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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Afghanistan**

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## Introduction

1. It has been four years since the first report on Universal Periodic Review (UPR) of Afghanistan was presented to Human Rights Council. Since then, Afghanistan has achieved significant developments in respect to improvements on human rights. Signing more international human rights conventions and developing report on conventions to which Afghanistan has already been a party; the process of realizing institutional reforms of human rights; strengthened efforts on legislation process and reviewing existing laws in order to make them compatible with the international human rights commitments; preparing new policies and amending the current ones to strengthen human rights programs and efforts towards enhancement of public awareness on human rights issues including through conducting educational programs on human rights all indicate Afghan Government's will, cooperation and endeavors of government and non-government stakeholders towards improvement of human rights situation in Afghanistan. Amongst all, paying attention to vulnerable clusters particularly women and children are very important.

2. Fortunately, parallel to the said improvements on ensuring human rights, capacity for reporting on international conventions has significantly been enhanced accordingly. Directorate of Human Rights and Women's International Affairs, Ministry of Foreign Affairs (MoFA) of Afghanistan as a leading and facilitating organ of reporting has endeavored to provide a participatory environment for the involvement of all relevant government institutions and civil society in the process of developing national reports on international human rights conventions.

3. Reporting, as an efficient mechanism, has paved the ground for joint group work between government institutions and civil society to oversee performance of Afghanistan's international human rights commitments, identification of current problems and challenges and providing solutions. In particular, the UPR mechanism has provided opportunity for continuous discussion and constructive working relations amongst the government institutions and Civil Society as well as between the Government of the Islamic Republic of Afghanistan (GIROA) and Human Rights Council. The GIROA has strictly followed certain recommendations provided by Human Rights Council and enforced them where applicable. Taking into account the problems and challenges outlined in this report as well as considering some realities of Afghan society, implementation of certain recommendations are slow; however GIROA endeavors to address international concerns to the extent possible.

4. Whereas Afghanistan is at the verge of completing security transition process and approaching to the 2014 presidential elections and will enter the transformation decade (2015-2025) shortly, paying particular attention to the issues of human rights as a key priority for the GIROA and an integral factor towards social, economic and political development is vitally important. Reaching to wide and sustainable development and an explicit goal of the transformation period and taking into account the firm relations between human rights and sustainable development, administration of human rights is a key factor and prerequisite for success in transformation period. Afghanistan National Development Strategy (ANDS) and National Priority Programs (NPPs) have, fortunately, been developed based on public-oriented development model to which human rights is a main element. In the development vision of the GIROA for Transformation Decade and afterwards which was presented last year in Tokyo Conference, human rights is one of the key elements of ANDS.

5. Unfortunately, ensuring human rights in Afghanistan is faced with various impediments and challenges such as terrorism and narcotics, low institutional and legislative capacity, lack of capacity in law enforcement bodies, limited financial resources,

lack of employment opportunities, and lack of access to health services and education opportunities particularly in insecure areas. Overcoming such challenges requires continuous and coordinated efforts by all relevant government and non-government institutions at national and international levels. However, established capacity within 12 years in government and non-government organizations on human rights issues especially report writing and that such capacity is still growing make us optimistic about future of human rights in Afghanistan.

6. This report includes details of measures taken by the (GIROA) on various aspects of human rights including establishment of institutions, legislation and policy making; it further includes achievements and existing challenges that are provided in response to a set of recommendations made by the States during the first cycle of UPR.

## **Methodology and consultation process**

7. Preparation of this document is the result of a consultative process and active participation of all Ministries, civil society, governmental and non-governmental organizations, and Afghanistan Independent Human Rights Commission (AIHRC). Consultation with non-governmental entities and civil society had a magnificent role in preparation of this report. The format of this Report is based on the recommendations received in the first cycle of UPR. Responses are addressing the concerned recommendations accordingly.

## **Achievements, best practices, challenges and restrictions**

### **Response No.1**

8. The GIROA has strived for inclusion of provisions of the conventions that it has ratified in its domestic laws. Provisions of the conventions were adopted in 10 legislations that were enacted within past years. Juveniles Code, Law on Elimination of Violence against Women, Law on Financing Terrorism, Labour Law, Law on Anti-corruption Strategy, Law on Juveniles Rehabilitation Center, Law on Abduction and Human Trafficking, Law on Commercial Mediation, Law on Private Investment, and Law on Prisons and Detention Centers are the legislations which were passed and enforced in this period. Provisions of Convention on Civil and Political Rights, Convention on Prevention of All Types of Discrimination against Women, Convention on Child's Rights, Convention on Economic, Social and Cultural Rights, and other relevant conventions were considered.

### **Response No.2**

9. The GIROA, during periodic reporting, has developed three comparative reports on national laws in the light of international conventions of human rights; 1) report on comparative review of national laws in the light of Convention on Child's Rights; 2) report on comparative review of national laws in the light of Convention on Economic, Social and Cultural Rights; 3) report on comparative review of national laws in the light of Convention of Prevention of All Types of Discrimination against Women. All similarities, differences and flaws in the national laws have been identified and highlighted, and specific recommendations have been made through the above reports to address such discrepancies.

### **Response No.3**

10. The GIRoA has so far reviewed about 73 laws, 34 regulations and 27 strategies in the light of international human right conventions; the Civil Code; Penal Code; Juveniles Code; Law on Juveniles Rehabilitation Center; Regulation on Regulating Juveniles Rehabilitation Center; Law on Public Military Service; Education Law; Public Health Law; Law on Abduction and Human Trafficking; Counter Narcotics Law; Law on Rights and Privileges of the Disabled; Law on Elimination of Violence against Women; Citizenship Law; Labour Law; Regulation on Breast Feeding; Interim Criminal procedure Code; Law on Census; Law on Social Organizations; Public Media Law; Law on Prisons and Detention Centers; Afghan National Development Strategy; Justice for All Strategy; Justice and Judicial Sector Strategy; National Justice and Judicial Program; Strategy of Ministry of Education; Public Health Strategy; National Strategy on Children Exposed to Danger; Strategy on Disabled Children; Shiite Personal Affairs Law; Electoral Law; Law on Registration of Social Organizations; Regulation on Prisons and Detention Centers; Political Parties Law; Law on Strikes and Demonstrations; Regulation on Managing Retirement Payments; Regulation on Scholarships and Education Abroad; Millennium Development Goals; National Working Plan for Afghan Women; Law on Protection of Cultural and Historical Relics of Afghanistan; Law on Remunerations and Privileges of Cadre Members of Teacher Training Institute and Islamic High Schools; Law on Private Investments; Insurance Law; Civil Servants Law; Mines Law; Law on Municipalities; Commerce Law; Law on Protecting the Rights of Inventor and Explorer; Law on Protecting the Rights of an Author, composer, artist, and researcher; Law on Setting and Monitoring the Prices; Code of Conduct of Civil Servants; Regulation on Private Higher Education Institutes; Regulation on Dispatching Workers to Abroad; Regulation on Recruitment of Foreign Citizens in Afghanistan; Regulation on Artistic and Cultural Prizes; Regulation on Internal and External Trade of Trade Union; Regulation on Rights and Obligations of Professional Workers of Technical Schools; Regulation on Prevention of Pollution; Regulation on Distribution of Residential Areas for Teachers without Shelter; Regulation on Personal Affairs of Civil Servants; Regulation on Historic and Cultural Relics Exhibition; Regulation on Administration of Economic and Social Developments; Urban Sector Development Sub-strategy; Justice and Judicial Strategy and other legislatives documents were studied and reviewed in accordance with International Child's Rights Convention; Convention on Prevention of All Types of Discrimination against Women; Convention on Economic, Social and Cultural Rights and Convention on Civil and Political Rights.

### **Response No.4**

11. The GIRoA, within the past four years has taken various legal actions, the purpose of which were respecting and observing women's rights and preventing all types of discriminatory acts against women. One of such measures is reviewing the following enforced laws for the purpose of observing women's rights:

Laws, regulations and strategies including the Civil Code, Penal Code, Shiite Personal Status Law, Education Law, Public Health Law, Law on Elimination of Violence against Women, Law on Abduction and Human Trafficking, Law on Rights and Privileges of the Person with Disability, Interim Criminal Procedure Code, Citizenship Law, Law on Registration of Social Organizations Document, Electoral Law, Public Media Law, Regulation on Supporting and Promoting Breastfeeding, Law on Prisons and Detention Centers, Regulation on Prisons and Detention Centers, Law on Political Parties, Law on Strikes and Demonstrations, Pension Regulation for Arrangement of Pension Rights, Regulation on Scholarships

and Education Abroad, National Development Strategy, Justice Strategy for All, Millennium Development Goals, National Health Strategy, and NAPWA were reviewed comparatively and article by article in the light of Convention on Prevention of All Types of Discrimination against Women.

12. In addition, the Law on Social Protection is drafted and efforts are in place to have it approved as soon as possible so that opportunity is provided for implementation of policies.

### **Response No.5**

13. The draft of Shiite Personal Status Law was reviewed by Ministry of Women's Affairs (MoWA) and 12 amendments were recommended based on Afghan Constitution to Ministry of Justice (MoJ) prior to its signing and the recommended amendments were considered and included in the this law.

### **Response No.6**

14. The draft of Shiite Personal Status Law was reviewed by MoWA to ensure that it conforms to the international commitments of the Government.

### **Response No.7**

15. Please refer to response No.5 and 6.

### **Response No.8**

16. The GIRoA has been reviewing the compliance between national laws and international human rights instruments, in all steps of adopting a law. The Taqin (legislation) Department, of MoJ reviews the language and provisions of all the laws, to ensure their compliance with Afghanistan's International Obligations and then submits them to the Parliament for approval.

17. At the same time, for the purpose of better compatibility of draft laws with international human rights obligations, (HRSU) of MoJ also cooperates with the The *Taqnin* (legislation) Department to review the drafted laws.

18. The MoJ conducted a two-day workshop to carefully assess and review draft laws, provide coordination between government institutions in legislation, and review human rights aspects of draft laws; it was agreed in the workshop that human rights aspects of initial draft laws shall be reviewed in cooperation with Human Rights Unit of MoJ before sending it to Taqin Department.

### **Response No.9**

19. The government allocated 2 million dollars (\$500,000 in 2012 and \$1,500,000 in 2013) to the AIHRC, and will continue to increase its funding in years to come. In addition to that, the Commission enjoys receiving sufficient fund form international community for its programs and administrative expenditures.

### **Response No.10**

20. Wide public support, efforts by the commission, and financial-technical supports by international community in the past four years significantly helped the commission to successfully carry out majority of its mandate such as identifying and integrating human rights concepts into national discourse, establishment of regional and provincial offices, standard monitoring and supporting human right mechanisms.

### **Response No.11**

21. Realizing that rule of law is a key and fundamental element to ensure and strengthen human rights, the Commission has consistently provided recommendations and proposals to the government. For instance, recent research activities of the Commission made the government to react and respond. Recent reports by the Commission titled as “Access to Justice”, “From *Arbaki* to Local Police”, “Torture in Detention Center Controlled by Police” and “National Research on Rape and Honour Killing Cases” are the examples where relevant government agencies have take noticeable decisions. The Commission, as an independent organization that has no executive power, constantly endeavors for rule of law in the country. In addition to research activities, advocacy and providing recommendations, regional and provincial offices of the Commission actively participate in monthly meetings on good governance. The benefits of the commission work in terms of research products being useful for policy makers, exploring the human rights challenges, and putting forward recommendations to the governmental agencies.

### **Response No.12**

22. The GIROA, for the purpose of ensuring peace, stability, democracy and establishing a strong foundation for protection of human rights, has taken various measures:

- Establishment of High Peace Council;
- Establishment of Human Rights Support Units in Ministry of Justice, Ministry of Interior, Ministry of Defense and National Directorate of Security;
- Reforms within Independent Election Commission and in Electoral Law;
- Reforms in Electoral policies.

### **Response No.13**

23. Please refer to response No.12.

### **Response No.14**

24. Please refer to response No.12.

### **Response No.15**

25. The GIROA, during the past four years has taken new actions in keeping up fight against corruption; for example, ground was provided for practical fight against corruption by drafting laws, regulations, policies, and establishment of the following executive organs:

- Establishment of High Office of Oversight and Anti-corruption 2008;
- Establishment of anti-corruption prosecution units in the Attorney General Office;
- Establishment of Anti-corruption Courts (2/3/2013);
- Office of Judicial Control and Monitoring (5/3/2009);
- Endorsement of Regulation on judiciary breaches (5/3/2009);
- Endorsement of Judicial Code of Conduct for Judges (5/3/2009);
- Establishment of Anti-corruption Committee in MoWA (2013).

## Response No.16

26. For issues related to gender equity, please refer to response No.26 and the issues relating to increase of women's access to education, please refer to response No.85.

27. Based on provisions of article (52) of the Constitution and article (2) of Public Health Law of The Islamic Republic of Afghanistan, the Government duty bound to provide free health services for all Afghan citizens without any discrimination. Therefore, the Government of Afghanistan has performed in two areas in order to improve and increase public access to food and fair health services:

(a) **Policies and Strategies:** in respect to health services, various policies and strategies have been developed based on which significant measures were taken and a number of goals and activities are to be accomplished in the future. The most important examples are: development of public health vision titled as "Health for All Afghans" for 2012–2020; preparation of five-year implementation health program or (System Enhancement for Health Action in Transition) for 2013–2018; drafting Health and Human Rights Strategy and Gender Strategy; Policy on Funding Health in Afghanistan for 2012–2020; development of five-year strategic plan of Ministry of Public Health; guidelines on protection of patients while performing dialyze according to international standards.

(b) **Practical Measures:** health services were provided in two packages, basic health service and hospital health services, such as: establishment of consultation centers; establishment of national influenza center and its official recognition by World Health Organization; development of online information and consultation system for the youth; establishment of family support centers for treatment of victims of gender-based violence; research on maternal mortality; identification of impediments related to gender; nutrition survey to identify malnutrition of children below 5 years; establishment of midwifery schools to have access to health services in remote areas; establishment of nursing schools for 2 years; establishment of treatment centers of serious cases of malnutrition across the country and local treatment centers of addicts; establishment of mobile clinics to provide health services for nomads.

## Response No.17

28. The GIRoA in cooperation with international community has taken various steps on counter narcotics such as drafting and preparing various laws and policies through relevant institutes. For instance, the following steps have been taken:

- Drafting new version of Law on Narcotics, Alcoholic Drinks and its Control;
- Developing and finalizing Policy on Detention of Drug Traffickers led by Ministry of Counter Narcotics;

- Development of implementation plan for Policy on Detention of Drug Traffickers;
- Development of monitoring mechanism for implementation of the above plan;
- Preparing draft Regulation on Issuing License and Permit for activities related to counter narcotics;
- Preparing draft Regulation on Managing Proceedings and Activities of Ministry of Counter Narcotics;
- Preparing a draft plan for identifying major landlords who cultivate poppy.

### **Response No.18**

29. Following recommendations of United Nations monitoring mechanisms including that of UPR is one of the key responsibilities of Human Rights Support Unit. Therefore, the Unit has translated all recommendations into local languages. Categorized the recommendations and specified the duties of all relevant organs in a working plan format to facilitate and implement the recommendations.

### **Response No.19**

30. The GIRoA is committed to the values of strengthening human rights as indicated pillar 2 of ANDS (rule of law and human rights) and the issues of justice for all and human rights are numbered 5/6 in 22 National Prioritized Programs. At the same time, according to article (7) of the Constitution, all policies and strategies of ministries contain issues related to human rights and Human Rights Support Unit has consistent contact with ministries and government institutions on human rights.

### **Response No.20**

31. Human Rights Support Unit, by convening capacity building programs, reviewing domestic laws, following recommendations, monitoring implementation of the conventions, is committed to promote international human rights standards and include them in policies, strategies and working plans of ministries.

### **Response No.21**

32. For the purpose of improving human rights condition, the GIRoA via relevant institutions including Human Rights Support Unit is closely and consistently working with ministries and government institutions on technical cooperation, highlighting human rights obligations of the government, continuing implementation of Human Rights monitoring mechanism recommendations and reviewing domestic laws.

### **Response No.22**

33. Addressing human rights challenges requires group efforts and coordination by government agencies; Human Rights Support Unit has so far conducted human rights awareness programs for 1500 government employees through whom the message was delivered to district and provincial level so that opportunity for development and improvement of human rights is provided. On the other side, Civil Society and AIHRC have put significant efforts in informing public of their basic human rights which paves the



ground for observation of human rights. MoJ has emphasized on human rights and justice in its five-year strategy.

### **Response No.23**

34. In relation to anti-corruption measures please refer to response No.15.

35. The GIROA has signed United Nations Convention against Corruption (UNCAC) in 2004 which was ratified by Afghan Parliament in 2007.

### **Response No.24**

36. The MoWA in cooperation with government institutions, civil society, national and international organizations tried to improve the political, social, cultural and economic status of women by drafting various laws, policies and procedures in various fields such as: Regulation on Support Centers, reaching to female victims or women exposed to danger, drafting Law on Social Support, public awareness through media, training workshops, providing legal consultations for victim women, providing recommendations for presidential decrees on pardoning and reducing imprisonment terms of prisoners and juvenile offenders and legal aid on submitting and following the cases.

37. Afghan constitution guarantees observation of human rights for all citizens as article (54) of the Constitution considers child's high interests and stipulates "family is the fundamental pillar of the society, and shall be protected by the State. The State shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam."

38. The Afghan Civil Code approved on 1977 has several indications on observing child's rights. In the law there are provisions on defining family, importance of marriage, parents' responsibilities toward their children, children alimony, inheritance, and guardianship.

39. Juvenile Code approved on 2004, considering provisions stipulated in the Constitution and observing international conventions, is endorsed to ensure the interests of children while examination of cases of juvenile violators, children exposed to danger, children in need of protection and guardianship and observe their rights during investigation.

40. The Law on Juvenile Rehabilitation Centers was ratified in 2008; the aim of this law is to correct and rehabilitate suspected, accused and convicted children, and also to observe the rights of these children in rehabilitation centers.

41. The Labour Law ratified in 2006 has clearly stated support for the protection of children and juvenile against forced and harmful labour. The Law sees permissible easy works and working hours of less than 25 hours per week for the juvenile aged 15 to 18 years.

42. Human Trafficking Law which was ratified in 2008 aims to fight human trafficking and protect victims, especially women and children. Law on Rights and Privileges of the Disabled was ratified in 2010, underlying all rights and privileges of the disabled that also includes children.

### **Response No.25**

43. Afghanistan has taken firm and necessary measures in realization of MDGs in sectors of health and education. For more information please refer to responses No.16 and 85.

### **Response No.26**

44. The GIRoA has adopted various measures to continue the realization of women's rights and gender equality during the past four years; below are some examples:

- 65% female staff in the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSMD) up until 2013;
- An increase in the recruitment rate of women from 2316 in 2010 to 2841 in 2013 in the Ministry of Public Health;
- An increase in the recruitment rate of women from 78 in 2009 to 179 in 2013 in Judiciary;
- Participation of 25% of women in the Ministry of Border and Tribal Affairs;
- Convening of periodical workshops related to gender equality and women's rights for 275 individuals in Ministry of Education.

### **Response No.27**

45. Please refer to response No.4 and 24.

### **Response No.28**

46. The GIRoA has made enormous efforts in order to implement the Afghan Constitution. The establishment of the Independent Commission on Monitoring of the Implementation of the Afghan Constitution is one of the measures that the GIRoA has taken in this regard.

47. For more information about the protection of women's rights, please refer to response No.4, 24 and 26.

### **Response No.29**

48. Please refer to response No.36.

### **Response No.30**

49. Please refer to response No.85 regarding the establishment of schools for girls.

50. The following proceedings are carried out regarding establishment of training centers for female police and revision of discriminatory provisions in the laws of the country:

- Provision of educational opportunities, hostel and fair allowances for women in police academy;

- Provision of training centers for female police;
- Removal of obstacles against women to join police ranks.

### **Response No.31**

51. Please refer to response No.26 in relation to raising public awareness on gender equality.

52. Relevant ministries and government organizations carried out important tasks for the realization of the NAPWA and poverty reduction. The undertaken tasks are as follows:

- Preparation of policy assisting women in private sector;
- Preparation of policy aimed to solve the problems of Kochi (nomad) women;
- Preparation of strategy on rights and economic security of women;
- Preparation of national work policy assisting disabled and displaced people;
- Administration/management of 548 private sector companies by women;
- Sending 38611 female personnel abroad for higher education and capacity building;
- Establishment of loan cooperatives for women;
- Establishment of 78 small and medium cooperatives for women.

### **Response No.32**

53. Please refer to response No.34.

### **Response No.33**

54. Please refer to response No.34.

### **Response No.34**

55. The MoWA included NAPWA into 6 main sectors and are as follows: 1) security and immunity, 2) protection of women's rights, 3) the leadership of political participation of women, 4) economy, work and poverty reduction, 5) health and 6) education. NAPWA was approved in 2008 and all government institutions are bound to implement this plan. As a 10-year strategic plan, the Government shall be bound to eliminate discrimination against women, develop human resources and strengthen their leadership role, enhance public awareness, build capacity, reduce poverty, unemployment, illiteracy, mortality, provide access to work opportunities, education, health services, and secure justice at different social levels.

### **Response No.35**

56. A number of serious and practical actions were taken in the direction of law enforcement and protection of women's rights during the past four years. For example the establishment of Special Prosecution Office for Elimination of Violence against Women is one of important practical measures. The establishment of Human Rights Protection Unit of the MoJ as an inter-ministerial mechanism and establishment of human rights units in some

other ministries and establishment of gender units in 22 ministries with the financial and technical support of the international community, extended efforts in establishment of infrastructure for the improvement of human rights situation in the country, preparation of NAPWA pursuant to UN Security Council Resolution 1325 are also a number of effective measures that were adopted by the GIROA. The MoFA has taken positive steps for improvement of human rights and the establishment of infrastructure.

### **Response No.36**

57. The GIROA has made efforts to promote human values, human rights and women's rights among local tribes through participation in tribal councils. It has also promoted and institutionalized the concept related to women's rights and human rights in the society through participating in mosques and religious institutions. The most important measure adopted in regard to raising public awareness about issues related to women's rights and human rights has been through audio, video and written media. Hereby, the concepts related to human rights and women's rights particularly regarding the legal age of marriage, prevention of forced marriages and violence against women and the right to education were broadcast by the judicial organs, MoWA, Ministry of Hajj and Religious Affairs and other relevant ministries.

### **Response No.37**

58. Please refer to response No.36.

### **Response No.38**

59. The GIROA has tried to promote culture of women's rights and human rights among the young generation through different government institutions within the framework of training programs during the past four years. The government has tried to support this goal through holding courses and training workshops regarding women's rights and human rights in different government institutions, particularly judicial organs, Ministry of Women's Affairs, Ministry of Education, Ministry of Labour, Social Affairs, Martyred, and Disabled, and other organizations under the government structure. The holding of training courses on women's rights, human rights and principles of a fair trial has been the main issues in the judicial organs. Other miscellaneous workshops have also been conducted in this regard by other relevant ministries. Preparation of NAPWA, inclusion in police curriculum and police academy of human rights subjects and advertising campaigns in girls' schools by police are part of this program. The existence of a ten year NAPWA, priority programs by the MoWA, holding of anti-violence campaigns against women, conducting of global conferences of religious leaders to promote the culture human rights are all the efforts made by this ministry towards ensuring women's rights.

### **Response No.39**

60. Please refer to response No.4 and 24 in relation to enactment of laws and adoption of effective measures aimed at realization of women's rights. The GIROA has always considered issues related to forced marriages and honour killings because they are violent acts against women and are prosecutable. The Special Prosecution Office has been established to fight crimes of violence against women. With respect to honour killings, although criminal policy of Afghanistan may in some instances consider honour killings

carried out under the motive of upholding honour as mitigating circumstances, this has never realized to be a means for the acquittal of perpetrators. This law prosecutes them.

61. Please refer to response No.85 in relation to girls' access to education.

### **Response No.40**

62. Please refer to response No.41.

### **Response No.41**

63. In order to improve the situation of women, the GIRoA has approved two laws, namely the Law on Elimination of Violence against Women and the Shiite Personal Status Law during the past four years. The GIRoA acknowledges that although these laws have not fully improved the situation of women in the country, it believes that these laws have had relatively positive impacts. It has also drafted the Law on Social Support for the improvement of the situation of women and is awaiting approval of the parliament.

64. In relation to recommendation aimed to improve the situation for education of women, GIRoA remains determined to provide education to all citizens equally as stipulated in the Constitution and other enforced laws of the country which guarantee education to all citizens without any discrimination. The GIRoA also acknowledges that security concerns are the main obstacles to the realization of goals set by the GIRoA in this regard.

### **Response No.42**

65. Article 43 of Constitution of Afghanistan states that: "Education is the right of all citizens of Afghanistan. Education shall be provided to the level of the B.A. free of charge by the State. The State shall devise and implement effective programs for a balanced expansion of education in Afghanistan, and provide compulsory intermediate level education. The State shall provide the opportunity to teach indigenous languages in the areas where they are spoken." According to the Constitution, no discrimination shall exist with respect to education of girls and women. According to the article 3 of Education Law, access to education shall be provided throughout the country without any discrimination for all including girls and boys.

66. Article 52 of Constitution states: "The State shall provide, free of charge, the means of preventive health care, medical treatment, and proper health facilities to all citizens of Afghanistan in accordance with the law. The State shall encourage and protect the establishment and expansion of private medical services and health centres in accordance with the law. The State shall adopt the necessary measures to promote physical education and encourage national and local sports."

67. In addition, article 53 of Constitution states that "The State shall take the necessary measures to regulate medical services and to support financially the descendants of those who were martyred or are missing, as well as the disabled or handicapped persons, and promote their active participation and reintegration into society in accordance with the law. The State guarantees the rights of pensioners and shall give necessary assistance to needy elders, women without caretakers, disabled and handicapped individuals, and needy orphans in accordance with the law."

68. In relation to the access of citizens to education, please refer to response No.85.

69. In relation to the access of citizens to healthcare, please refer to response No.16.

### **Response No.43**

70. The GIROA, in light of four Geneva Conventions and principles of international humanitarian law, to reduce civilian casualties has taken the following measures:

- Coordinative committees between Afghan national security forces and international forces, in particular with North Atlantic Treaty Organization (NATO) have been established. These committees from 2009 until today, launched their coordinative meetings in relation to joint fight against international terrorism in Kabul, initiated and implemented practical and useful strategies. Based on those strategies, Afghan national security forces systematically reports the reduction of civilian casualties to the National Security Council and Supreme Chief of Army.
- According to a presidential decree, the international military forces who did not respect the customs and cultural of the Afghan people, were pulled out from some of the provinces and were replaced by the national security forces.
- The security transition process from the international military forces to Afghan national security forces that started from 2010 has been successfully completed in 2013. This process will result an important effect in reducing civilian casualties. Afghan national security forces have been tasked to have constant conversation with residents of the conflict zones in order to reduce civilian casualties.
- The GIROA have been conducting continuous consultative conferences on reduction of civilian casualties for national Security forces that had significant effects on the rising awareness of Human Rights and Humanitarian values.
- The ICRC, AIHRC, the Civil Society and Human Rights Network of Afghanistan and international organizations have been observing the reduction of civilian casualties and have been transmitting their suggestions to the Afghan Government. Interaction between the Afghan Government and Civil Society and reflecting views of Civil Society in decision-making has had an important effect on the civilian casualties reduction.
- It's worth mentioning that the international terrorist groups have changed their strategies in the last three years and took refuge in residential area. This strategy decelerated the reduction of civilian casualties or has resulted an increase in some cases.
- The GIROA has always addressed the issue of civilian casualties and has asked the international forces to provide remedies to their families in accordance to international humanitarian law.

### **Response No.44**

71. Afghan National Army has been fully trained on international humanitarian law to take necessary measures to protect civilians during the military operations.

### **Response No.45**

72. Please refer to response No.43.

**Response No.46**

73. It should be stated in this regard that each country enacts and enforces its own laws with the consideration of the principle of national sovereignty. According to article 3 of Constitution, in Afghanistan, no law may be contrary to the beliefs and provisions of the sacred religion of Islam, and death penalty and nemesis have been anticipated in the sacred religion of Islam and the Afghan Constitution and this shall be enforced and implemented after the decision of the three courts and the signature of the President.

**Response No.47**

74. Articles 29 and 30 of the Constitution and article 4 of the Afghan Penal Code has prohibited torture, inhuman, humiliating and cruel punishment under any conditions and has declared any kind of investigations and criminal proceedings which may have been collected without observing legal standards as invalid (Article 7 of the Interim Criminal Procedure Code).

75. Based on the provisions of the above-mentioned laws, the GIROA has tried to put an end to the manifestations and consequences of torture and inhuman, humiliating and cruel punishments. To this end, significant measures have been taken by the government during the past four years the summary of which are as follows:

- Preparing a procedure for controlling the detention centers in National Directorate of Security (NDS).
- Assigning supervisory board for the purpose of tracking and assessing the abuses that may have been committed by the national security forces and providing its report to the relevant authorities.
- Improving the investigation methods and legalizing such investigations in NDS.
- Establishing a human rights unit.
- Assessing the establishment of the Special Court for Crimes Committed against Internal and External Security in order to find a rapid solution to such cases.
- Conducting training courses for police and national security forces.

**Response No.48**

76. Please refer to response No.49.

**Response No.49**

77. With the approval of the Law on Prisons and Detention Centers, the regulation for the activities of prisons and detention centers and observance of the human rights, the GIROA has obliged staff of the prisons and detention centers, prosecutors, judges and other people who deal with the prisoners and persons under detention to observe the human rights of the individuals during performance of their duties and treat them impartially without any prejudice based on tribe, nationality, religion, race, color, gender, language, social status and other discriminatory considerations.

78. The livelihood conditions of the prisoners and persons under detention will be provided in a way so that it could minimize the negative impacts. In addition, the rights of individuals must not be violated in the detention centers.

79. Observance of the laws, human rights standards, religious, cultural and moral values and paving the ground for the participation of prisoners and persons under detention in the programs for their rehabilitation and reeducation, training of prisoners and persons under detention for returning to a normal life and observance of laws and the basis for the peaceful coexistence in the society and creating an atmosphere in which they should not commit any criminal acts, have been amongst the main objectives in the regulation for the prisons and detention centers. Its observance and implementation shall be the duty of all officials and members of the prisons and detention centers.

### **Response No.50**

80. In accordance with point 2, article 5 of Police Law, ensuring security of individuals and the society and protecting their legal rights and liberties shall be one of the duties of police. In this regard, adopting necessary measures for the prevention of murdering and threatening of female teachers and students have also been included in the duties of police, and police has been performing its duties in accordance with the adopted measures and prepared security plans.

### **Response No.51**

81. The GIRoA has tried to equally protect all its citizens against any kinds of violence, but has made more efforts for protecting the vulnerable groups such as women and girls. In this regard, the government has taken specific measures during the past four years which we would like to indicate some of them here:

- The first step in this regard is approval of the Law on Elimination of Violence against Women. Most of the acts that were committed against women were not considered as crimes in the past laws, but based on this law it is considered a crime and legal actions are taken against its perpetrators.
- In order to practically implement the Law on Elimination of Violence against Women, the government has recently established a Special Prosecution Office for countering the violence against women. Until today, the mentioned Office has recorded about 23318 cases, 13200 of which have been reviewed and processed and the rest are being reviewed now. The other step that was taken in relation to the implementation of Law on Elimination of Violence against Women was establishment of the Commission for Elimination of Violence against Women.

### **Response No.52**

#### **At policy level**

- (a) Approval of the code for employment and behavior of electoral staff;
- (b) Approval of a bill for the registration of voters;
- (c) Approval of operational plan for the registration of voters;
- (d) Approval of bill for issuance of credit letter for observation, supervision and provision of report on the electoral process.

#### **In the policy of operational activities**

- (a) Drafting the gender policy;



- (b) Conducting gender and electoral workshops;
- (c) Celebrating special days;
- (d) Conducting consultative programs in the country level;
- (e) Conducting monthly gender sessions with female staff of the Independent Election Commission;
- (f) Gender and electoral sessions or coordination between involved organs in the elections;
- (g) Supervision over the employment process of interim staff;
- (h) Development of gender messages for Public Awareness Department.

### **Response No.53**

82. Considering the commitments that the GIRoA has made in relation to implementation of the additional protocols to the Convention on the Rights of Child, the government has also drafted the national strategy for protection of children at risk with the cooperation of UNICEF in 2006. The mentioned strategy has identified children at risk in 26 categories, one of which is children in armed conflicts. The MoLSMD has conducted technical and professional training courses for the employment of those children who are introduced to this Ministry through the military ranks. Also this Ministry through the Ministry of Interior Affairs has drafted a policy based on which recruitment of underage children will be prevented in the national police.

83. The GIRoA has conducted public awareness campaigns, workshops and seminars, via mosques Mullahs and schools on children in armed conflict and illegal use of children in the armed conflicts.

### **Response No.54**

84. Afghanistan currently has the Law against Abduction and Human Trafficking that includes children; the mentioned law is used for protecting the victims of trafficking and abduction and prosecuting the perpetrators of abduction and trafficking crimes.

85. The High Commission on Combating Crimes of Abduction and Human Trafficking has been established under the chair of the Ministry of Justice and other organs such Ministry of Labour, Social Affairs, Martyrs and Disabled, Ministry of Interior Affairs, Ministry of Public Health, Ministry of Education, Ministry of Information and Culture, Ministry of Hajj and Religious Affairs, Ministry of Refugees and Repatriation, Ministry of Women's Affairs, Office of Attorney General, National Directorate of Security, AIHRC and representatives of the civil society have its membership.

86. See also response No.80.

### **Response No.55**

87. The following actions have been carried out to address the issue of child labour:

- Approving the Law on Rights and Privileges of Persons with Disabilities and the Children;
- Law on Social Protection;

- The National Strategy for Child Street Labour and Preparing its Action Plan;
- Work on drafting a comprehensive Law on Children;
- Protection of such children by the Children Support Networks;
- Provision of health services and training courses for the children of families working in factories;

88. In relation to the facilitation of children's access to education, particularly the in remote areas, please refer to response No.85.

### **Response No.56**

89. The Ministry of Information and Culture has seriously reacted against the harassment and attacks on journalists and has provided necessary assistance to injured reporters and their families and with all its strengths has asked the security organs (Ministry of Interior Affairs, Ministry of Defense, and National Directorate of Security).

90. The Ministry has officially requested the judicial officials to punish the perpetrators of violence against journalists. Where the journalists have been threatened, Ministry of Information and Culture has informed the security forces to prevent the reporters from any harm.

### **Response No.57**

91. At the Ministry of Interior Affairs, the Gender and Human Rights Department and General Directorate of Inspections investigate the allegations regarding torture, inhuman and humiliating treatment committed by the police. In case the violation by the police has a criminal aspect, the issue is forwarded to the judicial organs otherwise they are disciplined by the relevant authorities. For example, in several cases, those who had been accused of committing abuses and inhuman acts and torture were identified by the security departments of the Ministry of Interior Affairs and National Directorate of Security (NDS) and actions were taken against them.

### **Response No.58**

92. Arbitrary and illegal detentions are forbidden in Afghan laws as is the torture. In this regard, the Afghan criminal policy is open and clear, but in some instances such laws and standards may have been violated and some people may have illegally been put in prison. The GIRoA has taken practical measures a clear example of which is the establishment of Department for Monitoring Implementation of Final and Definite Decisions of the Courts discussed in response No.47.

### **Response No.59**

93. Please refer to response No.51.

### **Response No.60**

94. The GIRoA has tried to overcome the impunity culture towards ensuring the rule of law, as the government considers this a serious obstacle against the rule of law. In this regard, the government has adopted several measures. In the past four years, the

government has adopted three significant solutions for effective and impartial implementation of law and decisions of the courts through the judiciary. Establishment of courts for countering the administrative corruption, office of judicial control and protection and the office of monitoring implementation of the final decisions of the courts have been the important measures that have been taken by the GIRoA towards the intensification of fight against the impunity culture and for strengthening the rule of law over the past four years. Establishment of the prosecution office for fighting against the violence against women, the judicial reforms that have been made by the judiciary of Afghanistan in relation to the Law on Elimination of Violence against Women and investigation of the cases of violence against women by the Prosecution Office for Elimination of Violence against Women and the Afghan courts are the other examples of intensification of fighting against the impunity culture that are discussed in response No.51.

### **Response No.61**

95. Based on the five year strategy of the MoJ (2013–2018), the GIRoA has made efforts in relation to improving the laws, people’s access to justice, transparency and accountability, capacity-building and rule of law. The government has conducted various training workshops for many sections of the MoJ about the rule of law through this Ministry.

### **Response No.62**

96. The HRSU in Ministry of Justice has already developed a mechanism for monitoring implementation of the conventions and recommendations of the United Nations. At the same time, it has provided the guideline for information collection through which the mentioned Office can collect accurate information about the determined obligations of the ministries and governmental organs. The HRSU has designed an informative database on its website so that the collected information from the governmental organs could be published through that. The HRSU has also conducted about 69 human rights training courses for 1500 key officials of the National Directorate of Security, Attorney General’s Office, Ministry of Defense, Ministry of Justice, Ministry of Labour, Social Affairs, Martyrs and Disabled, Ministry of Women’s Affairs, Ministry of Public Health, Office of Environmental Protection, Administrative Reforms Commission and administrative staff of the National Assembly.

### **Response No.63**

97. The Ministry of Interior Affairs of the Islamic Republic of Afghanistan through its public protection division in accordance to its monthly plan controls and supervises all national and International companies and dispatches practical orders.

### **Response No.64**

98. All drafts of the new laws are reviewed by the Taqin Department (Legislation Department) for their consistencies with the international standards of human rights in the scrutiny phase, but for the better consistency of the draft law with the international obligations of the human rights, the Office for Protection of Human Rights may also work closely with the ministries during the preparation of the first drafts. For this purpose, MoJ conducted a two day workshop from September 14 to 15 for better coordination with the governmental organs in the field of legislation and also the method for reviewing draft laws

from the view point of human rights prior to the scrutiny phase. As a result, it was agreed that the primary drafts of the laws should be reviewed from the view point of human rights by the Office of Human Rights Protection before being sent to Taqin Department.

### **Response No.65**

99. Ministry of Interior Affairs has adopted measures, considering the articles mentioned in the Law on Prisons and Detention Centers, the regulation for regulating the affairs of prisons and detention centers, the policy for prisoners' rights, directive No.169 of the Minister of Interior, the policy for development of industrial program and creating employment opportunities for the prisoners in the prisons, the security policy of prisons and detention centers, national police vision for the next ten years, two-year plan of prisons and detention centers, universal declarations of human rights, UN norms in relation to treatment of prisoners, Convention on Elimination of Torture and ensuring the livelihood conditions. Establishment of human rights sub-departments in 34 provinces within the structures of prison department, assignment of a monitoring panel over all the detention centers related to police, establishment of human rights department in police academy, and also inclusion of human rights subjects in the curriculum of police academy are other examples.

### **Response No.66**

100. Regarding the preparation for human rights training, please refer to responses No.61 and 67.

101. In relation to international humanitarian laws, the preparation and adoption of a policy on humanitarian rights of police, adoption of a policy on the rights of prisoners, adoption of a policy on the procedure for mental and physical health care in prisons and detention centers and adoption of a policy on the prevention of recruiting persons under 18 in police and security forces ranks, can be mentioned.

### **Response No.67**

102. In the section of courts and capacity building of judges, the judiciary stage training has been upgraded to the Judicial Training Institute. Within the institute two mechanisms, namely, long term judiciary training *stage* course and short term and in-service courses were established.

103. The judiciary training period within the institute for judiciary studies is extended from one year to two years. During the past four years a total number of 605 graduates from faculties of law and Islamic studies/Sharia and graduates from religious State schools or their equivalents were enrolled. 390 trainees were introduced to courts after having passed the two-year judiciary training course and the remaining 215 trainees are still engaged in professional judiciary training.

### **Response No.68**

104. Please refer to the response No.67.

### **Response No.69**

105. Please refer to responses No.47 and 67.

**Response No.70**

106. Please refer to response No.71.

**Response No.71**

107. The Ministry of Information and Culture has always tried to defend the right of freedom of expression and institutionalize this right in accordance with the clear provisions of the Afghan Constitution and article 34 of Mass Media Law. During the last 12 years, no censorship was imposed prior to publication and “as it was the practice in previous regimes”, no film scenarios, films, newspaper articles or any other periodic or non-periodic publications were censored or scrutinized prior to publication.

**Response No.72**

108. The Ministry of Information and Culture has provided work/activity permit with very easy conditions to more than 55 TV channels, 150 radio stations and more than 1000 publications during the last 12 years so that every Afghan has the opportunity to publish and disseminate their views. This is due to the fact that the enforced laws of Afghanistan has recognized the freedom of expression and belief and respect it.

**Response No.73**

109. The people of Afghanistan have the right to have free access to the media. The media is entitled to gain information regarding all cases and data within the framework of law. The Ministry of Information and Culture has decided to adopt a new law in accordance with which no authority and agency shall have the right to close doors and or refuse to provide information to journalists.

**Response No.74**

110. Please refer to response No.52.

**Response No.75****1. Efforts taken in order to provide resources, funding, personal and authority necessary to implement the 2007 Labour Law in Afghanistan**

111. The establishment of the Taqnin (legislation) Department for the improvement of working conditions, two sections of which with its broad organization are responsible for monitoring the process of labour law implementation. According to the Labor Law, Ministry of Labour, Social Affairs, Martyred and Disabled (MoLSMD) is responsible to monitor how the law is implemented in government and non-government agencies with a focus on heavy work harmful to health, working time, wages and salaries, working conditions of personnel employed by the MoLSMD.

**2. Establishment of Trade Unions**

112. Establishment of a Trade Union should be in accordance to the law and require operating license as other Unions, Associations and Social Organizations. Afghanistan

Constitution, Labor Law and Social Organizations Law state the following for a union establishment:

- To attain moral and material goals, the citizens of Afghanistan have the right to form associations in accordance with provisions of the law;
- Employees and employers unions are social organizations that are established through voluntary participation of the respective classes in accordance with provisions of social organizations law.

### **Response No.76**

113. The (NAPWA) has been prepared to create coordinated and systematic activities to improve the situation of women in six areas that include security and safety, protection of human rights of women, women leadership and political participation, economic and poverty, health and education. Majority of projects and programs have been implemented or are in the process of implementation through understanding and signing of protocols and agreements with government and non-government organizations. MoWA in this respect only has the role of monitoring and providing technical assistance in the implementation of projects. These projects have contributed considerably to the improvement of situation of women. The participation of women in all areas, including peace process, political and social participation in accordance with the Afghan Constitution has been ensured and women organizations are engaged under the auspices of government in different areas of political and social life.

### **Response No.77**

114. In relation to the realization of economic rights, please refer to response No.31. Response No.85 provides sufficient information regarding the realization of cultural rights. Response No.26, 31 and 85 contain sufficient information about the realization of social rights.

### **Response No.78**

115. Please refer to responses No.16 and 25 regarding the rights to health and education respectively.

### **Response No.79**

116. Please refer to response No.89.

### **Response No.80**

117. The GIRoA has taken the following steps for health strategy and to reduce poverty:
- adoption of law on the rights and privileges of people with disabilities and children;
  - social protection law;
  - National strategy for children at work and on the streets and preparation of action plan;
  - work on compilation of Child Protection Law;

- protection of children through child protection networks;
- provision of health services and training courses for children of worker families;
- establishment of day training centers for recruiting children on the streets and enrolling them in public schools;
- establishment of protection centers to protect victims of human trafficking and kidnapping and protection of 294 victims;
- establishment of control centers in border areas with the assistance of neighboring countries;
- establishment of communication network to control/prevent trafficking of women and children;
- enhancement of the effectiveness of child protection network in identifying children involved in armed conflicts and enrolling them in training centers.

### **Response No.81**

118. Please refer to response No.90.

### **Response No.82**

119. Please refer to response No.16.

### **Response No.83**

120. The new educational curriculum is prepared by experts based on the educational needs of the country. This curriculum addresses the problems students face. Methods of using the new technology have also been included in this curriculum. Also, issues such as human rights are included in all teaching curricula and issues related to civic life are incorporated in the curriculum of secondary schools.

### **Response No.84**

121. Please refer to response No.42.

### **Response No.85**

122. In accordance with article 46 of Afghanistan Constitution, GIROA is obliged to provide equal free education for all its citizens without any discrimination.

123. The growth and development of the citizens are ensured on the basis of and in the light of specific Islamic guidance, respect for fundamental human rights, with a view to respect national values of Afghanistan, economic growth, maintaining security, a progressive educational system and equal access to education for all.

124. Afghanistan has taken serious measures during the past four years to improve the quality and quantity of education.

125. Since article 43 of the Afghan Constitution has guaranteed education up to the BA level for all its citizens without any discrimination, the GIROA has taken measures that are mentioned as bellow:

- (a) The adoption of Education Law;
- (b) Providing the new educational curriculum.

### **Response No.86**

126. Implementation of the NAPWA was scrutinized and monitored in many departments of the Ministry of Education and the terms of reference have been developed for Gender Unit on the basis of the NAPWA. 275 staff, women and men, of the Ministry of Education participated in five rounds of training workshops on issues of gender, equality of rights, raising awareness on gender related issues and women's rights in Islam. These training workshops contributed to the raising of awareness of the participants regarding the rights of women and have had positive impacts. The Human Resources of the Ministry of Education envisages the process of personnel recruitment on the basis of merit and women are given the priority and their recruitment takes place on merit basis.

127. Please refer to response No.85 regarding ensuring the right to education for all children and taking measures to increase the number of enrolled students to schools.

### **Response No.87**

128. Pursuant to Presidential Decree No.104, dated 06 December 2005, 90127 *jerib* (one *jerib* = 2000 sqm) land in cooperation with the Ministry of Agriculture, Irrigation and Livestock was officially allocated to the Ministry of Refugees and Repatriation for construction of residential townships in 29 provinces. Each township will cover an area of 170 *jerib* land. A topographic survey and a detailed plan were prepared in cooperation with the Ministry of Urban Development Affairs in accordance with article 9 of the Decree.

### **Response No.88**

129. Efforts to coordinate activities in relation to IDPs, returnees and to reintegrate them and deliver financial assistance to IDPs and returnees.

130. Ministry of Refugees and Repatriation, in the light of International Convention of 1951 and protocol of 1967, has signed tripartite agreements (The Islamic Republic of Afghanistan, Host Country and UNHCR) with 10 host countries to improve social, economic, and educational status of refugees and further protection of their rights. Of these 10 host countries, Afghanistan has held 18 meetings with Islamic Republic of Iran and 23 meetings with Islamic Republic of Pakistan that hosts a bulk of Afghan refugees to solve refugees' problems. These agreements are revised annually for better and effective support of vulnerable groups like children, widows and sick persons whose treatments are not possible in the host country.

131. With regards to reintegration of returnees and their financial support, Ministry of Refugees and Repatriation in addition to coordination of activities during the sessions with the host countries regularly addressed and raised the issues of Afghan Refugees problems and concerns about their voluntary return, sustainable reintegration and legal support. For this purpose, the Ministry had considered signing of the following 4 projects with a total cost of 3,476,000 Australian Dollars:

- (a) Water resources establishment project.
- (b) Livelihood Improvement project in Ghazni province for internally displaced persons, returnees and most vulnerable segments of society.



- (c) Distribution of Non-food Item and Humanitarian Relief project.
- (d) International Organization for Migration's project.

132. Furthermore, the Ministry has signed a Memorandum of Understanding (MoU) with Care International to improve returnees and internally displaced persons' livelihood in Ghanzi province.

### **Response No.89**

133. The GIRoA, through creation of (HRSU) within the MoJ has tried to explore and provide technical support for ensuring capability and appropriate skills to empower relevant government officials to prepare and present report to human rights treaty bodies. HRSU, as per its terms of reference, has developed an action plan for the ministries and government entities to increase government offices capacity to fulfill their human rights responsibilities and better implement the recommendations. The action plan aims to guide government entities to fulfill their responsibilities in three fields of observing, protecting and implementing human rights principles in the country.

### **Response No.90**

134. The GIRoA, taking into consideration its national and international responsibilities and pursuant to ANDS and Social Responsibility Strategy has drafted Social Protection Law and submitted to National Assembly for due process.

135. Draft regulation for protection the elderly, widows and unattended persons has been prepared. As per the latest figures and data from National Risks and Vulnerability Assessment Survey, annual poverty rate in Afghanistan is estimated 36% of the total population indicating that 9 million people are unable to meet their basics needs.

136. MoLSMD with financial support of the World Bank has designed a project named Social Safety Network that aims to support indigent families. The project's objectives are to reduce seasonal fluctuation of food commodities, provide unconditional cash assistance to vulnerable and needy groups, reduce poverty level in the country and raise people's awareness on sanitation and nutrition.

137. Targeted groups for Social Safety Network are indigent families with female breadwinners and families that have children below 14 years of age, indigent disables, widows and poor and old persons who are over 65 years old.

### **Response No.91**

138. The GIRoA under its international obligations provides reports for United Nations bodies on Human Rights. Instances of such reports are the second and fourth reports of Afghanistan regarding implementation of United Nations Convention on Social, Economic and Cultural rights, reports about general situation of human rights in Universal Periodical Review Mechanism Framework, Afghanistan's initial report about Convention on Child Rights and second periodical report regarding Elimination of All Kind of Discriminations against Women.

139. The process of preparation of second periodical report of Islamic Republic of Afghanistan on Elimination of All Kind of Discrimination against Women commenced on August 2009 and completed in June 2011 with technical support of UNWOMEN and financial support of Norway, Dutch and Danish embassies in Kabul.

140. At the moment, The GIROA is writing its report regarding United Nations Convention against Torture with technical and financial support of UNDP.

### **Response No.92**

141. During the past four years, the GIROA took a number of actions in rehabilitation and other fields such as defense, security, counter-terrorism, counter narcotics, construction of public facilities, roads, rehabilitation and expansion of modern irrigation, agriculture, horticulture, construction of water dams, electricity generation, water canals, hospitals, health clinics and schools. Establishment and construction of basic infrastructures of society, social and cultural institutions and overall system creation is part of this process.

### **Response No.93**

142. International cooperation and assistance in the light of relevant laws and strategic instruments continues as per the request of AIHRC. In addition to technical and financial support, specific programs for capacity building in the field of human rights are in progress. The commissions' employees are receiving regular trainings from Asia Pacific Forum. The commission also intends to present draft proposal for creation of Asia Pacific Human Rights Mechanism to Asia Pacific Forum for better protection and improvement of human rights.

### **Response No.94**

143. Based on realities on the ground in Afghanistan, for improvement of human rights, the following solutions are proposed in the fields of legislation, judicial and legal reform, drafting new policies for human rights and creation of adhering, protecting and monitoring mechanisms for human rights with the support of International Community:

(a) Reviewing of enacted laws in Afghanistan in the light of its international obligations to human rights and amending those laws that are in contradiction with human rights principles.

(b) Reviewing Constitution's provisions as well as all other enacted laws to remove their contradictory provisions and harmonization of all laws with the Constitution's provisions.

(c) Removing of conflicts of jurisdiction in legal, judicial and all other law protection institutions to better adhere human rights.

(d) Professional capacity enhancement of judicial, legal and all other law protection institutions.

### **Response No.95**

144. The GIROA is committed to human rights values and regularly does its best to implement human rights values in Afghanistan. However the main challenges that human rights faces in Afghanistan are, insecurity, and challenges on the way of good governance.

(a) Civilians casualties and civilian places during military operations conducted by antigovernment elements and occasionally by international military forces;

(b) Widespread poverty and lack of job opportunities that leads to committing crimes and disruption of public order;

- (c) Existence of human rights violators and illegal armed groups that prevent rule of law application;
- (d) Work overlaps, low professional capacity and structural problems in human rights implementing and protecting bodies;
- (e) Occasional contradiction of civil and criminal laws' provisions with the provisions of human rights international conventions that Afghanistan accessed to it in the past;
- (f) Limited access to quality education due to insecurity and low professional capacity;
- (g) Embedded social violence practices against women and children;
- (h) Existence of corruption in government institutions as well as in NGOs;
- (i) Challenges on institutionalization of civil societies and its values;
- (j) Low culture of human rights in Afghanistan's social and cultural structure;
- (k) Non-adherence of international conventions on refugees by a number of neighboring countries;
- (l) Financial constraints to ensure refugees and internally displaced persons rights;
- (m) Failure to establish sustainable social security services for vulnerable segment of society especially women, children, disabled and martyred family members;
- (n) Low capacity in prisons to observe human rights;
- (o) Occasionally unfair trial in judicial and legal institutions;
- (p) Limited access of convicts to the right of having defense lawyer and legal aid;
- (q) Impunity from punishment and lack of suitable situations to bring war criminals and human rights violators to justice;
- (r) Challenges on the way to implement the 10 years action plan for women.

## **Response No.96**

145. The GIRoA cooperates on regular basis with the United Nations Office of High Commissioner for Human Rights and other UN related bodies which is reflected on various parts of this report.

## **Conclusion**

146. The GIRoA is committed to its obligation set out by international conventions and human rights mechanisms. Respect, observance, promotion and protection of human rights are the issues that the GIRoA gives priority to them.

147. Afghanistan supports United Nations human rights monitoring mechanism, including UPR, and the recommendations that it receives for the betterment of human rights in Afghanistan, scrutinize it thoroughly, and together with civil society try to provide the comprehensive answers for them.