



Economic and Social Council

Distr.: General
21 May 2010

Original: English

Committee on Economic, Social and Cultural Rights Forty-fourth session

Summary record (partial)* of the 17th meeting

Held at the Palais Wilson, Geneva, on Friday, 14 May 2010, at 10 a.m.

Chairperson: Mr. Marchán Romero

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second to fourth periodic reports of Afghanistan (continued) (E/C.12/AFG/2-4; E/C.12/AFG/Q/2-4 and Add.1; HRI/CORE/AFG/2007)

1. *At the invitation of the Chairperson, the delegation of Afghanistan took places at the Committee table.*

2. **Mr. Kedzia** said that the Committee had been informed that early marriage was one of the main causes of the violation of girls' rights, in particular their right to education. Girls as young as 10 and 11 years of age were married. That situation, irrespective of whether it was a question of religion or culture, was a problem. He would appreciate information on government plans or measures to address the issue of underage and forced marriages, and on activities to change cultural and traditional attitudes in that regard. Turning to the issue of child and maternal health, he said that although the State party's report stated that the rate of infant mortality had decreased dramatically, statistics provided by the United Nations Children's Fund (UNICEF) showed that the rate of infant mortality had remained unchanged between 1990 and 2003. He requested clarification of the situation, and asked whether more recent statistics were available.

3. **Ms. Bonoan-Dandan** said that although older persons traditionally occupied a highly respected position in the family and in society in the State party, the Committee had not received any information on government programmes, strategies, plans of action or legislation to ensure their well-being. She asked whether there were any measures being taken in that regard, and in particular whether there were any provisions in the Afghanistan National Development Strategy that specifically targeted older persons.

4. On the issue of migrant workers, she drew attention to the situation of undocumented Afghans who were being smuggled into the Islamic Republic of Iran for the purposes of economic exploitation. The smugglers earned millions of dollars, while the migrants were detained in Iran or returned to Afghanistan. She asked whether the Governments of Afghanistan and Iran were cooperating to address that situation, and what the Government of Afghanistan had done to organize the dignified return of those migrants.

5. Although there was no punishment provided for by law for women who ran away from home, in practice those women became victims of severe physical and mental abuse. She wondered whether the Government was aware of that situation and, if so, what measures it was taking to rectify it.

6. There were around 10,000 documented orphaned children, and many families with no means of support, owing to the situation of armed conflict in the State party. The Committee had been informed that orphans were often kept in institutions where they suffered abuse and their rights to education, health care and decent standards of living were not respected. She asked what measures were being taken to protect orphans and families with no means of support.

7. **Mr. Sadi** asked who was responsible for operating private shelters for orphans, who funded those shelters and whether there was a system of monitoring and inspection in place. He also wondered whether State-run orphanages were inspected to ensure that the children were treated in a humane manner. He asked about the status of the Family Law and the Law on Violence against Women, since it was unclear from the information provided by the State party whether those laws had been adopted and had entered into force. Noting that the

Family Law criminalized underage and forced marriages, he asked if the delegation could provide any examples of case law on the subject of underage or forced marriage.

8. On trafficking in persons, he wished to know how many people had been apprehended and prosecuted under legislation on trafficking. He wondered how the Government investigated unreported cases of child abuse, and how people were encouraged to lodge complaints on occurrences of child abuse.

9. **Mr. Hashimzai** (Afghanistan) said that corporal punishment was prohibited in schools under the Education Law. In order to ensure the implementation of that law, the Ministry of Education had sent a circular to all schools on the prohibition of corporal punishment, stating that teachers would be subject to questioning and disciplinary action if cases of corporal punishment were reported. Despite being prohibited by law, corporal punishment occurred in families, and was more difficult for the authorities to detect than corporal punishment in schools. Investigations could only take place if a complaint had been filed. Efforts were being made to change societal attitudes through the media and sermons on corporal punishment in mosques, since the public were particularly receptive to messages in a religious environment.

10. The special prosecution unit set up in the Attorney-General's Office to prosecute cases of violence against women was dealing with all the 21 cases submitted to it since January 2010. No system had yet been introduced to inform the public of court decisions. It was the practice of the Government to find shelter for victims of domestic violence. Women's shelters were predominantly run by the international community. Victims were taken to the shelters before their cases went before the courts. On the question of the Shia Personal Status Law and marital rape, he said that the law had been scrutinized by the international community and found to have a number of loopholes. It had therefore been revised, and a total of 70 articles had been removed. The provision causing the Committee concern had in fact been removed from the law, which had been brought into line with Afghanistan's international obligations.

11. Turning to questions on the right to a decent standard of living, he said that the Government was committed to increasing the average income per family, since 36 per cent of the population currently lived below the poverty line. It was hoped that persons on an income of less than \$1 a day would be earning \$3 a day by 2020. A number of development programmes were in place, including programmes to increase agricultural output, promote national solidarity, build road infrastructure, improve the supply of drinking water, increase the capacity of the public health service, provide microcredit for enterprises, and reduce vulnerability. A pilot Safety Net programme had also been launched by the World Bank, which, if successful, would be rolled out at the national level. A total of 22,224 national solidarity councils had been established. The Government hoped that all those measures would help increase per capita income from an average of \$182 a year to \$354 a year by 2015.

12. **Ms. Burhani** (Afghanistan) said that, following the fall of the Taliban regime, the Government of Afghanistan had faced tremendous difficulties in resuming its functions in the health sector, owing to the unstable security situation and the lack of financial and human resources, as well as the lack of health-care statistics. Many disparities existed in the provision of health care, for reasons of geography, socio-economic conditions and gender. The Ministry of Public Health had taken measures to improve the health and nutrition status of the population as a whole in an equitable and sustainable manner, through high-quality health-care services and the promotion of healthy living, with a particular focus on women and children. The Ministry had engaged NGOs to deliver basic health services to rural areas. Volunteer community health workers, in particular midwives, had been trained, and 22,000 health workers were providing life-saving services in remote villages. Training was

also being provided for female nurses. Those efforts notwithstanding, there was still a considerable dearth of midwives and nurses and further efforts were required.

13. Nearly 150 policies, strategies and regulations had been drawn up in the effort to meet the Millennium Development Goals, with a particular focus on reducing the infant and child mortality rate and the maternal mortality rate by 50 per cent, and on halting the spread of HIV/AIDS, malaria and other serious communicable diseases. A new programme on HIV treatment was being implemented, and a hospital for communicable diseases, including HIV, malaria and tuberculosis, was to be built. The programme was supplying services in eight provinces. Afghanistan had one of the worst records in the world for drinking-water supplies and sanitation. Efforts were being made to extend the supply of drinking water to over 15 million people living in rural areas by 2013.

14. In order to improve access to primary health care, primary health-care centres and mobile health units had been established to provide check-ups, family planning services and prenatal and maternal care, among other things. A further 500 health-care facilities would be built in the coming five years, provided that the required financial resources were available. In light of a reform by the Ministry of Finance, according to which all ministries must include a gender dimension in their budgets, the Ministry of Public Health had allocated 30 per cent of its budget to projects for women.

15. Turning to the issue of food security, she said that the Ministry of Agriculture, Irrigation and Livestock had launched food security programmes in consultation with the United Nations and other organizations, to address four priority areas: first, infrastructure and decentralization; second, food security at the household level; third, micro-infrastructure systems; and, fourth, emergency funding for times of crisis.

16. **Mr. Muhmand** (Afghanistan) said that his country had ratified the Convention on the Rights of the Child in 1994 and had submitted its initial report on the implementation of that instrument in 2009. The Government had developed the National Strategy for Children at Risk in 2006 and had ratified the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) and the ILO Convention concerning Minimum Age for Admission to Employment (No. 138) in 2009. In order to raise public awareness of the domestic and international legislation on child labour, the Ministry of Labour and Social Affairs and other stakeholder organizations had held workshops and launched campaigns in the capital and the provinces. The Child Protection Action Network, formed from government and NGO representatives, was present in 28 provinces and 51 districts and aimed to protect children from labour and other types of exploitation. In addition, the Government had established several family support programmes in order to create job opportunities for families, thus eliminating the need for children to work. There were still, however, some 1.2 million child workers in Afghanistan. A survey conducted by the Ministry of Labour and Social Affairs, with funding from UNICEF, had identified the root causes of child labour as poverty and low family income, lack of security, lack of support for family protection, family disputes, lack of education and cultural development in society, and lack of public awareness about children's rights. The Government was taking steps to ensure that the media and religious leaders contributed to efforts to raise awareness among parents and guardians of the need for children to attend school and not undertake dangerous jobs.

17. The Government had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and was taking measures to prevent human trafficking and support victims of trafficking, especially women and children. To date, three protection centres had been established to support victims of human trafficking. The Government was also striving to promote international cooperation on the issue, including in efforts to prosecute traffickers. From 2006 to 2009, some 1,125 cases of trafficking had been registered, only 64 of them in 2009. The Ministry

of Justice had set up a commission to combat human trafficking, which was responsible for the protection, rehabilitation and repatriation of victims. Legislation criminalizing people-smuggling and human trafficking prohibited the prosecution of victims of trafficking and provided for child victims to be reunited with their families. If that was not possible, they were cared for by social services. All victims of human trafficking were given medical treatment. The Government had set up controls and monitoring centres at several major border crossings and had used diplomatic channels to ensure there was cross-border cooperation and assistance to control trafficking. It was, however, difficult to provide an accurate estimate of the current trafficking activity.

18. There were currently 64 orphanages in Afghanistan, caring for more than 13,500 orphans, the vast majority of whom were boys. There were 36 orphanages funded by the State, 11 supported by NGOs, and 17 run by the private sector. The national curriculum was taught in all orphanages and all the institutions were bound by the Government's child protection strategy. The Government monitored all orphanages run by the private sector.

19. Most elderly people were cared for by their relatives. Nonetheless, the Government planned to establish five shelters for the elderly as a pilot study; if they proved successful, others would be built nationwide.

20. The Government was aware that many young people had left the country and were working abroad illegally, some 90,000 of them in the Islamic Republic of Iran. It was in negotiations with the Government of Iran, and seemed to be close to signing an agreement on settlement giving the workers legal status in that country.

21. **Mr. Hashimzai** (Afghanistan) said that the Ministry of Refugees had been in operation since 2005, providing refugees with shelter and employment. While the long-term plan was to distribute land to returnees who did not have a home, the process was proving complex. The Ministry of Labour and Social Affairs was ultimately responsible for finding jobs for returning refugees. There was plentiful employment for professionals and construction workers. For those with no skills, the situation was more difficult, but social welfare programmes were available.

22. **Ms. Bonoan-Dandan** asked whether women who left their homes to escape domestic violence risked being arrested and punished by the courts.

23. **Mr. Hashimzai** (Afghanistan) said that there was no legislation providing for victims of domestic violence to be punished. Many women who ran away from their homes were housed in shelters until their cases had been investigated. The authorities had found that most of them did not want to hide away in shelters, so had given them the opportunity to work in government offices and to reintegrate into society.

24. It should be noted that some 1,700 returning refugees had been housed by the International Organization for Migration.

25. **Mr. Sadi** asked whether the Government was taking any measures to educate imams on essential family matters, particularly the need for tolerance, love and affection between spouses, equal treatment for women and protection for children. He asked whether the recruitment of female nurses was a problem in the State party and, if so, what steps the Government was taking to promote women's entry into the health service. Lastly, given that about one third of the population was living in poverty, he asked whether combating poverty was not the most direct way to stem the recruitment of Afghan citizens by terrorist groups.

26. **Ms. Barahona Riera** asked what percentages of the national budget were allocated to health care, gender issues and education. She also asked what proportion of the health budget was allocated to sexual and reproductive health. She wished to know whether, in the long term, the Government planned to focus on establishing a public or a private health

service. Had the Government contemplated introducing some short nursing courses to ensure that the State party had enough nurses to meet the public's basic health needs in the short term?

27. **Mr. Hashimzai** (Afghanistan) said that the imams were indeed very influential in forming opinion. Their salaries were paid by the Ministry of Endowment and Islamic Affairs, which had a large budget and ran education programmes throughout the country on such topics as sanitation and child care. Influential as the imams were, however, the mass media enjoyed an increasing impact as the population now had access to 80 radio stations and 20 television stations.

28. He acknowledged that, with 9 million people living below the poverty line, opposition groups did not lack opportunity for recruitment. The plan was to create more jobs — in areas where there was no war — by building factories, airports and roads. Some programmes to that end had been funded by the United States of America in the south of the country.

29. **Ms. Burhani** (Afghanistan) said, with regard to the budget for reproductive health, that the health ministry operated an integrated system, so it was hard to be specific, but her estimate was that 21 per cent went on reproductive health and 9 per cent on other aspects of maternal health. The Ministry of Finance and the Ministry of Women's Affairs would send the relevant information covering the past two years to the Committee.

30. With regard to the question of public or private health, the Constitution said that health must be free. There had been a huge investment by the Government and the donor community, including Governments and national and international NGOs. The Ministry of Public Health had recently extended its coverage to tertiary care. Since it was very costly, however, it focused on the private sector in that regard and had also established some public-private partnerships.

31. Nurses received in-service and pre-service training. The tertiary care programme suffered from a lack of female nurses, but the programme for community midwives was thriving. Training took 18 months, and funds for 12 such programmes had already been approved. It was hoped that, in 2011, the number of training programmes would rise to 27.

32. **Mr. Abashidze** said that 13 out of the 96 recommendations contained in the report of the Working Group on the Universal Periodic Review on Afghanistan (A/HRC/12/9) had concerned education and he asked whether the Government had taken them into account when preparing its report for the Committee and, if so, in what way. The Government's stated ambition of ending inequality by 2020 looked unlikely to be achieved if the Ministry of Education persisted in teaching married and unmarried girls in separate classes but did not apply the same criteria to young men. He wondered how the Government proposed to tackle the shortage of women teachers. Part of the problem surely lay in early marriages; and a possible solution was the compulsory registration of marriage. He was surprised that such registration did not exist. Lastly, although the Constitution enshrined the right to the use of the mother tongue, the current national development strategy made no provision for minorities such as Sikhs and Hindus. He asked why that was the case.

33. **Mr. Abdel-Moneim** noted that the Government was having difficulty in achieving its Millennium Development Goals, and asked whether donors were aware of that fact. He commended the Government for the 95 per cent of students in general education and the fact that madrasas were under the supervision of the Ministry of Education, although he wondered whether the country was able to support as many as 35 higher education institutions. He was worried about the question of tuition fees, mentioned in paragraph 185 of the State party's report: free education was crucial. He commended the balance struck between the social and natural sciences and Islamic studies in the newly established Academy of Sciences. Lastly, he asked how Denmark and Switzerland had responded to the

Government's request, described in paragraph 207 of the report, that they should return relics that had been illegally exported from Afghanistan.

34. **Mr. Schrijver** said that, following the deliberate destruction and pillaging of the country's cultural heritage, notably the Buddhas of Bamiyan, the Committee appreciated Afghanistan's ratification of the various international heritage conventions and the development of a legal framework for heritage protection. It was not, however, clear what the Government was doing in practice to protect cultural sites, especially historic monuments, to prevent the smuggling of historic objects and to repair or restore damaged sites.

35. **Ms. Bras Gomes** said that she wished to clarify a point about the 21 cases of violence against women that had been mentioned earlier. The information given came from the Government's own replies to the list of issues (E/C.12/AFG/Q/2-4/Add.1, para. 52); she requested that, in its next report, the Government should tell the Committee of the outcome of those and any subsequent cases.

36. She did not understand why married women were taught in separate classes in schools. By restricting such a policy to girls, the Government was in danger of perpetuating the stereotype that women needed to learn about married life, while men did not. She welcomed the fact that the literacy rate among girls was improving; but the gap between male and female literacy rates remained a problem and she urged the Government to launch a campaign to persuade families to send their daughters to school. Such a campaign should involve the older women of the family. She wondered whether the Government considered that its strategy in that regard had been successful to date.

37. The Constitution protected local languages, but in practice a number seemed on the verge of disappearance. Language was an important aspect of reconstruction and she asked whether the Government would be drawing up a plan to protect and promote local languages. Lastly, she noted with regret the lack of musical instruments for children.

38. **Ms. Bonoan-Dandan** said that the Government had fixed a number of benchmarks for March 2011, under which school enrolment would increase to 60 per cent of girls and 75 per cent of boys and there would be a new curriculum, a 50 per cent increase in women teachers and an assurance that 70 per cent of teachers would have passed a competency test. She asked what stage the Government had reached in achieving that goal. Much had been achieved, but 5 million children — 46 per cent, or 7 per cent of the children worldwide who did not go to primary school — still lacked access to education. There were not enough secondary schools, particularly in rural areas, with the result that children dropped out simply for lack of facilities. Moreover, 60 per cent of girls did not attend school partly because their parents feared for their safety in the streets, because it was too far to walk or because the teacher was a man. She therefore asked what measures the Government was taking to encourage women to become teachers. She also asked what kind of training women teachers received and how many teacher training institutions there were in Afghanistan.

39. The information on children with disabilities varied greatly according to different sources and she requested further details in Afghanistan's next periodic report. She also wondered how much consultation there had been in the preparation of the development programme under the Afghanistan National Development Strategy and what the people's main concerns had been. In its next report, the Government should report on progress in its compliance with the Dakar Framework of Action and whether it had reported to the Special Committee on Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO). If it had, it should include its report to the UNESCO Committee with its next periodic report.

40. Lastly, she asked what measures had been taken in practice to protect historical monuments and archaeological sites, to promote the economic, social and cultural rights of all minority groups in music, art and language, and to prevent the illicit excavation of historical sites and trafficking in historical objects.

41. **Ms. Barahona Riera** said that she was still seeking information on the percentage of the national budget allocated to education and health. The information was important for the Committee's assessment of the Government's determination in that regard. She also asked how much ministries had requested and how much had been granted. Some sources said that many programmes had not been implemented for lack of funding.

42. She noted that the training of female teachers came up against the problem of illiteracy. Schools also suffered from a lack of facilities and she wondered whether separate toilets could be provided for boys and girls so that they could attend school. A minimum school day should be four hours; and if school buildings were used for other purposes, it made them an unsafe environment.

43. Lastly, she wondered why children were not taught about the dangers of drugs in primary as well as secondary schools. The Government should also set up programmes to help families find an alternative income, so that they did not rely on drug crops. The next report should contain further details on its plans in that regard. She was concerned about the cost of school uniforms and transport and wondered what solution the Government envisaged. She also asked for further details of the Government's campaign against illiteracy.

44. **Mr. Sadi** said that the Committee was concerned by reports of attacks on girls, whose faces had been sprayed with acid as they went to school. He asked if that phenomenon was widespread and what was being done to stop it. He would like to know if any of the perpetrators had been prosecuted. If not, it would be difficult to encourage girls to attend school and, thus, to increase female literacy.

45. **Mr. Kedzia** said he shared the concerns expressed by Ms. Bonoan-Dandan about children's access to education, and noted that many more boys than girls attended Islamic schools, that general school attendance by girls remained low and that the female dropout rate was high. It seemed that underage marriages, the lack of female teachers and secondary schools for girls, the long distances between schools and homes, and insecurity had all contributed to a fall in the percentage of girls who attended secondary school. He would be grateful for more information on planned measures to remedy that situation.

46. The education needs of the Kuchi minority seemed to have been particularly neglected, given that only 11 per cent of males and 6 per cent of females received primary and secondary education. He asked what was being done to rectify that.

47. He said he would also like to know how widespread public access to the Internet was and to what extent computers had been introduced in schools, and asked what further measures were planned in those areas.

48. **Mr. Hashimzai** (Afghanistan) said that Afghanistan had received much assistance from the international community to help it implement its Millennium Development Goals and the Afghanistan National Development Strategy, which it could not finance alone. Many of the benchmarks set out in the strategy required nationwide action, as in the case of plans by the Ministry of Justice to open prisons in every district by 2013, with separate facilities for women and young offenders. International donors, however, sometimes preferred to work directly with NGOs on specific programmes, which at times fragmented planning at the national level. In the case of the prisons plan, the Government had insisted that benchmarks should be implemented across all provinces and donors had accepted that.

49. With regard to the protection of cultural heritage, he said that legislation was in place to protect monuments and national heritage sites. Museums across Afghanistan had been looted during the years of war and many of the objects taken were now in private hands or in museums around the world. When their present owners refused to return them, the Afghan authorities had no choice but to prosecute them. To do so, however, they required help from the international community to pay legal costs. The international community was aware of the situation and some objects had been returned. The Government allocated funds for the registration and maintenance of monuments, including those that had been damaged or destroyed, like the Bamiyan statues of Buddha. Plans to restore and maintain various monuments were being implemented. There had even been talk of restoring the Bamiyan statues one day.

50. With regard to musical heritage, programming on many radio and television stations was dominated by music and the arts, in spite of opposition from some groups.

51. **Mr. Muhaqqique** (Afghanistan) said that all citizens had the right to equal access to education, without fear of discrimination. The Constitution guaranteed free education for all citizens up to undergraduate level, and 15 per cent of the national budget was allocated to the Ministry of Education. The Government was obliged to provide compulsory secondary education and was working towards the provision of education in local languages. With regard to religious minorities, Hindus and Sikhs had special schools. There was also a school for the deaf and blind, for whom the Government was preparing a special education programme.

52. The new curriculum had been elaborated in accordance with Islamic principles, national values and international, scientific standards. Text books contained material on women's rights, human rights and the dangers of drugs. Computer classes had been introduced in Kabul and various other provinces. With regard to separate classes for males and females, he said that coeducation classes took place in the universities.

53. The Constitution guaranteed equal rights for ethnic minorities and a special Ministry of Education department had been set up to ensure that the children of Kuchi nomads received quality education. There was also a special department in the Ministry of Public Health to deal with Kuchi health matters.

54. Turning to marriage, he said that newly married people had their marriages registered in court after the religious ceremonies had taken place.

55. **Mr. Hashimzai** (Afghanistan) said that Afghanistan had embarked on a series of development, social and cultural programmes in spite of the grave difficulties that resulted from 30 years of war. The State party would consider carefully any recommendations made to it by the Committee when it prepared its next report.

56. **The Chairperson** thanked the delegation of Afghanistan for its responses and said that the Committee understood the tremendous difficulties faced by the State party. He recommended that as broad a spectrum as possible of civil society groups should be invited to take part in future deliberations.

57. *The delegation of Afghanistan withdrew.*

The discussion covered in the summary record ended at 12.50 p.m.