



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Islamic Republic of Afghanistan and welcome the constructive engagement of your Government during the 32<sup>nd</sup> session of the UPR Working Group in January 2019.

As the final outcome report on the review of Afghanistan has been recently adopted by the Human Rights Council at its 41<sup>st</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Afghanistan – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 94 delegations and the presentation made and responses provided by the delegation of Afghanistan. I have also considered the actions taken by the Government to implement the 189 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I appreciate the measures taken in promoting justice for women victims of violence. I also welcome the efforts being undertaken by your Government in promoting the meaningful participation of women in political decision-making, particularly in the peace process, security and justice sectors, legislative processes and economic programmes. While acknowledging the establishment of legal safeguards addressing violence and discrimination against women and girls, I urge you to continue strengthening implementation of those laws and policies to address the adverse effects of the conflict, poverty, socio-cultural traditions and harmful practices on women and girls. I also congratulate the Government of Afghanistan for its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is important to establish a National Preventive Mechanism for the prevention of torture, seek accountability for human rights violations and promote justice for victims.

I acknowledge that the ongoing conflict, violent extremism, and other transnational criminal activities pose significant challenges in advancing the promotion and protection of human rights in Afghanistan. I further note the Government's efforts to mitigating harm to civilians through various measures, such as the adoption of the National Policy on Civilian Casualty Prevention and Mitigation and the related action plans for the implementation of this policy. I encourage Afghanistan to take further steps to comply with and promote respect for international humanitarian and human rights laws during military operations. I urge the Government to strengthen protection of human rights defenders and journalists, both women and men, from attacks, threats and harassment while performing their professional responsibilities. I encourage the strengthening of the independence and effectiveness of the Afghanistan Independent Human Rights Commission.

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H.E. Mr. Salahuddin Rabbani  
Minister of Foreign Affairs  
Islamic Republic of Afghanistan

I also encourage Afghanistan to develop a comprehensive national human rights action plan to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Afghanistan's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the Afghanistan Independent Human Rights Commission and civil society organizations and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Assistance Mission in Afghanistan and other United Nations entities within the One UN Framework for Afghanistan.

I acknowledge Afghanistan's declared intention to comprehensively follow up on the UPR recommendations and appreciate its commitment to involving the Parliament in the implementation of UPR recommendations requiring legislative action. I am also aware of the Note Verbale requesting my Office to provide technical assistance to strengthen the National Mechanism for Reporting and Follow up (NMRF) to enable comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Afghanistan to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Afghanistan in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights

cc: H.E. Dr. Nasir Ahmad Andisha  
Ambassador Extraordinary and Plenipotentiary and Permanent Representative of the Islamic Republic of Afghanistan to the United Nations Office in Geneva  
Switzerland

## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the core human rights treaties to which it is not yet party.
- Engaging with Special Procedures whose requests for a country visit are pending.
- Intensifying the process of submission of overdue reports to UN treaty bodies.

### **National human rights framework**

- Taking steps to strengthening the Afghanistan Independent Human Rights Commission's capacity; enhancing its financial independence, and continuing allocating additional and adequate budgetary resources in order to ensure that it achieves its objectives; and enabling it to make regular and unannounced visits to all places of detention.
- Finalizing the adoption of a funding mechanism to implement the national plan of action for women, peace and security.
- Implementing the National Child Labour Strategy and Action Plan.
- Integrating the National Action Plan for the Security Council resolution 1325 in national programs and increasing women's participation in peace-making process, and taking further steps to promote women's full and meaningful participation in activities related to peace negotiations, peacebuilding and conflict prevention in the country.
- Implementing the National Policy on Civilian Casualty Mitigation and Prevention and ensuring that all incidents of civilian casualties are thoroughly investigated, that those responsible are prosecuted and that remedies and reparations are provided to the victims.
- Following the recent ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, establishing a National Preventive Mechanism for the prevention of torture.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Strengthening efforts to protect all ethnic and religious communities, and prohibiting by law any advocacy of national, racial or religious hatred that constitute incitement to discrimination, hostility or violence.
- Continuing efforts towards achieving gender equality and promoting a gender strategy in order to eliminate all forms of discrimination against women, and further enhancing gender equality and women's empowerment in line with the SDGs.
- Developing campaigns, trainings and educational programs aimed at combating gender stereotypes and discrimination.



*Development, the environment, and business and human rights*

- Continuing to implement policies aimed at creating the necessary national frameworks for achieving Sustainable Development Goals.
- Proceeding with the realization of development plans with the support of development actors and the international community.
- Scaling up efforts in fighting corruption and providing all necessary requirements to ensure the successful implementation of the national anti-corruption strategy.

*Human rights and counter terrorism*

- Ensuring in law and in practice that all detainees, including detainees suspected of terrorism or other security-related offences, are afforded all fundamental legal safeguards and ensuring that all detainees have the right to access legal counsel, to request and receive a medical examination, and to be held in custody in conformity with the time limits set out in the Criminal Procedure Code.

**B. Civil and political rights**

*Right to life, liberty and security of person*

- Commuting existing sentences of capital punishment to other forms, and commuting all existing death sentences for offenders who had committed the crime for which they had been sentenced while under the age of 18.
- Immediately and impartially investigating all instances of extrajudicial killing and excessive force committed by security forces, including while monitoring protests and demonstrations.
- Taking effective measures to strictly enforce the national prohibition of torture; to ensure that all allegations of such treatment are duly investigated by the proper criminal authorities and that perpetrators are held to account; and to ensure that any foreign adviser or consultant respect the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, while guaranteeing that all victims of torture benefit from effective remedies and could obtain redress.
- Reviewing all cases in which convictions have been based solely on confessions obtained through torture, and taking appropriate remedial measures.
- Taking all necessary measures to minimize civilian casualties, immediately ceasing all indiscriminate attacks against civilian targets and ending aerial operations affecting civilians.
- Improving the work of the penitentiary system as well as the conditions of detention, and alleviating overcrowding in detention facilities.
- Amending legislation to prohibit all forms of corporal punishment.
- Undertaking a review of the security challenges faced during parliamentary elections and applying lessons learned to ensure the safety of Afghans during the upcoming Presidential election.



*Administration of justice, including impunity and the rule of law*

- Taking measures to guarantee the protection of human rights and international humanitarian law, through the investigation and punishment of perpetrators of serious human rights violations, including the perpetrators of aerial attacks against the civilian population.
- Strengthening access to justice and implementing effective measures to fight impunity.
- Investigating promptly and thoroughly all allegations of torture of detainees, enforced disappearances and summary executions, and prosecuting those responsible in line with international human rights standards.
- Guaranteeing the safety of journalists, human rights defenders and media workers operating throughout the country; promptly, effectively and impartially investigating all attacks against them; ending the impunity of perpetrators and ensuring that any officials or security force personnel found responsible for obstructing, abusing or assaulting journalists are appropriately disciplined or prosecuted; and enhancing safety measures for those who come under threat from non-state actors and providing protection when needed.
- Establishing a fair and independent judiciary system equipped with adequate resources.
- Amending the Law to expand the authorities' obligation to investigate and prosecute crimes, particularly ba'ad (giving away girls to resolve family disputes), underage marriage and beating.
- Setting up an effective system for monitoring and revising decisions of jirga courts in order to ensure that State officials do not recognize or carry out the judgments of parallel judicial mechanisms.

*Fundamental freedoms and the right to participate in public and political life*

- Enforcing constitutional provisions on freedom of religion and belief, and adopting measures to effectively protect such freedom in order for communities be free to practice their religion or belief.
- Promoting additional measures to maintain a favourable environment to protect the work of civil society and human rights defenders, including journalists and media workers.
- Taking steps in the field of women empowerment, by expanding women's participation in political, economic and social processes, and ensuring that women can fully and meaningfully participate in decision-making in all initiatives related to national and local level peace processes.

*Prohibition of all forms of slavery*

- Continuing efforts to combatting trafficking in persons.

*Right to family life*

- Implementing the Child Protection Law and Family Protection Law in order to bring the provisions of the Civil Code, on the part concerning the marriage age, in line with the provisions of the Convention on the Rights of the Child.





## **C. Economic, Social and Cultural Rights**

### *Right to an adequate standard of living*

- Continuing efforts to promoting economic, social and cultural rights of the people, in particular vulnerable social groups, such as women, children, persons with disabilities, refugees, returnees and internal displaced persons (IDPs), and strengthening national programs in reducing poverty and unemployment, inter alia, the implementation of the 2030 Agenda for Sustainable Development.
- Strengthening social programs to help the poor and other vulnerable groups, including in rural areas, to improve their skills and have better access to economic opportunities as well as basic services.

### *Right to health*

- Continuing efforts to develop effective and sustainable health systems and to improve access to quality healthcare services to all, including to persons with disabilities and groups rendered vulnerable by conflict.
- Providing necessary medical immunization, particularly polio vaccination.

### *Right to education*

- Guaranteeing the right to education, increasing the resources allocated to education and allocating an inclusive budget for education for all its citizens, equally and without discrimination based on gender, religion, race and ethnicity.
- Continuing efforts towards a free and compulsory education.
- Guaranteeing equal access to education for women and girls, addressing challenges to increase girls' access to education and combating barriers to education due to insecurity, and combating harmful practices such as forced and early marriage.
- Providing education and care for children with disabilities.
- Taking the necessary measures to protect schools and other educational establishments, and ensuring accountability for perpetrators of attacks on education institutions.
- Promoting a culture of human rights, through education and training programs and activities.

## **Rights of specific persons or groups**

### *Women*

- Adopting all necessary legal and regulatory measures to eliminate violence and discrimination against girls and women, including domestic violence, and ensuring prompt investigations of violence against women and ensuring that perpetrators are brought to justice.
- Eradicating rooted violent practices, such as "honour" killings, mutilation, stoning, forced self-immolation, child marriage and exchanges using marriage to settle disputes.
- Addressing factors of violence against women including people's lack of adequate knowledge of the national laws and human rights, through human rights education and awareness raising for the general public.

- Strengthening the measures to eradicate all forms of violence and discrimination against women of ethnic, religious or linguistic minority groups, as well as to protect their rights.
- Increasing the number of shelters for women and girls victims of gender based violence and strengthening the care service provided.
- Deepening measures to investigate and sanction discriminatory and degrading customs and traditions towards women and girls.
- Continuing measures for women's empowerment in the economic sphere and gender equality, by allocating sufficient economic and human resources for coordination of departments involved in human rights, in particular those which are responsible for safeguarding the empowerment of women in the society.

#### *Children*

- Eliminating early and child marriage, setting the legal age for girls to marry at 18 years and ensuring that the law is effectively enforced, including by investigating and prosecuting cases of child marriage.
- Preventing and ending the recruitment of children, and ensuring accountability for all perpetrators.
- Taking appropriate measures to ensure birth registration of all children born in the country in order to reduce the risk of statelessness.
- Explicitly prohibiting corporal punishment of children in all settings.
- Implementing safeguards to prevent the practice of bacha bazi, sexual exploitation and abuse of boys, including by Afghan National Security Forces, and holding those responsible accountable, including through prosecution in order to eradicate the practice.

#### *Persons with disabilities*

- Strengthening and improving the rights of persons with disabilities, especially women and girls with disabilities, economically, politically and socially, by establishing policies and concrete actions at central and local levels.
- Establishing a system to identify and assess the educational needs of children with disabilities, and building institutionalized capacity to assist and provide them inclusive education.

#### *Minorities*

- Intensifying efforts to protect and promote freedom of religion or belief and the rights of persons belonging to religious minorities.
- Taking all measures to protect civilians in full respect of international humanitarian law and human rights, in particular specific measures for the protection of ethnic and religious minorities.

#### *Refugees, asylum seekers and internally displaced persons*

- Protecting the rights of IDPs and providing effective mechanisms for addressing their specific needs, and renewing commitment to the National Policy on Internally Displaced Persons and its implementation.



- Facilitating the return of Afghan refugees and guaranteeing the enjoyment of their rights and reintegration, by creating an enabling environment for their regular and sustained return; providing livelihood opportunities and equitable access to quality education and health care services; and ensuring that the most urgent needs of those displaced are met with sufficient resources allocated.

*Stateless persons*

- Ensuring official birth registration and issuance of birth certificates by the Ministry of Public Health for all children born in Afghanistan, including foreign nationals; and promoting and facilitating access to individual civil documentation, particularly a tazkira (national identity certificate) for all Afghan nationals.
- Considering accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- Enacting laws and policies that protect the rights of refugees and asylum-seekers and ensure oversight by relevant state institutions.
- Continuing enacting laws and policies that protect the rights of internally displaced persons and refugee returnees, including on land allocation and shelter assistance.