan are those on financial and inheritance situations. People who are not citizens of Afghanistan or have denounced their Afghan citizenship cannot have real estate such as land, houses or shops. But a child who has Afghan citizenship and her/his father has foreign citizenship can inherit her/his father's property.

159. Based on the Afghan laws in regard to specifying marital status and individuals' legal competency, the laws of the country of citizenship of individuals will be applied. Foreign citizens can marry in Afghanistan based on the laws of Afghanistan. According to the Civil Law, the laws of the country of citizenship of the couple will be implemented to ensure the accuracy of the marriage conditions and the formal conditions will also be based on the laws of the country where the marriage happens. In issues relevant to marriage including financial affairs, divorce, separation, and discharge, the laws of the country of the couple's citizenships will be implemented. In the above mentioned issues, if one of the partners is from Afghanistan, other than legal competency, only Afghanistan's laws will be implemented. Likewise in issues regarding fatherhood, guardianship and other topics relevant to fathers and children, the laws of the country selected by the father

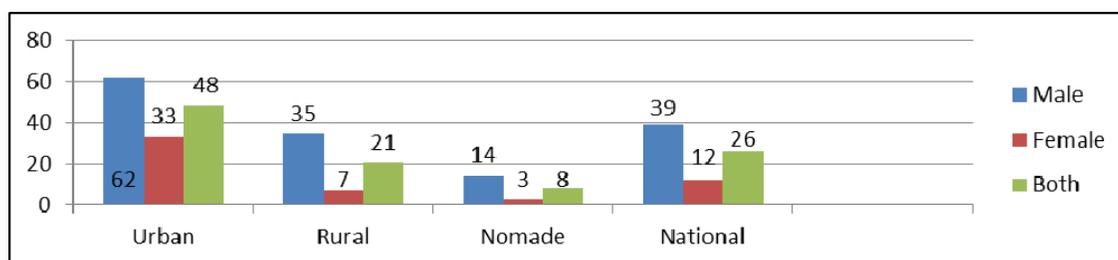
will be implemented. In issues regarding inheritance and wills, foreign citizens are subject to the laws of their own countries.

### Article ten: Education

160. The Constitution of Afghanistan states that provision of education up to bachelor's degree in governmental schools and universities is free of charge; however, the private education is not for free. Schools and special scientific educational organizations are run by the MoE, while universities are under the control of the Ministry of Higher Education. Despite all efforts in this area, the level of literacy, especially among women, is very low. Unfortunately, only 26% of the population including 12% of the women of the country is literate.

Graph 8

### Percentage of literacy based on gender and residential areas



(Source: NRVA2007-2008)

Table 14

### Percentage of individuals over 25 years based on level of education

Level of Education	Boys	Girls	Both
Without education	72	94	
Elementary School	10	3	6
Secondary School	5	1	5
High School	9	2	3
Teacher Training Center	1	1	1
Bachelors and Higher	3	0	2

(Source: NRVA2007-2008)

#### A. Education (School Level)

161. There are no discriminatory issues against women in the educational laws of Afghanistan. The 2008 Education Law governs the education sector. Article 3 of this law states the equal right of education to all citizens. However, separate classes and facilities with different courses regarding house management, child development and growth, are provided for married girl student.

162. Different strategies in Afghanistan have paid attention to education, especially women's education. The MDGs aims for equal literacy of all girls and boys of Afghanistan until the year 2020. The Afghanistan Compact has also set a target of

inclusion of 75% of boys and 60% of girls in schools. This Compact also sets the indicator to increase the percentage of female teachers to 50% by the year 2010. MoE has developed two national strategies for education; the first strategy 1385-1389 (2006-2010) was developed in 2006 and the second strategy 1389-1393 (2011-2014) was developed in 2010. In these two strategies, the basic education, teacher training and vocational conditions, strengthening the foundation of education, educational curriculum, Islamic education, technical and professional education, literacy trainings, un-official education and administrative development of education sector are introduced as the priorities of the MoE. In consultation with MoWA and other stakeholders, MoE pays particular attention to the girl's education in its strategies.

163. MoE is responsible for the governmental education sector and also monitors the private education sector. In year 1389 (2010), MoE received 15% of annual budget and 11% of the developmental budget. There is a directory of education in every province and a department of education in every district. Every school has an administrative office whose members are selected by the directorate of education in each province. In each school, there is a council in which the parents of students, local elders and managers of school are members. The goal of this council is to encourage enrolment of children, particularly girls and monitoring the provision of the education. MoE has established specific regulations on selection of private schools principles and monitors their implementation.

164. The total number of governmental schools in 2010 is 12223 from which 2598 are girl schools. Establishment, promotion and construction of buildings for girls' schools are at the top of priority list of MoE. MoE also seriously responds to the demands of people for establishment or promotion of girls' schools.

**Table 15**  
**Number of governmental schools in Afghanistan**

<i>Type of School</i>	<i>Year</i>	<i>1380</i>	<i>1381</i>	<i>1382</i>	<i>1383</i>	<i>1384</i>	<i>1385</i>	<i>1386</i>	<i>1387</i>	<i>1388</i>	<i>1389</i>
Elementary school	Number	1 460	876 4	5056	5854	5943	5598	5024	4440	5124	5489
Secondary School	Number		1191	1143	1377	1383	1729	2506	4051	3634	3813
High School	Number	1 007	803	938	1046	1053	1117	1532	2050	2702	2920

(Source: CSO)

165. In 2009/2010 there were 386 private schools with 85728 students from which 17146 students are girls.

Table 16  
**Number of private schools and their students (2008-2010)**

<i>School Type</i>	2008-2009			2009-2010			2010-2011		
	Schools	Students	Teachers	Schools	Students	Teachers	Schools	Students	Teachers
Total	160	37181	1941	290	56000	2240	386	85728	329
Elementary	16	4490	312	23	1928	77	28	6561	262
Secondary	27	2729	141	44	13086	523	45	9841	394
High School	117	29 962	1 488	223	40986	1639	313	69326	2773

(Source: CSO)

166. GoA is paying attention to women's religious education and a number of women are now studying in religious schools; even though their number is lower than those of men.

Table 17  
**Number of students of governmental religious schools (2007-2010)**

<i>Year</i>	2007	2008	2009	2010
Men	9321	1 11640	123146	145916
Women	1045	1 1827	13789	21127
Total	10366	1 23467	136935	167043

167. In Afghanistan boys and girls have separate schools and only students in grades 1 to 3 study in co-educational classes. Furthermore, the Constitution says the government is responsible to provide education to the citizens of Afghanistan in national languages. In addition to the publication of textbooks in Dari and Pashto, textbooks are also provided and distributed in other languages such as Uzbeki, Turkmeni, Nooristani, Pashaye, Baloochi and Sheghnani. Even though there are private schools for children of religious minorities, they can choose to study in public schools.

168. There is not any discrimination against women role in the new educational curriculum of schools. In this curriculum, subjects such as human right, women rights, peace, democracy and elections are embedded. The new books are reviewed by Women Parliamentary Network and amended based on their comments. Only in professional subjects, based on the preference of students, agriculture is taught to boys and house management to girls.

169. The children of internally displaced families can study or continue their education temporarily in schools until their official documents become available. Likewise, 69 schools have been made for Kuchi (Nomad) children and their enrolment process is the same as those of other children.

170. Children between ages of 7 to 9 can be enrolled in first grade of governmental schools. The number of students studying in elementary schools reaches 5150320. The total number of students in grades 1-12 is 7381331, 2749553 of them are girls.

Enrolment in schools has increased year by year and development of facilities including constructions of new schools near the residential areas of people has caused a considerable growth in annual enrolment in schools.

Table 18  
Number of students in governmental public schools (2000-2010)

		<i>Indicators</i>										
		<i>year</i>	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389
<i>Number of Students</i>	Total	803961	3705235	4186499	5425466	4922219	5479031	5675951	6200001	6417919	4622749	
	Boys	803961	2533272	2772626	4119361	3238392	3667862	3667862	3982574	4033643	2757801	
	Girls	0	1413873	1413873	1306105	1683827	1926108	2008089	2217427	2384276	7380550	

171. There are 180000 teachers in all governmental schools in Afghanistan.

Table 19  
Number and percentage of teachers based on gender

<i>Item</i>	<i>Number</i>	<i>Percentage</i>
Female Teachers	66600	%37
Male Teachers	113400	%63

172. Girls' enrolment in professional schools starts at grade ten. The number of girls in technical or professional schools reaches 4158 which has increased compared to previous years.

Table 20  
Students of governmental technical and professional schools (2007-2010)

<i>Year</i>	<i>2007-2008</i>	<i>2008-2009</i>	<i>2009-2010</i>	<i>2010</i>
Men	9,321	13,520	15149	20001
Women	1,045	2,480	3082	4158
Total	10,366	16,000	18231	24159

173. There are 9 evening schools for girls in the city of Kabul in which 265 students study. Most provinces have evening schools as well. Opportunities to study have been provided for men and women who are unable to go to university during the day due to work or other obstacles. These people can study in the following departments: Economics, Shariat (religious studies), Law, Literature, Education, Social Sciences and Geology. Currently, 3842 students are enrolled in evening universities from which 19% are women.

174. Even though the number of girls who have enrolled in schools in the recent years has been considerably high, a number of other girls do not have access to educational institutions. The most important reasons for girls' low attendance in some areas are security and lack of space and buildings for girl schools. In addition,

a number of schools do not have enough teachers; therefore, girls who are interested in studying upper grades are not able to continue their education. Moreover, early marriages forces girls to leave the school. In some rural areas, girls are not allowed to attend schools because their families do not consider literacy necessary for women. Dire poverty prevents some families to pay even the low cost of education and make the girls work with other family members.

175. Anti-governmental insurgents are against women's education and have closed girls' schools. In some cases, they have burnt girls' and boys' schools. In years 1386 and 1387 (2007-2008), 673 schools were closed from which 453 are still closed. As a result, 200000 students and 600 teachers cannot go to schools. A total of 613 attacks on schools were recorded from January to November 2009.<sup>10</sup>

176. The majority of teachers in girls' schools are women, but in case of lack of female teachers, male teachers also teach girls. Examinations for male and female students in school are the same and there is no discrimination against male or female students.

177. A number of schools, particularly in remote districts and villages, do not have buildings and other facilities. MoE has announced that nearly 48% of schools lack buildings. MoE and some other ministries build schools every year, but it cannot respond to the growing need of the country.

178. The last 8 years have witnessed a tremendous increase in the number of educational institutions in the country and women have benefited them substantially. Usually, the students participate in English language courses, computer classes, and preparation classes for university entrance exams that are provided by private educational institutions. These institutions exist in large numbers in Kabul and centers of big provinces in which women participate as well. With the support of UNDP, MoWA has established computer skills courses. Since 2003, 1000 women have benefited from these courses and 2000 more have participated in gender related classes.

179. Girls in rural areas have less access to training classes including English language, computer skills and entrance exam preparation courses. Consequently, their level of acceptance to universities and their ability to acquire those jobs that require familiarity with English or computer skills are negatively affected.

180. Short-term scholarships are provided by the IARCSC while the Ministry of Higher Education distributes long-term scholarships. The candidates are selected and introduced based on open competition and based on the required conditions of scholarships. Large number of scholarships will be distributed in 34 provinces. A number of scholarships are specific to women and only female participants take part in the competition. All students engage in examinations and open competition to acquire the scholarships. 835 female employees and teachers and 560 students were sent outside the country for various educational programs via the MoE.

181. MoE has a Deputy Ministry for Literacy that is facilitating literacy schools and courses in all provinces which are controlled by governmental and international organizations. More than 60% of the students in these courses are women.

---

<sup>10</sup> Available from [www.un.org/children/conflict/english/afghanistan.html](http://www.un.org/children/conflict/english/afghanistan.html).

Table 21  
**Statistics regarding literacy courses from 1386 to 1388 (Source: CSO)**

<i>Indicators</i>	<i>Item</i>	<i>2007 (1386)</i>	<i>2008 (1387)</i>	<i>2009 (1388)</i>	<i>2010 (1389)</i>
Literacy courses	Total	14469	12461	20031	21884
	Male	4348	2840	4014	1995
	Female	10121	9621	16017	12689
Students	Total	317343	302817	500000	547100
	Male	95835	62525	100197	229875
	Female	221508	240292	399803	317225
Graduates	Total	141792	46133	104994	
	Male	34943	11676	27092	
	Female	106849	34457	77902	
Teachers	Total	6386	1797	3231	4477
	Male	3388	1146	1899	2631
	Female	2998	651	1332	1846
Officials	Total	337	834	834	
	Male	152	534	667	
	Female	185	300	167	

182. Vocational trainings are held for women in Kabul and other provinces under the programs such as National Solidarity Program (NSP) and National Area Based Development Program (NABDP) to train women in vocational skills. To encourage women to attend literacy courses in certain parts of the country, a number of organizations supporting the MoE, distribute food to women who attend these classes. The Afghan Red Crescent provides a number of women with trainings in sewing, carpet weaving, embroidery, hand-crafts, drawing and calligraphy, computer skills and agricultural skills.

183. The percentage of girls who left school in 2007 (1386) reached 38%. To encourage girls to attend schools, MoE has specific programs that provide girls with schooling and education. MoE with the assistance of supporting organizations uses methods such as providing food to families and constructing schools near the residential places to motivate girls to continue their education.

Table 22  
**Reasons for Leaving Schools based on Sex and Age**

	<i>Boys</i>				<i>Girls</i>				<i>Boys and Girls</i>			
	7-12	13-15	16-18	Total	7-12	13-15	16-18	Total	7-12	13-15	16-18	Total
Distance	43	44	31	40	39	34	31	3640	38	31	38	
Financial Problems	13	26	36	22	5	8	6	9	15	19	13	
Cultural Reasons	7	6	6	7	27	40	42	3418	26	27	22	

	Boys							GirlsBoys and Girls			
Security Reasons	4	4	6	4	5	6	8	5	5	7	5
Other Reasons	34	19	21	27	24	13	13	1828	15	16	22

(Source: MoE)

184. The main purpose of the professional and vocational program of MoE is to provide male and female students with appropriate and high quality education comparable to the international and regional standards and responding to the demands of the region's market. Based on National Strategic Plan of Education, in (2014) 1393, around 9% and in 1399 (2020), around 12% of students will enter the professional and vocational education sector after grade 9. To reach this goal, MoE will increase the number of regional professional and technical schools (grades 10 to 14) to 32 and provincial professional and vocational schools (grades 10 to 12) to 102. MoE is also planning to establish one professional school in each district. Establishment of these schools will increase the access to technical education and provides professional and vocational education to 54000 students until 1393 (2014).

185. To increase the number of female students in professional and technical education schools, MoE will have public awareness programs on in the media. In addition, these programs will be extended to schools for introduction of the professional and vocational studies. Besides, the fields and educational conditions will be made easier to match the interest and the social and cultural conditions of the country for girls.

186. As a result of analysis, the development of curriculum for the fields of computer technology, banking, trade, hotel management and engineering will be the priorities for the ministry. The curriculum will also be revised for the fields of management, radio and television, repair of road construction machines, accounting and construction engineering till year 1393 (2014).

187. The Education sector encounters various problems as following:

- i. Educational Coverage: Lack of access of 4.2 million children to schools who form 38% of school age children, 9.5 million Afghan illiterate and 196000 disabled children,
- ii. Security Reasons: From the previously 673 closed schools during 2007-2008, 450 schools are still closed and 200000 students and more than 6000 teachers do not have access to education.
- iii. Educational Inequity: In 412 city and rural districts, there are not girl schools which have grades 10 to 12 and there are no female teachers in 245 districts.
- iv. Educational Quality: Density of professional female teachers in centers and large cities is one of the other problems. 95% of bachelors, 84% of 14th grade graduates teacher in the centers of nine provinces of Kabul, Herat, Nangarhar, Balkh, Baghlan, Badakhshan, Takhar, Jozjan, and Faryab)
- v. Still, about 70% of Afghan teachers do not have the required educational level necessary for professional teachers.

vi. 50% of schools do not have buildings and other necessities which directly affect the quality of education.

vii. Serious lack of textbooks, assistant teaching materials, standard and equipped laboratories, health-care facilities, and large number of school shifts directly affect the quality of education.

viii. Financial problems: MoE has 67% of civil servants and one third of Afghans benefit directly from the educational services of this ministry. However, only 15% of regular budget is assigned to this ministry which cannot meet its requirements.

ix. From 95000 students (including 27% of girls) who got their high school diploma in 2009, a small percentage has entered the higher education institutes via university entrance examination. While the number of graduated students from high school is increasing annually, the institutes of higher education cannot enrol all of them.

x. Professional and vocational educational capacity: the number of enrolment of students graduated the 9th grade is only 2% in professional and vocational schools. This figure is less than 0.5 % of all students in the country; which is extremely low considering the economical and developmental needs of the country. The quality of these courses is questionable due to lack of curriculum, workshops, and suitable laboratories. Family restrictions and early marriages during school years result in drop out of girls from schools.

188. Despite the fact that general education up to secondary school is obligatory, those who prevent children from going to schools do not face any penalty and only the LEVAW imposes punishment on those who prevent women from education.

189. In addition to subject of sport as part of schools curriculum, entertainment programs such as exercises and sport events are run in some schools for boys and girls. It is planned that more schools have entertainment and training programs for students. For older students other programs such as house management and family guides are provided by school authorities and family associations.

190. Shortage of sanitary drinking water is one of the serious problems in Afghanistan. Most of urban and rural areas do not have access to safe drinking water and schools are not exception. For instance, in Kabul, 30 to 35% of the city has access to sanitary drinking water; therefore, schools located in these areas benefit from clean water. MoE and the Ministry of Housing and Urban Development has considered the need for safe water in the newly built school buildings.

191. Most of the girls go to schools on foot and due to lack of governmental buses and difficult roads to pass, schoolgirls whose houses are far away from school, do not have access to transportation facilities. However, MoE is doing its best to gradually build more schools, so the students are close to schools.

## **B. Higher Education**

192. Higher Education Law regulates affairs related to academic and higher education in Afghanistan. The new draft of Higher Education Law is now under discussion in the parliament which will be hopefully ratified soon. 1.5 % of the national budget is assigned to higher education in 1389 (2009-2010). Afghanistan

Higher Education Strategy has asked for 564,353,000 US dollars as the required budget for 2009-2010.

193. In 2010, there are 54 universities and higher education institutes in Afghanistan; 24 of which are state universities and higher education institutes and 30 are private universities and higher education institutes which provide education up to bachelor as well as master degree which has recently started. It is expected that in the next four years, at least 250 students graduate from master studies inside Afghanistan.

Table 23

**Numbers of Higher Education Students 2008-2009 (CSO)**

<i>Educational Year</i>	<i>Male Students</i>	<i>Female Students</i>	<i>Total</i>
2008	46435	10016	56451
2009	49152	12216	61368
2010	67752	14834	83883

194. The educational curriculum is equally implemented for both male and female students. Male and female student should pass and complete all similar set of courses. Candidates for university examination have the freedom to choose any fields of study they want and the acceptance criterion is their scores only.

195. Unfortunately, war and insecurity has resulted in low rate of girls' attendance in university entrance examination and even in year 2009, no girls passed the exam in several provinces such as Paktika, Oruzgan, Kunar, Nuristan, and Zabul.

Table 24

**Number of university exam participants based on gender**

<i>Educational Year</i>	<i>No. of Participants</i>	<i>Number of accepted</i>	<i>Percentage of accepted</i>	
			<i>Boys %</i>	<i>Girls %</i>
(2004) 1383/1382	25425	19549	95	5
(2005) 1384/1383	28425	11947	92	8
(2006) 1385/1384	39917	15357	90	10
(2007) 1386/1385	51562	19815	88	12
(2008) 1387/1386	79275	35816	85	15
(2009) 1388/1387	79275	35816	82	18
(2010) 1389/1388	89586	43466	76	24

Table 25

**Number of Graduates from higher education institutes (2005-2006)**

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1384 (2005)	4786	1524	6310
1385 (2006)	7735	1885	9623
1386 (2007)	7828	1943	9771

196. The percentage of girls in universities is increasing year by year. In 2006, girls formed 20% which reached to 22% in 2007 and 24.8% in 2009.

197. Both men and women can work as lecturers at the universities, provided that they have the required qualifications. There are 2539 lecturers in Afghanistan state universities from which 419, 16.5%, are women.

Table 26

**Number of introduced faculty boards for MA and Ph.D scholarship (2001-2010)**

<i>MA</i>			<i>Ph.D</i>		
<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
179	25	217	7	4	11

198. The Ministry of Higher Education provide dormitory free of charge for those students who are from other provinces. In Kabul, Kapisa, Parvan, Balkh, Jozjan, Fariyab, Konduz, Takhar, Badakhshan, Nangarhar, Kandehar, and Herat, dormitories have been provided for 1510 girl students. However, the dormitories facilities are lower than the international standards; the Higher Education Strategy has planned provision of dormitories facilities for 50% of girl students and 30% of all students during the next 4 years.

199. University entrance exam is a general exam and each high school graduate can take part in it up to three times in order to be accepted in his/her desired field of study. In the first phase of student selection for faculties, no privilege is given to male or female candidates. However, after releasing the results, positive discrimination is considered for female students from those faculties which have higher capacities for intake or present fields of studies which are more necessary for women to be included. In addition, women's presence in universities is facilitated in areas where there is a serious need for female experts especially in deprived and war stricken areas.

200. Positive discrimination for female candidates in university entrance exam in 2010 is implemented through the following ways:

- In case of the candidates' requests and availability of enrolment capacity, the girl student can be transferred to the university near their residence,
- 15 scores for girls from deprived and war stricken areas and 5 scores for other girls are assigned as a privilege,
- Female candidates who have failed in the exam can choose a field of study selected formerly by themselves and be referred to their higher education institutes in their residential areas if their scores are above 250 from the total of 330. These students enjoy score bonus and dormitories as well.
- Likewise, positive discrimination is regarded for female students who failed in exam and are interested in continuing their education in Teacher Training Centers i.e. the accepted score for girls is 250 and for boys is 260. Moreover, this score for 17 less developed provinces is 230 and for 13 undeveloped and unsafe provinces, 10 scores for boys and 15 scores for girls are given as bonus.

201. According to the choices made by male and female candidates in university entrance exam, it is known most boys are interested in Medicine, Engineering, Law, Computer Science, Religious Studies, Journalism, and Pharmacy and girls have shown interest in Teacher Training, Medicine, Law, Religious Studies, Literature, Social Science, and Journalism. Some girls also were interested in studying in Engineering, Mine, Power, Agriculture, and Veterinary.

202. There is no exact statistics on the number of girls and boys who study abroad; however, based on figures presented by the Ministry of Higher Education, from 2003 to 2010 about 3500 students were sent abroad to study in bachelor from which 350 were women. From 594 MA and Ph.D students abroad, 59 were female. Moreover, 1620 boys and 325 girls have taken part in short term scholarships.

203. In order to increase the quantitative and qualitative levels of Afghan universities, the Ministry of Higher Education has planned a four year strategy (2010 to 2014). This strategy is based on ANDS in which the following aims should be taken into account: establishment of a high quality state and private higher education system responsible for developmental needs of Afghanistan and result in improvement of public welfare, be in accordance with national traditions, be equipped with advanced scientific knowledge and high management and has a credence and prominent position in international level. This strategy has paid attention to various aspects of higher education and has outlined specific goals and approaches to achieve it. According to this strategy, increased accessibility to higher education from quantitative and qualitative point of views should be taken into consideration. Therefore, one of the key objectives is raising the number of students from 62000 to 115000 in 2014. Training of more than 1000 faculty members is another aim of the strategy and assures students of continuing their education up to Master and Ph.D degrees. The strategy is concerned over gender issues and categorizes women in the group which should receive more attention.

204. According to the Higher Education Strategy, 1000 faculty board members work in Afghan universities and it is planned to employ other 1800 members for universities. Female lecturers will be hired in the process. The aim of an increase in the number of lecturers is to provide a ratio of one professor to 25 students. In 5 year, the percentage of professors having Ph.D reaches from 5.5% to 20% and those who have master degree will be 70% and the other 10% with bachelor degree. In addition, study visits to other countries will be put into action for professors.

205. Based on the Higher Education Strategy, the Ministry of Higher Education will plan a comprehensive system of collection and analysis of data for universities and higher education institutes to register and analyze administrative, students, faculty boards and employees' data and information.

#### **Article eleven: Employment**

206. Ministry of Labor and Social Affairs, Martyrs and Disabled (MoLSAMD), and Afghanistan Independent Civil Service and Administrative Reform Commission (IARCSC) have the leading authority in labor and employment sector in Afghanistan. Article 48 of the Constitutional states that every Afghan has the right to work and article 49 prohibits forced labor and child labor. In addition, article 50 prohibits discrimination in employment among citizens. Therefore, any discrimination in employment based on gender is excluded in laws of Afghanistan.

207. Article 9 of the Labor Law is clear on the issue of prohibition of discrimination in employment:

1. Any kind of discrimination in recruitment, payment of salary and other benefits, choice of job, profession, skill and specialization and particularly the right to education and social insurance;
2. During pregnancy and delivery period, women have special privileges that are determined in this law and other laws;
3. Every individual has the right to choose his or her job, profession, skill, specialization and type of job according to the educational field, interest, qualification and professional preparation according to the laws in GOA.

208. The conditions for civil servants recruitment are regulated by 2005 Civil Service Law. Based on this law, recruitment and appointment of civil servants takes place given the professional skills such as professional education and experience and in a competitive manner. Article 2 and 11 of Civil Service Law prohibit any type of discrimination based on sex, ethnicity, religion and disability.

209. Afghanistan joined the International Labor Organization (ILO) in 1934 and has accepted 20 ILO conventions so far. According to Labor Law, all conventions related to labor rights and recommendations of ILO are enforceable in the country.

210. Despite significant improvements in the field of employment, the level of women employment in governmental offices is only 21%. This is due to many factors; the main factor is the low level of literacy among women. According to a survey conducted by IARCSC in 1386 (2007), only 13.7% of managerial posts were possessed by women. On the other hand, the percentage of woman secretaries (low ranking) reaches 48.8. In terms of education, approximately 46.3% of women employees in civil service who have been surveyed have high school diploma and only 11.8% are holding bachelor degrees. The majority of managerial posts require bachelor or master degrees; therefore absorption of women in these posts is low.

Table 27  
Number of the civil servants based on gender in 2009

<i>Gender</i>	<i>Total</i>	<i>PHD</i>	<i>Masters</i>	<i>Above Bachelor</i>	<i>Bachelor</i>	<i>Associate</i>	<i>High school</i>	<i>Professional</i>	<i>Vocational</i>	<i>Secondary school</i>	<i>Private school</i>
Male	180 344	98	2 231	2 384	15 393	21 686	97 119	1 608	483	36 148	622
Female	58 797	6	262	442	5 845	11 335	23 169	294	74	10 326	32

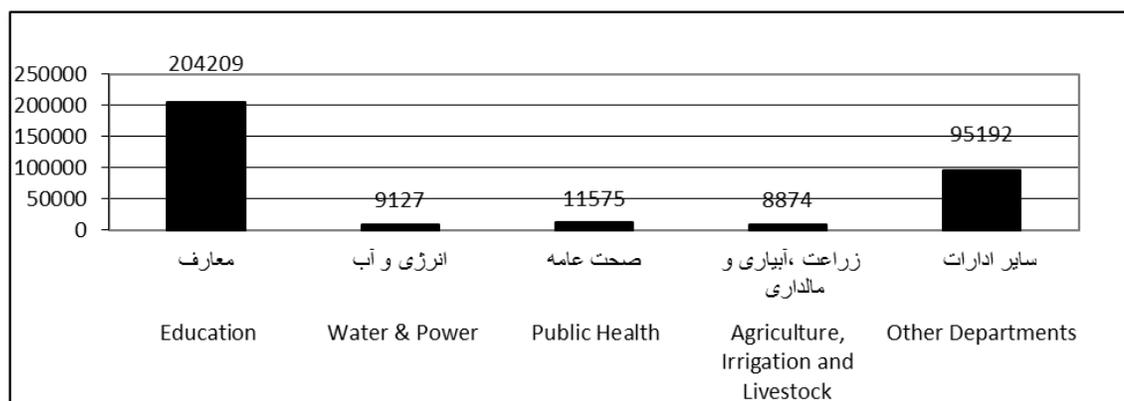
(Source: CSO)

Table 28  
Number of governmental service employees based on gender, 2009

Total	Bachelor or Upper	Associate degree	High school diploma	Professional Diploma	Vocational Diploma	Secondary school	Private school	Uneducated
81 961	19	70	477	117	482	5 320	7 910	63 404
7 875	—	7	39	17	108	522	283	6 334

(Source: CSO)

Graph 9  
Sectors which absorbed most employees, in the year 1388 or 2009 (CSO)



211. Inappropriate customs and traditions in society are among factors that prevent women from working in governmental offices. Many families think that government and NGOs are not suitable environments for women to work therefore they prefer women to accomplish their house affairs. For this reason, many women working in the governmental sector serve as teachers. Teachers usually for half a day and in the other half female teachers are able to handle chores, rearing and paying attention to their children.

212. Those women who are highly educated and are highly paid in NGOs are not interested in working in governmental sector. NGOs provide better working conditions and higher benefits including a higher level of salary, facilities, and transportation to their employees. Although these facilities have attracted employees who have high working capacity in NGOs, government tries its best to absorb educated and experienced people, especially women by creating incentive programs such as bonus payments in addition to their salaries. The Management for Capacity Program has attracted 105 employees with high capacity, 7 of whom are women.

213. MoWA, IARCSC and other government agencies provide multiple programs to create working capacity and incentives to increase women's participation in governmental sectors. These programs include training programs for women to improve their working capacity to take leadership and senior managerial posts. Right now, from 128 posts that are considered high-ranking, only 5 are held by women. Joint project between IARCSC and MoWA, supported by UN Women and governments of Norway and Italy, is running to not only to achieve 30% share of

women in civil service positions and policy making positions, but also to eliminate all types of discriminatory policies, programs and procedures from the civil service.

214. MoLSAMD monitors implementation of laws and regulations related to labor rights in the country. Working conditions, work environments, health issues in workplace, work contracts, provision of work materials are among issues that MoLSAMD considers during monitoring on implementing agencies. There is also a regulatory procedure about the process of hiring civil servants which will be led by IARCSC in which women are also included in leadership committee. The Appointments Board, Complaints Board and also the managerial department of IARCSC in Kabul and other provinces monitor the process of hiring government employees, so that Afghanistan's laws and regulations associated with employment issues will be considered equally among men and women.

215. The employment rate in 1387 (2008/2009) among citizens of age 16 or above has been 67%, but the employment rates among men (86%) and women (47%) show a dramatic difference. Among the nomads the work rate is higher and 78% is for both genders. Employment rate for the urban residents is 49% and for the rural settlers is 71%. Proportion of the population to employment rate shows a very different level of employment i.e. (80%) for men and (43%) for women. Around 93% of work force works at least one hour per week, while the remaining 7% are totally unemployed. Unemployment rate for those who are under the age of 25 is 12% and for educated women is 18%. Approximately 77% of the employed do not have fixed jobs, are free workers or workers who are not paid within the family. Approximately 95% of women and 90% of nomads are exposed to unstable hiring.

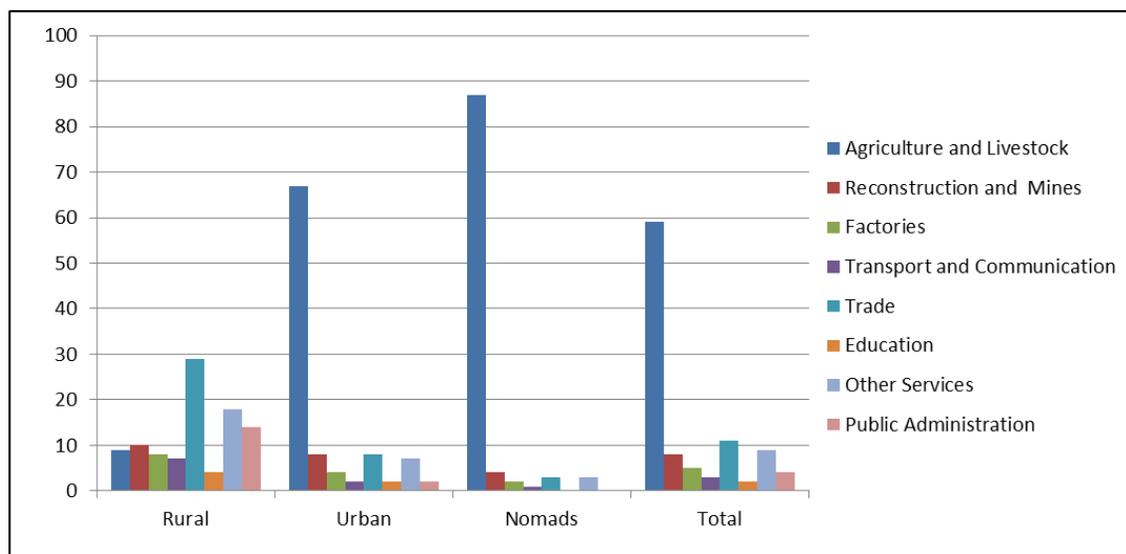
Table 29  
Percentage of population of 16 years and above based on their living location, gender and employment

	Urban			Rural			Nomads			National		
	Men	Women	Both	Men	Women	Both	Men	Women	Both	Men	Women	Both
Wages worker	14	3	12	22	1	14	14	1	9	20	1	14
Workers with Salary	29	27	29	8	2	6	2	0	1	12	3	9
Employed	0	0	0	1	0	1	0	0	0	1	0	0
Self-employed	54	31	50	57	20	43	62	15	44	56	20	44
Workers without salary in family	3	39	9	12	77	36	22	84	46	11	75	33
All employed people	100	100	100	100	100	100	100	100	100	100	100	100
Vulnerable work	71	73	71	91	98	94	98	100	99	88	96	91

(Source: NRVA 2007-2008)

216. Table 10 of the Annex indicates the distribution of working population over 16 years old in the economic sector. 59% of population works in agriculture and livestock sector. This percentage is 67 and 87% for villager and nomads respectively.

Graph 10  
**Distribution of employed population based on residence and economic sector in thousand**



(Source: NRVA 2007-2008)

Table 30  
**Rate of unemployment and poverty based on gender segregation 2010**

*Unemployment and poverty rates based on gender (men and women) in the country*

Poverty index					
Gender	By number		Gender	Percentage	
	No-poor	poor			
Men	623 176	256 034	Men	71	29
Women	2 206 830	942 998	Women	70	30
<b>Total</b>	<b>2 830 006</b>	<b>1 199 032</b>			

(Source: CSO)

217. One of the solutions which have been foreseen by labor law to decrease the unemployment rate is to send Afghan labor force abroad. MoLSAMD is particularly assigned to send labourers abroad based on laws. However, most of workers, who work abroad, are men and women are not ready to work abroad without their families.

218. In order to bring reforms in the country administration, particularly in recruitment, IARCSC has set up and implement the Priority Reform and Restructuring (PRR) Program and Public Administrative Reform (PAR).

219. The PRR is considering the capacity development of women, and in case of equality of qualifications of male and female candidates, the preference is given to female candidates. For ensuring women's participation in administrations as

employees, a woman employee is appointed as member of internal recruitment committee in the ministries and agencies.

220. IARCSC, along with the government, is committed for improvement of gender equality as one of its priorities. One of the ways to improve gender is development of gender equality policy which stresses out on creation of a free-violence working environment. The policy also asks for equal opportunities for men and women for development of their potential capacities. Although the policy supports educational trainings for male and female civil servants, its emphasis is on female civil servants who were deprived of working for many years. This would enable women to compete in decision making positions. For access to gender equality, IARCSC has envisaged the following goals in its policies:

- a. Define a specific strategy for gender equality in civil service
- b. Implement the gender equality policy in IARCSC
- c. Improve the gender equality level and enabling women in civil service
- d. Include gender in all programs, projects and policies
- e. Increase women participation in all levels to a minimum 30%
- f. Eliminate all sexual violence and discrimination

Activities that IARCSC has yet implemented:

- a. Implementation of gender equality policy in all ministries/departments
- b. Formal publication of positive discrimination and working plan in ministries/departments
- c. Training the human resource staff of all ministries/departments with gender policy
- d. Technical instruction and monitoring the implementation of gender equality policy
- e. Ensure consideration of gender in all programs, policies, regulation or procedures developed by IARCSC
- f. Gender trainings for civil servants
- g. Trainings on 5 common key areas for civil servants
- h. Holding study visits on leadership for female civil servants

The achievements of IARCSC in this field are:

- a. The gender policy reviewed and revised
- b. A work plan prepared and publicized for implementation of gender policy in all civil service departments
- c. The women council established in IARCSC
- d. Monitoring tools developed for gender equality
- e. English courses held for women in IARCSC
- f. Study visits to India for female civil servants

g. Preparation of interview questions regarding gender in Appointment Board of IARCSC

h. Monitored the implementation of gender policy in 10 ministries

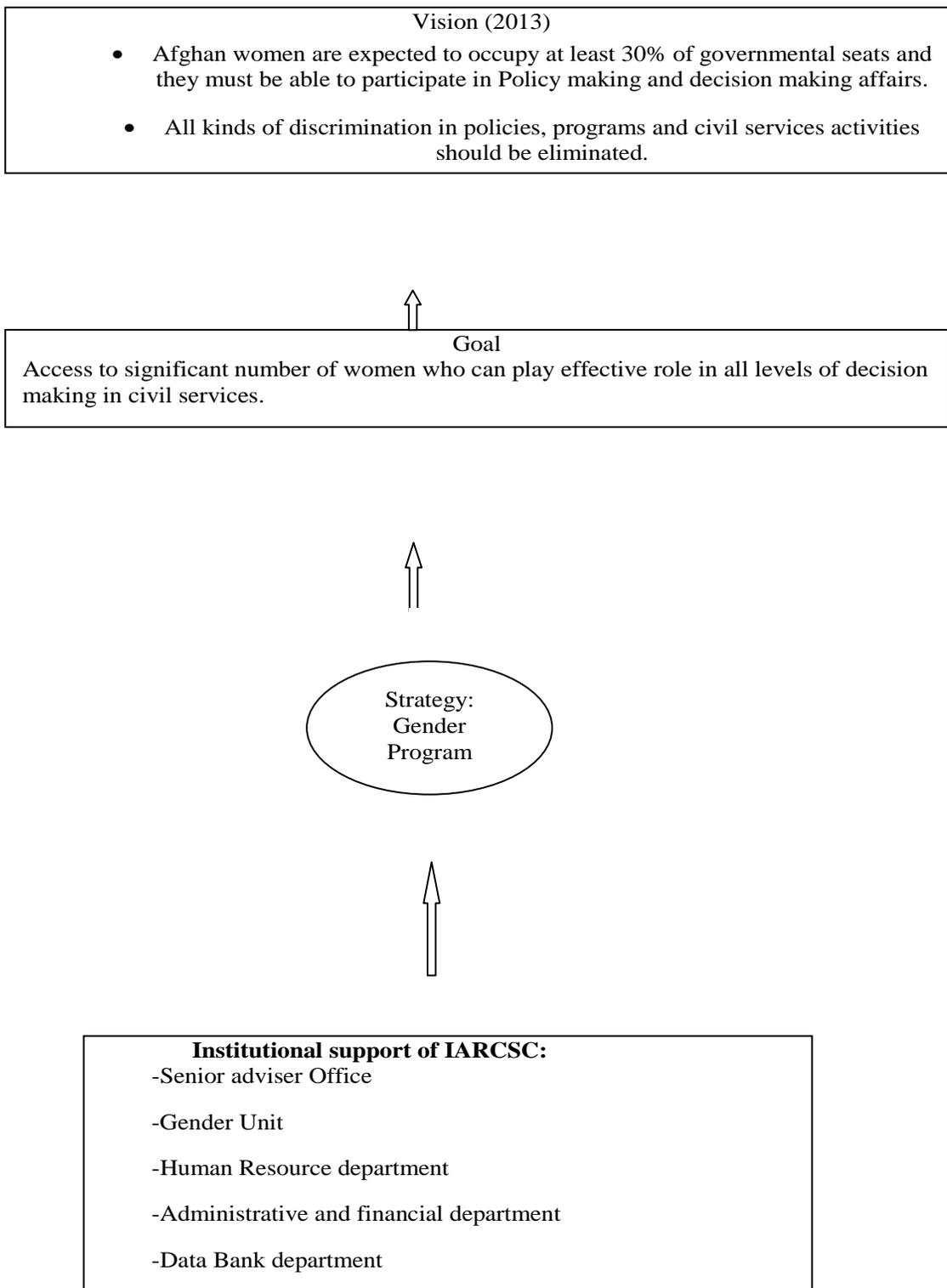
i. Created an information bank of female civil servants in different levels

j. Created an information bank with resumes of female leaders in Afghanistan

k. Held training programs for female civil servants on strategic communication and project management

221. In case of organizational downsizing, decrease of employees or long time pause of work, employees are positioned in standby, but receive their salary. There would not be discrimination against women in terms of downsizing/reduction of staffs or stand by for payment; women and men are treated equally. In downsizing program, temporary employees or women with less quality and aged are more considered to be replaced. In 2008 only one from the 5 civil servants who were excluded from civil service, was female and in 2009 none of the 4 civil servants was a woman.

Chart 1  
**Vision, goal, Strategy and Mechanisms for Institutional support of Gender Program with IARCSC.**



222. The laws in Afghanistan have ensured the principle of equal payment for equal work and consider no discrimination between men and women. Although women have difficulties in reaching the higher rankings of government in compare to men, in many cases the employers are interested to recruit women and in case of equal qualification, the female candidates are preferred.

223. Afghanistan laws have provided following items as the required criteria for those who apply for governmental positions: holding Afghan citizenship, being over age of 18, having age of 15 for simple and easy works and age of 14 for trainees, holding educational documents of vocational training, presenting health status document and presenting education or higher education certificates. The above mentioned criteria are applied the same for men and women and for all Afghan citizens.

224. It is worth mentioning that women employed in governmental sectors practically encounter plenty of difficulties, which are mostly due to lack of law implementation. AIHRC has conducted a research on status of women employees with Afghanistan governmental agencies, which raises concerns about women status in governmental agencies. The AIHRC research on status of women employees has concluded that promotion of 24.9% of respondent women, have not been implemented according to the law, although they were entitled and deserved to promote in their positions at work. They lost promotion and its benefits due to lack of attention of their concerning agencies.

225. The Research Group and Human Rights Advocacy research shows that 55% of housewives are responsible to take care of their children under age of 10 and at the meantime, they have to work at home as well. Moreover, 29% of housewives have expressed that they receive assistance from their husband's parents or their own parents for taking care of their children. In addition to taking care of children, women expend many hours a day to do cooking, cleaning, providing water and firing materials.

226. Based on Regulations on Scholarships, governmental civil servants, including women and men have equal opportunity to join short term trainings abroad. To increase women's participation in such programs, IARCSC emphasizes on more than 30% participation of women in training programs abroad. About 66 women have recently are sent to Korea Republic for leadership studies. At the same time, with the cooperation of The Asia Foundation, educational trips have been arranged for heads of women related departments to countries such as Malaysia, Indonesia, Turkey and India. Even more women have been sent to countries such as China and India to learn on small businesses, support and development of women economy, solar energy, tailoring and other enterprises. In addition, there are some exclusive scholarships for women such as youth leadership scholarship by Japan government for female civil servants.

227. To increase professional capacity, gaining experiences, professional and vocational skills of employees, particularly for youth, programs such as on job training, individually and collectively in short term courses, have been provided by IARSSC. Quota of 30% for women employees has been reserved in both general education and scholarships. In addition, MoLSAMD is running different kinds of programs for capacity development of civil servants. Based on Labor Law, MoLSAMD is assigned to establish the following centers:

1. Employee technical and professional capacity building centers
2. Teacher professional and technical training centers.
3. Training centers for youth and teenagers who lost educational opportunity and are in need of job.
4. Centers for people with disabilities empowerment.

228. Similarly, if employees perform in an outstanding manner, they will be encouraged in a variety of ways. The labor law clearly indicates that if each employees' attempt results in the best working, promotion of work outputs, improvement in production quality, being economical in raw material usage, creativity and innovations in related affairs and other responsibilities, s/he will awarded as following:

- Cash or Non-cash awards
- Admiration certificate
- Appreciation Certificate
- Grant of Medal or Title
- Other incentives

229. As Conventions on Labor Rights and CEDAW indicate, GoA facilitates better work conditions for women and grants some privileges to women at work. The eleventh chapter of Labor law on youth and women's work. Issues such as legal age for recruitment, work conditions, leaves, prohibited works for pregnant women and teenagers have been detailed in this chapter. According to this chapter, recruitment of teenagers and women for heavy works, harmful for health and underground jobs are banned. The list of these banned professions is signed by MoPH, MoLSAMD and the concerned organizations.

230. The administration cannot assign women and teenagers for nightly works. Assigning of women and a mother, who has baby, at hospitals and health centers and in case of her agreement in works which need urgent and continuing care, and are done based on turn and periodicity according to planned timetable, are exempted. Furthermore, Afghanistan laws have foreseen more facilities concerning overtime works and official business trips for women. The organization cannot assign pregnant woman, or a mother, who has a child under two years old and teenagers for overtime works and official business trips. Assigning of a woman, who has a child over two years old to overtime works and official business trips is not allowed without her previous consent. Nonetheless, there are a large number of children under work age, who work in the free market.

231. Each employee should work 40 hours per week on average, but teenagers that range from 15 to 18 ages should not work beyond 35 hours per week. Also for employees who are working underground, heavy works and harmful to health, the weekly working hours is determined at 30. Women, who are pregnant, should not work more than 35 hours weekly. The pregnant women can be entitled to leave with payment 30 days before childbirth. Salary and other entitlements of employees will not be deducted in case of the above mentioned issues. Working hours at night are shorter about one hour than day. The laws do not consider the granted entitlements to women during pregnancy as discrimination.

232. The organization is responsible for making a healthy work environment, ensuring healthy and safe work conditions, using safety techniques and equipments for preventing work related incidents and providing health care to protect employees from the work related diseases. The employees have the right to make unions. The Labor Law also has assigned the organization to provide more facilities and opportunities like cultural and sport facilities. In addition, governmental organizations and NGOs, semi-governmental and private agencies can not dismiss their employees collectively without consultation with MoLSAMD, unless otherwise stipulated in the laws clearly.

233. Each governmental employee, men or women, is entitled to rest and leave with payment. During office hours, break is considered for prayer and meal. Also, general holidays (national or religious) and annual leaves (rest, urgent and sick leave) are considered with payment. Each employee is entitled of 20 days annual leave. The employees under age of 18 are entitled to 25 days annual leave and those employees who do heavy and underground works, are entitled to 30 days of annual leave. Similarly, each employee is entitled to 10 days urgent leave with payment in a year. Such kind of leave can be requested for marriage, childbirth, and death of any close relative. Sick leave has been considered about 20 days a year with payment and other entitlements. According to Labor Law, those employees who go Hajj or go other holly pilgrimages are entitled once about 45 days during their life time.

234. During pregnancy and after childbirth, women employees are entitled to 90 days leave with payment; one third of the leave is given before childbirth and two third of that after childbirth. In case of abnormal childbirth or twin childbirth or more, leave is extended to 15 more days.

235. Conditions, status and application of leaves with payment in NGOs are applied based on bilateral agreement between employer and employee. Contract of NGOs employees are mostly prepared according to Afghanistan laws and the terms and conditions of the labor laws are respected in the contracts. Replacements, termination of contract or making the employees resign during leave with payment and during service status are not allowed, unless the organization itself is dissolved. At the time of return to work, if another person was urgently appointed to the position, the administration appoints back the employee who had been on leave, in the same position. Refusal to accept women for recruitment or reduction of their benefits, because of pregnancy and taking care of their children is prohibited. In addition to the leave during pregnancy and childbirth, the women employee is assigned to easy and light activities during pregnancy with holding the benefits of her original position, based on physician certificate.

236. The acquired and childbirth leaves for women in private sector are not controlled completely, although MoLSAMD is in the process of regulating this issue. Besides, women have to run heavy tasks in agricultural and livestock sector during pregnancy, which increases possibilities of abortion.

237. There is not any kind of discrimination in salary rates between men and women. Those who work in similar positions obtain the same salary and benefits.

238. The age of 65 is the age of retirement for both men and women. In case of urgency and need, the organization with the agreement of the employee who is able to work, can extend the duration for other 5 years. The practical duration of employee's work is 40 years at service and he/she is entitled to the salary of his/ her

last grade and position. In case of heavy works and harmful to health, this duration is reduced to a shorter period.

239. For mothers, who have a baby, besides break for meal, extra break is given to feed the baby every three hours at the workplace nursery. These breaks happen during office hours and must not be less than 30 minutes. For taking care of employees' children, each organization has the obligation to establish nursery at workplaces. Usually, governmental agencies, higher education's institutions, public schools in Kabul and major cities have kindergartens, but the small provinces or remote and rural areas do not have kindergartens. The management and arrangement of kindergartens are among the responsibilities of MoLSAMD, which has created a general directorate to oversee them.

**Table 31**  
**Indices related to nurseries and Kindergartens, 2007-2010 or 1386 to 1388 —(CSO)**

<i>Indices</i>	<i>Unit</i>	<i>1386 (2007)</i>	<i>1387 (2008)</i>	<i>1388 (2009)</i>
Kindergartens and Nurseries	Number	327	329	331
Residential Kindergartens and Nurseries	Number	114	115	165
Kindergartens and Nurseries at workplaces	Number	213	214	166
Total of children at Kindergartens and Nurseries	Children	17 351	13 085	12 359
Boy	children	8 956	6 215	6 661
Girl	Children	8 395	6 870	5 698
Children at Residential place Kindergartens and Nurseries	Children	6 942	7 910	6 997
Boy	Children	2 735	3 484	4 088
Girl	Children	4 207	4 426	2 909
Children at Workplace Kindergarten and Nurseries	Children	10 409	5 175	5 362
Boy	Children	3 812	2 731	2 573
Girl	Children	6 597	2 444	2 789
Total of Teachers at Kindergarten and Nurseries	Teacher	1 938	1 938	1 938
vocational	Teacher	1 938	1 938	1 938
Non-vocational	Teacher	—	—	—
Teachers at Residential place Kindergartens and Nurseries	Teacher	785	785	785
Teachers at Workplace Kindergarten and Nurseries.	Teacher	1 153	1 153	1 153
Employees	Person	274	274	274
Hired workers	Person	513	513	513

240. Employees in social and economic sector should be ensured of health conditions and safety of work and production, professional training, skills development, promoting level of professional knowledge and social facilities. However, insurance system is not generalized yet in the country and governmental civil servants do not have access to insurance yet, but each organization is obligated to compensate and pays for treatment the employee who faces health problems resulted from work. The

government has ensured different kinds of social benefits for its employees such as food materials, transportation, assistance for building house, health services, financial contribution during retirement which is equal to 10 months salary with all of its benefits, according to the last monthly salary of the retired employee; also financial support during childbirth and also an amount to the deceased employee's family for burial and other ceremonies, which is equalled to 10 months salary with its all benefits according to the last monthly salary and retirement allowance, are provided. It's worth mentioning that social benefits are carried out by financial contribution of the organization and employees. In addition, the Family Protection has created within National Army which is dedicated to protect army employees' families who have been martyred or injured. This unit is staffed totally by women and has about 25 employees.

241. The level of women's participation in social and economic sector is gradually increasing which reaches between 35 to 50% in some fields. In 2007 (1386), generally around 18% of women were employed in all fields. MoLSAMD has allocated an appropriate share for women in different programs, particularly technical and professional training. For instances, in 2008 (1387), 326,513 individuals have been recruited in governmental agencies, and private sectors, out of which 35% are women. Likewise, in 2007 (1386), jobs have been provided for 154,804 people in job finder centers, technical and professional centers, which women make 59,718 of them. Governmental employees, civil servants and contractual employees, reached to 307,288 people across the country in 1386 (2007), which are composed of 253,166 men and 54,122 women. Women percentage is estimated to 18%.

242. MoLSAMD has established 19 professional and vocational centers in the capital and provinces where women make 35% of trainees. Similarly, in the remote and hardly accessible province of Ghor, a carpet weaving project is implemented and women make 50% out of 2,000 participants. In addition, women make 40% of beneficiaries in 19 development projects designed in social security sector which are managed by MoLSAMD. To assist vulnerable children and women, people with disabilities and families of martyrs, more than 30 organizations are working in the field of professional and vocational training in the capital and provinces.

243. To increase women's employment, a policy is approved for support of the poor women, beggars and unprotected women. Besides, MoLSAMD is working on the Law on Support to Vulnerable Persons and Families which is paying attention to vulnerable women among other issues. Vulnerable orphans, old and disabled persons have received support from MoWA and budget has been allocated by the Ministry of Finance for this purpose. The Afghan Red Crescent Society is responsible to pick up the beggars from the city's streets and then to identify whether they are really vulnerable or not. After identification, they are to be resided at the governmental social welfares and receive living necessities. Particularly, professional training is provided for women to be recruited to their favourite professions after they leave the social welfare centers.

244. More than 15654 women are working with international NGOs and more than 8475 women are working with national NGOs. There is also a Job Search Unit within MoWA for jobless women. MoLSAMD has the primary responsibility of finding jobs for Afghan citizens. At the meantime, MoWA, ILO and AGEF work in this area. During 2008 to 2009 (1387-13889), more than 4508 women have been recruited through this and also 2672 women have received professional training.

245. According to Organization and Jurisdiction Law of Judiciary, women can work for all judiciary positions. Women can also work within Police and Army Units. A number of women have been accepted in military schools and Military Academy through entrance exams. According to policies of IARCSC and agreement of Ministry of Defense, women should make at least 10% of the army in the next some years.

246. The child labor is prohibited, but 21% of children between age 6 to 17 (1.9 millions) work. The number of child workers, who do not attend school, is almost twice more than those children who go to school. The spread of poverty throughout the country has caused children, including boys and girls to run heavy works. Most of children work on the street as retailers and as farmer in rural areas to provide livelihood for their families. Most of the girls who are under age, but have to work are busy in activities such as carpet weaving and tailoring. This has also resulted in involvement of the children in drug smuggling and in some cases they become addicted to using drug. The government is trying to stop child labor, but the results are not satisfactory so far.

247. In some fields, the women are highly needed, but the number of qualified women is scarce. Medical doctors and midwives are among those categories. Women doctors and midwives have been recruited from neighbouring countries in some countries. However, the GoA is doing its best to develop the capacity of women in such fields.

248. The CSO has not conducted a survey on the work, recruitment or work conditions of women yet, however, such a survey is planned with cooperation of MoLSAMD in the future and these will be included into the questionnaires. At the meantime, some research and surveys have been done by some organizations which generally indicate dissatisfying work situations for women.

#### **Article twelve: Health**

249. Article 52 of the Constitution obligates the GoA to provide the means for prevention and treatment of illnesses and provide health facilities free of charge to all Afghan citizens and to encourage and support private health centers. Moreover, article 54 obligates the government to protect mother and child, prevent child malnutrition and also traditions that are contrary to the religion of Islam, in this field.

250. MoPH has the leading and monitoring role in drafting, managing, and conducting a well balanced health policy, as well as monitoring the implementation of the policy. MoPH takes lead in providing means of prevention and treatment of illnesses, supplying free of charge health facilities through building hospitals and health centers for all citizens, encouraging and supporting establishment and development of health services and private health centers. It must also grant health services for the disabled, those affected by war, and the decedents of martyrs, and prisoners. The ministry should also adopt programs to eliminate all kinds of disease and prevention of infectious diseases. A number of national and international organizations are helping the MoPH in implementing health programs.

251. ANDS considers health as a main sector. According to this strategy, basic health services must cover 90% of the population of Afghanistan and the maternal mortality rate must decrease by 50% by 2015. Likewise, by 2010 the maternal mortality rate must decrease by 25%. Considering the maternal mortality at childbirth of 1,600

women in every 100,000 child births in 2002, ANDS aims to decrease the number of maternal mortality at childbirth to 800 women in every 100,000 child birth by 2015.

252. NAPWA obligates the government to protect women's spiritual, physical and social well being as well as their maternity rights. NAPWA considers the following indicators (table 32) concerning women's health care:

<i>Goal</i>	<i>Key indicators</i>
The government is decisive to grant spiritual, physical and social well-being for women and to protect women's maternity rights.	<p>Decreasing maternal mortality from 1,600 mothers to 400 mothers per each 10,000 child-birth by 2015</p> <p>Increasing maternity health services in health centers</p> <p>30% of women's involvement in health service</p> <p>Availability of health-care services for a minimum of 90% of women</p>

253. Health and Nutrition Strategy (2007-2013) which is prepared by MoPH in accordance to ANDS for five years refers to equal and consistent improvement of health and nutrition of the people of Afghanistan through offering quality health-care services and protection as well as progress of healthy life standards along with healthy life manners and habits as its principle goal.

254. As a result of war, poverty and insecurity, human, economic and social indicators in Afghanistan are placed in much lower levels compared to the international standards. These low standards are particularly prominent in health sector. In some parts of the country, there are not enough doctors and health workers and people must walk for hours to reach a health-care center. Life expectancy is 47 for men and 45 for women which also speaks for low standards and is almost half of the life of people in developed countries. Infant mortality among children of 1 year old is 111 out of 1000 born child and among children of 5 years old, 191 children out of 1000 children are predicted to die. Despite all the widespread efforts towards improving health-care situation during the recent years, Afghanistan still has the worst health-care situation in the region.

255. The Health and Nutrition Strategy particularly pays attention to women and children specially in those regions where people have limited access to health services. MoPH, in consultation with foreign donors, UN organizations and organizations working for health care has prepared and implemented a health strategy which focuses on 18 health sections.

256. Health and nutrition strategy has considered different sections of health as following (table 33):

<i>Section</i>	<i>Goal</i>
	Application of collective basic health-care services
	Application of collective basic hospital services
	Improvement in quality of parental and maternity health services
Decreasing disabilities and mortality	Improvement in quality of child health services
	Amplification of non-segregated services for controlling
	Contiguous disease based on efficient value
	Creating prevention and improvement programs
	Improving vast participation of the public
ANDS	Improving coordination in providing services
	Improving the coverage of programs that support quality
	Decreasing the spread of malnutrition and increasing access to micronutrients
	Progression of institutions and improvement of operation and management in all levels.
Institutional or organizational development	Improvement of health-care planning, monitoring and evaluation in all levels.
	Financial development of health-care and national health calculation
	Supporting the development of human resources particularly women health-care providers.
	Improving management and conditions in provincial levels.
	Consistency of implementation of basic and structural reformation program
	Quality assurance
	Development and implementation of rules and regulations of private and state sectors.

257. MoPH considers the allocation of more budget and enhancing work capacity in this ministry as the major element for improvement of health services in the country in the long term. There needs to be more attention paid in basic health care and protection services. Therefore, MoPH will manage its activities for the coming years as the following:

Table 34  
Desirable results in health sector till 2013 according to different national documents

<i>Results</i>	<i>Information basis 2010</i>	<i>Achievements in 2006</i>	<i>Eminent goals for 2010</i>	<i>Health and Nutrition Strategy 2013</i>	<i>MDGs 2015</i>
Basic package of health-care services will cover 90% of the population of the country by 2010					
Increase in access to Basic health-care centers that are two hours away from the patient	9% of the population has access to basic health-care centers that are located two hours away from them.	65% of the population has access to basic health-care centers that are located two hours away from them.	90% of the population has access to basic health-care centers that are located two hours away from them.	90% of the population has access to basic health-care centers that are located two hours away from them.	
Decrease of maternal mortality to 15%					
Decrease in maternal mortality	1600 mothers in each 100,000 births while the child is alive		Decreased by 15% to 1360 Mothers in each 100,000 childbirth while the child is alive	Decreased by 21% to 1264 mothers in each 100,000 childbirths While the child is alive	Decreased by 50% to 800 mothers in each 100,000 child birth while the child is alive
Decrease of child mortality in children below age of one and five year by 20%					
Decrease of child mortality in children below age of one year	Death of 257 infants among every 1000 infants born alive	Death of 191 infants among every 1000 infants born alive	Decreased by 20% to 205 infants dead among every 1000 infants born alive	Decreased by 35% from the primary scale to 167	Decreased by 50% from the primary scale to 128
Decrease of child mortality in children below age of 5	Death 16.5%	Decreased by 12.9%	Decreased by 20%	Decreased by 30%	Decreased by 50%
Complete Coverage of Vaccinations					
Increase in national coverage	31%	77%	Higher achievement	Higher achievement and consistency	Achievement and consistency
Vaccination with three doses of DPT for children below age of one year			Of 90%	Of 90% of national coverage	Above 90% of national coverage
Increase in national vaccination coverage of smallpox in children below the age of five years	35%	68%	Achievement above 90%	Achievement and consistency above 90% of the national coverage	Achievement and consistency above 90% of the national coverage

258. MoPH's programs in health sector include basic health protection, hospitals protection, illness prevention, maternity and infant health, public nutrition, program for supporting and implementing health policy, improving human and research resources, program for supporting medicine management, and management programs.

259. The implementation of the basic health services is aiming accessibility of women to health services, so at least one professional woman works in each health center. Women from remote districts, who have received health training in the big cities, are asked to travel to their villages and provide health services to the villagers considering the security situation. A policy for providing incentives and encouragement for this end is developed and is under implementation.

260. The National Policy of Maternity Health (2006-2009) which is part of the basic health-care program, illustrates that the MoPH, considering maternity health, has promised to improve access of women and mothers who are in the age of pregnancy to maternity health services that include protections needed before child birth, child delivery protection, emergency pregnancy and maternity health protections, post child delivery protection, counselling services, modern family planning program through mid-wives and skilled health service providers. MoPH will renew this strategy.

261. Health services provided through private hospitals and clinics are not free of charge. Private health institutions function better than the governmental health institutions due to having advanced systems and machinery. MoPH monitors and evaluates the private sector activities and has developed the national policy for private sector and the work is in progress to develop related regulations. Moreover, there are minimum criteria introduced that will ease the evaluation and monitoring process of private and governmental hospitals.

262. According to NRAVA (2006-2007), 85% of Afghans have access to some level of health centers that are located one hour away from where they live. Those people who live in cities have better access to health services compared to villagers and nomads since 81% of them can reach to health centers in less than an hour. In some provinces that have hard passing roads or a relatively small population with a big territory, access to health centers is limited. For example in Ghor, Orozgan, Daikundi and Zabul, 25% of people have access to health services which is the lowest percentage in Afghanistan.

263. MoPH has developed a package of basic health services in 2003 which aim to provide health services and increase access of the entire population to health-care services. This package pays more attention to villages and remote areas where people have less access to health-care services.

264. Around the country, 30 provincial hospitals and 5 regional hospitals are providing maternity services. In Kabul city there are two hospitals specifically offering maternity services. Likewise, there are 25 specialized hospitals, 5 of which are providing maternity services as well. MoPH aims to increase the number of hospitals that provide maternity health services around the country CSO indicated that in 1389 (2010/2011), there were 334 maternity doctors; 217 of them work in Kabul.

265. All over the country, there are 1,272 female doctors. Similarly, 2,122 female health workers with different categories are employed by the government and 4,420 are working with non-governmental sector.

Table 35

**Number of Public Health Personnel, 2007-2009/2010 (Source: MoPH)**

	<i>Number of Doctors</i>			<i>Number of Medium Health Personnel</i>		
	(2007/2008)	(2008/2009)	(2009/2010)	(2007/2008)	(2008/2009)	(2009/2010)
	4 178	4 350	5 557	11 002	11 458	11 574

266. In 27% of health centers in remote districts, there are not any female health workers. In 32% of basic health service centers, there is only one midwife. Lack of female human resource and low level of participation of women in health sector is one of the main challenges in the health sector. In remote provinces where people have

limited access to good quality education and schools, roads, electricity, water and employment or in hard accessible areas, lack of human resources is more obvious. Daikundi, Badghis, Nooristan, Farah and Nimrooz are among provinces where people have limited access to health services because of insecurity and remoteness.

267. For each 10000 people, there are only 2.1 doctors available and most of these doctors work in Kabul or other big cities. In addition, for 27% doctors and 32% of health centers there is only one midwife. 27% of these centers have no female health workers. Lack of experienced female health workers is one of the obstacles to better health services for women. On the other hand, traditions and customs prevent women's treatment by male doctors. However, the government has decided to increase the number female health workers and health centers for women. These female health workers will include midwives, pharmacists and local health-care providers.

268. Generally, the number of child deliveries under supervision of skilled health workers is very low and does not exceed 24%. About 80% of child deliveries are supervised by local midwives or relatives of women, but unfortunately, a tremendous difference is seen between child deliveries overseen by skilled health workers and local unprofessional midwives or relatives of women in the villages and the cities.

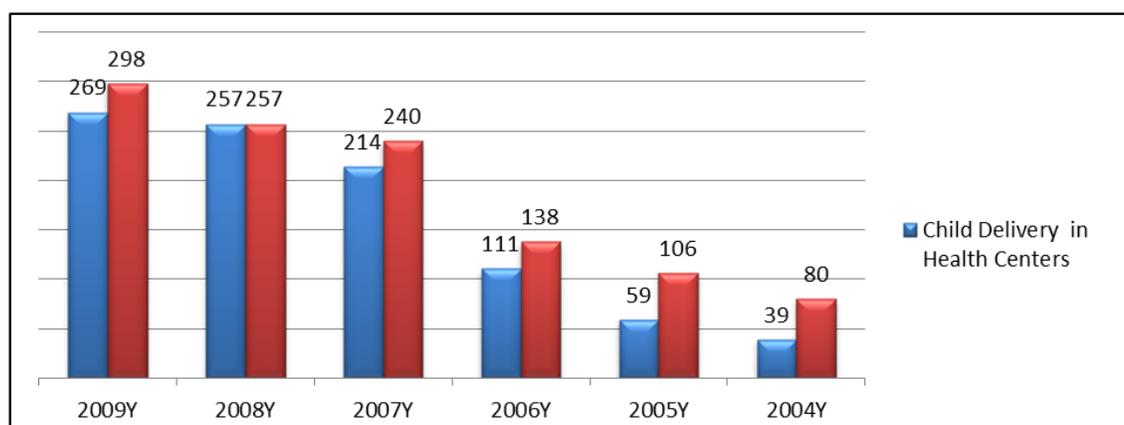
Table 36

**Percentage of deliveries done in the health centers (Source: MoPH)**

Indicator	2008-2009	2009-2010	2010-2011
Number of child deliveries by skilled health workers			
In health centers	35%	33%	43%

Graph 11

**Comparison of Average of Deliveries in Health Centers and Deliveries at Homes (MoPH/HMIS)**



269. In 1389 (2010), a number of 1225 women in provinces have been enrolled in Ghazanfar Health Education Institute through university entrance examinations. In addition, women have been introduced to midwifery schools through health councils and other councils created by local people. The graduates will be employed in districts of the province and work as health workers. In 34 provinces of Afghanistan, there are

34 midwifery schools and so far, more than 2200 midwives have graduated from these schools. At the same time, there are many local midwives in the country, but there are not exact statistics available about them. World Health Organization suggests that skilled health workers (doctors, midwives and trained nurses) must not be replaced by local midwives because previous experiences show that the interference of local midwives in child birth process is not only helpful, but it also leads to disability of infants and mothers.

270. The period between pregnancies for one third of women is 18 months or less and 24 months for half of the women. Family planning is not for control of the population in Afghanistan, it is rather to create distance between pregnancies. Distribution of pregnancy control medicine or suggesting methods of creating distance between pregnancies takes place under an action plan called “Immune Tools for Healthy Maternity” via MoPH. International organizations with the consent of MoPH also distribute birth control pills. These services are a part of the package of basic health services and family planning services which are parts of hospital services. National Health Strategy also takes these services into consideration. Implementation of family planning program through MoPH is to improve the quality of family planning services, to inform the public through religious leaders and influential locals, to support the family planning program, and to create facilities in terms of family planning by married couples.

271. To offer better quality services and public awareness, various activities have been undertaken from year 1386 (2007) which include preparing and distribution of learning material, guidelines, application cards of family planning, counselling tools and materials, posters, brochures, fact sheets, religious booklets under the names of family planning and Islam or family planning in light of Islam, universal booklet for family planning and calendars with messages on family planning. Furthermore, there are various other family planning programs conducted in the society in form of projects in some provinces. These programs are carried out with the support of international organizations such as United States Agency for International Development (USAID), World Health Organization (WHO), UNFPA and IPPF. Some of these programs are also provided as national programs. Family planning counselling is provided through MoPH, MoWA, AFGA, MSI, USAID and COMPRI-A. This includes counselling, creating centers where services are provided for youth in provinces and provincial centers through family planning and distributing pills through social workers.

272. Information on family planning and distance between pregnancies is included in learning material for girls’ schools and medical faculties and they are also transmitted through messages in the media. Based upon the agreement between MoPH and MoE, this information will be included in the curriculum of intermediate and higher education and students will be informed on different methods of contraception such as pills, shots, condoms and other methods.

273. Maternity rate is 6.3 for each mother in Afghanistan. In urban areas, the maternity rate is 5.3, 7.3 among nomads and 6.5 in rural areas. Family planning is a main component of control of population and creating distance between the pregnancies. Some of these programs had remarkable achievements in decreasing the number of successive pregnancies, although these kind of pregnancies are increasing in rural areas which is reflective of weak health services in family planning area, limited knowledge on prevention of pregnancies, limited distribution of contraception

drugs, high level of child mortality, low level of education and decision making of women about number of family members are the reasons why the average number of family members is 7.3. At the same time, infant mortality is a worrying issue.

274. Only one third of the married women are aware of one or more of preventive methods; this is 45% in the urban areas and 22% in the rural areas. Only half of those who are aware of preventive methods use some of those methods. Basic health maternity services are provided in 73% of health centers of the country.

Table 37

**Usage of contraception methods, year 1388 or 2009 (Source: MoPH)**

*Number of Persons using the Family Planning based on Methods*

<i>Pill</i>	<i>Injection</i>	<i>Condom</i>	<i>Loop</i>	<i>Permanent</i>	<i>Total</i>
365 519	299 342	226 233	21 499	2 214	914 807

275. Family planning services are free of charge and are part of both BPHS and EPHS. Anti-pregnancy drugs are distributed to people in the health clinics by health personnel, which have increased access of people to such services.

276. The first survey on mother mortality at childbirth was conducted in 2002. Since then, no other survey has been done. Another survey is to be done in 2010 and the results of this survey will be announced in 2011. In 2002, maternal mortality in Afghanistan was 1600 women in each 100000 infant born alive. Maternal mortality in villages is much more than in cities.

Table 38

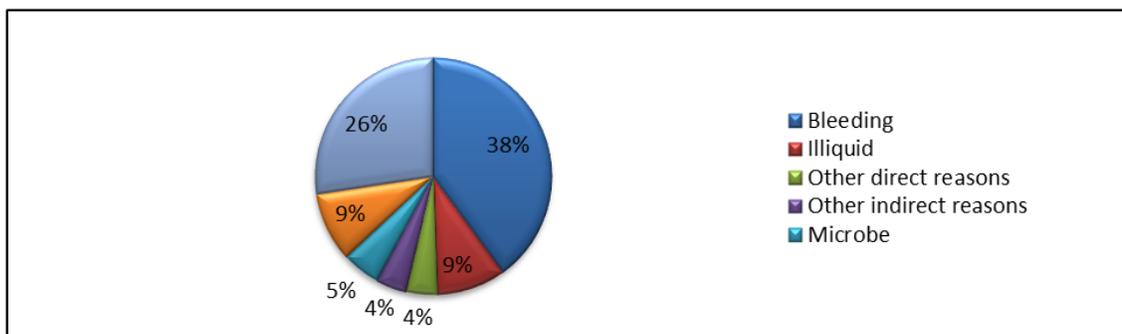
**Scale of mother's mortality at childbirth in cities and villages (Source: MoPH)**

	<i>Urban Sample</i>	<i>Semi-rural Sample</i>	<i>Rural Sample</i>	<i>Remote Areas Sample</i>
District	Kabul	Alishang	Maiwand	Ragh
Province	Kabul	Laghman	Kandahar	Badakhshan
Number of Mothers dead in each 100,000 child birth	400	800	2 200	6 500
Number of infants dead in each 100,000 child birth	80	120	No survey done	220

277. The major reason behind the death of the pregnant mothers is bleeding. More than one thirds of women who die of bleeding bleed until they die either during child birth or after that. One third of women die because of obstruction during pregnancy (types of eclampsia, pre-eclampsia, bleedings, abortions effects, obstructed deliveries, ruptures of uterus and infections) . Abnormal delivery (mostly need operation) is the main reason behind the death of mothers in the remote district of Ragh of Badakhshan. There is very few professional staff in child delivery and there is very limited facility of surgeries available in this district. Women lose their lives and their children while going through the delivery process for several days. This shows that there is a serious lack of access to health services in some areas of Badakhshan such as Ragh.

278. Generally, 82% of the maternal mortality is due to bleeding, sepsis or existence of microbes in blood, high blood pressure and unsafe abortion. According to the surveys, 78% of mothers who died could be saved.

Graph 12

**Reasons behind Mother Mortality (Source: MoPH)**

279. Basic vaccination program is provided for all citizens, although in some areas due to various reasons, the vaccination cannot take place appropriately. The groups of people who receives vaccination are the following:

(a) Children below 11 months will be vaccinated, but children who are brought to clinics and are as old as 23 months will not be rejected. It must be mentioned that children below age of one year form 4% of the children's population.

(b) TT vaccination for all women who are in maternity age (15 to 45 years) which form 20% of the overall population.

Table 39

**Standard for TT vaccination**

<i>Dozes</i>	<i>Times for Vaccination</i>
TT1	First visit of a woman who can get pregnant (a woman whose age is between 15 and 45, or vaccination should be done right after the women gets pregnant)
TT2	At least four weeks after taking the first doze
TT3	At least 6 months after TT2
TT4	At least one year after TT3
TT5	At least one year after TT4

**Table 40**  
**Number of dozes received by women of 15 to 45 years during the years 2009-2010**

<i>Overall dozes given</i>	<i>Number of dozes given on women who were not pregnant</i>	<i>Number of dozes given to pregnant women</i>	<i>Year</i>
4 110 123	2 755 751	1 354 372	2009/2008)
4 059 902	2 794 544	1 265 358	2009/2010)

280. It is worth mentioning that individuals who took the TT vaccination are all women and whether they are married or not, they take the vaccination five times based on the above schedule. Once the five rounds of vaccination are completed, there is no need for taking more dozes; however, if all dozes are not completed, then they must be completed.

**Table 41**  
**Number of Polio Vaccinations Given in Year 2009-2010 (Source: MoPH)**

<i>1st Round in Spring</i>	<i>2nd Round in Spring</i>	<i>1st Round in Falls</i>	<i>2nd Round in Falls</i>	<i>Total of the 4 Rounds</i>
7 298 204	7 592 705	7 247 954	7 561 203	29 700 066

281. For public awareness, the national day of Safe Motherhood, Universal Population Day and Universal Day of Elimination of Violence against Women are celebrated annually. Besides, safe motherhood campaigns are being conducted in some districts of Kabul and some other provinces. Television shows, dramas, round tables, 4 health programs, 180 round of short advertisements, and 7 seasons of TV series have been prepared and broadcasted on family planning and safe motherhood. In addition, more than 180000 posters, family planning brochures and guidelines, 500 banners, more than 3000 notebooks, pens, books and calendars all with health messages about safe motherhood, family planning and HIV are distributed in Kabul and other provinces. Family planning messages have also been passed across by 228 religious clerics in 10 provinces after Friday prayers. Furthermore, a project about usage of family planning methods has been implemented in 13 provinces and will be implemented in 21 other provinces.

282. Even though the health sector has had notable achievements in the recent years in Afghanistan, health situation for women is not convincing yet. MoPH continuously supports the creation and revival of health centers that will respond to the health-care needs of women. Efforts towards increasing access to health-care services in provinces will continue. These efforts will include establishment and use of more mobile health centers, so that people in villages have more access to health-care services. Implementation of the collective basic health policy with the goal of employing at least one female health worker in each health center will be very effective in increasing women's access to health-care services.

283. National Strategy of Maternity Health (2006-2009), which is a part of the basic health-care programs, illustrates that MoPH has promised to improve access of women and mothers who are at the age of pregnancy to maternity health services that include protections needed before child birth, child delivery protection, emergency pregnancy and maternity health protections, post child delivery protection, counselling

services, modern family planning programs through midwives and skilled health service providers. The goal of MoPH is to increase pregnancy and maternity services and improve the quality of these services with implementing this strategy. To reach this goal, MoPH will undertake the following activities:

- Increase the number of health centers particularly mobile health centers
- Increase the number of female health workers specially midwives
- Increase the quality of medical care in all health centers and building waiting rooms in child delivery sections of health centers in each province

284. Currently the national program for controlling AIDS provides services through 24 contracts with national and international organizations in 8 main provinces of Kabul, Ghazni, Herat, Kandahar, Nangarhar, Kunduz, Balkh and Badakhshan. Ten consulting centers and volunteer checkups, 15 primary services centers, and two HIV medication centers are active in Herat and Kabul provinces; such services would be extended to other provinces as well. So far, 556 positive cases of HIV have been reported through different sources and 7 individuals who had HIV have lost their lives.

285. Up to end of 2009, 639 cases of HIV were reported. These cases are reported from blood banks, health data systems, counselling centers and voluntary test centers. It is worthwhile to mention that the data received from the counselling centers and voluntary test centers can be segregated by sex which forms 191 reported cases. 50 of these cases belong to women and 141 to men. Furthermore, 95 AIDS cases have been registered in AIDS Treatment Centers, 13 belong to women and 82 to men. The HIV treatment and control program provides equal services to men and women. Due to cultural reasons, the exact number of HIV patients is not clear. Most of the people infected with HIV are worried on publicizing their disease, although the policy requires the health centers to keep the specifications of their patients confidential.

286. In 2006 a survey was conducted by the Ministry of Counter Narcotics, MoPH and United Nations Office on Drugs and Crimes (UNODC) to identify the number of drug users in Afghanistan. The results of this survey show that 120000 of women use drugs which forms 13% of the total number of drug users. MoPH has also done a survey in this regard in 2009 the results of which will be soon announced. The number of women drug users may be much more than what is projected in the above-mentioned survey, because many addicted women tend to hide their addiction. MoPH provides treatment for 2000 drug addict women through 26 rehabilitation centers. There are separate beds assigned for woman drug addicts in all hospitals. In some rehabilitation centers, addicted women learn different professions to be able to make revenues after they are treated. MoPH has created a rehabilitation center for addicted women and a reduction of HIV harms center in women's prison in Herat. Furthermore, there is a mobile team to treat addicted women who are embarrassed of their addiction and wish to be treated in their homes. This mobile team also informs women about the harms of drugs. The NGOs with coordination of MoPH have formed three rehabilitation centers for addicted women and their children in Kabul, Balkh and Herat provinces. All the personnel of these hospitals are women.

287. Abortion is a crime in Afghanistan and women do not have the right of abortion. The only case where abortion is possible is when a health commission decides whether abortion is required to save the life of the mother.

288. The health condition of people living in unsafe areas is not satisfactory. In those areas, the polio and other vaccinations are not given completely and the health personnel do not have a significant presence there. In any area that is retaken by the government or it becomes more stable, the government implements the health programs very quickly.

289. There are not specific health services for those who have migrated; however, mobile health service teams provide health services to immigrants. Basic health services are provided through health centers, basic health centers, comprehensive health centers and hospitals in districts. Considering geographical state of Afghanistan and the existence of more than 36000 villages, 1500 health centers in the country and Afghanistan's outspread population, MoPH believes mobile health service teams are the most effective ways of providing services to people in villages and remote areas. The achievements of this program during the year 1389 (2010-2011) includes 1154393 checkups of patients, 1285 child deliveries, 21611 pregnant mothers checkups for the first time, usage of family planning methods by 37579 women and DPT vaccination of 20487 children under five. Mobile teams provide services six times in a year in their assigned areas and each team functions 20 days. These teams spend 3 days in their assigned area which includes commuting to and from their assigned areas which generally takes place 80 times per year. During the country wide vaccination periods, mobile vaccination teams stand by highways and vaccinate migrants that are coming back to the country.

290. The gender issue is taken into consideration in package of basic health services and health related information, although there is not enough widespread information collected and distributed in this regard. MoPH has added the gender issue to its budget two years ago. Through workshops with the support of budget section of the Ministry of Finance, this issue and its indicators have been explained to finance managers and department heads and it has been decided that if indicators are not included in the program, those items will not be included in the budget. Furthermore, the gender issue has been considered in new projects. The gender issue is also included in health informational system and after implementing the overall basic health services, all indicators and statistics will be provided based on gender. In addition, two indicators about violence are added based on gender. Gender issue is also considered in HIV, TB and eye protection programs.

291. The health sector is confronted with a number of challenges and shortages. 15% of pregnancies and child births require emergency care. It is not only in maternity and pregnancy issues that women need health-care services, many women are psychologically affected by years of war and they need social and spiritual support to which they have not enough access. Malnutrition is one of the other major problems and according to Millennium Development Goals; Afghanistan is one of the 22 countries in which the spread of TB mostly in women is in its highest scale. Based on WHO data, 67% of TB cases in Afghanistan are found among women. Anaemia, Tetanus, sexual disease and AIDS are among other diseases of Afghan women. Although existence of administrative corruption in delivering health programs cannot be denied, MoPH with the support of organizations implementing the strategy of anti-corruption have taken action in preventing corruption in health sector.

292. To increase the number of female health workers, there are long and short term policies in hand. Establishment of midwifery schools and training female health workers is among the short term policies, each of which takes 3 to 18 months. Long

term policies include training female doctors from remote provinces. This issue will be discussed with the Ministry of Higher Education so that more female students are enrolled in medical schools.

293. Based on cultural reasons, women patients are not very interested in visiting male doctors, although there are no legal limitations preventing women to do so. On the other hand, deterioration of security has caused people to get infected with different diseases and inability to get to health-care services in war stricken parts of the country. The population of Afghanistan is outspread and this seems to be one of the other major challenges to providing health services to people. 70% of Afghanistan's populations live in villages, most of the villages have no roads and people have to walk for hours to get to a health center. Based on estimates, there are 1.5 million nomads in Afghanistan and they are usually excluded from surveys and plans. The GoA, however, is trying to overcome this challenge by increasing mobile clinics.

294. Providing health services in Afghanistan gets more complicated because of low rate of literacy. In 2003, the percentage of literate women was only 12% in national level which made it hard for female students to take part in health programs. This challenge was mostly felt in villages, because only 8% of women above 15 are literate. The literacy programs are also matched to health programs so that female students are more prepared to partake in health programs.

295. To solve the existing challenges in health sector, ANDS, NAPWA, Health Strategy and Maternity Health Strategy have considered specific indicators. Reaching to those goals will lead to great improvements in health sector in the country. These improvements will ultimately put women in a better health position. MoPH has also included gender in its programs and will use various mechanisms to increase the number of female health workers in the country.

#### **Article thirteen: Economic, social and cultural rights of women**

296. The Afghan laws and regulations do not allow discrimination against women in the areas of economic, social and cultural rights. Following the Constitution accepted principle of equal rights of men and women, the laws and regulation have banned all kind of discrimination based on gender. However, the ground for full application of laws is not ready and there are many limitations in terms of culture and customs which results in less presence of women in economic, social and cultural fields.

297. According to Afghanistan legal system, both men and women can possess property without any gender based discrimination. The article 40 of Constitution has stated that ownership is immune of all kind of invasion; no person shall be forbidden from acquiring and making use of property except within the limits of law. Women can purchase and sell the property; Holy Koran also considers the men and women ownership as it states: "Men can utilize the thing he acquires and women can utilize the thing she acquires." The property can be owned by different ways, one of which is inheritance. The inheritance issues have been stated in Afghanistan civil law which states both men and women are entitled to inheritance rights.

298. Afghanistan laws have ensured separate ownership rights for men and women. This means a woman can utilize her own property and a man also can utilize his own property. It is worth mentioning those men and women who marry each other can share their property by their own consent.

299. In spite of the legal permission on women ownership, there are a lot of problems that women face to use their right. In most areas, men do not give women the inheritance right and even in some areas, women do not dare to ask for their inheritance rights. Request of inheritance by women can be deemed dishonor and not acceptable among parts of the society. Even if women dare to ask their inheritance, the access to judicial organs barely exists and women's issues are less considered in local councils and Jirgas.

300. According to Civil Law and Islamic Jurisprudence, the husband is responsible for providing the alimony of wife and children. Alimony includes food, housing, health treatment and clothing which are paid to wife appropriate to husband's financial abilities. Providing alimony for minor son until he becomes able to work and daughter until she marries is the responsibility of the father. If the man has more than one wife, he is responsible to share alimony between his wives equally. In fact, one of the conditions for polygamy is the man's financial ability to pay equally for all wives.

301. Most of governmental and non-governmental banks have creditor systems. They provide loan for women and particularly widowed women. A number of women have managed to create production and service units by using the granted loans from the banks. Considering that Afghanistan economy is market based, banks and financial institutions provide loans for businessmen and women. In some cases, loans are provided only for businesswomen to support their entrepreneurships.

302. There are not any reliable and accurate statistics on poverty rate in the country, but some statistics tells that about 36% of the country population lives under poverty line and women make more than half of them. However, the main concern is that women are poorer than men, because they have not income and job opportunities.

303. ANDS deriving from MDGs has targeted the poverty reduction in Afghanistan as a priority. ANDS does not determine a specific goal on women's poverty reduction; it has focused to poverty as a whole. From the ANDs view, the number of those people, who earn between 1 and 2 USD per day, should be reduced to half until 2013. In order to provide a fair economic and social conditions to develop women's economical power, NAPWA has identified the following indices:

- a. Creation of a gender-sensitive legal and regulatory framework, including the laws related to inheritance, property and work,
- b. Increase in equal and fair access of women to all capacity development and professional training programs,
- c. Continuing and sustainable increase in access of women to advantageous and money-making jobs, and
- d. Sustainable enhancement in access of women to micro credits and trade services.

304. In 2010 (1389), 500000USD has been allocated for MoWA, within ordinary budget, to develop gender issues. This money is spent in the first six months of 1389 for implementation of NAPWA indicators. Moreover, 4000000USD have been spent by all ministries for gender equalities in the past years.

305. Women have serious difficulties in social and economical grounds. However, as a result of efforts by GoA and people, the situation is getting better. The existence of male-dominancy thinking in social system of the country, restraining customs and

traditions on women rights, misunderstanding of religion orders, domestic violence against women and low access to education and health facilities have kept women behind men in the social grounds. As well as economic dependency of women to men, their limited access to financial resources and cultural and social obstacles have forced women to have less presence in economic areas. Likewise, cultural and customary setbacks for women in economic sector and their insufficient education have resulted to a plenty of difficulties for women.

306. In the National Olympic Committee policies, women's role has been considered highly in different fields of sport. Moreover, the women department is established in the Committee. So far, women have organized teams in 20 sport fields and they have participated for many foreign competition and practices in some fields of sports. These fields are: athletic, gymnastic, volleyball, football, basketball, hockey, badminton, tennis, handball, swordsmanship, boxing, kick boxing, Karate, Taekwondo, KongFoa, Woshua, Judo, chess, ping pong and cycling. Although women are interested in sport, security threats, lack of playing fields for women, shortage of women coaches and customary challenges have resulted in the weak role of women in sports.

307. Women and youth teams are established in most of the mentioned fields, and in some fields, national teams are selected for different age groups. Afghan sportswomen have participated in many different global competitions on behalf of Afghanistan. After Afghanistan's men and women deprivation from taking part in Olympic Games, the first Afghan woman participated in Athens Olympic Games 2004. In Beijing Olympic Games 2008, women athletes participated on behalf of the country as well. In global, Asian and regional competitions, women have had active presence and have brought several medals for the country. During past eight years, women sport teams in different fields have had 17 sport trips to other countries in which 134 sportswomen took part.

308. A reliable statistics on participation of women in sports and use of sport places does not exist, but overall about 10% of sport places are allocated to women based on estimates. Sportswomen are mostly in Kabul and capitals of large provinces. From the seven days of the week, NOC's Gym is reserved for women for three days. Universities Gyms such as Kabul University's Gym, Education University's Gym and Poly Technique Gyms are sometimes used by women.

309. Women sports are not very advanced to hold leagues throughout the country for all sports, but League exists for football, box, volleyball, basketball, Karate, and Taekwondo in Kabul. Women sport clubs are launched in recent years and there are 7 fitness clubs, three Taekwondo clubs, and one gymnastic club for women in Kabul and two fitness clubs in Herat.

310. With growth of media in the country, women sports events are covered extensively and various sport reports about sportswomen competitions are covered by audio, video and print media. No restriction exists on presence of women in sport stadiums for watching the competitions. However, women presence is not convincing. And most of women present at stadia are either sportswomen or women coaches.

311. Sportswomen participate in the competitions with Islamic clothing. Women's participation is prohibited for some particular sports fields such as, Buzkashi, wrestling and weight lifting, because these sports need strong physical ability and may be harmful for women's health. Although swimming is not prohibited for women, lack

of indoor swimming pools resulted in not having any women swimming team. However, it is hoped that the construction of appropriate sport places for women in future will remove such obstacles.

312. Women roles have been remarkable in cultural aspects such as movies, theatre, sport and cultural competitions. Also, women have had strong role in handcrafts; MoWA in cooperation with NGOs have managed to launch 401 handcraft exhibitions, including exhibitions held in India, Japan and Uzbekistan. There is not any restriction on women to go to cinemas, but the culture of going to cinemas for women is highly damaged during war.

313. There are 14 women gardens throughout the country which have particular facilities for women. The construction of women garden will continue. Different training centers exist for women in these gardens and inside some of them women production sale units have been created as well. Cultural associations and social organizations hold their meetings in women gardens most of times. Besides, women can use public libraries equally with men.

314. Some projects are designed to specifically benefit the women; most of such projects are funded by international organization and foreign donors. Likewise, the women gardens and women markets in 12 provinces are completed, 3 are on-going and 19 other provinces will see completion of these projects in the next 5 years. The women gardens are particularly important, since women can gather and exchange opinion among each other and find markets for their products. The training centers for women in Kabul, Baghlan, Parwan, Ghazni and Bamyán are built. Furthermore, the buildings of MoWA's directories in 28 out of 34 provinces are built.

#### **Article fourteen: Rural women**

315. Around 76.7% of the population lives in rural areas. In addition, 1.5 million nomads also live in the rural areas. The number of rural women reaches 9.2 million. ANDS has set goals that concern the improvement of lives of village women. The expected goals are as follows:

a. Till the end of 1391-1392 (2012-2013), there will be 2% annual reduction in the total population who consumes less nutritional energy less than the normal amount for other villagers and urban population

b. Till end of 2010, there will be 20% reduction in the number of families who are extremely poor and are led by women. The level of employment for these women will increase by 20%.

c. Till the end of 1389 (2010), training programs for the purpose of developing skills will be provided for 150,000 people with no jobs, 35% of whom will be women and at least 10% will be persons with disabilities.

d. Until the end of 2015, limitation in access to justice because of gender will be reduced by 50% and by 2020 this perspective will be attained at 100%.

316. The Ministry of Rehabilitation and Rural Development (MRRD) works directly on reconstruction of villages. In addition, the Ministry of Agriculture, Irrigation and Livestock and the Independent Directorate of Local Organizations are active in village-related issues. Alongside ANDS, MRRD follows the Agricultural and Rural Development Sector Strategy which formulates the goals of the ministry regarding securing social, economic and political welfare to villagers particularly the poor and

vulnerable class by providing them with social services, improving local organizations, and improving the living standard of people in sustainable manner, independent of cultivation of poppies. MRRD has focused its activities on the following so that men and women equally benefit from them:

- a. Securing and improving the rights of villagers to ensure their participation in development process of their country
- b. Securing and improving the rights of poor people in villages by providing them employment and a sustainable source of income
- c. Securing and improving rights of poor people in villages by facilitating their access to economic and social services
- d. Securing and improving rights of village people to access to information and their right to represent themselves in the governmental system

317. MRRD is implementing the following programs to bring a positive change in the lives of the villagers:

a. National Solidarity Program (NSP): This program is implemented in 34 provinces of Afghanistan and by 2010 has implemented 48640 projects that benefited 20656132 men and women in rural areas. The projects include building bakeries, baths, girls' schools, electricity supply, installing facilities for transmission of water, purification of animal milk and other projects. Women are provided with equal opportunities for participation in Cluster Development Councils (CDCs) although women have participated less than men and most important decisions, like selection of projects for implementation, have been made mostly by men. The percentage of women's participation in CDCs is 20% and in Developmental Councils is 36%. The reason behind low or symbolic participation of women in councils is the existence of traditions and customs in villages which set limitations for women. Meanwhile, efforts are used to increase women participation in decision making and access of women to information and financial sources.

b. National Area Based Development Program (NABDP): This program has specified urgent reforms and long term development programs in areas that are considered most in need of development projects. This program also aims to provide the equal opportunity of people in development of their province through increasing the governmental capacity. The main goals of this program include preparing people to partake in development planning, improving the economy of villages and improving local management. As a result of NABDP projects, the job opportunities increase and the poverty is reduced in district level which will ultimately benefit both women and men of the villages. More than 147164 individuals directly and 1101036 persons indirectly benefited from projects of NABDP; 30% of these beneficiaries are women.

c. National Rural Access Program (NRAP): The goal of this program is to create a quality network of road construction in villages of 33 provinces so that all villages and local areas are connected to infrastructural services such as markets, health centers and schools. More than 19767110 persons, including 30% women, benefit from this program.

d. Rural Water Supply, Sanitation and Irrigation Program (Ru-WatSIP): The goal of this program is to provide sanitary drinking water and sustainable health facilities to the villagers. Moreover, the program aims to improve the working

capacity of people in different areas of sustainable services, sustainable usage of water supply and environmental health supplies to protect the health of people and environment. MRRD aims to provide water supply which includes 25 liters of water for each individual in 24 hours for 15 million villagers in the next five years. This program is in need of at least 100000 water sources in the country. In addition, 2.5 million families will be provided with trainings on water supply issues and environmental protection. People's access to drinking water is 31% in all the country. This percentage is in a much lower level among villagers. 64% of urban population, 26% of the rural population and only 16% of nomads have access to clean drinking water. According to NRVA, 5% of families in national level pay for the original source of drinking water, among which 2% is for rural population. Likewise 82% of families get water from their own local water sources, 14% of families have to walk 1 hour to reach to a water source and 2% of families must walk 1 to 2 hours to reach a water source. Similarly, health-care situation in villages is not in a good state, especially that only 10% of the rural population has access to clean restrooms.

e. Afghanistan Rural Enterprise Development Program (AREDP): This program was designed in 2008 to improve the living level and employment situation of rural population and to provide support in small businesses in 34 provinces of the country. This programs works with those individuals who are self employed to join the other active members of the society and create joint enterprises. For the first time, this program conducted the survey of all existing economic units in 33 provinces the outcomes of which are used in governmental programs.

f. National Program of Social Security and Monitoring of Vulnerability: The goal of this program is to save and help victims of natural catastrophes, decreasing harms caused by these catastrophes, maintaining open access roads to affected areas, and providing food to areas lacking food. In most of these programs, work in return for food is implemented so that not only people are provided with food but also with job opportunities.

318. Since 2002, MRRD has built 11302 clean drinking water wells, 4 deep wells, 71 water supply networks, 854 water pumps in the country and has trained 3.5 million villagers on environmental protection, 2.6 million of whom were women. In terms of developing electricity systems, 12949 systems of solar energy have been distributed and 127 small system of water electricity with the capacity of 2504 watts have been built. Furthermore, extension of city power to the height of 155370, installation and activation of 210 diesel generators with the capacity of productivity of 7871 kilo watts which can provide electricity to 697000 rural families has been completed and building of 1904 small electricity systems is in process.

319. The various activities of MRRD have direct impacts on the lives of rural population including women. Through the activities of this ministry, more than 5 million villagers are now employed. However, the situation in villages compared to cities is not generally satisfying. Important developments have taken place in villages in the recent years which include building schools, clinics, reconstruction of roads, and providing water and electricity to some village. Even then, level of access to schools, universities, clean drinking water, and existence of violence against women, restrictive costumes and traditions as well as lack of employment outside women's houses are the most important challenges faced by rural women.

320. In MRRD's projects specific to women, about 60 women are being directly trained in vocational programs (carpet weaving) and 81 women are involved in

chicken rearing programs in two districts of Kabul. Likewise, 96 women work in ketchup and other sauce products. To increase the revenues of women, NABDP and AREDP will expand their projects, particularly in insecure provinces.

321. Women's role in administration of rural sector is not significant, although 67% of women in rural areas work in agriculture sector. Only 7% of staff of MRRD are women. These women work in different management and advisory levels and the head of this ministry's women council is a member of the recruitment committee. In Independent Directorate of Local Organizations, there are 358 employees or service workers, 21 persons of whom are women. In Ministry of Agriculture and Livestock, 230 women are employed among whom 47 are in middle management technical positions, 35 women are in managerial level, 10 women are general managers, and one woman is in the second high ranking of administrative positions. In Ministry of Agriculture, women work in sections of promoting gardening, planning and other sections; a gender section has also been created.

322. In villages through NSP, a number of 22295 CDCs are established in 34 provinces. Efforts are ongoing to have equal participation of women in the CDCs like men although women currently form only 30% of the CDCs. The members of these CDCs are trained in planning, basics of accounting, procurement and management of the projects. District Development Assemblies (DDAs) are established in district level through NABDP. By end of 2010, 383 DDAs have been established in which 8243 male and 3423 female have membership in 33 provinces. Likewise, in 83 DDAs that its members are elected, 1246 male and 857 female members were selected. Women consist 30% of the administrative boards of DDAs and 35% of sub-committees. However, due to traditional believes, only 82 districts hold mixed meetings while in the rest of districts, male and female DDA members hold their meetings separately. Women members' signatures are necessary for approval of decisions made at DDAs. In case of lack of signatures of women members, the plans would not be accepted.

Table 42  
**Priorities of men and women Local Council**

<i>No. of priority</i>	<i>Men Council Priorities</i>	<i>%</i>	<i>Women Council Priorities</i>	<i>%</i>
1	Revitalizing Irrigation System	14	Increasing drinking water supplies	14
2	Increasing drinking water supplies	14	Creation of new or rebuilt health Centers for men and women	13
3	Creation of new or rebuilt health centers for men and women	9	Repair of roads	7
4	Other programs	9	Revitalizing Irrigation System	7
5	Repair of roads	9	Creation of new or rebuilt health centers for women	7

(Source: NRVA, 2007-2008)

323. The DDAs have gender representatives. From 168 gender representatives in 12 provinces, 80 are women. The capacity of DDAs is being developed and 193 training programs have held for them. 3066 men and 1568 women participated in these programs. For 40 members of the DDAs, trainings on gender have been provided and 64 MRRD civil servants have also taken part in such training.

324. MRRD has focused on balanced gender development as an important aspect of its strategic plan. The following issues are considered in the activities of this ministry:

- a. Improving the role of women in local administration of CDCs from 15% to 35%
- b. Developing a reasonable environment for women to partake in all activities relevant to the projects
- c. Improving the skills of and empowering women in all activities and programs in villages to at least 50%
- d. Including gender equality in all programs of the ministry
- e. valuation and monitoring the balanced improvement of gender projects and polices through achievements of implemented projects

325. MRRD has initiated the AREDP which aims to have 35% of its beneficiaries from women. This program hopes to preserve this figure in the next five years and place 68250 women in savings groups and 22750 women in production groups. The saving group consists of 10 rural men and women who grant loans to needy people from the total of savings. This program has tremendous economic benefits for women, especially those who use small loans to fulfil their activities.

326. Although women's access to health-care services is not convincing in villages, MoPH has implemented health programs in all parts of the country. According to a survey, more than 70% of children have access to health-care centers and 70% of children have completed three dozens of poliomyelitis vaccination. Rural and urban women must take five rounds of TT vaccination during their lifetime. Generally, 147164 people have directly and other 1101036 have indirectly benefited from the programs provided by MRRD in infrastructures, health and education, 30% of who are women.

327. Health service providers inform rural women on family planning after childbirth as well as breast feeding methods. Since access to health-care services in villages is limited, the level of child and maternal mortality is high compared to urban areas. MoPH has prepared health-care packages and is distributing in villages, but in some provinces and villages, due to lack of security, health-care service coverage is low.

328. MoWA has also conducted workshops and campaigns for eliminating the violence against women, family planning, maternity health, under age marriages and forced marriages in 1382 (2003) for 6 months in Kabul and provinces for more than 106000 men and women.

329. MRRD does not have any specific programs for widowed women in villages; however this ministry has specific focus on women, particularly poor women and provides them with needed support based under its mandate. Support to the widowed women is provided through free of charge aids and through World Food Program in coordination with Directorate of Social Safety of MRRD. Widowed are given the opportunity to take part in work projects where they will be provided with food in return for their work. MRRD has trained more than 200 women in wool spinning, tailoring, embroidering and carpet weaving skills through its 20326 vocational trainings. In addition, 1059 vocational training projects are still under implementation. Likewise, MRRD by implementing 340 profitable projects which includes tailoring, embroidering and wool spinning, has provided occupations for more than 61000 men

and women. In addition, more than 763 projects are in the process of implementation. Rural women are also active in gabion weaving process in Takhar and Badakhshan.

330. According to data provided by MoE, about 35% of rural girls go to school. Considering the current situation in Afghanistan, educational facilities are in a tremendously low level in villages compared to the cities. Transportation difficulties make access to education difficult in some remote villages and districts. Lack of security has also caused some schools in villages to stop functioning and therefore students are deprived of education. But through its ample efforts, MoE has managed to establish more schools in villages and has tried to provide services to girls and boys with facilities in hand. In addition to literacy classes, there are also vocational courses offered in some areas. According to reports by MoWA, currently there are 12461 training and literacy courses in the country women 79% of the students are women.

331. The Ministry of Higher Education is trying to increase rural girls' participation in universities, higher and semi-higher education institutions. For this end, it has established the national dormitory in Kabul which has the modern and standard facilities. This measure encourages girls in villages to break the path to universities in Kabul. Likewise, dormitories have been built in other provinces to facilitate girls' attendance in higher education institutions.

332. MoPH is responsible for providing health services to Afghan families, particularly in remote areas where the health of mothers and children are the priority. Due to lack of experts, the disabled women suffer from lack of recovery services. The surveys show only 20-30% of disabled women has access to such services. The enabling services such as physiotherapy and orthopedic workshops exist only in 16 provinces. The training programs on disability and enabling and recovery are provided continuously.

333. On family planning, a lot of work has been done which include provision of such services in health clinics or mobile health centers near the villages. Using these programs has increased the distance between the pregnancies. In addition, the family planning services will be extended in remote areas. However, there are a number of challenges which were described in details under article 12.

334. Unfortunately, in areas where poppy is cultivated, women also work on the fields and help men in collecting poppy. This situation leads women and children to be exposed to poppy and be in risk of addiction. Programs implemented by the Ministry of Counter Narcotics and MoI focus on livelihood of rural people and attempt to keep men and women away from being involved in drug cultivation.

335. Given the importance of supporting the poor and existing of challenges, MRRD is giving small loans to the poor to increase permanent employment and sustainable livelihood. In 2007, 98000 people which include 65% of women have benefited from the loans with a value of 199 USD million dollars. The overall figure of loans provided from the beginning of the program till end of 1386 (2007) reaches to 414 million dollars which has benefited more than one million people. The amount of 85% repayment of the loans reflects the fact that the beneficiaries of these loans have succeeded in developing profitable jobs such as trading and agricultural services and are able to have a legitimate source of income. Currently, these services cover 24 provinces. In case of women's demand, private and governmental banks are giving loans to women.

336. Although currently there is no land distribution programs for women, Ministry of Agriculture and Livestock is planning to distribute land to female traders so that they can make income by having their enterprises on those lands. MRRD, MoE, Ministry of Immigrants and some other ministries distribute land and houses to their employees, immigrants and other people who meet the qualifications to receive the land. For instance, in Makroriyan 4 in Kabul, from the total of 252 apartments, 41 apartments are given to women. The process continues in other provinces as well.

337. In NAPWA, promotion of women's access to transportation is accepted as a pilot project which must be implemented with the support of Ministry of Transportation. For achieving this goal, MoWA has ratified a policy which approves the equal access of disabled and affected women to public transportation services and the Ministry of Transportation has the obligation to work towards its implementation. In the city buses, the seats for women are determined and messages on posters remind on observing the turn and women's seats.

338. There has been no survey regarding the situation of women in villages. However in general, for finding the social and economic status of women, a survey on men and women's participation in decision making roles has been conducted in ministries and governmental offices. This survey has primarily covered women who work in governmental second grade positions and above. It is planned to conduct this survey widely in provinces as well. Moreover, another multilevel survey will start soon through which information on status of mothers and infants will be collected.

339. Women in villages are facing different problems. The major difficulties include limited access to schools, health centers, lack of employment, and low wages for agricultural workers, inappropriate customs and traditions which cause violence against women and limited access of women to legal sources. In addition, lack of security is among the major problems for all the people of Afghanistan. Lack of security is an obstacle for implementing development projects in villages and affects both men and women. Security limitations have deprived population of 30 districts mostly in south of the country from receiving NSP funds for implementation of their own proposed projects. 16 employees of NSP have been killed and 36 employees have been threatened. However, construction programs during these years have made significant growth in the lives of rural people especially women, and have increased their access to public services.

#### **Article fifteen: Equality before the law**

340. Article 22 of the Constitution has prohibited all kinds of discrimination and privilege between all Afghan citizens. According to this article, all Afghan citizens, whether men or women, have equal rights and duties before the Law. Article 50 of the Constitution has also prohibited all kinds of discrimination in recruitment of citizens. Chapter two of the Constitution defines the rights and duties of the citizens. This chapter rejects all kinds of gender based discrimination and privilege between Afghanistan citizens. These rights include property, education, employment, citizenship, electing and to be elected, gathering, demonstration rights, and some other rights.

341. In general, laws and regulations observe the principle of equality of men and women before the law in the country. For instances, Civil Services Law states that recruitment should be done without any kind of discrimination, including the gender discrimination. If an applicant for a job feels he or she is discriminated based on

gender when applying for a job, he/she can refer to complaints board of IARCSC and file a complaint. Likewise, a different retirement age for men and women which existed in the previous Labor Law, is now amended and there is not any difference in regard to retirement age of men and women. Reservation of a particular number of seats for women in parliament, maternity leaves and assignment of easy works for pregnant women employees are not deemed discrimination and are allowed by laws.

342. According to the Civil Law, the maturity age is the completion of year 18 and the adult person, in case of being conscious, is competent for administrative transactions. The age of competency is equal for both men and women. Likewise, women can be appointed as financial guardian of children.

343. The Civil Law does not consider any difference between men and women in regard to the contract arrangements and conditions for making contracts; both men and women have equal rights for owning, using and managing properties. Completion of 18 years old is the minimum age for signing contracts for both men and women. In many governmental agencies, NGOs and private sectors, dozens of contracts are signed by women every day; these contracts have the same legal value that the contracts signed by men have.

344. Afghanistan laws have given the right for all Afghan citizens, whether men or women to have access to courts, police and attorney and to other institutions which receive the complaints, however, the level of people's access to courts and other judiciary institutions is low in practice. Afghanistan Human Development Report 2007 argues that due to hard accessibility to formal judiciary systems and bureaucracy, traditional dispute resolution systems solve most of disputes, particularly family disputes. Due to better transport facilities in urban areas, higher level of literacy among women and better knowledge of people regarding the women's rights, more women refer to courts and police districts to file their complaints. However women have the minimum accessibility to courts in the remote rural areas. Transportation problems, high rate of illiteracy among rural women and tribal and conservative traditions and customs have caused women not to refer to courts. In most of rural areas, women's appearance in the courts can be deemed against tribal and family values; if a woman refers to court, she will see difficulties in the tribes and the family. Anyways, to some extent, improvement has been achieved in recent years and the rate of women, who refer to courts to ask their rights, has gradually increased. These improvements are the result of joint activities of government and NGOs to increase public awareness, the literacy rate, establishment of more judiciary institutions and increase in awareness of judges and authorities on women rights in the recent years.

345. According to Afghanistan laws, all citizens, whether men or women can work in governmental and non-governmental positions. Therefore, women are working in judicial positions and as defense lawyers. Currently, there are lots of women as judges, lawyers and prosecutors in the country.

346. In Afghanistan laws, both women and men can testify as witness in the judicial organizations or outside. According to country's laws, testifying is accepted as evidence.

347. Women are entitled to inheritance rights according to Afghanistan laws and Islamic orders. Each woman is entitled to take her inheritance right, and in case of rejection by other inheritors, woman can file complaints against them in the relevant court of law. According to Islamic provisions, women are the owner of their properties

and they can use their properties according to their will. Even so, ruling traditions deprive women from their inheritance right in most parts of the country. The conditions are as such that woman cannot ask for their inheritance right, because this action can be deemed disgrace to family and men of the family.

348. Afghanistan Constitution allows travel of citizens to all part of the country and abroad. Therefore women can go out of home and work. However, some families think that women cannot go out of home without the permission of husband or head of family.

349. Afghanistan passport regulation states that the husband and wife can travel abroad with one passport; if they are requested to provide passport individually, husband and wife have to pay the prices of individual passports and get separate passports. If the passport holder is a woman, she can include her children, who are under age of three, in her passport.

#### **Article sixteenth: Equality in family matters**

350. Family in Afghanistan is subject to laws and regulations which derive from Islamic Sharia, customs, acceptable social traditions and formal regulations. Article 54 of the Constitution states the family as the fundamental core of the society and obligates the government to support the well being of the family and children. In reality, the Afghan society gives an extraordinary value to family life and a strong relation between families members exist. According to sacred religion of Islam, family relationship is a holy relationship and Islam encourages all its followers for establishment of family through legitimate marriages.

351. There are several laws in Afghanistan concerning the family matters. Those include the first volume of civil law 1355 (1976), LEVAW, Regulation on Protection and Nutrition of Children with mother milk, and Shiite Personal Status Law. The Family Protection Law will also be sent to National Assembly very soon. Although the Constitution and other mentioned laws emphasize that the disputes should be solved in the courts, currently, most of family disputes are solved by local councils and elders' gatherings, some of whom might make discriminatory decisions against women.

352. The Shiite Personal Status Law, which was recently passed by National Assembly, had contained some discriminatory issues and some deficiencies. After objections of many women activists, it was reviewed by MoJ. More than 70 points were amended; the law became effective after a presidential legislative decree in 2009 (1388).

353. Marriage is an important issue for absolute majority of Afghans. Only less than 1% of those who are over the age of 35 have not married yet. Based on the Civil Law, the legal and acceptable conditions of marriage are:

- (a) Offer and acceptance by the marrying couple, their parents or lawyers,
- b) Presence of two competent witnesses, and
- (c) Lack of permanent or interim Hormat (family relationship between individuals which prevent them to marry each other) between marrying couple.

354. Consent of marrying couple is the basis for marriage. Based on article 80 of the Civil Law, if a sane and adult woman marries someone without permission of her

guardian, her marriage is in effect. Unfortunately, traditions and customs in the society have profound roots in people's thoughts and the mentioned issue is barely respected. In most of families, parents or daughter's close relatives decide on her marriage. In many cases, particularly in rural areas, girls are not able to see the boy, who is going to be married with her, before marriage and never talk to him before marriage. The government and the civil society are working via media and gatherings to give awareness to people on women rights and freedom of women to choose their husband. It is worth mentioning that marriage of followers of other faiths, other than Islam, is held based on their own religions.

355. In order to prevent forced marriages and early marriages, it is needed to register marriages in formal agencies. According to Afghanistan laws, registration of marriages and divorce in courts are voluntary. Articles 46 to 51 of the Civil Law are related to person's civil status registration which is recorded in a particular book. Name, last name, family name, place or residence, marriage, divorce and names of children and spouses are entered in the book. The registration process is done in the offices near residence place of the wife. Based on article 61 of Civil Law, marriage certificate is provided in three copies, one of the copies is kept in the mentioned agency and one copy is given for each married couple. This is expected that the certificate should be registered like other formal documents, but this process is complicated and needs time; therefore people are reluctant to register their marriage in the courts. However, people do not consider the registration of divorces, returning in revocable divorces, childbirths, death and distribution of inheritance very seriously. Meanwhile, the GoA, by increasing the number of registering organizations, has made the registration process of marriages and divorces easier.

356. There is not any exact figure of marriages in the country, however, based on the figures given by Supreme Court of Afghanistan, from 2006 to 2009 (1385-1388) 1049 divorce cases have been registered in the courts and also 9371 marriage certificates have been registered. Lack of accurate statistics and data on marriages and families' situation creates some problems in family management and protections. Moreover, lack of inclusiveness of marriage and divorce registrations also impose plenty of difficulties on women and prevent them to use their rights such as dowry (mahr), alimony, child fosterage and remarriage of divorced women. Besides, lack of marriage agreement letters creates problems before police and at the time of renting hotel rooms with the husband.

357. According to Islamic Sharia and Afghanistan Civil Law, marriage is a permanent contract which makes the association of man and woman legitimate to establish the family and creates some rights and duties for marrying couple. It is worth mentioning that interim marriage for Shiites in Shiite Personal Status Law is not accepted. Marriage contract are followed by some duties such as alimony, inheritance, ancestry, fosterage and prohibition of marriage with certain people. Girls cannot be exchanged in marriage. If a sister and brother, respectively, marry a brother and a sister of the other family, dowry should be determined for each girl separately.

358. According to Afghanistan Civil Law, dowry is a financial amount that is committed by husband to pay to the wife for acceptance of marriage. The amount of money or property which is paid to the girl as dowry belongs to the girl and no other one can use it, unless she permits. However, women mostly do not use their dowry in practice. In general and particularly in rural areas, the fathers or other relatives of the

girl receive the dowry. This problem is created as a result of not registering the marriages in formal agencies.

359. Article 70 of the Civil Law has determined 18 years of age for men and 16 for women as the minimum age for marriage. The Shiites Personal Status Law has determined the same age for marriage. In addition, this law has allowed marriage of girls, who have 15 years old, only by permission of a legally competent father. Unfortunately, the rate of girls and boys, who are under legal age of marriage, but they are made to marry by their parents or their relatives, are very high. Child and early marriages are very common in rural areas. The average age of the first marriage is the age of 17.9 for women. Those women, who marry under age of 15, make 3% of married women. At the mean while, from the total of 1940 registered cases within MoWA during 2006-2009 (1385-1388), 30% of the marriages have been occurred in the early age. Meanwhile, LEVAW states that those who make girls to marry under age of 15 should be sentenced to punishment of at least 2 years, depending on the conditions. Besides, article 28 of LEVAW says that in case of request of the girl, her marriage is terminated according to the law, however, the implementation of such request is challenging in the very traditional society of Afghanistan. Regarding the family name, the wife is entitled either to keep her family name or to accept her husband's family name.

360. Based on the provisions of Islam religion and Afghanistan laws, each widow woman is free to choose her life style. In case of tendency, she can choose her future husband. Afghanistan Penal Code in article 517 states the person who makes a widow woman or an adult girl (over 18) to marry without their consent, depending on the conditions, can be sentenced to short imprisonment (up to one year imprisonment). However, the Civil Law does not talk on validation of these types of marriage. It does not talk if such women have the right for separation either. Furthermore, widow women are mostly exposed to violence because of the unacceptable customs and traditions. In some areas, women do not have the right to choose their husband and must stay at the house of their deceased husband. Unfortunately, in many regions, widow women are deemed as inheritance and are forced to marry one of her deceased husband's relatives.

361. According to Civil Law, fosterage is the safeguarding and nurturing of the child during the time that the child needs to be nurtured by a woman. The child ancestral mother has the priority for fosterage during marriage life and after separation as long as she is competence for fostering. The woman who undertakes the fosterage of the child should be wise, adult and reliable; otherwise, there is the risk of loss of the child. Those who have the right of the child fosterage are determined in the Civil Law; the women are given this right first and the men come in the next stage. A woman can foster a child, until she marries a man. Furthermore, if she marries her husband's uncle, cousin or any other one who is a close relative of the child, the fostering right is kept for the woman. In case of break of the marriage, the father is obligated to pay all expenses of the child under fostering which include alimony, education, treatment, physical and mental training of the child. Both father and mother of the child have the right to have frequent visits with the child and no one can prevent them from visiting the child.

362. The duration of fosterage completes at the age of seven for boys and nine for girls. The courts can extend the duration of fosterage for two more years. If the fosterage duration and the extension of fosterage is finished and the child does not

have a father, the court can give the child to his mother or any of his close relatives who can nurture him if the child does not have any objection. If the child does not have parents, the court can assign one of his intimate relatives for his nurturing. If there is no any close relative, the court can send the child to an orphanage. Any time the evidences and the proofs are presented that the person, who fosters the child, does not consider the child priorities, even if he is the father of the child, the fostering responsibility is given to a second person. Any time, the second person is not seen eligible for fostering; the judge can give the right to a third person or to the orphanage.

363. Until the mother is married or she is under the period after the divorce (generally 4 months and 10 days), she can't take the child with herself in trips without permission of the father. However, she can take the child, if she is under the period due to death of the husband. Moreover, the fosterer, excluding the mother of the child, cannot take the child to trip without permission of the guardian. However, based on the article 253 of Civil Law, the mother, after the period of divorce, can take the child to trip with herself. The father of the child also cannot take the child to trip during the fostering duration, without permission of fosterer.

364. The alimony of minor son until he can work, and alimony of the minor daughter until she marries, should be provided by father. If the son and the daughter are poor, their alimony is provided by their father until they are able to work or they marry. If the father cannot provide alimony, the guardian is responsible in this regard.

365. Right after the marriage, the husband has the obligation of payment of alimony of the wife. The alimony consists of food, clothes, house and treatment in accordance to the financial ability of the husband. If the husband avoids giving the alimony, the court can compel the husband to do so. The laws require the husband to prepare a residence place for the wife in accordance to his financial ability. If the husband has more than one wife, he cannot have his wives in one house if they do not show consent. In case of divorce, the husband has to pay the alimony for the period of three months and ten days after the divorce.

366. The Afghanistan laws and Islamic Sharia accept the individual financial independence and respect that. Both men and women can own property and no one can interfere in their properties without their consent. Those women who have independent profession and receive income, they are financially independent. According to the Civil Law, the wife can acquire a job whenever she ops to do so. She has the right to reject it too. The incomes from wife's occupation stay with her. The Shiites Personal Status Law also says the income belong to herself, in a way that she can spend the money in any form she wants without the permission of the husband. However, there are not many women to be financially independent in practice, because most of women do not have an independent profession to make income. In contrast, women are dependent to alimony which is paid by husband, and this issue has affected the decision making in most families and the society. Although supervising the family is the husband's right, but he does not have the right to prevent the wife from going outside; rather the wife can go out for legitimate and common purposes.

367. The Guidelines for Marriage Certificate says the couple commits to allow each other to continue their studies to any level they want. Based on article 122 of Shiites Personal Status Law, the wife has the obligation of doing those affairs that she agreed at the time of marriage, otherwise, she is not obligated to do the other works at home.

368. According to article 5 of LEVAW, prohibition of women's work outside the house is stated as violence; however, there are a lot of men who do not allow their wives to work outside the house. Work of women outside of home is not usual in most rural areas and is deemed a dishonor. Lack of safe work environment, distance of workplace from residence and lack of security have caused most of men not to allow their wives to work outside of home.

369. Men can have more than one wife in compliance to law provisions, only if they have financial sufficiency for alimony, there is a legal excuse and there is not a fear of violation of justice. In case the marriage occurs without existence of above mentioned reasons, and if the first wife has stated in her marriage that the husband should not marry another women, she can ask the court for divorce when her husband marries the second wife. Man can marry 4 women at the same time, however due to lack of registration process in courts, the conditions for polygamy (financial ability, lawful excuse, and justice) are rarely considered. Based on the Civil Law, in case of hiding the second marriage or not observing the requirements for second marriage, the second wife has the right to request for separation, but the first wife does not have this option.

370. Based on article 31 of Civil Law, divorce comes under the right and authority of man. In case of harm to the wife, divorce is decided by the court. In contrast, the woman can demand for separation in an authorized court. For Sunnis, the registration of divorce in the court is not stated a compulsory condition, but for Shiites, the Shiite's Personal Status Law has made it a must.

371. Based on the Islamic Sharia and Afghanistan Civil Law, separation occurs based on the following four reasons:

1. Separation due to disability: if the husband is affected by an untreatable disease, which cannot be treated nor needs long time to heal, the wife can ask for separation.

2. Separation due to harm: if any harm is reaching from the husband to the wife. For instance, the husband beat his wife that makes the life difficult for the wife. In this case, the wife can ask for separation.

3. Separation due to lack of alimony: the husband is responsible for providing alimony to the wife; lack of payment for alimony makes the way for separation.

4. Separation due to husband's absence: if the husband is absent for more than three years, without any correspondence to his family, or he is sentenced for more than 10 years imprisonment, the wife can ask for separation.

372. Although women have the right to ask for separation based on lawful reasons, most of women are not aware of their right. The tendency for separation is not much either, because separation is deemed unfavorable in the Afghan culture.

373. When women refer to courts for divorce, the government provides services such as legal consultations and legal aid, reference of cases to concerning organizations and provision of shelters for them. However, after the divorce, the divorced woman is responsible to make her living.

374. In case of divorce, the husband is liable for payment of alimony to his divorced wife until completion of divorce period (70 days that the divorced woman cannot marry other one). If the divorced wife is responsible for child fosterage, the husband is

liable for payment of fostering wage. The husband is not liable for alimony after completion of Aidat (70 days after divorce).

375. One of the ways for termination of marriage contract is compensated divorce (khol). Compensated divorce is the kind of divorce in which the marriage is terminated against the amount of money the wife pays to the husband to agree for separation. However, the decision is with the husband whether to accept the proposal or not. While most of Afghanistan women are under poverty line and have no financial independence, occurring of compensated divorce is rare and it is a difficult choice for separation.

376. The wife, in case of having the agreement of the husband, can prevent childbirth. There are four ways for prevention: 1. Tablets which make distance between two childbirths. 2. Injection for making distance between two childbirths, 3. Use of IUD or intra uterus devices, 4. Use of condom. While, permanent methods like closing of women uterus ducts, vasectomy or closing of men seminal ducts are not allowed, permanent preventive methods are allowed only by physician's permission. If the wife wants to have no child forever, she should have the consent of her husband. Besides, men and women can apply natural and conventional methods for prevention of childbirth, which include exclusive feeding until six months, removal method, and calendar method.

377. In order to consider the complaints on family matters, specialized family courts are established in each province where most of the judges are women. If either of the parties does not accept the court sentence, they can appeal to appellate courts. And if they are not satisfied, they can appeal to civil, public rights and personal status tribunal of the Supreme Court.

378. Afghanistan laws have ensured provision of free legal aid for those who are not able to pay for defense lawyers. Whereas, women are the poorest class of Afghan society, they need more legal aid than others. The women who are victims of violence, in case of necessity, can have access to free legal aid and MoJ is responsible to appoint legal aid providers to them. Based on Legal assistance regulations, unprotected women and children are given priority for legal aid. In addition to MoJ, some NGOs also provide legal consultation for women in family courts or hire lawyer for free to them.