

Responses to Recommendations

AFGHANISTAN

Review in the Working Group: 7 May 2009
 Adoption in the Plenary: 24 September 2009

Afghanistan’s responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
96 REC accepted; 10 rejected; 37 pending	Out of the 37 pending, 21 were accepted and 16 were commented on but no clear position was given	No additional information was provided	None	Accepted: 117 Rejected: 10 No clear position: 16 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/9:

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

A - 1. Incorporate international conventions, to which Afghanistan is a party, into domestic legal reform initiatives and translate these into concrete policies and programmes (Norway);

A - 2. Undertake a national process to harmonize legislation, including local laws, with international human rights obligations (Mexico);

A - 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);

A - 4. Pay greater attention to the respect for women’s rights when adopting legislative measures and abrogate all discriminatory measures against women (Belgium);

A - 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);

A - 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);

- A - 7. Continue the revision of the Shia Personal Status Law and harmonize it with the international treaties signed by Afghanistan (Hungary);
- A - 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);
- A - 9. Consider, when possible, to gradually increase financial resources allocated to the budget of the Afghanistan Independent Human Rights Commission (Algeria);
- A - 10. Strengthen and support the Afghanistan Independent Human Rights Commission so that it discharges its mandate in the most effective manner (Jordan);
- A - 11. Make better use of the Commission's work as a contribution to improving the rule of law (Finland);
- A - 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);
- A - 13. Establish a human rights unit within the Ministry of Justice (Netherlands);
- A - 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);
- A - 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);
- A - 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);
- A - 17. Take firm action in collaboration with the international community to decisively combat the destructive trend of drug trafficking (Islamic Republic of Iran);
- A - 18. Take all possible measures to implement the recommendations of the UPR process (Sri Lanka);
- A - 19. Accelerate its efforts aimed at implementing its plans and programmes in order to better protect and promote human rights and fundamental freedoms (Egypt);
- A - 20. Continue to resist attempts to enforce any values or standards beyond the universally agreed human rights norms (Egypt);
- A - 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);
- A - 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);
- A - 23. Continue to fight corruption at all levels and to accede to relevant international and regional instruments in this regard (Jordan);
- A - 24. Give special regard to women and children and enhance their enjoyment of human rights and fundamental freedoms (Jordan);
- A - 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);
- A - 26. Continue its efforts to promote the rights of women and gender equality (Philippines);

- A - 27. Undertake concrete steps to guarantee the rights of women as enshrined in international conventions (Slovenia);
- A - 28. Take further steps to honour its Constitution and protect and promote women's rights as an integral part of universal human rights (Finland);
- A - 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);
- A - 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);
- A - 31. Redouble its advocacy efforts to enhance public awareness on gender equality and women's role in social and economic development (Republic of Korea);
- A - 32. Expedite the implementation of all measures to address the situation of vulnerable groups in particular women and children (South Africa);
- A - 33. Continue efforts to increase the capacity to implement the national plan for women in Afghanistan (Bahrain);
- A - 34. Complete implementation of the 10 year National Action Plan for Women, with a particular focus on the most vulnerable (United Kingdom);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 43. Take all necessary measures to prevent further civilian casualties by foreign military forces in Afghanistan (Islamic Republic of Iran);

- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 48. Elaborate a road map to improve prison conditions and to prevent mistreatment of prisoners (Poland);
- A - 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);
- A - 50. Take the necessary steps to prevent the assassination or intimidation of female teachers and students (Hungary);
- A - 51. Continue its measures to address all forms of violence against women and girls (Brazil);
- A - 52. Eradicate violence against women and ensure a greater political representation and participation, in particular in legislative elections to take place in 2010 (Spain);
- A - 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);
- A - 54. Take effective action against child labour, and against smuggling or abduction, exploitation or sexual abuse of children (Hungary);
- A - 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);
- A - 56. Investigate fully and effectively harassment and attacks on journalists and bring those responsible to justice (Norway);
- A - 57. Investigate all allegations with respect to torture and inhuman and degrading treatment by Afghan National Police and the National Directorate of Security (Germany);
- A - 58. Investigate all cases of arbitrary and illegal detentions with all due diligence (Poland);
- A - 59. Investigate thoroughly all acts of violence against women and defenders of women's rights and bring those responsible to justice (Austria);
- A - 60. Intensify the fight against impunity (Germany);
- A - 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);
- A - 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);
- A - 63. Consider increased State monitoring of international private security companies, including regulation of their activities (Brazil);

- A - 64. Ensure that State institutions and the judiciary uphold human rights and that new legislation does not contravene international human rights law (United Kingdom);
- A - 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);
- A - 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);
- A - 67. Provide and improve training programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan);
- A - 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);
- A - 69. Strengthen the judiciary and make it independent by training judges in order to guarantee effective implementation of the law (Spain);
- A - 70. Take further efforts to ensure that the status of freedom of expression is brought into line with international obligations (Sweden);
- A - 71. Establish adequate measures to ensure the real guarantee of freedom of expression recognized by article 34 of the Afghan Constitution (Spain);
- A - 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);
- A - 73. Guarantee free access to the media (Hungary);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 79. Strengthen the capacity of the Government of Afghanistan to implement its national development strategy, particularly to achieve human rights benchmarks (Bangladesh);
- A - 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);
- A - 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);

A - 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);

A - 83. Consider adopting human rights education in its national education curriculum (India);

A - 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);

A - 85. Take further measures for both the quantitative and qualitative improvement of education (Hungary);

A - 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);

A - 87. Explore, along with the international community, every possible way to provide IDPs and returnees with immediate assistance (Republic of Korea);

A - 88. Strengthen its efforts to promote self-reliance of the returned refugees and IDPs (Azerbaijan);

A - 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);

A - 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);

A - 91. Continue to actively cooperate with relevant countries, international agencies and stakeholders in implementing human rights capacity-building and technical assistance programmes (Philippines);

A - 92. Continue its reconstruction efforts in cooperation with the international community, in accordance with national priorities reflected in the Afghanistan National Development Strategy (Bhutan);

A - 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);

A - 94. Strengthen and implement, with the support of the international community, the commitments it has made in paragraph 90 of its national report (Morocco);

A - 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);

A - 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).

96. 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:

NC - 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);

NC - 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);

NC - 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);

NC - 4. Review and amend the various penal laws that prevent journalists from carrying out their essential mission in full security and independence (Belgium); **1**

NC - 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);

A - 6. Involve the Ministry for Women's Rights and women's rights organizations in the legislative process (Netherlands);

A - 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); **2**

A - 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);

NC - 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);

A - 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);

A - 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);**3**

NC - 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);

A - 13. Include civil society and human rights defenders in the development of legislation and decision-making processes, through an institutionalized consultation process (Norway);

A - 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);

A - 15. Submit its delayed reports to the Committee against Torture (Czech Republic);

NC - 16. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

NC - 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);

A - 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);

A - 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);

A - 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); 4

NC- 21. Take all possible measures to prevent the recruitment of children and the use of child combatants by the Taliban (Hungary);

A - 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); 5

NC- 23. Start implementing the plan of action for peace, justice and reconciliation (Norway);

NC - 24. Redouble its efforts to fully implement, as soon as possible, the plan of action for peace, justice and reconciliation, adopted in 2005 (Mexico);

NC - 25. Continue the process of transitional justice (Netherlands);

NC - 26. Strengthen and consolidate the implementation of the transitional justice programme it has adopted (Morocco);

NC - 27. Mainstream human rights and transitional justice issues into any future national reconciliation negotiations (Czech Republic);

A - 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);

A - 29. Pursue with resolve the implementation of different measures aimed at reforming and strengthening the existing judicial system (Turkey);

A - 30. Enact, with immediate effect, the new Media Law passed by the Lower House of Parliament (Norway);

A - 31. Move swiftly to pass its new Media Law (Canada);

A - 32. Enact, with immediate effect, the new Media Law which could help to promote and protect freedom of expression (United Kingdom);

A - 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);

NC - 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);

A - 35. Strengthen safeguards for the exercise of freedom of expression and adopt legislation to protect media diversity (Netherlands);

A - 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);

A - 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).

97. The following recommendations did not enjoy the support of Afghanistan:

R - 1. Reinstatement a moratorium on the use of the death penalty (Canada);

R - 2. Ratify the ICCPR-OP2, aiming at the abolition of the death penalty (Argentina);

R - 3. Establish a moratorium on the use of the death penalty in order to avoid irreparable errors (Argentina);

R - 4. Re-establish the moratorium on executions and consider the abolition of the death penalty, as requested by the European Union (France);

R - 5. Introduce a moratorium on the use of the death penalty, with a view to its abolition (New Zealand);

R - 6. Recalling General Assembly Resolution 62/149, reinstate its moratorium on the death penalty with a view to its abolition (Brazil);

R - 7. Re-introduce the moratorium which was broken in 2007, and take measures to adhere to the resolutions of the General Assembly in this regard (Sweden);

R - 8. Commute all existing death sentences and re-introduce a moratorium on executions with a view to the abolition of the death penalty (United Kingdom of Great Britain and Northern Ireland);

R - 9. Impose a moratorium on the use of the death penalty as a step towards its full abolition (Ireland);

R - 10. The Afghan Government sign and ratify the Second Optional Protocol to the ICCPR, abolish the death penalty and commute the sentences of those facing execution (Australia)."

Notes

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The recommendation as read during the interactive dialogue: review and amend various criminal laws that prevent journalists from carrying out their essential mission in full security and independence, (Belgium).

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The recommendation as read during the interactive dialogue: take 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).

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The recommendation as read during the interactive dialogue: redouble its efforts aimed at an impartial and effective operation of the State bodies at the national and local levels (Switzerland).

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The recommendation as read during the interactive dialogue: ensuring the closure of black jails; reviewing conditions in all prison and detention facilities with the aim of ensuring their compliance with the Minimum Standard of Treatment of Prisoners; and providing effective procedural safeguards against arbitrary detention (Czech Republic).

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The recommendation as read during the interactive dialogue: 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, (Malaysia).

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