



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-fifth session**

Summary record (partial)* of the 1133rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 10 July 2013, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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(*continued*)

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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 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

*Combined initial and second periodic reports of Afghanistan (continued)
(CEDAW/C/AFG/1-2; CEDAW/C/AFG/Q/1-2 and Add.1)*

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

Articles 1 to 6

2. **Ms. Al-Jehani** enquired as to the number of honour killings committed in the State party and the sentences handed down. Noting that it was considered a dishonour for women in rural areas to perform certain work, according to the State party's report, she asked whether women who did such work had been the victims of honour killings and whether the Law on the Elimination of Violence against Women covered that crime.

3. **Ms. Jahan** requested additional information on how witnesses and victims of human trafficking were protected. She asked whether there was a regional coordination mechanism in place to combat trafficking and whether the State party had ratified the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. Given the sensitivity surrounding prostitution in Afghan society, it was possible that such activities took place underground. She wished to know of the measures adopted to assist the victims of prostitution.

4. **Ms. Šimonović** requested additional information on the shelters intended for the victims of domestic violence and trafficking. She asked whether the State party planned to ratify the Optional Protocol to the Convention and whether it followed the Committee's jurisprudence in cases involving violence against women.

5. **Mr. Attaie** (Afghanistan) said that honour killings and women's employment were two separate, unrelated issues. There were women from many walks of life working in Afghanistan, including in the judiciary and public administration. In 2013, a number of honour killings had been prosecuted and punished. Adultery was more often than not the motive for honour killings.

6. **Mr. Hashimzai** (Afghanistan) said that, while there were no specific legislative provisions on witness protection, witnesses could testify before a judge in private. The police were responsible for ensuring the safety of witnesses.

7. **Mr. Attaie** (Afghanistan) said that witnesses were always protected and that they were seldom attacked for having testified in civil or criminal cases.

8. **Ms. Mustafawi** (Afghanistan) said that there were shelters for the victims of trafficking, for the victims of violence and for persons released from prison. The Law on the Elimination of Violence against Women did not currently cover honour killings.

9. **Mr. Mohmand** (Afghanistan) said that rehabilitation centres and social workers assisted the victims of trafficking. His Government had launched a campaign to raise awareness about trafficking. Afghanistan had become a party to the United Nations Convention against Transnational Organized Crime and its three Optional Protocols.

10. **Mr. Hashimzai** (Afghanistan) said that prostitution was prohibited by Afghan criminal legislation. The penalties imposed on persons found guilty of the offence were not severe. Individuals sent to prison were given educational opportunities and were sent to shelters on their release. He added that the penalties imposed on individuals found guilty of adultery were light.

11. **Ms. Haidar** said that the practice of honour killings ran counter to the principle of non-discrimination set out in the Constitution and the legislation aimed at combating violence against women. She requested clarification on the legal recourse of victims of violence, in particular whether women victims were able to testify in person in court and whether they required a male guardian or a prosecutor to represent them.

12. **Ms. Acar** asked when amendments to the Law on the Elimination of Violence against Women would be considered, and whether honour killings were covered. She also requested additional information on the review of the Criminal Code.

13. **Ms. Gabr** said that witnesses required additional protection in view of the importance of their testimony in cases of trafficking. Adequate protection was the key to encouraging witnesses to come forward in such cases.

14. **Ms. Patten** enquired as to the current status of article 398 of the Criminal Code, which reduced the punishment for honour killings, and as to the Government's position on the public stonings that had taken place in the name of justice.

15. **Ms. Jahan** asked why women forced into prostitution often ended up in prison while the men who had forced them into it did not; whether there were any mechanisms in place to ensure that those individuals were brought to justice; and when Afghanistan had ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

16. **Mr. Hashimzai** (Afghanistan) said that the Criminal Code was under revision and that many new developments needed to be taken into consideration. Informal justice was quite common in remote areas of the country, where no formal justice system existed. His Government had devised a policy aimed at establishing links between traditional and formal justice forums to ensure that rulings handed down by traditional mechanisms for dispute resolution were in conformity with national and international law. If a woman considered a ruling handed down by a traditional justice forum to be unlawful, she could file a complaint with the nearest court with a view to having that ruling declared invalid. He added that the victims of forced prostitution were automatically exonerated and were not punished.

17. **Mr. Mohmand** (Afghanistan) said that Afghanistan had become a member of SAARC in 2007 and had ratified the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2003, when it was an observer.

18. **Ms. Mustafawi** (Afghanistan) said that the proposed amendments to the Law on the Elimination of Violence against Women had come from members of parliament, civil society and the Ministry of Women's Affairs. She confirmed that those amendments sought to criminalize honour killings.

19. **Mr. Attaie** (Afghanistan) said that no sentences had been handed down for stoning by any court. Any stoning that had taken place in remote areas occurred unofficially. Afghan law did not provide for stoning as a punishment.

20. **Mr. Hashimzai** (Afghanistan) said that, following discussions in the parliament, his Government had confirmed that the Law on the Elimination of Violence against Women was in conformity with Islam.

Articles 7 to 9

21. **Ms. Schulz** commended the State party on the temporary special measures it had included in its electoral legislation, which had established quotas for female representation in the parliament, provincial councils and the administration. She also welcomed the growing number of female judges in the judiciary. Noting that the State party had ratified

the Convention without reservation and that its Constitution guaranteed gender equality, she failed to understand how other laws and traditions could continue to restrict women's rights. She asked how the impact of such restrictions on the autonomy and mobility of women was assessed and whether the Government planned to remove those restrictions. The Committee had received assurances from the State party that the quota for female representation in provincial councils would remain in place. However, the Committee had been informed that a joint commission representing both chambers of the parliament still had to meet to resolve the issues surrounding the quotas. In view of that fact, she asked when a final decision would be taken. She also wished to know whether the Government of Afghanistan planned to introduce similar measures for courts and authorities at the district and provincial levels. She requested additional information on the measures adopted to support female candidates in the 2014 elections; to combat the exclusion of women from the political sphere; to encourage more women to vote; and to protect female human rights activists, politicians and civil servants.

22. **Ms. Ameline** (Country Rapporteur) said that women were not represented in the Supreme Court. Furthermore, women still appeared to be underrepresented in public and political institutions and in Government. She recommended that the State party should take steps to increase women's visibility and participation in decision-making processes. She also mentioned the possibility of establishing a working group to assist the Government in implementing the Committee's recommendations.

23. **Mr. Hashimzai** (Afghanistan) said that his Government was working to fill all the gaps in its legislation through the proposed amendments.

24. **Mr. Attaie** (Afghanistan) said that women could serve on the Supreme Court. However, there was no quota for female representation on the Court, as it was composed of experts who were appointed on the basis of merit and not gender. Therefore, a woman who did not possess the requisite qualifications could not be appointed. He recognized the need for more qualified female experts and requested the Committee's assistance in that endeavour. Despite the lack of female representation in the Supreme Court, a growing number of women served as judges and legal consultants in other courts.

25. **Ms. Mustafawi** (Afghanistan) said that the establishment of quotas in the electoral laws for female representation was still being discussed by the parliament. The Government was addressing the serious security risks facing women politicians and directors of provincial women's affairs departments by providing them with personal bodyguards, especially in rural areas. More resources were needed to extend protection to women civil society activists as well. The Government had decided to set up a commission, comprising high-level representatives of all sectors, to follow up on the implementation of the Convention and the Committee's recommendations.

26. **Ms. Jahan**, welcoming the news that the new Nationality Act had been drafted in accordance with the Convention, asked when it was expected to be submitted to the National Assembly and what measures had been taken to ensure its smooth passage into law. The Committee was also pleased to note that, under the new Act, an Afghan woman would not lose her citizenship if she married a foreigner. However, the wording of article 17 of the Act suggested that that was the case only if she married in accordance with sharia. Did that mean that if an Afghan woman chose to marry a non-Muslim, she would lose her citizenship?

27. Under previous legislation, an Afghan woman who married a foreigner would have been deprived of all her rights in Afghanistan, including her property rights. She wished to know if that provision had been repealed. On the matter of identity papers, she requested information on the steps taken to ensure that girls were registered at birth and that women were issued with personal identity papers, which were essential for reducing statelessness.

28. **Mr. Hashimzai** (Afghanistan) said that, with the exception of the President, all Afghan citizens were allowed to hold dual nationality. Regardless of her religion, an Afghan woman would not lose her nationality when she married. That was clearly established in the Constitution and the new Nationality Act. In keeping with the principle of equal treatment of men and women, women were issued with the same type of identity card as men.

29. **Ms. Bailey** said that, despite the strong legal framework set up to ensure equal access for boys and girls in education, the sector faced huge challenges in ensuring girls obtained education at all levels. Dramatic progress had been made since 2000, but the proportion of girls in schools had stood at around 30 per cent in recent years, and only 20 per cent of girls enrolled in primary school went on to secondary school. She wished to know what measures had been put in place to address the problem and how effective they were. The increase in the number of attacks on girls on their way to and from school and in school was a serious concern. The law provided for the protection of women and girls, but she wondered if it was being enforced since it seemed that nobody had been prosecuted or punished for the attacks. The delegation had said that women were not appointed to the Supreme Court because they lacked the necessary qualifications, but women could not obtain those qualifications if they did not go to university or if they were pushed into “feminized” fields of study. She would appreciate the delegation’s comments on access for women to higher education, which must be improved.

30. **Mr. Aryan** (Afghanistan) said that although the proportion of girls in education had not increased in recent years, the number of girls attending school had risen considerably with the expansion of education to rural and remote areas. A lack of female teachers was a major obstacle since traditional families would not allow their older daughters to attend school if there were not enough female teachers. To address that problem, the Ministry of Education had set up teacher training colleges in all the districts of the country, and 60,000 teachers, 42 per cent of whom were women, had been trained in the last two to three years. To reduce the gap in secondary school enrolment, 300 of the female graduates would be sent to work in 50 girls’ schools in the districts with the lowest female enrolment rates. Those initiatives were expected to have an impact in the near future.

31. Assemblies of tribal elders had been instrumental in engaging local communities not only in the promotion of girls’ education, but also in the protection of schools and schoolgirls by coordinating efforts with the security forces. All attacks on schoolchildren were followed up on by the police and condemned at the highest levels of government. Recent work by the Ministry of Education to raise awareness of the importance of education was producing results. The local community in one province had taken a stand against the insurgents to defend schools as essential tools for local development, and no schools in that province had been closed.

32. There was no discrimination against women in higher education, but the remaining gap in girls’ education meant there were few female applicants. To redress the imbalance, girls were given an additional 15 points on university admissions tests, and female dormitories, incentives and special support were provided to encourage the enrolment of female students. All students were free to choose their field of study; there were no special restrictions for girls. The Ministry of Education was also working with development partners to provide scholarships for students to attend private universities, and the number of university places in the country was set to increase.

33. **Mr. Bruun** said that the Committee had noted with satisfaction that the Constitution confirmed the right of all citizens, including women, to work, but was concerned by reports that negative images of working women in the media were not counteracted by the Government and that threats against working women were rarely investigated. Another concern was the large number of child workers, especially girls, which raised questions

about the enforcement of the ban on child labour. The International Labour Organization (ILO) had also questioned whether direct and indirect discrimination in the employment sector was actually prohibited and had indicated that the list of work considered harmful to women set forth in the labour legislation was too extensive and not strictly limited to maternity protection. The Committee would like to know the State party's position on those matters. Information about the impact of the recently established professional and occupational training centres on female workers and on measures to protect the basic rights, such as maternity rights, of women working in the informal sector would be appreciated. He also asked whether the ILO decent-work programmes had improved the position of women in the labour market and whether there were standard procedures for investigating claims of sexual harassment in the workplace. He urged the State party to address the lack of statistics and project monitoring in the area of employment, which was cause for concern.

34. **Mr. Mohmand** (Afghanistan) said that all discrimination against women in employment was prohibited by law. The labour laws established the rights of all citizens to work, choose their occupation according to their skills and qualifications, receive wages and enjoy labour benefits, such as paid holidays. There were special provisions for women, which, inter alia, prohibited their employment in hard physical labour, hazardous work or nightwork, protected their employment during pregnancy and when they were breastfeeding and established maternity leave. There were also provisions for the establishment of nurseries and breastfeeding rooms in places of work. The Government was working with ILO to address the remaining shortcomings in the labour laws, such as the need to establish equal pay for equal work, and the corresponding amendments were expected to be introduced shortly.

35. **Ms. Mustafawi** (Afghanistan) said that women's rights in the workplace were systematically protected in the government and formal sectors, but to a far lesser extent in the informal sector and in rural areas, which were where most women worked. The Government had therefore held consultations with women on the subject and set up vocational training centres, which provided training to a large number of women, and some women had been sent to India for vocational training. Steps were being taken to bring Afghan law into line with international law to tackle the problem of child labour.

36. **Mr. Mohmand** (Afghanistan) said that 1.2 million Afghan children were engaged in hard labour. ILO and the United Nations Children's Fund (UNICEF) had drawn up a strategy to tackle the problem, and 24,000 children were now benefiting from special assistance programmes.

37. **Ms. Ameline** said that the structure of the economy was cause for concern. Over a third of the population lived below the poverty line, the informal sector was huge, and thousands of children lived in the streets. Poverty, like illiteracy, was a key factor in violence against women. The Government needed to take urgent action to address all those challenges. The issue of the drug economy also had to be addressed since it undermined governance, and women should be actively involved in changing the country's image as a fierce defender of drug crop production and in promoting a shift towards the cultivation of alternative crops.

38. **Ms. Bailey** asked for data on the prosecution and punishment of persons who had perpetrated violence against girls because they attended school. With regard to higher education, she noted that, prior to the introduction of positive discrimination, only 5–15 per cent of girls passed university admissions tests, which was a clear indictment of the quality of education given to girls at the lower levels. She wished to know what was meant in paragraph 199 of the State party's report (CEDAW/C/AFG/1-2) by "fields of study which are more necessary for women to be included", because it could imply that women were expected to want to pursue studies in particular fields. She was also concerned that women

who failed to gain places on the courses of their choice were accepted onto teacher training programmes since that would just perpetuate the problem by reproducing the poor quality of girls' education at the lower levels.

39. **Mr. Hashimzai** (Afghanistan) said that the country's improving economic situation had enabled the Government to mobilize greater resources to alleviate poverty. The Government remained concerned at the extent of drug trafficking in the country and had established anti-narcotics units, destroyed illegal crops and provided alternative livelihoods to rural communities in a bid to tackle the issue. However, it could not act in isolation and required the support of the international community to make progress.

40. **Mr. Aryan** (Afghanistan) shared the Committee's view that more girls should be enrolled in higher education and provided with the skills required to participate in every sphere of life in Afghanistan. He said that a number of initiatives designed to address the situation had been undertaken, including the implementation of a quota system for female university students from rural areas, the provision of dormitory facilities and the expansion of university facilities to the provinces. Although there had not been a significant increase in the share of women enrolled in higher education, their numbers had increased substantially and would continue to rise as more girls entered the educational system.

41. Gender and human rights mainstreaming had been applied to school curricula and girls whose rights had been violated could report the matter to their head teacher for follow-up and referral to the courts if required. Specially trained teachers were also available to both boys and girls to discuss any relevant issues of concern to them.

42. **Ms. Nwankwo** sought clarification on the steps taken by the Government to change cultural traditions that adversely affected women, for example by preventing them from being treated by male doctors or requiring them to obtain their husband's permission for access to contraceptives. While the State party's attempts to increase the number of female health service providers over the long term were commendable, it was unclear what measures had been taken to address the issue in the short term. She asked the delegation for further information on whether the reported decrease in maternal mortality rates in Afghanistan also applied to births in rural areas. In addition, she would appreciate further information on the unskilled local midwives referred to in the report. Would the efforts to employ only skilled health workers such as doctors, midwives and trained nurses rather than local midwives leave a gap in maternal health services in rural areas? With regard to the national maternal health policy, she asked whether the Government had achieved its target to provide all women with access to maternity services and whether such access extended to the treatment of women with fistula. Lastly, she asked why women's life expectancy was lower than men's, given that conflict tended to reduce the life expectancy of men more than women.

43. **Ms. Gbedemah** asked whether the State party had honoured its commitments to establish more mobile health centres in rural areas in order to increase women's access to health services, and whether the target of one female health service provider per mobile health centre had been met. In view of the low number of women with access to HIV/AIDS health services, she asked what steps had been taken to provide women with adequate treatment and to prevent stigmatization. She also asked for further information on the role, composition and location of the health commissions responsible for deciding whether abortions were required to save the life of the woman. She wished to know whether the State party intended to review the abortion law as part of its ongoing legal reform and whether any exceptions applied for cases of rape, incest and fetal impairment. Lastly, she asked the delegation to provide information on the measures used to prevent and treat drug abuse among women and the location of drug treatment clinics.

44. **Ms. Mustafawi** (Afghanistan) replied that the Government had taken steps to ensure that more female doctors and midwives were available to treat women in rural areas and had provided financial incentives to encourage female health service providers to relocate from urban to rural areas. The initiative had seen some initial success and there were plans to increase the number of midwives from 2,000 to 3,500 over the coming year. Efforts had also been made to address women's access to family planning services and fistula treatment. The target of one female health service provider per mobile health centre had been reached but more qualified staff were required if access was to be further improved. There were fewer women suffering from HIV/AIDS than men, as most cases of the disease were caused by intravenous drug use and the number of women using drugs was much lower than that of men. Abortion was illegal under all circumstances in the country and the only exception to that rule was when the life of the mother was endangered.

45. **Ms. Pomeranzi** asked the delegation to provide further information on the number of women who benefitted from interest-free loan schemes. She would also like to know how the State party would sustain its gender equality programmes after 2014, given that only US\$ 500,000 had been allocated to the Ministry of Women Affairs, which was responsible for implementing the National Strategy for Gender Equality, and whether the Government intended to review the budget of the Ministry.

46. **Ms. Mustafawi** (Afghanistan) replied that the budget allocated to the Ministry of Women Affairs would be supplemented by contributions from the international community. The budget could not be amended for the present period but it was hoped that future budgets would assign greater funding to gender issues.

47. **Ms. Zou** Xiaoqiao asked what measures had been taken to address poverty among women in rural areas and whether specific projects had been set up to ensure women's participation in poverty alleviation programmes. She sought clarification on the criteria women must meet in order to qualify to receive land for commercial use under the planned land distribution programme of the Ministry of Agriculture and Livestock. Lastly, she asked for further information on the measures taken to provide support to internally displaced women or women refugees.

48. **Ms. Mustafawi** (Afghanistan) said that the Government had taken steps to address the issue of rural women living in poverty, in particular through the establishment of vocational colleges and loan schemes. Internally displaced women or women refugees received assistance from special centres set up on the borders of the country. Despite the introduction of such measures, more support was needed to deal with the issue more effectively.

Articles 15 and 16

49. **Ms. Halperin-Kaddari** said that some provisions in the Shia Personal Status Law were in direct contravention of the Convention, including references to sexual obedience, paternal guardianship and polygamy, and asked what steps the Government had taken to harmonize the different systems of law prevailing in the State party with international human rights standards. She asked whether women were aware of the aspects of the Law directly affecting them and asked for more information on the content of the draft family law, in particular concerning the minimum age for marriage and the right to divorce. She also requested further information on women's participation in the judiciary and their access to justice on family matters. Lastly, she wished to know whether the Government intended to address the problems arising from the large number of marriages and divorces in the country that went unregistered.

50. **Ms. Al-Jehani** asked for clarification on the differences between the Shiite and the Sunni interpretation of the Shia Personal Status Law, including on issues such as the

minimum age for marriage and polygamy. She also asked whether women in Afghanistan were aware of their right to divorce and whether they had access to legal aid.

51. **Mr. Hashimzai** (Afghanistan) said that the sexual obedience provision had been removed from the Shia Personal Status Law and that the provision on preventing women from leaving their home without being accompanied by a man was due to be repealed shortly. The draft family law was in the process of being finalized and the minimum age for marriage was set at 16 years for girls and 18 years for boys. Women also held important posts in the legislative branch, including women who currently headed departments responsible for such areas as international law and family law.

52. **Mr. Attaie** (Afghanistan) said that as not all women were aware of their right to divorce under the Shia Personal Status Law, the Government intended to carry out awareness-raising activities. All women judges studied civil law and the law on personal status. The State party had been experiencing administrative difficulties in registering marriages and divorces, due in part to the complexity of the registration process, but the Government had recently established a committee to simplify registration procedures.

53. **Mr. Hashimzai** (Afghanistan) said that although Afghanistan continued to face considerable challenges to the promotion of women's rights, his Government had the necessary political will to carry out the provisions of the Convention in full.

The meeting rose at 5.45 p.m.