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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Forty-third pre-sessional working group  
23-26 November 2009

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of  
the combined second to fourth periodic reports of Afghanistan concerning  
the rights covered by articles 1 to 15 of the International Covenant  
on Economic, Social and Cultural Rights (E/C.12/AFG/2-4)**

**I. GENERAL INFORMATION**

1. Please clarify the status of the Covenant in the domestic legal system. Have the rights contained in the Covenant been invoked by national courts, either as a ground for a case or as interpretative guidance for legal norms (core document, HRI/CORE/AFG/2007, paras. 149-151)? What steps are being taken to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies?
2. Please describe the State party's plans to collect relevant data with a view to measuring progress made in implementing the Covenant rights (HRI/CORE/AFG/2007, paras. 18 and 198-199). Was a census carried out in 2008 as planned? If so, please provide the Committee with the data compiled.
3. Please indicate to what extent the realization of economic, social and cultural rights as legal entitlements and obligations, is incorporated into the Afghanistan Compact and the Afghanistan National Development Strategy (ANDS). Please also provide information on the benchmarks in the area of social and economic development and on the progress made in this respect (State party report, E/C.12/AFG/2-4, para. 7 and HRI/CORE/AFG/2007, paras. 205-207). Please indicate whether budget allocation for human rights is planned (HRI/CORE/AFG/2007, para. 189).

4. Please provide more information on non-State dispute resolution mechanisms and how the State party ensures their compliance with the provisions of the Covenant (HRI/CORE/AFG/2007, paras. 114-122, 135). What measures have been adopted to build the trust of the population in the formal judicial system?
5. Please also indicate what measures have been taken to combat and prevent corruption at all levels of Government, including among the judiciary.
6. Please indicate the extent and manner of the participation of civil society in the preparation of the periodic report of the State party.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTS. 1-5)**

### **Article 2, paragraph 2 - Non-discrimination**

7. In addition to the constitutional prohibition on discrimination, what specific anti-discrimination legislation has the State party enacted, if any, including in the areas of employment, social security and social services, health care, education and housing (E/C.12/AFG/2-4, para. 13)? The Committee would also like to receive additional information on the reportedly high levels of societal discrimination against minorities and on the specific measures taken to protect members of minorities from discrimination and marginalization.
8. Please provide information on the 2008 Afghanistan National Disability Action Plan, the resources allocated for its implementation and how the State party ensures its implementation. Please also provide information on the measures taken to ensure that persons with disabilities are not discriminated against, including “Program 4: Supporting the Disabled” under the five-year strategic benchmarks (E/C.12/AFG/2-4, paras. 51-53 and HRI/CORE/AFG/2007, para. 231).

### **Article 3 - Equal rights of men and women**

9. Please indicate whether the State party has implemented or envisages implementing a comprehensive strategy to modify and eliminate negative traditional attitudes and practices and deep-rooted stereotypes that discriminate against women in the State party. Please also indicate whether the State party has carried out awareness-raising campaigns aimed at the elimination of stereotypes associated with the traditional roles of men and women in the family and in society at large (E/C.12/AFG/2-4, para. 20).
10. What measures are being taken to ensure that the right of women to the equal enjoyment of all economic, social and cultural rights is not compromised by discriminatory customary laws and practices? Please also provide information on the status of the Shia Personal Status Law and whether this legislation reinforces traditional practices and customs which discriminate against women, including with regard to guardianship, inheritance, under age marriages, and limitations on movements outside the home.
11. Please provide information on the progress made with respect to the gender benchmarks under the Afghanistan Compact. How does the State party plan to overcome the limitations mentioned in its core document (paras. 214-220)? Please provide more detailed information on the

National Action Plan for Women, including the date of adoption and the resources available for its implementation (HRI/CORE/AFG/2007, para. 190).

12. Please provide information on the results of the positive measures taken with a view to reducing gender disparities ( HRI/CORE/AFG/2007, para. 218). In light of the insecure environment for women in public spaces, what measures have been taken by the State party to raise the number of women in political and public life, in particular the judiciary (E/C.12/AFG/2-4, paras. 21-22)?

### **III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (ARTS. 6-15)**

#### **Article 6 - The right to work**

13. Please indicate whether a labour force survey has been carried out or is being planned. If so, the Committee would like to receive statistics related to employment, including disaggregated data, in particular regarding gender, as well as by public and private sectors. If such a survey is currently being planned, please provide information on the modalities envisaged and the institutions involved.

14. Please indicate whether measures have been taken by the State party to strengthen the effective implementation of the Labour Law, including provisions on the minimum wage, and other laws relevant to the right to work, as well as the impact of the National Skills Programme (E/C.12/AFG/2-4, paras. 26-37 and 40).

15. Please provide information on the scale of, and situation in, the informal economy, including working conditions, and the measures taken to ensure access by informal workers, in particular daily-wage workers, to basic services and social protection. Please also provide information on employment opportunities for returnees, internally displaced persons (IDPs) and young people.

16. Please provide information on the measures taken to generate more employment opportunities in the agricultural sector, in particular with regard to small and remote farms (E/C.12/AFG/2-4, paras. 72, 78, 81, 87).

#### **Article 7 - The right to just and favourable conditions of work**

17. What steps have been taken to implement the International Labour Organization (ILO) conventions listed as ratified in the State party report, such as Conventions No. 159 (1983) concerning Vocational Rehabilitation and Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (E/C.12/AFG/2-4, para. 23)? Does the State party intend to collect data on wages in the private and public sectors (E/C.12/AFG/2-4, para. 41)? Please also indicate whether the minimum wage has been fixed above the poverty line in line with article 7 paragraph (a) (ii) of the Covenant and how it is determined.

18. Please provide detailed information on discrimination against women in work environments, in particular concerning equal pay for work of equal value. Has the State party conducted or does it intend to conduct any awareness-raising campaigns in this respect?

19. Please provide detailed information on the situation of sexual harassment in the workplace, and whether such harassment is specifically prohibited and punished by law. If so, please provide information on cases that have been heard by the courts.

#### **Article 8 - Trade union rights**

20. Please provide more detailed information on dispute resolution in law and in practice, and on the right to strike. Please also indicate how the State party intends to promote the development of trade unions, in particular outside Kabul (E/C.12/AFG/2-4, paras. 48-50).

#### **Article 9 - The right to social security**

21. Please provide information on the State party's plans regarding the establishment of a social security system, in particular with regard to assistance for unemployed persons, a pension system for older persons and support for single mothers. Please indicate whether the plans envisaged make provision for the social protection of all disadvantaged or marginalized individuals and groups, including IDPs and returnees (E/C.12/AFG/2-4, paras. 25, 51-57, 60 and HRI/CORE/AFG/2007, para. 219).

22. In light of the 2008 Afghanistan National Disability Action Plan, has the State party adopted or does it envisage adopting a law on assistance for persons with disabilities? If so, please provide information on its content and the financial resources allocated to its implementation (E/C.12/AFG/2-4, para. 53).

#### **Article 10 - Protection of the family, mothers and children**

23. Please indicate whether the State party has conducted a comprehensive survey on the extent of child labour. Please provide more detailed information on the concrete steps that have been taken to eradicate child labour and their outcome. What measures have been taken to strengthen the implementation of the existing legislation in this regard? Please also provide information on the situation of street children and the measures taken to protect them from economic and social exploitation, work harmful to their integrity or health, or dangerous to life (ILO Convention No. 182), and the outcome of such measures (E/C.12/AFG/2-4, paras. 64-66).

24. Please provide information on the efforts undertaken by the State party to prohibit corporal punishment of children in all settings, including in the home and in alternative care, as announced at the meeting of the South Asia Forum in July 2006. How does the State party ensure the implementation of the policy of prohibiting corporal punishment of children in the educational system?

25. Please provide information on the system of institutional care for children, existing residential care facilities, regulatory mechanisms, the numbers and qualifications of orphanage staff, as well as admission policies. What measures have been taken to ensure the effective implementation of the National Strategy for Children at Risk, and what has been the outcome, since its adoption in May 2006 (E/C.12/AFG/2-4, paras. 65, 68)?

26. Please provide information on violence against women, in particular domestic violence and so-called honour killings, and including disaggregated data on the number of prosecutions and convictions based on the Law to Eliminate Violence against Women. In view of the

underreporting of such violence and gender-biased ways of thinking, please indicate whether measures have been taken with a view to ensuring that women can register complaints with the police without fear, and that all cases are duly prosecuted without delay, and in particular, to ensure that perpetrators linked to so-called power brokers are not exempt from prosecution (E/C.12/AFG/2-4, paras. 62-63).

27. Please provide information on the phenomenon of forced and child marriages as well as the measures taken by the State party against it (E/C.12/AFG/2-4, para. 59). Please also explain how “moral crimes” are defined in the State party, as a high percentage of children are detained in juvenile rehabilitation centres for committing such crimes.

28. Please indicate what concrete steps have been taken by the State party to combat trafficking in persons and the sale of children, to identify and protect the victims, and to prosecute and punish the perpetrators. Please comment on reports that sexual violence against boys is widespread in certain regions of the State party (E/C.12/AFG/2-4, para. 66).

### **Article 11 - The right to an adequate standard of living**

29. Please provide more detailed information on the achievements regarding Goal No. 1 of the Afghanistan Millennium Development Goals and the impact of the related programmes aimed at combating poverty, including the groups which have benefited the most from these achievements (E/C.12/AFG/2-4, paras. 7-8). Does the State party have a plan of action to combat poverty, which integrates economic, social and cultural rights?

30. Please indicate how the State party intends to address the difficulties in collecting data in relation to the right to housing, such as on homelessness, forced evictions and cadastre mapping. What steps have been adopted to ensure access to housing and land ownership, as well as on resolving persistent land disputes, including the adoption of a land management law and a national land policy? Please provide information on cases before the Special Land Property Court. Please also provide information on the measures the State party is taking with a view to preventing discrimination against women in cases of land disputes (E/C.12/AFG/2-4, paras. 93-99; HRI/CORE/AFG/2007, para. 46).

31. Please provide more detailed information on the concrete measures taken to address the high level of malnutrition and hunger in the State party. Please also provide information as to how the development programmes in the agricultural sector contribute to the right to food for everyone, in particular the most disadvantaged and marginalized individuals and groups. Please describe the impact of the awareness-raising campaigns on the importance of breastfeeding in preventing infant malnutrition. Please also indicate whether the programme “Food Security for All” has been launched and implemented (E/C.12/AFG/2-4, paras. 79-91 and HRI/CORE/AFG/2007, paras. 66-68).

32. Please provide information on the draft water bill. Does the bill include protection clauses for poor households? If not, please provide detailed information on the measures taken to ensure affordable access to adequate water and sanitation, including adequate sewerage and sewage disposal facilities, in particular with regard to the most disadvantaged and marginalized individuals groups, such as persons living in rural areas and IDPs (E/C.12/AFG/2-4, paras. 112-116).

### **Article 12 - The right to physical and mental health**

33. Please provide detailed and updated information on the accessibility of health care in the State party. In particular, how does the State party ensure access to adequate health services, goods and facilities for the most disadvantaged and marginalized individuals and groups (E/C.12/AFG/2-4, paras. 125-134, 148-149)? Is the State party considering an increase in the allocation of human and financial resources to health programmes? Please also provide more detailed information on the mobile health teams and their effectiveness (E/C.12/AFG/2-4, para. 146).

34. In view of the information provided in E/C.12/AFG/2-4, paragraphs 106-107, please indicate whether, and if so how, the State party intends to address the problem of the large percentage of the population suffering from mental health problems and of making mental health services more widely available.

35. Please provide information on the implementation of the Health and Nutrition Policy 2005-2009, in particular with regard to providing health care to persons living with HIV/AIDS (E/C.12/AFG/2-4, para. 152).

36. Please indicate whether steps have been taken to ensure a sufficient number of trained health-care personnel as well as quality medical equipment in all health-care facilities.

37. What concrete measures have been adopted by the State party with a view to improving maternal health and reducing maternal mortality, in particular in remote regions where access to health facilities is limited, and what has been the outcome? Please also provide information on the steps taken to decrease infant mortality, to enable women to deliver at health facilities, and to ensure that female health-care staff are available in all health-care facilities, in particular through the implementation of the National Health Policy (E/C.12/AFG/2-4, paras. 110-111, 127, 137).

### **Articles 13 and 14 - The right to education**

38. Please provide information on the effectiveness of the measures adopted to provide quality primary and secondary education to the most disadvantaged and marginalized individuals and groups, regardless of gender, ethnicity, disability, and other factors impeding such access. Please also provide information on school attendance and dropout rates, in particular how does the State party intend to ensure access to education, in view of the deteriorating security situation, for children in, and on the way to and from, school?

39. According to paragraph 170 of the State party report, there are no school fees. Please indicate whether the State party covers the costs of schooling apart from fees (such as for stationery, transportation and uniforms) for poor families (E/C.12/AFG/2-4, paras. 171, 175, 178).

40. Especially in view of the limited number of schools, please explain why a policy directive requires the separation of married from unmarried girls in school while no such policy exists for boys. What measures have been taken to increase the number of female teachers, in particular in rural areas? Please also describe the impact of the steps taken to overcome traditional attitudes that impede girls' education and provide information on any special measures adopted, including incentives for parents to send girls to school.

41. Please provide detailed information on the effectiveness of the literacy programmes carried out by the State party, in particular with regard to women. Do such literacy programmes also target persons belonging to minorities (E/C.12/AFG/2-4, para. 194-196)?

#### **Article 15 - Cultural rights**

42. Please indicate whether the State party has taken any measures to implement the laws on the protection of cultural patrimony. Please also provide information on the progress made regarding the application for World Heritage Status for two cultural sites in the State party, namely the minaret and archaeological remains of Jam as well as the cultural landscape and archaeological remains of the Bamiyan Valley (E/C.12/AFG/2-4, paras. 206-209).

43. Please provide information on the concrete steps adopted to promote and protect the identity and rights of minorities, such as the Kuchi, to enjoy their cultural rights under article (15) (a) of the Covenant. Please also provide detailed information on the concrete measures taken to protect all the languages spoken in the State party and their outcome (E/C.12/AFG/2-4, paras. 14, 202).

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