

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 32nd Session

AFGHANISTAN

I. BACKGROUND INFORMATION

The Government of the Islamic Republic of Afghanistan (GIRoA) acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* on 30 August 2005, with no reservations. The GIRoA is not a signatory to the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*.

In the absence of a national refugee law and asylum framework to codify the Government's international obligations, UNHCR registers asylum-seekers under its mandate and conducts Refugee Status Determination (RSD) for individual cases, insofar as the formal recognition of refugee status would offer additional protection or a durable solution. As of 1 March 2018, some 500 individuals in the cities of Kabul, Herat, and Kandahar were registered with UNHCR, either as asylum-seekers or as individually recognised refugees, as well as one stateless individual. Among the 143 registered cases, 100 represented families with children.

Government authorities, including the Afghan National Security Forces (ANSF), recognise UNHCR registration certificates as valid identity documents. Registered asylum-seekers and refugees generally have access to basic public health care, primary education, and freedom of movement, equivalent to the Afghan population. For those without valid travel documents and residency permits, however, employment opportunities are scarce, mostly limited to the informal sector. Moreover, although the GIRoA works constructively with UNHCR and endeavours to comply with its international commitments, asylum-seekers and refugees have no effective legal or social protection.

Afghanistan hosts a refugee population comprising some 76,000 registered Pakistani nationals in Khost and Paktika provinces, most of whom were displaced in 2014 as a result of military operations in North Waziristan Agency (NWA). The registered population includes more than 54,000 refugee children, who are neither included in the National Education Strategic Plan for 2017-2021 (NESP III) nor assisted by a provincial Child Protection Action Network (CPAN). Only some 12 per cent of school-age refugee children from NWA are attending school,¹ due to challenges, such as the limited capacity of the education system to absorb refugee children, language barriers, lack of female teachers, and child labour.

Only over 11,000 refugees reside in the Gulan camp, which is the only refugee camp in Afghanistan. The majority of the refugee population is dispersed across urban and rural locations in Matun, Gurbuz, Spera, Tani, and other districts of Khost province, and in Barmal district of Paktika province, and benefit from the generous hospitality of Afghan host communities owing in part to their close ethnic, cultural and tribal affiliations. The limited livelihood opportunities, however, and lack of government resources at provincial levels,

¹ UNHCR Afghanistan, Inter-Agency Refugee Operational Update, December 2017: <https://reliefweb.int/sites/reliefweb.int/files/resources/62007.pdf>

result in refugees' substantial reliance on the international community for humanitarian assistance, including food security.

In line with the regional framework of the Solutions Strategy for Afghan Refugees (SSAR), endorsed by the United Nations and international community in 2012, UNHCR implements an assisted repatriation programme for registered Afghan refugees to support a gradual and voluntary return. The SSAR recognises the protection afforded to Afghan refugees for almost four decades by the Islamic Republic of Pakistan and the Islamic Republic of Iran, as well as the persistent challenges for the GIRoA to reintegrate returning refugees and ensure their repatriation is safe and dignified. Since 2002, more than 6 million registered Afghan refugees have voluntarily returned to Afghanistan, including 58,817 in 2017. There remain some 1.4 million registered Afghan refugees in Pakistan,² while almost one million Afghan refugees are hosted in Iran.³ In addition to registered refugee returnees, the International Organization for Migration (IOM) recorded some 560,000 Afghan nationals who returned to Afghanistan from Pakistan, Iran, and other countries in 2017.⁴

Amid continuing and widespread armed conflict between the ANSF and anti-government elements (AGEs), which has contributed to a significant deterioration of the security situation since 2014, the people of Afghanistan continue to represent a population on the move. An estimated 1.8 million individuals are internally displaced in Afghanistan as a result of conflict, with all 34 provinces of the country hosting internally displaced persons (IDPs). According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), some 500,000 Afghan civilians were forced to flee their homes in 2017,⁵ while more than 350,000 Afghan asylum-seekers (including thousands of unaccompanied Afghan children) sought international protection in European countries in 2015 and 2016.⁶

The Humanitarian Country Team in Afghanistan anticipates that 3.3 million people will require life-saving assistance to address acute humanitarian needs in 2018.⁷ In August 2017, the United Nations Secretary-General noted that "*Afghanistan is not in a post-conflict situation, where sufficient stability exists to focus on institution-building and development-oriented activities, but a country undergoing a conflict that shows few signs of abating.*"⁸ The United Nations Assistance Mission in Afghanistan (UNAMA) verifies more than 10,453 civilian casualties each year for the past four years.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation 136.34: "Adopt comprehensive legislation or policies with a view to facilitating durable solutions for internally displaced persons." (Austria)

In October 2016, the *Afghan National Peace and Development Framework* (ANPDF) and the *Self-Reliance through Mutual Accountability Framework* were presented to the international community at the Brussels Conference on Afghanistan. Within these frameworks, the GIRoA has demonstrated progress in the management of public finance, the promotion of private sector investment, agricultural development, electoral and anti-corruption reforms, and the empowerment of women.

² Holders of a Proof of Registration (PoR) card.

³ Holders of an Amayesh card.

⁴ https://reliefweb.int/sites/reliefweb.int/files/resources/iom_afghanistan-return_of_undocumented_afghans-situation_report-31_dec_2017_-_06_jan_2018_-_copy_0.pdf

⁵ UNOCHA, Afghanistan: HumanitarianResponse.info, Internal Displacement due to Conflict: <https://www.humanitarianresponse.info/en/operations/afghanistan/idps>

⁶ Eurostat, Asylum Statistics: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

⁷ UNOCHA, Afghanistan: 2018 Humanitarian Needs Overview, 1 December 2017:

<https://reliefweb.int/report/afghanistan/2018-afghanistan-humanitarian-needs-overview>

⁸ UN Secretary-General, Special report on the strategic review of the United Nations Assistance Mission in Afghanistan, 10 August 2017, A/72/312–S/2017/696: <http://www.refworld.org/docid/599301c49.html>

Notably, the GIRoA has included returnees and IDPs in its national development strategies and plans, including the *Citizens' Charter* and the Afghanistan National Peace and Development Framework (ANPDF) 2017-2021 following a “whole of community” approach as well as other *National Priority Programmes* (NPPs). The Government has also established a *Policy Framework for Returnees and IDPs* and a *National Action Plan* through the high-level Displacement and Return Executive Committee (DiREC), with provincial action plans piloted in Herat and Balkh provinces in 2017. The DiREC is the primary mechanism by which durable solutions for IDPs and returnees (including former registered refugees and other returnees in the region) are coordinated and implemented with support from the international community. GIRoA also undertook commitments towards the Comprehensive Refugee Response Framework (CRRF) and the Global Compact on Refugees.

Linked to 2nd cycle UPR recommendation 137.29: “Accede to the Optional Protocol to CAT and implement measures ensuring prompt and impartial investigation of ill-treatment and torture of detainees, and strengthen the accountability mechanisms for police and armed forces.” (Czech Republic)

UNHCR commends Afghanistan on its accession to the *OPCAT* in April 2018. The *OPCAT* system of regular visits by national and international bodies to places where persons are or may be deprived of liberty contributes to preventing torture and ill-treatment, and enhances the protection of persons under UNHCR’s mandate while in detention. This is particularly important since UNHCR lacks access to judicial establishments, prisons or other detention centres. UNHCR stands ready to provide technical assistance to the GIRoA to ensure the protection of persons under UNHCR’s mandate who are deprived of liberty.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Ratification of international instruments

Linked to 2nd cycle UPR recommendation no. 137.20: “Adhere to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.” (Uruguay)

Individuals and communities most at risk of statelessness include various nomadic and historically marginalised peoples (e.g. the Jogi), returnees without a *tazkira* (national identity certificate), and persons whose citizenship is not or is no longer recognised in their country of former habitual residence.

Recommendations:

UNHCR recommends that the Government of the Islamic Republic of Afghanistan:

- (a) Consider accession to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

Issue 2: Forced displacement and return

Linked to 2nd cycle UPR recommendations no. 136.31: “Guarantee that repatriated Afghan refugees, particularly women and girls, have adequate access to sanitation services, education, food, housing, freedom of movement and opportunities” (Uruguay); and **no. 136.32:** “Continue the measures with regard to strengthening self-reliance of the returning refugees and IDPs.” (Azerbaijan)

Sustained levels of conflict-induced displacement, combined with the high number of Afghan nationals who continue to return to Afghanistan either voluntarily or otherwise, far exceed the absorption capacity of health care facilities, schools, housing, urban infrastructure, and local employment markets. After four decades of conflict, there are enormous economic and

development challenges in Afghanistan, which cannot be remedied only by humanitarian aid. Approximately 39 per cent of the Afghan population lives below the poverty line, an estimated 10 million people have limited or no access to essential health care services, and up to 3.5 million children are out of school. Some 1.9 million people are severely food insecure, largely due to a lack of sustainable job opportunities, while 40 per cent of children under the age of five are stunted.⁹ Returning Afghan refugees and other Afghan undocumented persons comprise up to 40 per cent of the 2.2 million people living in informal settlements in Afghanistan¹⁰ that do not provide sufficient protection against the cold during winter, or adequate sanitation and potable water. Over-crowding results in a lack of privacy and increases the protection risks for women and girls.

As the GIRA prioritizes expenditure for security purposes, very few resources are allocated for development and basic services. The initial assistance provided by UNHCR and IOM to returnees serves to meet most immediate needs for transport, food, and transitional shelter. With limited prospects of effective reintegration, most returnees are almost entirely dependent on improvised family arrangements and humanitarian assistance from the international community. Thus, notwithstanding the ambitious objectives of the ANPDF, National Priority Programmes, the national IDP Policy and action plans, and the establishment of the DiREC, significant challenges remain regarding their implementation.

Recommendations:

UNHCR recommends that the Government of the Islamic Republic of Afghanistan:

- (a) Prevent undue disruption to education for returnee and IDP children, through flexible policies to recognise school certificates from countries of asylum, expanding access to education in areas of high return and displacement, mitigating security threats that contribute to children being out of school, and employing female teachers to promote the enrolment and attendance of girls in school; and
- (b) Advance toward realisation of its development plans with support of development actors and the international community.

Issue 3: Land allocation for Afghan returnees

Linked to 2nd cycle UPR recommendations No. 136.33: Establish measures for displaced persons to have particularly better access to the land and to improve their shelters and infrastructures nearby. (France)

Within the DiREC, a Housing, Land and Property (HLP) taskforce (co-chaired by UNHCR) has supported the development of a *Technical Procedure for the Identification and Provision of Suitable Land to Returnees and IDPs for Housing*, which is slated to replace the previous land allocation scheme for returnees and IDPs (Presidential Decree 104), as well as a *Procedure for the Registration of Urban Informal Properties*, to regulate informally constructed houses and informally obtained properties and provide security of tenure to the inhabitants (many of them returnees and IDPs).

The new *Executive Decree* is expected to be a landmark achievement as the land allocation scheme has proven slow and complex, causing frustration among returnees whose expectations remain unmet, after basing their decision to return to Afghanistan in part on promises of land. UNHCR protection monitoring indicates that access to land and safe shelter is among the leading concerns for Afghan refugees in neighbouring countries who are contemplating return, as well as returnees and IDPs.

Recommendations:

UNHCR recommends that the Government of the Islamic Republic of Afghanistan:

⁹UNOCHA, Afghanistan: 2018 Humanitarian Needs Overview, 1 December 2017:

<https://reliefweb.int/report/afghanistan/2018-afghanistan-humanitarian-needs-overview>

¹⁰http://www.reachresourcecentre.info/system/files/resource-documents/reach_afg_factsheets_booklet_informal_settlement_profiling_november2017.pdf

- (a) Ensure the new *Executive Decree on land allocation* is finalised and implemented in a transparent, fair, and accountable manner and also provide complementary or alternative forms of shelter assistance for the most vulnerable returnees and IDPs.

Additional protection challenges

Issue 4: National legislative and policy framework on asylum, and access to documentation

Since 2014, a *Refugee Law* drafted by the Ministry of Refugees and Repatriation (MoRR), with technical support from UNHCR, has remained stalled in the legislative process. Despite efforts by the MoRR and UNHCR to advocate for the enactment of the *Refugee Law* through a taskforce comprising the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, and other stakeholders in 2017, this instrument has not been considered by Parliament.

As a consequence of the lack of a government registration database, refugees and asylum-seekers have faced delays and barriers in departing from Afghanistan to third countries, including resettlement facilitated by UNHCR, and complementary migration pathways such as family reunification. GIRoA issues temporary travel documents to permit lawful exit from Afghanistan in limited circumstances.

Nonetheless, the Government struggles to implement its own policy relating to the issuance of civil documentation, with returnees as well as some IDPs reporting difficulty in obtaining a *tazkira* unless they return to their place of origin. The lack of national refugee legislation also impedes proper birth registration. As a protection measure, NGO partners issue birth notifications to refugee mothers, which facilitates the registration of new-born children with UNHCR, and future birth registration with government authorities in the country of origin. The Norwegian Refugee Council (NRC) estimates that 80 per cent of internally displaced Afghan women lack official identity documents.¹¹

Recommendations:

UNHCR recommends that the Government of the Islamic Republic of Afghanistan:

- (a) Enact national legislation and an asylum policy framework to codify its international commitments and implement its obligations under the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*;
- (b) Establish a specialised government department within the Ministry of Refugees and Repatriation to manage issues relating to asylum-seekers and refugees, including standard procedures for registration and individual refugee status determination (RSD), information management, coordination among relevant government ministries, and the issuance of individual identity documents;
- (c) Ensure the inclusion of refugees and asylum-seekers in Afghanistan in national development programmes, national strategies, policies, and action plans, particularly by engaging the Ministry of Education and the Ministry of Labour, Social Affairs, Martyrs and the Disabled to improve access to education and government accountability for child protection, without discrimination on the basis of nationality or other status.
- (d) Ensure official birth registration and issuance of birth certificates by the Ministry of Public Health for all children born in Afghanistan, including foreign nationals; and
- (e) Promote and facilitate access to individual civil documentation, particularly a *tazkira* (national identity certificate) for all Afghan nationals, including women and youth, with specific attention to civil documentation for returnees and IDPs.

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¹¹ Norwegian Refugee Council, *Access to Tazkera and Civil Documentation in Afghanistan*, 8 November 2016: <https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan/>

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review and Concluding Observations from UN Treaty Bodies

AFGHANISTAN

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to AFGHANISTAN.

I. Universal Periodic Review (Second Cycle – 2014)

Recommendation ¹²	Recommending State/s	Position ¹³
Ratification of international instruments		
137.20. Adhere to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.	Uruguay	Noted ¹⁴
137.29 Accede to the Optional Protocol to CAT and implement measures ensuring prompt and impartial investigation of ill-treatment and torture of detainees, and strengthen the accountability mechanisms for police and armed forces. ¹⁵	Czech Republic	Noted
Refugees, returnees and IDPs		
136.31 Guarantee that repatriated Afghan refugees, particularly women and girls, have adequate access to sanitation services, education, food, housing, freedom of movement and opportunities.	Uruguay	Supported
136.32 Continue the measures with regard to strengthening self-reliance of the returning refugees and IDPs.	Azerbaijan	Supported
136.33 Establish measures for displaced persons to have particularly better access to the land and to improve their shelters and infrastructures nearby;	France	Supported
136.34 Adopt comprehensive legislation or policies with a view to facilitating durable solutions for internally displaced persons;	Austria	Supported

¹² All recommendations made to Afghanistan during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Afghanistan" (4 April 2014), A/HRC/26/4, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AFIndex.aspx>.

¹³ Afghanistan's views and replies can be found in: *Addendum* (16 June 2014), A/HRC/26/4/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AFIndex.aspx>.

¹⁴ "The Government of Afghanistan wants to study the following recommendations once again till the analyses of barriers, implementation opportunities, extensive consultation with sectorial institutions are carried out and will provide answers to them in proper time."

¹⁵ Similar recommendations were made by France, Estonia, Switzerland, Austria, Denmark.

Trafficking in persons		
137.2 Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution of the South Asian Association for Regional Cooperation;	Spain	Supported
Gender discrimination		
136.134 Take steps to fully implement the Elimination of Violence against Women Law, including by providing training and capacity-building to law enforcement officials; implementing standard, country-wide procedures to record and track complaints of violence against women; and ensuring that all allegations of violence against women are thoroughly investigated and referred to the appropriate authorities under Afghan law; ¹⁶	Canada	Supported
136.162 Address more effectively cases of gender-based violence including by their proper and effective investigations and adequate prosecution of perpetrators;	Slovakia	Supported
SOGI		
138.11 Ensure non-discrimination on the basis of sexual orientation and gender identity and repeal the provisions of the penal code which criminalise sexual relations between consenting adults of the same sex.	Norway	Noted

II. Treaty Bodies

Committee against Torture

Concluding Observations, (12 June 2017), [CAT/C/AFG/CO/2](#)

Conditions of detention

29. While taking note of the State party's challenges regarding the lack of budget and welcoming the Law on Prisons and Detention Centres, the Committee remains deeply concerned about the poor conditions of detention, including severe overcrowding, inadequate sanitation and access to water, food of a sufficient amount and quality and medical services. In that connection, the Committee is particularly concerned by the situation of women in prisons. It is also concerned by the situation in Pul-e-Charkhi prison, where the renovation project allegedly remains uncompleted due to corruption. The Committee is also deeply concerned by:

¹⁶ Recommendations on the issue of elimination of gender-based violence were also made by Brazil, United States of America, Denmark, France, Finland, Germany, Iceland, Ireland, Italy, Malaysia, Maldives, New Zealand, Norway, Philippines, Portugal, Australia, Turkey, Sweden, Austria, Chile, Ecuador, Islamic Republic of Iran, Slovakia, Slovenia, Uruguay, Indonesia.

- (a) The situation of detainees in solitary confinement, a practice which is applied to persons with epidemic diseases, persons with mental illnesses, and terrorists for prolonged periods of time;
- (b) The widespread corruption among law enforcement officers, in particular prison officers;
- (c) The general lack of facilities to separate pre-trial detainees from convicted inmates. The Committee also regrets the under-use of non-custodial measures (arts. 2, 11 and 16).

30. The State party should:

- (a) Take all measures to alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment;**
- (b) Ensure that all prison development or renovation projects are free from corruption and completed efficiently;**
- (c) Take effective measures to improve access to drinking water, sanitation facilities and the quality of food, and to ensure that health services and facilities are available to all detainees, in particular in facilities for women and girls;**
- (d) Ensure that the use of solitary confinement is reviewed and remains an exceptional measure of limited duration and that medical assistance is provided to persons in isolation who are ill;**
- (e) Ensure that pre-trial detainees and convicted inmates are held separately;**
- (f) Develop educational programmes to ensure that prison staff abide by the law and adhere strictly to rules and regulations.**

Violence against women

37. While commending the Law on Elimination of Violence against Women, the establishment of national and provincial Commissions on Elimination of Violence against Women and of women's protection centres, the Committee remains deeply concerned by the high prevalence of violence against women in the State party, in particular domestic violence, rape, battery, laceration, crimes committed in the name of so-called "honour" and cases of stoning. It is concerned that the Law is not equally implemented in all provinces and that very few cases from rural or remote areas have been registered, those cases being frequently mediated through traditional dispute resolution mechanisms or undeclared by victims owing to familial and social pressure. While noting the delegation's statement that the practice of virginity tests is part of the local culture and has no legal ground, the Committee remains deeply concerned that the conduct of such a practice is routinely required by police officers and prosecutors for women fleeing domestic violence and consequently suspected of moral crimes, such as adultery (arts. 2, 4 and 16).

38. The Committee urges the State party to take all measures to ensure that the Law is fully implemented in the territory of the State party. It should, inter alia:

- (a) Conduct awareness-raising campaigns on the content of the Law on Elimination of Violence against Women and encourage women to report all cases of violence;**
- (b) Increase the presence of women among the staff of the police and the judiciary;**
- (c) Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and held to account and that victims obtain redress, including adequate compensation;**

- (d) **Conduct training courses and awareness-raising campaigns for the general public and public officials to increase the understanding that violence against women constitutes a grave violation of the Convention and domestic law;**
- (e) **Take all measures, including legal, to ensure that virginity tests are prohibited and ensure that all officials ordering virginity tests are adequately sanctioned.**

III. Special Procedures Mandate Holders

Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Afghanistan

Addendum: Mission to Afghanistan (12 April 2017) [A/HRC/35/27/Add.3](#)

Conclusions and Recommendations

A. Conclusions

76. The considerable challenges facing the Government have a clear impact on its ability to respond effectively to the situation of internally displaced persons. While political will to protect them is emerging, this must translate into more effective Government-led responses. The National Policy on Internally Displaced Persons, while ambitious in its scope and in need of further adaptation, remains a key instrument to guide government efforts to address the needs of internally displaced persons, and provide durable solutions to them. However, it is a neglected resource of which the Government must take ownership, including with a renewed commitment to its implementation. This will require resources as well as information and sensitization across all relevant stakeholders and implementing partners, including internally displaced persons.

B. Recommendations

80. **The Special Rapporteur recommends that the Government of Afghanistan:**

- (a) **Renew its commitment to the National Policy and its implementation, and strengthen awareness-raising activities to promote knowledge of the Policy among officials, line ministries and their provincial departments, and internally displaced persons;**
- (d) **Expand local initiatives through provincial action plans for progressive implementation of the National Policy, initially in those provinces worst affected by displacement, in collaboration with national bodies and international partners, including through the appropriate devolution of financial resources to provincial authorities;**
- (f) **With the active role of relevant ministries, improve protection monitoring and vulnerability screening, with a focus on vulnerable groups, including women and children, unaccompanied children, older persons and persons with disabilities;**
- (k) **Ensure that the prohibition of illegal forced evictions of internally displaced persons is respected by all actors and that, where possible, rights of ownership or occupation are provided to them. Where land occupied by the displaced is legitimately claimed, ensure that alternative accommodation or land is provided following legal eviction;**

- (l) Ensure a mixture of durable solutions are available to internally displaced persons, including supported return, local integration or resettlement elsewhere in the country, in consultation with them, including women, and taking into account their preferences;
- (m) Ensure that any return of internally displaced persons to their places of origin takes place voluntarily, in conditions of security and dignity and with appropriate support in place.

Report of the Special Rapporteur on violence against women, its causes and consequences on her visit to Afghanistan

Addendum: Mission to Afghanistan (12 May 2015) [A/HRC/29/27/Add.3](#)

Conclusions and Recommendations

76. The Special Rapporteur recommends that the Ministry of Justice, in cooperation with the Ministry of Women's Affairs and the Ministry of Interior, initiate a review, including recommendations in respect of provisions in the penal and family laws relevant to moral offences, of the files of all women and girls currently in detention for crimes generally, and more specifically for "moral crimes", to verify whether:

- (a) There has been a valid court decision to sentence the detainees to imprisonment, or in the case of pre-trial detention, an order by the authority competent under the Criminal Procedure Law;
- (b) That the women or girls have been found guilty or stand accused of crimes expressly punishable under codified law currently in force;
- (c) That the women have been given their rights to fair trial and due process.

77. The Government should consider alternatives to detention and address the question of transit houses for women who are released from detention.

78. The Government should increase the number of shelters for victims of violence against women; strengthen support services for victims, including counselling, medical and rehabilitation services; provide training and skills development programmes; assist with financial and technical support to ensure good practices and sustainability; and develop a strategy to ensure financial support.