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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Afghanistan

Addendum

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

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

**RESPONSE OF THE ISLAMIC REPUBLIC OF AFGHANISTAN TO THE
RECOMMENDATIONS MADE BY PARTICIPATING COUNTRIES AT
AFGHANISTAN'S UPR REPORT SESSION**

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
1	Sign (France) and ratify the Optional Protocol to the Convention against Torture (France, Argentina, Czech Republic) and establish its national preventive mechanism accordingly (Czech Republic)	Inter-Ministerial consultation on signing the Optional Protocol to the CAT is planned to start soon.
2	Ratify the Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the Committee on Enforced Disappearances (Argentina); sign and ratify all the Optional Protocols to United Nations international covenants and conventions to guarantee the effective implementation of the rights protected in the agreements (Spain)	<p>The Convention on the Rights of Persons with Disabilities has already gone through inter-ministerial procedure and is currently under review in the Parliament.</p> <p>Given the growing reporting and implementing capacity on international human rights treaties in the Afghan Government, inter-ministerial consultations will soon start to study the possibility of accession to other optional protocols and conventions mentioned in this recommendation.</p>
3	Amend the Shia Personal Status Law consistent with its international human rights obligations to ensure equal respect for the human rights of all Afghans, including women (Canada)	The Shia Personal Status Law has been reviewed in the light of the Afghan Constitution and in the view of the international community's concern and has been adjusted in accordance with Afghanistan's obligations towards international human rights conventions. However, if it is found during the implementation that there are some inconsistencies with our national and international commitments, we can use the tool of amendment.
4	Review and amend the various penal laws that prevent journalists from carrying out their essential mission in full security and independence (Belgium)	There is no provision in the penal laws to prevent journalists from doing their mission in full security and independence except in cases where their performances cause public agitation and disorder in the country.

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
5	Amend any articles of the Personal Status Law that breach Afghanistan's international obligations or its constitutional protection of the equal rights of men and women (New Zealand)	The Shia Personal Status Law has been reviewed in the light of the Afghan Constitution and in the view of the international community's concern and has been adjusted in accordance with the Afghanistan's obligations towards international human rights conventions. However, if it is found during the implementation that there are some inconsistencies with our national and international commitments, we can use the tool of amendment.
6	Involve the Ministry for Women's Rights and women's rights organizations in the legislative process (Netherlands)	Acceptable The Ministry of Women's Affairs (MoWA) and women's rights organizations are already involved in the legislative process. One such example is the involvement of MoWA in the adopting process of the Law on Elimination of Violence against Women.
7	Take timely and efficient measures to ensure that the national legal framework properly incorporates international standards and conventions, ratified by Afghanistan, pertaining to women's rights, for example CEDAW (Denmark)	Acceptable The Government, in the light of Afghanistan's obligations under CEDAW, has already taken measures to this end including the adoption of "the Law on Elimination of Violence against Women".
8	Take steps to ensure an equitable and truly representative appointment of members of the Afghanistan Independent Human Rights Commission and to protect the Commission from undue political interference (Finland)	Acceptable As per the current Internal Law of the Afghanistan Independent Human Rights Commission, the appointment of nine members of the Commission, before being approved by the President, requires a review by the President's Special Advisory Board on the appointment of high-ranking officials to ensure that the appointments are representative. The Constitution and the charter of the Commission protect it from undue political interference.
9	Give more visibility to the Afghanistan Independent Human Rights Commission and increase its human and technical resources to carry out its work effectively (Spain)	The Afghanistan Independent Human Rights Commission already plays a considerable role in the country and the government of Afghanistan is considering the inclusion of the Commission's budget into the government's budget.
10	Strengthen its support to the Afghanistan Independent Human Rights Commission and the newly established Human Rights Unit within the Ministry of Justice, especially in the field of mapping past human rights abuses (Czech Republic)	Acceptable. The government has already taken measures to this end.

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
11	Redouble its efforts aimed at an impartial and effective operation of the State bodies at the national and local levels, including at addressing corruption (Switzerland)	<p>Acceptable</p> <p>Fighting corruption is one of the main priorities of the Government of Afghanistan. Efforts are underway to strengthen the operation of the state bodies to address corruption effectively. The Independent Administrative Reform and Civil Service Commission has taken various measures in this regard.</p> <p>Besides, Afghanistan has ratified the United Nations Convention against Corruption and has accordingly set up the High Office for Oversight of the Implementation of the Anti-Corruption Strategy.</p>
12	Foster a genuine culture of human rights in line with national and regional particularities as well as cultural, historical and religious backgrounds (Islamic Republic of Iran)	The Constitution of Afghanistan already embodies the spirit of this recommendation.
13	Include civil society and human rights defenders in the development of legislation and decision-making processes, through an institutionalized consultation process (Norway)	<p>Acceptable</p> <p>The Government has facilitated the inclusion of civil society and human rights defenders in legislative and decision-making processes. Civil society institutions active in the area of human rights have played an important role in incorporating human rights concepts in the process of adopting and amending laws in the country in the last eight years.</p>
14	Submit its first periodic report without further delay and ensure full implementation of CEDAW and other international human rights conventions to which Afghanistan is a party (Iceland)	<p>Acceptable</p> <p>Work on Afghanistan's Initial CEDAW Report has already been started in August 1st, 2009 and the report is planned to be completed by end of July 2010.</p>
15	Submit its delayed reports to the Committee against Torture (Czech Republic)	<p>Acceptable</p> <p>Given the growing reporting capacity on international human rights treaties within the Government, the preparation and submission of Afghanistan's delayed reports to the Committee against Torture is being considered by the Government.</p>
16	Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia)	The Government of Afghanistan has already been cooperative with the Special-Procedures mandate-holders and based on mutual agreements will continue its cooperation in the future as well.

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
17	Establish an agile and efficient mechanism to respond to the requests for information formulated by special procedures in their communications (allegations and urgent appeals) and assign the means necessary to grant protection to the people and groups referred to in those communications (Argentina)	The Government has already taken measures on the implementation of this recommendation and will continue its efforts to this end.
18	Intensify its efforts for the promotion of gender equality consistent with the obligations of Afghanistan under CEDAW, including through the review and elimination of laws, customs and practices that lead to discrimination against women and girls, making available effective legal remedies for the victims of discrimination and violence, and actively promoting the participation of women and girls in different fields such as education, labour and political life (Mexico)	<p>Acceptable</p> <p>Equal rights for men and women is enshrined in the Constitution and Afghanistan is committed to its obligations under CEDAW and has undertaken various activities and initiatives on CEDAW implementation in the county and will further foster activities in this regard.</p> <p>The Government has facilitated extensive and active participation of women in education, social, economic and cultural areas of life.</p>
19	Take further steps to protect the human rights of those who live in rural areas where respect for basic human rights, especially with regard to women and children, remains impeded under customary law (Japan)	<p>Acceptable</p> <p>There are a number of programs under Ministry of Justice including the “Justice in District Level” which help protect the basic human rights of women and children in rural areas.</p> <p>Besides, efforts are underway to establish relations between the formal judicial system and the informal one in order to bring the performances of the local jirgas in conformity with the laws of the country.</p>
20	Ensure closure of secret and illegal jails and review conditions in all prison and detention facilities with the aim of ensuring their compliance with the Minimum Standard of Treatment of Prisoners and provide effective procedural safeguards against arbitrary detention (Czech Republic)	<p>Acceptable</p> <p>Afghanistan is committed to the implementation of the Minimum Standards of Treatment of Prisoners to which Afghanistan is a party.</p> <p>Ministries of Interior and Justice of Afghanistan are charged with the closure of secret and illegal jails and review of conditions in all prisons and detention facilities and are making efforts in this regard.</p>
21	Take all possible measures to prevent the recruitment of children and the use of child combatants by the Taliban (Hungary)	As far as the Government is concerned, the law and regulations on military service prevents the recruitment of people under 18.

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
		<p>The Government especially through Ministry of Labor, Social Affairs, Martyrs and Disabled has taken serious supervising and protecting measures in this regard including the establishment of the Child Protection Action Network which is an inclusive network of governmental and non-governmental organizations and its overall goal is to prevent and respond to exploitation, abuse, and violence against children and ensure the protection of all children in Afghanistan.</p> <p>The Government of Afghanistan denounces the recruitment and use of children in conflicts.</p>
22	Step up efforts including working closely with ICRC and other relevant parties, to stop the recruitment and use of children by all parties involved in conflicts in the country (Malaysia)	<p>Acceptable</p> <p>The Government has taken serious efforts to stop the recruitment and use of children by all parties involved in conflicts in the country and has worked with different international organizations including ICRC to this end. The ICRC has indicated that they will take measures to encourage the opposition armed groups to refrain from recruitment and use of children in conflicts.</p>
23	Start implementing the plan of action for peace, justice and reconciliation (Norway)	<p>The Government adopted the Plan of Action for Peace, Justice and Reconciliation in 2005 and has principally been committed to its implementation and has so far, conducted efforts to this end, however, due to instability, insecurity and lack of required institutional capacity in the country, the Government considers the full implementation of the Action Plan as a long-term process.</p>
24	Redouble its efforts to fully implement, as soon as possible, the plan of action for peace, justice and reconciliation, adopted in 2005 (Mexico)	<p>The Government adopted the Plan of Action for Peace, Justice and Reconciliation in 2005 and has principally been committed to its implementation and has so far, conducted efforts to this end, however, due to instability, insecurity and lack of required institutional capacity in the country, the Government considers the full implementation of the Action Plan as a long-term process.</p>
25	Continue the process of transitional justice (Netherlands)	<p>The Government adopted the Plan of Action for Peace, Justice and Reconciliation in 2005 and has principally been committed to its implementation and has so far, conducted efforts to this end, however, due to instability, insecurity and lack of required institutional capacity in the country, the Government considers the full implementation of the Action Plan as a long-term process.</p>

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
26	Strengthen and consolidate the implementation of the transitional justice programme it has adopted (Morocco)	The Government adopted the Plan of Action for Peace, Justice and Reconciliation in 2005 and has principally been committed to its implementation and has so far, conducted efforts to this end, however, due to instability, insecurity and lack of required institutional capacity in the country, the Government considers the full implementation of the Action Plan as a long-term process.
27	Mainstream human rights and transitional justice issues into any future national reconciliation negotiations (Czech Republic)	The basic principles of human rights and justice are enshrined in the Constitution. Therefore, the Afghan government has announced the acceptance of the Constitution as the main pre-condition for any negotiations or reconciliation programs with the opposition-armed groups.
28	Establish mechanisms for the independent appointment and dismissal of judges and for the punishment of corruption among judges, and expand efforts to protect judges from insurgent attacks and to increase salaries for judges, prosecutors and members of the Ministry of Justice (United States)	Acceptable The Supreme Court and the Ministry of Justice have already taken measures to this end.
29	Pursue with resolve the implementation of different measures aimed at reforming and strengthening the existing judicial system (Turkey)	Acceptable Justice Sector strategies and programs are under implementation for the purpose of reforming the judicial system in the country.
30	Enact, with immediate effect, the new Media Law passed by the Lower House of Parliament (Norway)	Acceptable The new Media Law of Afghanistan is already enacted and was published on July 06, 2009.
31	Move swiftly to pass its new Media Law (Canada)	Acceptable The new Media Law of Afghanistan is already enacted and was published on July 06, 2009.
32	Enact, with immediate effect, the new Media Law which could help to promote and protect freedom of expression (United Kingdom)	Acceptable The new Media Law of Afghanistan is already enacted and was published on July 06, 2009.
33	Take the necessary measures to protect journalists against intimidation, violence, censorship and abusive convictions, and have published and applied the new media law adopted by the Parliament (France)	Acceptable The new Media Law of Afghanistan is already passed enacted and published which protects journalists against intimidation, violence, censorship and abusive convictions.

<i>No.</i>	<i>Recommendations</i>	<i>Response</i>
34	Enact a media law, in accordance with its international human rights obligations, and continue to professionalize its judiciary, pursue justice in cases of murdered journalists and ensure that the security forces and criminal courts do not punish journalists for controversial reporting; where such punishment has occurred, it is hoped that President Karzai will exercise his right to issue pardon (United States)	<p>Our response to this recommendation includes the following points:</p> <ul style="list-style-type: none"> - The new Media Law of Afghanistan is already enacted; - Plans are underway to further professionalize the judiciary; - The Government has seriously pursued justice in cases of murdered journalists; - The new Media Law and other laws of the country ensure the right of journalists for reporting to the extent that their performances do not cause public agitation and disorder in the country. <p>President Karzai has been extensively using his constitutional right to issue pardon in various cases including cases related to journalists.</p>
35	Strengthen safeguards for the exercise of freedom of expression and adopt legislation to protect media diversity (Netherlands)	Acceptable
36	Take extensive and timely steps to ensure the independence of the media free from intimidation and suppression, including through proper implementation of the media law passed in the fall of 2008 (Denmark)	<p>Acceptable</p> <p>Measures are underway to ensure the proper implementation of the new Media Law which ensures the independence of the media free from intimidation and suppression.</p>
37	Prepare as a matter of priority a transparent and well-administered system of rules for verifying candidates' eligibility, in close connection with the assessment of the disarmament process and the strengthening of the capacity of the Electoral Complaints Committee (Czech Republic)	<p>Acceptable</p> <p>The government has already taken measures and will continue its efforts in this regard.</p>
