

Islamic Republic of Afghanistan

Ministry of Foreign Affairs

Statement by H.E. Prof. Dr. Mohammad Qasim Hashimzai,

At the 55th Session of the

Geneva

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Madam Chairperson

Distinguished Members of the Committee,

Your Excellencies,

Ladies and Gentlemen,

On behalf of the Government of the Islamic Republic of Afghanistan, I wish to express our gratitude for having this opportunity to present, for your consideration, the combined initial and second periodic report which reflects the status of the implementation of Convention on Elimination of all forms of Discrimination Against Women (CEDAW). This report is the result of a consultative process with various stakeholders including both state and non-state actors.

The Government of Afghanistan signed the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) on 14 August 1980. However, the conflicts in the country did not allow the ratification of the Convention until 2003. My Government ratified CEDAW on March 5, 2003 without any reservations.

The government of Afghanistan is committed in seeking to achieve the objective of ensuring gender equality and empowerment of women.

Madam Chairperson

Significant achievements have been realized in the last decade regarding gender equality and promoting human rights. These include enactment of new laws,

formulation and implementation of policies, strategies and programs with a gender perspective. The Constitution of Afghanistan guarantees women equal rights with men in all spheres of the State. As a legal national assurance for the protection and duties of citizens of the country, it states in article 22: “any kind of discrimination and preference among the citizens of Afghanistan is prohibited”

Madam Chairperson

In the new draft regulation on elimination of discrimination in Afghanistan, discrimination has been defined as:

“Discrimination means any kind of distinction, exclusion or restriction on an individual who otherwise stands in equal position, directly or indirectly on the basis of race, nationality, ethnicity, religion, political affiliation, sex, appearance or on any other basis in his or her employment, civil services and training.

The Constitution of Afghanistan allocates at least 30% of the seats of the Parliament to women, in order to promote and ensure their participation in the legislative process.

At national planning level, the Afghanistan National Development Strategy (ANDS) is a credible governmental document towards organizing the government development programs for political, social and security areas. 17,000 people, nearly half of them women, in 34 provinces were directly consulted on the strategy. The second pillar of the strategy insists upon human rights and gender equality as a cross-cutting issue. In addition to that, the National Action Work Plan for Women (NAPWA) was prepared after wide scale discussion with ministries, NGO’s and the International Community. It is a ten year plan which covers the period between 2008 and 2018.

The three pillars of NAPWA, namely (1) security, (2) governance, rule of law and human rights, and (3) economic and social development form the foundation upon which we are advancing the gender equality agenda in my country’s transformation decade (2015-2024).

In fact, **Madam Chairperson**, today, Afghan women make up 27.7 percent of legislators in the Afghan Parliament, which is a unique example in the region

with a substantial number of female representatives. According to the World Bank survey in the year 2012, Afghanistan ranked 15th out of 40 countries, in terms of the number of women serving in the national government.

Women occupy one-fourth of government jobs, including nine percent at decision-making levels – ministers, deputy ministers, directors, a governor, two mayors, a district governor, an ambassador and other senior diplomats.

We have 3 women ministers out of 25, giving a percentage of women at ministerial level of 12%.

- At the Bonn Conference in 2001, around 10% of Afghan negotiators were women.
- In 2002, women made up 12% of the Emergency Loya Jirga members who selected the Head of Transitional Government.
- In the Constitutional Loya Jirga in 2004, 20% of participants were women.
- Women occupied 25% of the seats in the Consultative National Peace Jirga in spring of 2010.
- Women made up 32% in the Second Bonn Conference.
- Similarly in the year 2013 of the 100 newly appointed representatives abroad, 27 are female.

Distinguished Members of the Committee

An Elite Women's Advisory Board for the purpose of engaging women in the peace process has been established to ensure political participation at each government level.

Women peace committees are an expanded communication network of Peace Council which establishes inclusive communication with women working in government, Parliament, civil society, youth and community organizations. Currently around 90 women work as peace committee members all over Afghanistan.

Madam Chairperson

My government is committed to, and supports, the implementation of UN Security Council Resolution 1325.

We have started to develop a National Action Plan on Women, Peace and Security. The National Action Plan on Women, Peace and Security will be a prime tool for ensuring meaningful participation of women in conflict prevention, conflict resolution, peace process and security sector reform, and it addresses the issue of protection, prevention of violence and delivery of relief and recovery services to women as well.

For the better management of the process, a Steering Committee, comprised of the deputy ministers of the relevant institutions and a representative from civil society, has been put in place. The Steering Committee was approved by the President Office.

In addition, a Technical Working Group, comprised of representatives from relevant institutions, and a Technical Advisory Group, comprised of representatives from International Organizations, has been established for developing Afghanistan's National Action Plan on Women, Peace and Security.

We expect to be able to launch this important national action plan in about a year's time from now.

Madam Chairperson

The Draft Nationality Law which will be soon presented to the National Assembly, is drafted in accordance with the Constitution, keeping in mind CEDAW principles. In this draft law, significant changes have been made to existing law, particularly in regard to the citizenship of women.

According to the existing law, when an Afghan woman marries a foreigner loses her Afghan citizenship. The new draft law in recognition of the dual nationality principles, says that no individual who has Afghan citizenship can be deprived of this right.

Similarly, Afghan women, alongside men, will be protected from losing Afghan citizenship upon acquiring another country's citizenship, in recognition of the dual nationality principle.

Madam Chairperson,

The Government of Afghanistan has made significant achievements in Education sector:

- Girls make up about 40% of more than 8 million children going to school in Afghanistan today, a figure that was fewer than 1 million in 2001 – with no girls in attendance. 115,000 students attend higher education institutions.
- A new curriculum is introduced in general schools and crosscutting issues such as gender, human rights and health education is mainstreamed in to the curriculum.
- 31% of school teachers and 15% of university teachers are women.
- The number of Teacher Training Colleges are increased to 42 (at least one per province) and District Teacher Training Support Centers are established in 181 districts (50% of districts) to make teacher education accessible to all, particularly female. Currently over 60,000 student-teachers (42% female) are enrolled in pre-service and in-service two year teacher education diploma course.
- A \$60 per month cash incentive is given to female students at teacher training colleges in the provinces where the percentage of female teachers is low.
- A special incentive scheme has been set up with support from the Global Partnership for Education to recruit qualified female teachers (with their spouses) from urban centers and deploy them to rural schools, where locally educated girls are not currently available to become teachers.
- With support from WFP, take home rations are provided to female students to help encourage enrolment and retention.
- A cash transfer pilot has been initiated under Education Quality Improvement Program (EQUIP) managed by the World Bank (WB) to support retention of girls in the secondary grade.

Madam Chairperson,

According to the Civil Service Law men and women can equally participate in the competitive process of employment, certain incentives are considered for women recruitment:

- In the recruitment process women are given an extra 10 mark as a positive prerogative.

- Women participation is ensured in consultative commission, management board and evaluation committees of Civil Service Commission.
- Special capacity building programs are in place to promote skills of women employees.

Ladies and Gentlemen,

The Government of the Islamic Republic of Afghanistan has made significant achievements with regard to Women's Health:

Access to health care has increased from 8% in 2001 to more than 80% at present. As a result the life expectancy rate in Afghanistan has increased from 45 years to 62. Maternal mortality rate has decreased from 1,600 to 327 per 100,000 life birth.

Ministry of Public Health and Ministry of Hajj and Endowment are delivering health awareness through media, health centers and Mosques on women psychosocial wellbeing and reproductive health.

Madam Chairperson

As far as the role of women in the police force is concerned, there is no legal prohibition in regard to participation of women in the police force. A large number of women, after completion of their training, have joined police and the special force. Currently 2000 women are working in the police force and there is a plan to increase it to 5000 by end of 2014.

As an authorized agency to provide support to women who are discharged from prisons and shelters, the Ministry of Labor, Social Affairs, Martyrs and the Disabled has established Empowerment Centers for released women prisoners and set up Support Centers for their children.

Madam Chairperson,

With regard to transitional justice, a policy has been drafted and passed by council of ministers which also deals with the culture of impunity. The Afghan government, together with independent organizations like the Independent Commission on Human Rights, is taking steps to better implement and monitor the policy.

It is worth mentioning that in the Afghan Constitution there is no restriction on the movement of women. In practice women can travel anywhere, inside the country and abroad.

To further consolidate our democratic process, the Afghan people will go to the polls in 2014 to elect a new president and new Parliament. The Afghan government is doing everything possible to make sure the country holds free, transparent, inclusive and democratic elections, where independent Afghan electoral institutions are to lead the entire election process without any internal or external interference. Measures will be taken to ensure women can equally participate in the process including awareness raising, establishing voting centers for women and protection of voting centers.

Madam Chairperson

Afghanistan is fully committed to preventing any form of violence against women, including sexual violence. In this regard, we enacted in 2009 the Elimination of Violence Against Women Law (EVAW) with the intention to protect women.

Prosecution Offices to implement the above law have been set up within the structure of the Attorney General's Office in 10 provinces and will be expanded to all provinces. Perpetrators are being held accountable and prosecuted throughout the country.

EVAW Commissions have been established under article 15 of EVAW law with 50% participation by women. Shelter houses have been set up in 18 provinces for women who are victims of violence.

The Government of Afghanistan is opening formal courts in remote areas of the country as security improves, in order to enable people to have access to formal justice rather than seeking assistance from informal local justice. At the moment 211 formal courts are functional at district level.

The Association of Women Judges, set up by Presidential approval, has been operational.

8 family courts and shi'at family courts has been set up in 8 zones. With more to be opened in the future. During the past year, family courts considered 1473 cases which include 647 separation cases, 193 divorce, 191 maintenance, and 334 violence cases against women rights.

Some 200 women are trained as professional judges and are actively discharging their duties in various courts in the country.

151 women work in the administrative departments of the Supreme Court. Another 25 trained women judges have just finished their legal training and are about to be given judicial duties. Another 42 women judges will graduate next year.

Madam Chairperson

The national policy on legal aid is now in force. According to this policy and article 12 of the law on Elimination of Violence Against Women, legal aid is being provided to needy women free of charge. This year, the relevant department of the Ministry of Justice provided legal aid to 130 cases. In addition, the Non Governmental Organizations are providing legal aid for needy women as well.

The following legal instruments in this regard have been drafted and enforced in Afghanistan:

- Defense Attorney's law
- Legal aid regulation
- Policy, Strategy and Road map for legal aid

The president issued decree number 139 and the Ministry of Justice is instructed to increase and expand legal aid services in proportion to number of prisoners.

Ladies and Gentlemen

As far as the traditional justice is concerned, ANDS commissioned the government to formulate a policy on traditional justice. The policy has been drafted and measures are under way to link the traditional justice centers in the localities and villages with the formal justice or local courts. The purpose is to prevent informal justice rendering decisions against the law, and if they do their judgments will be nullified.

In according to article 24 of EVAW Law, the purchase and selling of women is prohibited, even if it is with the intention of marriage or under the pretext of marriage. The perpetrator will be punished by law.

As far as under age marriage, forced marriage and *Bad* (marriage for settling dispute) is concerned the provisions of Afghan law are clear. Sentences are set out in article 25, 26 and 28 of the law on elimination of violence, ranging from 2 to 10 years imprisonment. In addition, it specifies conviction and sentences for mediators, witnesses and registrars taking part in such matters.

Madam Chairperson

The Government of Afghanistan has established key institutions, including the Ministry of Women's Affairs, the Afghanistan Independent Human Rights Commission, the Elimination of Violence Against Women Commission, the special Violence Against Women Prosecution Office, Family Courts, Human Rights Support Unit at the Ministry of Justice, Gender Units at several ministries, and inter-ministerial committees for reporting on the implementation of the human rights conventions.

The Afghan government has also adopted a number of policy documents, legislation and action plans, including the Afghanistan National Development Strategy, the Afghanistan Compact, the National Action Plan for the Women of Afghanistan, the National Priority Programs, the National Plan for Countering the Trafficking of Children, the Elimination of Violence Against Women Law, Anti-Human Trafficking Law, Juvenile Justice Law, Law on Persons with Disabilities, Shelter Regulations and others, all in order to generally improve the human rights situation across the country.

Excellencies, Ladies and Gentlemen

Afghan women and girls today make up 24 percent of staff in healthcare, 5 percent in the security sector, and 30 percent of the agriculture sector;

- Women formed 40 percent of the voters in our last presidential elections in 2009.
- We have female pilots, army and police officers and professional martial artists.
- Women are at least a fifty percent force behind Afghanistan's vibrant independent media and active civil society groups – both of which are among the most visible and concrete achievements of the past decade.

Ladies and Gentlemen

These achievements have come in the face of exceptionally tough conditions and persistent ongoing challenges in the country, including targeted killings, and use of civilians as shields, suicide attacks and road-side bombings.

Madam Chairperson

We continue our efforts to retain our achievements and bring further developments, particularly in the key areas such as:

1. Promotion of rights and legal awareness and legal support particularly to women in remote areas to reduce defects of unappealing traditions;
2. Review and revision of legal instruments to ensure protection of women rights and prevention of violence against women.
3. Improve security and law enforcement in the areas where women has suffered from insecurity in the past
4. Further expand education services in the remote areas and design special programs with a focus to increase enrolment and retention of marginalized girls and women in schools.
5. Enhance quality and reach of health services for rural women.
6. Foster programs such as higher education, technical and vocational training and loan schemes to promote employability and economic development of women.
7. Facilitate participation of women in the political processes including participation in 2014 election.

Madam Chairperson,

In conclusion, let me add that no doubt there are many challenges that both men and women continue to face in Afghanistan, chief among them is the security situation.

But I can assure you that both the Afghan government and the Afghan people, especially our vibrant civil society and independent media, have the will, the courage and the determination to preserve, protect, expand and improve the rights and freedoms of all our citizens, especially those of women, girls and children as we take forward our nation's difficult but clear and exciting journey towards stronger democracy, better security, development and prosperity. This is what our people wish for and deserve.

Madam Chair and distinguished committee experts thank you very much for availing the opportunity for presenting Afghanistan report.