



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined initial and second periodic reports of Afghanistan*

1. The Committee considered the combined initial and second periodic report of Afghanistan (CEDAW/C/AFG/1-2) at its 1132nd and 1133rd meetings, on 10 July 2013 (see CEDAW/C/SR.1132 and 1133). The Committee's list of issues and questions are contained in CEDAW/C/AFG/Q/1-2 and the responses of Afghanistan are contained in CEDAW/C/AFG/Q/1-2/Add.1.

A. Introduction

2. The Committee highly appreciates that the State party submitted its combined initial and second periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group. It welcomes the quality of the oral presentation of the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party delegation which was headed by Mr. Qasim Hashimzai, Senior Advisor to the Ministry of Justice. The delegation also included the Deputy Minister for Women Affairs, the Deputy Minister of Social Affairs, Martyrs and Disabled as well as representatives from the Ministry of Education and from the Permanent Mission of Afghanistan to the United Nations in Geneva.

B. Positive aspects

4. The Committee commends the State party for having ratified the Convention without reservations. It welcomes the ratification of the following international treaties since the ratification of the Convention by the State party:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2003;

(b) The Rome Statute of the International Criminal Court, in 2003;

* Adopted by the Committee at its fifty-fifth session (8-26 July 2013).

- (c) The 1951 Convention relating to the Status of Refugees and its 1967 Protocol, in 2005;
 - (d) The UNESCO Convention against Discrimination in Education, in 2005; and
 - (e) The United Nations Convention against Corruption, in 2008.
5. The Committee notes with appreciation that the State party has adopted legislation aimed at eliminating discrimination against women, in particular:
- (a) The provisions in the Constitution and in the Electoral law which establish specific quotas for women in the Wolsi Jirga and the Meshrano Jirga; and
 - (b) The Elimination of Violence against Women Law (2009).
6. The Committee welcomes the adoption of the National Action Work Plan for Women (2008-2018).

C. Principle areas of concern and recommendations

Implementation

7. The Committee is fully aware of the State party's important efforts to enact and implement, during the last decade, a legal framework protecting and promoting women's rights. However, it considers that the climate of persisting and extreme violence, in particular against women, the on-going political process and the security forces transition, places the State party in a challenging position. The Committee considers that the implementation of the Convention is the most effective safeguard to ensure the full respect and enjoyment of women's rights. It urges the State party to consider the recommendations contained in the present concluding observations as requiring a high priority for national mobilization and international support. The committee calls upon the State party to promptly implement the present concluding observations between now and the next reporting process under the Convention by setting up a special coordination mechanism with all relevant state institutions at all levels, the Parliament (Wolsi Jirga and Meshrano Jirga), the judiciary and with the stakeholders, including international stakeholders currently supporting the State party's transitioning into its Transformation Decade. The Committee will support and closely monitor the implementation of the present concluding observations.

Participation of women in the peace process and its impact on women's rights

8. The Committee notes with satisfaction the formal commitment, confirmed by the delegation, that women's rights will not be compromised by the peace negotiations. Notwithstanding, it considers that concrete measures need to be taken and implemented to fulfil this commitment. It notes with satisfaction the establishment of the Elite Women's Advisory Board whose aim is to ensure women's engagement in the peace process at all levels of the government. However, it is deeply concerned that women's meaningful and effective participation in the peace and reconciliation process is being jeopardized by several factors, in particular, the limited number of women members of the High Peace Council (9 out of 70 members); women's exclusion from the major decision-making processes; the possibility for the peace negotiations to be moved outside the State party, in the context of the Doha talks; and the lack of adequate means to ensure their effective participation. It is also concerned that women's interests and needs may be compromised in the peace negotiations due to the deep rooted patriarchal attitudes in the State party. It regrets that the State party has not yet adopted its National Action Plan (NAP) to implement the Security Council Resolution 1325 (2000).

9. **The Committee urges the State party to:**

(a) **Increase women's representation in the High Peace Council and fully involve them effectively at all stages of the peace and reconciliation process, including by ensuring equal opportunities and active participation of women in the decision-making processes;**

(b) **Ensure that women members of the Elite Women's Advisory Board and civil society organizations working on women's issues are included in the peace negotiations and reconciliation process, including at the planned Doha talks;**

(c) **Reaffirm the non-negotiable character of all human rights and adopt a strategy to prevent any setback for women's rights in the peace negotiations; and**

(d) **Adopt the draft National Action Plan to implement Security Council Resolution 1325 (2000) and ensure that it incorporates a model of substantive equality which will have an impact not only on violence against women but also on all spheres of women's life, in line with the Convention.**

Upholding women's rights achievements

10. The Committee notes with appreciation the information provided by the delegation with respect to the State party's commitment to consolidate the constitutional and legal framework related to women's rights, including quotas for women. However it is concerned that in the context of the transition the State party is facing, such consolidation may not be considered as a priority. It is particularly concerned that several members of the Parliament, particularly from the Wolesi Jirga, are attempting to repeal existing provisions in the Electoral Law which provide that at least 25% of seats in the provincial councils be reserved for women and to weaken provisions for the protection of women in the Law on the Elimination of Violence against Women. The Committee notes the collaboration between the State party and some women's organizations in numerous fields.

11. **The Committee urges the State party to:**

(a) **Set as a priority, for the next eighteen months, the consolidation of the legislative achievements by reinforcing the implementation of the Law on the Elimination of Violence against Women and the Electoral Law, in line with the Convention;**

(b) **Ensure that the Wolesi Jirga and Meshrano Jirga joint Commission working on amendments to the Electoral Law maintains the 25% quota for women in the National Assembly and in the Provincial Councils as currently established in the Electoral Law;**

(c) **Consolidate the legislative framework related to women's rights by adopting without delay the draft Family Code and by ensuring that any revisions of the Penal Code and the Code of Criminal Procedures repeal, and does not include, discriminatory provisions against women;**

(d) **Reinforce its efforts to sensitize parliamentarians and members of the Provincial Councils on women's rights with a view to upholding the gains already achieved; and**

(e) **Intensify its collaboration with women's organizations to eliminate violence against women as well as to improve women's access to education, health, justice and political participation.**

Definition of discrimination

12. The Committee notes with appreciation that article 22 of the Constitution of the State party and other legislation guarantee the right to non-discrimination and equality to all citizens. However, it is concerned about the absence of an explicit prohibition of discrimination based on sex.

13. **The Committee recommends that the State party include in its Constitution and in the draft regulation on the elimination of discrimination and in other relevant legislation provisions on equality between women and men and prohibiting direct and indirect discrimination against women in the public and private spheres, as well as sanctions, in line with articles 1 and 2 of the Convention.**

Legal complaint mechanisms

14. The Committee notes the efforts of the State party to make the formal justice system accessible for its population, in particular for women, through the establishment of Courts in remote areas, Family Courts, a Prosecution Office on violence against women and through training of women judges. It is concerned that despite these efforts, the police and the prosecutors continuously refer cases related to violence against women, including domestic violence, to informal justice mechanisms (*jirgas* and *shuras*) for advice or resolution; despite the fact that many of these cases should be formally prosecuted and that decisions of informal justice mechanisms are discriminatory against women and undermine the implementation of existing legislation. It is further concerned that women are often prevented by their family members from filing complaints.

15. **The Committee recommends that the State party:**

(a) **Develop guidelines for the police and prosecutors clarifying the type of cases which must be formally prosecuted;**

(b) **Ensure the implementation of the policy on traditional justice and inform women about the possibility to challenge decisions of informal justice mechanisms in the formal justice system;**

(c) **Ensure that any law defining the relationship between the formal justice system and informal justice mechanisms improves compliance with all national laws, including the EAW law and prohibits *jirgas* and *shuras* from addressing serious violations of human rights, as previously recommended by the international community;**

(d) **Sensitize the police, prosecutors, judges and the general public on the importance of addressing violations of women's rights, including domestic violence, through the formal justice system rather than *jirgas* and *shuras*; and increase the awareness of women and girls about their rights and available legal remedies;**

(e) **Raise awareness amongst religious and community leaders about the principle of equality between women and men, contained in the Constitution and in the Convention; and**

(f) **Enhance women's accessibility to the formal justice system; increase the number of female police officers and judges; and, provide systematic training to the police, judges, prosecutors and lawyers on the application of domestic legislation on women's rights, in line with the Convention.**

Transitional Justice

16. The Committee notes the establishment of the Afghan Peace and Reintegration Programme (APRP) and it is concerned about its inadequate implementation and about its

limited effectiveness in addressing issues of gender-based violence by non-State actors, as well as its procedures and vetting processes and systems to ensure accountability. It also notes the information provided by the delegation on the adoption of a transitional justice policy.

17. **The Committee recommends that the State party:**

(a) **Ensure the adequate implementation of the APRP by making sure that its rules of procedures and vetting process are applied and by effectively involving the civil society, in particular women and women's organizations; and**

(b) **Ensure the prompt implementation and monitoring of the transitional justice policy, in line with the State party's legislation and its international obligations, including the Convention.**

National machinery for the advancement of women

18. The Committee notes the establishment of the Ministry of Women Affairs (MoWA) in 2004, the establishment of Provincial Directorates of MoWA in 22 provinces and the creation of Gender Units in several Ministries. However, it is concerned at the scarce financial resources allocated through the national budget and the lack of qualified staff assigned to MoWA to fulfil its mandate. It is further concerned about MoWA's high dependency on external funding which may affect the sustainability of the achievements in the field of gender equality and women's rights in the context of the State party's transition. It is also concerned about the challenges which impede the full implementation of the National Action Plan for Women (NAPWA) such as the lack of resources and the lack of accountability at the ministerial level responsible for its implementation.

19. **The Committee urges the State party to:**

(a) **Ensure the sustainability of the Ministry of Women Affairs (MoWA) by providing it with adequate human, technical and financial resources to fulfil its gender equality and women's rights mandate, in line with the principles of the Tokyo Mutual Accountability Framework such as the one stating that international assistance, through national budgets, can improve national institutional capacities, development performance and accountability of the State party, to all its citizens;**

(b) **Ensure the implementation of the National Action Plan for Women (NAPWA) through, *inter alia*, gender-responsive budgets, regular monitoring of its implementation with indicators set out in the NAPWA and accountability mechanisms; and**

(c) **Establish a clear timeframe to consolidate and reinforce the national and local capacities of the national machinery for the advancement of women.**

National Human Rights Institution

20. The Committee welcomes the establishment in 2002 of the Afghan Independent Human Rights Commission (AIHRC). However, it is deeply concerned at information indicating that the latest process of appointment of Commissioners lacked transparency and was not participatory, all of which jeopardizes the independence and effectiveness of the AIHRC and undermines its high reputation at the national and international level.

21. **The Committee reiterates the call by the United Nations High Commissioner for Human Rights that, the State party reconsider the recent appointments of Commissioners and re-open the selection process, in line with the Paris Principles and the requirements as established in the regulatory framework of the AIHRC.**

Violence against women and harmful practices

22. The Committee expresses its deep concern at the high prevalence of violence against women in the State party, in particular domestic violence, rape, battery and laceration. It is also concerned at cases of stoning of women. It is deeply concerned at the persistence of adverse cultural norms, practices and traditions which are harmful to women such as child marriage, *baad* (settlement of disputes by giving away girls), *badal* (exchange marriages), and forced marriages, including forced marriages of widows. It is further concerned at cases of self-immolation and running away from home, as a response to harmful practices and violence against women. It is concerned that despite the concrete efforts to implement the Law on the Elimination of Violence against Women, incidents of violence and harmful practices remain under-reported due to the subordinate role of women in Afghan society, cultural beliefs and the victims' fear of retaliation by their family and of being stigmatized by their communities. It is concerned at the sustainability of the shelters for women victims of violence as well as about the need to increase their number.

23. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party to:**

(a) Establish measures, as a priority, to effectively combat impunity and comply with its due diligence obligation to prevent, investigate, prosecute and punish violence perpetrated against women by State and non-State actors;

(b) Ensure the proper implementation of the Law on the Elimination of Violence against Women by, for example, providing systematic training on the ERAW law for all police officers working in Family Response Units, issuing guidelines to the courts on the application of the ERAW law, including its mandatory application in conjunction with other relevant national legislation; and developing a strategy to ensure the recruitment and retention of female police officers;

(c) Ensure that shelters for women victims of violence are properly resourced and that the quality of services offered is regularly monitored; increase the number of shelters so as to strengthen support services for victims, such as counseling and rehabilitation services, both medical and psychological; and develop a strategy to ensure their financial support in the framework of the Tokyo Mutual Accountability Framework.

(d) Adopt a comprehensive policy and strategy to eliminate all harmful practices against women and girls, which includes the sensitization of religious and community leaders with the aim to prevent misinterpretations of Sharia Law and Islamic principles; as well as awareness-raising efforts targeting the general public and the media, in collaboration with civil society and women's organizations; and

(e) Ensure the proper registration of cases of violence and the standardized collection of disaggregated data on all forms of violence against women.

“Moral crimes” and so-called honour killings

24. The Committee deplores the practice of arresting and prosecuting run away women and girls for “moral crimes” and charging them with the aggravating intention to commit *zina* (sexual intercourse outside of wedlock) or pre-emptive *zina*, despite the fact that running away is not a crime under Afghan law. It also regrets that due to the lack of a definition of rape in the Penal Code, rape victims are charged with *zina* and are further re-victimized as some of them are forced to get married to their rapists. It is deeply concerned that rape and run away victims are forced to undergo virginity tests. It is equally concerned at the increase of so-called honour killings and at the discriminatory provision in the Penal

Code which allows presenting the defence of honour as a mitigating circumstance for perpetrators of such crimes (art. 398).

25. **The Committee urges the State party to:**

(a) **Re-issue and implement without delay the directive of the Attorney General of April 2012 stating that running away is not a crime under Afghan law and emphasize that no charges of attempted or pre-emptive *zina* should be brought; and**

(b) **Repeal article 398 of the Penal Code to ensure that perpetrators of so-called honour killings are not given legal concessions; and include a definition of rape in the Penal Code, in line with international standards.**

Trafficking and exploitation of prostitution

26. The Committee notes the adoption of the Anti-Human Trafficking and Abduction Law (2008) and is concerned about its lack of implementation. It is concerned at information indicating that victims of trafficking are sometimes prosecuted for having committed *zina*. It is further concerned at the lack of information about the extent of trafficking and exploitation of prostitution in the State party as well as about the lack of protection measures for those victims of trafficking who decide to testify as witnesses.

27. **The Committee urges the State party to:**

(a) **Conduct research on the prevalence of internal and international trafficking, including on its scope, extent, causes, consequences and purposes, as well as its potential link with child marriage and *baad*;**

(b) **Ensure the adequate implementation of the Anti-Human Trafficking and Abduction Law (2008) in order to ensure that victims of trafficking are not prosecuted for having committed *zina*;**

(c) **Strengthen mechanisms for the investigation, prosecution and punishment of traffickers and support services for victims of trafficking and forced prostitution as well as measures for witness protection; and**

(d) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and the SAARC Convention on the Prevention and Combatting the Trafficking in Women and Children for Prostitution.**

Participation in political and public life

28. The Committee notes the efforts of the State party to increase the participation of women in political and public life since 2001. It considers it essential to recognize women's diverse experiences in conflict, including as victims but also as the main agents of peace building processes. However, it is concerned at the low participation of women in decision-making in all areas of life. It is further concerned that deeply rooted patriarchal attitudes such as imposing movement restrictions to women, as well as, the fragile security in the State party may adversely affect the participation of women, as candidates and voters, in the forthcoming 2014 elections. It is further concerned at threats and targeted killings of women occupying prominent positions in the administration and of women human rights defenders. It expresses its concern at the low participation of women in the judiciary in the superior courts and the total absence of women judges in the Supreme Court.

29. **The Committee calls upon the State party to:**

(a) Pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making as a democratic requirement in all areas of public, political and professional life, at the national, provincial and district levels, by for example, adopting temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004);

(b) Implement awareness-raising activities on the importance of women's participation in decision-making for society as a whole, in particular as candidates and voters, with a view to eliminating patriarchal attitudes which deter women from participating;

(c) Ensure effective security protection for women in prominent positions in the administration and women human rights defenders; and hold accountable perpetrators of violent attacks against them; and

(d) Take appropriate measures to increase the number of women judges in superior courts and ensure the appointment of women to the Supreme Court.

Nationality

30. The Committee notes that the draft National Law recognizes double nationality for Afghan citizens. It is concerned about the high number of women who lack personal identity documentation in the State party, which increases the risks of statelessness and restricts women's enjoyment of their rights such as to secure land and property and to access education, health care and employment opportunities.

31. **The Committee recommends that the State party**

(a) **Adopt the draft National Law; and**

(b) **Raise awareness on the importance of personal identity documentation and ensure that women have access to such documentation..**

Education

32. The Committee highly appreciates the efforts to increase the enrolment of girls at all levels of education and it commends the demonstrated political will to continue pursuing this goal through global mobilization. It considers that sustainable development calls for an educated population with equal opportunities for women and men and fully supports the high priority given to this issue. However, it is concerned at the high illiteracy rate among women, the low enrolment of girls, particularly at the secondary level, and their high dropout rate, especially in rural areas, mainly due to a lack of security to and from school. It is further concerned about the negative attitudes in society with respect to girls' education, as well as at the lack of qualified female teachers and the poor school infrastructure and long distances to school. It expresses its deep concern at the increased number of attacks on girls' schools and written threats warning girls to stop going to school by non-State armed groups, as well as at incidents where girls became ill at school under the suspicion of being poisoned. It is also concerned about the marked underrepresentation of women in higher education which is a major impediment to their appointment in public offices and their engagement in public affairs.

33. **In light of the commitments of the State party under the Tokyo Mutual Accountability Framework, the Committee recommends that the State party:**

(a) **Set specific targets and adopt a plan of action to improve the literacy rates of women and girls, increasing school enrolment and attendance of girls with specific time-bound targets, and monitor achievement of these targets;**

(b) Continue its efforts to increase the recruitment of female teachers with the pre-requisite qualifications and provide incentives to ensure their presence throughout the country, in particular in remote areas; improve and standardize the quality of education, including by continuously training teachers and by conducting periodic revisions of the curriculum and textbooks to remove gender stereotypes;

(c) Develop a strategy to ensure that essential education services for women and girls are sufficiently funded, in light of the decline of external assistance;

(d) Ensure that the Safety and Protection Directorate effectively fulfills its mandate to provide recommendations on how to prevent attacks on girls' schools; and ensure that perpetrators of such acts of violence are promptly prosecuted and punished; take measures to address the fear that such security incidents creates among girls and their families and thereby preventing girls access to education; and

(e) Review procedures related to the university entrance examination and remove biases that effectively limit women's access to this level of education.

Employment

34. The Committee notes with satisfaction that the Priority Reform and Restructuring Programme (PRR) emphasizes the recruitment of women into the civil service. It also notes that, only 21 per cent of total employees in the civil service are women. It is concerned that the majority of them are hired at the lower levels of the administration. It is also concerned at the negative perception in society of working women. It is further concerned at the prevalence of sexual harassment in the workplace, which particularly affects women police officers and undermines the recruitment and retention of women in the security sector. It is concerned that the large majority of women work in the informal sector (agriculture) and in the care economy (domestic and home-based work), and that as such they are not recognized as workers in the existing labour legislation, and are thus unprotected and do not have access to social security and other benefits.

35. **The Committee recommends that the State party:**

(a) Adopt effective measures in the formal labour market, including temporary special measures, to increase female participation and eliminate both horizontal and vertical occupational segregation, to narrow and close the wage gap between women and men, and to ensure the application of the principle of equal remuneration for work of equal value, as well as equal opportunities at work;

(b) Conduct awareness raising campaigns targeting the public at large with a view to eliminating negative stereotypes towards working women;

(c) Take immediate action to put in place policies and programmes to prevent and respond to sexual harassment in the workplace, in particular, for women police officers in order to retain them at work; enact specific legislation prohibiting sexual harassment in the workplace; and

(d) Prepare a plan of action for the protection of women working in the informal sector, such as agriculture and remunerated domestic work.

Health

36. The Committee notes with appreciation the health policy framework in place in the State party. However, it is concerned about the high maternal mortality ratios, the high number of women who suffer from fistula and the extreme trauma that a large number of women, particularly in the conflict affected remote areas, suffer which threatens their mental health and well-being. It is also concerned about deep patriarchal attitudes and

cultural beliefs which limit women's freedom of movement and prevent them from being treated by male doctors and that women's access to contraceptives is subject to their husbands' authorization. It is further concerned at the low number of trained women healthcare workers and the high number of women giving birth without access to obstetric care.. It is concerned that abortion is only permitted when the life of the mother is endangered and that such restrictions lead to unsafe abortion often threatening the mother's life. The Committee is further concerned at the insufficient allocation of human and financial resources to health facilities, in particular in rural areas

37. In the framework of the Tokyo Mutual Agreement Framework and in line with its general recommendation No. 24 (1999), the Committee urges the State party to:

(a) Set specific targets and adopt an action plan to ensure the sustainability and reinforcement of the health sector to prevent, at a minimum, a further reduction of the already limited health services available for women;

(b) Take effective measures to reduce the maternal mortality rate and provide women with access to health-care facilities, obstetric care and medical assistance by trained personnel, including midwives, especially in rural and remote areas;

(c) Conduct awareness raising campaigns to eliminate patriarchal attitudes and cultural beliefs which impede women's free access to health services and contraceptive methods;

(d) Take effective measures to increase the recruitment of female healthcare workers and to continuously enhance their capacity;

(e) Expand the grounds on which abortion is permitted, in particular, cases of rape and incest, and prepare guidelines on post-abortion care to ensure that women have free access to this type of service;

(f) Adopt effective measures to address the mental health condition of women suffering trauma and other psychological disorders; and

(g) Increase budgetary allocations to the healthcare sector, making specific allocations for the treatment and reintegration of victims of fistula.

Poverty and rural women

38. The Committee notes that almost 80 per cent of the total population of the State party live in rural areas. It is concerned that almost 36 per cent of the population live under the poverty line and that the large majority of them are women. It is concerned at the reliance of the rural population, in certain areas of the country, on the cultivation of opium as a livelihood. It also notes that the Ministry of Rehabilitation and Rural Development (MRRD) is conducting a programme by which rural women and men are granted small loans aiming at supporting self-employment. However, it is concerned that women who have access to these loans, often hand over the funds to their husbands or male relatives. The Committee is also concerned at the difficulties faced by rural women in gaining access to health and social services and in participating in decision-making processes at the community level.

39. The Committee recommends that the State party:

(a) Elaborate a comprehensive development plan for rural areas with the full involvement of rural women in its elaboration and implementation and backed by sufficient budgetary resources with the aim to fight against poverty and to promote new economic opportunities which will replace the cultivation of opium;

(b) **Integrate a gender perspective into the programmes and activities of the Ministry of Rehabilitation and Rural Development;**

(c) **Take measures to ensure that rural women are the effective decision-makers and beneficiaries of programmes and credit facilities; and**

(d) **Strengthen its efforts to address the needs of rural women and provide them with better access to health, education, clean water and sanitation services, fertile land and income-generating projects.**

Refugee returnees and internally displaced women and girls

40. The Committee is concerned at the increasing number of internally displaced persons in the State party, particularly women and girls and at the need of a long term intervention to ensure, *inter alia*, their access to basic services and protection. It is further concerned at the situation of Afghan refugee returnees many of whom become displaced or are forced into economic migration due to the lack of income generating opportunities and access to basic services.

41. **The Committee urges the State party to:**

(a) **Endorse the National Internally Displaced Persons Policy and ensure its full implementation and provide long term interventions to address the needs of internally displaced persons, in particular women and girls;**

(b) **Ensure that Afghan refugee returnees, in particular women and girls, have adequate access to health services, education, food, shelter, free movement and opportunities to secure justice and durable solutions; and**

(c) **Accede to the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.**

Marriage and family relations

42. The Committee is concerned about the existence of multiple legal systems with regard to marriage and family relations in the State party and their discriminatory impact on women. It is concerned that despite the amendments to the Shia Personal Status Law, discriminatory provisions remain, such as the requirement of the husband's authorization for his wife to leave home. It is also concerned about discriminatory provisions under civil law and customary practices, such as the husband's legal right to authority over his wife and children. It is also concerned at unequal and limited rights for women to divorce and obtain guardianship of children under the Civil Law. It is concerned that women are deprived of their inheritance rights due to their subordinate role in society and domination by their male relatives. It is concerned at the low registration of marriages and divorces which prevents women from claiming their legal rights. The Committee is concerned at the persistence of child and forced marriages and that the minimum age of marriage for girls is set at 16. It is also concerned that polygamy is permitted under certain circumstances.

43. **In line with its general recommendations No. 21 (1994) and No. 29 (2013) on article 16 of the Convention, the Committee recommends that the State party:**

(a) **Repeal discriminatory provisions against women in the Shia Personal Status Law and the Civil law; and amend relevant legislation to raise the minimum age of marriage for girls to 18;**

(b) **Ensure that the draft Family Law provides equal rights for women and men in all matters related to marriage and family relations, in particular with respect to their responsibilities within the family, property and inheritance, divorce and custody of children;**

(c) Conduct awareness raising campaigns targeting women to make them aware of their rights with respect to family relations and marriage;

(d) Take measures to facilitate the procedure to register marriages and divorces; ensure that marriage and family law cases are adequately handled and heard by civil or family courts; and

(e) Take the necessary legislative and policy measures to abolish polygamous marriages.

Optional Protocol and amendment to article 20, paragraph 1, of the Convention

44. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, without delay, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

45. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

Millennium Development Goals and the future framework

46. The Committee calls for the integration of a gender perspective in accordance with the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals as well as in the new development framework as of 2015.

Technical assistance

47. The Committee recommends that the State party avail itself of international assistance, including technical assistance to develop a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee also calls upon the State party to further strengthen its cooperation with specialized agencies and programmes of the United Nations system in line with the UNDAF and the Tokyo Mutual Accountability Framework.

Dissemination

48. The Committee requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Wolesi Jirga and Meshrano Jirga and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and jurisprudence, and the Committee's General Recommendations to all stakeholders.

Follow-up to concluding observations

49. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 11 and 23 above.

Preparation of next report

50. The Committee invites the State party to submit its third periodic report in July 2017.

51. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1)
