



Afghan Women's Network
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**AWN Annul 2nd report on Convention of the Elimination of All Forms of
Discrimination Against Women (CEDAW) In Afghanistan.**

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AFGHAN WOMEN'S NETWORK (AWN)

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- Afghanistan Society and Legal Organization (ASLO)
- Afghan Women's Rights Organization (AWRO)
- Afghan Women Skills Development Center (AWSDC)
- Afghanistan Young Greens (AYG)
- Central Afghanistan Welfare Committee (CAWC)
- New Ambition and Educational Development Organization (NAEDO)
- Parneyan Training Center & Rehabilitation Organization (PTCRO)
- TOLO Services & Cultural Organization (TSCO)

AWN's Monitoring and Research Unit (MRU) lead the research.

About Afghan Women's Network (AWN)

The Afghan Women's Network (AWN) is a non-partisan, non-profit network of women that serves as an umbrella organization for 126 NGO members, and 3500 individual members who are committed to supporting the women of Afghanistan. AWN has offices in Kabul, Herat, Nangarhar, Qandahar, Balkh, Bamyan, Kunduz and Paktia. Primary concerns for AWN are issues related to: gender- based violence, youth empowerment and girl's education. The network also represents and promotes the views of Afghan women in political and social arenas through advocacy and by challenging Afghanistan's leaders to enforce legislative reforms for the protection of women's rights.

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List of Abbreviations

AIHRC	Afghanistan Independent Human Rights Commission
ANDS	Afghanistan National Development Strategy
AWN	Afghan Women's Network
CEDAW	Convention of the Elimination of All Forms of Discrimination Against Women
CIC	CEDAW Initiative Committee
DoWA	Directorate of Women's Affairs
EVAW	Elimination of Violence Against Women
FRU	Family Response Unit
GoA	Government of Afghanistan
HPC	High Peace Council
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoHE	Ministry of Higher Education
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoPH	Ministry of Public Health
MoWA	Ministry of Women's Affairs
MP	Member of Parliament
NAPWA	National Action Plan for the Women of Afghanistan
NGO	Non-governmental Organization
PPC	Provincial Peace Committee
TDR	Traditional Justice Resolution
UN	United Nations
VAW	Violence Against Women

Table of Contents

INTRODUCTION.....	5
CHALLENGES	5
METHODOLOGY	5
THE SOCIAL AND POLITICAL CONTEXT OF AFGHANISTAN	6
ARTICLE 1: DEFINITION OF DISCRIMINATION.....	8
ARTICLE 2: POLICY MEASURES TO BE UNDERTAKEN TO ELIMINATE DISCRIMINATION	9
ARTICLE 6: TRAFFICKING AND FORCED PROSTITUTION	12
ARTICLE 7: WOMEN’S POLITICAL REPRESENTATION AND PARTICIPATION IN DECISION-MAKING	13
ARTICLE 8: INTERNATIONAL REPRESENTATION	15
ARTICLE 10: EDUCATION	17
ARTICLE 12: HEALTH.....	19
ARTICLE 15: EQUALITY BEFORE THE LAW.....	20

Introduction

1. The Afghan Women's Network (AWN) produced this NGO (Shadow) CEDAW report. As a women's rights network, AWN focuses on women's equality and empowerment at the policy level and has, over the years, led several initiatives to this end. A CEDAW Initiative Committee (CIC), comprised of twelve members, was established by AWN to develop a joint plan on producing shadow reports.
2. The purpose of this report is to provide analysis of issues that have been identified in the official government report submitted to the CEDAW Committee in 2011, while also highlighting concerns that have been overseen and following up on developments over the years. The present report is a follow up report that focuses on the continued lack of implementation of existing laws and policy guidelines to eliminate all forms of discrimination against women in Afghanistan.
3. Although notable progress has been achieved, with regard to women's representation in the Afghan cabinet and in the Foreign Service especially, advancement has been relatively slow, and key implementation gaps, which were identified in AWN's 2012 report, are still prevalent. Legislative frameworks and strategic documents still remain poorly implemented. The government of Afghanistan needs to show stronger commitment to enforce Afghanistan's gender responsive laws and strategies in order to achieve meaningful change with regard to the elimination of discrimination against women. Moreover, additional steps to increase women's representation in the peace process, law enforcement, judiciary and other government offices are necessary to ensure women's meaningful participation in the Afghan society as equal citizens.

Challenges

4. During data collection, the field researchers faced numerous challenges. As in the case of previous rounds of data collection, insecurity and armed clashes in the provinces was a major challenge, which limited the mobility of the field researchers considerably.
5. Further, government officials showed a lack of cooperation and, at times, refused to share information with AWN's and its partners' field researchers.

Methodology

6. A mixed method approach combining secondary and primary data analysis was adopted for the analysis of ten CEDAW articles relevant to the Afghan context. While the primary data was collected through face-to-face interviews in Kabul and in the provinces, the secondary data was accessed through online and desk-based literature reviews.

7. Data collection was carried in June 2016, though AWN's partner organizations based in the provinces. The partners were selected based on their previous experience. Prior to the onset of data collection, AWN's Monitoring and Research Unit (MRU) organized an orientation meeting to review data collection tools and set data collection plan.
8. The field researchers were trained and remotely overseen by MRU in the head office based in Kabul. A total of 250 key informant interviews across 32 Afghan provinces including Kabul informed this report. In each province, the Afghan National Police (ANP) and the Family Response Units (FRUs), schools, health clinics, Directorates of Women's Affairs (DoWA), Provincial Peace Committees and other government offices were visited to gather information for the analysis of articles 7 (Women's Political Representation and Participation in Decision-Making), 10 (Education), 12 (Health) and 15 (Equality Before the Law) in particular.
9. A thorough desk-review was carried out to review and include findings from relevant sources, but also to verify primary data findings.

The Social and Political Context of Afghanistan

10. Since the 2011 Bonn agreement, the promotion of gender equality has been a key crosscutting theme in reconstruction and development efforts in Afghanistan. As stated by the official CEDAW Report, submitted by the Government of Afghanistan, gender equality is enshrined in Afghanistan's constitution and the government has signed a range of international legal instruments aimed at promoting gender equality, including the Convention on the Elimination of Discrimination Against Women (CEDAW).¹
11. Additional mechanisms for the promotion of gender equality include the Ministry of Women's Affairs (MoWA, established in 2002), the Afghanistan National Development Strategy (ANDS, finalized in 2008), the National Action Plan for the Women of Afghanistan (NAPWA, approved in 2008), and the Elimination of Violence Against Women law (EVAW, signed in 2009). In 2011, the government created a working group to develop a National Action Plan to implement Security Council Resolution 1325 on Women, Peace and Security, which was published in June 2015.²
12. These documents and mechanisms are direct products of the formalization of gender mainstreaming in Afghanistan. The goal of gender equality reforms and programming has been to ensure that both men and women can exercise their rights, have opportunities to contribute to the reconstruction and development of the country, and enjoy a full and

¹ The Ministry of Rural Rehabilitation and Development of the Islamic Republic of Afghanistan, *Gender Policy*, August 2011, pages 6-8, [mrrd.gov.af/Content/files/English Gender Policy Final%282%29.pdf](http://mrrd.gov.af/Content/files/English%20Gender%20Policy%20Final%282%29.pdf)

² Ibid.

satisfying life.³ Since 2001, women and girls have gradually increased their access to rights such as the right to education, healthcare and participation in public life.⁴

13. In April 2015, four new female ministers joined the 24-member Afghan cabinet. These female ministers are heading the Ministry of Women Affairs, Ministry of Counter Narcotics, Ministry of Higher Education and the Ministry of Labor and Social Affairs, Martyrs and the Disabled respectively.⁵ There is a mandatory 27 percent quota of women in the Parliament and another 20 percent of each provincial council at the subnational level.⁶ Currently, 22 percent of all government employees are women.⁷
14. Since the fall of the Taliban regime, Afghanistan saw the development of a women's rights movement. The Afghan Women's Network, for example, is the largest women's rights organization in Afghanistan with over 126 registered women rights organizations and some 35,00 individual members that provide a range of services to women, including education, health, advocacy and legal support.
15. Statistics confirm that Afghanistan has the world's highest indicators of non-sexual violence against women and the lowest indicators for access to healthcare and economic resources for women. Early marriages are still highly prevalent in Afghanistan. According to 2011 statistics, 15.2 percent of Afghan women were married before the age of 15, whereas 43.2 percent got married before the age of 18.
16. While the women's right to inherit land and control income is guaranteed in the constitution, this provision is poorly enforced, as women are denied their legal right to inherit by male relatives.⁸ Despite legal provisions and policies that protect women's rights in the economic and political spheres, mobility, marriage, divorce and inheritance, the lack of implementation of such laws and traditional customs that undermine women's rights continue to reinforce women's inequality in Afghanistan.⁹

³ AREU, *Moving to the Mainstream: Integrating Gender in Afghanistan's National Policy*, February 2008, available at: www.areu.org.af/Uploads/EditionPdfs/803E-Moving to Mainstream-WP-print.pdf.pdf

⁴ Oxfam, *A Place at the Table – Safeguarding Women's Rights in Afghanistan*, October 3, 2011, reliefweb.int/sites/reliefweb.int/files/resources/bp153-womens-rights-afghanistan-03102011-en.pdf

⁵ Afghan Analysts Network, *Afghanistan (almost) has a cabinet – MPs confirm all candidate ministers*, April 18, 2015, www.afghanistan-analysts.org/afghanistan-almost-has-a-cabinet-mps-confirm-all-candidate-ministers/

⁶ The Quota Project, available at: www.quotaproject.org/uid/countryview.cfm?CountryCode=AF

⁷ BBC, *Statistical Representation of Women Judges, Doctors Teachers and Security Forces Announced*, June 2016, available at: http://www.bbc.com/persian/afghanistan/2016/06/160623_k05_afghanistan_women_in_glance

⁸ McClatchy DC, *In Afghanistan, women denied their inheritance now have a champion*, June 4, 2013, www.mcclatchydc.com/news/nation-world/world/middle-east/article24749644.html

⁹ Foreign Affairs, Trade and Development Canada, *Background Information: Promoting the Advancement of Women and Girls' Rights and Empowerment in Afghanistan*, June 16, 2015, www.international.gc.ca/development-developpement/partners-partenaires/calls-appels/afghanistan-bg.aspx?lang=eng

Article 1: Definition of Discrimination

17. AWN recognizes that, since the fall of the Taliban in 2001, significant steps have been taken by the government of Afghanistan to support women's enjoyment of equal rights as citizens and to ensure their meaningful participation in the Afghan society, in line with international standards. The CEDAW convention was ratified by the government of Afghanistan in March 2003, embedding the provisions of the convention in national laws and policies of its state building process. Article 22 of the Afghan constitution clearly states that: *Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.*
18. In the post-Taliban years, the government of Afghanistan adopted numerous policies and laws to ensure women's social, political and economic rights and participation in society. The Afghanistan National Development Strategy (ANDS), a five-year plan drafted and endorsed for the reconstruction and development of Afghanistan, was launched in 2008. The ANDS also included a cross cutting strategy to achieve government's commitments to gender equality and gender mainstreaming across state institutions.¹⁰ According to the ANDS, the cross cutting strategy is the basis to "address and reverse women's historical disadvantage" in Afghanistan.
19. Next to ANDS, the National Action Plan for the Women of Afghanistan, a comprehensive ten-year policy-framework also endorsed in 2008, is another important tool developed to "translate the gender commitments and strategies of GoA into operational terms".¹¹ The purpose of the NAPWA was to consolidate government's efforts to "advance the status of women for the benefit of all Afghan society", by establishing clear guidelines and measureable benchmarks to track progress over time.¹²
20. Further, to ensure and safeguard women's rights, the Elimination of Violence Against Women (EVAW) law was ratified in 2009 through a presidential decree signed by former president Karzai. For the first time in Afghanistan's history, there was legal framework that criminalized 22 harmful practices and acts of violence against women and girls. Since its approval, the EVAW law has been implemented across Afghanistan to ensure women's access to justice. However, the implementation of this law has continued to remain unsystematic and weak, as a result of lack of professionalism among implementers, such as the law enforcement and prosecutors.¹³

¹⁰ Kantor, Paula and Adam Pain, *Delivering on Poverty Reduction: Focusing ANDS Implementation on Pro-Poor Outcomes*, Afghanistan Research and Evaluation Unit (AREU), January 2009, p.12, available at: <http://www.areu.org.af/EditionDetails.aspx?EditionId=67&ContentId=7&ParentId=7>

¹¹ The National Action Plan for the Women of Afghanistan (NAPWA), 2008, available at: <http://mowa.gov.af/en>
¹² Ibid.

¹³ UN Assistance Mission in Afghanistan (UNAMA), *Justice through the Eyes of Afghan Women: Cases of Violence against Women Addressed through Mediation and Court Adjudication*, April 2015, available at: <http://www.refworld.org/docid/55814b3c4.html>

21. More recently, in June 2015, the government of Afghanistan launched its first national action plan (NAP) for the implementation of UNSCR 1325 and related resolutions. This NAP includes four strategic objectives which are (a) women's political participation in all levels of decision-making related to peace, security and civil service, (b) women's protection from all forms of violence and discrimination, (c) the prevention of violence against women and (d) the creation of economic opportunities for women through the provision of relief and recovery services.¹⁴

22. As demonstrated by the aforementioned examples, Afghanistan has an exhaustive list of strategies, laws and plans that have been drafted, endorsed and ratified by the government of Afghanistan over the years, to ensure and safeguard women's equality and fundamental rights in the Afghan society. Nevertheless, such efforts have often fallen short when it comes to the translation of sound policies and strategies into tangible achievements. Today, after fifteen years of development efforts and international assistance to guarantee women's access to rights without gender-based discrimination, women continue to face structural barriers when attempting to access some of the most basic human rights, such as equal access to education, healthcare, and economic opportunities.¹⁵

23. The implementation of gender sensitive laws and policies remains limited, hindered by conservative forces, which consider women's empowerment against the traditional values of Afghanistan as a country. There is a growing fear among women's rights activists for the roll back of women's rights that have been gained in the 15 years, as commitments made by the government continues to remain on paper alone.¹⁶

24. Recommendations for Article 1:

24.1 Reaffirm pledge to continue efforts to end gender inequality by delivering on commitments under the CEDAW, the NAPWA the UNSCR 1325 NAP.

24.2 Establish special committees at the provincial level, tasked with monitoring, directing and holding the law enforcement and justice officials accountable for a systematic and appropriate implementation of the EAW law.

Article 2: Policy Measures to Be Undertaken to Eliminate Discrimination

¹⁴ Ministry of Foreign Affairs of the Government of Afghanistan, *Afghanistan's National Action Plan on UNSCR 1325 - Women, Peace and Security*, June 2015, available at: <http://mfa.gov.af/Content/files/English%20NAP%206.pdf>

¹⁵ Equality for Peace and Democracy (EPD), *Afghanistan Gender Equality Report Card – Evaluating the Government of Afghanistan's Commitments to Women and Gender Equality*, February 2015, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/GERC-English.pdf>

¹⁶ Amnesty International, *Their Lives on the Line – Women Human Rights Defenders Under Attack in Afghanistan*, 2015, available at: <https://www.amnesty.org.uk/sites/default/files/asa1112792015english.pdf>

25. AWN acknowledges that the national constitution of Afghanistan is a key framework that ensures women's equality before the law. In addition, the establishment of the Ministry of Women's Affairs (MoWA), along with its provincial departments, was a key step in Afghanistan's national efforts towards the achievement of gender equality. Next to MoWA, the Afghanistan Independent Human Rights Commission (AIHRC) is widely considered as one of the more important institutions, which actively promotes the elimination of gender discrimination in Afghanistan.
26. The Afghan government has decreed laws and national strategies, which address key articles defined under the CEDAW convention. Examples of such laws include the Elimination of Violence Against Women (EVAW) law, the National Action Plan for the Women of Afghanistan (the NAPWA) and the civil code. The civil code of Afghanistan provides certain rights such as women's right to choose a partner in marriage and their right to own and inherit property.¹⁷ It also defines the minimum age of marriage as sixteen for females and eighteen for males. Additionally, the government of Afghanistan has also established EVAW commissions at the sub-national level, with a mandate to combat violence against women (VAW) more effectively and to establish improved coordination between relevant governmental and non-governmental entities.
27. Additionally, the government has establishment gender units in key ministries to ensure and promote gender equality and women's participation in decision-making. AWN commends the gender responsive laws and national policies that have been approved to further women's empowerment. Nevertheless, the failure to implement policies and laws continues to remain an issue in Afghanistan.
28. Despite the adoption of significant remedial measures to mainstream gender, incidents that undermine the effort to eliminate gender discrimination continue to occur. For example, although the EVAW law has been put into effect in 2009, it is being undermined by parallel mechanisms such as Traditional Dispute Resolution (TDR) mechanism and mediation practices, used to resolve violence against women cases. The TDR mechanism, which the law enforcement sometimes refer violence against women cases to, allows actors such as male village elders and religious leaders directly resolve legal disputes, including family affairs. Perhaps the most negative aspect of the TDR mechanism is the lack of female participation in the decision-making and bias against women by male community elders that enforce traditional norms. Similarly, justice officials continue to resolve violence against women cases through mediation, by making the perpetrator of violence "promise" that he will not harm his wife and female relative again. Many of these cases remain unrecorded, making it impossible to follow-up with to ensure women's security and protection from

¹⁷ Hozyainova, A., *Sharia and Women's Rights in Afghanistan*, United States Institute of Peace (USIP), 2014, available at: https://www.usip.org/sites/default/files/SR347-Sharia_and_Women%E2%80%99s_Rights_in_Afghanistan.pdf

violence.¹⁸

29. Furthermore, while the EVAW law protects and ensures women's legal rights in Afghanistan, multiple discriminatory provisions contradict its mandate. For example, the Shia Personal Status Law (SPSL), a family law drafted for Afghanistan's Shia minority was enforced the same year as the EVAW law. Other examples of discriminatory provisions within the legal framework of Afghanistan are women's limited rights to obtain divorce and guardianship of children.¹⁹

30. Lastly, so-called moral crimes continue to be an unresolved issue that hampers women's access to justice in Afghanistan. Hundreds of women are still imprisoned on the charge of running away from home or attempting to have extra-marital relations. In most cases, women convicted of "moral crimes" have fled their homes as a result of forced marriage, abuse and domestic violence.²⁰

31. Recommendations for Article 2:

31.1 Release all women, accused of so-called 'moral crimes', from prison and enforce a decree that prohibits law enforcement from arresting women and girls who runaway from home.

31.2 Instruct and prohibit the law enforcement from referring VAW cases, which should be processed under the EVAW law, to TDR and mediation mechanism.

31.3 Amend the Shia Personal Status Law and abolish any articles that discriminate against women.

¹⁸ UN Assistance Mission in Afghanistan (UNAMA), *Justice through the Eyes of Afghan Women: Cases of Violence against Women Addressed through Mediation and Court Adjudication*, April 2015, available at: <http://www.refworld.org/docid/55814b3c4.html>

¹⁹ IAGCI, *Country Information and Guide – Afghanistan: Women fearing gender-based harm / violence*, February 2016, available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/500838/AFG.Women.Gender_base_d_harm_and_violence.pdf

²⁰ Human Rights Watch, *Afghanistan: End 'Moral Crimes' Charges, 'Virginity' Tests*, Mar 25, 2016, available at: <https://www.hrw.org/news/2016/05/25/afghanistan-end-moral-crimes-charges-virginity-tests>

Article 6: Trafficking and Forced Prostitution

32. The government of Afghanistan country report of 2011 mentions various laws and international conventions, which Afghanistan has signed and ratified over the years. The Anti-Human Trafficking Law and the EAW law are especially relevant in the context of article 6 and are frequently referred to in the government's report as one of the key measures taken to prevent trafficking and other forms of exploitation including forced prostitution.
33. Although the ratification of laws is a step towards the right direction, the correct implementation of such laws is necessary to achieve progress in the true sense. Early marriages and forced marriages of women and girls are still very common in Afghanistan. Laws such as the EAW law and the Anti-Human Trafficking law are still not adequately enforced to prevent forced labor and exploitation. Most victims of human trafficking are children who are subjected to work as carpet weaver, brick-makers and sexual exploitation. Likewise, Afghan women and girls continue to be subjected to prostitution and domestic servitude in countries like Pakistan, Iran and India.²¹
34. The political will to combat human trafficking and forced prostitution remains weak. Human traffickers are still not held accountable for their crimes, while the victims of sexual exploitation are imprisoned, accused of moral crimes. Procedures to systematically deal with sensitive cases of this kind are still lacking, while the law enforcement and judicial officials don't have the adequate knowledge, guidelines and experience to offer protective services to victims of human trafficking.²²
35. **Recommendations for Article 6:**
- 35.1** End prosecution and imprisonment of victims of human trafficking and forced prostitution, and instead, increase the prosecution and conviction of traffickers under the anti-trafficking law of Afghanistan.
- 35.2** Establish formal and user-friendly guidelines for law enforcement and judiciary, on how to handle cases of human trafficking and use the anti-trafficking law.
- 35.3** Launch protective services designed to address the special needs of victims of human trafficking, offering safe shelters and counseling, among other forms of psychosocial rehabilitation services.

²¹ United States Department of State, 2015 Trafficking in Persons Report - Afghanistan, 27 July 2015, available at: <http://www.refworld.org/docid/55b73c1e31.html>

²² Ibid.

Article 7: Women's Political Representation and Participation in Decision-Making

36. According to the Afghan Electoral Law, all Afghan citizens above the age of 18, regardless of gender, have a legal right to vote during elections. Further, women politicians take an active role in the Afghan society, despite certain security threats and social barriers that limit their ability to reach out to the public.
37. In the 2014 presidential elections, women represented 38 percent of all voters, which was the highest participation of women in the history of Afghanistan. While women have been able to have a more active role in politics and decision-making, especially in the parliament and the provincial councils, their level of representation has decreased significantly. In the 2009 elections, 25 percent out of 420 provincial council seats were reserved for women.
38. A sudden revision to the electoral law, without the consultation of civil society and women's rights activists, reduced the percentage of reserved seats for women from 25 percent to 20 percent. This contributed to the reduction of women's representation in decision-making at the sub-national level. In 2009, women won 117 out of 420 provincial council seats, whereas in 2014, women held 97 out of 458 provincial council seats.²³ This is a significant decrease of women's representation at the sub-national level from 27.8 percent in 2009, to 21.2 percent in 2014.
39. Presently, four out of 27 cabinet members (15 percent) are women, 27 percent are women parliamentarians, and approximately 10 percent of Afghan judges are female.²⁴ Similarly, nine out of seventy High Peace Council (HPC) members (13 percent) are women at the national level, whereas at the sub-national level, the average number of Provincial Peace Committee (PPC) members is between 25 and 30, out of which roughly three (10 percent) are women.²⁵
40. With the exception of the Afghan parliament, most other institutions are lacking sufficient number of female representatives. Women's empowerment through increased representation in executive bodies needs to be increased. The government of Afghanistan has, therefore, important tasks ahead to advance women's presence and participation at the decision-making levels.

²³ See: The Asia Foundation, *Where will Transition Take Women and Girls in Afghanistan*, December 2, 2013, available at: <http://asiafoundation.org/2013/12/04/where-will-transition-take-women-and-girls-in-afghanistan/> AND National Democratic Institute, *Afghanistan 2014 Election Update*, May 30, 2014, available at: <https://www.ndi.org/files/AFG-2014-Election-Update-May-30-NDI-EOM-English-FINAL.pdf>

²⁴ Foster, S., *My Weekend in Kabul: Engaging on Women's Empowerment*, June 3, 2016, DIPNOTE, US Department of State, available at: <https://blogs.state.gov/stories/2016/06/03/my-weekend-kabul-engaging-womens-empowerment>

²⁵ Afghan Women's Network, *Monitoring the Implementation of Afghanistan Peace and Reintegration Program's Gender Policy*, May 2016

41. Recommendations for Article 7:

41.1 Reintroduce the 25 percent quota for women to increase women's representation in decision-making and governance at the sub-national level.

41.2 Increase the number of female HPC and PPC members from 10-13 percent to at least 30 percent, to ensure a more equal participation of women in the peace process.

41.3 Promote women's representation in the Afghan judiciary to increase the ratio of female judges and other justice officials to at least 30 percent.

Article 8: International Representation

42. According to Afghanistan's CEDAW state party report of December 2011²⁶, the laws and regulations of Afghanistan do not discriminate against women's participation in international diplomatic missions. It also claims that capable female ministers, members of parliament (MPs) and members of executive and judicial offices represent Afghanistan in international conferences and forums. The government also mentioned that there were, at the time of producing the CEDAW report, ongoing efforts to increase women's role as representatives of Afghanistan, by including them more in delegations to regional and international conferences.
43. AWN commends the government's acknowledgement of the need to increase women's representation in international delegations and forums. In more recent years, since being elected, president Ghani has proved his commitment to advancing women's representation in the international arena by appointing numerous women in high-ranking positions, including three female ambassadors, promising a fourth.²⁷
44. While the President and his government have shown commitment to advancing women's rights, three to four women ambassadors out of nearly fifty ambassador posts, is a relatively low representation.²⁸ Other countries in the region have significantly higher number of women ambassadors heading their countries' diplomatic missions abroad. Pakistan for example, had thirteen women ambassadors in 2012.²⁹ In 2014, Turkey had 32 women ambassadors representing their country.³⁰ It would therefore be appropriate if Afghanistan aimed to appoint more qualified women ambassadors than merely four.
45. Moreover, as of 2015, out of 878 employees at the Ministry of Foreign Affairs, 65 (7.4%) were women. Increasing the number of female staff at the Ministry of Foreign Affairs would be a key step in increasing women's representation of Afghanistan in the international arena.³¹

²⁶ According to records of the CEDAW committee, this is the only CEDAW report that has been submitted by the government of Afghanistan. To access the report, please see:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29

²⁷ See: Foreign Policy, In President Ghani, *Afghan Women Have A Champion Like No Other*, April 4, 2016, available at:

<http://foreignpolicy.com/2016/04/04/in-president-ghani-afghan-women-have-a-champion-like-no-other/> AND Office of the President, President Ghani: Women's Rights Shall Not be Compromised for Peace, May 30, 2015, available at:

<http://president.gov.af/en/news/47135>

²⁸ See the Ministry of Foreign Affairs' list of Afghan Diplomatic Missions, available at:

<http://mfa.gov.af/en/page/4183/3884>

²⁹ Pakistan Today, Women in Diplomacy, March 8, 2012, available at:

<http://www.pakistantoday.com.pk/2012/03/08/comment/columns/women-in-diplomacy/>

³⁰ The Malaysian Times, Women ambassadors speak out on gender equality, December 2015, available at:

<http://www.themalaysiantimes.com.my/women-ambassadors-speak-out-on-gender-equality/>

³¹ The Central Statistics Organization of Afghanistan, Employee Statistics, available at:

<http://cso.gov.af/en/page/demography-and-socile-statistics/social-statistics/employee-statics>

46. Recommendations for Article 8:

46.1 In the longer term, and as new ambassador appointments are made, consider prioritizing female candidates as new ambassadors to eventually increase the ratio of women ambassadors to at least 30 percent (approximately fourteen women ambassadors).

46.2 Prioritize identifying and appointing female diplomats to increase women's representation of Afghanistan abroad.

Article 10: Education

47. According to the GoA's 2011 estimations, the literacy rate of the population was at 26 percent, while the literacy rate among women was as low as 12 percent at the time of writing the 2011 CEDAW report. Only about 21.5 percent of all government schools were girls' schools and 37,3 percent of all children enrolled in grades 1-12 were female. The government also acknowledged that girls and boys study together in co-educational facilities until grade three and that girls only schools are necessary for girls to continue their education to higher grades.
48. Currently, the girls' school enrollment rate is 40 percent. Since 2011 the girl's enrollment has only increased by 2.7 percent. Moreover, as of June 2016, 33 percent of all general education teachers were female.³² As the GoA 2011 CEDAW report states, girls only schools are necessary in Afghanistan, especially in the higher grades, to encourage families to allow their girls to remain in school. However, official figures by the Afghanistan's Central Statistics Organization show that, presently, less than 25 percent of all upper secondary schools are for girls, whereas roughly 43 percent are for boys and 32 percent are mixed with both boys and girls.³³ Such figures show a significant gap in girls' access to education in Afghanistan and that efforts to reach a 50 percent ration in girls' access to education have fallen short.
49. With regard to women's access to higher education the government claimed that the low rate of girls' attendance in the university entrance exam was due to the high levels of insecurity. In 2009, only about 24.8 percent of all (public and private) university students were female. Similarly, about 16.5 percent of the university lecturers were reported as being female. Dormitories had been established for 1.510 female students across twelve out of thirty-four provinces. Furthermore, the Ministry of Higher Education had planned to establish dormitories for at least 50 percent of the female university students by 2015.
50. Figures provided by the Central Statistics Organization show that in 2016, 21.3 percent of all public university students are female, while 11,9 percent of all public university teachers are female. With regard to female students' access to dormitories, presently, 7.9 percent of all female students studying at a public university have access to dormitories. Between the years 2015 and 2016, the number of male dormitories has increased by more than 9.000, while the number of female dormitories has only increased by 431.³⁴ These figures indicate that the targets set by the Ministry of Higher Education to increase women's access to higher education institutions have not been achieved. Further, statistical figures also indicate that the ratio of female students and teachers at Afghan universities is, presently,

³² Central Statistics Organization, Afghanistan Statistical Yearbook 2015-16, www.cso.gov.af/en

³³ Ibid.

³⁴ Ibid.

noticeably lower than the estimation of the Afghan government in 2011.

51. According to the 2011 CEDAW report of the government of Afghanistan, female students are offered special opportunities, through affirmative action, to continue their education in Teacher Training Centers with slightly reduced score requirements and special bonuses. According to the Central Statistics Organization's yearly statistics book of 2015-2016, 63.8 percent of the teacher training school graduates of 2016 were female.
52. AWN commends the efforts been made by the government of Afghanistan to improve girls' access to education, especially with regard to increasing the number of female students in general education as well as training more female teachers. Further, the opening of a women's university in May 2016, is a key stepping stone in improving women's access to higher education.³⁵
53. While, significant progress has been achieved, major challenges still remain in place. For example, according to 2016 statistical information, only two out of 141 active professional and vocational high schools are for girls.³⁶ Likewise, women's continued limited access to higher education remains a concern, which reinforces the impression that the government of Afghanistan has failed to achieve meaningful progress with regard to improving women's access to higher and vocational education in particular.
54. **Recommendations for Article 10:**
 - 54.1** The Ministry of Education should allocate more funds for the construction of girls' only lower and higher secondary schools, in rural parts of the country especially, to increase retention rates of female students beyond primary school.
 - 54.2** Considering the shortage of dormitories for female students, the construction of dormitories for women studying at university should be prioritized and take precedence over dormitories for male students.
 - 54.3** More professional and vocational high schools should be established for girls.

³⁵ Tolo News, Rula Ghani Inaugurates First Women's University, May 31, 2016, available at: <http://www.tolonews.com/en/afghanistan/25577-rula-ghani-inaugurates-first-womens-university>

³⁶ Central Statistics Organization, Afghanistan Statistical Yearbook 2015-16, www.cso.gov.af/en

Article 12: Health

55. The Constitution requires that the government of Afghanistan provide access to free healthcare services to all of Afghanistan's citizens. Afghanistan National Development Strategy (ANDS) is another key plan that has been endorsed and implemented since 2008. According to the ANDS targets, the Basic Package of Health Services would cover 90 percent of the Afghan population. Further, the maternity mortality rate would reduce by 21 percent from 1600 per 100.000 live births in year 2000, to 1.264 in 2013. Likewise, the infant mortality rate would be reduced from 165 deaths per 1.000 live births to 115.³⁷
56. Significant efforts have been made and important progress has been achieved in the health sector of Afghanistan since the beginning of development efforts post 2001. However, there is still a great need for improvement of access to health care. According to Afghanistan's Humanitarian Needs Overview, approximately 36 percent of Afghans currently live in areas that don't have access to basic health care, including services such as antenatal and prenatal care.³⁸ Further, in 2015, the maternal and infant mortality rates were estimated as 396 per 100.000 live births and 66 per 1.000 live births respectively, which indicates that the ANDS target to reduce maternal and infant mortality rates has been successfully achieved.³⁹
57. These indicators show that the government has, to a large extent, achieved its ANDS health sector targets. However, challenges remain. Although women have improved access to basic healthcare, close to 40 percent of the population are still not able to access basic health services. Further, the quality level of the services remains considerably poor. Many Afghans prefer to visit private clinics if they can afford it. Gaps in the quality of public health services include inappropriate behavior of medical staff, under-qualified staff, lack of medical supplies and long waiting times.⁴⁰
58. **Recommendations for Article 12:**
- 58.1** The MoPH should pay special attention to the quality of the public health services by setting clear quality criteria related to staff conduct, availability of medicine and staff qualifications.
- 58.2** The MoPH should continue to establish health facilities in rural Afghanistan to reach communities living in remote areas and to increase the coverage of national health services.

³⁷ Afghanistan National Development Strategy (2008), Health and Nutrition Strategy, moph.gov.af/Content/Media/Documents/Strategy_2007_2008_2012_20138120111623351.pdf

³⁸ UNOCHA, Humanitarian Needs Overview (HNO), November 2015, available at:

http://reliefweb.int/sites/reliefweb.int/files/resources/afg_2016_hno_final_20151209.pdf

³⁹ The World Health Organization, available at: http://www.who.int/gho/maternal_health/countries/afg.pdf AND The World Bank, available at: <http://data.worldbank.org/indicator/SP.DYN.IMRT.IN>

⁴⁰ Médecins Sans Frontières (February 2014), Between Rhetoric and Reality – The Ongoing Struggle to Access Healthcare in Afghanistan, www.doctorswithoutborders.org/sites/usa/files/attachments/afghanistan_between_rhetoric_and_reality.pdf

Article 15: Equality Before the Law

59. To demonstrate that the Afghan laws protect the equal rights of women and men, the government of Afghanistan refers to Article 22 of the Constitution, which states that “all Afghan citizens, whether men or women, have equal rights and duties before the Law”. Further, the government mentions in its report that the Afghan laws ensure that both men and women have access to the courts, police, attorneys and related justice institutions. However, the report also acknowledges that, in practice, the access to justice officials is limited. The lack of transportation, prevalence of illiteracy among rural women especially, and traditional customs are mentioned as barriers that women regularly face in their efforts to seek justice through the official justice system.
60. These barriers, mentioned by in the state party CEDAW report of Afghanistan are still relevant. Women’s access to justice in Afghanistan continues to be largely limited. Research shows that there is a strong preference among police and justice officials, such as prosecutors and judges, to solve VAW cases through mediation or through referrals to TDR mechanisms, i.e. local councils consisting of village elders. Mediation of VAW cases is ultimately a method that undermines the implementation of EAW, and which reduces women’s equal access to justice.⁴¹ In addition, the lack of female staff in the law enforcement, prosecution and courts make it more challenging for women to report their cases as male justice officials are not sensitized to women’s situation and tend to show indifference towards their petitions.⁴²
61. According to statistical figures, provided by the Family Response Unit and the Tashkeel department of the Ministry of Interior (MoI) in Kabul, there are currently 2875 policewomen serving within the police force. Out of these, 1100 are patrolwomen, 936 are Sergeants / NCO and 839 are officers. Further, the Tashkeel department of the MoI also confirmed that the total number of ANP had reached 157.000. This finding suggests that the current proportion of female police has not increased in a significant way in the past years, but remain below 2 percent.
62. Additionally, according to the Family Response Unit in Kabul, out of 2875 policewomen, only 52 are currently employed at the FRUs across Afghanistan. There is reason to be concerned, if this is indeed the case, as this would indicate that there are, on average, less than two female police officers working at FRUs per province, which could not be considered

⁴¹ ActionAid (November 2014), Hanging in the balance: why the international community must redouble its commitment to Afghan women’s rights, www.actionaid.org.uk/sites/default/files/publications/afghanistan_briefing-final.pdf

⁴² UNAMA (December 2013), A Way to Go: An Update on Implementation of the Law on Elimination of Violence against Women in Afghanistan, unama.unmissions.org/Portals/UNAMA/Documents/UNAMA_REPORT_on_EVAW_LAW_8_December_2013.pdf

sufficient to address the needs of victims of VAW.

63. Recommendations for Article 15:

63.1 The ANP, AGO and Supreme Court should make sure that justice officials, including the police, prosecutors and judges, stop referring VAW cases to traditional dispute resolution mechanisms. Such cases must be prosecuted under the EVAW law.

63.2 The number of female prosecutors, judges and police in the ANP must be increased, since this would most likely encourage female survivors of gender based violence to report their cases as they would be more comfortable reporting to female justice officials.

63.3 Only female police should work in the FRUs as women are more likely to report sensitive cases to the units if trained women police receive them.