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Women's Participation in the Constitution-Making Process in Afghanistan:

FACT SHEET

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Constitution Vital in Defining Women's Rights

Under the Bonn Agreement, the drafting and adoption of a new Constitution is one of the major tasks to be organized under the leadership of the Transitional Administration in Afghanistan during its two-year tenure. The new constitution will form the legal foundation for the government of Afghanistan and the position it takes on guaranteeing women's rights will be vital in defining the status of women in society. In light of Afghanistan's history, the establishment of a new Afghan constitution is an important opportunity to affirm the necessary guarantees for women's rights. Enshrining women's rights in the Constitution is an essential step for human rights progress in Afghanistan.

Women's Participation in Drafting the Constitution

Establishment of the Drafting Committee of the Constitutional Commission was announced on October 5, 2002. This nine-member committee chaired by Vice-President Shahrani included two women. This committee prepared a preliminary draft of the constitution, which was then passed to the Constitutional Review Commission. The 35-member commission includes seven women, and represents a rough cross-section of educated Afghans, including educators, lawyers, constitutional scholars and religious leaders. The Commission has kept the text on close hold, though the Commission plans to release the text publicly in September.

Period of Public Consultation

In order to make the constitutional process more broadly inclusive, the Constitutional Commission carried out public consultations throughout Afghanistan on the issues people would like to see addressed in the new constitution. The consultation period kicked off June 7, and took place during June and July, 2003. The 35 commissioners fanned out across Afghanistan and conducted hundreds of small and large group meetings in all 32 provinces. Women's NGOs have also been active on promoting public consultation, and have met with the Constitutions Commission Secretariat and UNAMA to ensure participation of women. The Ministry of Women's Affairs collected ideas from women, which were forwarded to the Constitutional Commission. They also held women's community meetings in groups of 30-60 to have them prepare statements on their ideas to submit to the Constitutional Commission. On July 9 the Ministry of Women's Affairs held a meeting in Kabul with over 500 women present, and invited Constitutional Commission members for discussion. They have established community radio and are going to villages raising awareness of women on the Constitution.

Constitutional Loya Jirga

The Bonn Agreement stipulates that the new constitution will be adopted by a Constitutional Loya Jirga. It was originally planned for October 2003, but in early September the Afghan government decided to schedule it in December, 2003, which will allow more time for preparations, while still meeting the Bonn deadline. President Karzai issued a decree on July 16, 2003, spelling out the mechanism by which the 500 delegates to this body will be selected. Almost 20% of the seats are reserved for women -- 64 women representing Afghanistan's 32 provinces; at least 6 women representing the refugee population, and another 25 women who will be directly appointed by the President, for a total of not less than 95 women, plus any other women who may be directly elected as members through the general secret ballot process.

Conclusions

With the Constitutional drafting and consultations process underway, Afghanistan is now engaged in an historic process. We are encouraged by reports that the draft constitution includes a number of human rights provisions, including protections for the rights of women, and we will assist the Afghan government with efforts to ensure these rights are adequately protected. The drafting of a new constitution is an important opportunity for Afghanistan to take steps towards ensuring women's rights in Afghan society.