

**Statement by Professor Dr. Mohammad Qasim Hashimzai, Senior Advisor to the Ministry of Justice and Head of the Delegation of the Islamic Republic of Afghanistan for the adoption of Afghanistan's second UPR report in the Human Rights Council,
19 June 2014**

Mr. President,

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 second UPR report. The Government of Afghanistan has supported the UPR mechanism as an important pillar of the Human Rights Council. Promotion and protection of human rights is an essential component of our foreign policy. It is worth mentioning that the presidential and provincial election in Afghanistan has taken place. This shows the political will and commitment of the Government and people of the country to the promotion and protection of human rights. By marking an historic event, the people of Afghanistan participated in the election in order to witness peaceful political transition from the elected president to a new elected president.

The second UPR report of Afghanistan, which was a result of a participatory and comprehensive process, was presented on 27 January 2014 and was a very useful experience for Afghanistan.

During the presentation of our second UPR report, we received 224 recommendations made by the participating delegations during the interactive dialogue.

Among these recommendations, 178 of them were supported by the Afghan Government.

Given that the implementation of such recommendations requires constant effort and concrete actions, we have already undertaken a number of activities and will strengthen the already existing initiatives and implementing frameworks for this purpose. The UPR Steering Committee has held several follow up informative and consultative meetings with the technical working group and coordination body to analyze, categorize and raise the awareness of the concerned institutions about the recommendations.

Furthermore, these recommendations were shared with the Human Rights Support Unit (HRSU), a department in Ministry of Justice dealing with the

implementation of Human Rights recommendations. This Unit has taken certain steps to translate these recommendations into national languages, categorize and incorporate them in the action plan as well as to share them with relevant sectoral ministries for implementation. Also, a number awareness raising workshops have been organized for the focal points from the relevant ministries for better implementation of the recommendations. Some recommendations are already in the phase of their implementation. For instance, the GoIRA has extended an invitation to the Special Reporter on violence against women, its causes and consequences who will undertake an official visit to Afghanistan in November this year.

Mr. President,

During presentation of our Second UPR report, we pledged to examine the 34 recommendations and provide responses in due time. The Government of Afghanistan has established an inter-ministerial committee to review and analyze the mentioned recommendations. Moreover, these recommendations were shared with the civil society to seek their inputs and to ensure a better and more transparent process, and it has given us valuable inputs.

Considering the importance of the 34 recommendations, the Government launched broad discussions with other relevant institutions and the civil society organizations. We accepted 10 recommendations out of the 34 recommendations. Due to the broadness of the topics, the remaining recommendations are still under discussions and consideration. Overall, out of 224 recommendations, the Government of the Islamic republic of Afghanistan has accepted 189, rejected 12 and 23 recommendations still under discussions and reconsideration to which the response will be provided in a proper time. The initial responses to these commendations are included in the report, but here I would like to touch upon some of the initial responses to these recommendations:

1) Review of article 398 – honor killings

The responsible committee for reviewing the penal code is engaged in reviewing the code. The committee is also assigned to incorporate the provisions of the international human rights conventions that Afghanistan is a party to.

It should be mentioned that article 398 does not exonerate the perpetrator of what is called 'honor killing.' Considering the mental state of the perpetrator the article prescribes one level lower sentence for the culprit.

2) Protection of Human Rights Defenders, Peace Activists, Female Politicians

- GoIRA has assigned 3 police protection officers for every provincial department of women's affairs chiefs. In addition to that the security forces have been trained to pay particular attention to the women's rights civil society defenders on national and provincial level.

The GIROA has recently decided to assign a number of security officers in order to protect high level female politicians and women's rights activists. The ongoing revision of laws emphasizes on consistency with international human rights law. We have been publicly acknowledging the role of women human rights defenders and condemn violence and discrimination against women.

3) Freedom of religion

- Afghan constitution guarantees freedom of religion to the citizens of Afghanistan. Discrimination on the bases of religious and ethnic origins is prohibited under any circumstance.

4) Revision of the death Penalty

- Afghanistan is an Islamic country. Death penalty can be imposed only in rare occasions and on heinous crimes. The decisions of the hierarchy of courts including the Supreme Court are not enough for the imposition of death penalty. The president seldom uses his power to endorse the Supreme Court decisions on death penalty. In practice he imposes a kind of moratorium on death penalty which is deterrence for serious crimes, especially in war circumstances.

5) Transitional Justice

- The government of Afghanistan developed a National Action Plan on Peace, Justice and Reconciliation in 2005, in order to document the war crimes in Afghanistan. While the documentation process has been finalized, its implementation still remains to be a challenge considering the security situation. However, the government embarked on a number of side programs, including opening of War Victims Memorial Library, War Victims for Peace National Museum, naming a venue after war victims, and building up Memorial Monuments in various provinces.

6) Prevention of torture

- Torture is prohibited by the constitution and other laws. Any confession received by torture is invalid and the perpetrator is punished by law. Ministry of interior affairs adopted a guideline preventing prison officers to embark on such action. To oversee the implementation of the principles of UNCAT, Afghanistan has assigned a high level commission, composed of security sector institutions and law enforcement bodies in order to implement relevant programs on national and provincial levels. There is also a steering committee that works to prepare Afghanistan's State Report on the Status of the implementation of the UNCAT provisions that will be presented to its relevant committee later this year.

7) Measures adopted for the protection of religious minorities

The constitution guarantees the free practice of religion by religious minority groups, and the government provides them with the required support. For example, for Hindu Minority, special worship places, special schools and special teaching programs for Hindu students in mixed schools. A huge piece of land has been allocated for their religious rituals. Measures are exercised for the Protection of Human Rights Defenders, Peace Activists, and Female Politicians.

- GoIRA has assigned 3 police protection officers for each provincial department of women's affairs chiefs, in order to protect them from any kind of violence. In addition to that the security forces have been trained and instructed to pay particular attention to the women's rights civil society defenders on national and provincial level.
- The GIROA has recently decided to assign a number of protection officers in order to protect high level female politicians and women's rights activists.
- The ongoing revision of laws emphasizes on consistency with international human rights law. We have been publicly acknowledging the role of women human rights defenders and condemn violence and discrimination against them

Ladies and Gentlemen;

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 Jan 2014.

- As part of its commitments to promoting human rights culture particularly the women rights, Afghanistan completed its second report on **Beijing Declaration Platform for Action** in June 2014. This report is indicative of eye catching progress in legislating, policy making and creating women's rights protection institutions. It also refers to some challenges, obstacles and difficulties in this regards.
- The work on Afghanistan's UNCAT Report was started in June 2013 and is planned to be completed by end of 2014. The completion of this report will also provide us with a better understanding of the existing situation as far as the exercise of torture and its prevention is concerned.
- The action plan for the implementation of UNSCR 1325 about women, peace and security has been completed and the second phase of the action plan which is the implementation phase, will be started in near future.

Mr. President,

To conclude my speech, I would like to reiterate that, despite important achievements in the field of human rights, we face a number of challenges. In fact, promotion and protection of human rights in Afghanistan requires cooperation and participation of all concerned governmental bodies, the civil society institutions and also direct cooperation of the international community particularly international organizations active in the area of human rights. It is only then when we will witness gradual improvement in the condition of human rights in Afghanistan.

I can assure you that the Afghanistan Government will continue to give high priority to promoting and protecting human rights.