



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

Distr.: General  
2 November 2012

Original: English

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## Committee on the Elimination of Discrimination against Women

Fifty-fifth session

8-26 July 2013

### List of issues and questions with regard to the consideration of periodic reports

#### Afghanistan

The pre-session working group examined the combined first and second periodic report of Afghanistan (CEDAW/C/AFG/1-2) submitted by the State party.

#### General context

1. The State party has been experiencing more than three decades of war, political upheaval, lack of rule of law, impunity and insecurity, all of which have contributed to the ongoing violence and discrimination faced by women and girls. The report acknowledges that this situation has spread a culture of violence which has seriously affected women and children (see para. 51). Please provide information on measures undertaken to enforce the rule of law throughout the territory of the State party and to combat the entrenched violence against women and girls. How does the State party plan to improve the capacity of law enforcement authorities and judicial institutions, at all levels and in all provinces, in order to ensure the protection of women and girls and the enjoyment of their rights? Please also provide information on measures in place to incorporate a gender perspective within the peace and reconciliation process and to ensure the effective participation of women's organizations therein. Please indicate how the State party is guaranteeing the participation of women in the political and economic reconstruction of the country as well as transitional justice, in the light of Security Council resolution 1325 (2000) and other international obligations. Please also provide updated information on the workplan for Security Council resolution 1325 (2000).

#### Constitutional framework

2. While acknowledging that the Constitution enshrines the principle of non-discrimination, please indicate whether the State party envisages adopting legislation that prohibits discrimination against women, in line with article 1 of the



Convention. Please also provide detailed information on steps taken to harmonize the different systems of law prevailing in the State party, namely, State law, Islamic law and customary law, with international human rights standards, in particular with the provisions of the Convention.

### **Legal complaint mechanisms**

3. The report acknowledges that years of war and the lack of rule of law have exacerbated the use of male-dominated informal justice mechanisms (see para. 73). In this context, it has been reported that tradition has led to concealment of abuses within the family, and that police and justice officials routinely ignore domestic violence and arrest and prosecute women who attempt to flee forced marriage and family abuse. Please provide information on measures taken to increase women's access to formal justice mechanisms, especially in rural areas. In particular, please explain how the State party envisages ensuring that any proposed law defining the relationship between the formal justice system and traditional mechanisms for dispute resolution (jirgas and shuras) will comply with all international standards.

4. The report indicates that policemen do not take crimes reported by women seriously and that women victims are much more likely to report crimes to policewomen (see paras. 102-104). In this regard, please indicate what measures have been taken to strengthen the Family Response Units within police departments and to increase the number and capacity of policewomen working therein.

5. Taking into consideration the guidance notes issued by the Supreme Court instructing judicial staff that "running away from home" has no foundation in the criminal code of Afghanistan, please explain what follow-up action has been taken in this regard. Please provide information on the number of women who are detained and charged for "running away from home".

### **National machinery for the advancement of women**

6. According to the report, the Ministry of Women Affairs is the national machinery for the advancement of women (see para. 36). Please provide detailed information on measures taken to enhance the capacity of the Ministry at the national, provincial, and local levels to fulfil its mandate. Please also indicate how the State party envisages providing adequate financial resources to the national machinery, including by prioritizing international funding for the advancement of women. Please also provide further information on the National Action Work Plan for Women (2008-2018) referred to in paragraph 34 of the report. Please indicate whether there are any objectives, activities, timetables or targets that have been established to monitor the National Action Work Plan for Women.

7. Please provide information on steps taken to strengthen the High Commission for the Prevention of Violence against Women and its provincial Commissions mandated by the Law on the Elimination of Violence against Women. In particular, please indicate whether the Commissions are provided with terms of reference and workplans, and whether there are established procedures for registering and following up on cases of violence against women. Please also indicate whether a national strategy has been put into place to implement the Law on the Elimination of Violence against Women.

**Temporary special measures**

8. The report, in paragraphs 226 and 227, refers to a 30 per cent quota for women in governmental civil servant positions that is monitored by the Independent Administrative Reform and Civil Service Commission. Please indicate the level of success of this programme. Please also provide information on steps taken to make the quota a mandatory requirement and to establish enforcement mechanisms.

**Stereotypes and harmful practices**

9. The report acknowledges the prevalence of harmful traditional practices across the territory of the State party, such as child marriages, the practice of baad (exchanging girls and women to settle disputes), and preventing women from leaving their homes or working (see para. 98). Please indicate concrete measures taken to eliminate such harmful traditional practices and to provide adequate support to victims. Please also provide detailed information on measures taken to eliminate discriminatory social and cultural patterns and pervasive patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society. Also provide information on measures undertaken to address cases of self-immolation of adolescent girls and women.

**Violence against women**

10. The report, in paragraph 42, indicated that in 2010 only 17 professionals worked within the Prosecution Office on Elimination of Violence against Women. Furthermore, according to information received, prosecutors in 28 provinces opened cases in only 26 per cent of the total 2,229 reported cases. Please indicate what steps have been taken to strengthen the implementation of the Law on the Elimination of Violence against Women, including by ensuring appropriate human and financial resources to the appropriate bodies. In this context, please provide information on trainings provided to law enforcement officials and members of the judiciary on the Law on the Elimination of Violence against Women, including training on how to identify, investigate and prosecute cases of violence against women. What measures does the Government plan to ensure that all complaints reported by women to the police and other Government protection agencies are adequately documented and investigated and referred to the formal judicial system and not mediated by the police or referred to traditional dispute mechanisms?

11. Please provide information on measures taken to raise awareness among women on the Law on the Elimination of Violence against Women, including sensitization on how to register complaints of violence with competent authorities. Please indicate whether women who file complaints under the Law on the Elimination of Violence against Women are provided with legal assistance. Please also provide information on steps taken to provide women and girls who are victims of violence and harmful practices with other support, such as the provision of shelters, psychosocial support and medical treatment. In this regard, please indicate what steps are taken to ensure that existing shelters for women victims of violence are safe and sustainable and whether there are plans to increase the number of shelters in the State party.

12. Please provide information on measures taken to prevent and punish killings of women in the name of so-called honour. Please provide data on the number of reported cases from 2009 to 2011, including the number of convictions, and

sentences imposed. Please indicate whether the State party intends to repeal article 398 of the Penal Code, which reduces punishment for killings perpetrated in the name of so-called honour.

### **Participation in decision-making and representation in political and public life**

13. Please provide information on measures taken to promote women's participation in decision-making positions, including at the executive level. Please also provide data on the number of women in government positions at the federal and provincial level. What measures are taken to prevent harm to women in public life, particularly those at high risk such as elected officials and high-profile civil servants? Please indicate whether security forces are adequately resourced and committed to providing protection for women in public life. In this regard, please provide data on how many cases have been investigated and prosecuted with regard to threatening, harassing, intimidating, attacking, or murdering women in public life.

### **Education**

14. Please provide information on measures to be taken to counteract the overall negative attitudes towards girls' education. Please indicate what measures are taken to stop attacks on girls' schools and to punish perpetrators. Please also provide data on the number of attacks against girls' schools from 2009 to 2012.

15. Please provide updated information on actions taken to ensure equal access of girls and women to all levels of education and to retain girls in school. Please also provide information on measures taken to ensure that girls in rural and remote areas have safe access to quality education. What incentives are being considered to increase the number of female teachers, especially in rural areas? While the report indicates that lack of school buildings is one of the biggest impediments to education, please provide data on the total number of school buildings constructed from 2009 to 2011 and the number of girls' schools constructed during the same period.

### **Health**

16. Please provide information on the Health and Nutrition Strategy (2007-2013) established by the Ministry of Public Health (see para. 253). Please indicate the activities of the plan and provide data on the impact of the strategy thus far. Please provide information on measures in place to increase women's access to health services and to address the severe shortage of female health service providers throughout the State party. Please also explain what measures are taken to address clandestine abortions and to provide emergency care for women who suffer complications from unsafe and forced abortions.

17. The report, in paragraphs 276 and 277, indicates the high level of maternal mortality in the State party. Please provide detailed information on the National Policy of Maternity Health (2006-2009), including the activities and measurable results of this programme. Please also indicate whether the strategy has been renewed. According to information received, only 14 per cent of women give birth in specialized centres and only 12 per cent of women enjoy obstetric gynaecological services while Afghan women have on average 7.4 children. In this regard, please

indicate what measures are taken to increase women's access to obstetric-gynaecological services.

### **Employment**

18. The report cites traditions and customs as factors that prevent women from working, especially in the public sector (see para. 211). In this regard, please indicate what measures the Government is taking to counteract negative attitudes towards the employment of women. Please provide information on measures taken to ensure that men and women enjoy equal rights in the field of employment and that women are protected against sexual harassment in the workplace.

### **Rural women**

19. Please provide updated information on the situation of rural women, especially women affected by the conflict who live in areas not fully under the control of the Government. Please also provide information on measures taken to ensure women's and girls' access to basic services such as education and health services. In this regard, please indicate the measurable results and impact of the Afghanistan National Development Strategy and the Ministry of Rural Rehabilitation and Development strategies for rural women in terms of meeting the stated targets.

### **Disadvantaged groups of women**

20. Please provide information on the situation and measures in place to address the needs of internally displaced women in the State party.

### **Marriage and family relations**

21. Please provide information on measures taken to repeal discriminatory provisions in the Civil Code regarding marriage and family law, including on divorce, polygamy, inheritance and the minimum age of marriage. Furthermore, what measures have been taken to repeal discriminatory provisions against women in marriage in the Shia Personal Status Law of 2009? Please provide information on measures taken to harmonize all laws on marriage and family relations with the Convention. Please also give details on the content of the draft family law and the current status of adoption.

22. The report acknowledges that child and forced marriage are serious concerns in the State party (see para. 359). Please explain what measures have been taken to eliminate the practice of child and forced marriages. The report indicates that the registration of marriages in courts is one way to prevent child and forced marriages. In this regard, please inform the Committee on steps taken to improve the registration of marriages in the State party.