



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/AFG/3
24 February 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Afghanistan

The present report is a summary of 12 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Amnesty International (AI) noted that the Government acceded to the Rome Statute of the International Criminal Court in February 2003, but it has yet to enact effective implementing legislation.² Afghanistan Independent Human Rights Commission (AIHRC) noted that many international obligations of Afghanistan with regards to human rights have yet to be incorporated into existing domestic laws or translated into new laws.³ Front Line: the International Foundation for the Protection of Human Rights Defenders (FL) called on the United Nations to urge the Afghan authorities to confirm their commitment to protect the rights of women and girls in accordance with international human rights law and standards.⁴

B. Constitutional and legislative framework

2. AI noted the Constitution that explicitly commits the Government to observe the United Nations Charter, the Universal Declaration of Human Rights and international human rights treaties to which Afghanistan is a party.⁵ AIHRC noted the adoption of a Juvenile Justice Law in 2005.⁶

C. Institutional and human rights infrastructure

3. AIHRC noted that Article 58 of the Constitution establishes the Afghanistan Independent Human Rights Commission to independently monitor, promote and protect human rights in Afghanistan.⁷ AI called on the Government to support the establishment of a Human Rights Unit in the Ministry of Justice to collaborate closely with the AIHRC and promote effective protection of human rights.⁸

D. Policy measures

4. AI noted the 2006 Interim Afghanistan National Development Strategy and the Afghanistan Compact, a political agreement between Afghanistan and donor countries establishing a human rights benchmark for the Government, the AIHRC, and its international supporters to strengthen the country's capacity "to comply with and report on its human rights treaty obligations" by the end of 2010.⁹ AI further noted that in its March 2008 annual review, the Joint Co-ordination Monitoring Board conceded that the progress had been slow in the area of human rights, and that there was still insufficient civilian oversight of government security forces and law enforcement agencies, most notably the National Directorate of Security (NDS).¹⁰

5. SRI noted that the Government has articulated its overarching goals for the well-being of its people in the *Afghanistan Millennium Development Goals Country Report 2005 – Vision 2020*. This collectively reflects Afghanistan's own aspirations for its people of reducing poverty and hunger, providing universal primary education, reducing child mortality, improving maternal health, combating diseases, promoting gender equality, ensuring environmental sustainability and enhancing personal security. According to SRI, a further vital and cross-cutting area of work is eliminating the narcotics industry, which they describe as a formidable threat to the people and the state, the region, and beyond.¹¹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

6. AIHRC noted that Afghanistan is a party to six core conventions. But, due to lack of capacity, it has so far reported only on the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2008. With support from AIHRC, the Ministry of Foreign Affairs is currently working on the CRC treaty report.¹²

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non discrimination

7. AIHRC noted that equality before the law for women and men in the Constitution, participation of women in political processes, presence of women in governmental and non-governmental organizations, establishment of Ministry of Women Affairs and improvement in education opportunities of women are important advancements.¹³ Institute on Religion and Public Policy (IRPP) noted that women's representation in the Government is dwindling, as exemplified by President Karzai's 2006 removal of all three female cabinet members. The central government's decreasing role in rural regions, coupled with increased tribalism, means that in rural areas women's legal rights are frequently denied, including the right to legal representation and due process.¹⁴ The International Center for Human Rights and Democratic Development (Rights and Democracy) noted that women seeking justice through the official system are also facing problems. There is still persistent prejudice against women who choose to consult lawyers rather than resort to traditional customs. In some regions, security remains an aggravating factor that prevents women from joining the very institutions established to assist them. Access to justice is limited for Afghan women.¹⁵ Rights and Democracy further noted that judges also have a biased attitude toward women seeking justice through the formal justice system.¹⁶ AI called on the Government to ensure that the extent that traditional assemblies make quasi-judicial rulings, their procedures and decisions are in accordance with international standards of fairness.¹⁷

2. Right to life, liberty and security of the person

8. AI noted that in October 2007, the Government executed 15 men. These were the first executions for three years marking an end to an unofficial moratorium on executions.¹⁸ According to AI, on 16 April 2008, the Supreme Court of Afghanistan upheld around 100 death sentences issued by lower courts against individuals convicted of crimes including murder, rape, kidnapping and armed robbery. Afghan law provides for the death penalty for a wide array of crimes.¹⁹

9. AI noted that civilian casualties have been increasing every year since 2001 with 2008 proving to be the bloodiest year. AI noted media reports and records by NGOs that by 31 August 2008, more than 1,400 civilians had died in the conflict since January 2008. Most civilians were injured as a result of insurgent attacks, primarily suicide bombings or use of improvised explosive devices. Some 40 per cent of civilian casualties are reportedly due to operations by Afghan and international security forces. Air-strikes alone killed 395 civilians between January 2008 and the end of August 2008. In response to criticism, in September 2008 NATO revised its rules of engagement to decrease the threat to civilians.²⁰ International Center for Transitional

Justice (ICTJ) stated that NATO and its troop contributing nations should thoroughly investigate all claims of wrongful deaths and civilian casualties resulting from its military operations.²¹

10. AIHRC stated that torture, inhumane and degrading treatments are committed by Afghan National Police (ANP) and NDS.²²

11. AI expressed concern about the policy of NATO and US forces to hand over detainees to the NDS which has demonstrated a pattern of human rights violations perpetrated with impunity. Dozens of NDS detainees, some arrested arbitrarily and detained *incommunicado* without access to defence lawyers, families, courts or other outside bodies, have been subjected to torture and other ill-treatment, including being whipped, exposed to extreme cold and deprived of food.²³ Human Rights Watch (HRW) noted that there are persistent reports of mistreatment in NDS detention, which cannot be adequately investigated without greater transparency and better access to NDS facilities.²⁴ AIHRC noted that almost none of prisons, detention centres, holding cells and correctional centres conform to international human rights standards.²⁵

12. AI stated that women in Afghanistan suffer from high rates of domestic violence and do not have recourse to legal protection.²⁶ AIHRC also noted that women are subjected to numerous forms of physical and psychological violence, such as forced and under-age marriage, physical abuse, rape and other forms of sexual harassments, trafficking, bad *dadán*, honour killing and other forms of violence.²⁷

13. WWA noted the UNICEF's estimates that there are 8,000 child combatants in Afghanistan (both active and former). In a recent survey of over 30,000 Afghans HRW found that up to 30 percent had participated in military activities as children. The recruitment of children as suicide bombers is an increasing threat and often involves significant cajoling and trickery. Many of these children are from destitute families in volatile regions of the country and are more easily persuaded to join the insurgents for protection. Children are no longer reportedly recruited into the Afghan National Army, but there are unconfirmed reports that the police auxiliary maintain informal associations with children. Nonetheless, the greatest cause for concern remains the Taliban, who continue to recruit children.²⁸

14. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children is lawful in the home. Children have limited protection from violence, but there is no explicit prohibition of corporal punishment.²⁹ GIEACPC also noted that there is no explicit prohibition of corporal punishment in schools. In 2004 the Ministry of Education issued a letter to all schools prohibiting severe beating of children by teachers, and in June 2006 the Ministry of Education announced "that the use of any form of violent behaviours and punishment against children are seriously prohibited." Further, in the penal system, corporal punishment is unlawful as a sentence for crime, but it is not explicitly prohibited as a disciplinary measure in penal institutions. And there is no explicit prohibition of corporal punishment in alternative care settings.³⁰

15. World Vision Afghanistan (WWA) noted recent reports suggesting that Afghanistan is a primary country where children are abducted, smuggled over the borders, and sold as sex slaves or child labourers in the neighbouring countries or in the Gulf States. Reports indicate that sexual violence against Afghan boys is common throughout the country, but is most prevalent in the north. In northern Afghanistan, "*Bacha bereesh*" (beardless boys) are kept by powerful older men who sexually abuse them.³¹

16. FL noted that human rights defenders (HRDs) in Afghanistan are subjected to threats, intimidation, harassment, surveillance, arbitrary detentions, forced disappearances and killings. HRDs working in the area of women's rights and transitional justice as well as independent journalists face particular risks as a result of their work. International aid workers have also faced threats, attacks and, in some cases, even killings. The perpetrators are both state and non-state actors.³²

3. Administration of justice, including impunity, and the rule of law

17. European Centre for Law and Justice (ECLJ) noted that the Constitution empowers the Supreme Court to "review the laws, legislative decrees, international treaties as well as international covenants for their compliance with the Constitution and their interpretation in accordance with the law." The Constitution also requires members of the Supreme Court *inter alia* to apply "*Hanafi* jurisprudence" where "there is no provision in the Constitution or other laws" that apply to a case.³³

18. AI noted that the December 2005 Action Plan on Peace, Justice and Reconciliation sought to address past abuses and promote national reconciliation.³⁴ AI also noted that little headway has been made in these five key areas. The Government has not supported the Action Plan, including by failing to set up an advisory panel to help the President vet senior political appointments pursuant to Action point 2. Action point 5, addressing potential accountability for abuses, was undermined by the passing of an amnesty bill in March 2007, which attempted to provide immunity from persecution to suspected perpetrators.³⁵ AIHRC and FL raised similar concerns.³⁶

19. ICTJ noted that justice, in the sense of countering impunity and seeking redress for victims, has been consistently marginalized throughout the state-building process. With the increasingly volatile security situation, justice is almost entirely excluded from the policy-making agenda. The Afghan Government and its international partners seem to accept that many government officials are alleged perpetrators of war crimes and have known links to armed groups and the drug trade.³⁷

20. IRPP noted that the judiciary's lack of power and difficulty interpreting laws are resulting in a "climate of impunity" that is contributing to the weakening of democratic institutions. These weakening democratic institutions and judicial shortcomings deprive the state of the ability to adequately protect the safety, security, and rights of religious minorities throughout the country.³⁸

21. AI noted that citizens lack confidence in the formal justice institutions and regard them as slow, ineffective and often corrupt. Most Afghans, and particularly women, have difficulty accessing courts and legal assistance; most cannot afford court fees or the transportation costs for attending often distant courts. Traditional community-based assemblies handle an estimated 80 per cent of all disputes in Afghanistan, but they operate in isolation of state courts and without benefit of minimal standards of due process or evidence.³⁹

22. ICTJ noted that the challenging security situation is compounded by a lack of substantive progress in security- sector and rule-of-law reform. The ANP and justice sector institutions are considered corrupt and enjoy limited public confidence. Although reform initiatives have been directed toward both the security forces and the justice sector, the focus has been on capacity-building and infrastructure rather than on coming to terms with the culture of corruption and impunity that undermines security and justice institutions. Declining faith in the Afghan

government and the international effort, coupled with unabated poverty, provides a fertile breeding ground for insurgents and organized crime.⁴⁰

23. AI also noted that the trial proceedings in most of the cases violated international standards of fairness, including providing inadequate time for the accused to prepare their defence, lack of legal representation, weak evidence and the denial of the defendant's right to call and examine witnesses. The strict adherence to the right to be presumed innocent was also not respected, given that some convictions were not based on "clear and convincing evidence leaving no room for an alternative explanation of the facts."⁴¹

24. HRW noted that the appointment of properly trained and independently minded judges and prosecutors, who owe no allegiance to factional leaders or regional strongmen, is crucial. The police are frequently cited by Afghans as the most corrupt institution in the country. The culture of impunity will continue unless corrupt senior figures are removed from their positions and held accountable.⁴²

25. AIHRC noted that while the people of Afghanistan have been thirsty for justice and demanding for perpetrators to be held accountable, a culture of impunity continues to obstruct the realization of human rights and the rule of law. In many cases, criminals and perpetrators have been arrested but later on released through corruption and bribery. Judges and law enforcement officials are mostly in one way or the other affiliated or influenced by political and factional strongmen.⁴³ AIHRC further noted that corruption is challenging enjoyment of human rights by the people of Afghanistan. It is widespread in most parts of the administration. It is in particular commonplace in courts, prosecution offices and police, resulting in violation of the right to effective remedy and redress. It has also brought the legitimacy of the entire system into question, leading into re-empowerment of local warlords and strongmen and, even, anti-government elements.⁴⁴

4. Right to privacy, marriage and family life

26. ECLJ noted that the Constitution recognizes that the family is "the fundamental pillar of the society." Consequently, the state is required to "adopt necessary measures" to support the health of the family, including measures aimed at "the elimination of related traditions contrary to the principles of the sacred religion of Islam."⁴⁵

27. AI noted the Afghan Civil Code, according to which the legal age of marriage for girls is 16 or 15 with the consent of her father or competent court. However, because of customary practices, approximately 57 per cent of girls marry before the age of 16. Women who seek to flee abusive marriages are often detained and prosecuted for alleged offenses like "home escape" or "moral" crimes that are not provided for in the Penal Code.⁴⁶ AIHRC noted that child marriage and rape and other forms of sexual exploitation of children are a challenge.⁴⁷ AIHRC further noted that children in need of special care, like those with disabilities, are generally neglected in national as well as local planning. Statistics suggest that around 80 per cent of children do not have National Identification Cards, which causes numerous problems, including under-age marriage and unfair court proceedings.⁴⁸

28. Rights and Democracy further noted that numerous practices inconsistent with women's rights are widespread in the country. The most challenging issues include forced marriages, *walwar* (a practice whereby the groom pays compensation to the bride's family for expenses incurred in caring for the bride from birth to marriage), the practice of *baad* (literally, "blood

money,” whereby a woman is given away by her family as compensation for a crime committed by one of its members to the family of the victim), child marriages, and domestic abuse.⁴⁹

5. Freedom of religion or belief, expression, and right to participate in public and political life

29. ECLJ noted that the Afghan Constitution makes Islam the official religion of the state and prohibits any law that contravenes the tenets of Islam.⁵⁰ IRPP noted that Afghanistan maintains a number of religious crime laws that do not comply with its international obligations or its own constitutional protections. The two most egregious and widely publicized religious crime laws are the apostasy law and the blasphemy law. Under the apostasy law, conversion from Islam can be punished by death if the convert does not recant within three days. The blasphemy law establishes the same three day time frame for a blasphemer to recant before facing possible execution. The death penalty is now a rare punishment for apostasy and blasphemy, but is still used in some cases.⁵¹

30. HRW noted that freedom of expression is diminishing for those who criticize government officials, insurgents, or powerful local figures. Threats, violence, and intimidation are regularly used to silence opposition politicians, critical journalists, and civil society activists.⁵² AI stated that the Taliban and other anti-government groups have targeted journalists, blocking nearly all reporting from areas under their control. Journalists have also been targeted by criminal gangs and warlords. The Government, in particular NDS and the Ulema Council (council of religious scholars) have attempted to reduce the media’s independence. In July 2008, the NDS detained a presenter of the television programme *The Truth*, for “misrepresenting” government officials.⁵³ HRW further noted that journalists also come under violent attack from warlords, insurgents, parliamentarians, and the security forces. In conflict areas the government exerts undue pressure on members of the press areas who have legitimate journalistic contacts with insurgent groups. The response to crimes against journalists remains weak, adding to the sense of vulnerability in the profession.⁵⁴ International PEN also noted similar concerns.⁵⁵

31. AIHRC noted that over the last four years, freedom of expression has experienced significant improvements. However, journalists have been facing numerous challenges in the form of murder, kidnapping, intimidation, apostasy and blasphemy charges, physical violence and attacks on local radio stations, and confiscation of equipments by national and international forces, local power-holders as well as anti-government elements.⁵⁶ FL also noted that Afghan journalists are unable to carry out their work safely. Journalists fear reprisals and the media will often not cover sensitive issues (self-censorship).⁵⁷ International PEN noted that the majority of journalists exercise a form of self-censorship in order to protect themselves and their families. In addition, in many instances local and national government have prevented journalists from obtaining the information they need to write credible reports, thus creating a de-facto situation of censorship by closing off certain topics for public discussion. Coupled with the existence of ‘blasphemy’ laws, the scope of censorship in Afghanistan is extremely wide.⁵⁸

32. AI noted that the last four years have witnessed increased participation by women in politics and public life. However, the conditions under which Afghan women exercise political rights remain constrained by social prejudice and violence.⁵⁹

6. Right to work and to just and favourable conditions of work

33. AIHRC noted that the number of children, faced with the worst forms of child labour, is unfortunately increasing day by day.⁶⁰ WWA noted the estimates that there are roughly one

million child labourers between the age of seven and fourteen in Afghanistan. In Kabul, it is estimated, according to WWA that 37,000 children beg or work in the streets, employed in a range of fields from carpet weaving to heavy vehicle repair to metal working. Many are also exploited in activities related to narcotics, including through their own addictions. Almost 96 percent of child labourers in Afghanistan are prematurely forced into labour because of poverty and poor economic conditions.⁶¹

7. Right to social security and to an adequate standard of living

34. AIHRC noted that as many as 37 per cent of Afghans earn less than a dollar per day and an estimated number of more than seven million are threatened by hunger and serious shortage of food. The majority of people, including in urban areas, do not enjoy an adequate standard of living. The densely populated urban areas of the country lack any basic services, including safe drinking water and clean environment. In the latest survey on socio-economic rights, conducted by AIHRC, 15 per cent of respondents in urban areas and 30 per cent in rural areas have said that they do not have access to health services. Quality mother and child health care (MCH) is mostly unavailable; resulting in still high maternal and child mortality rate.⁶²

35. AI noted that according to the National Action Plan for the Women of Afghanistan (NAPWA), the average Afghan women have a life span of 44 years, around 20 years short of the global average. Maternal mortality is one of the highest in the world at an estimated 1,600 to 1,900 per 100,000 live births and the literacy rate for adult women is 21 per cent compared to 36 per cent for men.⁶³

36. AIHRC noted that people with disabilities have limited access to work, social services and education.⁶⁴

37. WWA noted that there is limited access to quality health care throughout the country. For every 1,000 Afghan children born, 165 die within the first year, and one quarter of all Afghan children die before their fifth birthdays – the vast majority from preventable diseases.⁶⁵ WWA further noted that children who live on the streets of Afghanistan are at grave risk and are exceptionally vulnerable to malnutrition and infectious diseases. Over 50 percent of Afghan children throughout the country have stunted growth patterns. Infant malnutrition and the poor nutritional status of women are major contributors to high early death rates. Insufficient training and lack of physical infrastructure impairs the accessibility and the quality of health care services. There is a large gap between health care facilities that are available to the urban and rural populations of Afghanistan. Remote areas are hard to service because of the lack of roads, electricity, and skilfully-trained health workers. Preventative health measures are weak due to poor information and substandard levels of hygiene and nutritional practices. These constraints similarly reduce the effectiveness of the health care system in controlling communicable diseases.⁶⁶

38. SRI noted that universal access to quality services is a primary means to reproductive health that the Afghanistan Government is committed to providing through the Ministry of Public Health. The Ministry has the task to ensure the accelerated implementation of quality health care for all people of Afghanistan, through targeting resources especially to women and children and to under-served areas of the country, and through working effectively with communities and other development partners. The Ministry of Public Health in Afghanistan has made some progress to expand the Basic Package of Health Services to around 90 per cent of the population. To date, according to SRI, the implementation of these programmes has made a demonstrable difference.⁶⁷

39. SRI noted that the challenge for HIV prevention is to achieve universal access of Afghans to HIV prevention, treatment, care, and support services. But HIV-related stigma and discrimination undermine Afghanistan's responses to the epidemic, because they prevent people from accessing information and important HIV prevention and treatment services. The take-up of HIV counselling and testing services, for example, is low. Discrimination against people living with HIV affects their access to information and knowledge, employment, housing, insurance, social services, education, health, and inheritance rights for women and men. Strong prejudice against people living with HIV has been found in health services.⁶⁸ SRI further noted that the Ministry of Public Health drafted a Strategic Plan on HIV/ AIDS and Sexually Transmitted Infections (STI) in Afghanistan for the period 2003-2007.⁶⁹ SRI recommended creating a legal framework to safeguard the rights of people living with HIV/AIDS, including access to testing, confidentiality measures and non-discriminatory treatment by the health services.⁷⁰

8. Right to education and to participate in the cultural life of the community

40. AI noted that boys are twice as likely as girls to complete primary school, and this difference widens significantly at higher levels of education.⁷¹ According to AIHRC, access to education is hampered by an ever-increasing insecurity, including assassination and intimidation of female teachers and students.⁷² AIHRC further noted that despite increase in number of students, construction and rebuilding of schools, access to education is not inclusive yet. It is estimated that more than half of school-age children do not attend schools. In this context, girls are particularly vulnerable and constitute only 35 per cent of students. Lack of girl's schools is another factor as currently only 15 per cent of schools have been reserved for girls.⁷³ HRW noted similar concerns and noted that even in areas free from armed conflict, girls continue to face immense obstacles to education, such as a lack of girls' schools and transport, fear of sexual harassment and violence while en route to school, and early marriage resulting in drop out. The severe shortage of qualified female teachers outside of urban areas has not been adequately addressed.⁷⁴

41. HRW noted that despite a presidential decree guaranteeing married girls' right to attend school, in April 2008 the Ministry of Education reinstated a policy directive ordering schools to separate married girls from other students and provide separate classrooms for them. There is no such policy for married boys, and this discriminatory directive may result in pushing married girls out of the educational system. Girls' schools already lack resources and are unlikely to be able to offer separate classes and teachers for married girls.⁷⁵

9. Minorities and indigenous peoples

42. AIHRC noted that the Government of Afghanistan has failed to design and implement effective programmes for settlement of nomadic *Kuchis*, improvement of their lives and education of their children. On the other hand, the existing condition of *Kuchis* has resulted in violent conflicts with local residents over pasturelands every year.⁷⁶

43. IRPP noted that despite decreased governmental discrimination, most minorities still face high levels of societal discrimination. Hindus have difficulty obtaining land for cremation ceremonies and getting government jobs. Many Sikh and Hindu children do not attend public schools because of intense harassment. Christians, on the other hand, usually hide their religious affiliation and hold secret worship services because of the high levels of societal intolerance.⁷⁷

10. Refugees and Internally displaced persons

44. AI noted that more than five million Afghans have returned home since 2001 according to UNHCR. UNHCR provides \$100 in aid to those refugees who agree to return home, but this sum barely covers the rising cost of transport, food and accommodation.⁷⁸

45. AI noted that more than 200,000 people are internally displaced in Afghanistan because of “conflict, ethnic tensions or human rights violations, natural disasters such as drought, or secondary displacement in the case of refugees and deportees who have returned from neighbouring countries.”⁷⁹ AI also noted that the situation for internally displaced people in conflict zones remains desperate as international and local humanitarian agencies by and large are unable to gain access to them and assess their needs.⁸⁰ AIHRC noted that IDPs are mostly facing lack of health services, shelter and unemployment. Most of the returnees and IDPs are reluctant to return to their place of origin due to insecurity and lack of sustainable livelihood opportunities. They ultimately join the ranks of jobless and poor people in urban areas.⁸¹ WWA noted that hundreds of thousands of Afghan children have become displaced with or without their parents. The government estimates as many as 60,000 street children occupy the territory under its control – many of these children are malnourished and chronically ill.⁸²

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

46. AIHRC noted some achievements in legislation. Most important new laws are on juvenile justice, the law of media, electoral law, the law on political parties, marriage registration certificate, the anti-corruption law and the law on establishment, functions and mandates of AIHRC.⁸³

47. Rights and Democracy also noted the following as achievements: a model marriage contract was recently accepted by Afghanistan’s Supreme Court and is currently being disseminated within the country as widely as possible; 2) there is currently a substantive and substantial ongoing dialogue within Afghanistan’s civil society on women’s family law rights which promises to be conducive to changes compliant with women’s rights; and 3) an active civil society on family law and women’s rights has emerged in Afghanistan and already shows signs of sustainability.⁸⁴

48. AIHRC noted that aside from announcing a National Day of Victims and a Presidential advisory board for senior political appointments established only recently, no other serious step has been taken by the Government to demonstrate its political will towards implementation of the Action Plan for Peace, Reconciliation and Justice, initially supposed to complete by end of 2008.⁸⁵ ICTJ further noted that attempts to document violations have gone forward. In support of the AIHRC’s consultation process, the Office of the High Commissioner for Human Rights and the Human Rights Unit of the United Nations Assistance Mission for Afghanistan (UNAMA) undertook mapping of gross human rights violations and war crimes in Afghanistan from 1978 to 2001, based on existing United Nations documents and other documentation from outside Afghanistan.⁸⁶

49. ICTJ stated that interest and engagement in promoting transitional justice by civil society organizations, networks, and media are continuously growing and becoming increasingly diversified. However, unlike in many other transitional contexts, the capacity of individual organizations to address transitional justice remains weak. So far only a few organizations have sought to develop expertise on specific issues such as victims’ mobilization, documentation, awareness-raising, and training. Most civil society initiatives remain centred in Kabul, and

outreach to the regions has been limited. The lack of development of civil society may result partly from the security situation, but also from the lack of tradition of civil society organizations in Afghan society.⁸⁷

50. AIHRC stated that insecurity is considered to be the main challenge in enjoyment of human rights by the people of Afghanistan. In the absence of a secure environment, many fundamental rights and freedoms, including the right to life, the right to dignity, the right to liberty and security of person, the right to effective remedy, the right to due process, the right to freedom of movement, freedom of expression and the right to health and education, of the people of Afghanistan have been violated. In spite of increase in the number of International Forces and a relative annual increase of national security forces, the situation of security has been deteriorating day by day. It is now in the worst condition ever since the establishment of the new regime seven years ago.⁸⁸ FL further noted that the greater insecurity across Afghanistan as a result of the conflict means that aid workers and agencies have been required to travel to rural parts of the country in order to deliver aid. Road travel has become increasingly dangerous and security measures to safeguard humanitarian workers from militant groups are not sufficient.⁸⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “A” status):

Civil society

AI	Amnesty International*, London, UK
ECLJ	European Centre for Law and Justice*, Strasbourg, France
FL	Front Line: the International Foundation for the Protection of Human Rights Defenders*, Dublin, Ireland
GIEACPC	Global Initiative to End All Corporal Punishment of Children,
HRW	Human Rights Watch*, NY, USA
International PEN	International PEN*, London, UK
ICTJ	International Center for Transitional Justice, NY, USA
IRPP	Institute on Religion and Public Policy, Washington D.C., USA
Rights and Democracy	The International Center for Human Rights and Democratic Development*, Montreal, Canada
SRI	Sexual Rights Initiative (A Coalition of Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development; Creating Resources for Empowerment and Action-India; the Polish Federation for Women and Family Planning and others)
WWA	World Vision Afghanistan

National human rights institution

AIHRC	Afghanistan Independent Human Rights Commission**, Kabul, Afghanistan
-------	---

² AI, p. 4.

³ AIHRC, p. 4.

⁴ FL, p. 5.

⁵ AI, p. 3. See also AIHRC, p. 1, and ECLJ, p. 1.

⁶ AIHRC, p. 2.

⁷ AIHRC, p. 1. See also AI, p. 3, ECLJ, p. 1, and SRI, p. 2

- ⁸ AI, p. 6.
- ⁹ AI, p. 3.
- ¹⁰ AI, p. 3. See also AIHRC, p. 2.
- ¹¹ SRI, p. 2.
- ¹² AIHRC, p. 5.
- ¹³ AIHRC, p. 1.
- ¹⁴ IRPP, p. 4.
- ¹⁵ Rights and Democracy, p. 4.
- ¹⁶ Rights and Democracy, p. 4.
- ¹⁷ AI, p. 7.
- ¹⁸ AI, p. 4.
- ¹⁹ AI, p. 4. See also HRW, p. 3.
- ²⁰ AI, p. 6. See also AIHRC, p.4 and WWA, p. 3.
- ²¹ ICTJ, p. 5.
- ²² AIHRC, p. 1.
- ²³ AI, p. 6.
- ²⁴ HRW, p. 3.
- ²⁵ AIHRC, p. 1.
- ²⁶ AI, p. 5.
- ²⁷ AIHRC, pp. 1 - 2.
- ²⁸ WWA, p. 2.
- ²⁹ GIEACPC, p. 2.
- ³⁰ GIEACPC, p. 2.
- ³¹ WWA, p. 1.
- ³² FL, p. 1.
- ³³ ECLJ, p. 3. See also IRPP. P. 2 and SRI, p. 2.
- ³⁴ AI, p. 4. See also AIHRC, p. 3.
- ³⁵ AI, p. 4. See also, SRI, p. 3.
- ³⁶ AIHRC, p. 3 and FL, pp. 1 -2. See also ICTJ, para.10 of p. 3
- ³⁷ ICTJ, p. 2.
- ³⁸ IRPP, p. 3.
- ³⁹ AI, p. 3. See also AIHRC, p. 2., FL, p. 1., and International PEN, p. 1.
- ⁴⁰ ICTJ, p. 2.
- ⁴¹ AI, p. 4.
- ⁴² HRW, p. 3.
- ⁴³ AIHRC, pp. 4- 5.
- ⁴⁴ AIHRC, p. 5.
- ⁴⁵ ECLJ, p. 2. See also Rights and Democracy, p. 2.
- ⁴⁶ AI, pp. 5 – 6. See also WWA, p. 2.

- ⁴⁷ AIHRC, p. 2.
- ⁴⁸ AIHRC, p. 2. See also Rights and Democracy, p. 2.
- ⁴⁹ Rights and Democracy, p. 4.
- ⁵⁰ ECLJ, p. 1. See also IRPP, p. 1 and SRI, p. 2.
- ⁵¹ IRPP, p. 2.
- ⁵² HRW, p. 1.
- ⁵³ AI, p. 5. See also HRW, pp. 1 and 2-
- ⁵⁴ HRW, p. 2. See also ICTJ, para.7 of p. 2.
- ⁵⁵ International PEN, p. 2.
- ⁵⁶ AIHRC, p. 1. See also FL, p. 3, International PEN, p. 2 and SRI, p. 6.
- ⁵⁷ FL, p. 3.
- ⁵⁸ International PEN, p. 2.
- ⁵⁹ AI, p. 5.
- ⁶⁰ AIHRC, p. 2.
- ⁶¹ WWA, p. 1
- ⁶² AIHRC, p. 2.
- ⁶³ AI, p. 5.
- ⁶⁴ AIHRC, p. 2.
- ⁶⁵ WWA, p. 4
- ⁶⁶ WWA, p. 5
- ⁶⁷ SRI, pp. 3 – 4
- ⁶⁸ SRI, p. 5
- ⁶⁹ SRI, p. 5
- ⁷⁰ SRI, p. 6
- ⁷¹ AI, p. 5.
- ⁷² AIHRC, p. 2. See also WWA, pp. 3 - 4
- ⁷³ AIHRC, p. 2.
- ⁷⁴ HRW, p. 2.
- ⁷⁵ HRW, pp. 2 – 3.
- ⁷⁶ AIHRC, p. 3.
- ⁷⁷ IRPP, p. 4
- ⁷⁸ AI, p. 6. See also AIHRC, p. 3.
- ⁷⁹ AI, p. 6.
- ⁸⁰ AI, p. 7.
- ⁸¹ AIHRC, p. 3.
- ⁸² WWA, pp. 2 – 3.
- ⁸³ AIHRC, p. 4.
- ⁸⁴ Rights and Democracy, p. 5
- ⁸⁵ AIHRC, p.3. See also ICTJ, p. 3.

⁸⁶ ICTJ, p. 3.

⁸⁷ ICTJ, p. 4.

⁸⁸ AIHRC, p. 4. See also FL, p. 1 and SRI, p. 3.

⁸⁹ FL, p. 4.
