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**UN Human Rights Council
Twelfth Session, 14 September – 2 October 2009**

Item 6: Consideration of UPR outcome reports

Afghanistan

Mr. President,

Amnesty International welcomes Afghanistan's support of recommendations to strengthen its capacity to implement the National Development Strategy.¹ We encourage the government to meet all seven indicators of the human rights benchmark by the 2010 deadline outlined in the Afghanistan Compact. We urge it to safeguard the independence and work of the Afghan Independent Human Rights Commission.

Amnesty International also urges the government to support the recommendation to fully implement the 2005 Action Plan for Peace, Justice, and Reconciliation.² We are concerned that only a handful of individuals have been prosecuted for gross violations of human rights abuses and war crimes during three decades of conflict. By passing the "Amnesty Law",³ which provides immunity from prosecution to suspected war criminals, the Afghan Parliament has undermined the Action Plan. We reiterate our calls on the government to undertake independent, judicial investigations into all credible allegations of serious human rights abuses; to establish a truth-seeking mechanism to document past human rights; to repeal the "Amnesty Law"; to bar those suspected of having committed war crimes, crimes against humanity or serious human rights abuses from holding government posts; and to vet candidates facing credible allegations of serious human rights abuse, in advance of the parliamentary elections in 2010.

¹ A/HRC/12/9, paragraph 95, recommendations 79 and 92

² Ibid, paragraph 96, recommendation 24

³ The "National Stability and Reconciliation" bill

Mr. President,

Amnesty International strongly encourages Afghanistan to support the recommendation calling for greater efforts to promote gender equality consistent with Afghanistan's obligations under CEDAW.⁴

Afghan women and girls continue to encounter discriminatory laws, policies and practices. They face endemic domestic violence, trafficking, forced marriages, and their use as currency in the settlement of disputes. Women victims and defendants are discriminated against in both the formal and informal justice systems. In fact, women fleeing abusive marriages are often detained and prosecuted for alleged offences such as "home escape" or "moral crimes" - neither of which are provided for in the Penal Code and both of which contradict international human rights law.

We call on the government to ensure prompt, impartial and effective investigation of all reports of violence against women and to ensure that those responsible are brought to justice and the victims granted reparations. Women should be granted unqualified equality with men in law and in practice, including freedom to choose their spouse, and equal rights and responsibilities during marriage and its dissolution.

Thank you, Mr. President.

⁴ A/HRC/12/9, paragraph 96, recommendation 18.