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Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Afghanistan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

Afghanistan's position on 3rd cycle of the UPR recommendations

1. The Islamic Republic of Afghanistan considers the Universal Periodic Review as an effective and constructive mechanism of the Human Rights Council to uphold human rights worldwide. Afghanistan believes that UPR is an appropriate opportunity for states to review the human rights progress and achievements, share best practices and recognize challenges in the human rights situation of the country concerned.
2. A high level delegation from Afghanistan participated in the 32nd Session of the UPR Working Group, presented the report and engaged in a constructive dialogue with member states on 21 January 2019. The report of the Working Group on Afghanistan's third cycle review was adopted on 25 January 2019.
3. Afghanistan received 258 recommendations and attaches great importance to these recommendations. After the translation of recommendations to national language, an inter-agency mechanism led by the Ministry of Foreign Affairs and composed of over 26 entities across the governmental, legislative, judicial authorities, Afghanistan Independent National Human Rights Commission and civil society organizations has been established to carefully examine these recommendations.
4. As a result of the consultation process, 235 recommendations are accepted, 22 are noted and one recommendation is partially accepted. This demonstrates a solid commitment of Afghanistan to promote and protect human rights. The specific replies are as follows:

Accepted recommendations

5. 136.15, 136.16, 136.17, 136.18, 136.19, 136.20, 136.21, 136.22, 136.23, 136.24, 136.25, 136.26, 136.27, 136.28, 136.29, 136.30, 136.31, 136.32, 136.33, 136.34, 136.35, 136.36, 136.37, 136.38, 136.39, 136.40, 136.41, 136.42, 136.43, 136.44, 136.45, 136.46, 136.47, 136.48, 136.49, 136.50, 136.51, 136.52, 136.53, 136.54, 136.55, 136.56, 136.57, 136.58, 136.59, 136.60, 136.61, 136.62, 136.63, 136.64, 136.65, 136.66, 136.67, 136.68, 136.69, 136.71, 136.72, 136.73, 136.75, 136.83, 136.84, 136.85, 136.86, 136.87, 136.88, 136.89, 136.90, 136.91, 136.92, 136.93, 136.94, 136.95, 136.96, 136.97, 136.98, 136.99, 136.100, 136.101, 136.102, 136.103, 136.104, 136.105, 136.106, 136.107, 136.108, 136.109, 136.110, 136.111, 136.112, 136.113, 136.114, 136.115, 136.116, 136.117, 136.118, 136.119, 136.120, 136.121, 136.122, 136.123, 136.124, 136.125, 136.126, 136.127, 136.128, 136.129, 136.130, 136.131, 136.132, 136.133, 136.134, 136.135, 136.136, 136.137, 136.138, 136.139, 136.140, 136.141, 136.142, 136.143, 136.144, 136.145, 136.146, 136.147, 136.148, 136.149, 136.150, 136.151, 136.152, 136.153, 136.154, 136.155, 136.156, 136.157, 136.158, 136.159, 136.160, 136.161, 136.162, 136.163, 136.164, 136.165, 136.166, 136.167, 136.168, 136.169, 136.170, 136.171, 136.172, 136.173, 136.174, 136.175, 136.176, 136.177, 136.178, 136.179, 136.180, 136.181, 136.182, 136.183, 136.184, 136.185, 136.186, 136.187, 136.188, 136.189, 136.190, 136.191, 136.192, 136.193, 136.194, 136.195, 136.196, 136.197, 136.198, 136.199, 136.200, 136.201, 136.202, 136.203, 136.204, 136.205, 136.206, 136.207, 136.208, 136.209, 136.210, 136.211, 136.212, 136.213, 136.214, 136.215, 136.216, 136.217, 136.218, 136.219, 136.220, 136.221, 136.222, 136.223, 136.224, 136.225, 136.226, 136.227, 136.228, 136.229, 136.230, 136.231, 136.232, 136.233, 136.234, 136.235, 136.236, 136.237, 136.238, 136.239, 136.240, 136.241, 136.242, 136.243, 136.244, 136.245, 136.246, 136.247, 136.248, 136.249, 136.250, 136.251, 136.252, 136.253, 136.254, 136.255, 136.256, 136.257, 136.258.

6. 136.82- Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted and already implemented:** "...and commute all existing death sentences for persons below 18 years of age at the time of the commission of the crime."

(b) **Noted:** *Consider an immediate moratorium on executions as a first step towards the abolition of the death sentence...*"

Noted recommendations

7. 136.1, 136.2, 136.3, 136.4, 136.5, 136.6, 136.7, 136.8, 136.9, 136.10, 136.11, 136.12, 136.13, 136.14, 136.70, 136.74, 136.76, 136.77, 136.78, 136.79, 136.80, 136.81.

8. The content of the noted recommendations is either accession to a particular international human rights instruments asked for abolition of the death penalty and/ or establishing a moratorium on executions, and reducing the number of crimes carrying capital punishment. Each clustered recommendation will be explained as follows:

(a) **Accession to international human rights instruments:** Afghanistan is already a state party to seven core International Human Rights Conventions and three optional protocols that demonstrates its commitment to promote and protect human rights. Taking into consideration the fact that the accession to international human rights instruments obligates the state party to ensure the compliance of its provisions at the national level, Afghanistan is willing to review its national structures prior to considering the accession to further international human rights instruments and thereafter decides upon them in due time.

(b) **Abolition of the death penalty/Reducing the number of crimes carrying capital punishment:** In 2017, a commission has been created under the supervision of the Deputy Attorney General of Afghanistan in order to investigate and review the sentenced cases of the death penalty. The commission finalised its work in 2018 and reported to the Office of President. The proposal of the committee was to commute the death penalty to the long-term imprisonment in the large number of the cases which was accepted by the President and being implemented. Then a special committee aimed at monitoring the cases of death penalty, has been established in 2018 within the Office of the Attorney General of the Islamic Republic of Afghanistan. This committee reviewed 80 cases of death penalty recommended commuting majority of them to imprisonment and asked for further information in the remaining cases. The new penal code of Afghanistan has decreased to the large extent the application of the death penalty to the serious crimes indicated in the Article 170 of the Penal Code of Afghanistan.