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

Technical assistance to be provided to the Government of Afghanistan

Terms of reference

Background

Afghanistan ratified the Convention on the Elimination of All Forms of Discrimination against Women in March 2003. Although the treaty allows for progressive rather than immediate implementation of many provisions, ratification demonstrates an unqualified positive commitment to the comprehensive prohibition and elimination of discrimination against women.

According to the Convention's definition (article 1), discrimination against women encompasses any distinction, exclusion or restriction on the grounds of sex, which prevents the equal exercise or enjoyment by women, irrespective of marital status, on the same basis as men, of their human rights and fundamental freedoms in all spheres of life.

States parties are required by the Convention to eliminate discrimination against women in the exercise and enjoyment of all civil, political, economic, social and cultural rights. The Convention requires States parties to pursue a policy of eliminating discrimination against women, and to take all appropriate measures to eliminate such discrimination, whether committed by public authorities or by any person or organization. Significantly, the obligations of States parties to eliminate discrimination against women extend beyond public life to incorporate discrimination in private life, and, uniquely, within the family.

Upon ratification or accession to the Convention, States parties assume specific obligations for the full implementation of the Convention at the national level. States parties are expected to embody the principle of equality of women and men in their national constitutions or other appropriate legislation, and ensure, through law and other appropriate means, the practical realization of this principle. States parties also commit to adopt legislation prohibiting discrimination, to establish legal protection for women on an

equal basis with men, as well as to provide effective remedies against acts of discrimination against women.

The sixteen substantive articles of the Convention identify the specific areas of discrimination that are of particular concern to women and establish the means to eliminate discrimination in these areas. In Part I of the Convention (articles 1-6) States parties agree to take all appropriate measures to bring about the advancement of women. These may take the form of legal, administrative and other measures, which include temporary special measures of affirmative action, modification of social and cultural patterns of conduct and suppression of traffic in women and the exploitation of prostitution of women. In Part II (articles 7-9) States parties undertake to protect women's rights in political and public life. They agree to grant women the right to vote and be elected on a basis of equality with men, to participate in government as officials and policy makers, to participate in non-governmental organizations and to represent their countries internationally. They also agree to grant women equal nationality rights and equal rights with respect to their children's nationality. In Part III (articles 10-14) governments make various commitments to eliminate discrimination in education, employment, health, economic, social and cultural life. In an important and unique provision, States parties also bind themselves to take into account the particular problems faced by rural women, to eliminate discrimination against them and ensure that they participate in and benefit from rural development on the same basis as men. Final substantive provisions are found in Part IV, where States parties agree to afford women equality with men before the law, in the exercise of legal rights, and in marriage and family law.

Modalities of the technical assistance

Given the scope of the Convention, its implementation requires a concerted effort and response from Government as a whole. Such an effort and response should be based on a comprehensive review of national legislation, administrative rules and procedures, and of practices to determine the present degree of compliance with the terms of the treaty. During such a review, attention needs to be paid to each of the substantive provisions of the Convention to assess the extent to which the rights guaranteed are being enjoyed by all women. Based on the results of such a review, clearly stated and targeted policies need to be elaborated and priorities set that are consistent with the provisions of the Convention. Public discussion of government policies should be encouraged to strengthen the involvement of various sectors of society in the formulation, review and implementation of these policies.

In order to support the Government of Afghanistan in developing such a concerted effort and response for implementation of the Convention, the Division for the Advancement of Women proposes to provide technical assistance in the following two phases.

Phase one: consultative process with key ministries

Phase one of the technical assistance will aim to sensitize high-level officials in key ministries on the provisions of the Convention most pertinent to their work, and the

obligations resulting therefrom for the State party. Ministries and offices specifically targeted would be those responsible for constitutional matters and the administration of justice, health, education, economic development, and agriculture. The Ministry of Women's Affairs (MOWA) would be an integral part of this phase so as to enhance its capacity for follow-up and coordination in the development of targeted policies and programmes.

A team of internationally recognized experts in the provisions of the Convention, including current and former members of the Committee on the Elimination of Discrimination against Women, would work with Ministry/Department heads to:

- assess the current status of awareness about the provisions of the Convention;
- review the provisions of the Convention, and their implications for the work of the respective departments;
- discuss challenges in implementation of the provisions of the Convention;
- identify opportunities for using the Convention and its provisions as a strategic tool in legislative and policy processes and in programme development, to enhance adherence to its provisions;
- discuss coordination mechanisms to facilitate collaboration between the Ministry of Women's Affairs and other ministries, other levels of Government (provincial, local), as well as other branches of Government to monitor progress in implementation of the Convention; and
- establish a mechanism for preparation of the State party's initial report to the Committee on the Elimination of Discrimination against Women.

The consultation with key ministries would result in a report and recommendations for priority action by the Government in the field of legislative reform, policy and programme measures, cooperation with civil society, and cooperation with the international community. Such recommendations would also include indication of the types of technical assistance and support needed to enhance the capacity of the Ministry of Women's Affairs and all other ministries, as well as other actors, to comply with the provisions of the Convention.

Particular focus will be placed on the following aspects and articles of the Convention: constitutional and legislative framework, including marriage and family relations (articles 1-5, and 15 and 16); violence against women; education (article 10); employment (article 11); health (article 12); and rural women (article 14).

The team would consist of 3-5 experts with particular expertise in the above-mentioned areas, and two UN staff members. It is anticipated that the consultation would last approximately four days.

Phase two: training programme for specific target groups, especially mid-level government officials

Following the consultation with high-level officials of key ministries, a training programme will be implemented for mid-level government officials. It is anticipated that

a total of 30 participants from key ministries, including the Ministry of Women's Affairs, would be trained on the provisions of the Convention. Such training would include presentations on international human rights law and the Convention, as well as practical exercises on the Convention and ways of using it in policy and programme development, and good practice examples from other States parties to the Convention in implementing the Convention. Opportunities for inter-sectoral collaboration as well as collaboration with the international community, and with civil society, would be discussed. Modalities for preparation of the State party's initial report would also be part of the training. It is anticipated that the training would take place approximately 2-3 months after the high-level consultation.

The training team would consist of 3 experts and 2 UN staff members.

Inputs required

The Division for the Advancement of Women will propose the team of experts and a draft programme of meetings with ministries, provide relevant documentation in consultation with the experts, and cover the costs of the mission. It will also support the experts in finalizing their report and recommendations.

Based on the report of the experts, and in consultation with them, the Division will propose the programme for the training, as well as identify the experts and materials. It will cover the costs for experts and resource persons.

Expected results

Based on the support provided by the experts, it is expected that progress in implementation of the Convention in the State party will be significantly accelerated, and that a framework will be created for reporting to the Committee on the Elimination of Discrimination against Women.

In addition, it is expected that this technical assistance from the Division for the Advancement of Women will facilitate and encourage medium- to long-term follow-up and support by other parts of the United Nations system and the donor community to the Government of Afghanistan in the implementation of the Convention. This should in particular include necessary support for implementation of the concluding comments which the Committee on the Elimination of Discrimination against Women will be adopting after presentation by the State party of its initial report. In this regard it is noted that Afghanistan has yet to submit a report in accordance with article 18 of the Convention, and that its initial periodic report was due in April 2004.

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