



Economic and Social Council

Distr.: General
30 April 2010

Original: English
**ADVANCE UNEDITED
VERSION**

Committee on Economic, Social and Cultural Rights
Forty-fourth session
Geneva, 3–21 May 2010

Implementation of the International Covenant on Economic, Social and Cultural Rights

**Consideration of reports submitted by States parties in
accordance with article 16 of the International Covenant
on Economic, Social and Cultural Rights**

**Replies by the Government of AFGHANISTAN to the List of Issues
(E/C.12/AFG/Q/2-4) to be taken up in connection with the consideration
of the second to fourth periodic report of Afghanistan concerning the
rights referred to in articles 1–15 of the International Covenant on
Economic, Social and Cultural Rights (E/C.12/AFG/2-4)***

[19 April 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

I. General Information

Question 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?

1. The government of Afghanistan, based on article 7 of the Constitution, undertakes to regard those treaties that Afghanistan is a party to and implement them with the domestic laws. In particular, economic, social and cultural rights are guaranteed in the second chapter of the Constitution. The courts in Afghanistan initially reference to the domestic laws ratified by the parliament or other legislative bodies, and there is no legal prohibition in using the articles of the Covenant on the Economic, Social and Cultural Rights.

2. The Supreme Court of the Islamic Republic of Afghanistan has diligently trying to consider the international values of the Human Rights Treaties within the Legal System of Afghanistan by organizing informative workshops and seminars for judges. The Ministry of Justice is also considering the international human rights treaties provisions at the time of drafting the bills or amendments to the laws. For instance, the Legal System of Afghanistan considers the question of compensation and the Right of Work are stipulated in the article 51 of the Constitution, “Any person suffering undue harm by government action is entitled to compensation, which can claim by appealing to court”.

Question 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. Afghanistan has planned to collect relevant data with a view to measuring progress made in the implementation of the Covenant rights and carry out a census in 2008. However, attempts to implement various plans such as statistics on the structure of population, profile of poverty, and state of education, health, agriculture, housing, industries, transportation system, status of women and children have been hampered by the security and budgetary challenges. Nonetheless, the government is planning to conduct a nationwide census at the last quarter of 2010 if the security situation permits.

Question 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. Both the Afghanistan Compact and the Afghanistan National Development Strategy (ANDS) have been developed based on a people-centred development paradigm in which the economic, social and cultural rights of the people are given due attention. In both documents the Government of Afghanistan makes a commitment to the protection and promotion of rights provided for in the Afghan Constitution and in the international human rights covenants including the Covenant on Economic, Social and Cultural Rights.

5. ANDS is based on the Millennium Development Goals (MDGs) which serves as Afghanistan's Poverty Reduction Strategy for reducing poverty, ensuring sustainable development through a private sector-led market economy, improving human development indicators, and making significant progress towards the MDGs as are the main goals in the area of social and economic development. The national headcount poverty rate has fallen down as well as infant mortality rate. The unemployment rate (in line with the ILO definition) has come down to around 7 percent¹. The school enrolment at all levels has increased, particularly for girls. The access to electricity has increased as well as access to clear water.

6. The Afghanistan National Human Development Reports, the country reports on MDGs and the periodic reports on the implementation of sector strategies in the Social and Economic Development Pillar of the ANDS are indicative of considerable progress made towards the realization of the stated goals and benchmarks in the area of social and economic development in Afghanistan. Human rights as a sub-sector and gender as a cross-cutting issue in the ANDS enjoy their own strategies, programs and budget allocation. The budget allocations to education and health are one of the highest.

7. The Ministry of Finance has introduced identification of the pro-poor allocations and pro-poor expenditure tracking within the National Budget to ensure better monitoring towards more effective poverty reduction budget spending.

Question 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?

8. The State has confirmed the existence of the traditional justice in Afghanistan and supports it because its elements are recognized to be significant in the social solidarity and solving local conflicts. The State believes the traditional justice mechanism must be:

- Compatible to values of Islam.
- Compatible to the constitution and other laws.
- Compatible the values of human rights.
- According to the Right of the Child and Women

9. The judicial sector of Islamic Republic of Afghanistan has adopted a 10 year "Justice for All" strategy, which addresses the problems of Afghans even in remote areas. This strategy presents following actions to provide a judicial mechanism for informal justice:

- To establish mobile courts
- To monitor the local dispute resolutions
- To create the environment of demand for justice among the people

Question 5. Please also indicate what measures have been taken to combat and prevent corruption at all levels of Government, including among the judiciary.

10. The Afghan government adopted a comprehensive national strategy to tackle corruption in Afghanistan in 2006. A high level commission tasked by the President in March 2006 started to investigate on various aspects of corruption. The commission presented its report and recommendations to the President in March 2008. Subsequently,

¹. ANDS, Finance Department, 4/13/2010

the High Office for Oversight for Implementation of the Anti-Corruption Strategy was set up in September 2008. Meanwhile, measures have been taken to combat and prevent corruption at all levels of Government which can be summarized in the following:

- Enactment of Anti-Corruption Law in 2007
- Establishment of High Office of Oversight for the Implementation of the Anti-Corruption Strategy in 2008
- Setting up of special anti-corruption units within the Attorney General Office and the Supreme Court (Various disciplinary measures have been taken, which includes suspending, firing, arresting of officials of various governmental offices, by the Supreme Court. The number of officials suspended, fired, or arrested is nearly 50 judges on charges of corruption)
- Holding of monthly meetings by high level government officials on Anti-Corruption.

Question 6. Please indicate the extent and manner of the participation of civil society in the preparation of the periodic report of the State party.

11. The government engaged the civil society in the preparation of this report in two ways:
 1. The government included the representatives of civil society with the governmental organizations in the treaty reporting team. The representatives of the civil society presented and reflected the views and role of their organizations.
 2. At the end of the reporting preparation process, a consultation roundtable was held in which all relevant representatives from civil society participated.

II. Issues relating to the general provisions of the covenant (arts. 1-5)

A. Article 2, Paragraph 2 - Non-discrimination

Question 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.

12. Afghanistan's labour law, article 9, has prohibited any type of discrimination, and stipulates that "Selection of vocation and the type of occupation shall be free. Workers of the Islamic Republic of Afghanistan shall be assigned the work in view of requirements of the society and according to their field of education, working capability and occupational preparedness". Any kind of distinction is forbidden in regards to recruitment procedures, wage allocation, privileges, freedom of choosing a career and profession, equal rights for acquiring skills and specialization, rights to education and social security, against any Afghan citizens.

13. In addition, the Constitution prohibits any type of discrimination against all citizens of Afghanistan including minorities. The Constitution recognizes the language of minorities as the third formal language and where most people speak in that language and obliges the government to print books and provide education in their own language. The

religion of the minorities is also recognized and the followers of the religions, other than Islam, are free to practice their faith.

Question 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).

14. The Afghanistan’s National Disability Action Plan (ANDAP) of 2008-2011 was drafted in a consultative process under the auspices of the Ministry of Labour, Social Affairs, Martyrs and Disabled. The plan aims to address the rights and needs of all persons with disabilities, including mine survivors within the framework of Afghan National Development Strategy and the Anti-Personal Mine Ban Convention. The plan charts a more realistic and achievable way forward for the enhancement and expansion of current services for all people with disabilities including land mine survivors and their participation in to social, educational and economic opportunities.

15. The ANDAP was developed through an inter-ministerial process with input from all key actors. Disability units have been established in two ministries and some progress has been made on establishing an inter-ministerial disability coordination body to monitor and report on activities of all stakeholders in the implementation of the plan. However full implementation of the plan to address the rights and needs of with disabilities, including mine survivors, will require the long term commitment of all actors in the disability sector together with mine action community. The new regulations on rights and privileges of people with disability and martyrs’ families prohibit any type of discrimination against people with disabilities. Depending on their mental or physical disabilities, they can participate in all economic and social activities without any discrimination.

B. Article 3 - Equal rights of men and women

Question 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).

16. The Afghan government had enacted the Law on the Elimination of Violence against Women on 19 July 2009 which has prohibited all kinds of negative traditional and discriminatory attitudes against women. This law has been passed by a presidential decree which is currently being implemented through the judicial sector. This law has criminalized all negative attitudes associated with traditional roles such as violence against women, including rape, battery or beating; forced or underage marriage; "bad" (the giving of a female relative to another family to settle a debt or dispute); humiliation; intimidation; and the refusal of food. Penalties include prison terms ranging from less than six months to the death penalty. Victims have the right to prosecute abusers, seek shelter in a safe house, and receive medical and legal aid. Regarding the public awareness, numerous awareness- raising campaigns have been held through 18 provinces under the titles of Provident Family and Prosperous Society in View of Islam by Ulemas and religious scholars specifically on the description dreadfulness of underage and forced marriages, family planning, elimination of domestic violence, and women’s education and health. The society has some great achievements in eliminating the stereotypes in the

recent years. The examples of such achievements are enrollment of the women in the driving courses, engineering and mine fields at the university, working as journalists and musicians, and working in the fields in the provinces. The media has also put a great impact on raising awareness of people on the common responsibilities of both the father and mother regarding their children.

Question 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.

17. The commitments of the Afghanistan government to advance the status of women is embodied in various international legal and national policy frameworks, which include the UN Convention on the Elimination of Discrimination against Women (CEDAW), the Constitution, Afghanistan Compact, The ANDS Gender Strategy and the National Action Plan for the Women of Afghanistan (NAPWA) (Ministry of Women's Affairs 2008). Within such frameworks, the government pays special attention to six sectors that are crucial to the overall improvement of women's life, namely: (i) security, (ii) legal protection and human rights, (iii) leadership and political participation, (iv) economy, work and poverty, (v) health, and (vi) education. The Economic and Social Development pillar of the NAPWA presents the government's strategy for advancing Afghan women's ability to fulfill their duties and enjoy their rights in the social and economic fields. The economic and social development strategy of the government of Afghanistan aims to create an enabling environment that is conducive to the fulfillment of women's economic potentials. It includes increasing the enrolment and retention of women and girls at all educational levels, and ensuring that women enjoy the highest possible standard of emotional, social and physical well-being.

18. The Shia Personal Status Law was ratified by the parliament and endorsed by the President of Islamic republic of Afghanistan on 20 March 2009. Since the law provoked various objections and protests from the International Community, Civil Society Organizations and Women Rights defenders, the law was entrusted to the Minister of Justice on 7 April 2010 for review. The Ministry of Justice reviewed the law with the representatives of the International Community, Afghan Women Network, Human Rights Commission and religious scholars. The articles contrary to the Constitution and the Human Rights Values, were amended or omitted. The number of the omissions and amendments reaches 70. After the review, no objections have been received by the government of the Islamic Republic of Afghanistan. The Law was enacted by a Presidential Decree during the recess of the National Assembly and is enforced since 20 July 2009.

Question 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).

19. The Government adopted the National Action Plan for Women of Afghanistan (NAPWA) on 9 March 2009 and assigned the Ministry of Women Affairs, as lead ministry, to monitor the progress of NAPWA.

20. The NAPWA is a ten-year action plan of the government. It integrates all the gender equality commitments made in the Afghanistan Compact and its benchmarks were later integrated into Afghanistan National Development Strategies (ANDs). The ANDs Gender benchmarks are reflected into NAPWA in a single implementation framework. It focuses on six priority areas of concerns, namely: (i) security, (ii) legal protection and human rights, (iii) leadership and political participation, (iv) economy, work and poverty, (v) health, and (vi) education. The NAPWA programs, projects and activities are funded within each Ministry as part of its annual budget preparation from the National Development Budget (NDB). Ministries are encouraged to spend at least thirty percent of their development and operations budget for policies, programs and activities that will promote the advancement of women based on NAPWA and ensure that women are mainstreamed across ministry activities.

Question 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)?

21. According to statistics of the Central Statistics Office, the changes, which were to come for reducing the Gender disparities can be noted as following:

- The percentage of the female graduates from the High Educational institutes was 16.7% in 2007/08, an increase of 19.4% in 2008-2009.
- The total number of school students was 6,350,734 in which 2,238,825 were females. There was an increase of 11% in female students in 2008 as compared to 2007 when the total number of new female students were 219,745. .
- The number of female teachers was 45,687 in the previous year. The percentage of the female teachers was 26.9% in 2007- 2008, and increased to 28.4% in 2008-2009.

22. Also, at least 25% of the Parliament must be women, currently women make up 28 % of the National Assembly. Similarly, in the judiciary, out of 1652 judges working in military and civil courts, a total of 189 are women. This makes up 5.4 % of all present judges in the country. Likewise, out of 1095 prosecutors employed by the Office of Attorney General, 103 of them are women, which makes 9.4 % of the prosecutors. Among civil servants, out of 221684 state employees, 47790 are women (excluding ministries of interior and defence).

III. Issues relating to the specific provisions of the covenant (arts. 6-15)

A. Article 6 - The right to work

Question 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.

23. The Ministry of Labour, Social Affairs, Disables and Martyrs (MOLSADM) conducted a study on labour market in 2008. This study includes primary data obtained from the provincial capitals across Afghanistan. It provides useful labor market supply and demand data for a variety of stakeholders. Over 13,800 households, 8,000 informal businesses, 1000 day laborers, 400 formal businesses and 100 vocational training centers

were sampled across 31 out of 34 provinces, and over 24,000 interviews were conducted. This represents one of the most extensive studies of its type undertaken in recent times in Afghanistan. The key findings of this study are as the following:

Employment

- 47.1% of all individuals in the urban sample areas, over 15 years old, stated that they had some form of paid employment.
- 64.3% of those over 15, and living in Kabul, stated that they had some form of paid employment.
- 57.6% of the 'core' working age population (25 to 54 years) is employed nationwide (urban).
- Approximately 20% of all Individuals interviewed are working fewer than 40 hours per week, and stated that they would prefer to work more hours.
- Services and construction occupy the largest number of urban-based individuals. The most frequent type of informal sector business is general stores.

Key Incomes

- The average monthly income of an employed individual, nationally (urban), is Afs. 4,989.
- The average income of employed females, nationally (urban), is Afs. 3,139 per month.
- The average income of employed males, nationally (urban), is Afs. 5,256 per month.
- The average income nationwide (urban) for all unskilled (carters, fruit and vegetable sellers etc.), laborers, is Afs. 1,687 per month.
- The average income nationwide (urban) for day laborer carpenters is Afs. 7,500 per month.
- The average income nationwide (urban) for day laborer electricians is Afs. 7,076 per month.
- The average income nationwide (urban) for day labour masons is Afs. 7,280 per month.
- The average income nationwide (urban) for day laborer painters is Afs. 7163 per month.
- The average income nationwide (urban) for day laborer plumbers is Afs. 5,723 per month.

Demanded Skills

- In urban areas, skills related to the construction and services sector, are in highest demand.

Education

- 22.5% of men and 25.1% of women do not consider themselves to be literate.
- 11.8% of men and 7.8% of women in urban areas have had some primary school education.
- 7.1% of men and 2.5% of women in urban areas have completed secondary school.

- 25.8% of secondary school graduates interviewed in urban areas were women.
- 2.2% of men and 0.6% of women in urban areas have completed a university course.

Vocational Training

- The percentage of males formally trained in vocational centers, nationally (urban), is 2.7% of total male age group.
- The percentage of females formally trained in vocational centres, nationally (urban), 2.3% of total female age group.
- Over 95% of workers are trained on the job in informal apprenticeships.

Question 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).

24. The MoLSAMD has passed the following regulations:

- Regulation of employees' overtime;
- Regulation of part time job, incomplete week, labor force outcome and temporary or contract based job;
- Regulation of state of standby with salary and without salary;
- Regulation of night work;

25. In addition, a seminar on improved implementation of labour law was conducted in Kabul, Herat and Balkh in 2009. In this seminar, which was supported by the United States Department of Labour and Asia Foundation, representatives from government officials, private sector employers and labour workers have participated. Provided that further funding sources are secured, similar seminars would be conducted in other provinces.

Question 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.

26. In Afghanistan, the informal economy is a significant source of earnings by individuals and small businesses. The economy of Afghanistan is dominated by the agriculture sector. Around 59 percent of the employed population is engaged in work in agriculture and livestock. Only urban areas have a more balanced distribution, with trade (29 percent), various services (18 percent) and public administration (14 percent) being the most important industries². A preliminary survey has been carried out in Kabul to identify the basic needs of casual labourers. The establishment of ten support offices is foreseen in the near future to manage the recruitment and ensure the rights of daily-wage workers. Moreover, these offices would start specific programs in order to improve living conditions of labor workers. MOLSADM with the financial support of Japan, Korea and India has established vocational and skill learning schools for youth and returnees at national level. In these training centers, Afghans are provided with different vocational

² . National Risk and Vulnerability Assessment 2007/08, 4 labor force characteristics, 4.3.2 Industry and occupation, page 57.

skills that are needed in the current afghan labor market. Fortunately, so far all of the graduates could successfully join the labor market.

Question 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).

27. Progress in establishing agricultural farms for employment creation opportunities has been very slow. However, the ministry of Agriculture is trying various means to help the farmers in the remote areas with introduction of new agricultural machinery and modern ways of irrigation.

B. Article 7 - The right to just and favourable conditions of work

Question 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.

28. The Ministry of Labour and Social Affairs, Martyrs and Disables has been trying on public awareness, regarding international standards of labour. In this regards, various workshops were managed in different provinces of the country to instigate people to know about their rights. In 2009, 6 seminars were organized on national level to increase public awareness. In addition, all values and standards of the international conventions of ILO are registered in the Afghanistan's internal laws and being implemented currently.

29. To provide employment facilities and better services, a department established in the Ministry of Labour and Social Affairs, Martyrs and Disables to conduct employment service centers and hence way paved for the private sector activities. Currently, 11 centers are established. Recommendations to expand such kind of networks were made by the department to the budget committee, the government hopes that the budget committee provide necessary fund and make it available for upcoming years.

30. In addition to 15 conventions that have been listed in the report, Afghanistan received membership of 4 conventions in 2009:

1. Convention 159 concerning Vocational Rehabilitation and Employment of the disables
2. Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
3. Convention on collective negotiations
4. Convention on minimum recruitment age

31. Regarding minimum wage, Afghanistan has not adopted any resolution yet.

Question 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?

32. Several articles of labour law have clear reference to this issue and in all meetings and annual gatherings of the government has stressed in this issue from the perspective of Islam and human rights. In spite of this, Many women have low level positions in public offices and have the lowest wages. Women are deprived of over-time working wages. They don't have equal access to vocational and on-job capacity building programs as compared to men. As a result, opportunities for their progress and promotion are limited. Access to education, skill development and credit services are stated as top priorities by rural women for improving their welfare and are requirements that can be difficult to meet unless women have more opportunity to move outside of the house. According to NAPWA, some legal protection to address this problem will be undertaken. In this respect all commercial, family, labour, and trade laws will be subjected to gender assessment. The amendment or abolition of all discriminatory laws that impair women's potential to fulfil their social and economic rights and duties will be undertaken.

Question 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.

33. Based on the recent study of Afghanistan Independent Human Rights Commission on the plight of employed women in governmental offices, 4.1 % of women claim that their female colleagues are sexually harassed. Moreover, one out of seven female workers has reported that she has been harassed sexually. This issue has been condemned in the paragraph 2, article 30 of Elimination of Violence against Women Law. As this law has recently been endorsed, there is no concrete data on its enforcement and on the cases that courts have decided on such matters.

C. Article 8 - Trade union rights

Question 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).

34. Afghanistan's labour law has clear references on establishing syndicates and workers unions and collective contracts. It also provides clear statements on conflict resolution between employees and employers. Article 89 of Afghanistan's labour code has established a mechanism for dispute resolution. According this article, if dispute occurs between organization and employees, following entities will resolve the dispute:

1. In governmental organizations, relevant employers and direct collaboration of MoLSAMD.
2. In non-governmental organizations, both sides of dispute under inspection of MoLSAMD.

D. Article 9 - The right to social security

Question 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).

35. Department of Social Protections operates under the structure of MoLSAMD. According to strategic plan of the ministry, by the year 2015 the Department of Social Protection will have the physical and human resource capacity to enable it to work in close collaboration with the general community in order to address the problems associated with the following groups: children at risk, workers on drugs, victims of workplace accidents, families suffering severe poverty in the metropolitan and rural areas of Afghanistan. This is to be seen as the first step in working towards a national system of social security. This department has prioritized its activities as follow:

- To remove child beggars from the street and provide them with relevant education and /or training.
- To develop systems and mechanisms to address all children at risk, in particular those who are abused, who are using drugs, or who are in families suffering from extreme poverty.
- To implement an effective compensation system for people involved in workplace accidents.

36. For the purpose of effective social protection and provision of required facility to increase the level of efficiency, a number of committees, commissions and new structures were established in the Ministry of Labor and Social Affairs, Martyrs and Disables , such as:

- Steering committee for National Skills Development Program (NSDP);
- Steering committee for Policy Making and Pension System Amendment;
- Grants Management, to draft and gain fund for development projects;
- National Working Action Program (NWAP) for disables;
- Disabled Supportive Unit (DSU), to organize and coordinate governmental and
- NGOs activities in terms of disability and seek technical and financial supports for persons with disabilities;
- Inter-ministerial social protection sector;
- National commission to support children at risk;
- Administrative Reform and Ministry Strategy Regulation Working Group;
- Commission for financial affairs adjustment based on program budget;
- Steering Committee for employment service centers and predecessor military officers revival project;
- Steering Committee for labor law project's implementation;
- Development of Working Groups for regional cooperation respective to labors exchange;
- Coordination Committee for technical and vocational training centers
- development and education curriculum management;
- Working Group for Colombo technical training plan regulation;

37. Pension benefits have been paid to 71870 people, including civil servant, military and pensioners survivors in the center and provinces. Since 2009, almost 75 percent

pension benefits of the military officers retired before 2003 is applicable. It worth's mentioning that benefits of pensioners and people with disabilities are paid in accordance with the plan. Payment procedure and service delivery quality will be improved after the newly established pension program come into practice.

38. Based on the agreement and negotiations with the International Labor Organization (ILO) authorities, the organization will provide assistance to the MoLSAMD in terms of National Employment Strategy, labor force survey; establishment of coordination among social counterparts (government, employees and employers), labor market for Afghan labors abroad, migrant labors, and labor standards verifications;

Question 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).

39. The government has developed policies and regulations regarding rights and privileges of people with disability and heirs of martyrs. Recently, the government provided a draft of legislation to support and protect rights of people with disability and dependents of martyrs. This legislation is prepared by MoLSADM to be discussed on the Ministerial Council. Then, this legislation will be submitted for adoption of parliament.

E. Article 10 - Protection of the family, mothers and children

Question 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).

40. In recent years, there have been a number of qualitative and quantitative studies conducted by the government and civil society organizations. The outcome of these studies reflects that child labour is a national challenge and the dire economic situation is a major contributor to child labour. Lack of having an adult provider, especially a man in the family, has been another major cause of child labour.

41. According to ILO statistics, 92.5% of child workers in Afghanistan between the ages of 12-17 years work 42 hours per week and the majority are exposed to adverse working conditions such as: a polluted environment (73.3%), risks of injuries (60.1%), dangerous equipments (57.6), direct sunlight (54.9%), and extreme temperatures and noise among others.³ Meanwhile, MOLSADM has planed programs to support families which results in preventing children's involvement in labour. The MoLSAMD and stakeholder organizations have held workshops and public awareness campaigns in the capital and provinces on child labour and its related laws. The MoLSAMD has provided public awareness through CPAN.

Question 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.

³ ILO/Altai Consulting, *A Rapid Assessment of Child Labourers in Kabul, 2008*.

How does the State party ensure the implementation of the policy of prohibiting corporal punishment of children in the educational system?

42. Under Article 39 of the Law on Education, all kinds of physical and psychological punishment of students, even for the purposes of discipline, is prohibited. The Ministry of Education (MoE) has also distributed circulars to all schools and parents in the capital and provinces on the prohibition of corporal punishment. CPAN and other organizations have been raising awareness on corporal punishment through a number of educational programs and through the media. For instance, in 2008, the MoWA, in cooperation with the MoLSAMD, CPAN, and other civil society organizations initiated a campaign on eliminating violence against children in schools in most of the provinces. In this campaign 1,500 children took part and expressed their views against violence.

43. In cooperation with UNICEF, the MoE has so far trained around 25,000 teachers on eliminating violence against children in schools. Monitoring committees have been established in the MoE to monitor schools and teachers in the implementation of this provision. Under Article 48 of the Law on Education, Special Monitoring Committees consisting of parents, teachers, community members, and students have been established to monitor quality education, and also the monitoring, protection and elimination of corporal punishment and other forms of violence against students.

Question 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)?

44. According to the criterias set by the MoLSAMD for admission of children to orphanages only a child without a father is considered an orphan and can be granted admission. For the support and care of orphans and children without family care, the government has created 62 orphanages across the country under supervision of the MoLSAMD. Presently, there are 12,209 children (5,270 girls and 6,939 boys) of different ages in these centres; 29 of these children have some form of disability. The Government has provided, through its limited resources, for the board and lodging, care, education, and health and leisure facilities for these children within the centres. Official state orphanages of Afghanistan are regulated by the Regulation of Orphanages. A new regulation is under preparation that will set the minimum standards and rules of the orphanages.

45. In the private sector there are 20 orphanages operating as of May 2009, each of which has its branches in the capital and the provinces. In total, 5,296 children are being cared for in these institutions. Private orphanages need to receive the approval of an agreement with the MoLSAMD. The MoLSAMD has authority to monitor the orphanages, however, in practice some orphanages are registered as NGOs and some orphanages are functioning as boarding schools.

46. In cooperation with the MoLSAMD, national and international organizations active in the field of the child protection have established day care centres and drop-in centres to support children without family care, children working in streets, and children without education. Presently 423,965 children are supported in different provinces of the country by these institutions.

47. The National Strategy for Children at Risk was adopted in 2006 and seeks to provide a framework for the development of a network of services and programs which protect children and support their families; establish strategic plans for the transformation from institutions into broad-based community child and family resource centres; and implement donor partnership towards building a comprehensive rights-based child

protection systems. The aim is to protect children from exploitation, violence, and abuse. Various categories of children have been identified as ‘at risk’⁴ and interventions on their behalf should be in conformity with this strategy and programs of the MoLSAMD, other governmental agencies, and civil society actors. Through implementation of this strategy over the last three years 2,366,177 children have been protected.

48. The Strategy seeks to transform the existing protection paradigm which relies almost exclusively on institutional care in supporting vulnerable children to one that focuses on bringing support and services to families and communities. This shift in strategy will thus promote family preservation and, where necessary, family and community-based forms of alternative care.

Question 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).

49. Various studies conducted throughout the country accept the truth of high level of violence against women which is about 87% in the country. 62% of Afghan women have experienced at least on type of aggression such as physical or mental violence, sexual violence, restriction of movement, harassment or forced marriages. Ministry of Women Affairs has found that 82% of violent events occurred by family members (including men and women), 9 percent took place in society and 1.7% happened by governmental officials.

50. In spite of all these, it is worthwhile to note that the government has taken measures to address rape cases and their perpetrators. It established an inter-ministerial commission on the elimination of violence against women which is responsible for implementing and coordinating government actions to eliminate violence against women.

51. Recently, the government adopted a legislative measure on the elimination of violence against women which is passed by a presidential decree, permanently legalizing the inter-ministerial high commission on elimination of violence against women as an oversight mechanism for the implementation of the Elimination of Violence against Women Law.

52. Newly, the violence against women unit was opened within the Attorney General Office as a special prosecution unit targeting violence against women. It is a positive step to enforce the Law on the Elimination of Violence against Women which provides an added legal framework for the criminal prosecution and conviction of perpetrators committing assaults, harassment and beating and investigation of forced and under-age marriages, and deprivation of property and inheritance. Since this unit began initial operations in January this year, it has received 21 cases, primarily from Kabul and

⁴ The Strategy describes ‘at-risk’ children as: Children with disabilities (mental, physical); working and street working children; children in conflict with the law; kidnapped children; trafficked children; child soldiers and other war-affected children; children deprived of parental care; girls forced into marriage or early marriage; internally displaced and returnee children; children from ethnic minority groups; children using drugs, and/or selling drugs; and children experiencing abuse (sexual, physical, emotional and neglect).

surrounding provinces. In early February, the unit referred its first case to court – an instance of domestic violence linked to cases of divorce and child custody.

Question 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.

53. Under pillar 2 of NAPWA (Governance, Rule of Law and Human Rights), the government planned to revise its legislative framework and judicial system to guarantee equality and non-discrimination of all citizens before the law. In this regard, the key indicators to criminalize and prosecuting of traditional practices harmful to women rights including early and forced marriage are enactment of gender specific legislations including Family Law and Law on the Violence Against Women (LVAW). Until now, the LVAW has been enacted and the Family Law is under the process to be adopted by the Parliament. The article 5 of LVAW has criminalized under-age and as well as forced marriage. On the other hand, Child Protection Action Network functions in identifying, reporting, and responding to the cases of underage and forced marriage, and other forms of violence against children. In 2007, 363 cases of child rights abuses were reported to CPAN. In 2008, CPAN reviewed a total of 1,459 (851 boys and 608 girls) cases of different forms of violence and took necessary measures for the referral of these cases to concerned authorities as well as providing legal support, family support, and psychological counselling.

Question 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).

54. The Government has taken measures to prevent the abduction and trafficking of human beings; support victims, especially women and children; ensure international coordination and cooperation to stem the problem; and for the speedy prosecution of abductors. The Government introduced the Counter Abduction and Human Trafficking Law in 2008.

55. The Counter Abduction and Human Trafficking Law criminalizes human trafficking, transfer, transportation, employment, keeping, or controlling another person for the purpose of exploitation or using that person’s economic inability or compulsion through payment or receipt of money or advantage or other dishonest means to get the agreement of the victim or the person whose custody he has. A Commission was established in 2008. The Commission, through the different ministries and agencies, are responsible for the prevention, protection, rehabilitation and repatriation of victims.

56. As for sexual violence against boys, according to monthly data collected by CPAN from June 2007 to June 2008, 41 cases of rape and 36 incidents of sexual abuse against children of both sexes were reported in 20 provinces. Due to taboo and stigma associated with sexual abuse in the context of the Afghan society, limited complaints are officially filed.

57. A study conducted by the AIHRC and Save the Children Sweden-Norway⁵, with a sample population of 186 children and adults, shows that only 29% of the victims

⁵ Save the Children Sweden-Norway and AIHRC, Mapping Child Sexual Abuse in Afghanistan, 2006.

approached law enforcement agencies for a number of reasons including the lack of trust in the justice system, the fear of consequences, and the lack of family consent. 18.2% of child respondents reported that they had experienced sexual harassment (59.5% of the victims were girls and 35.0% were boys while the rest of the interviewees had not identified themselves).

F. Article 11 - The right to an adequate standard of living

Question 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?

58. The government has approved its National Development Strategy (ANDS) which has laid down the most priority poverty reduction policies. This document serves as the same time as the Afghanistan PRSP. In addition to this, the National Budget now includes most priority pro-poor allocations and pro-poor expenditure tracking to ensure better targeting. The national poverty headcount rate has fallen down from 42 percent in Spring 2007 to around 36 percent in 2008. The implementation of the ANDS – PRSP is the main Government plan to reduce poverty in the next medium term period.

Question 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).

59. Many organizations work toward providing dwellings in Afghanistan. Ministry of Urban Development and Housing and Ministry of Rural Rehabilitation and Development in close collaboration with provincial Municipalities are involved in reconstruction and providing of accommodations for citizens. In Addition, the Central Statistics Office makes relevant data available regarding progresses achieve on. The survey of National Risk and Vulnerability Assessment is a regular program which carries out by Central Statistic Office and Ministry of Rural Rehabilitation and Development.

60. In the situation of Afghanistan, with many people uprooted by decades of conflict, a proof of ownership of a dwelling is particularly important for property claims in house disputes when refugees and Internally Displaced People (IDPs) return. The government is prepared to issue registered deeds to the rightful owners, thereby taking precautions against possible corruption. The large majority of urban and rural households (86 percent) claim ownership of the house where they live, by inheritance (55 percent), purchase (9 percent) or construction (23 percent). This claim is even stronger among rural households (91 percent) than among urban ones (68 percent).

61. According to National Risk and Vulnerability Assessment survey, the pattern of housing types in Afghanistan is dominated by single-family houses. Of the sedentary population in urban and rural areas this housing type accommodates, respectively, 55 and 76 percent of households. The segment of households in urban areas that share a dwelling has considerably increased since 2005, from 22 to 40 percent.

62. The properties, which were acquired by the government, are compensated by alternative properties and budget for rebuilding houses. To solve the problem of homelessness, the government has contracted with private companies to build residence apartments in different regions in the country. However, this process is continuing. To guarantee the land ownership, the government of Afghanistan has enacted the Law on Managing Land Affairs in 2008. Based on this law, a commission has been founded under the observation of the Agriculture Minister in order to solve land conflicts. However, the government faces various challenges in respect of assurance of land properties, from which insecurity is the most significant challenge in some regions.

Question 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).

63. For better situation of nutrition, the ministry of Public Health has organized programs on Food Security For All for evaluation of nutrition situation and prevention and treatment of nutrition. Regarding importance of breastfeeding, the policy of Infant Nutrition and regulation on Support and Promotion of Breastfeeding of Infant Nutrition has been provided and finalized. Based on this fact, 200 local health personnel and 30 master trainers regarding breastfeeding have been trained. 3000 health personnel and 80 master trainers are consulting the families regarding the significance of breastfeeding nutrition at the national level. In addition, campaigns on breastfeeding nutrition will be operating through public media and health centres. Furthermore, breastfeeding nutrition week is regularly celebrated annually.

Question 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).

64. Overall access to safe drinking water in Afghanistan is calculated at 27 percent of the population. Large differences in the share with access are observed between the urban population on the one hand and the rural and Kuchi populations on the other. Similar differences exist between the provinces. 42 percent of the households immediate have access to water with no travel time is available. The corresponding figures for the urban, rural and Kuchi households are, respectively, 75, 35 and 21 percent.

G. Article 12 - The right to physical and mental health

Question 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).

65. The ministry of Public Health has two basic health systems, Basic Package of Health Services (BPHS) and Package of Hospitals Health Services. The ministry of Public Health has received various consequences in implementing these systems, which can be noted that 85% of the Afghans can be covered to receive health services. For just health services, the Ministry of Public Health has codified a standard collection in the name of Package of Basic Hospital Services. The aim of the Package is standard services in the diagnostic check-up, complex operations, and plenary pregnancy care, care for eye, ear, tooth, physiotherapy, ultrasound and 24 hours ambulance service. The main aim of these two health services is to reduce maternal and child mortality.

66. However, these two health services aim to serve peoples with disability. The figures provided by the Ministry of Public Health show that yet 15% of the population is deprived of the right to access to health service. Lack of specialists in the rural environments is a challenge, which instigates the Ministry of Public Health to devote financial and logistic resources. Therefore, it is one priority of the Ministry of Public Health.

67. Considering the geographical position of Afghanistan, the Ministry of Public Health has managed the mobile health services and considered it to be significant strategy in service of the rural environments. Through this development some parts of the country could be successfully covered. In 2009, 1812246 patients were checked up, among which 195 subjects were of birth, 7703 were of pregnancy, 6381 women profited from methods of family organizing and DPT3 vaccine was utilized by 3567 women. There are about 36000 villages in the country, in which only 1500 health services are available. Therefore, every team of the ambulatory health service must cover the target zones for 6 times in a year, which it shows that every team is responsible for 20 time per-month and 240 times per-year. Finally, every team's average time of work is 3 days, including days of travel and transportation, which is 80 times per-year.

Question 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.

68. The ministry of Public Health has included diagnose and treatment of mental health problems in BPHS in 2005. This development resulted in increase of mental health treatments and addition of awareness-rising on mental health, identifying and treating mental diseases in all health parts of BPHS. When the BPHS was reviewed in 2008, the social mental health care were added also, which include medico care and treatment of mental problems. The education materials and curriculums have been revised to more effectively prioritizing.

Question 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).

69. The Ministry of Public Health has founded an especial department for HIV control and has increased advisory centres. HIV control, as other contagious diseases, is a priority in the ministry of Public Health. However, this subject is being mentioned in the Health and Nutrition Policy. In regards with the HIV treatment, the program of HIV treatment is being initiated and it has been agreed that a hospital for the contagious diseases such as HIV, will be built.

70. Currently, the National Program for HIV control supply services through 24 contracts with the national and international organizations in 8 main provinces. Yet, 556 positive HIV being reported and registered, and 7 persons have lost their live.

Question 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.

71. In this regard, especially to increase women health care personal, the Ministry of Public Health has established nursing training centers through 34 provinces of Afghanistan. Yet, 2000 nurses are trained in these centers. In addition, the MoPH has revised its Human Resource Strategy which includes the Protected Maternal Plan to fulfill the necessity of trained health-care personnel. Furthermore, the administrative reform of hospitals is put into operation at the national level.

Question 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 staffs 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).

72. The important issue in Women Health Service is that of role of women, which this subject is a priority in the ministry of Public Health. However, the issue of lack of personnel, especially skilled nurses, is a current challenge. It is noteworthy that 2000 obstetricians are being trained, which these training programs play an important role in reducing maternal mortality. The ministry of Public Health has planned to manage training programs for Nurses of Society (women) in the future, through which the issue of lack of women personnel and maternal mortality will be tackled.

73. The ministry of Public Health had expanded the health services for all citizens in 2003, which aims at supplying health services with serious focus on the remote regions. According to the statistics of the ministry of Public Health, 85% of the population have access to health services. In addition, the ministry of Public Health is committed to increase this number to 90%, according to the Afghanistan Development Strategy goals. The ministry of Public Health believes that the solution for health problems of the remote regions is expanding the BPHS and recruitment of specialists particularly in the local health centres.

H. Articles 13 and 14 - The right to education

Question 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?

74. Concrete efforts have been undertaken by the Ministry of Education to eliminate all forms of discrimination and to ensure accessibility to education by both “girls” and “boys” regardless of their ethnicity, race, religion, and social status. The Education Strategy, in order to ensure equality of education, has implemented an awareness strategy encouraging families to send their daughters to school, regulate a specific budget for the promotion of girls education including establishment of over 14,000 incentive scholarships for girls, enhancing enrolment of children with disabilities (45% of girls and 30% of boys) in primary schools, providing support centres for academically inclined children, improving

attendance to at least 35% of nomad children, and supporting and monitoring the attendance of Afghan refugee schools outside the country. To achieve the determined objectives the following steps have been implemented:⁶

- Establishing 7,643 local schools in 30 provinces reaching out to 122,198 boys and 152,470 girls with 5,836 male and 2,655 female teachers.
- Some 30,000-50,000 students graduate from high school every year.
- During 2008, around 60 million teaching textbooks for primary and secondary classes were printed and distributed.
- The Ministry of Education, in cooperation with relevant civil society organizations, has implemented a two phase accelerated education program targeting children, especially girls, who were deprived of education during conflict and Taliban era and reintegrate them into mainstream education. From February 2003 to end of 2005, education was provided in 17 provinces in more than 6,800 classes to 170,000 primary students by 6,800 teachers. The second stage, which is currently continuing, supports students aged 10 to 15 years to complete two education years in one year upon which they are enrolled into basic mainstream education schools.
- Increase the attendance of children in primary and secondary schools from 1 million in 2000 to 6.2 million in 2008, of which 35% should be girls.
- Presently, 4,475 schools are under repair and 1,096 schools are being built. But only 25% of schools have usable buildings and thousands of communities have no easy access to schools⁷.
- In 2001 only 2,680 male teachers were working in public schools. This figure in 2007 increased to 158,275 teachers, an increase of seven times of which 28% (45,514) are female teachers. But only 22% meet the minimum qualifications of Grade 14⁸.
- In 2001 there were only 4 teacher training colleges with 190 students and 52 teachers. In 2008 the figure has risen to 34 teacher training institutions, one in each province with 32,171 students taught by 821 teachers.
- Currently there are 511 religious schools taught by an academic board of Islamic studies, with 106,156 students of which 5,299 are girls.
- In vocational and technical training schools, a total of around 17,168 students have been trained of which 2,969 are girls. There are around 48 vocational and technical schools in Afghanistan out of which 4 are for girls.
- In 2008 a total of 219,625 students were educated in literacy classes, of which 75% were women and girls, in 10,673 classrooms around the country.
- To date, 333 laboratories have been established and 301 are being planned.

75. Regarding to school attendance, the AIHRC's data indicates that only 66% of schoolboys and 54.3% of schoolgirls regularly attend school, while about half of girls and one-thirds of boys do not regularly attend school. In other words, 60.2% of students (girl and boy) maintain regular school attendance. Besides, 8.7% of boys and 8.5% of girls sometimes go to school and 1.1% of boys and 1.7% of girls seldom go to school.

⁶ All information from the Ministry of Education and UPR report unless otherwise stated.

⁷ Ministry of Education, *National Education Strategic Plan for Afghanistan 2007-2008*, p.11.

⁸ Ministry of Education, *National Education Strategic Plan for Afghanistan 2007-2008*, p.11.

Question 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).

76. MoE has attracted the traders and national and international organizations for providing facilities such as (stationery, transportation and uniforms) for poor families. It is noteworthy that these assistances are extremely limited.

Question 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.

77. Usually, married girls have special needs for trainings and information about married life and housekeeping. For this reason, vocational schools were founded, where they receive such trainings. On the other hand, due to the probability of pregnancy and in order to meet the special needs of pregnant students, they attend special schools.

78. The Ministry of Education has recently been working on a new regulation to ensure the implementation of compulsory basic and secondary education. The Education Strategy, in order to ensure equality of education, has implemented an awareness strategy encouraging families to send their daughters to school, regulate a specific budget for the promotion of girls' education including establishment of over 14,000 incentive scholarships for girls. To encourage families to send their children to school and to address nutritional needs, the Ministry of Education, in cooperation with World Food Program (WFP), has been implementing a food for education program for a few years. The program has distributed enriched biscuits to over 1.6 million children (both boys and girls) in districts facing food shortages and low education indexes. Another 823,000 families have benefited in regions facing severe cold and food shortages where food has been distributed before and after the winter season. To encourage the attendance of girls, cooking oil has been distributed to 450,000 girls and 13,000 teachers of community-based schools.

Question 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)?

79. Overall female literacy is somehow low: only 12 percent of the female population 15 years and older are able to read and write, compared to 39 percent of males. For the literacy rate of the 15-24 year olds an increase of 4 percentage points up from 2005 to 24 percent in 2007/8 was noted. The female literacy rate of this age group hovers at a low 45 percent of the male figure, even though this represents a 7 percentage point improvement from the 2005 figure. The consistent acceleration of literacy rates for the youngest age groups, especially for girls, has been remarkable, indicating that the inter-generational spread of illiteracy may be gradually grinding to a halt. Recently, the government has planned to provide literacy for at least 300,000 citizens including minorities and marginalized people during the 3 next years.

I. Article 15 - Cultural rights

Question 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).

80. Ministry of Culture in agreement with Ministry of Interior Affairs had considerable achievements in preventing trafficking of the cultural and historic heritage of Afghanistan. The Border Police had a particular role in this regard.

81. The 65 meter-tall minaret and archaeological remains of Jam and the cultural landscape and archaeological remains of the Bamiyan Valley, inscribed to the World Heritage Status in 2002 and 2003 respectively. In addition, there has been submitted four more historical properties to the list of World Heritage Status as following:

- City of Herat (2004)
- City of Balkh (Antique Bacteria) (2004)
- Band-E-Amir (2004)
- Bagh Babur (2009)

Question 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).

82. Under Article 4 of the Constitution the ethnic groups of the country are recognized and have equal rights as citizens.

83. The MoPH has established a special department for ethnic minorities, especially the nomads, within its framework to provide medical services.

84. Within the framework of the MoE, a Department of Education for Nomads has been established which is responsible for providing quality education for nomad children.

85. In accordance with Article 43 of the Constitution, the government has attempted to ensure classes are taught in the mother tongues of regions where they are spoken. The MoE has prepared textbooks in primary (grade 1 and 2) grades in local languages such as Uzbeki, Turkmeni, Pashae, Balouchi, and Nooristani.
