



**Human Rights Watch Statement  
UPR Outcome Report on Afghanistan  
September 24, 2009**

Human Rights Watch is deeply concerned about the human rights issues raised in the Universal Periodic Review (UPR) of Afghanistan. Afghanistan is a party to most international human rights treaties, and has enshrined fundamental freedoms into its constitution. However the Afghan government has not fulfilled many of its obligations, including to promote and protect women's rights, end arbitrary detention and ill-treatment, and hold accountable former warlords and others responsible for serious human rights violations.

**We welcome the wide range of recommendations to strengthen the protection of women's rights, from Finland, Switzerland, Jordan, the Republic of Korea, South Africa, Bahrain, the United Kingdom, the United States, Tunisia, Austria, Sweden, Albania, Hungary and Brazil. We concur that the government should make girls' education a priority; strengthen measures to prevent violence against women; promote awareness-raising on issues such as child marriage, and expand implementation of the national plan for women in Afghanistan. In particular we endorse recommendations to avoid entrenching in the law discriminatory practices against women, such as the Shia Personal Status Law, which even in its amended form still includes many egregious articles. We support recommendations that urge the removal or revision of articles that contravene the Afghan constitution.**

**During the UPR the government of Afghanistan noted that it has largely failed to implement the Transitional Justice Strategy and the Action Plan on Peace, Justice and Reconciliation. The government states that judicial actions were not taken because of the "influence of powerful violators of human rights" -- an inadequate explanation given the government's responsibility to prevent violators of human rights from interfering with the judicial process, and instead bringing them to justice. By awarding rights abusers positions of power and authority, the government perpetuates their continuing influence. The government has committed itself to a wide range of measures under the Action Plan, much of which does not require judicial action, such as according dignity to victims and vetting human rights abusers from positions of power. We share the concerns of Morocco and the Netherlands that more work towards transitional justice be done, and with Germany that the fight against impunity should be intensified. We also hope that the recommendation of the Czech Republic is heeded, to mainstream human rights and transitional justice issues into any future national reconciliation negotiations.**

**We concur with the recommendations from Canada and others that the rule of law needs significant attention, including strengthening respect for human rights by the police,**

corrections, and justice sectors, and building the institutional capacity of the Ministries of the Interior and Justice. A comprehensive reform of these areas will also involve greater transparency, accountability and oversight of the appointments process.

We share the concerns of Poland about the need to investigate all cases of arbitrary and illegal detentions with all due diligence, and the recommendation from the Czech Republic that conditions in all prison and detention facilities should be reviewed with the aim of ensuring their compliance with the Standard Minimum Rules for the Treatment of Prisoners with effective procedural safeguards against arbitrary detention.

**The recent presidential and provincial council elections in Afghanistan were deeply flawed, including the low female turnout and the widespread use of women's polling stations and voter registration cards for fraudulent purposes. Some of these problems could have been averted had the government taken women's security more seriously at an earlier stage. We urge the government to accept the recommendation from Switzerland that more steps be taken to ensure that women can participate actively in the electoral campaigns and in voting.**

Human Rights Watch is concerned about the status of freedom of expression in Afghanistan, and urges the government to consider the recommendations from Sweden, Spain, and Hungary to take further efforts to ensure that the status of freedom of expression is brought into line with Afghanistan's constitution and international obligations.

**We regret that the government has rejected recommendations from Canada, France, Argentina, Brazil, Sweden, the United Kingdom and Ireland calling for a moratorium on the use of the death penalty. Legal experts and human rights organizations in Afghanistan have long expressed concerns that international due process and fair trial standards are generally not met in capital cases. We urge the government of Afghanistan to reconsider its position.**

Finally, in recognition of the dire human rights situation in Afghanistan, and the government's continuing failure to address many key human rights issues, **we call on the Human Rights Council to create a Special Rapporteur mandate on Afghanistan to monitor and report to the Council on all aspects of human rights in the country. Human Rights Watch is convinced that appointing an independent voice on Afghanistan is essential for a frank and continued assessment of the human rights problems of the country and for the appropriate identification of the remedies.**