



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

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

**Third periodic report submitted by Afghanistan under
article 18 of the Convention, due in 2017***

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List of abbreviations

AGO	Attorney General's Office
AIHRC	Afghanistan Independent Human Rights Commission
ANP	Afghan National Police
AREDP	Afghanistan Rural Enterprise Development Programme
BPHS	Basic Package of Health Services for Afghanistan
CDC	Community Development Councils
CRAA	Civil Registration Authority of Afghanistan
DoWA	Directorate of Women's Affairs
DDA	District Development Assembly
DFID	Department for International Development
DoPH	Directorate of Public Health
DoRR	Directorate of Refugees and Repatriates
EPHS	Essential Package of Hospital Services for Afghanistan
EVAW	Elimination of Violence against Women
GIRoA	Government of the Islamic Republic of Afghanistan
HRSU	Human Rights Support Unit
IARCSC	Independent Administrative Reform and Civil Service Commission
IBA	Independent Bar Association
IDCO	Improvement and Development for Communities Centre
IDLG	Independent Directorate of Local Governance
IEC	Independent Election Commission
MAIL	Ministry of Agriculture, Irrigation and Livestock
MoCI	Ministry of Commerce and Industries
MoE	Ministry of Education
MoF	Ministry of Finance
MoFA	Ministry of Foreign Affairs
MoHRA	Ministry of Hajj and Religious Affairs
MoHE	Ministry of Higher Education
MoIC	Ministry of Information and Culture
MoI	Ministry of Interior
MoJ	Ministry of Justice

MoLSA	Ministry of Labour and Social Affairs
MoPH	Ministry of Public Health,
MoWA	Ministry of Women’s Affairs
MoRR	Ministry of Refugees and Repatriates
MRRD	Ministry of Rural Rehabilitation and Development
NAPWA	National Action Plan for Women of Afghanistan
NAP 1325	Afghanistan’s National Action Plan on United Nations Security Council Resolution 1325 on Women, Peace and Security
NDS	General Directorate of National Security
SDG	Sustainable Development Goals
NISA	National Information and Statistic Administration
TMAF	Tokyo Mutual Accountability Framework
UNDAF	United Nations Development Assistance Framework
UNFPA	United Nations Population Fund for Afghanistan

Part One

Introduction

1. The Islamic Republic of Afghanistan ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in March 2003 and submitted its first combined initial and second periodic report, according to CEDAW Convention Article 18, to the CEDAW Committee (hereinafter The Committee) to the United Nation's Headquarters in Geneva, Switzerland in Dec 2011. Following the evaluation of the report in August 2013, the Committee issued a list of recommendations to the Afghan Government for implementation of the CEDAW articles.

2. The Committee asked the Government of the Islamic Republic of Afghanistan (GoIRA) (Recommendation No. 49) to submit written information to the committee within two years on the actions taken to implement Recommendation No.11 on "Support and Protection of Women's Legal Achievements" and Recommendation No.23 on "Violence against Women and Punitive Actions". A written report on the implementation of recommendations No.11 and No.23 were prepared by the GoIRA and submitted to the Committee in 2016.

3. The Islamic Republic of Afghanistan is considered among the leading countries in acceding the International Human Rights treaties and has ratified 7 out of 9 significant human rights conventions as follows: The Convention on Social, Economic, and Cultural Rights and the Convention on Civil and Political Rights (24 April 1983), the Convention on the Elimination of Racial Discrimination (6 July 1983), the Convention against Torture (17 April 1987), the Convention on the Rights of the Child (20 March 1994), and its two optional protocols (The Optional Protocol on Children Affected by Armed Conflict 24 September 2003 and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 19 September 2002), the Convention on the Elimination of all Forms of Discrimination Against Women (5 March 2003) and the Convention on the Rights of Persons with Disabilities (18 September 2012), Optional Protocol on Convention Against Torture.

4. Afghanistan took over its full security responsibility in 2014, and the number of foreign military operational troops has dropped significantly. International security forces are merely active in consultancy and training services for Afghan security and military personal. The active presence of Afghan women in all security sectors and peace process is one of the remarkable achievements since 2013. This shows that the GoIRA has tried to fulfil its national and international obligations towards human rights commitments particularly to women's rights.

5. This report is prepared based on the Afghanistan's national and international obligations, the national laws, CEDAW committee's reporting guideline, the Beijing declaration and Platform for Action, the sustainable development goals especially goal number five on gender equality. Following the combined report; this report demonstrates the GoIRA's recent achievements in political, economic, legislation, executive and administrative areas and the Government's newly and updated strategies in the areas of women empowerment and women's right. In preparing this report the recommendations from the government organizations, recommendations from the civil society such as the Afghan Women Network (AWN), independent entities such as the Afghanistan Independent Human Rights Commission (AIHRC) and the Afghanistan Independent Bar Association (AIBA), Afghanistan Independent Election Commission (AIEC) and Afghanistan Independent Administrative Reform and Civil Service Commission (AIRCSC) have been taken into consideration.

6. The Islamic Republic of Afghanistan has set up an inter-ministerial mechanism to prepare and submit the State Reports to the concerned human rights committees. For preparation of this periodic report the Ministry of Foreign Affairs (MoFA) has established a Steering Committee,¹ Technical Committee² and Drafting committee.³ The third periodic report on the committee's recommendations has been prepared by the Directorate of Human Rights and Women's International Affairs (DHRWIA)-MoFA in collaboration with all line-ministries and related organizations.

7. To facilitate the reporting process DHRWIA acted as a coordination body for the reporting process. A coordination unit consisting of members from MoFA, Ministry of Women affairs (Mowa), Ministry of Justice (MoJ) and United Nations Office for Women (UN-Women) was established within the DHRWIA to change the recommendations into the necessary questioners in order to collect the data responses from the line-ministries.

8. The technical committee held several meetings on thematic issues concerning the recommendations of the CEDAW Committee to assess, analyse and evaluate the executive measures taken by the government. The result of the discussions from the technical committee was given to the drafting committee to prepare the CEDAW third draft periodic report in accordance with CEDAW guideline.

9. In the process of preparing this report which was coordinated by MoFA and technically facilitated by UN-Women, the ministries of Women Affairs (MoWA), Justice (MoJ), Interior Affairs (MoI), Education (MoE), Higher Education (MoHE), the Attorney General's Office (AGO), the Supreme Court (SC), Public Health (MoPH), Refugees and Repatriations (MoRR), Labour, Social Affairs, Martyrs and Disabled (MoLSAMD), Rural Rehabilitation and Development (MoRRD), Information and Culture (MoIC), National Information and Statistic Administration (NISA), Afghanistan Independent Human Rights Commission (AIHRC), Afghanistan Independent Election Commission (AIEC), High Peace Council (HPC) and Civil Society actively participated.

¹ Based on MoFA's proposal, the Steering Committee, under the chairmanship of Foreign Minister composed of Deputy Ministers from relevant line-ministers, was established by Presidential Decree No.3508 Dated January 19, 2017 to monitor the reporting process.

² A Technical committee is consisting of competent official representatives of the relevant institutions chaired by Director General of Human Rights & Women's International Affairs.

³ The drafting committee is consisting of members of the technical committee and designated section of DHRWIA.

Part Two

Responses to the Committee's Recommendations

A. Women's Participation in the Peace Process and its Impacts on Women's Rights⁴

10. The Afghan Government supports the presence and equal participation of women in the peace negotiations. The president of the Islamic Republic of Afghanistan has promised to increase the contribution of women in the peace process in a meaningful manner rather than ceremonial participation. The HPC based on the Article 22⁵ of the Constitution has always taken into consideration the women's meaningful presence during the peace talks with the armed opposition groups.

11. Since February 2015, the presence and contribution of women in HPC has increased remarkably. 12 out of 65 members of the HPC in the capital are women and at the provincial peace committee level, 63 members are women. The percentage of women in the leadership positions and provincial committees levels of the HPC has reached from 11 percent to 22 percent.

12. The peace and strategic committee of the HPC is headed by women (Deputy Chief of Council) as well as two senior advisors and an executive member of the council is women. The active presence of women in HPC showing result-based achievements; for example the active presence of the deputy HPC in negotiations with the Hizb- e- Islami (25 meetings), with the focus of monitoring the human rights indicators. Similarly, during the unofficial negotiations with Taliban on (4 and 5 June 2015) in Oslo, Norway Minister of Women's Affairs, two women from HPC, two women from parliament represented the Afghan Women.

13. Moreover, the deputy HPC participated in the International Crisis Group (ICG) meeting of the 50 Countries in March 2016 in Jeddah, Kingdom of Saudi Arabia. The meeting focused on security, stability and National Recognition in Afghanistan.

14. The HPC has developed its new five-year strategy on "Peace and National Reconciliation Process" which will soon be implemented. According to the strategy, women's contribution at the leadership level will be strengthened in all peace processes, policy making, and decision-making levels. The key points of the strategy are the increasing of women's presence in HPC including the HPC Secretariat, increasing the number of women in the provincial peace committees, and the formation of a voluntary consulting board of women to monitor activities of women in all peace processes.

15. Taking into consideration the implementation of the principles of United Nations Security Council Resolution 1325, the HPC has continuously held meetings to promote women's contribution in peace and security sectors in the capital and provinces. Meetings have been held with the civil society organizations, religious scholars, youth, and women's rights activists on peace and security. One example is the joint meeting of women's rights activists and civil society with the Hizb – e – Islami. Hundreds of meetings in 34 provinces were held with the cooperation of the female members of the provincial peace committees on the importance of women's contribution in peace and litigation on sensitizing and accepting women in key positions of the relevant provincial peace committees.

⁴ Recommendation No. 9.

⁵ Article 22 of the Afghan Constitution stipulated that any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, men and women, have equal rights and duties before the law.

16. The HPC has conducted a number of capacity building training programmes for the members of the Council in the capital and provincial peace committees in the country and abroad. For example: 17 female members of the HPC and provincial peace committees attended the Conflict Management Training Programme which was held by technical support of the UN-Women in the Philippines in July 2015. Also, 9 female members of the HPC along with 3 female advisors of the HPC Secretariat attended a seminar on Women's Contribution to the Peace Process which was held by Berghof Foundation in Berlin in February 2014. Similarly, 8 female members of the HPC attended an academic workshop in Indonesia in 2017.

17. Furthermore, a delegation of the female HPC members have visited the provinces numerous times to empower women and their contribution in strengthening peace process and held consulting programmes with various civil society institutions.

18. The Elite Women's Advisory Board, consisting of 66 members from 34 provinces are participating in the peace negotiations and reconciliation process representing Afghan women. Additionally, the executive HPC secretariat has developed its new strategy to establish a "Voluntary Board" for women to provide necessary advises to the HPC Secretariat and the government. The HPC has established specific mechanism for this voluntary board in order to monitor the different phases of the peace process. The members of this board are elite women from various levels of the 34 provinces. To assure that link between the capital and the provinces are active, the HPC selected either two or three women from provinces as member of this board. To make certain and strengthen peace, develop coordination between people and the HPC in the capital and the provinces, and to monitor the peace negotiations and reconciliation process, the Board will hold continuous meetings in the capital to provide recommendations for the improvement of the peace programmes.

19. The participants of the Pugwash meeting in Doha, Qatar in July 2016 were the Pugwash non-government organizations in Doha, unofficial representatives from Kabul, political affairs experts, Afghanistan civil society representatives, and Taliban's representatives. The meeting aimed at reducing civilian casualties and observing women's and child's right during the armed conflicts. The Taliban also requested the omission of their members' names from the United Nations and the United States Blacklists. No government or HPC representatives participated in this meeting.

20. To strengthen women's participation in peace negotiations and reconciliation process, the GoIRA has taken an initiative to hold a series of Women's International Symposiums. Four Women's International Symposiums⁶ were held in Washington, Oslo, and Kabul. Moreover, the GoIRA has broadened the tradition of holding symposiums in provinces as well. Women's provincial symposiums were also held in Balkh and Kandahar provinces and the series will continue in the future as well.

21. The Afghan Government in accordance to the Afghan constitution emphasizes the assurance of women's rights. H.E. the Afghan President also emphasizes that Afghan Constitution is the most important document and instrument of National Unity, National and Islamic Identity, and Fundamental Rights of our people.

⁶ The first International Symposium took place in Washington DC, on November 15, 2013, and was entitled "Advancing Afghan Women, Promoting Peace and Progress in Afghanistan". It was followed in November 2014, in Oslo, by a second symposium entitled "Afghan Women's Rights and Empowerment". Then the 3rd symposium was held in Kabul, on May 20-22, 2016 and was entitled "Women Empowerment, Achievements of Last Decades and Years Ahead" followed by 4th symposium on May 2017 entitled "Afghan Women the Messengers of Peace".

22. The HPC strategy includes indicators that support women's rights during the negotiations, such as women's rights access to education, to health, freedom of expression, cultural and social activities based on the Afghan Constitution. One of the fundamental principles and guidelines of the Peace and National Reconciliation Strategy plan of Afghanistan emphasizes that "The Afghan Government is not compromising its last 16-years achievements in any of the peace negotiations and is committed to protect and expand the achievements in women's rights sphere".

23. The National Action Plan for UNSCR 1325 was launched by the Afghan Government on 30 June 2015. The Afghanistan NAP 1325 is a national inclusive mechanism to ensure women's continued participation in the peace process, security sectors, and the national framework for empowering women. The NAP 1325 consists of 4 pillars (Participation, Protection, Prevention, and Relief & Recovery) and 39 indicators. The implementation of NAP 1325 is planned in two phases; 2015 to 2018 and 2019 to 2022. The implementation of the 1st phase (2015–2018) was implemented with the government budget by the relevant ministries. MoFA as coordinating body of the NAP 1325 has presented the first status report on the implementation and progress of the NAP 1325 during the 2016 Brussels Conference. The second status report on the implementation of the NAP 1325 was also finalized in 2017 and submitted to the Presidential Office and both Upper and Lower Houses of the Parliament.

24. The costing of those activities of NAP 1325 that required specific budget was completed by line ministries and its budget was finalized by Ministry of Finance (MoF). Also a Coordination Unit has been established under DHRWIA - MoFA to monitor, evaluate and report on implementation of NAP 1325; the Unit's expenses are covered by national budget.

25. All line-ministries have assigned NAP 1325 Focal Points at the capital level and the process has begun to assign provincial level focal points as well. The focal points are in charge of the reporting on implementation of NAP 1325 in their ministries.

26. By end of 2018, the implementation of the first phase of NAP 1325 will be completed and the GoIRA is keen to launch its 2nd phase of NAP 1325 (2019–2022) in the beginning of 2019.

B. Support and Protection of Women's Legal Achievements⁷

27. The GoIRA has taken various measures for better implementation of the Elimination of Violence against Women Law (EVAW-Law) such as establishment of the institutions, policies and regulations, training of judges, prosecutors, police, and other relevant employees as well as public legal awareness rising programmes on EVAW Law and providing support to the victims of violence.

28. The GoIRA has developed implementing and supporting mechanisms, amongst which are the formation of the EVAW High Commission and Provincial Commissions in 34 provinces. The EVAW High Commission meetings are held on a monthly basis and since 2013 the commission has continuously monitored those areas deprived of freedom such as Universities, Schools and Hospitals. The High Commission is submitting its findings to the relevant government departments.

29. To monitor the implementation of EVAW Law other necessary mechanisms such as the establishment of the special commission to study the cases of imprisoned women, committees of anti-harassment for women in the government departments, 28 women's support centres in the capital and 20 provinces, special prosecution

⁷ Recommendation No. 11.

offices for ERAW cases in 34 provinces has been set up. Moreover, to address serious cases of violence against women, there is an ERAW Special Tribunal at the primary and appeal levels in Kabul and 15 provinces. As well as Legal Aid centres and family dispute resolution units are active in 34 provinces under the police headquarters framework.

30. To facilitate the implementation of ERAW Law a number of supporting documents are being drafted and/or are under the ratification such as regulation on the resolving family dispute cases through mediation, the law on the elimination of discrimination, the policy on the improvement of women and children's access to justice in the centres for the deprivation of freedom and follow up care, and the protection centres regulation. The anti-violence against women strategy and its implementing plan have also been ratified.

31. From 2013 to 2017 capacity building training programmes (177 training) on ERAW Law were conducted for the 2,291 prosecutors as well as more than 200 ERAW Law training programmes were conducted for prosecutors by the non-governmental institutions in the provinces.

32. MoWA in cooperation with non-governmental institutions published awareness raising materials such as posters and banners for public awareness rising in capital and provinces. During 2014 and 2015, awareness raising workshops on ERAW Law were held for 595 government and non-government employees in the capital and the provinces. Moreover, programmes and advertisements are designed to broadcast annually through media focusing on issues of reducing of violence against women, elections, and women's Islamic and legal rights for more than 3 million viewers.

33. The existing barriers and challenges that impede the full implementation of the ERAW Law are the lack of security, open borders used by the criminals for escape, lack of adequate budget to raise public awareness on the values of the law, and lack of professional staff for the implementation of the law in the relevant government entities such as courts.

34. According to Presidential Decree No. 105 dated 1 September 2016, the new electoral law came into force after being published in Official Gazette No.1226 dated 25 September 2016. The new amendments of the electoral law assure women's meaningful participation in all election processes. To make the electoral process more inclusive so that all citizens including women can exercise their right to vote, the Independent Election Commission (IEC) has taken several measures. A coordination mechanism with all national and international institutions has been established to ensure trust in transition of power through democratic means. An election task force has been established and recruitment of more women in election process has taken place.

35. The 2016 Elections Law declares the 25 per cent women's quota in the district councils and stipulates that "At least 25 per cent of the seats should be dedicated to women candidates in each district council". Moreover, according to article No. 13 clause (5) of the Election Law, an elected representative of civil society organizations advocating for the women's rights can be a member of the Selection Committee of the Election Commission. The membership of women in provincial complaints commission is also assured by article No. 31 of the Election Law.

36. In recent years Afghan women's political participation has made significant progress. Women's 27 per cent presence in parliament shows that one sixth of chairs in parliament are occupied by women and this brings Afghanistan in 20th place among the countries where women are present in their legislative institutions. According to the Inter-Parliamentary World Ranking of Women in National Parliaments, as of June 1, 2018, Afghanistan is ranked [55/193](#) countries globally.

37. Considering the gender equality as provided in the Constitution and based on national and international human rights obligations, the GoIRA established a committee with the membership of relevant entities to review and draft the Family Law. MoWA together with Human Rights and Democracy Organization took the lead of drafting the Family Law. After the submission of the draft to MoJ, the draft primary consultation process was held with the following organizations: MoWA, MoJ, AIHRC, CSO, AWN, AIBA and other national and international experts. The draft Family Law contain significant new provisions such as family welfare, men and women status, marriage and divorce through internet, determining legal terminologies, use of communication and technology in family affairs, defining the marriage age of both men and women as 18, stipulating the significance of marriage registration in courts, considering the forced marriages as illegal act, considering the education expenses under alimony, determining specific age for legal guardianship and other relevant provisions. The draft family law is now under scrutiny.

38. Based on Presidential Decree No. 256 dated March 2017, Afghanistan's new Penal Code came into force in February 2018. The new Penal Code has compiled 33 different laws and criminal provisions into a single document drafted in 916 Articles. Three groups of actors were involved in the revision process of the new Penal Code: the Afghan government entities,⁸ international donor community and civil society.⁹ Key feature of the process to revise the Penal Code the relative inclusiveness, allocating space and voice to women's right activists and organizations and was supported by the Office of President and Office of First Lady.

39. Significant improvements made in new Penal Code as it attempts to account for modern day human rights standards and international obligations including the Rome Statute of the International Criminal Court, Convention against Torture and Convention against Transnational Crimes. The new Penal Code of Afghanistan has been modernized by reducing punishments of the death penalty for fewer criminal cases, refining the definition of rape based on more consent requirements, reducing penalty for consensual adult zina (relationship outside marriage) and removing justification on homicide as honour killing. The new Penal Code has provisions for addressing sexual harassment, rape and abortion.

40. The Criminal Procedure Code been ratified in 2014. Discriminatory human rights violating elements have been taken out and new provisions regarding protection of women's rights were included. The criminal procedures law enriches specific provisions on the victim's rights and protection of evidence.

41. MoWA has the lead and responsibility of having continuous meetings with parliamentarians and members of the Provincial Councils more specifically with the members of the women's right commissions to have their support in upholding the gains of women's right. The commission of Human Right, Women's Right and Civil Society of the parliament is supporting all women's right issues inside the parliament.

42. MoWA as executive body for all women's affairs expands the programmes on ERAW, empowers women at the policy level and strengthens technical cooperation with other national and international institutions that work on supporting women's rights. The Ministry also implements the National Action Plan for the Women of Afghanistan (NAPWA) with various government and nongovernment institutions, particularly those working for women's rights. Implementation of NAPWA has resulted in women's access to education, health; Justice and has strengthened

⁸ The government entities which were involved in the process were Ministry of Justice (taking the lead role), Office of the President, Office of the second vice president, Ministry of Women's Affairs, Office of the First Lady.

⁹ The two most involved civil society organizations were Afghan Women's Network and Medica Afghanistan.

women's political participation.¹⁰ As an example in education sector the data shows that the number of girl students in 2013 which was about 3.3 million increased to more than 3.5 million in 2016.

C. Non-discrimination¹¹

43. Based on Article 22 and Article 50 of the Constitution, the GoIRA has prepared the draft law on non-discrimination within 5 chapters and 35 articles to prohibit any form of discrimination between the Afghan citizens. The draft of the law on "non-discrimination" was submitted for legal proceedings to the Directorate of Legislation Affairs and Academic and Legal Researches on January 18, 2017 and was incorporated to the legislation plan 2017. One of the main objectives of the mentioned law is to prevent discriminations based on gender, language, race, ethnicity, region, religion, civil and social status, access to employment, education, and health.

44. According to ERAW Law issues such as violence against women, discrimination against women as well as prohibition from the rights of access to education, employment, and health services has been criminalized. The 2016 Anti-Women's Harassment Law prohibits any form of discrimination against women in the work and public places and stipulates specific approaches to support victims of such as complaints, providing support to them, and punishing the harassment offenders.

D. Legal Complaint Mechanism¹²

45. On the prosecuting process, the Constitution of Afghanistan instructs that "No law shall, under any circumstances, exclude any case or area from the jurisdiction of the judicial organ as defined in this chapter and submit it to another authority". The Constitution of Afghanistan defines violence and act of inhumanity; and for crimes such as violence against women has certain criminal provisions. Also, other laws of Afghanistan such as the police law, criminal procedures law, legislature structure and jurisdiction law, Attorney General's Office structure and jurisdiction law, as well as jurisdiction law detection, investigation, follow up, and decisions on criminal cases are the responsibilities of the justice and judicial institutions. The relevant authorities have to implement the provisions of these laws.

46. With the financial and technical assistance of the European Union Police in 2012, the Attorney General's Office and the Ministry of Interior Affairs have prepared the police and prosecutor's manual which includes specific regulations on the responsibilities of the police and prosecutors regarding detection, investigation, and follow up of the cases including cases related to violence against women. Due to lack of security in some of the areas, some cases of violence against women are unofficially resolved through Jirga and councils, In order to connect with social structures to avoid violation of law and disregard of victim's rights in cases resolved through ethnic Jirgas, the social interrogators department has been established under the Deputy Attorney General's Office for ERAW, juvenile delinquency, and supporting human rights.

47. Additionally, the Attorney General's Office with the cooperation of the International Development Law Organization has prepared and executed a manual for the investigation units of the primary, appeal and Supreme Court's procedures.

¹⁰ More details on women's access to education, health, justice and political participation is given under responses to recommendations 11(A), 23(11), 29(A) and 37(A).

¹¹ Recommendation No. 13.

¹² Recommendation No. 15.

48. In order to organize the Jirgas' affairs and their jurisdictions, the Government has changed the traditional justice policies to reform Jirgas law in civil disputes. This draft law is not yet ratified and is still under law procedures. According to this draft law, the reform Jirgas cannot make decisions violating the human rights of persons more specific women's and children's rights, nor can Jirgas make decisions on the cases of violence against women.

49. Ministry of Justice has drafted and scrutinized the reform Jirgas Law in civil disputes. The law is compatible with the national laws and international human rights regulations and emphasizes on participation of women in civil disputes resolutions. This reformed law is a framework for the resolution of civil disputes as well as for the limitation of the unlimited jurisdiction of the local Jirgas. It emphasizes that criminal cases and even in some cases of civil issues related to children, alimony, marriage portion (Mahr), and divorce are not resolved through the Jirgas.

50. MoJ has carried out considerable activities for public awareness regarding laws and their legal rights in the capital and the provinces. The Ministry of Justice held 505 public awareness programmes in 2014, 600 in 2015 and 1631 in 2016. These programmes were for government employees, students, children in orphanages and juvenile correction centres, and the public in the Masjids and in public areas. The Ministry of Justice has also distributed 548621 promotional papers to the public.

51. Regarding legal awareness on issues related to violence against women, an awareness campaign has been launched in 7 provinces: Kabul, Nangarhar, Badakhshan, Kunduz, Balkh, Herat, and Bamyan. Awareness programmes have also been held on women's financial rights regarding alimony, marriage portion (Mahr), and inheritance, also the labour law and women's social problems.

52. The Attorney General's Office has held training programmes and seminars for 425 employees and prosecutors for capacity development and awareness raising regarding EVAW as well as addressing violence cases through official justice in periodic manner in cooperation with partner organizations through capacity development department in the capital and the provinces explained as following:

- Training programme on EVAW for 30 prosecutors in Kabul, Kapisa, Nimroz, Herat, Nangarhar, and Laghman in 2014;
- Training programme titled "Prevention of Violence and Addressing Cases Related to Violence against Women" and training programme on EVAW Law for 200 prosecutors from Jawzjan, Badghis, Faryab, Farah, Ghor, Herat, Khost, and Kabul in 2015;
- Training programmes on Elimination of Violence against Women and competence in addressing the cases related to VAW as well as seminars on strengthening database related to VAW cases for 161 prosecutors in different provinces in 2016.

53. In 2016, AGO, MoHE, MoPH, MoE and Independent Directorate of Local Governance (IDLG) signed an agreement contemporary with a 16-day campaign on EVAW. According to the agreement, the parties have to report to the AGO the cases of violence against their women employees for legal prosecution processes. Moreover, according to the mentioned agreement, the Attorney Office of Elimination of Violence against Women with the financial support of the International Development Law Organization (IDLO) jointly conducted awareness raising programme on EVAW for 289 government employees including 117 men and 172 women. By establishing a department for the reduction of violence against women, the AGO has also increased public awareness programmes on EVAW Law and women's rights in schools, universities, and other gatherings.

54. MoI eventually conducting short term training programmes and workshops to elevate the level of police awareness on solutions to family problems as well as on ERAW Law.

55. The Ministry of Borders and Tribal Affairs conducts awareness raising meetings for the community and religious elders on the constitution of Afghanistan, women's rights, and the CEDAW. The Ministry of Hajj and Religious Affairs has formed a committee of mobile preachers consisting of scholars of the Ministry to raise awareness in the capital and the provinces on women's rights in Islam. The Ministry of Hajj and Religious Affairs performed the following activities regarding raising awareness on women's rights:

- A 6-day training seminar titled "Women's Rights According to Islam, National and International Laws" for 500 religious scholars in Kabul,
- A 2-day awareness raising seminar on ERAW for 3200 religious elders in 16 provinces;
- Publication and distribution of books (Sound Family and Prosperous Society) and (Harms of Unpleasant Traditions);
- Publication of articles on women's rights according to Islam written by the religious scholars that supervised by the Ministry;
- Publication of booklets on Women's Rights and Obligations According to Islam on the Ministry's website;
- For strengthening the awareness raising programmes, the ministry has taken measures on publishing articles on "Negative Consequences of Violence" " A quick Overview of Women's Inheritance Issue" " Couples Family Role" " The Women's Place in Islam" " Women's Life Prior to Islam" "Women's Economic and Ownership Rights and Mother's Right" in the Payam – e – Haq magazine of the Ministry as well as conducting round tables in private and national televisions with the participation of scholars on women's rights according to Islam programmatically.

56. The GoIRA has taken practical measures to enhance women's accessibility to formal justice system such as: establishment of judicial institutions, semi-judicial institution, recruiting women in judicial institutions, capacity development of the institution's employees, providing public awareness rising on legal matters as well providing legal assistance. The judicial institutions where women who are victims of violence can seek justice consist of ERAW attorneys in 34 provinces as well as special ERAW courts in Kabul and 15 provinces. Women can seek justice in criminal courts if no special ERAW court exists in the province. Also, the AGO has established the Deputy Office for ERAW, juvenile delinquency, supporting human rights, primary, appeal, and high investigations attorney directorates in the capital and the provinces, and social interrogators' departments for ERAW. Women victims can also register their cases and access to justice in the Legal Directorate of the MoJ in the capital or Legal Departments in the provinces, Directorate of Women's Affairs (DoWA) and the AIHRC offices across the country.

57. The aforementioned efforts resulted to women's easy access to official justice and there has been considerable increase in registration and follow up of the cases related to violence and legal cases. For instance: from 2013 to 2017 a total number of 26531 types of violence which includes 10493 cases has been registered at AIHRC. 9297 cases of violence against women and legal cases have been registered at the MoWA and its provincial directorates. 8676 cases have been registered and reviewed in the AGO out of which 4840 cases of violence have been addressed by the courts according to ERAW Law. Other cases have been resolved either through mutual

agreement of the parties, lack of evidence and witnesses, victims' acquaintance or by other authorities.

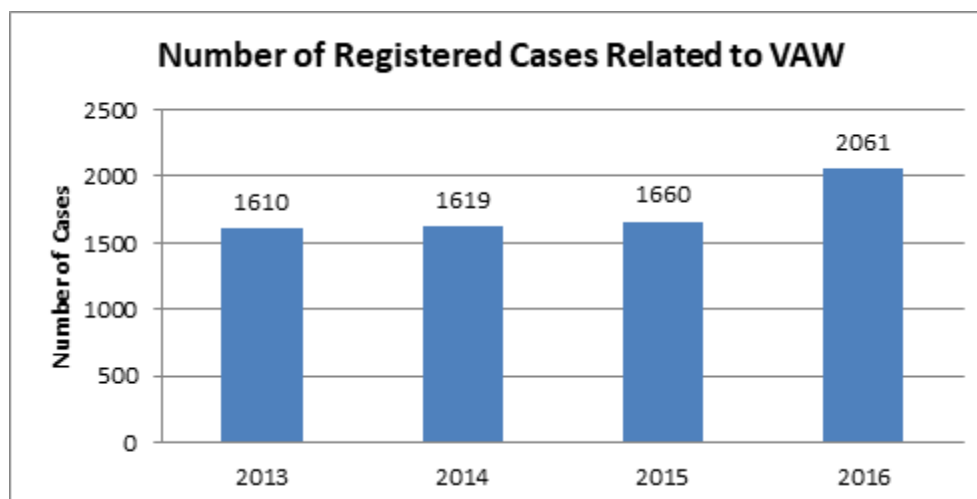


Exhibit 1: Number of cases related to violence against women registered and followed up in the Attorney General's Office from 2013 to 2017¹³

58. Despite tangible achievements, some challenges remain ahead of the judicial institutions to fully function such as: lack of a standard database system, a case registration system and in some instances, there is lack of necessary cooperation between the relevant authorities. Therefore, different numbers of cases of violence against women are provided by the different departments and the GoIRA has taken more initiatives in cooperation with the International institutions to eliminate these challenges. The establishment of a database system in MoWA for registering cases related to violence against women at the country level is an example of such initiatives.

59. To sustain the right of access to justice and to oversight closely the implementation of laws such as EVAW Law as well as to assure that the rights of all victims of violence are observed, the Attorney General himself meet twice a week with the victims and people with complaints. The AGO issues necessary instructions and orders to address their cases quickly and justly. A total of 8638 complains (7012 men and 1626 women) were during 2017.

60. Currently the total number of women judges in the country is 265, performing their duties. From 2013 to 2016, 20 per cent of the judicial stage programmes have been women who have participated through competitive exam and are currently performing duties in the capital and in provincial courts. Among 1951 judges, 1732 are men and 265 are women, with the presence of women in judicial institutions ranging from approximately 4.7 per cent in 2008, increasing to 8.4 per cent in 2013 and 11 per cent in 2016.

61. To strengthen the capacity of women judges, training programmes are held by the International organizations. To support their professional knowledge, periodic training programmes on criminal procedures law, penal code, civil law, commerce law, law of judiciary structure and jurisdiction, and the law on the elimination of violence are conducted and in each term 30 judge women are trained.

¹³ Source of Info: Attorney General Office.

62. Initiatives to recruiting more women in AGO are already taken. Currently, 355 women are actively performing duties in the capital and the provinces; 161 women in technical departments, 131 women in administrative positions and 63 women in the services departments. The AGO has established a professional training institute for the purpose of capacity building of its staff to facilitate better judicial services for all Afghan citizen men and women.

63. Women's presence at the decision-making level of the AGO is one of the significant achievements. Women are assigned in high ranking positions such as: 1 woman at the Deputy Level, 3 women as heads of EAW Prosecution Offices, 1 woman head of Juvenile Investigation Office and 1 woman as head of Gender Office. There are also women holding other key positions such as 1 woman as Head of Court of Appeals of Justice Sector, a woman as head of Verdicts Enforcement in the Military Prosecution Office, and a woman as the West Zone Prosecution Office. Over all, there are 9 women working at deputy and director levels, in addition to 43 women performing duties as investigation and judicial follow up prosecutors in the provinces.

64. AGO and Asia Foundation have signed a MoU to support the internship programme for 242 female graduates from faculties of Law and Sharia. The graduates are practically trained and recruited in the vacant positions of the AGO in the capital and the provinces after finishing the internship period and a competitive exam.

65. The number of women defence lawyers has also increased. There are 3235 defence lawyers registered by the Afghanistan Independent Bar Association (AIBA), of which 21 per cent are women. 1829 defence lawyers were registered by AIBA between years 2013 to 2017, of which 481 are women and 1348 are men.

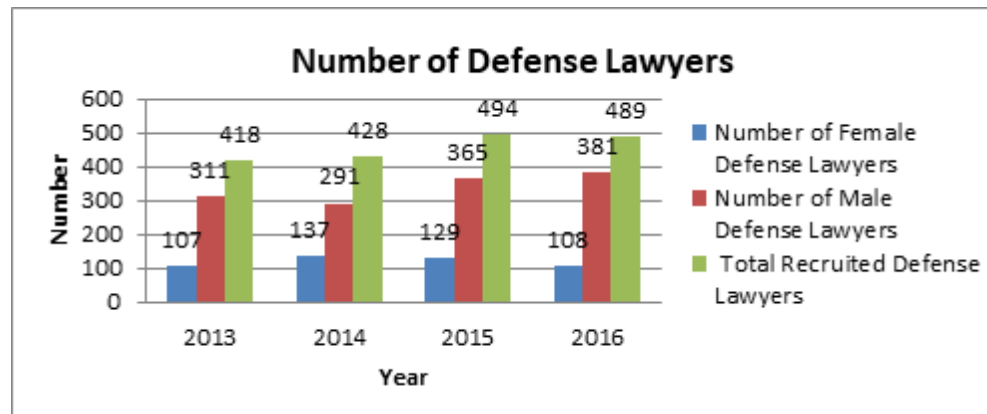


Exhibit 2: Number of recruited defence lawyers with gender differentiation from 2013 to 2016¹⁴

66. The following training programmes have been conducted by AIBA for the defence lawyers:

- 53 training programmes for 400 defence lawyers in 2013.
- 49 training programmes for 520 defence lawyers in 2014.
- 133 training programmes for 1350 defence lawyers in 2015.
- 35 training programmes for 525 defence lawyers in 2016.

67. Regarding increasing the women police positions, MoI has allocated 5000 positions for female police in its 2016 and 2017 structure in the capital and the

¹⁴ Source of Info: Afghanistan Independent Bar Association.

provinces. 3800 women (400 civil and 3400 military) have been appointed and carrying out their duties. The Ministry has held continuous trainings for the female police on various subjects and currently 167 female police, with financial assistance from Japan have been sent to Turkey to attend training.

68. Moreover, MoI has developed a gender policy in 2015 which includes issues regarding addressing problems related to female police officers, family problems solution, and control and monitoring of how to take into consideration the female officers' harassment and ensuring gender justice.

E. Transitional Justice¹⁵

69. The High Peace Council (HPC) holds continuous meetings with the civil society institutions, religious scholars, youth, and women's rights activists on peace and security and women's contribution in the capital and the provinces to better advance the peace process. The HPC during negotiations with the Hizb – e – Islami, held a joint meeting of the women's rights activists, civil society, and the High Peace Council female members to discuss women's rights and sustaining women's achievements.

70. The female members of the provincial peace councils' committees of the HPC have held hundreds of meetings on the expansion of women's contribution in ensuring peace and litigation for sensitizing and accepting women in key positions taking into consideration the principles of the UNSCR 1325 on Women, Peace and Security across the country. The female members of the provincial peace councils' committees of the HPC have made the people in 34 provinces aware of the resolution and NAP 1325 through numerous meetings.

71. Additionally, female members of the HPC have held numerous meetings with the civil society institutions and the AWN's on women's contribution in the peace process, investigation of the gender policy implementation, consultation and survey to find appropriate solution for women's access to peace and security. The HPC has held numerous consultation meetings with the AWN, civil society, women's rights activists, and religious scholars, representatives of the ministries, youth, and political parties on surveying and sharing the peace strategy.

72. AIHRC has completed the conflict mapping document in accordance with the government's action plan on peace, reconciliation, and justice. This written document includes detailed information on the incidents and cases of violating international human rights law and the international humanitarian law that took place across the country from 1978 and 2001.

73. The GoIRA for the first time has included the international crimes listed in the international court of justice (crimes against humanity, genocides, and war crimes) in the new Penal Code of Afghanistan in 2017 and has predicted grave punishments for the offenders. The ratification by the National Council in 2017 of the laws on anti-torture and on counter terrorism has taken into consideration international human rights and humanitarian laws. The anti-torture commission has also been established, contributing to Afghan Government's implementation of the transitional justice.

74. AIHRC has taken into consideration various procedures regarding litigation for the implementation of the transitional justice and executing the peace, reconciliation, and justice programme. For example, an annual celebration of the National Human Rights Victims Day on December 10, naming the Pol – e – Charkhi polygon, Kabul as the "Area of Killing and Lost Martyrs of the years 1978 to 1992". AIHRC in

¹⁵ Recommendation No. 17.

continues cooperation with the civil society's collectives supporting victims' and human rights defenders are taking joint necessary measures to defend victims' rights.

F. National Structure for Women's Development¹⁶

75. MoWA is an active part of the Afghan Government structure and continuously suggests and litigates for recommendations, policies, and strategies to improve women's conditions. The Ministry of Women's Affairs is a member of various government committees at decision and policy making levels such as: the High Economic Council, High Council of Human Recourses, High Council for Poverty Reduction, Council of Rule of Law, High Council for Prisons, Security Council, Cabinet Legislation Committee, Leadership and Technical Committees of Localization and Implementation of the Sustainable Development Goals. MoWA also plays a key role in Executive Committee of Women's Empowerment at the Chief Executive Office, the Committee of Implementation of Presidential Decree on the release of women prisoners as well as leading the EAW High Commission, and the awareness raising Committee for the National Food Safety Agenda.

76. After going through specific national budgeting procedures, the MoWA's budget is submitted for approval to the Ministry of Finance. This approval process takes into consideration the Ministry's structured ceiling and planned programmes, including the first and second units of the Ministry. It is defended by providing justifying documents and is spent in an effective and transparent manner by observing the laws on financial and public expenditure and procurement.

77. In order to provide infrastructure for the capacity development, empowerment and awareness of women, taking into consideration the balanced development in the provinces, MoWA requests budget for development and infrastructure projects through the government's optional and non-optional development budget. Thus, the Ministry plays a significant role in the improvement of women's economic and legal condition in the country.

78. MoWA is determined to collect requests from the provincial DoWAs by developing specific plans and programmes for the capacity development of women and prioritizing the future needs of women in the country as well. The cost of the projects should be requested through the national development budget and implemented according to the enforced laws so that the projects result in resolving the challenges faced by women in the country and effective capacity building of women.

79. To realize its fundamental goals, The MoWA has a balanced structure taking into consideration the cost reduction principle. The second units of the Ministry previously active in 22 provinces are currently expanded to 34 provinces, including buildings in 22 provinces that are considered the Ministry's property. The Ministry has 49 positions at the leadership level, 256 positions at mid-managerial level, and 237 low-managerial level positions.

Table 1
Educational Level of MoWA's Staff as of 2017¹⁷

<i>Vacant Positions</i>	<i>High School Graduate</i>	<i>Associate Bachelor</i>	<i>Bachelor</i>	<i>Master</i>
47	193	88	205	11

¹⁶ Recommendation No. 19.

¹⁷ Source of Info: MoWA.

80. To continue the reform in the current year, MoWA in accordance with the new strategic plan, reviews the overall structure of the ministry.

81. To achieve its fundamental goals, MoWA has undertaken capacity building and educational upgrading of its employees:

- Educational upgrade of 75 employees to Bachelor level in the capital and the provinces;
- Educational upgrade of 10 employees to Master's Level inside the country and abroad. (In progress);
- 54 training programmes for the capacity development have been undertaken in various areas such as: Human Resources, Financial and Administrative Management, Procurement, Monitoring and Evaluation, Proposal Writing, Leadership by Women, Public Speaking Skills, Critical Thinking, Crisis Reduction and Safety, Corruption, Partnership Management and Administration.

82. MoWA receives budget through the Social Protection Sector of the Budget Department from Ministry of Finance (MoF) Based on code 380108, for the implementation of National Action Plan for Women (NAPWA) This process began in 2000 and will continue, for example the amount of AFN 1366800 was allocated for the year 2018. The budget policy is gender responsive and prepared accordingly. Awareness raising programmes have been held on gender responsive budgeting for the members of the parliament, NAP 1325 focal points from the government entities and civil organizations.

83. MoF has started a pilot project on Gender Responsive Budget (GRB) implementation with six ministries (MoE, MoHE, MoPH, MoRRD, Ministry of Agriculture, Irrigation and Livestock, Ministry of Labour and Social Affairs) with the technical support of UN-Women and UNDP. The main propose of the mentioned programme is capacity building in ministries regarding the GRB, revision of budget circular, and preparing GRB policy. Considering the results of the pilot project implemented with the mentioned ministries, MoF will expand the implementation of this project with other ministries as well.

84. In addition to the National Action Plan for women concluding in 2018, MoWA has drafted a 5-year strategic plan. The strategic plan prepared for 2018–2022 highlights the priorities of the ministry and predicts the required resources and facilities. The plan prepared for the first time aims to organize the works and activities of the Ministry and can guarantee the ministry's effectiveness and continued work. Moreover, the Executive Committee of Women's Empowerment has been established jointly by the Executive Chief's Office and MoWA to replace the NAPWA with a national policy.

85. MoWA is in close cooperation with the ministries of Economy, MoRRD and Ministry of Labour and Social Affairs (MoLSA) working on localization of Sustainable Development Goals, Citizen Charter, and the Women's Economic Empowerment programme. MoWA tries to place gender equality and women's empowerment in all national documents and reflect women's requirements.

G. National Human Rights Institutions¹⁸

86. According to Presidential Decree No. 4147 of August 24 2014, the AIHRC's commissioners' appointment mechanism process is in accordance with the Paris Principles (UNGA Resolution [48/134](#) on December 1993) and the Law of the

¹⁸ Recommendation No. 21.

AIHRC’s Structure. According to the Decree, a selection committee comprised of the Afghan Foreign Minister and the Minister of Women’s Affairs, Wolesi Jirga Head, and four civil society representatives is established; AIHRC is the secretariat of the committee. The committee is selecting 50 per cent of the eligible candidates from among women candidates, then it recommends 27 eligible candidates to the President and the President selects 9 Commissioners 4 of them will be women for a 5-year working term. According to the decree, the commission members cannot be assigned for more than two 5-year of working periods. The decree has entered into force in June 2018 following the end of the current commissioners’ working term.

H. Violence against Women and Harmful Practices¹⁹

87. All cases of violence against women are investigated and referred to the judicial institutions based on Afghanistan’s enforced laws and ERAW Law. The responsible institutions take the cases of violence against women seriously and deal with the offenders in accordance with the enforced laws of the country. The Afghan Government while issuing pardon decree for detainees and prisoners on occasions such as national and religious days will not include in the pardon decree persons sentenced for violence against women for crimes such as putting women on fire and use of chemical material, forcing women to commit suicide, burning, raping, injuring and causing disability.

88. The resolved cases of violence against women in the judicial institutions in the past recent years are increasing which depicts the Afghan Government’s commitment towards the implementation of the law against violence. 4840 cases of violence against women have been addressed in the three-layer courts of the country based on the provisions of ERAW Law.

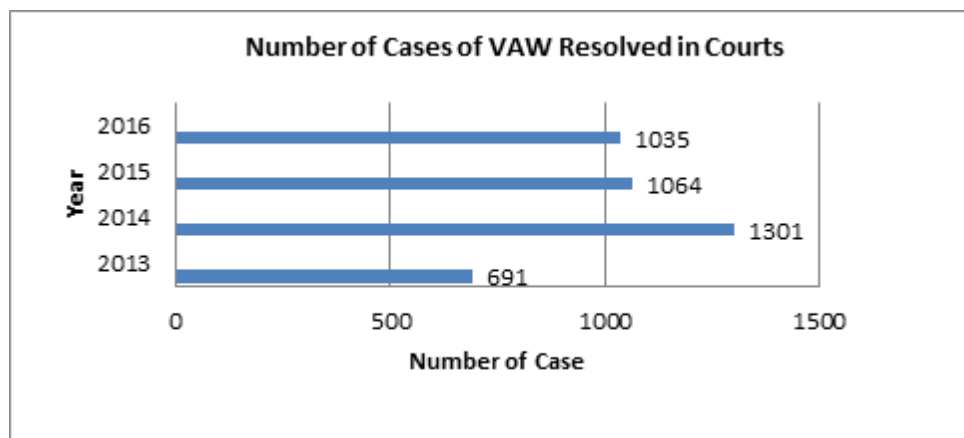


Exhibit 3: Number of cases of violence against women resolved in the courts according to ERAW Law²⁰

89. MoI holds short term training courses and workshops for capacity development of the employees, including Family Disputes Resolution Officers. Since 2013, 115 training programmes have been held for the family disputes resolutions staff. Also, 19 family disputes managing staff have been sent to Sivas Faculty in Turkey for

¹⁹ Recommendation No. 23.

²⁰ Source of Info: Attorney General Office.

training and have returned to Afghanistan, carrying out their duties in various sections of the family disputes resolution.

90. In 2013, MoI has prepared supporting and guidance documents for the Family Disputes Resolution Department which includes a strategy to organize female officers' affairs at the ministry level as well as in 2016 a standard execution procedure was introduced for institutions working on counter violence against women and drafting job descriptions for the family disputes resolution officers.

91. MoI has issued Orders No. 018, 123 and 055 for the purpose of safety and establishing facilities for Family Dispute Resolution Female Police as well as necessary facilities in the workplace such as: separate changing rooms and toilets for female officers.

92. There is no specific manual in courts for implementation of EAW Law. However, in implementing the anti-violence law, courts are obligated to use the practices based on enforced laws such as: the Criminal Procedures Law, Law of Judiciary Structure and Jurisdiction, and other laws which contain special manuals on the implementation of criminal laws including the anti-violence law.

93. The shelters for women in Afghanistan have been established in accordance to the provisions of Articles 3 and 6 of EAW Law, ensuring the safety of the female victims or women prone to violence. Victims of violence will be accepted to these shelters without any exception. The shelters are established in Kabul and provinces, and civil society organizations such as the AWN and the AIHRC can refer the women victims to the shelters.

94. The condition of the shelters is improving since 2013 and necessary services are being provided to the victims of violence in these shelters. Women and children in shelters are provided food and clothes according to the specified norms, with the quality and quantity of the food checked by health inspectors. The women in shelters are provided necessary health facilities and access to legal assistance as well as educational opportunity is provided for those who are students and interested in studying. In case of a request by women, the authorities in the shelters enable their meeting with the family members and relatives.

95. The AGO and the Medica-Afghanistan Office have signed a MoU on providing the Psychotherapy for the victims of violence during 2017 and 2018. According to the MoU a Psychotherapy Centre is established in the EAW Prosecution Office which provides psychiatric consultations for individuals and groups three days a week. 68 women have been provided psychiatric awareness since the beginning of the implementation of the MoU. During 2017 the Medica-Afghanistan Organization held 4 training programmes on sensitive treatment of trauma in the legal structures for 58 employees of this section including 31 women and 27 men.

96. In 2013, 18 shelters existed in the country; the number is increased to 25 in 2014 and 27 in 2015. The following data on women and children shows that the total number of women and children living in the shelters in 2015 was 3309 which is 12.7 per cent less than the total number in 2013, but 4.7 per cent more than 2014.

97. It is worth mentioning that 6 out of 28 shelters are located in the capital and 22 are in the provinces, but some provinces such as Ghazni, Paktika, Paktia yet do not have shelters.

Table 2
Number of Women and Children in the Shelters²¹

Year	1396 2016–2017		1395 2015–2016		1394 2014–2015		1393 2013–2012		1392 2011–2012	
	Percentage	Numb.	Percentage	Numb.	Percentage	Numb.	Percentage	Numb.	Percentage	Numb.
No. of Women	81.3	2848	78.3	3052	92.4	3059	92.6	2926	91.2	3458
No. of Children	18.7	787	21.7	844	7.6	250	7.4	235	8.8	332
Total	100	3503	100	3896	100	3309	100	3161	100	3790
No. of Shelter	29		28		27		25		18	

98. In accordance to NAPWA, specific working programmes on ERAW are carried out with the religious scholars and community leaders. Public awareness programmes on women and girls' rights using audio, visual, and printed messages are prepared with the cooperation of the Ministry of Hajj and Religious Affairs. National and International conferences, seminars and workshops on ERAW and women's rights according to Sharia and National Laws, are conducted.

99. To reduce violence against women, public lectures, preaching, and conversations are conducted with the cooperation of Masjid Imams and religious schools, teachers in the capital and the provinces. Workshops on preparation of detailed sermons regarding ERAW and child protection according to Islam and international laws were held in 2015 for 550 scholars, clerics, and private religious schools' teachers in 11 provinces: Nangarhar, Logar, Khost, Paktia, Paktika, Panjshir, Kapisa, Parwan, Kandahar, Laghman, and Kunar. In 2015, there were a total of 1215 scholars, clerics, and private religious school teachers covered by programmes on ERAW and child protection according to Islam and International Laws.

100. Awareness raising programmes titled "Child Protection According to Islam and International Laws" are conducted through the Religious Educations Directorate and teaching Imams by the relevant religious school teachers in the capital and provincial religious schools.

101. Preaching work is done on academic, religious and legal topics by the Masjid Imams and religious school teachers to more than a thousand worshipers. Due to the efforts of the Masjid Imams and religious schools' teachers, hundreds of girls and boys deprived of literacy have been admitted to schools and Madrasas. A total number of 19 cadres of the Ministry of Hajj and Religious Affairs, the Academy of Sciences, and MoWA have been registered to UMEF University to pursue a Master's programme through the special gender programme. 4500 books on women's rights and obligations in Islam, 2000 books on sound family and prosperous society, and 2500 collection of articles on women's rights in Islam and International Laws have been distributed to religious studies applicants.

102. ERAW as a subject is taught in Law and Political Sciences Faculty of the Universities and Higher Education Institutions. Women's rights are highlighted in cultural studies "SAQAFAT" in all faculties and according to the plan for next year it will also be included in the Social Sciences and Education. Human rights and gender equality subjects are also included in the schools' curriculum for grades 1 to 6. The main objective of these activities is public awareness on the reduction of violence against women and misinterpretation of the Islamic laws.

²¹ Source of Info: NISA.

103. A specific and credible mechanism for the registration of the cases related to violence against women exists in MoWA and DoWAs. A joint online database system is established between MoWA, MoI and AGO that unifies all data entry at the national level, but yet it has to be utilized. Currently MoWA is in charge of the data entry based on an offline data entry system.

104. AIHRC has a database system to register the cases of violence against women. The Commission database divides violence into five categories: Physical Abuses, Economic Violence, Verbal or Mental Violence, Sexual Violence and other types of violence.

I. Ethical Crimes and Honour Killings²²

105. According to the Supreme Court's High Council Approval No. 1133 dated November 27, 2012 there is difference between running away from home and committing a crime. According to the Approval, running away is not considered as a crime when the victim is leaving home as a result of family violence and abuses and seeking shelter in the judicial institutions, legal services organizations or their relatives' houses. However, running away from home for other proposes considered as committing a crime and will have different legal procedures. All judicial institutions and courts are obligated to implement the High Court Approval No. 1133 or face disciplinary and punitive actions. Women cases investigations and orders by courts will be according the EAW Law prohibitions.

106. The New Penal Code (2017) has written-off the honour killing which was mentioned in Article 398 of the Penal Code (1976). The offender of honour killing according to the new Penal Code does not gain any legal advantages. The new Penal Code also defines Rape in the Article 636 and considers heavy punishment for the offenders. The code does not credit the consent of the child and cases of sexual encounter with an underage child are considered as rape.

J. Smuggling and Exploitation for Prostitution²³

107. MoJ has started a research on the causes and factors of human trafficking with the support of the International Organization of Migration (IOM) in 7 provinces: Badakhshan, Balkh, Nangarhar, Herat, Nimroz, Kandahar, and Kunar. The results will be completed and accessible once the research is completed.

108. The judicial institutions of Afghanistan are implementing all enforced laws including Counter Abduction and the Human Trafficking Law. From 2013 to 2016 the courts addressed a total of 7369 cases of abduction; and 1322 cases of human trafficking were also scrutinized. The three-layer courts are handling all human trafficking cases based on the Counter Human Trafficking Law. The documents in the AGO show that no victims of human trafficking and abduction are not prosecuted for having committed Zina.

109. The GoIRA has established effective mechanisms for the investigation, prosecution and punishment of traffickers. The judicial institutions in accordance with the national laws, particularly the Criminal Procedures Law and Counter Abduction and Human Trafficking Law, investigate, prosecute, and trail the cases of trafficking.

²² Recommendation No. 25.

²³ Recommendation No. 27.

110. In 2012, the GoIRA established the High Commission to Fight against Abduction and Human Trafficking. This Commission is led by the Ministry of Justice (MoJ), with representatives from the Ministry of Interior (MoI), Ministry of Foreign Affairs (MoFA), Ministry of Labour and Social Affairs, (MoLSA), Ministry of Education (MoE), Ministry of Information and Culture (MoIC), Ministry of Hajj and Religious Affairs (MoHRA), Ministry of Public Health (MoPH), Ministry of Women's Affairs (MoWA), Ministry of Refugees and Repatriates (MoRR), Attorney General's Office (AGO), General Directorate of National Security (NDS), Afghanistan Independent Human Rights Commission (AIHRC), Independent Bar Association (IBA) as well as two representatives from social organizations.

111. To provide support and services to the victims of human trafficking, the Centre for Child Victims of Human Trafficking is established in Kabul. Additionally, three more such support centres for human trafficking victims are going to be established at the country zone levels. Female victims are kept in women support centres. Furthermore, in order to ensure timely referral of victims of human trafficking to support centres and relevant organizations, a guideline on supporting victims of trafficking is underway and is soon set to be finalized and implemented.

112. On August 15 2014, Afghanistan accessed 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). Issues such as taking measures to preventing human abduction and trafficking, punishing the human traffickers, ensuring International coordination and cooperation, supporting the victims of abduction and trafficking cases; are incorporated into the national laws. The Law against Abduction of Humans and Refugees has been amended in light of the provisions of this Protocol.

K. Participation in Political and Public Life²⁴

113. NAPWA is a 10-year strategic plan (2008–2018) which has resulted in tangible outcomes in all areas including increasing women's participation in civil service. In accordance with this plan, systematic advocacy activities are being undertaken by MoWA in order to increase the role of women in different leadership positions.

114. As part of its obligation in NAPWA and on how to increase women's participation, the Independent Administrative Reform and Civil Service Commission (IARCSC) has taken the following steps:

- Awareness raising activities for female college students;
- Creating a CV Pool of women eligible for applying to civil service positions;
- Developing a needs assessment database; and
- Creating an official Facebook page.

115. To increase the ratio of women's recruitment, gender representatives of ministries and independent institutions are present during the recruitment process and 5 per cent extra marks are considered for female applicants in accordance with the recruitment manual.

116. The IARCSC also finalized its policy on increasing women's participation in the civil service. This policy aims to provide possible facilities for women, creating a safe work environment and encourage their participation in the civil service. A

²⁴ Recommendation No. 29.

specific objective of this policy is a 2 per cent increase in the number of women in the civil service by end of 2017.

117. Afghanistan's National Action Plan (NAP) on UNSCR 1325, Women, Peace and Security is also one of the national policies that ensures women's sustainable participation in the peace process, security sector and is a national framework for women's empowerment.

118. Promoting Equality for Women in Afghanistan (The Promote Project) is one of the national priority programmes and a joint commitment of the Afghan-US government. It works towards empowering a total of 75,000 women between 18–30 years of age and promoting them into the new generation of political, business and civil society leaders to ensuring their participation in the areas of politics, economy, civil society and government.

119. To ensure and observe the fundamental rights of women in accordance with the international human rights instruments to which Afghanistan is a party, the Legislation Department and Human Rights Support Unit (HRSU) of the MoJ consider special protection measures for women in the final drafts of the legislative documents. For example the observance of gender balanced employment, enforcement of the EVAW Law, Act of Anti-Harassment of Women and Children, the draft Regulation on Anti-Discrimination and the Election Law are the documents that considered special protecting measures for women.

Table 3

Outcomes Achieved through the Implementation of NAPWA²⁵

(Percentage)

<i>Women's Presence in Various Areas Years 1395 (2016)</i>			
1. Women in the National Assembly	27	10. Women in Government Agencies	26
2. Women in the Provincial Councils	21	11. Women's Presence in the Judiciary	12
3. Women in the Cabinet	15	12. Women's Presence in the Security Sector	1
4. Women's Presence in the Decision-Making Levels of the Government	10	13. Women's Presence in the Decision-Making levels of Private Sector	9.%
5. Women's presence in Health Sector	33	14. Women in the Economic Sector	6
6. Female Students in Schools	39	15. Female Teachers in Schools	34
7. Female Students in Public Higher Education Institutions	23	16. Female Students in Private Higher Education Institutions	23
8. Female Instructors in Public Higher Education Institutions	14	17. Female Instructors in Private Higher Education Institutions	10
9. Women in the Private Sector	21.7		

120. Awareness raising programmes highlighting the importance of women's participation in the electoral processes were undertaken by relevant entities. For example, a sum of 60 radio advertisements totalling 187,166 minutes and 48 TV advertisements totalling 17,328 minutes have been broadcasted through 13 TV channels and 51 radio stations across the country in between the second quarter of 2013 to fourth quarter of 2014. The campaign for face to face awareness raising sessions reached a total of 287,757 sessions in all provinces between the second quarter of 2013 to fourth quarter of 2014. A total of 68 awareness raising seminars were also conducted during the first quarter of 2014, 34 of which were for women.

²⁵ Source of Info: MoWA.

From the second quarter of 2013 to the fourth quarter of 2014, a total of eight coordination meetings were held in Kabul with organizations working on awareness rising. Additionally, a total of 68 mobile theatre programmes were performed in all provinces of the country during the third quarter of 2013.

121. A gender exhibition for showing print material for awareness rising was held in Kabul for a period of two weeks during March 2014. A total of 1,000,000 pages of informative brochures printed and disseminated during March 2015 as part of the awareness raising campaign to all the provinces of the country and districts of Kabul. Gender and elections focal points network conducted 20 outreach programmes in the outskirts of the city during the two months with support from educational centres. A total of 800 women and 200 men participated in these programmes. With support from MoWA and mass media, a total of 20 round table programmes were arranged and broadcast through Private and State TV channels.

122. In 2014, the Independent Election Commission (IEC) took the following steps to enhance the level of women's participation in elections:

- Establishing women registration and voting centres;
- Publishing special messages to encouraging women's participation in all awareness rising advertisements (radio and TV spots, radio dramas, mobile theatre and information centre);
- Face to face programmes with female voters;
- Monitoring the women-based voting centres by women (31 per cent of the monitors and observers were women);
- Leaving the photo requirement as optional for women during registration resulted in increased women's participation. Those who, based on their social norms, were hesitant to register due to the photo requirement have the option not have their photos taken;
- Supporting the female candidates in terms of preparing and disseminating their election campaign materials as well as conducting training programmes on public speaking aimed at their capacity development with support from The Asia Foundation;
- Conducting special programmes in 17 districts of Kabul and provinces to Imams of the Mosques (Priests) on women's participation in voting and the elections process;
- Conducting training programmes for women at the managerial level;
- Conducting regular sessions for resolution of disputes of women at the headquarters of the IEC;
- Equal recruitment of women in the voter registration took place in three stages at the centre, district and mobile teams level;
- Establishment of Gender and Elections Group with participation of more than 30 local and international organizations;
- Paying for the deposit of female provincial council candidates who had not completed the minimum 2 per cent of the legal votes used.

123. The IEC is considering the following measures for awareness-rising and encouraging women for the upcoming elections:

- Production and broadcasting of a 90 seconds of public radio announcements and broadcasting of a 1–2 minutes of public TV announcements, making a total of 8 announcements in the two formal languages;

- Production of a 20 minutes documentary film on the IEC in English and in national languages;
- Sending short text messages (SMS) through two of the mobile telecommunication networks and outreach through Facebook;
- Conducting coordination and consultation meetings at the level of main office and provincial centres at least twice a month during the voter registration process;
- Launching a minimum of four press conferences;
- Establishing the free hotline number “190” with the capacity of 30 call centre operators in two work shifts covering all days including the holidays and weekends, and awareness training of call centre staff and managers;
- Conducting awareness raising seminars and theatres in the district level;
- Printing and dissemination of posters, brochures, fact sheets, banners, and standing billboards and relevant material for awareness rising on elections;
- Recruitment of 11 new staff members for awareness raising and monitoring the field awareness raising activities;
- Holding coordination meetings with local and international agencies in relation to the role of women in the voter registration process and elections;
- Holding coordination meetings with MoHRA to ensure the highest possible level of women’s participation during the voter registration;
- Holding coordination meetings with MoWA aimed at encouraging women’s participation in the voter registration process;
- Holding coordination meetings with the media and civil society aimed at enhancing the level of women’s participation in the election processes;
- Conducting training programmes on “Gender and Elections” at the main office and provincial offices, and
- Undertaking special measures for recruiting women in the voter’s registration process that include:
 - Recruiting women as staff members who do not have the required educational qualifications, given that this does not impact on the activities to be performed in that position;
 - Recruiting a male member of their family as a staff member;
 - Paying extra compensation for women in special cases; and
 - Accepting women’s job applications even after the deadline for applications, given that it does not cause any delay in the recruitment process.

124. According to Article No 5 of the Police Law, the Afghan National Police (ANP) is mandated to ensuring public order and protection, ensuring security of the individual and community, and protecting their rights and freedoms. The ANP is performing its duties of ensuring security and protecting the rights and freedoms of the citizens in a continuous and equal manner in Kabul and provinces. Perpetrators of attacks against women are prosecuted in accordance with the law.

125. The AIHRC has undertaken necessary steps towards supporting human rights activists/defenders, as follows:

- Hosting a National Conference on Supporting the Human Rights Defenders on December 19, 2016 with participation of 200 Human Rights Defenders from the capital and 33 provinces;
- Approving the National Action Plan on Protection of Human Rights Defenders;
- Establishing a National Database of Human Rights Defenders, and;
- In 2017, conducting a sum of 32 training workshops for Human Rights Defenders titled “Defending Human Rights in Critical Situations” and “Support and Safety of Human Rights Defenders”.

126. The GoIRA has undertaken specific steps to appoint women as members of the High Council of the Supreme Court. These include: conducting training courses for female judges, establishing the Female Judges Association and hiring women to the judicial stage (practical) term. In 2008, the representation of women in the judiciary was around 4.7 per cent which reached 8.4 per cent in 2013 and this percentage rose to 12 per cent in 2016. The Supreme Court sub-units such as Juvenile Court, Family Court, and ERAW Court are managed by women and women are appointed as Judicial Councillors and work as members of various tribunals of the Supreme Court.

L. Citizenship²⁶

127. The Citizenship Law has passed the drafting and scrutiny stages and approved by the Cabinet. It will be sent to the parliament for ratification.

128. The Law of Civil Registration of Afghanistan has been developed and put into force without consideration of gender perspective. Civil registration services are provided to citizens of Afghanistan equally and without any distinction of men and women through the central agency and its provincial offices. Women’s access to Identity Cards (Tazkira) has been guaranteed in the citizenship related laws and in accordance with the law, the Civil Registration Authority of Afghanistan (CRAA) provides registration and ID issuance services to all the citizens of the country in the centre and provinces.

129. A total of 10 staff members have been appointed at the CRAA to provide guidance to women and the elderly and help them to receive civil registration services as and when needed. Also, over 50 women have been recruited in the process of digitalizing the offices of CRAA. This is taking place in a situation while previously there were no more than eight women among the 2000 staff members. Presently, the policy of the civil registration services is being reviewed for proposing revisions and the CRAA aims to provide more services for women, children and the elderly.

130. Promotional posters and brochures on the importance of identity documents have been prepared and posted in CRAA main office and provincial offices. Such awareness on the importance of identity documents (Tazkira) has also been raised through round tables with presence of officials of CRAA and some live TV programmes on private and public TV stations. Subject to the availability of necessary funds, the CRAA plans to produce short TV spots on the importance of ID cards (Tazkira) particularly for women and girls and broadcast them through public and private TV channels.

131. Based on CRAA instruction, women, children and the elderly are given priority in the provision of the services. In accordance with article No 13 of the Civil Registration Law, the CRAA has issued identity documents (Tazkira) to those women and girls residing in shelters of MoWA without consideration of normal bureaucratic

²⁶ Recommendation No. 31.

procedures, since they are separate from their family members for various reasons and thus their family tree could be traced.

132. Based on the survey conducted, most of the female applicants of the civil registration services complained of the lack of waiting areas dedicated to women in the CRAA facilities. Thus, in order to ensure better safety for women and children at the CRAA, special waiting rooms have been constructed with necessary facilities for women. The process of building necessary facilities for women in the provinces has been initiated in Nangarhar province where the women's waiting place in the provincial office of CRAA in Nangarhar is about to be completed. Subject to availability of necessary funds, this process will be expanded to other provinces too.

M. Education²⁷

133. MoE has developed its third Strategic Plan for Education (2017–2021) in which it shall undertake the followings:

- Providing pre-school education (50 per cent of which, is for girls);
- Providing local educational classes and accelerated education for children left out of school (50 per cent of which, is for girls);
- Increasing the ratio of girls' admission to technical and vocational institutions from 17 per cent in the year 2015 to 26 per cent in 2021;
- Conducting on job trainings for newly recruited female teachers as well as provision of literacy courses for women, raising the number from 60 per cent to 100 per cent in 2021;
- Increasing the number of female literacy students from 53 per cent in 2015 to 60 per cent in 2021 and provision of emergency educational programmes for children of IDPs and Repatriates. (50 per cent of which, is for girls);
- Launching awareness raising programmes on the importance of education for girls and provision of financial incentives and stipends for female teachers during the on-the-job trainings;
- Providing pre-work courses for female students and provision of Master's degree education for the instructors of teacher training institutions that include women; and
- Providing health services in the schools for both male and female schools and providing literacy classes across the country aimed at increasing the rate of female admission in the literacy courses from 53 to 60 per cent in 2021.

134. The rate of literacy among men over 15 is 49.1 per cent, and among women over 15 is 19 per cent while the ratio of population between 15 to 24 years of age is 66.3 per cent men and 36.7 per cent women.

²⁷ Recommendation No. 33.

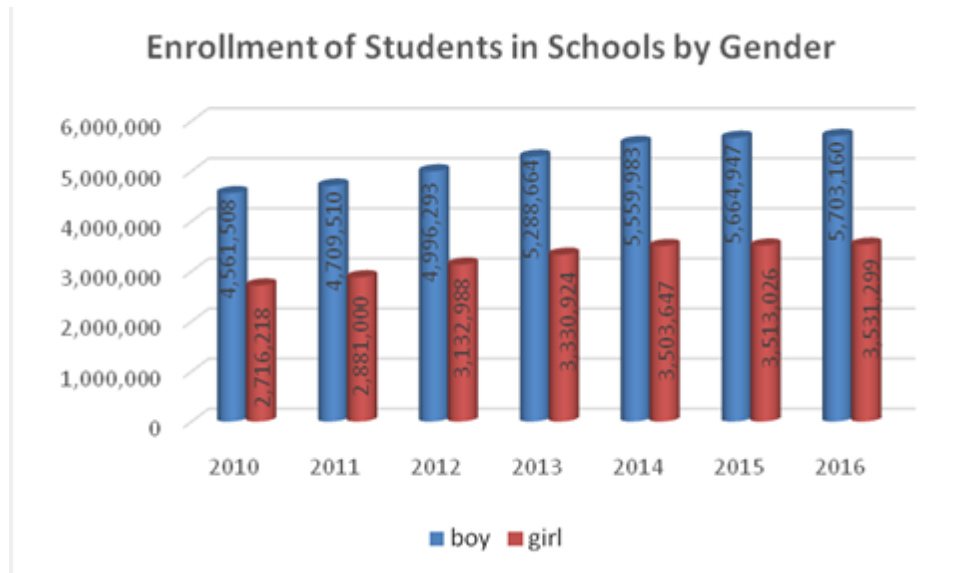


Exhibit 4: The ratio between male and female students in the state pre University schools during years 2010–2016²⁸

135. MoE has developed a plan to recruit a sum of 30,000 female teachers with financial support from development partners (Women’s Economic Empowerment Project). Based on this plan, it is anticipated to recruit 3,000 female teachers in remote areas across the country, out of which 1,330 women have been contracted for the job and the rest is underway. In 2016, short term and long-term training programmes were conducted for teachers’ titled “Teacher Training Programme” in provinces focusing on subject matters and pedagogy. In this regard the following activities have been undertaken during 2016:

- Under the In-Service Training Educational Programme, a total of 71,000 teachers (33 per cent female), have participated in the short-term capacity building programme of the ANSIT (Subject Matter and Pedagogic Trainings);
- A sum of 1,885 teachers and personnel of the Teacher Training Centres from the capital and provinces, out of which 630 are women, have participated in short term training programmes and received necessary trainings; and
- Gender equality has been considered in the revision of the textbooks of grade 1 to 6 in the following ways:
 - The words male and female mentioned equally in the text books;
 - The number of pictures, figures and drawings of male and female have been equalized, and;
 - The balance and similarity in male and female occupations have been considered.

136. Later, during the revision of the textbooks of secondary and high schools, the gender issues are set to be integrated. Also, in the programmes of Maarif TV, equality between men and women is considered without discrimination.

137. The National Women Empowerment Strategy is one of the significant initiatives in which MoE has played its role both in developing and implementing it and will

²⁸ Source of Info: NISA.

continue to do so. Additionally, MoE particularly puts in efforts to ensure the sustainability of women and girls' education through recruitment of female teachers across the country, and providing education through local and accelerated classes, general education, Islamic Education, technical and vocational trainings, literacy trainings, and teacher training programmes. To ensure sufficient funds for women and girls' education in case of shrinking foreign aid, Ministry of Finance (MoF) is planning to develop a particular strategy draft to address this issue.

138. Unfortunately, around 3.5 million children still do not have access to education and the third strategic plan pays special attention for identification of causes of such lack of access and ways to admit these children to schools. The grave insecurity has caused around 1,000 closed schools in different provinces. Around 43 per cent of the schools in the country still do not enjoy safe environment for education and the matter is considered in Third Strategic Plan for Education. Across 34 provinces of the country, security measures are in place for male and female schools in accordance with the work plans of the Protection and Safety units of the MoE Provincial Directorates and in case of serious security threats, they are addressed to security agencies. In accordance with the operational plans of the Directorate of Protection and Safety and joint operation plans of MoE, Provincial Directorates and Provincial Police Headquarters, there are concrete coordination mechanisms in place to ensuring the security of schools and addressing security threats. During the years 1393 and 1394 (2014 and 2015) a total of 235 incidents of damage, destruction and fire incidents of schools have been registered.

139. According to the work plans of the Protection and Safety Units of the MoE Provincial Directorates, awareness raising programmes about the risks of landmines and unexploded material, are being conducted for teachers as well as male and female students. On the safety of their commuting routes as well as traffic signs, partner organizations provide necessary awareness. Additionally, in accordance with the security plans of each school, the Committees of Discipline are operational in schools and the body search regime is properly in place. Thus, the safety of students in schools are ensured, the authorized personnel of the MoE conduct regular monitoring, check and control of the drinking water, prevent entrance of prohibited material and food items to the schools and prevent the expired food items to the cafeterias of educational institutions.

140. The Social Harmony Sections and Administrative Councils of the Schools also work towards ensuring the social protection of female teachers through the council of school and social workers by organizing local councils. In case of need they can also get help from the local security offices. According to MoE's database, in 1394 (2015) a total of 677 female students and 9 female teachers who were poisoned, were treated after the administration of the necessary medications. One student was gang raped by unknown persons and two female teachers were threatened, warned and beaten. Three cases of abduction and beating were referred to the prosecution in 1393 and 1394 (2014 and 2015).

141. The Ministry of Higher Education (MoHE) has developed a Gender Strategy for the Higher Education Institutions and the strategy is in force in all government universities since 2016. According to this strategy, women's representation in higher education institutions is projected to reach 20 per cent in 2020 and 25 per cent in 2025. MoHE has dedicated some positions exclusively for female applicants in 10 departments and plans to establish a female-only university.

Statistical Matrix on Male and Female Presence in State Universities²⁹

<i>Year</i>	<i>Number</i>			<i>Male %</i>	<i>Female %</i>
	<i>Male</i>	<i>Female</i>	<i>Total</i>		
1392	100726	24015	124015	80.75	19.25
1393	122874	30467	153314	80.13	19.87
1394	135249	36321	171561	78.83	21.17
1395	141301	41041	18344	77.44	22.51
1395	140008	44721	184729	75.79	24.21

N. Recruitment³⁰

142. As part of the NAPWA objectives to increase women's representation, IARCSC has undertaken initiatives such as awareness rising of female students, establishing a CV pool of female applicants qualified for civil service positions, development of the needs assessment database and creating the official Facebook page.

143. IARCSC has precise and proper programmes in place for empowerment and capacity development of women in the civil service in the capital and provinces. Some of the provisions of the Civil Servants Law have been amended in favour of women with the aim of attracting women, easing employment for them and improving work conditions. IARCSC is also identifying the issues of women at different levels for future programming and raising the awareness of fresh female graduates on the job opportunities in the civil service. Providing a safe work environment is facilitating realization of the government's strategic objective of reaching 30 per cent women representation as well as the objectives set at the Brussels Conference on the 2 per cent increase of women. IARCSC is also planning to upgrade women's role to the leadership and managerial levels.

144. On the business field, women are being encouraged in gatherings and exchange of experiences among businesswomen and facilitating their participation in national and international exhibitions. The Chamber of Commerce and Industries and the American University of Afghanistan have conducted training programmes for women in this field. Ministry of Commerce and Industries is Facilitating women's participation in International Exhibitions, Training Programmes, and Economic Conferences. In all training programmes, international gender related instruments have been advocated, and such workshops have been conducted in 29 provinces. As of today, Around 400 women are involved in small businesses.

145. In addition to the Radio and TV programmes and publication of advertised materials on women's rights to work and economic self-sufficiency, related topics have also been published through Ershad Al Niswan and Merman publications. During 1393 and 1394 (2014 and 2015) a great number of women have been referred to national and international exhibitions. Women's product factories have been monitored with the aim of improving women's handicrafts' productions and have been introduced to foreign donor institutions for funding. More than 760 commercial firms led by businesswomen are operational and over 400 businesswomen are busy with economic activities at the national and international level. Annually, around 1000–1200 women benefit from the economic programmes. Literacy programmes exist for women in all the provinces.

²⁹ Source of info: NISA.

³⁰ Recommendation No. 35.

146. Various government institutions such as MoJ, MoWA, MoHRA have launched public awareness raising programmes on women's rights including their right to work. The aim of these programmes is explaining and elaborating women's rights to work, enlightening public attitudes towards working women as well as refuting negative attitudes and myths.

147. Moreover, IARCSC conducts awareness raising initiatives with the aim of enlightening attitudes and increasing the number of women in their institution. For instance, an awareness raising campaign was undertaken for women in 2013 covering 300 women in Kabul and Balkh provinces, and in 2014 two sessions were held in two private universities in Kabul for 60 persons, both men and women. Similar programmes were held in 2015 for 100 men and women in Kabul and in 2016 in Kapisa and Badakhshan universities for 100, and in Bamyan province 120 men and women benefited from these programmes.

148. GoIRA has taken various measures to ensure safety of women in the workplaces, such as enforcement of the Law on Prevention of Sexual Harassment in 2016, the Penal Code with specific provisions preventing harassment of women, ensuring human security, physical safety, and psychological safety of women, as well as the draft on Prevention of Discrimination is also prepared. Additionally, in order to ensure safety of women in the workplaces, committees for prevention of harassment are established in most of the government institutions where female victims can register their harassment complaints to be addressed by these committees.

149. In order to ensure the safety of policewomen, in 1395 (2016) MoI developed a guide on prevention of sexual harassment, with one of its main objectives to ensure the implementation of the Anti-Harassment Law. MoI has also established a total of 86 women councils in the centre and provinces consisted of 1,666 policewomen.

150. The Ministry of Agriculture, Irrigation and Livestock (MoAIL) has developed a National Strategy on Women Farmers (2015–2020). The goal of this strategy is to enhance women's long-term role in the agriculture sector in line with NAPWA and other policies of MoAIL, as well as in coordination with policies of other line-ministries such as MoWA, MoPH, MoE, MoHE, MRRD and MoCI. This strategy has three main objectives:

- Strengthening and enhancing the capacity of units and personnel of the MoAIL and related organizations;
- Increasing the technical support of MoAIL through designing initiatives, programmes and projects for strengthening women's role in agriculture; and;
- Undertaking impact Assessment of MoAIL programmes and projects to document lessons learnt and best practices.

O. Health³¹

151. MoPH has developed the National Health Strategy for 1395–1399 (2016–2020) and National Gender and Human Rights Strategy for the health sector. The main goal of the National Health Strategy is to strengthen and develop beneficial and sustainable health practices to ensure better and just access to quality healthcare services. The strategy is based on available funding for improving the health and nutrition conditions of all citizens particularly women, children and vulnerable groups. The health sector is committed to implement objective number three of the SDGs which concerns health improvement based on its 13 specific indicators including women's health. Additionally, MoPH is totally committed to comply and implement all relevant

³¹ Recommendation No.37.

international documents such the Global Strategy for Women's, Children's and Adolescents' Health, 2016–2030 and family planning.

152. Based on the Demographic and Health Survey of 2015, the maternal mortality rates are estimated at 1291 annually between 2010 and 2014. However, this is quite a high figure because maternal mortality rates are caused both by medical factors related to pregnancy and those not related to pregnancy such as natural disasters. The issue of 'the health of child and mother' is among the priorities of the GIRoA and MoPH, and thus the following various interventions are taken from 2010–2014 to improve the indicators on mother and child:

- A total of 22,000 midwives have successfully completed their education in public and private universities. Among these, 7,000 of have passed the examination given by MoPH and received attested documents;
- The number of basic emergency maternity health services centres has increased from 1,007 to 1,288;
- The number of active centres for comprehensive reproductive health has increased from 91 to 111;
- Capacity development of 5,069 professional health personnel on issues resulting in enhanced quality in the provision of care to child and mother;
- Improving the referral system, the purchase and distribution of 40 well equipped ambulance vehicles for the centres where high rates of birth defects have been observed;
- Equipping 21 blood banks with modern tools and appliances in 21 provinces;
- Around 50 per cent of the pregnant women have their deliveries with the help of child delivery experts including Gynaecologists and Midwives;
- Around 60 per cent of the population is distanced at one hour walk from a health centre, while 88 per cent are at 2 hours walk from a health centre.

153. Programmes for prevention of maternal mortality extensively focus on the main causes of maternal mortality such as prevention of post-delivery bleeding through promotion of Misoprostol distribution across the society in 23 provinces, promotion and distribution of calcium tablets during pregnancy aimed at prevention of Preeclampsia. Studies and researches conducted in the recent years demonstrate that between 1999 and 2015 maternal mortality rate has dropped by 50 per cent.

154. The conference on 'Islam and Family Planning' was conducted in five zones including Balkh, Kandahar, Herat, Nangarhar, and Kabul with participation of 634 clerics and spiritual leaders in coordination with the MoHRA and funding of UNFPA. The main discussions in these conferences were on raising awareness on methods of family planning and values associated with it from an Islamic view. 25 per cent of participants of these conferences were women, mostly female students of Madrassas.

155. Awareness raising activities are undertaken on family planning/child spacing and methods of family planning in Kabul, Herat and Balkh provinces. In these programmes, benefits of using family planning methods, Islam and family planning were explained for 250 teachers, members of civil society, members of DoWA, and members of media with coordination of MoWA. MoPH has also established 25 Family Support Units in 22 provinces with support of UNFPA. Each of these centres has one mental and social councillor and one legal councillor. These centres are providing health services, psychological counselling, referring cases to prosecution and judicial institutions and registering cases. A number of 23000 cases were registered to the mentioned centres during the years 1391–1396 (2013–2017).

156. Family planning / child spacing services (counselling and providing methods) through the Basic Package of Health Services (BPHS) are provided for free and in consideration of customer rights in all health centres. Aimed at expanding the access to methods of family planning, providing of family planning services and child spacing has also been initiated by the private sector. This is happening under MoUs between 27 health centres and MoPH.

157. During 2013 to 2017 a total of 998 female health personnel including doctors, nurses, midwives and pharmacists, were hired at MoPH. MoPH has taken the following measures for increasing the number of female health personnel:

- Establishment and support of local midwifery and nursing schools;
- Voluntary recruitment of female doctors for specialization programme;
- Giving examinations and attestation of three years' work experience and out of country educational documents;
- Considering 5 per cent extra marks for women in the examinations for grading system and women's specialist programmes.

158. In terms of capacity building of female health personnel; MoPH has sent a total number of 545 personnel to long term and short-term training programmes.

159. A total of 5,452 women are working as health personnel at district levels. In the National Salary Policy, an additional incentive has been considered called 'Hardship' for women who are working in remote areas. Providing of health services and capacity development of health personnel in the remote areas mostly in the provinces, has taken place through implementing partners of BPHS and EPHS. Reports received from these implementing partners, state that 409 female personnel have been covered under training programmes across 32 provinces.

160. In the National Reproductive Health Policy (2012–2016) of the MoPH, in the section on prevention and management of abortion stipulates that: "All the health services must follow the National Strategy for effective administration and care after abortion. Health facilities must have the necessary tools for administering abortion. MoPH and relevant organizations shall not provide training programmes to local midwives/health workers and that their role to help a delivery is prohibited. Because such people are part of the community, they shall be assigned for helping the health personnel of the community, be involved in the health council; promote family planning advertisements for delivery, helping for the safety in home deliveries and be aware of cautions and need for emergency referral".

161. The Penal Code criminalizes abortion and has anticipated punishment for those committing it. But in cases where abortion is needed for rescuing the life of the mother as instructed by a doctor for medical reasons, abortion is not a crime.

162. Post abortion care is one of the main sets of activities of the health personnel, provided at different levels in the healthcare centres. The main components of these services are: immediate treatment of women, who have had abortion, counselling and family planning services, taking care of the complications if any, and awareness raising / community mobilization. All the women who have an abortion have free access to family planning services including awareness raising, counselling and access to methods for family planning.

163. In order to provide better psychological services for women and girls, the Department of Psychological Health has undertaken the following activities: providing awareness raising and counselling for IDPs such as in Nangarhar Hadda camp, providing of legal counselling for victims of gender based violence at the societal level such as in Baghe Zanana (Women's Garden) in Kabul, and in the Burns

Wards of Hospitals in Herat, Malalai, Rabia Balkhi and Esteqlal, providing psychological counselling at the community level such as Psychology Department of the Kabul University and Schools of Herat Province. This department also provides psycho-social support for victims of conflict affected areas across the country through 14 centres in provinces like Kabul, Herat, Farah, Ghor, Balkh, Kunduz, Baghlan, Nangarhar, Kunar, Paktia, Ghazni, Helmand, Urzgan, Zabul.

164. MoPH has established a specialized unit for children's psychological health at the Kabul Psychological Health Hospital. Since its inception in 2005 till now, around 400 psycho-social counsellors have been trained, 50 per cent of whom are women. Currently, a total number of 180 psycho-social counsellors are working under healthcare system, half of them are women. Around 257 psycho-social counsellors are set to be trained, 50 per cent of whom are women.

165. The psycho-social services are providing in women shelters. So far, a total of 160 case workers and 54 psycho-social counsellors have been trained in these centres. There has been provision of training to health personnel such as doctors, nurses, and mid-level medics in the areas of psychological health and psychosocial counselling, as well as initial counselling for 1322 staff members of the Gender Units including 335 doctors of general medicine, 472 midwives, 433 nurses, 15 health supervisors. 44 trainers of psychosocial counselling have been engaged in training counselling in emergencies in the centre and provinces.

166. MoPH has established a psychological health clinic for refugees returning from European countries and ordinary people. Around 10,012 psychosocial counselling sessions have been held in groups and 16,056 psychosocial counselling sessions have been held for individuals and a number 538 awareness raising sessions held for 16,888 people.

167. MoPH is committed to provide services to all women suffering from Obstetric Fistula in the Zonal Hospitals up until 2019. Since 2007, around 930 women suffering from Obstetric Fistula have received healthcare services and treatment. Steps have been undertaken to expand the services on Obstetric Fistula to include annual courses for doctors and midwives on prevention of Obstetric Fistula at the level of Zonal Hospitals and the establishment of rehabilitation and reintegration centres with funding from UNFPA and Islamic Bank of Afghanistan.

168. Expansion of treatment and re-integration centres for Obstetric Fistula patients is planned by MoPH in 5 zonal hospitals until 2020. Although there is no government budget allocation, treatment and reintegration centres have been launched and operationalized in Malalai Hospital Kabul, and treatment centre in Herat zonal hospital through funding from UNFPA. Additionally, the cost of all medical and non-medical tools and equipment, required medicines for these centres, stay and transport expenditures of patients and their attendants are covered by UNFPA. Staff at these centres has received basic and comprehensive trainings, with five gynaecologists and five midwives trained for the Obstetric Ward of Malalai Hospital. Additionally, five doctors and three midwives have been trained in treatment of Obstetric Fistula in the fistula ward of the Herat Hospital. From 2015–2016, a total of 74 gynaecologists and 169 midwives from various provinces were trained in diagnosis, referral and treatment of obstetric fistula. During 2017, Fistula Treatment Centres were also established in Mazar-e-Sharif and Nangarhar provinces.

169. In addition to the traditional practices healthcare services, new initiatives such as using community midwives and health personnel, community health nests, and health services for youth are in place. In terms of creative use of information technology, the health sector is using mobile Smartphone technology. Social media is increasingly and effectively being used to reach out to different target groups for using health guidelines and identification and reporting spread of diseases. This strategy

supports sending promotional messages on maternity health, infants and children and follow up and information on family planning to mothers, as well as developing Smartphone applications at the regional and provincial level. Additionally, the strategy on creative mechanisms, promotes self-learning and inter-structural learning process aimed at sharing best practices, “what works well” and capacity development in various areas.

P. Poverty and Rural Women³²

170. In MRRD, 11.7 per cent of women staff is relatively involved in the decision-making processes. During the implementation of development projects, gender equality is fully observed and there is an involvement of 50 per cent women from the proposal writing stage until the end of the project. At the headquarters of the MRRD and in the rest of 33 provinces, gender focal points are assigned to monitor the enforcement of gender policies. With support from UN-Women, they compile quarterly reports on the status of the implementation of gender related plans and policies. Training schemes have been established to raise awareness of newly recruited staff on gender equality at basic, medium and advanced levels.

171. Based on the drafts of development plans, identification of the causes of poverty, income generating programmes and projects such as chicken breeding, milking goat breeding, food processing, vegetables, fruits, making of home gardens, distribution of fruits and vegetables drying machines, installing drip irrigation systems, and tens of other small and big public projects have been implemented in all of which rural women have a role to play. The results of the development plans and programmes have been very good with household food security enhanced, an improved economy and jobs created for families.

172. Income generating activities such as poultry breeding, milking goats breeding, distribution of vegetables drying machines, creation of household vegetable farms, food processing, establishment of women’s agricultural associations, the establishment of women’s agricultural cooperatives and production groups have been implemented in the capital and provinces. Over 250,000 families of women have been covered by these self-sufficiency programmes.

173. MRRD undertakes women empowerment programmes through its projects at the central and provincial levels. These programmes include Afghanistan Rural Enterprise Development Programme (AREDP) and Afghan-Tajik Programme that work for women and a total of 80 local development programmes for women’s empowerment have been carried out. MRRD has considered various factors for strengthening gender equality, including establishing of gender units, establishment of the Directorate of Women’s Council, Gender Sections, setting a 37 per cent quota for women in Development Councils, and establishment of Gender Advisors’ Office at the leadership level of the ministry.

174. MRRD is undertaking programmes for ensuring rural women’s empowerment and their participation in projects and decision-making processes. These programmes include rug weaving and embroidery under the Afghan-Tajik Project. A number of 35,000 Community Development Councils (CDCs) is established where 37 per cent of the participants are women, a total of 389 District Development Assemblies (DDAs) is established where women composed its’ 37 per cent. A Microfinance System has been facilitated in 5 provinces (Parwan, Balkh, Bamyan, Nangarhar and Hirat), with women comprising 60 per cent of the beneficiaries. Additionally, following steps are taken to ensure participation and empowerment of rural women:

³² Recommendation No. 39.

- Establishment of a total of 5,000 Saving Groups, out of which 2,729 are fully consisted of rural women who all have benefited from empowerment services so far;
- Establishment of a total of 1,257 Enterprise Groups, among which 814 belong to women. All these groups have benefited from empowerment and support services of the programme;
- A total of 510 Village Saving and Loan Association (VSLAs) have been established, most of which have male and female groups in a village. Around 20 per cent of these associations are fully consisted of women groups while only a few of them are fully male groups;
- A total of 61 Producer Associations have been established. Male and female producers can equally utilize the benefits of these associations while some of these associations are fully dominated by women. From the 343 members of the Producer Associations, 212 of them are women;
- From the 593 small and medium enterprises, 91 are exclusively managed by women;
- Implementation and completion of 111 empowerment projects dedicated for women;
- Job creation for 960 women in the Afghan-Tajik project;
- Creation of Daily wage jobs for 12,239 women in the Afghan-Tajik project.

175. One of the main goals of the third strategic plan of education is to increase balanced and widespread access to relevant, safe and quality educational opportunities for children, youth and adults particularly women. To advance women and girls' access in the rural areas, local classes are formed and female teachers are hired. Access to education is provided for a total of 383,351 children. To enhance girls' access to education, through the Global Partnership for Education (GPE) programme a total of 2,081 female teachers have been hired in 14 provinces. During 2017 a total of 2,500 female teachers were employed on contractual basis in the rural areas, with another 2,500 to be recruited.

176. From 2013–2017, the Ministry of Economy has prioritized development programmes and included them in the national budget, resulting in growth and empowering women in villages and rural areas. These comprise the inclusion and strengthening of the National Solidarity Programme (NSP), Vocational and Technical Training Programmes, Household Economy and the Citizens Charter Programme that have been included in the national budget and have been implemented for growth and empowerment of women in rural areas and villages.

177. Ministry of Public Health (MoPH) has undertaken various measures aimed at ensuring rural women's access to healthcare services. Providing 115 family health nests in remote and rural areas of Faryab, Badakhshan, Daikundi and Herat provinces. The goals of establishing these nests are to provide lifesaving services, creating an active referral system, and provide family planning services; improved access has also resulted, in enhancing the sense of local ownership, thus helping to eliminate gender-based violence for rural women deprived of health services.

178. A total of six delivery waiting rooms have been established at the facilities of provincial hospitals capable of executing comprehensive delivery emergency services (including delivery operations, caesarean section, and blood infusion). These waiting rooms provide improved access for women in remote areas to emergency maternal and newborn services provided by delivery experts. There is also an enhanced

awareness by women and their families and an increased demand for maternal services delivered by maternity experts.

179. The assessment conducted by MoPH in 2011, with technical and financial support of the United Nations Population Fund (UNFPA), demonstrates that for the victims of violence who are seeking help and protection out of the family circle, healthcare and treatment facilities in rural and urban areas are often the only alternative. On the other hand, additional healthcare services in all mentioned areas, referral and reporting of the linked network of implementing agencies regarding response to violence is in crisis. MoPH with support from UNFPA presented a model of response to violence that is among the priority national programmes of the MoPH implemented in 2012.

180. This unified, coordinated health model enables victims to receive an optimal level of support and care, while investing the minimum of resources. Meanwhile, this model is aimed at expanding options for survivors of Gender Based Violence, in finding sustainable ways out of violent conditions. The model considers the introduction of a family support centre in health facilities, to enhance the system's capacity for widespread selection and solutions for women and girls exposed to mistreatment. These centres seek to integrate professional support by providing survivors of violence with necessary services such as psychosocial, medical, legal support, collecting initial evidence, information support and referral services to the medical treatment sections all under one roof.

181. Family support centres are inside the hospitals so that women can access these services without fear and suspicion by the families and society. Since movement of women to and from public places is limited due to family restriction and control such easy access to services and low risk of visibility is very important for survivors of violence. The implementation of this model in 2013 was initiated with support from UNFPA in Directorate of Public Health (DoPH) of Kabul and Nangarhar provinces. It was expanded in Bamyan, Baghlan, Balkh and Heart Provinces in 2014, with support of Republic of Korea and IDCO, while in 2015 it was expanded to another 6 provinces including Jawzjan, Laghman, Parwan, Panjsher, Daikundi and Farah with support from the UK Department of International Development (DFID).

182. Since 2013 a total of 17,000 cases have been registered in these centres. In 2017, in particular, 732 cases of deprivation from resources, 83 cases of forced marriage, 649 cases of physical assault, 1124 cases of psychological violence, 34 cases of sexual harassment and 23 cases of rape have been registered.

Q. Refugees, Women and Girls of IDPs³³

183. The Internally Displaced Persons (IDP) Policy has been adopted by the Council of Ministers on November 25, 2013. Ministry of Refugees and Repatriates (MoRR), the Administrative office of the President, the Secretariat of the Council of Ministers and other relevant organizations are obliged to implement the IDPs Policy. The following steps are taken so far to implement the policy:

- Conducting awareness raising workshops on the National IDP Policy and the UNSCR 1325 for women IDPs in Herat, Balkh and Nangarhar provinces in order to involve women in decision making and developing provincial implementation plans;

³³ Recommendation No. 41.

- Developing Herat’s provincial implementation plan in accordance with the IDP Policy in which the role of women, widows, girls, teenagers and persons with disabilities have been considered as implementing priorities;
- Reviewing the Nangarhar and Balkh provincial implementation plans; and
- Working on the Kabul provincial implementation plan.

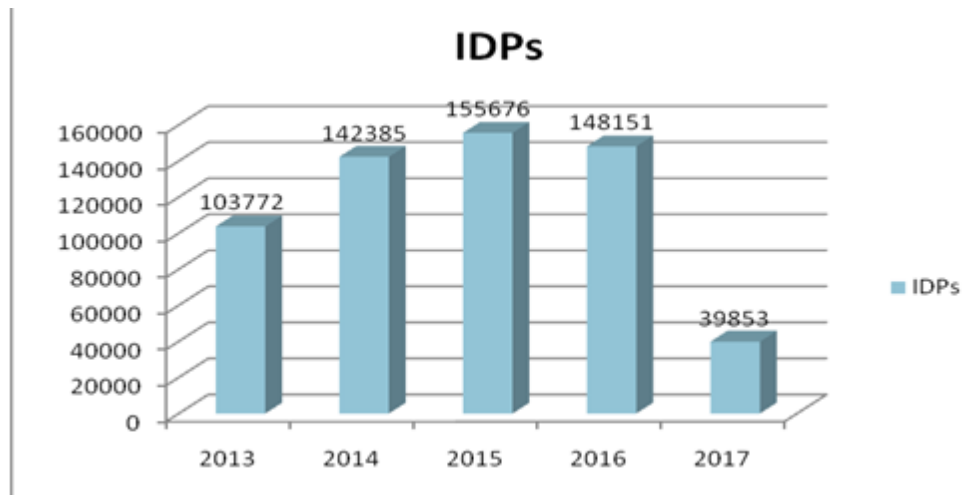


Exhibit 5: Number of Internally Displaced Persons from 2013 to 2017³⁴

184. A memorandum of understanding has been signed between MoRR and MoPH that facilitates accessing healthcare services for male and female members of the returnees and IDPs. A total of 3,000 returnees and IDPs have been covered by health programmes in 2015, a half (50 per cent) of who are women. International agencies in collaboration with the provincial Department of Refugees and Repatriates (DoRRs) provide most of the support for vulnerable persons in the centre and provinces. A team is formed of members from the international agencies and MoRR to ensure fair distribution of humanitarian aid for the most eligible and needy persons.

185. MoE is committed to and is prepared fully to provide access to education for returnees and IDPs. All provinces, especially those especially on the borderline, have been instructed to admit immediately those approaching the schools, and their guardians have 3 months to process their documents. During the return of refugees from Pakistan to the bordering provinces in 2016, around 17,000 students (30 per cent of whom were female) were admitted to the schools in the border provinces of Nangarhar, Paktika, Nimroz, Khost, Ghazni and Baghlan.

186. A preparatory plan has been developed in collaboration and cooperation with development partners. In collaboration with international agencies, refugees receive food items such as wheat-flour, rice, oil and other food items, as well as fuels such as wood, and charcoal, in addition to tarpaulin, health packages, physical cash and a residential land plot in one of the refugees’ townships. At the capital and in the provinces, a total of 135,682 IDP and returnee families have been covered under the humanitarian aid programmes.

187. The main challenges to implementing the National IDP Policy, is both lack of budget and the IDP families’ demand for local integration while local authorities ask

³⁴ Source: MoRR.

for the return of IDPs to their places of origin. Provincial plans are being prepared for more permanent solutions.

188. According to the decree number 104 of 1394 (2015), the President's Office of the Islamic Republic of Afghanistan brought into force distribution of land plots to the returnees. In 2017, a total of 577 land plots were distributed to the eligible returnees in one of the refugees' townships.

189. According to the Convention relating to the Status of Stateless Persons (1954) and Convention on the Reduction of Statelessness (1961) are under consideration by the Government of Afghanistan.

R. Marriage and Family Relations³⁵

190. The draft Family Law which sets the minimum age of marriage for male and female at 18 years is under scrutiny. Some of the provisions of the Shia Personal Status Law that were deemed discriminatory were amended and corrected, and in force according to the directive no. 405 dated April 7, 2009.

191. The Family Law has been drafted by an assigned committee with stakeholder's representation. The Directorate General of Legislation and Scientific and Legal Research has conducted a number of programmes in order to collect inputs from various social groups. After collection, analysis and integration of amendments the draft Family Law is now under scrutiny. In order to ensure that discriminatory provisions and those violating human rights, particularly of women and children are removed, international human rights instruments have been extensively utilized as sources of law in the draft Family Law and the Penal Code.

192. The MoJ, MoWA and MoHRA regularly undertake awareness raising activities for women on family rights and family relations. Additionally, the issues of family rights and family relations are integrated into the school curricula through which all the school students including male and female students receive awareness on family rights and family issues.

193. At the capital and provincial level, the Supreme Court has undertaken new measures for marriage registration in Personal Status Courts and WASAEQ Sections (those issuing a range of notarized and certified documents, including property registration and marriage certificates). These are in accordance with article 61 of the Civil Law and guidelines on the registration of marriage certificates, on the basis of decision no. 340 dated June 29, 2010 of the High Council of the Supreme Court.

194. Additionally, on the procedures of dissolution, divorce and separation cases, articles No. 135 and 211 of the Civil Law are applied. Establishment of courts in the centre and provinces are among the measures that help in the process of registration of marriages and processing the divorces. Since 2013 till mid-2017, a total of 85,896 marriage certificates and 2,280 divorce certificates have been issued.

195. Article 86 of the Civil Law and relevant articles of the EAW Law are applied to polygamy. Article 86 of the Civil Law of Afghanistan allows for multiple wives only in the following special conditions: (1) when there is no fear of injustice among the wives. (2) When the person has financial capacity to pay for alimony of the wives including their food, clothes, shelter and healthcare. (3) When there is a legitimate reason such as the first wife being infertile or suffering from difficultly curable diseases. The conditions and restrictions of article 86 have also been considered in the draft Family Law.

³⁵ Recommendation No. 43.

196. Additionally, the EVAW Law criminalizes polygamy without consideration of the 3 mentioned conditions as provided for in article 86 of the Civil Law. It anticipates a sentence for those who violate of at least 3 months short term imprisonment.

S. Optional Protocol and Amendment of Article 20 Paragraph 1 of the Convention³⁶

197. Acceding to the Optional Protocol of the CEDAW by the Afghan Government is under consideration. The Government of the Islamic Republic of Afghanistan endorses in principle, the scheduled meeting times set by the CEDAW Committee in accordance with the paragraph 1 of article 20 of the convention.

T. The Beijing Declaration and Platform for Action³⁷

198. The Government of Afghanistan developed NAPWA for 2008–2018. The main objectives of NAPWA are implementing the Afghan Government’s commitments to gender equality as stipulated in the legislations of Afghanistan, particularly in the constitution, and implementation of CEDAW provisions and the Beijing Declaration and Platform for Action. The NAPWA has two main goals, notably strengthening women and Gender Equality. From 2012–2014, MoWA undertook surveys on its implementation of NAPWA, based on which there has been significant progress on women’s participation in political, social and economic areas.

U. MDGs and Development Framework³⁸

199. The issue of Gender Equality is one of the important issues to which attention has been directed in national programmes and projects. The Government of the Islamic Republic of Afghanistan has established gender departments and units in all government institutions aimed at addressing women’s needs in recruitment, capacity development opportunities, supporting and creating a conducive work environment for women.

V. Technical Assistance³⁹

200. Several of the initiatives for improvement of women’s status have been funded by the Ministry of Finance (MoF). These include capacity building, drafting plans and policies, budgeting and finance, but particularly and directly on the basis of TMAF, no project or programme has been funded by the MoF. MoFA works jointly with the UN Women in the reporting process of CEDAW.

W. Publication and Broadcasting⁴⁰

201. Recommendations of the CEDAW committee are translated into the national languages and shared with all relevant national and international organizations through awareness raising initiatives.

³⁶ Recommendation No. 44.

³⁷ Recommendation No. 45.

³⁸ Recommendation No. 46.

³⁹ Recommendation No. 47.

⁴⁰ Recommendation No. 48.

X. Follow up and the Financial Reservations⁴¹

202. In 2015, the Government of the Islamic Republic of Afghanistan prepared and submitted to the CEDAW committee, a report on the recommendations number 11 and 23 of the CEDAW committee.

Y. Preparation for Next Round of Reporting⁴²

203. This report is prepared based on Harmonized guidelines under international human rights treaties. Based on President's Decree No. 3508 dated January 19, 2017, the Steering Committee of the reporting process for the CEDAW's Third Periodic Report was established and the first joint meeting of the Steering Committee and the Technical Committee was on February 20, 2017. MoFA hosted numerous meetings of the technical committee and the drafting committee to prepare the report. The report was initially drafted in national language (Dari) then it was translated to English, the process of collecting information and analysing them as well as translation and quality assurance of the report, made it difficult to abide the predetermined plan to finish the reporting as per the deadline.

⁴¹ Recommendation No. 49.

⁴² Recommendation No. 50.