



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

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against Women**

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

**Replies of Afghanistan to the list of issues and questions in
relation to its third periodic report***

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* The present document is being issued without formal editing.



Legislative framework, women's rights achievements and definition of discrimination

A. Reply to paragraph 1 of the list of issues (CEDAW/C/AFG/Q/3)

1. The Government of the Islamic Republic of Afghanistan, in accordance with its national and international treaties and with recognition of the significance of the issue of prevention of violence against women, has sanctioned and enacted a special law, Law on the Prohibition of Violence against Women. The country's justice and judicial bodies in accordance with the law are investigating cases of violence against women in the capital city and provinces. Although the Afghan Penal Code was drafted with more than 33 legal documents incorporating the aforementioned Code, the Law on Elimination of Violence Against Women is maintained as a special law. In relation to the Parliament's efforts in the adoption of Law on Elimination of Violence against Women, it should be noted that the Government of Afghanistan is working to incorporate and approve the law in the agenda of the Afghan Parliament for the legislative year 2020.

2. Afghanistan's Penal Code, which is established in accordance with international human rights standards, is promulgated by Decree No. 256 dated 04/03/2017, by the President of the Islamic Republic of Afghanistan. Afghanistan's justice and judicial bodies are operating in accordance with its provisions since its date of circulation. As for its approval by the Parliament, it should be noted that the aforementioned code was sent to the Parliament, and its approval by the Parliament is expected during the legislative year of 2020.

3. In accordance with Chapter Two of the Constitution of Afghanistan, National Laws and International Human Rights Instruments, in particular the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), protecting and enhancing women's rights and maintaining the achievements to date are amongst the main priorities of the Government of the Islamic Republic of Afghanistan with affirmation on abidance and its realization in all aspects. Therefore, observing the criteria and provisions that are provided by the Country's Penal Code and the Law on the Elimination of Violence Against Women, which can be deemed helpful for protecting and enhancing women's rights and reducing violence against women through their implementation, are among the Redlines of the Government of the Islamic Republic of Afghanistan with commitment towards its protection and realization.

4. In accordance with Article Twenty Two of the Constitution of the country and its international treaties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of the Islamic Republic of Afghanistan has reaffirmed to eliminate all forms of discrimination as drafted under Anti-Discrimination Law with the following objectives:

- To combat discrimination against the rule of law and create a society free of discrimination;
- To preserve human dignity and equal opportunity for all;
- To protect the fundamental rights and freedoms of all citizens;
- To identify cases of discrimination and then formulate a strategy to combat and avoid future discrimination.

5. For the purpose of this act, Discrimination can be summarized as, the use of any distinction, prevention, limitation, prioritization or any other kind of preferences targeting people based on their religion, sect, race, colour, heir, tribe, language, sex, age, political opinion or origin of birth:

- Direct discrimination: is prevention of access to economic and social opportunities;
 - Indirect discrimination: creating conditions, which result in prevention of access to economic and social opportunities.
6. In Chapter 2 of the Law, discrimination is further identified as an act that distinguishes and discriminates in the hiring and firing process, which includes:
- Job selection;
 - Recruitment;
 - Promotion;
 - Performance Appraisal of staff;
 - Retirement;
 - Remuneration;
 - Leave;
 - Job environment;
 - Issuance of warning (verbal and written);
 - Payments of bonus for job performances;
 - In Job training opportunities;
 - And other issues related to human resource of civil and military staff.
7. Moreover, distinction in health issues, education facilities, official services, benefit of national resources, enjoyment of social and public services and in administration is prohibited.
8. Towards the statutory phases of the Non-Discrimination Law, it should be noted that the draft of the aforementioned law is under the audit of the Legislation Affairs and Scientific Legal Research Institute of the Ministry of Justice. Under the aforementioned law, the Afghanistan Independent Human Rights Commission (AIHRC) is responsible for overseeing its implementation. Therefore, Afghanistan's Independent Human Rights Commission (AIHRC) is obliged to continuously oversee the implementation of the law after its adoption.

Access to justice

B. Reply to paragraph 2 of the list of issues

9. As noted in the third periodic report, the Conflict Resolution Law is formulated in the Jirga or the Reform Council for the purpose of determining the parameters, duties and obligations of non-formal justice mechanisms. Article 2 of this law specifies the parameters, duties and obligations of the reformers, and preservation of the Sharia and legal rights of the citizens during reconciliation. Additionally, Article 2 registers the provision of grounds for combating obscene customs and traditions as the purposes of this law. Article 4 of this law deems acquiring the consent of the parties prior to the reconciliation of a necessary condition. Article 6 obliges the reformers to comply with the Sharia Law, the applicable laws of the country, human rights and the rights of women and children during the reconciliation process, and to ensure fairness and justice to its best. In addition, Article 16 of the Conflict Resolution Law in the Reform Jirga stipulates that the reformers cannot make a decision that would result in human rights violations of the parties to the conflict, third parties, and especially women and children.

10. Regarding the absence of mediation in cases of violence against women, it should be noted that Article 18 of the Conflict Resolution Law in the Reform Jirga prohibits the adjudication of marriage dissolution and its effects through compromise. In addition, Article 17 of the law emphasizes that the reformers cannot make decision regarding women's "baad" (settlement of disputes by giving away girls), deprivation of an individual's liberty, imposition of fine, and determination of punishment.

11. In the case of appeals in relation to decisions of non-formal justice mechanisms, Article 20 of the Conflict Resolution Law of the Jirga or the Reform Council, states that the decision taken by the reformers must be registered by the relevant court before imposition. This Article stipulates that a decision that is contrary to this law or other applicable laws of the country cannot be registered by the court. In addition, Article 6 of the Code stipulates that the reformers cannot compel the parties to accept the decision, and if they disagree with the decision then the parties may settle the matter through other reformers.

12. In terms of providing legal assistance to women and girls, it should be noted that the Ministry of Justice of the Islamic Republic of Afghanistan, in accordance with the constitution of the country, continuously provides legal assistance to suspects and defendants, especially women and children in the capital city and provinces. 1,425 women suspects and defendants have been provided with legal aid over the past four years.

Women, peace and security

C. Reply to paragraphs 3 and 4 of the list of issues

13. As stated in the report, the Government of the Islamic Republic of Afghanistan, in accordance with its national and international treaties, endeavours to promote and expand the realization of women's rights in all arenas. "Protection of women's rights within an Islamic framework" means the observance and abidance by the fundamental rights, which in accordance with the international treaties of the Government of the Islamic Republic of Afghanistan are drafted in Chapter Two of the Constitution of the country, and the State is obliged to realize it and abide by it. Therefore, the protection of women's rights is embedded in the strategy of the Afghan High Peace Council as an indicator of the support provided for women's rights in negotiations under the constitution of Afghanistan. In addition, Chapter Two of the National Peace and Reconciliation Strategic Plan states that, "the Government of Afghanistan has not compromised the achievements from the last 16 years in any peace negotiations and is committed to preserve and extend all achievements, especially with regards to Human Rights and Women Rights".

14. In view of the aforementioned treaties, recently there has been considerable progress in women's presence in the establishment and the overall reconciliation processes. Currently, 16 of the 65 members of the High Peace Council are women. In addition, one woman is appointed as a deputy head of the High Peace Council and two as senior advisory board members of the mentioned council. Furthermore, the Directorate Peace and Reconciliation Strategy Development Committee is also chaired by a woman (Vice President of the Council) together with the High Peace Council Advisor, who is also a woman. Moreover, to date 700 active and elite women are identified by the Supreme Peace Council in cooperation with several institutions as well as being added to their database.

15. The Afghan Women's Network has established Provincial Peace Committees and Peace Negotiation Advisory Committee that works in coordination with various social groups. The organization has sought to secure active participation of women in conflict resolution through litigation. The network is also committed to collaborate

with the High Peace Council to identify and arrange women's list for membership in the High Council and the negotiating bodies.

16. The increase and presence of women in the peace process, on one hand, strengthens women's participation in the peace process against the opposition, and the need for and retention of women's rights in the peace process is expressed by women themselves. On the other hand, this facilitates the participation of women in the development and implementation of post-conflict programs.

17. With regards to the Elite Women's Advisory Board, which consists of 66 members from 34 provinces, it should be stated that the board represents Afghan women who are actively taking part in the peace process. In addition, the High Peace Council has formulated its new strategy. According to this strategy, a volunteer women's board will be established. The board is expected to oversee various stages of the peace process and provide technical advice to the High Peace Council and the Secretary of State for Peace.

18. With regards to the role of the High Peace Council and the Office of the State Ministry of Peace Affairs, it should be stated that in accordance with the decree of the President of the Islamic Republic of Afghanistan, the State Ministry of Peace Affairs assumes the responsibilities and duties of the High Peace Council Secretariat. According to the decree, the duties and competencies of the High Peace Council Secretariat have been transferred to the State Ministry of Peace Affairs. The transfer includes, buildings, documents, supplies, tools, vehicles and office equipment.

19. The second phase of the National Action Plan of Resolution 1325 (2019–2022) is drafted and being implemented. With regards to the allocation of resources for the implementation of the National Action Plan of Resolution 1325, it should be stated that the required budget is included in the national Budget (Ordinary Budget section). Actions, which do not require specific resources and funding, are implemented by the Gender Department of the agencies. As for actions that require the allocation of specific resources are estimated based on their needs, and the Ministry of Finance is working towards procurement of the required funds through the country's Development Budget or Official Development Assistance (ODA).

20. The Department for Coordination of Resolution 1325, the Department of Human Rights and International Economic Affairs of the Ministry of Foreign Affairs are working with the relevant government agencies to implement Resolution 1325. This unit consecutively carries out workshops and seminars for the communicative representatives of the respective departments and provides technical assistance in their implementation. In addition, the Coordination Unit is also responsible for overseeing the implementation of the 1325 plan in government offices. This unit compiles and publishes annual progress reports on the implementation of the Action Plan.

National machinery for the advancement of women

D. Reply to paragraph 5 of the list of issues

21. With regards to the reduction of the dependence of the Ministry of Women's Affairs on external funding, it is important to note that the Government of the Islamic Republic of Afghanistan is committed to fund the National Budget through national revenues. The Ministry of Finance of Afghanistan, in accordance with its international treaties, is working to eliminate the dependency of the Ordinary Budget and to reduce the dependency of the Development Budget on Official Development Assistance in the earliest. As of the year 2019, 49% of the National Budget has been funded through internal revenue collection.

22. Concerning the results of the first phase of the Afghan National Women's Action Plan, it should be noted that the overall National Action Plan for Afghan Women (2007–2017) provided good basis for further efforts to empower women and gender equality. Amongst the six pillars of the NAPWA, four pillars that have made the most progress are health, education, legal and human rights protection, and leadership and political participation. Unfortunately in sectors of economy, employment, poverty, and security, the results have not been satisfactory.

Table of percentage of success and failure

<i>Ranking</i>	<i>Success</i>		
	<i>Implemented</i>	<i>Partly implemented</i>	<i>Failure</i>
National Plan Indicators	8	15	8
Percentage of success and failure	26%	48%	26%
Definition of rankings	90–100% of the plan is implemented	50–90% of the plan is implemented	Below 50% of the plan is implemented, or no information on its progress is available

23. The process of developing and drafting the Afghan National Women's Action Plan has begun. The Policy and Planning Department as well as the Monitoring and Evaluation Department of the Ministry of Women's Affairs and the 'Office of Promote' are responsible for developing and drafting this Action Plan. With collaboration of these institutions, approximately 50% progress is made towards the preparation of the Second NAPWA Plan, its monitoring and evaluation system, and its reporting and budget.

24. The Ministry of Women's Affairs' Five-Year Strategic Plan (2018–2022) is developed based on the needs and priorities of the Ministry of Women's Affairs. The plan aims to provide effective and successful implementation of matters of the Ministry towards the achievement of its long-term goals. To implement this strategic plan, an adaptive plan is developed, which is adjustable and revised each year in view of the developments made and contemporary conditions. The resources required to implement the plan will be funded through the Ordinary Budget, Development Budget, and aids from international organizations. In general, the Ministry of Women's Affairs pursues the following objectives in its Strategic Action Plan:

- (1) Eliminate all dimensions of violence to eliminate gender discrimination;
- (2) Realize women's Sharia, legal and civil rights to ensure social justice;
- (3) Increase women's participation in all aspects of life, contributing towards national development;
- (4) Empower women in the social, cultural and economic spheres; contributing towards sustainable national development;
- (5) Promote social gender equality and gender mainstreaming based on the National Action Plan;

(6) Monitor and evaluate the implementation of government policies and plans to improve women's status.

National human rights institution

E. Reply to paragraph 6 of the list of issues

25. In order to appoint the third-term commissioners of the Afghan Independent Human Rights Commission pursuant to Presidential Decree No. 905, dated 09/07/2018, initially a Working Group of 7 members who are representatives of civil society organizations was established. The Working Group listed and reported 81 eligible individuals to the selection committee from the applicants for membership of the Commission. This committee consists of the Chief Justice of Afghanistan as the President of the committee, and the Attorney General, Minister of Justice, Minister of Women's Affairs, and the President of the Independent Commission for overseeing the implementation of the Constitution as members of the mentioned committee. Following an interview with the applicants, this committee sent a list of 27 applicants nominated by the Working Group to the President, to be appointed as members of the Afghan Independent Human Rights Commission. The President did not consider the list to be sufficient, and in through his mandate, he ordered the Independent Administrative Reform and Civil Service Commission to introduce 27 individuals as representatives of religious scholars, 27 individuals as representatives of the civil society organizations and 27 individuals as representatives of the teachers from the universities in the country. The president appointed eight of these individuals as commissioners (members) and one of them as the head of the Afghan Independent Human Rights Commission for the duration of five years. It is noteworthy that three out of the eight designated members are women. In addition, a woman was also appointed as the head of the Afghan Independent Human Rights Commission.

Discriminatory stereotypes and harmful practices

F. Reply to paragraphs 7, 8 and 9 of the list of issues

26. The effects and outcomes of public awareness programs and several efforts to protect and strengthen women's rights in relation to women's access to education, labour market, justice and other matters are clearly visible. Attendance of 3,658,980 girls in schools of Afghanistan comprises of 38% of all students, presence of 27.49% of women in Afghan civil service, registration and investigation of 26,531 cases of violence against women during the years 2013 to 2017 in judicial bodies and the presence of 27% of women in the Afghan Parliament are in fact the clearest signs of the results of public awareness programs, litigations and the efforts continue.

27. With regards to baad (settlement of disputes by giving away women and girls) and forced marriages, it should be stated that in accordance with the applicable laws of the country, in particular the Law on Elimination of Violence against Women, baad (settlement of disputes by giving away women and girls) and forced marriages are considered as cases of violence against women and the law commands that the perpetrators must receive punishment. The Elimination of Violence against Women Prosecutor's Office has registered and prosecuted nine 9 cases of baad (settlement of disputes by giving away women and girls) since its inception. There have also been 82 cases of forced marriages filed at the Attorney General's Office since 2010, which were subsequently prosecuted. In general, under applicable laws of the country, in particular the Law on Elimination of Violence against Women, all forms of violence against women are criminalized, and Afghan judicial bodies are in compliance with these laws.

28. The Government of the Islamic Republic of Afghanistan has prepared the Family Law Draft in order to better regulate family affairs in line with international human rights standards. In this draft, the marriage age for men and women is determined as 18 and above. Overall, efforts are being made to develop the Family Law Draft in light of Shariah law in a manner so as not to violate international human rights standards of the Government of the Islamic Republic of Afghanistan. It is noteworthy that the aforementioned draft is in the auditing stage and is due to be processed and finalized during the year 2020.

29. With regards to the implementation of Article 640 of the Criminal Code, it must be stated that this article is observed by the judicial authorities. These institutions are not being forced to experiment on the virginity. Such an examination (if necessary) shall be subject to a court ruling with jurisdiction or consent only in cases of rape. It should also be made clear that the Prosecutor's Office for Elimination of Violence Against Women will resort to virginity examinations if there is no longer any other evidence to prove the crime. It is noteworthy that the Ministry of Public Health has banned the conduct of virginity examinations at health centres.

30. With regards to running away from home as noted in the report, it should be acknowledged that, pursuant to Resolution (1133) dated 27/11/2012 of the High Council of the Supreme Court, running away from home without the intention to commit a crime is not prosecuted. The judicial bodies and especially the courts adhere to this provision. Failure to comply with this provision will bring criminal liability upon the prosecutors and judges.

31. Concerning the implementation of the National Action Plan in relation to underage and child marriage, it should be noted that the Ministry of Women's Affairs has developed and implemented a National Action Plan to eliminate underage and child marriage in Afghanistan towards the effective implementation of the Law on the Elimination of Violence Against Women and investigation of the Victims of Violence Against Women. The Ministry of Women's Affairs has developed an implementation plan for the aforementioned Action Plan and has begun implementing it through a joint committee in coordination with the Office of the Deputy Ministry of Youth Affairs and the United Nations Population Fund (UNFPA). It is noteworthy that the necessary funding for this program has been coordinated with relevant national and international agencies.

Gender-based violence against women

G. Reply to paragraphs 10 and 11 of the list of issues

32. With the enactment of the Law on the Elimination of Violence Against Women, raising the level of public awareness and generally facilitating women's access to judicial centres have increased the level of judicial registration of cases of violence against women. From December 2018 to 23/09/2019, 98 individuals were convicted of violence against women and 9 individuals were acquitted. The majority of convicts are men and a small number of convicts are women. In terms of disability, there are no convicts with disabilities, their age ranges from 25 to 45 and these cases are found in both cities and villages. In terms of kinship these cases mostly are between husband and wife, and second to that are close relatives. In only a few cases, other than the two aforementioned groups have been charged with Violence Against Women. In terms of ethnicity, it includes all, and there is no statistics indicating which particular ethnic group is most likely to commit act of violence against women.

33. With regards to the system of registration of cases of violence against women, it should be stated that the Attorney General's office has established offices including a management system (Online Case Record Database) in 32 provinces of the country,

which is currently operational and records cases of violence. On the other hand, the Online Databases for the remaining two provinces are in working progress. It should be noted that since the beginning of 2018 to September 2019, 2,582 cases were recorded in this database.

34. The Ministry of Women's Affairs, in coordination with relevant governmental and nongovernmental agencies and with the financial and technical assistance of partner donors, through public awareness and litigation programs, was able to improve the mentality of women vulnerable to violence towards building safe housing and to contribute to decline in the level of stereotypical encounters across the country. There are now 29 support centres in 20 provinces. The Ministry of Women's Affairs of the Islamic Republic of Afghanistan is working to establish state support centres for women victims of violence across the country. Resolution 41, dated 2019, of the Council of Ministers stipulates that state support centres should be established in eight zones of the country. It is noteworthy that the preliminary work on the establishment of these centres has begun.

Trafficking and exploitation of prostitution

H. Reply to paragraph 12 of the list of issues

35. In Afghanistan, poverty, unemployment, insecurity, war, low level literacy and illiteracy are among the major contributors to trafficking in persons, and migrant smuggling. The Government of the Islamic Republic of Afghanistan has established a High Commission under the auspices of the Ministry of Justice and with members from the respective Ministries to combat this chronic phenomenon, in accordance with the Law Prohibiting Human Trafficking and Migrant Smuggling. This Commission will develop programs to combat trafficking in persons and migrant smuggling, facilitate collaboration between the relevant authorities in combating trafficking in persons and migrant smuggling, collect data and information on trafficking people and migrant smuggling cases across the country. In Addition, the commission facilitates the dissemination of this information, and works toward the development and implementation of programs to raise public awareness towards prevention of trafficking in persons and migrant smuggling, and establishes procedures to implement the provisions of the Law Prohibiting Human Trafficking and Migrant Smuggling. It is noteworthy that the High Commission to Combat Trafficking in Persons in the capital operates as the highest authority on coordinating affairs related to human trafficking and migrant smuggling. Provincial Commissions are also established and operational, and are presided by the governors of the respective provinces. Through this mechanism, the Government of the Islamic Republic of Afghanistan is able to undertake significant operations to arrest and prosecute traffickers, release victims of trafficking in persons and migrant smuggling, including women and children victims of trafficking, raise public awareness in the combat against trafficking in persons and migrant smuggling and protect victims of trafficking in persons and migrant smuggling.

36. Under the Anti-Trafficking and Migration Smuggling Act, a victim of trafficking in Afghanistan is not prosecuted. Currently in the Islamic Republic of Afghanistan there are no victims of trafficking neither in prisons nor at the detention centres.

37. In relation to supporting the victims of trafficking, it should be noted that a support centre for trafficked children is established and operational in Kabul city. In addition to this, an agreement between the High Commission for Combating Trafficking in Person and the Ministry of Women's Affairs, victims of trafficking in persons, especially women and girls are being protected and accommodated at the support centres until they are returned to their families. During the year 2018, 492

boys (children) and 40 girls (children) being victims of trafficking, were supported through women's support centres.

Participation in political and public life

I. Reply to paragraphs 13 and 14 of the list of issues

38. According to Article 37 of the Election Code of the Government of the Islamic Republic of Afghanistan, any individual who has attained the age of 18 and has a citizenship of Afghanistan and has not been deprived of his civil rights by a court order shall be eligible to vote, and by applying his voting rights, may participate as a voter in elections. In addition, the Afghan electoral system is configured based on a non-transferable electoral unit, or Single Non-Transferable Vote (SNTV), which, in accordance with the Electoral Code, shall enable fair, general, swift and direct elections in Afghanistan. Proxy voting is therefore prohibited.

39. In 2014, the Independent Election Commission (IEC) took the following steps in order to increase women's access to their political rights and increase their participation in elections (as givers and receivers of vote):

- Facilitating separate registration and voting centres for women;
- Considering specific messages of encouragement for women's participation in all media platforms (radio and television messages, radio dramas, and mobile theatres);
- Holding face-to-face programs with women voters;
- Monitoring women poll stations by women observers (Which constituted 31% of observers and witnesses);
- Making the requirement of taking photos during the registration optional for women, which makes it possible for women who do not want to be photographed due to their restrictions through social norms to participate in elections;
- Collaborating with women candidates in preparation of publications and election campaigns;
- Developing specific programs in 17 districts of Kabul and provinces for Mullahs to encourage women to participate in the election process;
- Facilitating equal recruitment of men and women in the voter registration process, which was completed in three stages at the capital, in the district and by the mobile teams;
- Establishing a gender and election group comprising of 30 domestic and foreign entities. The Independent Election Commission (IEC) has taken the following steps to raise awareness and encourage women in the presidential election process of 2019:
 - Production and broadcast of 90-second public awareness radio messages. As well as 1–2 minutes and television messages. Furthermore, out of 8 messages, at least 2 were in the official languages of Afghanistan;
 - Production of a 20-minute documentary about the Independent Election Commission (IEC) in the country's official languages;
 - Text messages/SMS via two popular telecommunication companies, and advertisements via Facebook;

- Facilitation of a 190 free call centres with a capacity of 30 operators in two shifts every day; including holidays, and training for call centre staff and public awareness managers and educators;
- Organization of public awareness seminars and theatres at district level;
- Print and distribution of posters, brochures, fact sheets, banners, and billboards and other materials that are helpful for public awareness on election;
- Procurement of 11 new staff for public awareness programs and overseeing regional public awareness activities;
- Established collaborations with the Ministry of Hajj and Religious Affairs, the Ministry of women's affairs, media and the civil society organizations in order to increase the level of women's participation in the voter registration process;
- Conduction of gender and election training programs in headquarters and provincial offices.

40. The number of eligible voters in the year 2019 is estimated to be 14,652,962, of which 7,185,992 are women and 7,466,970 are men. In the parliamentary elections of 2019, the total number of registered voters is 8,834,708, of which 5,632,395 are men and 3,031,136 are women. It is noteworthy that for the purpose of facilitating more convenient voting for women, separate areas are allocated for men and women voters.

Presidential election statistics by voter turnout and percentage of women voters turnout

<i>Election date</i>	<i>Number of voters</i>	<i>Percentage of women voters</i>
10 October 2005	8 128 940	40%
20 August 2009	4 823 090	38%
5 April 2014 (First stage)	7 018 849	36%
14 June 2014	8 109 493	37.63%

Parliamentary election statistics by voter turnout and percentage of women turnout

<i>Election date</i>	<i>Number of voters</i>	<i>Percentage of female participation</i>
18 September 2005	6 408 324	41%
20 September 2010	5 602 690	39%
20 and 21 October 2018	3 659 470	37.4%

Nationality

J. Reply to paragraph 15 of the list of issues

41. In accordance with the provisions of the Constitution, Article 2 of the Afghan Nationality Law states that Afghan citizenship shall be equal and alike for all the citizens of Afghanistan. Article 5 of the Law further states that staying abroad does not deprive an individual from her/his citizenship status. In addition to this, Law on Registration of Population Records of Afghanistan guarantees the census services for the all the citizens of the country equally and without any discrimination. Afghanistan's Central Statistics Organization, in compliance with the provisions of

the law, provides registration and national ID distribution services for all the citizens of the country at the capital and provincial level.

42. With regards to the stipulations of the new citizenship law, it must be noted that the draft of this law is approved by the Cabinet of the Islamic Republic of Afghanistan and will be forwarded to parliament for approval shortly.

Education

K. Reply to paragraph 16 of the list of issues

43. With regards to women's access to education, it should be noted that the literacy rate in Afghanistan is currently estimated at 36%. The findings show that 20% of women and 50% of men are literate. Furthermore, the findings show that in the year 2019, 9.6 million pupils are in public and private schools, of which 38% are girls. However, approximately 3.7 million children do not have access to education, from which in the year 2019; 636,186 children are now enrolled into schools, 40% of whom are girls. The overall participation rate of girls is estimated to be 38% in education centres, 25% in Islamic education programs, 55% in teacher education centres, and 49% in literacy programs.

44. In Afghanistan, girl's dropout rates from schools due to the root causes is 9.1%. These causes include, general insecurity, attacks on schools, marriage, and the burden of household tasks and care responsibilities. The Ministry of Education has developed the Girls Education Policy to reduce girl's dropout rates and eliminate the root cause factors. This policy is being implemented using the Ministry of Education's resources, which are funded through the National Budget and aids from international partners. In accordance with the Girls Education Policy, the following main actions have been set within the Ministry of Education's action plans and programs:

- Facilitate inclusion of girls in education through the establishment of new schools and the establishment of local and fast-learning classes in remote areas and regions, where access to education for children, especially for girls is difficult (up to date, this program has facilitated access to education for 46,853 girls in remote areas of the country);
- Employ female teachers, especially in schools in remote areas;
- Build schools and equip them with consideration towards girl's needs (In the next four years, safe schools are expected to be built under the Iqra Program Framework in 17 provinces of the country which have high rates of girl's dropouts).

Employment

L. Reply to paragraphs 17 and 18 of the list of issues

45. The constitution of the country has emphasized on the employment of any individual in public offices without any discrimination. Paragraph (4) of Article 50 of the constitution states, "Afghan citizens shall be employed to the service of the government on the basis of their rank and without any discrimination and in accordance with the provisions of the law". Article 8 of the Constitution, in accordance with the provisions of the Constitution, states, "employees in the Islamic Republic of Afghanistan are entitled to equal pay for equal work". Likewise, according to the Paragraph (1) of Article 9 of the Labour Law "any discrimination in employment, remuneration, choice of occupation and profession, skill and social security is prohibited".

46. With regards to the provision of suitable working conditions for women employees during pregnancy, it should be noted that Article 54 of the Labour Law of Afghanistan determines 90 days of maternity leave for women employees during childbirth. Article 123 of the Labour Law states that pregnant women are appointed to mild work while preserving their original position for the duration of the pregnancy. In addition, Article 124 of the Labour Law states that, departments cannot refuse to hire a pregnant or a woman at the breast-feeding stage. Article 125 of the Law stipulates that the department is required to establish a nursery and kindergarten for their staff to protect and nurture their children. It is intended to provide a woman who has a breastfeeding child with a break that is not less than 30 minutes every 3 hours, in addition to the lunch-break.

47. Considering the provisions of the constitution of the Islamic Republic of Afghanistan, the Government of the Islamic Republic of Afghanistan endeavours to promote the right to work in a healthy environment free of discrimination and harassment for the public of Afghanistan, in particular for women. Therefore, up to date Mutual Respect Policy is formulated and implemented in more than 25 government departments.

48. The Independent Administrative Reform and Civil Service Commission, to strengthen the process of recruitment of women in the formal sector, has developed a policy for increasing women's participation in the civil service agencies on 10/01/2018 and this was approved in the cabinet through the decree no. 20 on 23/02/2019, the main features of the policy are as follows:

- (1) Identifying problems (situation analysis);
- (2) Facilitating the recruitment process;
- (3) Facilitating key positions;
- (4) Promoting capacity building;
- (5) Organising database by gender;
- (6) Ensuring workplace safety;

(7) Publishing stories of successful women who are employed in the civil services. The document emphasizes the need to coordinate across departments to reduce or eliminate the problems and barriers, and to contribute to increasing women's participation in the civil services. The main goals of this policy are to facilitate opportunities for women, to bring about safe work environment, to promote capacity building and to encourage women's participation in the civil service.

49. Moreover, in order to prevent harassment of women in the workplace, in particular in government agencies, and to properly address complaints of harassment of women in the workplace, the Women's Harassment Committees pursuant to Article 7 of the Anti-Harassment of Women and Children Law are formed in all government agencies. It is noteworthy that under Article 9 of the aforementioned law, the Ministry of Women's Affairs of the Islamic Republic of Afghanistan monitors the functioning of this mechanism on a regular basis.

50. As a result of awareness raising campaigns on women's rights, including awareness on job opportunities in civil service offices, launch of campaigns including recruitment campaign for 1,000 women who graduated with bachelor degrees from 4 public universities. These graduates exercised their right to work, especially women's employment in public offices. For example, in the year 2018, 3,119 women were recruited in the civil service sector by completing a general examination. In addition, it can be noted that the number of women employees in the civil service offices are currently 107,320, which accounts for 27.5% of the total civil service staff members,

6.8% of which work in leadership roles. The Independent Administrative Reform and Civil Service Commission are working to further increase women's participation in the leadership positions of the civil service agencies.

51. The Ministry of Labour and Social Affairs distributed licenses to 2,346 women in the year 2018. The ministry also stated that 3,000 women in the private sector, 141 women in public sector, and 1,780 through the Promote Program completed their apprenticeship. The ministry intends to seek more legal support to increase women's participation in public and private sector and to minimize the gap between men and women workforce participation.

	<i>Employment statistics disaggregated by gender</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>
Employed as full time	4 195 526	937 162	5 132 688
Employed as part time	1 027 040	293 888	1 320 928
Unemployed	1 170 089	854 729	2 024 818
Labour Force	6 392 655	2 085 779	8 478 434

Source: Final Report of the Living Conditions Survey in Afghanistan for year 2016.

Health

M. Reply to paragraphs 19 and 20 of the list of issues

52. As noted in the report, maternal mortality in Afghanistan is usually caused by pregnancy-related medical factors, in which bleeding accounts for 56%, high pressure during pregnancy (Pre-Eclampsia/Eclampsia) 20%, obstructive and prolonged births 13%, infections 5%, and 3% of the cases are other direct and indirect triggers. Maternal and child health are among the priorities of the Government of the Islamic Republic of Afghanistan and the Ministry of Public Health. The Department of Public Health provides health services to mothers and babies in 2,500 centres across the country. Measures taken in recent years to improve maternal and neonatal health indicators are summarized as follows:

- The number of midwives who have successfully graduated from public and private universities after graduation is 22,000, including 7,000 who have passed the Ministry of Health examination and received certifications;
- The number of centres providing Basic Emergency Obstetric care has increased from 1007 to 1288;
- The number of Centres providing Comprehensive Emergency Obstetric care has increased from 91 to 11;
- Capacity building trainings and awareness-raising programs provided to 5,069 health professionals have led to improved quality of care for mothers and babies;
- Prenatal care, early maternity care and postpartum care for mothers and new-borns are provided throughout 194 Family Health House (FHH) Nurseries in Ghor, Herat, Daikundi, Bamyan, Faryab, Khost and Badakhshan (In 2020; 115 nurseries are expected to be built in Kandahar, Paktika, Badghis and Samangan provinces);
- The health record systems for households and raising awareness on the importance of maternal and infant health among families have been improved

to empower women to make decisions about their own and their children's health. The information is passed through the distribution of Maternal and Child Health Guidelines in three provinces (Kabul, Nangarhar, Bamyan), while it will be expanded to 8 provinces of the country by 2020, and will be distributed across all provinces of Afghanistan by the end of 2021;

- Administration of calcium for early aging prevention (eclampsia) and distribution of misoprostol on the community level have been increased to prevent postpartum haemorrhage;
- The transfer system has been improved through the deployment of 40 equipped ambulances in the centres of areas with high birth defects;
- 21 Blood Bank Centres were endowed with modern equipment in 21 provinces of the country;
- Skilled birth & attendance (birth supported by midwives or obstetricians) increased to 68% nationwide;
- Postpartum haemorrhage was prevented by promoting distribution of misoprostol across communities in 23 provinces;
- The distribution of calcium tablets during pregnancy were promoted to prevent the onset of eclampsia.

53. It is noteworthy that in addition to the aforementioned measures in all health centres and hospitals in basic health services, the following services are provided for mothers and infants by these centres from primary to secondary levels:

- Antenatal/Prenatal care;
- During-childbirth care including caesarean section;
- Postnatal care;
- Family planning services;
- Mental health services;
- Neonatal care including neonatal resuscitation;
- Comprehensive treatment of infant and new-born illnesses including vaccination;
- Health education.

54. Maternal mortality prevention programs focus more on major maternal mortality causes. Recent studies and researches show that there has been a significant reduction in maternal mortality, with maternal mortality in 2015 recorded at 1,291 per hundred thousand births, while this figure in 2018 was recorded at 395 per hundred thousand births.

55. With respect to abortion, it should be noted that the Criminal Code of Afghanistan considers abortion as a crime as a whole and is punishable by law. However, abortion is not considered a crime when it is done to save the life of a mother if prescribed by a doctor for treatment. In addition, the Family Law Draft that is still in the auditing process allows abortion for up to 120 days. The Ministry of Public Health's National Reproductive Health Policy states that effective measures should be taken when providing post-abortion care services. Healthcare facilities should have the necessary tools for abortion and the Ministry of Public Health and the relevant educational institutions must provide training programs in the field. Accordingly, in the year 2019, 32 midwives and doctors have been trained and educated through capacity building programs on post-abortion care.

56. Providing Friendly Health Services for Youth and Teenagers is a part of the Reproductive Health Program, which has begun an experimental health advisory program through telephone lines (no.120) in 9 provinces of the country. In addition, information on inclusion of reproductive health in school subjects has been provided by the Ministry of Public Health and submitted to the Ministry of Education to add to the school curriculum.

57. With regards to the provision of healthcare services related to fistula treatment, it should be stated that in accordance with the National Reproductive Health Strategy (2017–2021), services in all health centres will be offered through the two BPHS and EPHS systems throughout the country, including services related to treatment of fistula. Currently, the treatment of fistula patients at Malalai Hospital, Herat Regional Hospital and Nangarhar Regional Hospital is being provided free of charge.

Rural women

N. Reply to paragraph 21 of the list of issues

58. The Government of the Islamic Republic of Afghanistan has developed a Citizens' Charter National Priority Program to improve people's living conditions, including women in rural areas. The program is a collaborative commitment between the government and the society that enhances citizens' social participation in the development and implementation of government projects. The 10-year plan covers one-third of the country's population in thirty-four provinces. The goal of the program is to eradicate poverty and improve living standards by providing high quality infrastructure and services and by creating unity amongst villages and towns. The program ensures that all people, including women and children to be involved in developmental activities and actions and to be able to oversee the related projects. According to the plan, 50% of the membership in the development councils must be women and two seats on the board of the council are to be held by women. In addition, the program plan has facilitated women's membership in the committees of health, education, agriculture and irrigation. Membership in the committees enables them to volunteer in education, literacy, health and agriculture as well as to benefit from the healthcare services. It is noteworthy that the reform program of the village development councils has begun, and consequently; 11,745 village development councils have been reformed in 123 districts. In the program of reforming the village council, efforts are made to increase women's involvement to 50%.

59. In addition, the Rural Economic Development Program is designed to enhance the social and economic capacity of poor rural women. The program covers 34 provinces of the country. The program provides rural women with financial and technical services to enable them to become economically empowered and contribute to improving the family economy by launching businesses and investing in income generating activities.

60. The Ministry of Rural Rehabilitation and Development plans and implements the National Priority Programme on Women's Economic Empowerment. This program, which consists of 80% of women as it's beneficiaries helps to increase women's access to financial and loan services as well as technical and marketing/promotional services through participation in Savings Groups (SGs), Enterprise Group (EGs), Village Savings and Loan Associations (VSLAs) in 5,000 village development councils in 76 districts of 34 provinces.

61. In addition, the Livelihood Improvement in Tajik-Afghan Cross Border Areas (LITACA-2) offers the following activities to women in the borderline provincial districts (Badakhshan, Takhar, Kunduz and Balkh) with Tajikistan:

- Sixteen-month courses on literacy, accounting, hygiene and production and sales management that are held for 250 women. Furthermore, twelve training centres are also built;
- For 18 women, the two-year midwifery program is running in the aforementioned provinces;
- Vocational training on indigenous products (crafts) is also being held;
- For 100 poor women in Badakhshan's Shahrzab district and Takhar's Chahar Ab District, milk goats of the Asmari breed were donated with all the necessary supplies and trainings;
- The opportunities to trade in Tajikistan and other countries are facilitated for 25 women. It is noteworthy that the Ministry of Rehabilitation and Rural Development considers and enhances women's involvement in all development and capacity building programs.

62. The Ministry of Women's Affairs, with the support of the Citizens' Charter National Priority Program, has been able to create employment opportunities for rural women through the establishment of small dairy, mineral water, raisin processing and Pinus Gerardiana (Chilgoza Pine) processing plants in Herat, Balkh, Baghlan, Kunduz, Kandahar, Sar-e-Pol, Panjshir, Kabul, Paktia and Paktika provinces. It is noteworthy that this program is operational and its extension to remote areas is intended. In addition, the Ministry of Labour and Social Affairs has organized exhibitions in the country and abroad within the framework of the Women's Economic Empowerment National Priority Program (WEE-NPP) to encourage and inspire women to participate in economic activities.

63. The Ministry of Women's Affairs of the Government of the Islamic Republic of Afghanistan has begun the process of drafting and developing a National Action Plan to properly implement women's access to inheritance and property policy. This Action Plan will be enacted in the near future. The Action Plan has envisaged specific actions for the relevant departments and institutions. Implementation of these actions will facilitate women's access to the right to inheritance and property. In addition, the Ministry of Women's Affairs intends to monitor the implementation of this policy continuously under a predetermined framework and within the framework of the National Action Plan.

Marriage and family relations

O. Reply to paragraph 22 of the list of issues

64. Multiple marriages are permitted in Afghanistan based on Islamic Sharia Law. However, as stated in the report, polygamy in the Islamic Republic of Afghanistan is not encouraged, contrarily the number of polygamous marriages is provisioned and constricted under Article 86 of Civil Law (Civil Code) of the Islamic Republic of Afghanistan. It is noteworthy that the provisions of Article 86 of the Civil Law have still been complied with in Family Law.

65. In accordance with prevailing laws in the Islamic Republic of Afghanistan, men and women have joint responsibility and duty for the care of their children. According to Article 236, Paragraph (1) of the Civil Law, "custody is the upbringing of a child in the period that the child needs the protection and upbringing of a woman". Under Paragraph (2) of this article, "custody is the right of persons who are determined by this law". According to the Civil Law of the Islamic Republic of Afghanistan, the priority of custody of children in the event of a break in the marriage and after the separation of a spouse is given to the woman because the Afghan legislature has taken into account the interests of the child in the early stages of infancy, and in accordance with the Article 237 of the Civil Law: the mother of the child has priority over the child's custody in the event of a break in the marriage or separation of a spouse.

According to Article 249, the term of custody of a boy ends at 7 years of age and for the girl ends at 9 years of age. Under the Article 250 of the Civil Law, the court can extend this period for up to two additional years. According to the provisions of the Civil Law on custody, it can be concluded that the custody of the children after the separation of a spouse is the responsibility of the mother until the ages of 7 and 9 for boy and girl respectively, after which the father becomes the rightful custodian of the child.
