



Islamic Republic of Afghanistan

Human Rights Council

Universal Periodic Review

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Opening Statement

**By H.E. Dr. Mohammad Qasim HASHIMZAI, Deputy Minister of Justice and Head
of Delegation of the Islamic Republic of Afghanistan**

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Mr. President,
Ladies and Gentlemen,

It is a great honor for me to once again head the Afghan Delegation at this session of the Human Rights Council for the adoption of Afghanistan's UPR report.

The first UPR report of Afghanistan which was a result of a participatory and comprehensive process was presented in May 07, 2009 which was a productive experience for Afghanistan.

As a significant human rights mechanism as well as a constructive practice, UPR has provided all countries with a great opportunity to highlight both challenges and achievements in the area of human rights.

The interactive dialogue in the working groups provides a productive assessment of the shortcomings and obstacles which can help countries outline the direction of their efforts towards protection and promotion of human rights in the future.

Presenting our UPR report, a number of recommendations were made by participating delegations during the interactive dialogue.

We declared our support to most of these recommendations and have taken them seriously by undertaking a number of initiatives in various ministries and institutions in Afghanistan.

We agreed to examine a number of other recommendations and provide response for them. Consulting with relevant ministries and departments of Afghanistan we have finalized our response to these recommendations which are available at HRC/12/9/Add.1.

Given the fact that the implementation of such recommendations requires constant efforts and concrete actions, we have already undertaken a number of initiatives and will strengthen ongoing initiatives to implement the recommendations.

Mr. President,

Availing this opportunity let me briefly refer to a number of initiatives undertaken and gains achieved by the Government of Afghanistan in the area of human rights since May 2009 which are indicative of firm political will on the part of the Government to consolidate and improve human rights in the country.

The Government of Afghanistan has taken steady measures towards the ratification of and reporting on the international human rights treaties, of which I would like to refer to the following:

- The Convention on the Rights of Persons with Disabilities has already gone through inter-ministerial procedure and is currently under review in the Parliament.
- In August 2009, Afghanistan ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1999 (No. 182); the Amendment of the ILO Constitution; and Additional Protocols to Geneva Conventions dated 12 August 1949 of the International Committee on Red Cross (ICRC).
- As part of its commitments to international human rights treaties, Afghanistan completed its initial report on CRC in August 2009. This report is indicative of noticeable progress in legislating, policy making and creating children's rights protection institutions. It is also a testimony of some challenges, obstacles and difficulties. Certainly, serious attention in findings and recommendations in this report will facilitate securing better condition of children's rights in Afghanistan.
- The work on Afghanistan's CEDAW Initial Report has also started in early August and is planned to be completed by July 2010. The completion of this report will also provide us with a better understanding of women's condition and their needs in Afghanistan and hence will help us better address the issue of women's rights in the country.

Mr. President,

Afghanistan needs to take steps for the review and revision of 700 laws which are currently in force to ensure that they are in keeping with our newly-established Constitution and with the international agreements to which our country is a signatory. To this end, since May this year Afghanistan has passed a number of laws including:

- Adoption of the Law on Elimination of Violence against Women. This law makes violence a crime whether committed at home or elsewhere and prescribes sentences for its perpetrators. The Law is in line with the Convention on the Elimination of all forms of Discrimination against Women.

- The Shia Personal Status Law has been reviewed in the light of the Afghan Constitution and has been adjusted in accordance with Afghanistan's obligations towards international human rights conventions.
- The new Media Law of Afghanistan has been enacted and published in the official gazette which guarantees freedom of speech and publication, provides better environment for journalists' performances and protects journalist from undue intimidation, violence and censorship.
- Enforcement of a new Police Law, implemented a month ago. It incorporates all the principles of human rights in the performances of police, especially at the time of detection of crime.
- The Law on the Establishment of the Commission to Supervise the Implementation of the Constitution, following a review by the Supreme Court, is now published in the official gazette.
- Finalization of the draft of the new Code of Criminal Procedure encompassing the principle of fair trial and rectifying the loopholes and shortcomings which existed in the Interim Code of Criminal Procedure in regard to standards and rules connected to the protection of human rights.

In addition, since May this year, Afghanistan has carried out a number of institutional reform programs, *inter alia*; I would like to refer to the following:

- With direct assistance of UNAMA, resources have been raised for the establishment of the Human Rights Unit in the Ministry of Justice. Both international and Afghan staff has been recruited and the Unit will start operation shortly.
- Actual implementation of merit-based prison reform aiming to improve personnel salaries to a level to meet the essential needs of staff and reduce corruption, resulting in better performances especially in the area of the implementation of the Standard Minimum Rules for the Treatment of Prisoners to which Afghanistan is a party.
- Launching of "Peace through Justice Program" aiming to promote human rights awareness activities and training for communities and local justice officials. This joint program (UNAMA, UNDP, UNECEF, UNIFEM, and UNODC) will strengthen both supply and demand for access to justice for men and women at district level across Afghanistan. One of the outcomes would be to increase local community capacity to understand the justice system, demand access to justice, and to protect its vulnerable members' rights, while improving knowledge of human rights and skill on the part of community representatives and leaders to manage disputes.

- The Justice Sector Coordination Commission regularly holds sessions in the Supreme Court and coordinates their activities in connection with human rights issues especially regarding prisons and detentions centers.
- Establishment of the first core working group to set up a task force on formal justice relations with an informal justice/traditional dispute resolution mechanism. A template for national policy has been formulated. The ultimate aim is to prevent the abuse of human rights values by informal justice, especially against women.
- In accordance with article 6 of UNCAC to which Afghanistan is a party, the High Office for Oversight of the Implementation of the Anti-Corruption Strategy has been set up. The Office has already started work and asked all high-ranking government officials, judges and law enforcement bodies to register their assets and show how these assets were acquired.

Despite all these efforts and commitments on the part of the Government in fulfilling its obligations vis-à-vis the principles of human rights, Afghanistan still faces a number of huge challenges which have slowed down our progress and created obstacles in our efforts towards the full realization of our goals in the area of human rights including the implementation of transitional justice. Top amongst them are terrorism, extremism and narcotics. As we have long argued these challenges are interconnected with regional and international dimensions. In addition, poverty and corruption have made it difficult to tackle these challenges easily.

Scarcity of resources to finance nationwide welfare programs, in particular for the most vulnerable people including the disabled, children and women is another challenge which requires due attention.

More importantly, the issue of aid effectiveness especially in the justice sector programs has caused concern both for the Afghan Government and the international community.

Mr. President,

In conclusion, let me reiterate the fact that the implementation of programs and reforms towards promotion of human rights in Afghanistan requires cooperation and participation of all concerned governmental bodies, the civil society institutions and also direct cooperation of international community particularly international organizations active in the area of human rights. With them on our side we will gradually witness the improvement in the condition of human rights in Afghanistan.