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**DRAFT REPORT OF THE WORKING GROUP ON
THE UNIVERSAL PERIODIC REVIEW ***

Afghanistan

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of Afghanistan was held at the 8th meeting on 7 May 2009. The delegation of Afghanistan was headed by H.E. Dr Mohammad Qasim HASHIMZAI, Deputy Minister of Justice. At its meeting held on 11 May 2009, the Working Group adopted the present report on Afghanistan.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Afghanistan: Azerbaijan, Cameroon and Republic of Korea.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Afghanistan:
 - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/5/AFG/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/5/AFG/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/5/AFG/3).
4. A list of questions prepared in advance by Argentina, Canada, Czech Republic, Denmark, Germany, Hungary, Latvia, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland was transmitted to Afghanistan through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 8th meeting, on 7 May 2009, H.E. Dr. Muhammad Qasim Hashimzai, Deputy Justice Minister opened his statement by referring to Afghanistan's state report, prepared in a participatory process based on principles of transparency, participation, responsibility, accountability, nondiscrimination, and inclusiveness. His delegation included representatives from law enforcement institutions, national human rights watch agencies, and civil society.
6. Following almost three decades of war and disorder, Afghanistan's legal, political, social and cultural infrastructure is weakened. Nevertheless, in direct cooperation with the international community, Afghanistan managed to make a number of important achievements. Reference was made inter alia to the adoption of the 2004 Constitution which laid the foundation of Afghanistan's legal framework and bound the Government to monitor and observe the United Nations Charter, the International Declaration of Human Rights, international treaties, and human rights conventions that Afghanistan has ratified.
7. The delegation provided additional information on measures taken to enhance the professional capacity of national institutions for the protection of human rights and of the efforts made and challenges encountered on the way to entrench human rights.

8. It noted that the Supreme Court has trained some 800 judges on fair trial and more than 750 modern and Sharia law graduates have been employed in the justice sector. Lack of security remained the main challenge for courts and judges. The Ministry of Justice has established the Bar Association, registered 102 political parties, and 1348 social organizations. However, despite these efforts some problems remained, these included the failure in meeting human rights standards inside the prisons. The Attorney General Office faced problems due to lack of access to lawyers especially in the provinces, lack of security for prosecutors, shortage of technical equipment during investigation, interferences of powerful people, low levels of salaries for prosecutors. The Ministry of Interior had made efforts in training the Afghan National Police to protect human rights in the course of discharging its duties. Nevertheless, a number of complaints show that further work is needed in this area.

9. Afghanistan Independent Human Rights Commission with support from the Government had been able to monitor prisons and detention centers without prior notice. In agreement with a number of international military forces it was also able to monitor the situation of Afghans detained accused of having links with terrorists. Also mentioned were a number of additional and specialized commissions established recently to ensure security of human rights, including the Anti Corruption and Civil Administration Reform Commission; Commission to address Capital Punishment Cases; The Board for Addressing Complaints of Prisoners Transferred from Bagram airbase and Guantanamo prison; The Board for Addressing the Situation of Prisoners in Kabul main prisons and Detention Centers, and Commission of Elimination of Violence against Women.

10. Civil society played an important role in conducting research on different human rights issues.

11. The delegation mentioned some of the most important national policies and strategies adopted to systematically support human rights, including the Afghan National Development Strategy (ANDS) which was approved by the President on April 21, 2008.

12. The Transitional justice strategy and Action Plan on Peace, Justice and Reconciliation was adopted in 2005. With regards to implementation of transitional justice, judicial actions were not taken due to lack of suitable conditions, for example, insecurity, lack of required capacity in the government, and the influence of powerful violators of human rights.

13. The delegation provided further information regarding measures for social protection. The government was providing shelter to 9312 orphan children in 54 orphanages, a total of 362 kindergartens were fully functional throughout the country. Concerning the right to food and to an adequate standard of living and shelter, in 2005, 44 per cent of Afghans lived under the poverty line, and 75 per cent did not have food security. The Ministry of Agriculture has developed a special food security programme in May 2008. Additionally, the rapid growth of urban dwellings, the return of new group of refugees and internally displaced people, the expansion of poverty and slums in the cities put the government in a difficult situation when considering citizen's right to shelter.

14. Achievements in the last seven years on the right to health included a reduction in mortality rate of children under the age of five. Health service coverage increased to 85 per cent of the population through 1688 functioning medical facilities. Yet, malnutrition remained one of the most challenging public health issues.

15. On the right to education, the delegation provided information on some positive developments. In 2008 more than six million students attended schools, one third of which were girls with 15842 attending schools in rural areas. Adult literacy courses for women had opened all over the country. However, major challenges remained, including the destruction of schools by armed anti-government forces, the shortage of qualified teachers particularly in rural areas, the shortage of financial and technical resources, and low salaries for teachers.

16. The delegation pointed out that ensuring and protecting the right of life of citizens has been one of the biggest challenges. It is often violated through civilian casualties and suicide bombings.

17. Concerning media and freedom of expression, the delegation explained that there were three national and 21 local television broadcasters in the country, only one was State-run television. A total of 57 radio stations operated through out the country and hundreds of newspapers and pamphlets existed, and they publish in a free from fear environment and censorship. He noted some of the main challenges, such as the lack of professionalism in some journalistic circles and the intimidation of journalists by armed anti-government forces.

18. Regarding efforts in the area of non-discrimination and equality, over the last seven years Afghanistan made some major achievements in ensuring women's rights, including the formation of the Ministry of Women Affairs. 28 per cent of the National Assembly members were women which is the highest in the region. However, due to insecurity in some provinces, a culture of immunity from punishment, low awareness of women's rights, particularly among women themselves, old and harmful superstitious customs, and lack of job opportunities were among the most pressing challenges.

19. Reference was made to measures taken concerning the rights of minorities, preventing, human trafficking and the rights of the child. Afghanistan has about 1,000,000 disabled persons. The government can not extend sufficient assistance to them due to lack of resources and facilities. However, the Law on the rights and benefits of disabled people and the Law on the families and victims of war have been adopted.

20. The delegation stated that currently a total of 3.3 million Afghan citizens lived in neighboring countries. The Government has made efforts to alleviate the situation. The Government tried to take serious measures but the success depends on the level of cooperation by the host countries.

21. By making of final comments, the delegation considered that the UPR State reporting process provided a unique opportunity to highlight the achievements and the existing challenges of human rights in Afghanistan and a good opportunity for the international community and other human rights actors in the world to put the human rights situation of Afghanistan in a comparative analytical and realistic perspective and notice its problems and challenges.

B. Interactive dialogue and responses by the State under review

22. During the interactive dialogue 59 delegations made statements. A number of delegations appreciated the balanced report prepared by Afghanistan, indicating, inter alia, progress made and remaining constraints and challenges.

23. Algeria made a number of recommendations to Afghanistan.

24. Qatar noted that human rights in Afghanistan are guaranteed by a number of political and judicial mechanisms and that the constitution ensures the rights and freedoms of citizens. Afghanistan ratified most of the core human rights conventions and attaches great importance to the protection of minorities and the development of rural areas. It indicated that grave challenges face the country and asked about the priorities of the government to build the capacities in the field of human rights, about the legal basis for the judiciary and to what extent this judiciary respects human rights norms.

25. India noted that, according to the National Report, much more needs to be done in Afghanistan, especially in capacity-building at sub-national levels, improving civilian oversight of security forces and law enforcement agencies, enhancing justice administration, checking public corruption and combating various adverse social practices against women and children. India was seriously concerned at the increase of terrorist activities by the resurgent Taliban and recalled that one of the principal targets of these terrorist attacks was the Indian Embassy in Kabul in July 2008.

26. Finland made a number of recommendations to Afghanistan.

27. Islamic Republic of Iran made a number of recommendations to Afghanistan. It stressed that poverty alleviation, the eradication of illiteracy and combating drug trafficking and terrorism need to be taken seriously at all levels of Government. It mentioned that increasing civilian casualties was a major cause of concern.

28. Singapore commended the Government's clear resolve to stem administrative corruption. Other important steps taken since the fall of the Taliban include providing education and empowering women. Singapore asked how the Government plans to promote education and school attendance and enquired about the lower enrolment of girls.

29. Norway welcomed that the report highlights the importance of strengthening civil society. Norway made a number of recommendations to Afghanistan. Despite developments since the fall of the Taliban, discrimination against women and girls remains pervasive. Norway was pleased to note that the "Action Plan on Peace, Justice and Reconciliation" was mentioned in the National Report.

30. Netherlands raised a number of concerns and made a number of recommendations to Afghanistan.

31. Philippines commended the establishment of a Ministry of Women Affairs and affirmative action policies that increase participation of women in political life. Philippines inquired on the legal grounds laid for ensuring basic health services and what strategies and programs have been adopted and implemented. It asked about governmental efforts to combat trafficking in children and to further improve access to basic education and promote food security, especially in rural areas.

32. Switzerland was concerned by the growing insecurity and the allegations of international law violations committed by multinational and national armed forces, national security forces and any other armed actor.

33. Republic of Korea welcomed the establishment of Special State Commissions which aim to uphold the human rights of children, women and detainees. It noted that prejudice and

discrimination against women are still persistent. The growing number of IDPs and returnees is matter of great concern to the Republic of Korea.

34. Bhutan recognized the challenges and constraints faced by Afghanistan and noted that progress in the area of governance and towards the achievement of MDG goals and targets in the areas of health and education were encouraging. Afghanistan joined the South Asian Association for Regional Cooperation in April 2007, a natural extension of historical linkages and cultural affinities with the region.

35. France asked about measures to improve the knowledge regarding the criminal procedure and the rights of detainees by law enforcement officials. It asked also how Afghanistan intended to combat the threats, intimidations and violence against women and what assurances could be given regarding the adoption of legal texts that allow for a true and real promotion of the condition of women. Information about the measures to be taken regarding transitional justice was requested. France made a number of recommendations to Afghanistan.

36. Indonesia inquired whether Afghanistan has any plan to ratify other core human rights conventions. It noted the adoption of the Afghan National Development Strategy. It asked about new strategies the Government with regard to reinforcing the role of its civil society and if the role of the AIHRC can be further expanded.

37. Azerbaijan mentioned that terrorism, insecurity and poverty continue to hinder the normal life of Afghani people and continue to remain serious challenges for the government. It strongly supported the efforts of the government aimed at eliminating all difficulties, advancing democracy and defending human rights. Azerbaijan took a positive note that the Independent Human Rights Commission effectively functions and mentioned the comprehensive national development strategy.

38. Mexico noted with interest the recommendations in the national report which it interpreted as voluntary commitments. Mexico made a number of recommendations. It recommended linking these recommendations to concrete actions for their implementation.

39. South Africa noted that acute poverty and unemployment prevail, and women continue to face enormous social, economic, security and human rights challenges. It referred to the importance that the requisite resources be provided to effectively implement the National Action Plan for the Women. It recalled that the 3 decade-long crises had a detrimental impact on the children who have suffered all kinds of violence. South Africa made a recommendation to Afghanistan.

40. Sri Lanka commended Afghanistan for the adoption and amendment of a number of laws in conformity with human rights standards; the creation of mechanisms for protecting and monitoring human rights; and the initiation the reporting process on international human rights treaties. It commended the work of the Afghan Independent Human Rights Commission. It noted that it is encouraging that fifty private prisons have been closed due to monitoring and follow-up activities and more than 3.614 individuals, illegally detained, have been released. Sri Lanka made a recommendation to Afghanistan.

41. Belgium noted the efforts made with the creation of a ministry for women's affairs and the adoption of a strategic plan of action for women's rights and said that however, afghan women are still too often victims of domestic and sexual violence and other types of discrimination. It was concerned by the Shiite personal affairs law and asked if any amendments

have been made to this draft law. Belgium made a number of recommendations to Afghanistan, including that the government review and amend various criminal laws that prevent journalists from carrying out their essential mission in full security and independence.

42. Germany commended the Government for making visible progress in the area of health care under difficult circumstances. It commented, inter alia, on reports from the United Nations and NGO stakeholders about significant restrictions to freedom of expression and asked about the efforts undertaken by the Government to eliminate such limitations. Germany made a number of recommendations to Afghanistan.

43. Nepal indicated that Afghanistan has several development challenges including the investment in human capital and the broad based recovery and reconstruction of national infrastructures. This requires generous international cooperation in a sustained manner. Nepal made a recommendation to Afghanistan.

44. Bahrain indicated that the government was able, with the cooperation of the international community, to take great steps, including the adoption of a new constitution and the holding of presidential, parliamentary and municipal elections. Bahrain welcomed the efforts to set up a civil society as a main stakeholder in the promotion of human rights. It asked to what extent the Constitution takes into account human rights and about the political participation of women. Bahrain made a recommendation to Afghanistan.

45. Saudi Arabia referred to the establishment of a political system, the approval of a new constitution, the holding of presidential, parliamentary and municipal elections and the setting up of human rights monitoring mechanisms. Afghanistan adopted a national education strategy and a national strategy for health and nutrition. Saudi Arabia made a recommendation to Afghanistan.

46. Morocco mentioned that Afghanistan has demonstrated its firm and strong commitment to human rights and has set up a number of strategies and plans of action to promote human rights, in particular in the areas of justice, education, children and health. It asked about measures to combat HIV/AIDS and to ensure access to drinking water. Morocco welcomed the adoption of the transitional justice programme and made recommendations to Afghanistan.

47. Egypt said that Afghanistan is exerting commendable efforts towards the reinstatement of stability and the establishment of the rule of law and asked about the means and steps envisioned to put into effect the national plans and programmes outlined in the national report. Egypt made a number of recommendations to Afghanistan.

48. Canada recognized the challenges faced by the Government, saluted the efforts to consolidate democracy, indicated it was ready to provide continued human rights training to Afghan national security forces and encouraged the Government to increase its efforts to promote and protect human rights. Canada made a number of recommendations to Afghanistan.

49. United States of America offered a number of recommendations to the government with full recognition of the progress that had already been achieved.

50. Austria made a number of recommendations to the Government. Austria welcomed the introduction of the juvenile criminal code in 2005 and asked about the concrete measures the Government will take to improve the implementation of this law.

51. Brazil commended the increase in the number of student population, especially with regards to the access of girls to education and the widening of school curriculum. It asked further information on the role that international cooperation could play to assist in the improvement of its health indicators. Brazil made a number of recommendations to Afghanistan including.
52. United Kingdom of Great Britain and Northern Ireland made a number of recommendations to Afghanistan.
53. Turkey shared the view that the state of insecurity remains the main obstacle to the enjoyment of human rights. It stressed that utmost care must be taken to protect the civilians and that the living conditions of the Afghan people should be improved in a tangible manner. Turkey made a recommendation to Afghanistan. Lastly, Turkey stressed that it will contribute to ensure a secure environment for the upcoming Presidential and Provincial Council elections.
54. Pakistan indicated that Afghanistan's commitment to human rights is demonstrated by its very candid and frank national report. It noted that insecurity and armed conflict limit access to basic services, including education and asked about the measures envisaged to overcome this problem. It said that Pakistan has extended financial and material assistance to Afghanistan and is contributing to the reconstruction of that country. Pakistan made a recommendation to Afghanistan.
55. Palestine referred to the considerable developments in Afghanistan including the adoption of a new constitution, the development of the political system, the reform of the judiciary, the increasing levels of education provided to children and the creation of the ministry of women's affairs. Palestine made a recommendation to Afghanistan. It believed that the recommendations contained in the national report are extremely important.
56. Australia expressed concern by the recent announcement of the Shia Personal Status Law but welcomed the announcement of the President that the draft law will be reviewed and amended. Australia made a number of recommendations to Afghanistan.
57. New Zealand expressed concerns about the rights of women, particularly the Personal Status Law. It made a number of recommendations to the Government.
58. Tunisia noted with satisfaction the efforts in the area of gender equality, the consecration of the principle of equality before the law between women and men in the constitution, the creation of the Ministry of women's affairs and the accession to CEDAW. It made a recommendation to Afghanistan.
59. Iceland noted that the first periodic report of Afghanistan on its implementation of CEDAW was due several years ago. Iceland made a recommendation to Afghanistan.
60. Sweden raised a number of concerns, including about violence against journalists in Afghanistan, and it also cited resolutions 62/149 and 63/168, in which the General Assembly called upon states to establish a moratorium on executions, with a view to abolish the death penalty. It made a number of recommendations to Afghanistan.
61. Denmark raised a number of concerns and made a number of recommendations, including taking timely and efficient measures to ensure that the national legal framework properly incorporates international standards and conventions, pertaining to women's rights, for example CEDAW. Denmark noted with concern the recent violations of freedom of expression

and also raised concern about widespread and comprehensive discrimination against women throughout Afghanistan.

62. Bangladesh noted with appreciation a number of positive initiatives taken in the constitutional and legal spheres to safeguard human rights. It indicated that the Afghan National Development Strategy provides a broad and comprehensive framework for pursuing an effective national development agenda. Bangladesh made a number of recommendations to Afghanistan.

63. Poland welcomed the adoption of the Constitution, which enshrines fundamental freedoms and human rights. It referred to reports of arbitrary and illegal detentions and expressed concern about overcrowding in prisons, as well as cases of torture and inhumane treatment in custody. Poland made a number of recommendations to Afghanistan.

64. Uzbekistan commended the steps Afghanistan has taken to ensure human rights and also welcomed the international cooperation given to the country. It asked for more information about the measures taken to ensure equality between men and women and also about the protection of right of women and children in Afghanistan.

65. Ireland asked what further steps Afghanistan will take to protect women from discrimination and harassment; to secure their rights; and to guarantee their position in society as equal citizens. Ireland made a recommendation in that regard. Of equal concern was the continued use of the death penalty in Afghanistan, and access to a fair trial and due process afforded to defendants in death penalty cases. Ireland made another recommendation to the Government.

66. Slovenia expressed concern about the grave abuses of children in Afghanistan, in particular the recruitment by State and non-State armed groups, also about non-State armed groups such as the Taliban which continue to train and use children as suicide bombers. Slovenia is gravely concerned about the latest report about the increase in the number of child victims of attacks against schools by Taliban insurgents who deny children the right to education, especially preventing girl children and female teachers from going to school by throwing acid at them. Slovenia made a number of recommendations to Afghanistan.

67. Slovakia indicated that, while acknowledging positive developments in the area of promotion and protection of human rights, it expressed concern about reports on rise of child labour and the dire social and economic situation in Afghanistan. Slovakia made a number of recommendations to Afghanistan.

68. Hungary made a number of recommendations to Afghanistan, including in order to advance the preparation and organization of democratic elections. Hungary also appreciated the achievements of Afghanistan in the field of education and welcomed the adoption of the National Education Strategy of Afghanistan.

69. Latvia welcomed the ratification by Afghanistan of key international human rights instruments and the Rome Statute of the International Criminal Court. Considering the previous cooperation of Afghanistan with numerous special procedures mandate holders, Latvia made a recommendation in that regard.

70. Malaysia said that the government has demonstrated its commitment and determination in improving the human rights situation and welcomed the close cooperation between the government and the various United Nations bodies. Malaysia made a number of

recommendations to Afghanistan, inter alia, to step up efforts including working closely with UNICEF and other relevant parties, to stop the recruitment and use of children by all parties involved in conflicts in the country.

71. Lebanon noted the positive developments in the field of human rights, including the establishment of the Afghanistan Independent human rights Commission and the special state commissions. It welcomed the government endeavours to set the country on the path of economic development in a difficult context of conflict and emergency. Lebanon made a recommendation to Afghanistan.

72. United Arab Emirates welcomed the efforts of the government of Afghanistan in all the critical human rights areas, especially to improve the conditions of life such as combating poverty, promoting the rights to food, adequate housing, education, health, women and children. It requested information on the initiatives of the government to combat and eradicate poverty and to implement the CRC.

73. Spain noted progress made, raised a number of concerns and made a number of recommendations. It was concerned about the rising threats to journalists. It acknowledged the good work of the Independent Afghan Commission for Human Rights and welcomed the work of the Ministry for Women Affairs. It also pointed out the need to ensure that the Afghan population has a better knowledge about the protection of human rights.

74. China stressed that, with the support of the international community, Afghanistan has established a new political system and taken positive measures including the adoption of a new Constitution and the establishment of mechanisms for protecting and monitoring human rights. China noted that Afghanistan is actively implementing a national development strategy with poverty reduction and improvement of people's livelihood as a priority. It asked what the specific plans and measures of this process are, and what kind of assistance and support Afghanistan would like to receive from the international community.

75. Maldives noted the efforts of Afghanistan such as the ratification of a Constitution that embodies the fundamental human rights; establishment of an Afghan Independent Human Rights Commission; ratification of six international human rights instruments; reopening of schools and providing education opportunities for six million students in 2008/2009; and the formation of a ministry of women affairs for effective implementation of CEDAW and active participation of women in politics, judiciary and social economic and cultural spheres. It acknowledged the positive engagement of Afghanistan with OHCHR, the Special Procedures, UNHCR and other United Nations agencies.

76. Argentina noted several concerns and made a number of recommendations. It noted that there are serious inadequacies in the judicial system and that the Afghan government has not replied to any communications transmitted by special procedures.

77. Jordan said that Afghanistan continues to take steps to effectively address many political, economic and social problems as well as to improve the human rights situation. Jordan made a number of recommendations to Afghanistan.

78. Japan noted that anti-corruption measures should be strengthened and that security situation be improved. Japan noted that the re-examination of the Shia Personal Status Law is now being carried out and hoped the proposed legislation is appropriately received in a way

consistent with the promotion and protection of human rights, especially those of women. Japan made a number of recommendations to Afghanistan.

79. Czech Republic made a number of recommendations to Afghanistan, including ensuring the closure of black jails; review conditions in all prison and detention facilities with the aim of ensuring their compliance with the Minimum Standards of Treatment of Prisoners and provide effective procedural safeguards against arbitrary detention.

80. Greece noted that the intensification of the conflict and the lack of infrastructures and facilities in rural areas constitute an obstacle to the realization of the right to education. Furthermore, it referred with concern to the increase in the number of child victims, as a result of attacks against schools by insurgents. Greece made a recommendation to Afghanistan.

81. Albania noted with satisfaction the creation of special committees responsible for monitoring the human rights situation in Afghanistan, including six commissions in charge of assuring the respect of human rights during investigations, interrogations and detention. In Afghan prisons, the commissions examine the problems of children and youth, the cases of death penalty, the complaints of the detainees and the elimination of violence against women. Albania also expressed concern about the situation of the Afghan women and made a recommendation in that regard.

82. Addressing the concerns expressed regarding the Law on Shia Personal Status, the delegation stated that the President ordered the review of the law, which will be done in consultation with the international community in order to make it consistent with Afghanistan's international commitments.

83. The delegation noted that the existing law, complying with all international commitments, which has been enforced since four years ago, removed all restrictions from freedom of expression. The new Press law, once again remained consistent the international commitments. Its implementation has been delayed due to some technicalities.

84. With regard to the moratorium on executions, the delegation said that Afghanistan's criminal law recognized the death penalty as did the law of other Islamic countries. However, the penalty is rarely applied. The sentence can only be applied after the decision of trial court and the two stages of appellate courts decisions including the Supreme Court. The application of the sentence further requires presidential consent. The Presidential then once again scrutinize the whole case with the intention to find reason for commuting the sentence.

85. The delegation provided information that UNAMA was assisting in the process of establishing the Human Rights Unit in the Ministry of Justice. This unit will gather information on human rights from other Ministries and localities and monitor the Government's implementation of human rights principles.

86. The delegation commented on improving conditions in prisons and the treatment of prisoners through the construction of prisons by 2012. About 10 million dollars have been allocated for the implementation of the new reform.

87. While laws drafted under the present Government were consistent with human rights standards, resources and personnel were needed for working on earlier laws to ensure their conformity with international commitments.

88. The delegation noted Afghanistan's accession to the United Nations Convention against Corruption in 2003 and that the fight against corruption is mainstreamed in the work of Government. A special unit and Prosecutors office has also been established to fight corruption. The Afghan government is also committed to the protection and promotion of women's rights and has established a National Action Plan for women of Afghanistan to promote gender equality, the core objective of which is to enforce gender mainstreaming in governmental institutions. The Ministry of Women provides capacity building classes, micro-credit opportunities and literacy classes. Afghan women are participating in 34 provincial councils and are active members in various political parties. Additionally, the Afghan Independent Human Rights Commission is currently headed by a woman. The delegation stated that that initial steps have been taken to prepare initial report for CEDAW.

89. The delegation of Afghanistan responded to the observations of Philippines and New Zealand, noting that Article 52 of the Constitution stresses the right to health. The Government has the obligation to provide free health care and the Ministry of Health is authorized to ensure medical and preventive measures for public safety. Several strategies and public-private partnerships further this aim. Between 2004 and 2008, approximately 148 policy guidelines, laws, regulations and protocols were developed, applying to different aspects of health. Afghanistan's achievements in the years following the Taliban's rule have resulted in reduced mortality rates of children under 5 years of age (from 257 in 2001 to 191 in 2007); the expansion of public service coverage (from 9 per cent in 2001 to 85 per cent in 2007) and an expansion of immunizations which now cover 83 per cent of the population. The Government stressed that the top health priority now is to improve maternal health and reduce maternal mortality.

90. In response to the observation made by Morocco, Afghanistan referred to the water law and the establishment of a program to provide safe drinking water for 15 million people for 5 years. Concerning people with HIV-AIDS, the delegation indicated that there are 556 cases of HIV-AIDS in the country, in response to which they have established counselling programs, testing and treatment centres, drop-in programs, outreach programs and a strong effort to raise awareness among community and health workers.

91. Afghanistan indicated that there are various reform processes underway, which will lead to the improvement of the performance of police. Due to 30 years of war and the existence of layers of laws and practices inherited from various regimes, some laws might not conform to international human rights standards. The delegation emphasized that all police officers are expected to respect human rights and follow the rule of law and that the in-service training provided to them at all training centres and schools emphasize these expectations. When a complaint is filed alleging the violation of human rights by police officers, the case is referred to the Inspector-General who investigates the charges. If evidence of misconduct is found, penalties are imposed.

92. The Inspector-General reports directly to the Minister of the Interior, and has a human rights unit in headquarters and human rights offices in the provinces to ensure proper police conduct across the country.

93. Afghanistan highlighted that since March of 2008 private security companies are subject to administrative regulations. There are currently 39 legally registered private security companies regulated under this law. The remaining private security companies are considered illegal armed groups and are in the process of being disarmed. The delegation indicated that a

draft law seeking to strengthen regulations of private security forces is currently being debated in Afghanistan's parliament.

94. The delegation emphasized that the Afghan Constitution prohibits torture under any circumstances. If a court were to discover that an admission were obtained under torture, that admission would be considered invalid and those who commit an act of torture would face prosecution. The Government further mentioned that it has received the support of international donors to set up legal aid programs and offices in different provinces in Afghanistan. The delegation concluded its intervention by thanking the Council for the opportunity to discuss human rights developments and challenges facing Afghanistan and stressed the Government's determination to improve the human rights situation with the assistance of the international community.

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II. CONCLUSIONS AND/OR RECOMMENDATIONS^F

96. The recommendations formulated during the interactive dialogue have been examined by Afghanistan and the recommendations listed below enjoy the support of Afghanistan:

1. Incorporate international conventions, to which Afghanistan is a party, into domestic legal reform initiatives and translate these into concrete policies and programmes (Norway);
2. Undertake a national process to harmonize legislation, including local laws, with international human rights obligations (Mexico);
3. Review all its national legislation to ensure its compliance with the Constitution and international obligations, including to protect the right to privacy and non-discrimination (Czech Republic);
4. Pay greater attention to the respect for women's rights when adopting legislative measures and abrogate all discriminatory measures against women (Belgium);
5. Take promptly any necessary action to comply with any findings of the review of the draft Shia Personal Status Law with the Constitution (Australia);
6. Proceed with its review of the Shia Personal Status Law, ensure that it conforms to international commitments and actively works to promote the rights of women (Ireland);
7. Continue the revision of the Shia Personal Status Law and harmonize it with the international treaties signed by Afghanistan (Hungary);

8. Establish immediately a process to review all draft legislation, before it is adopted, so as to ensure compliance with Afghanistan's international obligations (New Zealand);
9. Consider, when possible, to gradually increase financial resources allocated to the budget of the Afghanistan Independent Human Rights Commission (Algeria);
10. Strengthen and support the Afghanistan Independent Human Rights Commission so that it discharges its mandate in the most effective manner (Jordan);
11. Make better use of the Commission's work as a contribution to improving the rule of law (Finland);
12. Create national institutions and improved capacity, which is essential for peace, stability, and democracy and for laying a solid foundation for the protection of human rights in the country (Nepal);
13. Establish a human rights unit within the Ministry of Justice (Netherlands);
14. Continue its efforts to create the necessary institutional infrastructure that contributes to the overall improvement of the human rights regime in Afghanistan, with all the necessary technical and financial support from the international community (Pakistan);
15. Persevere in fighting corruption, in educating its people and especially its children, and in further empowering its womenfolk for greater participation in all sectors (Singapore);
16. Continue its efforts to ensure gender equality and in particular, further promote accountability of the government, and also promote access to education and health care services (Indonesia);
17. Take firm action in collaboration with the international community to decisively combat the destructive trend of drug trafficking (Islamic Republic of Iran);
18. Take all possible measures to implement the recommendations of the UPR process (Sri Lanka);
19. Accelerate its efforts aimed at implementing its plans and programmes in order to better protect and promote human rights and fundamental freedoms (Egypt);
20. Continue to resist attempts to enforce any values or standards beyond the universally agreed human rights norms (Egypt);
21. Continue with its very constructive and transparent steps and efforts taken to improve the situation of human rights and fundamental freedoms situation in all areas and implement effectively the extremely important recommendations contained in the national report (Palestine);
22. Maintain its commitment in trying to meet human rights challenges it is facing and to ensure that the human rights of its citizens are fully protected (Lebanon);

23. Continue to fight corruption at all levels and to accede to relevant international and regional instruments in this regard (Jordan);
24. Give special regard to women and children and enhance their enjoyment of human rights and fundamental freedoms (Jordan);
25. Pursue, within the context of paragraph 1(d) of Human Rights Council resolution 9/12, the achievement of its MDGs in the areas of health and education through national plans of action (Brazil);
26. Continue its efforts to promote the rights of women and gender equality (Philippines);
27. Undertake concrete steps to guarantee the rights of women as enshrined in international conventions (Slovenia);
28. Take further steps to honour its Constitution and protect and promote women's rights as an integral part of universal human rights (Finland);
29. Promote a public discussion on women's rights and encourage influential men—whether elders, clerics, politicians or others – to participate in this discussion and raise awareness, especially amongst boys, of the importance of seeing women and girls as equal and respected partners in society (Finland);
30. Maintain and develop the positive measures that have been taken, such as for example the setting up of a school system for girls and the training of women police officers and avoid entrenching in the law, discriminatory practices against women (Switzerland);
31. Redouble its advocacy efforts to enhance public awareness on gender equality and women's role in social and economic development (Republic of Korea);
32. Expedite the implementation of all measures to address the situation of vulnerable groups in particular women and children (South Africa);
33. Continue efforts to increase the capacity to implement the national plan for women in Afghanistan (Bahrain);
34. Complete implementation of the 10 year National Action Plan for Women, with a particular focus on the most vulnerable (United Kingdom);
35. Commit resources to enforce existing legislation to protect women, and equip courts and police to fully protect the rights of all women and enhance their access to justice, any new legislation should protect those rights. (United States);
36. Launch public information campaigns and work with religious leaders to raise awareness of the legal rights for women and girls guaranteed in Afghanistan's Constitution, including the legal age for marriage (United States);

37. Stimulate those citizens with social influence, such as political leaders, journalists, artists and social elements with high visibility to increase society's awareness of human rights (Spain);
38. Persevere in its praiseworthy efforts to promote women's rights, continue to attach high levels of importance to the human rights culture and pursue its dissemination among young generations within the framework of educational programmes (Tunisia);
39. Enact legislation and take effective measures to protect and promote women's rights, especially with regard to forced marriages, honour killings and access to education for all girls (Austria);
40. Take all steps necessary to combat discrimination and violence against women, both in regards to legislation and awareness-raising to ensure that women are informed of their rights (Sweden);
41. Take urgent and radical measures regarding legislation which will allow a real improvement of the situation of women and will guarantee the respect of their human rights, including, in particular, the right to education (Albania);
42. Strengthen its efforts to ensure access to education - and to health care - for all its citizens, including those with disabilities, regardless of ethnicity, religion, tribal affiliation or economic status (Australia);
43. Take all necessary measures to prevent further civilian casualties by foreign military forces in Afghanistan (Islamic Republic of Iran);
44. Take every possible measure to ensure the protection of the civilian population, in particular vulnerable groups, such as children, women and IDP's (Switzerland);
45. Increase its efforts for the protection of civilians and to ensure that all allegations of civilian casualties resulting from military operations on its territory are properly investigated and the perpetrators held accountable (Austria);
46. Continue to exercise its sovereign right of implementing its laws and legislation, including on the death penalty, in conformity with the universally agreed human rights standards and norms (Egypt);
47. Take further steps to eliminate torture and other cruel, inhuman or degrading treatment or punishment and to ensure an effective and impartial judicial system (Denmark);
48. Elaborate a road map to improve prison conditions and to prevent mistreatment of prisoners (Poland);
49. Undertake appropriate measures to further improve the condition of detainees in prisons as stipulated in the United Nations standard minimum rules for the treatment of prisoners (Malaysia);

50. Take the necessary steps to prevent the assassination or intimidation of female teachers and students (Hungary);
51. Continue its measures to address all forms of violence against women and girls (Brazil);
52. Eradicate violence against women and ensure a greater political representation and participation, in particular in legislative elections to take place in 2010 (Spain);
53. Take immediate measures in order to comply fully with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovenia);
54. Take effective action against child labour, and against smuggling or abduction, exploitation or sexual abuse of children (Hungary);
55. Address the issue of the use of child labour in the country, while supporting and facilitating children's access to education, in particular in rural areas (Slovakia);
56. Investigate fully and effectively harassment and attacks on journalists and bring those responsible to justice (Norway);
57. Investigate all allegations with respect to torture and inhuman and degrading treatment by Afghan National Police and the National Directorate of Security (Germany);
58. Investigate all cases of arbitrary and illegal detentions with all due diligence (Poland);
59. Investigate thoroughly all acts of violence against women and defenders of women's rights and bring those responsible to justice (Austria);
60. Intensify the fight against impunity (Germany);
61. Continue to work towards comprehensive rule of law reform including strengthening the police, corrections, and justice sectors, and building the institutional capacity of the Ministries of the Interior and Justice (Canada);
62. Establish a mechanism in order to systematically monitor human rights in the administration of justice and to organise human rights training courses for public officials (Austria);
63. Consider increased State monitoring of international private security companies, including regulation of their activities (Brazil);
64. Ensure that State institutions and the judiciary uphold human rights and that new legislation does not contravene international human rights law (United Kingdom);

65. Ensure that the law enforcement agencies fully observe the legal mechanism and comply with human rights principles, such as the right of the accused and suspects, in the course of carrying out their duties (Malaysia);
66. Ensure human rights and international humanitarian law education for all security forces and prison and judicial personnel and adopt further measures to ensure their full accountability for any violations of these (Czech Republic);
67. Provide and improve training programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan);
68. Continue to take concrete measures towards substantial improvement in the field of criminal justice, especially education on human rights law as well as enhancement of ability for criminal investigation (Japan);
69. Strengthen the judiciary and make it independent by training judges in order to guarantee effective implementation of the law (Spain);
70. Take further efforts to ensure that the status of freedom of expression is brought into line with international obligations (Sweden);
71. Establish adequate measures to ensure the real guarantee of freedom of expression recognized by article 34 of the Afghan Constitution (Spain);
72. Take all possible measures to ensure the necessary conditions so that the written press and the electronic media can function properly without any interference (Hungary);
73. Guarantee free access to the media (Hungary);
74. Continue its cooperation with the international community and reinforce the role of human rights defenders so that civil society, in particular women, can participate actively in the electoral campaign and in the vote (Switzerland);
75. Make efforts to provide the resources, funding, personnel and authority necessary to implement the 2007 labour law that permits workers to join and form trade unions (United States);
76. Give priority to achieving the objectives set by its national development strategy and in particular its commitment to ensure that women take, at minimum, 35 per cent of places in professional training programmes and 20 per cent of vacant posts (Algeria);
77. Take concrete measures for the realization of economic, social and cultural rights including the rights to development for the better realization of the MDGs (Islamic Republic of Iran);
78. Take concrete measures to promote and protect the rights of women and children, in particular to facilitate their access to education and health as basic prerequisites for growth and development (Islamic Republic of Iran);

79. Strengthen the capacity of the Government of Afghanistan to implement its national development strategy, particularly to achieve human rights benchmarks (Bangladesh);
80. Continue its efforts to put in place effective poverty reduction and health strategies, particularly to solve the problem of low life expectancy and high mortality rate (Azerbaijan);
81. Develop a long-term strategy to address food insecurity, including programmes to rehabilitate and strengthen rural infrastructure and to provide food assistance to vulnerable populations (Slovakia);
82. Include women in decision-making about maternal health, including in decisions on the design of local health care mechanisms, in a bid to strengthen its efforts to reduce maternal mortality (New Zealand);
83. Consider adopting human rights education in its national education curriculum (India);
84. Continue the progress achieved and continue expanding the realization of the right to education for all sectors of society and the dissemination of the human rights culture through educational curricula (Saudi Arabia);
85. Take further measures for both the quantitative and qualitative improvement of education (Hungary);
86. Step up its efforts to guarantee the right to education to all children and take effective measures to substantially increase the rate of attendance, particularly of the female population, in schools (Greece);
87. Explore, along with the international community, every possible way to provide IDPs and returnees with immediate assistance (Republic of Korea);
88. Strengthen its efforts to promote self-reliance of the returned refugees and IDPs (Azerbaijan);
89. Seek technical assistance to ensure the necessary competences and skills to enable its officials to draft upcoming reports, including to the treaty bodies (Algeria);
90. Seek and receive assistance from the international community, in particular the relevant United Nations funds and programmes, to help it achieve MDG 1 (Algeria);
91. Continue to actively cooperate with relevant countries, international agencies and stakeholders in implementing human rights capacity-building and technical assistance programmes (Philippines);
92. Continue its reconstruction efforts in cooperation with the international community, in accordance with national priorities reflected in the Afghanistan National Development Strategy (Bhutan);

93. Call upon the international community to assist in capacity-building for the further strengthening of democracy and the promotion and protection of human rights in Afghanistan (Indonesia);
 94. Strengthen and implement, with the support of the international community, the commitments it has made in paragraph 90 of its national report (Morocco);
 95. Identify specific challenges confronting the country, prioritize them in line with the needs and aspirations of its citizens and then seek support from the international community to face these challenges in a systematic and verifiable manner (Bangladesh);
 96. Continue its positive engagement with OHCHR and other United Nations agencies to fully realize the targets that it has set for itself, especially on children and women's rights (Maldives).
97. The following recommendations will be examined by Afghanistan which will provide responses in due time. The response of Afghanistan to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its twelfth session:
1. Sign (France) and ratify the Optional Protocol to the Convention against Torture (France, Argentina, Czech Republic) and establish its national preventive mechanism accordingly (Czech Republic);
 2. Ratify the Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee on Enforced Disappearances (Argentina); sign and ratify all the Optional Protocols to United Nations international covenants and conventions to guarantee the effective implementation of the rights protected in the agreements (Spain);
 3. Amend the Shia Personal Status Law consistent with its international human rights obligations to ensure equal respect for the human rights of all Afghans, including women (Canada);
 4. Review and amend the various penal laws that prevent journalists from carrying out their essential mission in full security and independence (Belgium);
 5. Amend any articles of the Personal Status Law that breach Afghanistan's international obligations or its constitutional protection of the equal rights of men and women (New Zealand);
 6. Involve the Ministry for Women's Rights and women's rights organizations in the legislative process (Netherlands);

7. Take timely and efficient measures to ensure that the national legal framework properly incorporates international standards and conventions, ratified by Afghanistan, pertaining to women's rights, for example CEDAW (Denmark);
8. Take steps to ensure an equitable and truly representative appointment of members of the Afghanistan Independent Human Rights Commission and to protect the Commission from undue political interference (Finland);
9. Give more visibility to the Afghanistan Independent Human Rights Commission and increase its human and technical resources to carry out its work effectively (Spain);
10. Strengthen its support to the Afghanistan Independent Human Rights Commission and the newly established Human Rights Unit within the Ministry of Justice, especially in the field of mapping past human rights abuses (Czech Republic);
11. Redouble its efforts aimed at an impartial and effective operation of the State bodies at the national and local levels, including at addressing corruption (Switzerland);
12. Foster a genuine culture of human rights in line with national and regional particularities as well as cultural, historical and religious backgrounds (Islamic Republic of Iran);
13. Include civil society and human rights defenders in the development of legislation and decision-making processes, through an institutionalized consultation process (Norway);
14. Submit its first periodic report without further delay and ensure full implementation of CEDAW and other international human rights conventions to which Afghanistan is a party (Iceland);
15. Submit its delayed reports to the Committee against Torture (Czech Republic);
16. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
17. Establish an agile and efficient mechanism to respond to the requests for information formulated by special procedures in their communications (allegations and urgent appeals) and assign the means necessary to grant protection to the people and groups referred to in those communications (Argentina);
18. Intensify its efforts for the promotion of gender equality consistent with the obligations of Afghanistan under CEDAW, including through the review and elimination of laws, customs and practices that lead to discrimination against women and girls, making available effective legal remedies for the victims of discrimination and violence, and actively promoting the participation of women and girls in different fields such as education, labour and political life (Mexico);

19. Take further steps to protect the human rights of those who live in rural areas where respect for basic human rights, especially with regard to women and children, remains impeded under customary law (Japan);
20. Ensure closure of secret and illegal jails and review conditions in all prison and detention facilities with the aim of ensuring their compliance with the Minimum Standard of Treatment of Prisoners and provide effective procedural safeguards against arbitrary detention (Czech Republic);
21. Take all possible measures to prevent the recruitment of children and the use of child combatants by the Taliban (Hungary);
22. Step up efforts including working closely with ICRC and other relevant parties, to stop the recruitment and use of children by all parties involved in conflicts in the country (Malaysia);
23. Start implementing the plan of action for peace, justice and reconciliation (Norway);
24. Redouble its efforts to fully implement, as soon as possible, the plan of action for peace, justice and reconciliation, adopted in 2005 (Mexico);
25. Continue the process of transitional justice (Netherlands);
26. Strengthen and consolidate the implementation of the transitional justice programme it has adopted (Morocco);
27. Mainstream human rights and transitional justice issues into any future national reconciliation negotiations (Czech Republic);
28. Establish mechanisms for the independent appointment and dismissal of judges and for the punishment of corruption among judges, and expand efforts to protect judges from insurgent attacks and to increase salaries for judges, prosecutors and members of the Ministry of Justice (United States);
29. Pursue with resolve the implementation of different measures aimed at reforming and strengthening the existing judicial system (Turkey);
30. Enact, with immediate effect, the new Media Law passed by the Lower House of Parliament (Norway);
31. Move swiftly to pass its new Media Law (Canada);
32. Enact, with immediate effect, the new Media Law which could help to promote and protect freedom of expression (United Kingdom);
33. Take the necessary measures to protect journalists against intimidation, violence, censorship and abusive convictions, and have published and applied the new media law adopted by the Parliament (France);

34. Enact a media law, in accordance with its international human rights obligations, and continue to professionalize its judiciary, pursue justice in cases of murdered journalists and ensure that the security forces and criminal courts do not punish journalists for controversial reporting; where such punishment has occurred, it is hoped that President Karzai will exercise his right to issue pardon (United States);
 35. Strengthen safeguards for the exercise of freedom of expression and adopt legislation to protect media diversity (Netherlands);
 36. Take extensive and timely steps to ensure the independence of the media free from intimidation and suppression, including through proper implementation of the media law passed in the fall of 2008 (Denmark);
 37. Prepare as a matter of priority a transparent and well-administered system of rules for verifying candidates' eligibility, in close connection with the assessment of the disarmament process and the strengthening of the capacity of the Electoral Complaints Committee (Czech Republic).
98. The following recommendations did not enjoy the support of Afghanistan:
1. Reinstatement of a moratorium on the use of the death penalty (Canada);
 2. Ratification of the ICCPR-OP2, aiming at the abolition of the death penalty (Argentina);
 3. Establishment of a moratorium on the use of the death penalty in order to avoid irreparable errors (Argentina);
 4. Re-establishment of the moratorium on executions and consideration of the abolition of the death penalty, as requested by the European Union (France);
 5. Introduction of a moratorium on the use of the death penalty, with a view to its abolition (New Zealand);
 6. Recalling General Assembly Resolution 62/149, reinstatement of its moratorium on the death penalty with a view to its abolition (Brazil);
 7. Re-introduction of the moratorium which was broken in 2007, and taking measures to adhere to the resolutions of the General Assembly in this regard (Sweden);
 8. Commutation of all existing death sentences and re-introduction of a moratorium on executions with a view to the abolition of the death penalty (United Kingdom of Great Britain and Northern Ireland);
 9. Imposition of a moratorium on the use of the death penalty as a step towards its full abolition (Ireland);
 10. The Afghan Government signing and ratifying the Second Optional Protocol to the ICCPR, abolishing the death penalty and commuting the sentences of those facing execution (Australia).

99. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Afghanistan was headed by S.E. Dr Mohammad Qasim HASHIMZAI, Vice Ministre de la Justice de la République Islamique d'Afghanistan and composed of 12 members:

S.E. Professeur Wasil Noor MUHMAND, Vice Ministre des Affaires Sociales au Ministère du Travail, des Affaires Sociales Martyrs et handicapés d'Afghanistan ;

S.E. Dr. Nadera Hayat BURHANI, Vice Ministre de la Santé Publique de la République Islamique d'Afghanistan ;

S.E. Dr. Abdul Malik KAMAWI, Administrateur Général en Chef à la Cour Suprême de Justice de Afghanistan ;

S.E. Dr. Naguayalai TARZI, Ambassadeur Représentant Permanent de la République Islamique d'Afghanistan auprès de l'Office des Nations Unies et des autres Organisations Internationales Genève ;

S.E. Dr. Maliha ZULFACAR, Ambassadeur Extraordinaire et Plénipotentiaire de la République Islamique d'Afghanistan ;

Mr. Professor Najibullah AMIN, Directeur des Affaires Administratives auprès du Conseil des Ministères Du Gouvernement Afghan ;

Professeur Nasrullah STANAKZAI, Professeur de droit politique a l'Université de Kabul ;

M. Kanishka NAWABI, Conseiller des affaires stratégiques au Ministère de l'Intérieur d'Afghanistan ;

M. Farhad ARIAN, Directeur-Adjoint du Département des Droits de l'Homme au Ministère des Affaires Etrangères de la R.I d'Afghanistan ;

M. Obaid Khan NOORI, Premier Secrétaire à la Mission Permanente de la R.I. d'Afghanistan à Genève ;

M. Daoud HACHEMI, Deuxième Secrétaire à la Mission Permanente de la R.I. d'Afghanistan à Genève ;

Mme. Selay GHAFAR, Représentante de la Société Civile d'Afghanistan.
