

Check against delivery



**Statement by H.E. Dr. Mohammad Qasim Hashimzai, Deputy Minister of Justice
and Head of Delegation of the Islamic Republic of Afghanistan to the 44th Session of
the Committee on Economic, Social and Cultural Rights**

**Dedicated to the consideration of Second to Fourth Periodic Reports of Afghanistan
to the International Covenant on Economic, Social and Cultural Rights**

Geneva

May 12, 2010

*Mr. Chairman,
Distinguished Members of the Committee,
Ladies and Gentlemen,*

The Islamic republic of Afghanistan is pleased to present its Second to Fourth Periodic Reports on the International Covenant on Economic, Social and Cultural Rights for consideration by the Committee.

Our delegation which includes deputy Ministers from Ministry of Justice, Labor, Social, Martyred and disabled Affairs, Public Health, Education and a representative of the Ministry of Foreign Affairs and our colleagues from the Permanent Mission of Afghanistan in Geneva are here to present the key findings of the report and to answer any questions about the covenant in a responsible, objective and impartial manner.

Mr. Chairman,

Since 2001, human rights, has enjoyed a special place in both the political process as well as the development agenda of our country. As a post-conflict country which has gone through decades of war with devastating impact on every single aspect of development and as a least developed country with the worst human development indicators, Afghanistan has recognized the people-centered development model as the appropriate and ideal framework for the development vision of the country.

It was based on this development model that the Government of Afghanistan developed the Afghanistan Compact and the Afghanistan National Development Strategy (ANDS), serves as Afghanistan's Poverty Reduction Strategy Paper and is the blueprint for the development of Afghanistan over the five years (2008-2013) and outlines the government's strategy for achieving its long term development vision, including the Afghanistan Millennium Development Goals (MDGs) and the benchmarks of the Afghanistan Compact.

Mr. Chairman,

Let me briefly explain how our National Development Strategy as well as the national legal and institutional frameworks have been contributing to the implementation of the Covenant in the country.

Economic and Social Development constitutes the main pillar of the National Strategy giving the priority to reducing poverty, ensuring sustainable development through a private sector-led market economy, improving human development indicators, and making significant progress towards the Millennium Development Goals. Within this pillar, there are six sectors relevant to the International Covenant on Economic, Social and Cultural Rights: (a) infrastructure and natural resources; (b) education; (c) health; (d) agriculture and rural development; (e) social

protection; (f) economic governance and private sector development. Besides, Human Rights is a sector in the second pillar of the Strategy and Gender is a cross-cutting issue.

Sectors relevant to the Covenant are among top ten sectors enjoying the biggest shares of the core development budget of which I can refer to education, health and social protection.

Besides, Ministries of Education, Higher Education, Public Health and Justice are among top ten ministries with biggest shares of Operating Budget.

Ladies and Gentlemen,

The Afghan economy has been recovering in the last nine years leading to considerable increase in income per capita as well as improvement in human development indicators.

Work-related achievements:

The Convention on the Rights of Persons with Disabilities has already gone through inter-ministerial procedure and is currently under review in the Parliament.

In April 2010, Afghanistan ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1999 (No. 182); the Amendment of the ILO Constitution, the Minimum Age Convention, 1973 no 138; and in 2009, Additional Protocols (I & II of 8 June.1977) to Geneva Conventions dated 12 August 1949 of the International Committee on Red Cross (ICRC).

Health-related achievements:

The Government of Islamic Republic of Afghanistan considers health as fundamental human rights for the Afghan people. Article 52 of the Constitution states, "the State shall provide free preventative healthcare and treatment of diseases as well as medical facilities to all citizens.

The health situation was worse in early 2002, there were only 496 functioning primary health facilities across the country, not much for a population of 25 million. A survey conducted in 2002 indicated that one woman died of pregnancy-related causes every 27 minutes. This meant that each week about 370 families became motherless; this is essentially a death sentence for small children in this society.

The Afghanistan Ministry of Public Health (MoPH) in 2002 decided to improve the health of the people of Afghanistan in an equitable and sustainable manner through quality health care service provision through Basic Package of Health Services and Essential Package of Hospital Services.

To date, the implementation of various programs in the health sector has made a demonstrable difference. The National Risk Vulnerability Assessment (NRVA) household survey conducted in 2007-2008 found a 37% reduction in under-five mortality compared with 2001 (from 257 to 161 deaths per 1000 live births) and a 33% reduction in under-one mortality (from 165 to 111 deaths per 1000 live births). These results provide strong evidence that infant and child mortality has substantially decreased in Afghanistan in recent years and has already achieved the benchmarks of Afghanistan's Compact 2010 for child and infant mortality.

Education-related achievements:

All school – age children have access without discrimination to quality education to acquire competences needed for a healthy individual, family and social life and for continuing their higher education. Under article 4 of the constitution, all the ethnic groups and minorities of the country are recognized equally. Meanwhile, in accordance with article 43 of the constitution the government is endeavouring to ensure classes are taught in the mother tongues of regions where they are spoken. The MoE has prepared text books in primary for children (grade 1 to 6) in local languages such as Uzbek, Turkmen, Pashai, Balochi and Noristani and the MoE is compiling text books in secondary schools (grade7-12).

According to recent data, the number of students, teachers and schools in the country are as the following:

-Number of students: 7 million in total (including 6, 8 million public schools, 56 thousands private and 199,000 cross border students, including the 37 % female students.

-Number of teachers: 160,128 (including 30 % female).

-Number of schools: 12, 763 (including 11, 892 governmental schools, 290 private and 661 cross border schools)

Number of primary schools 5267, middle school: 3639 and high schools 2805.

MoE provides quality modern textbooks and learning materials according to the new curriculum based on Islamic principles and national values in the light of modern scientific standards and the present and future needs of the Afghan society.

Teacher education is provided to develop the basic capacities of education for male and female teachers in order to improve the quality of teaching.

Priority programs in the five years national education strategic plan:

- 1- Curriculum development and teacher education
- 2- Technical and vocational education and training
- 3- Campaign against illiteracy
- 4- Education management.
- 5- Gender education

Ladies and Gentlemen,

Since the London Conference, three development Clusters have been formed:

(1) Agriculture and Rural Development: The vision of this Cluster is as the following:

- Fostering market-led licit economic growth
- Promoting inclusive and equitable growth
- Sustainable Natural Resources Development and Management
- Using local institutions effectively

(2) Human Resource Development Cluster: The vision and objectives of this cluster are as follows:

- To reduce the gap between education and vocational training and recruitment through medium-term programs based on market needs to be implemented in partnership with the private sector and non-governmental organizations.
- To expand capacity and improve the quality of vocational training, technical education, and institutions of higher education not only diminish unemployment but also overcome challenges, such as low illiteracy and poor access to education—especially for girls.

(3) Economic and Infrastructure Cluster: The aims of this cluster are as follows:

- Progressing Afghanistan's financial independence through strategic partnerships with extractive industries.
- Connecting Afghanistan to the region, and the rest of the world.
- Facilitating private sector led growth including increasing employment and trading opportunities.
- Delivering cost-effective energy to industries and communities.
- Improving Urban Livelihoods: The envisaged aims of this objective is to increasingly deliver to urban communities better services including energy supply, water and sanitation and public education and health; and increasing sustainable employment opportunities in order to improve lives now and in the future.

Mr. Chairman,

Availing this opportunity let me focus on some major legal and institutional achievements gained in the areas of Human Rights in Afghanistan in the last nine years:

The Bonn Agreement of 2001 established the Independent Afghan Human Rights Commission and laid the initial foundation to address human rights issues in Afghanistan. The values of human rights are enshrined in the Afghanistan Constitution of 2004.

There is a clear benchmark on human rights in both the Afghanistan Compact and the ANDS which states that by end-2010, the Government's capacity to comply with and report on its human rights treaty obligations will be strengthened. The main indicator for this benchmark is the number of government reports submitted to international treaty bodies.

Let me refer to some of our achievements in this regard as follows:

- Submission of Afghanistan's Second to Fourth Periodic Report on ICESCR in 2007.
- Submission of Afghanistan's Report on the situation of human rights in the country within the framework of the Universal Periodic Review. This report was presented to the

Fifth Session of the Working Group of UPR in May 2009 and was adopted by the 12th regular Session of the Human Rights Council on 24th September 2009.

- Submission of Afghanistan's initial report on CRC in August 2009 which is scheduled to be considered by the Committee on the Rights of Child in January 2011.
- The work on Afghanistan's CEDAW Initial Report has also been started in early August 2009 and is planned to be completed by October 2010. The Government of Afghanistan is planning to start the reporting process of the country on the International Covenant on Civil and Political Rights in the near future.

Meanwhile, Afghanistan needs to take steps for the review and revision of 700 laws which are currently in force to ensure that they are in keeping with our newly-established Constitution and with the international treaties to which our country is State party.

Let me in this context briefly refer to some of the main laws adopted or reviewed in the last two years:

- Adoption of the Law on Elimination of Violence against Women. This law makes violence a crime whether committed at home or elsewhere and prescribes sentences for its perpetrators. The Law is in line with the Convention on the Elimination of all forms of Discrimination against Women.
- The Shia Personal Status Law has been reviewed in the light of the Afghan Constitution and has been adjusted in accordance with Afghanistan's obligations towards international human rights conventions, and can be subjected to further review when need arises.
- The new Media Law of Afghanistan has been enacted and published in the official gazette which guarantees freedom of speech and publication, provides better environment for journalists' performances and protect journalist from undue intimidation, violence and censorship.
- The Law on the Establishment of the Commission to Supervise the Implementation of the Constitution, following a review by the Supreme Court, is now published in the official gazette.
- The draft Law on Family Planning has been prepared by the Ministry of Women Affairs and is now under review by the Ministry of Justice.

Since 2001, the government of Afghanistan has created various institutions dealing directly and indirectly with the issues of human rights and has carried out a number of institutional reform programs, among others; I would like to refer to the following:

- The establishment of the Ministry of Women Affairs as one of the major gains in the area of women rights in Afghanistan. MoWA itself is a human rights protecting mechanism for women in Afghanistan.
- The establishment of AIHRC
- The establishment of the Directorate of Human Rights and Women's International Affairs of Ministry of Foreign Affairs, which is charged with the preparation and submission of all treaty reports to which Afghanistan is a signatory.
- Creation of Human Rights Units in some ministries especially at the Ministry of Justice

- Creation of Gender Units in various Ministries.

Ladies and Gentlemen,

As emphasized in our report on the Covenant, principles of non-discrimination and equal rights are properly enshrined in the constitution as well as in various laws dealing with the provisions of the Covenant, including the Labor Law, Law on Education, Law on Health Services and Law on Civil Servants.

Despite all these efforts and commitments on the part of the Government in fulfilling its obligations vis-à-vis the principles of human rights including the Covenant on Economic, Social and Cultural Rights, Afghanistan still faces a number of huge challenges which have slowed down our progress and created obstacles in our efforts towards the full realization of our goals in the area of human rights. Top amongst them are insecurity and financial constraints.

Insecurity in some parts of the country has impeded the economic and social development. Scarcity of resources to finance nationwide welfare programs, in particular for the most vulnerable people including the disabled, children and women is another challenge which requires due attention.

More importantly, the issue of aid effectiveness especially in the justice sector programs has caused concern both for the Afghan Government and the international community.

Mr. Chairman,

In the end, let me reiterate the fact that the implementation of programs and reforms towards promotion of human rights in Afghanistan requires cooperation and participation of all concerned governmental bodies, the civil society institutions and also direct cooperation of international community particularly international organizations active in the area of human rights. With them on our side we will gradually witness the improvement in the condition of human rights in Afghanistan.

Finally, Mr. Chairman, our presence here today for the consideration of our report by the Committee is self-evidence of our commitment towards further implementation, promotion and protection of human rights in Afghanistan.

I thank you Mr. Chairman and the distinguished members of the Committee, as well as the secretariat for its dedication and cooperation.