

## ADVANCE QUESTIONS TO AFGHANISTAN

### **CANADA**

- Reports indicate that there are a number of barriers that may prevent women from being able to fully participate in the upcoming Presidential and Provincial Council elections, including concerns about security, the appropriateness of the locations selected as women's polling stations, and a lack of female staff. What steps is the Government of Afghanistan taking to ensure that women, in particular, are able to vote on election day?
- What measures is the Government of Afghanistan putting in place to ensure that the process for appointing Commissioners to the Afghanistan Independent Human Rights Commission going forward is inclusive, transparent, and in accordance with the Paris Principles?
- Afghanistan committed in July 2013 to produce a report on the implementation of the Elimination of Violence Against Women (EVAW) law, as a follow up to its commitment under the 2012 Tokyo Mutual Accountability Framework to improve access to justice for all – and, in particular, for women. What is the status of this report? When can the international community expect that it will be published?
- What is the Government of Afghanistan doing to improve recruitment and retention of women into the Afghan National Security Forces (ANSF), and to reduce their harassment and discrimination within the ANSF?
- In October, the AIHRC announced that it was launching a national program to investigate the practice of *bacha bazi* – a form of child sexual abuse – in Afghanistan. The AIHRC asked for the assistance of security institutions in carrying out its investigation. What steps is the Government of Afghanistan taking to facilitate the AIHRC's investigation? What actions is the Government of Afghanistan taking of its own volition to investigate and address cases of abuse?
- What steps is the Government of Afghanistan taking to ensure that all of Afghanistan's religious communities are able to practice their respective religions freely, including the performance of religious rites?

### **DENMARK**

- While it is recognised that there is now a National Action Plan for Women of Afghanistan and several laws, including the EVAW law, in place, it is evident that the intentions to ensure equal treatment, rights and opportunities for men and women in Afghanistan are challenged. How will the Afghan government take the necessary steps to ensure the elimination of discrimination and violence against women?
- Denmark emphasises the importance of the Afghan Independent Human Rights Commission (AIHRC). We support the crucial role of the AIHRC to monitor, protect

and promote human rights in the country. As laid out in the International Coordination Committee of International Human Rights Institutions (ICC), the government of Afghanistan should provide a part of the annual budget of the AIHRC. In addition to ensuring its long term sustainability, this would demonstrate – both politically and financially – the government’s commitment and backing to the institution. When does the Afghan government plan to provide a substantial financial contribution to the AIHRC?

- Denmark welcomes the steps taken by the Afghan government to eliminate torture and malicious treatment in the Afghan detention facilities ensured in article 22 of the Afghan constitution. However, the Afghan government concedes that torture and arbitrary treatment of prisoners and arrested persons still take place in the Afghan institutions. Which steps will the Government of Afghanistan take to ensure proper and widespread enforcement of article 22 in the constitution? How will the Afghan government ensure the necessary safeguards to protect prisoners and arrested persons?

## **LIECHTENSTEIN**

Liechtenstein welcomes Afghanistan’s membership in the Rome Statute of the International Criminal Court.

- Since the preparation of a preliminary draft for the implementation Rome Statute in 2005, what steps has Afghanistan taken to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate fully with the Court as well as to investigate and prosecute genocide, crimes against humanity, war crimes and the crime of aggression domestically?
- What are Afghanistan’s plans regarding accession to the Agreement on Privileges and Immunities of the International Criminal Court (APIC)?
- What steps has Afghanistan taken to ratify the Kampala amendments to the Rome Statute and when is the process envisioned to be completed? Liechtenstein together with the Global Institute for the Prevention of Aggression offers interested States technical assistance for the ratification and implementation of the Kampala amendments on the crime of aggression.

Liechtenstein notes with satisfaction the establishment of the Elite Women’s Advisory Board, which aim is to ensure women’s engagement in the peace process at all levels of the Government. However, Liechtenstein is deeply concerned that women’s meaningful and effective participation in the peace and reconciliation process is being jeopardized by several factors, in particular, the limited number of women members of the High Peace Council (9 of 70 members).

- What measures have been implemented to increase the representation of women in the High Peace Council?

- How are women fully involved in the peace and reconciliation process, including by ensuring equal opportunities and the active participation of women in decision-making processes?

## NETHERLANDS

- Can the government of Afghanistan indicate how it will address the low conviction rate of perpetrators of gender-based violence and how to ensure that perpetrators are brought to justice?
- How will the government of Afghanistan ensure that a comprehensive tracking system is in place to register and categorize the reported violence against women cases, which is available to all law enforcement and other relevant agencies to monitor EVAW-law implementation?
- Which systems will the government of Afghanistan put in place to improve the working conditions for police women?
- What measures has the Afghan administration taken to ensure that the women working in the security sector are treated as equals in order for them to be able to fully perform their duties, and that a zero-tolerance policy is applied toward any kind of gender-based violence and abuse?
- What measures does the government of Afghanistan undertake to raise awareness of the legal rights of women and girls in Afghanistan, including the legal age of marriage?
- Is the government of Afghanistan planning to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court (ICC) and to investigate and prosecute genocide, crimes against humanity and war crimes before its national courts?

## NORWAY

- The culture of impunity is one of the key challenges that would have to be addressed in an efficient way in order for Afghanistan to ensure that human rights are secured in practice. **What steps is Afghanistan taking in order to strengthen the rule of law and end impunity in Afghanistan and what results have these efforts yielded?**
- Norway is concerned about the fact that child labour is still common and many children are victims of violence and abuse, including sexual abuse and the practice of bacha bazi. Furthermore, underage marriage, especially of girls, is common. **What steps is Afghanistan taking to ensure that all cases of trafficking, child labour,**

**sexual exploitation and other abuses of children are investigated and the responsible brought to trial, and have these efforts yielded positive results?**

- Human rights defenders in Afghanistan continue to face threats and attacks. Women human rights defenders are in a particularly vulnerable situation as they often are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male colleagues. **What is Afghanistan doing to protect women human rights defenders and what will be done in order to implement the new UN resolution on protecting women human rights defenders?**
- During its first UPR Afghanistan accepted Norway's recommendation to include civil society and human rights defenders in the development of legislation and decision making processes, through an institutionalized consultation process. **To what extent and in what policy areas have such consultation processes been part of the decision making process?**
- The Afghan constitution guarantees freedom of expression, but the situation for journalists remains challenging. Journalists regularly report about threats and attacks, both from non-state and state actors. One consequence of this is extensive use of self-censorship. Norway is concerned that the working conditions for journalists are becoming more difficult as elections are approaching. **What is Afghanistan doing to guarantee the safety of journalists in the run up to the elections and beyond?**

## **SWEDEN**

### EVAW law and women's rights

- Despite safeguards, like the EVAW, and improvements in women's rights, Afghan women continue to endure discrimination and abuse. Although more cases are reported, there is not a similar increase in the use of the EVAW law to resolve cases by prosecutors and courts particularly through criminal prosecution.
- What measures is the Government of Afghanistan taking to ensure that women can fully enjoy their human rights and what steps is the Government taking to combat discrimination and violence against women?

### Children's rights

- The ongoing conflict makes it difficult for many children to attain education, health and a safe living environment. Children are furthermore subject to trafficking and various forms of exploitation. There are also concerns that a number of girls, in spite of legal requirements, are married before 15 years of age.
- What measures is the Government of Afghanistan taking to ensure that children – both boys and girls – can fully enjoy their human rights, and what steps is the Government taking to protect children in the armed conflict?

#### Transitional justice

- Most violations of human rights in Afghanistan during the last decades remain unpunished and few of the benchmarks in the Action Plan on Peace, Justice and Reconciliation from 2005/2006 have been reached. A lot of the documentation on violations that has been compiled over the last decade has remained unpublished.
- What measures is the Government of Afghanistan taking to ensure that the victims of the last three decades of conflict are heard and taken into consideration, in rebuilding the country?

#### Death Penalty

- In November 2013, Human Rights Watch issued a press release saying that the Ministry of Justice led Criminal Law Reform Working Group drafting the new penal code had proposed stoning as a form of punishment for so called “moral crimes”. We understand the issue came up in the discussions in one of the subcommittees to the working group.
- Can the Government of Afghanistan please elaborate on this issue; what is the process of drafting the new penal code and what is the official position of the Government on corporal punishment and stoning as a punishment for moral crimes? What is the position of the Government as regards to the death penalty in general, will it be included in the new penal code?

### **UNITED KINGDOM**

- Could you please tell us what steps Afghanistan is taking to develop and resource a protection mechanism to support human rights defenders? What measures are being taken to ensure the effective investigation and prosecution of crimes and violations against human rights defenders?
- What steps is Afghanistan taking to prevent all forms of discrimination and violence against individuals on the basis of their religion or ethnic origin?
- What plans does the Afghan Government have to review the use of the death penalty and to move towards abolition by reducing the number of crimes that impose the death sentence, and by commuting the sentences of those currently facing the death penalty?
- What provisions is the Afghan Government making to ensure treatment of detainees in the custody of the Afghan National Security Forces (ANSF) is compliant with international standards? In particular, how is it confronting allegations of Cruel, Inhuman or Degrading Treatment by elements of the ANSF?
- Could you please inform us what steps the Afghan Government is taking to enhance women’s access to the formal justice system, including issuing guidelines to the courts on the application of the Elimination of Violence Against Women law, as recommended by the UN Committee on the Elimination of All Forms of Discrimination Against Women?

