

KNOW YOUR RIGHTS

A GUIDE TO KEY NATIONAL LAWS AND POLICIES AND INTERNATIONAL DECLARATIONS AND CONVENTIONS ON WOMEN'S RIGHTS IN AFGHANISTAN

**PREPARED FOR MUSHARIKAT COALITION MEMBERS
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Introduction

Promote Musharikat conducted a series of consultations with hundreds of Afghan women activists and civil society organization (CSO) members from all 34 provinces between January and May of 2016. Through this process, the need for education in key women's rights laws and conventions became clear. Accordingly, in July 2016, Promote Musharikat launched the "Know Your Rights" initiative to deepen Musharikat Coalition members' knowledge of key women's rights laws and conventions covering women in Afghanistan. Specifically designed to strengthen members' understanding of the comprehensive framework of legislation and policy governing women's rights, this initiative represented an important first step toward achieving the project's goal of strengthening 5,000 women activists in Afghanistan.

Employing Musharikat's mobile communication platform, which enables the exchange of information through text messaging with and among Coalition members, the project crafted and delivered a series of weekly text messages with passages drawn from the various laws, conventions and policies which support Afghan women's rights. Members initially received the full document through email, followed by a series of texts with excerpts from each of the following national and international laws, policies and international covenants and declarations on human rights:

1. Constitution of Afghanistan
2. Law on the Elimination of Violence against Woman (EVAW Law)
3. Education Law
4. The Labour Law
5. National Action Plan for the Women of Afghanistan (NAPWA)
6. United Nations Security Council Resolution 1325 (UNSCR 1325)
7. Cairo Declaration on Human Rights in Islam
8. Universal Declaration of Human Rights
9. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
10. International Covenant on Economic, Social and Cultural Rights
11. International Covenant on Civil and Political Rights

This guide consolidates the women's rights information shared with Musharikat Coalition members through the Know Your Rights educational campaign over the past nine months. We hope that it will serve as a resource to current members as well as to future Coalition members and others with an interest in supporting women's rights in Afghanistan.

Constitution of Afghanistan¹

Enacted in 2004, the Constitution of Afghanistan consists of 12 chapters and 162 articles. Chapter two introduces the fundamental rights and duties of citizens. It establishes the foundation for gender equality and protection of women's rights in the country. Of note, Article 22 expressly forbids discrimination between Afghan men and women and emphasizes equal rights and duties of men and woman before the law.

Listed below are the eight key articles related to women's rights that were shared with Musharikat Coalition members.

Article 17

The state shall adopt necessary measures to foster education at all levels, develop religious teachings, regulate and improve the conditions of mosques, religious schools as well as religious centers.

Article 22

Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.

Article 24

Liberty is the natural right of human beings. This right has no limits unless affecting others' freedoms as well as the public interest, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity.

Article 43

Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state. To expand balanced education as well as to provide mandatory intermediate education throughout Afghanistan, the state shall design and implement effective programs and prepare the ground for teaching mother tongues in areas where they are spoken.

Article 44

The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country.

Article 45

The state shall devise and implement unified educational curricula based on the tenets of the sacred religion of Islam, national culture as well as academic principles, and develop religious subjects' curricula for schools on the basis of existing Islamic sects in Afghanistan.

Article 48

¹ Available at: <http://moj.gov.af/en/page/legal-frameworks/168329941684>

Work is the right of every Afghan. Working hours, paid holidays, employment and employee rights and related matters shall be regulated by the law. Choice of occupation and craft shall be free within the bounds of law.

Article 54

Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.

Law on the Elimination of Violence against Woman (EVAW Law)²

The Law on Elimination of Violence against Woman was enacted through a presidential decree in 2009 which remains valid as of April 2017. It includes 4 chapters and 44 articles. The Law establishes a legal foundation for combating violence against women in the country. Its stated objectives include ensuring women's legal rights, protecting women's human dignity and the integrity of families, fighting against harmful traditions and customs which cause violence against women (VAW), protecting victims of violence, preventing VAW, raising public awareness regarding VAW and prosecuting perpetrators of VAW.

The following key articles of the EVAW Law were disseminated to Coalition members.

Article 4

Violence is a crime and nobody has the right to commit it at the place of residence, government or non-government offices, institutions, public places, means of transport or other areas. If committed, the person shall be punished according to the provisions of this law.

Article 5

Commission of the following acts shall be deemed as violence against women.

1. Rape.
2. Forced prostitution.
3. Recording the identity of victim and publicizing it in a manner that damages the personality of the victim.
4. Setting on fire, using chemicals or other dangerous substances.
5. Forcing self-immolation or suicide or using poisonous or other dangerous substances.
6. Causing injury or disability.
7. Battery and laceration.
8. Selling and buying women for the purpose of marriage
9. *Baad* (retribution of a woman for a murder, to restore peace etc.)
10. Forced marriage.

² Available at: http://moj.gov.af/Content/files/OfficialGazette/0901/OG_0989.pdf

11. Prohibiting the right to marriage or choosing a husband.
12. Marriage before the legal age.
13. Abusing, humiliating, intimidating.
14. Harassment/persecution.
15. Forced isolation.
16. Forcing a woman into drug addiction.
17. Depriving from inheritance.
18. Preventing the possession of personal property.
19. Deterring from right to education, work and access to health services.
20. Forced labor.
21. Marrying more than one wife without observing the provision of Article 86 of Civil Code.
22. Denial of relationship.

Article 6

A victim of violence has the following rights:

1. Prosecution of the offender according to the provisions of the law.
2. Access to a protective center, safe house or other secure place in agreement with the victim.
3. Free access to emergency health services.
4. Having access to an advocate or legal aid provider.
5. Compensation resulting from the act of violence.
6. Confidentiality related to the matter.
7. Other rights provided in the legislative documents.

Article 20

If a person burns a woman or uses chemical or other poisonous substances on her body that cause injury, or feeds her a poisonous substance or injects it into her body, the offender shall, depending on the circumstances, be sentenced to long-term imprisonment, not less than 10 years.

If the commission of acts, included in paragraph (1) of this Article, is to create fear for the purpose of depriving women from their civil rights in society, or it results in the death of the victim, the offender shall, depending on the circumstances, be sentenced to life imprisonment or the death penalty.

Article 23

If a person beats a woman, which does not result in damage or injury, the offender shall, depending on the circumstances, be sentenced to short-term imprisonment, not exceeding 3 months.

Article 24

A person who sells a woman for the purpose of or under the pretext of marriage, or purchases a woman or acts as intermediary in the process, the perpetrators shall,

depending on the circumstances, be sentenced to long-term imprisonment, not exceeding 10 years.

Article 25

If a person gives or takes a woman for marriage in retribution for a Baad, the perpetrator shall, depending on the circumstances, be sentenced to long-term imprisonment, not exceeding 10 years.

In such cases as under paragraph (1) of this Article, the involved persons (the witnesses, the proxy, Aqid “one who weds the couple” and conciliator) shall, depending on the circumstances, be sentenced to a medium-term imprisonment, and the marriage contract shall be considered invalid at the request of the woman, according to the provisions of the law.

Article 26

If a person forces a woman to get engaged or married who has reached the legal marriage age without her consent, the perpetrator shall, depending on the circumstances, be sentenced to medium-term imprisonment, not less than 2 years, and the engagement and marriage is invalid, according to the provisions of the law.

Article 27

If a person prohibits a woman from marriage, the offender shall, depending on the circumstances, be sentenced to short-term imprisonment.

Article 29

If a person curses, intimidates or degrades a woman, the offender shall, depending on the circumstances, be sentenced to short-term imprisonment, not less than 3 months.

Article 35

If a person prohibits a woman from the right to education, work and access to medical services or exercising other rights stipulated in the law, he shall, depending on the circumstances, be sentenced to short-term imprisonment, not exceeding 6 months.

Education Law³

The current Education Law of Afghanistan was issued in 2008. It contains 11 chapters and 52 articles. Under Article 2, the law aims to ensure equal rights of education and training for Afghan citizens, develop and improve capacities of students, strengthen the spirit of respect for human rights, protect women’s rights, democracy and elimination of all kinds of discrimination, in light of Islamic values. It also aims to provide opportunity for the participation of students’ parents and guardians in management of education affairs, eliminate illiteracy, develop and improve the quality of education and develop a unified educational curriculum.

³ Available at: http://moj.gov.af/Content/files/OfficialGazette/0901/OG_0955.pdf

The following articles from Education Law were shared with Coalition members.

Article 2

The main objectives of this law are to:

1. Ensure equal rights of education and training for the citizens of the Islamic Republic of Afghanistan through promotion and development of universal, balanced and equitable educational system.
2. Strengthen Islamic spirit, patriotism, national unity, preservation of independence, and defense of territorial integrity, protection of national interests and national pride, and loyalty to the Islamic republic of Afghanistan.

Article 3

The citizens of the Islamic Republic of Afghanistan have equal rights to education without any kind of discrimination.

Article 18

The objectives of the intermediate (basic) education are:

1. To improve and strengthen understanding of Islamic values and spirit of patriotism and unity and national solidarity, justice, equality, peaceful coexistence, peace loving, tolerance and self-reliance.
2. Improve and strengthen respect for human and women's rights.

Article 33

The Ministry of Education – in order to promote students' educational and maturity level with a spirit of unity, harmony, equality, sense of understanding, assistance, humanism, patriotism, respect for human and women's rights, familiarity with various cultures, participation in social and cultural affairs of the community – shall organize and implement the following extracurricular activities under the guidance of teachers, lecturers and teachers:

1. Encourage students to perform obligatory duties and obey Islamic ethics.
6. Organize and deliver workshops and seminars to strengthen students' understanding of the charter of the United Nations basic declaration of human rights and respect for human dignity.

Article 39

Any kind of physical and psychological punishment of students is prohibited, even for their correction and chastisement. Violators shall be prosecuted in accordance with the provisions of the law.

The Labour Law⁴

The Labor Law of Afghanistan, amended in 2008 and comprises 14 chapters and 153 articles. It has been enacted in accordance with Article 48 of the Constitution of the Republic of Afghanistan to explain and regulate the obligations, rights, privileges and social needs of workers.

The following articles from the Labour Law were delivered to Coalition members.

Article 9

There should be no discrimination in recruiting a person, payment of salaries and staff allowances, selecting a profession, the right to education and social protection.

For women, during the period of pregnancy and after the birth of a child, and in other cases envisaged in this Code and legislative documents, certain benefits are given in the workplace.

Article 31

The weekly working time of workers are reduced in the following cases: for pregnant women, 35 hours per week.

Article 120

It is not permissible for women and youths to be engaged in types of work that are physically arduous or harmful to health or carried out in underground sites. A list of these jobs shall be prepared and approved by the Ministry of Public Health; Ministry of Labor Social Affairs, Martyrs and Disabled; and other respective organizations.

Article 122

Pregnant women, women with children under two years of age and youth cannot be assigned to do overtime work, work during public holidays or travel in order to do official work.

Women with children less than two years of age cannot, without their prior consent, be required to do overtime work or to travel in order to do official work.

Article 123

During the period of pregnancy and on the basis of a doctor's certificate, women will be assigned to lighter work, while receiving the wage applicable to their primary jobs.

Article 125

It is forbidden to refuse to employ women or to reduce their wages because of pregnancy or while nursing children.

⁴ Available at: http://moj.gov.af/Content/files/OfficialGazette/0901/OG_0966.pdf

National Action Plan for the Women of Afghanistan (NAPWA)⁵

The excerpts of the following text were shared with Coalition members.

The National Action Plan for the Women of Afghanistan (NAPWA) is a policy framework with a ten-year (2007-2017) timeframe, which pursues the twin goals of women's empowerment and gender equality. The framework was drafted and finalized in a participatory manner through series of workshops and consultative sessions with government entities, CSOs and individual activists.

NAPWA comprises a 10-year plan of action for the Government of Afghanistan to guide the implementation of its commitments to the women of Afghanistan, which include promises under the Afghan Constitution and such international treaties as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The purpose of NAPWA is to ensure continuity and consistency in government efforts to protect women's citizenship rights in Afghan society through equality and empowerment.

NAPWA's vision is to build a peaceful and progressive Afghanistan where women and men both enjoy security, equal rights and opportunities in all aspects of life. Three key pillars constitute the core of NAPWA:

1. **Security.** The goal of this pillar is to build and sustain a secure environment that enables women to live a life free from intimidation, fear and violence and which supports their participation and leadership in promoting and maintaining peace and security. The security sector strategy includes:
 - Reviewing the major security policies and programs from a gender perspective
 - Assessing existing gender tools, mechanisms and approaches
 - Implementing an affirmative action policy
 - Eliminating women-directed violence in public and private spaces
 - Raising awareness on human rights, especially women's rights, and gender-based violence within the security sector
 - Promoting a culture of peace and non-violence.
2. **Governance, Rule of Law and Human Rights.** This pillar focuses on reforming Afghanistan's legal and judicial systems to uphold the government's duty to protect the constitutionally-guaranteed rights of women, improving women's access to justice, strengthening the involvement of women in governance, as well as increasing their capacity and opportunities for leadership.

This pillar is divided into two chapters, one on legal protection and human rights and another on leadership and political participation.

⁵ Available at: <http://ago.gov.af/Content/files/NAPWA.pdf>

The strategy to protect women's human rights and their rights under the Constitution includes:

- Eliminating discrimination against women in law
- Improving women's access to justice
- Reforming law enforcement
- Promoting legal and religious awareness of/on women.

The strategy to advance women's leadership and political participation Includes:

- Adoption and implementation of comprehensive leadership and capacity building programs for women
- Eliminating violence against women in public and private spaces
- Partnership building between and among women and men
- Increasing opportunities and mechanisms for women's leadership and participation in their communities.

3. **Economic and Social Development.** This pillar 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 potential. 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.

This pillar is divided into three chapters:

- **Economy, Work and Poverty.** The strategy to improve women's economic status includes:
 - Increasing access to education, vocational training and employment
 - Legal protection
 - Promoting recognition of women as economic agents
 - Developing and adopting a population policy
 - Promoting leadership in the economic sector
 - Developing and adopting policies that address the particular needs of women working in the informal economy.
- **Health.** The strategy to improve women's health includes:
 - Improving and expanding medical services and infrastructure, particularly for rural women
 - Promoting women's representation in the health sector
 - Promoting a culture of health care and an understanding of basic health
 - Reducing maternal mortality
 - Promoting access to family planning.

- **Education.** The strategy to increase the quality of education for women includes:
 - Creating an affirmative action approach and an incentive structure for female education
 - Improving women’s access to education and education infrastructures
 - Improving the organization and structure of education
 - Addressing issues of safety and security
 - Addressing social factors impeding women’s access to education
 - Reducing illiteracy
 - Promoting alternate education accelerated learning, and vocational training.

The Ministry of Women’s Affairs (MoWA) is the monitoring agency for the implementation of NAPWA. MoWA is required to collect annual reports from other GIRoA ministries and independent government institutions which hold responsibility for the implementation of the Plan.

United Nations Security Council Resolution 1325 (UNSC 1325)⁶

The excerpts of the following text were provided to Coalition members.

The United Nations Security Council adopted Resolution 1325 on women and peace and security on October 31st, 2000. UNSCR 1325 builds on the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Beijing Platform for Action.

UNSCR 1325 was adopted under Chapter VII of the UN Charter, which effectively makes it International law, with obligatory responsibility for implementation for all UN member states.

The resolution affirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.

Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts.

The resolution also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict. The resolution has the following pillars:

⁶ Available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1325\(2000\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1325(2000))

1. **Participation.** It means increase in the political participation of women at all levels of decision making related to peace, security and civil service.
2. **Protection.** It highlights that women need protection during conflict and post-conflict situations since they are particularly vulnerable to sexual violence.
3. **Prevention.** It clarifies that preventing sexual violence against women, prior to it occurring or in the early stages by adopting special measures is very important.
4. **Relief and Recovery.** It underscores creation of funding mechanisms, economic development opportunities, and the provision of relief and recovery services (e.g., services for survivors of violence and equal distribution of resources between men and women). UNSCR 1325 also specifically addresses women's access to aid distribution mechanisms and services, including those related to their distinct needs.

Afghanistan became a member of the United Nations on November 19, 1946. As a member state, it is committed to observing the United Nations charter, international treaties signed by Afghanistan, and UNSC's resolutions, particularly Resolution 1325 on women's rights. To this end and in order to implement UNSCR 1325, the Government of Afghanistan has developed a National Action Plan. It aims to increase women's participation in peace processes and the security sector, as well as address issues around protection and relief and recovery services for women.

Cairo Declaration on Human Rights in Islam⁷

The Cairo Declaration on Human Rights in Islam was approved by the Organization of Islamic Conference (OIC) on August 5th, 1990 in Cairo, Egypt. The Declaration presents a summary of human rights from an Islamic perspective and contains 25 articles. Its stated purpose is to provide "general guidance for Member States in the field of human rights." Afghanistan was a founding member of the Cairo Declaration on Human Rights in Islam, and endorsed the document on Aug 5, 1990.

The following articles from Cairo Declaration on Human Rights in Islam were shared with Coalition members.

Article 6

(a) Woman is equal to men in human dignity and has rights to enjoy as well as duties to perform; she has her own civil identity and financial independence, and the right to retain her name and lineage.

Article 9

(a) The seeking of knowledge is an obligation and provision of education is the duty of the society and the State. The State shall ensure the availability of ways and means to acquire

⁷ Available at: <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/Human-Rights/cairo.pdf>

education and shall guarantee its diversity in the interest of the society so as to enable man to be acquainted with the religion of Islam and uncover the secrets of the Universe for the benefit of mankind.

Article 13

Work is a right guaranteed by the State and Society for each person able to work. Everyone shall be free to choose the work that suits him best and which serves his interests and those of society. The employee shall have the right to safety and security as well as to all other social guarantees. He may neither be assigned work beyond his capacity nor be subjected to compulsion or exploited or harmed in any way. He shall be entitled - without any discrimination between males and females - to fair wages for his work without delay, as well as the holiday allowances and promotions which he deserves. For his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed and justice enforced without bias.

Universal Declaration of Human Rights⁸

The Universal Declaration of Human Rights is an international treaty which was approved by the United Nations General Assembly on December 10, 1948. This Declaration contains 30 articles aiming at guaranteeing equal rights and freedoms for all people. The Universal Declaration of Human Rights represents the first global expression of what many people believe to be the rights to which all human beings are inherently entitled.

The following articles from the Declaration were delivered to Coalition members.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

⁸ Available at: <http://www.un.org/en/universal-declaration-human-rights/>

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed at the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)⁹

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was adopted on December 18th, 1979 and instituted on September 3rd, 1981 by the UN General Assembly. CEDAW is often referred to as an international bill of rights for women. Afghanistan signed CEDAW on August 14th, 1980 and ratified it on March 5th, 2003.

The following articles from CEDAW were shared with Coalition members.

Article 2

States parties condemn discrimination against women in all its forms and agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:

⁹ Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.

Article 3

States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 5

States parties shall take all appropriate measures:

- a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customs and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 10

States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;
- d. The same opportunities to benefit from scholarships and other study grants;
- e. The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f. The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;
- g. The same opportunities to participate actively in sports and physical education;
- h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - a. The right to work as an inalienable right of all human beings;
 - b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

- c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - c. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - d. To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a. The right to family benefits;
- b. The right to bank loans, mortgages and other forms of financial credit;

- c. The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - a. To participate in the elaboration and implementation of development planning at all levels;
 - b. To have access to adequate health care facilities, including information, counselling and services in family planning;
 - c. To benefit directly from social security programs;
 - d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - f. To participate in all community activities;
 - g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15

States Parties shall accord to women equality with men before the law.

States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give

women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a. The same right to enter into marriage;
 - b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - c. The same rights and responsibilities during marriage and at its dissolution;
 - d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

1. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁰

The International Covenant on Economic, Social and Cultural rights (ICESCR) is a multilateral treaty on human rights. It defines a broad set of rights related to the economic, social, and cultural elements of life that member states must provide to their citizens. It was adopted and opened for signature and accession by the UN general assembly on December 16th, 1966. The Covenant entered into force on January 3rd, 1976. Afghanistan joined the Covenant on January 24th, 1983.

The following articles from ICESCR were delivered to Musharikat Coalition members.

Article 3

The States Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 6

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms of the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular:

- a. Remuneration which provides all workers, as a minimum, with:
 - Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - A decent living for themselves and their families in accordance with the provisions of the present Covenant;

¹⁰ Available at: https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf

- b. Safe and healthy working conditions;
- c. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- d. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labor should be prohibited and punishable by law.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - a. Primary education shall be compulsory and available free to all;
 - b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children's schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

International Covenant on Civil and Political Rights (ICCPR)¹¹

The International Covenant on Civil and Political Rights is a multilateral treaty adopted by the United Nations General Assembly on December 16th, 1966, and in force from March 23rd, 1976. It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. Afghanistan joined the Covenant on January 24th, 1983.

¹¹ Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

The following articles from the Covenant were sent to Coalition members.

Article 3

The States Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 23

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The right of men and women of marriageable age to marry and to found a family shall be recognized.

No marriage shall be entered into without the free and full consent of the intending spouses.

States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.