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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 is being issued without formal editing.



1. The Islamic Republic of Afghanistan considers the Universal Periodic Review an effective and constructive mechanism of the Human Rights Council to enhance the promotion and protection of human rights worldwide. The participation of Afghanistan, despite the challenges, emphasises the importance of this mechanism in providing a platform to review its human rights record, share best practices and recognise challenges in the human rights situation of the country concerned. The fourth cycle is an opportunity to not only maintain the universality of the UPR, but also to present a picture of the deteriorating situation and foster an effective response.

2. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its forty-sixth session from 29 April to 10 May 2024. The delegation, led by Ambassador and Permanent Representative of the Islamic Republic of Afghanistan to the United Nations Office in Geneva and other international organisations in Switzerland, Dr. Nasir Ahmad Andisha, presented the report on 29 April 2024 and engaged in a constructive dialogue with member states on the human rights situation in Afghanistan. The report of the Working Group on Afghanistan's fourth cycle review was adopted at its 10th meeting, held on 03 May 2024.

3. Afghanistan received 243 recommendations and attaches great importance to these recommendations. Since the military takeover of Afghanistan in August 2021, the situation in the country continues to present grave concerns regarding the upholding of human rights. It is therefore imperative for the Member States and the international community to closely monitor and immediately address violations and abuses of civil, political, economic, social and cultural rights, and ensure that every individual in Afghanistan can exercise their rights freely and without fear of persecution, repression, or discrimination.

4. In total, 215 recommendations are accepted, 21 are noted and 7 are partially accepted. Afghanistan's engagement and participation in the UPR process signifies its unwavering commitment to promote and protect human rights. The specific replies are as follows:

Accepted recommendations

5. 109.5, 109.6, 109.7, 109.8, 109.9, 109.11, 109.12, 109.13, 109.14, 109.15, 109.16, 109.17, 109.18, 109.19, 109.20, 109.21, 109.23, 109.24, 109.25, 109.26, 109.27, 109.28, 109.29, 109.30, 109.31, 109.32, 109.33, 109.34, 109.35, 109.36, 109.37, 109.38, 109.39, 109.40, 109.41, 109.42, 109.43, 109.44, 109.45, 109.46, 109.54, 109.61, 109.63, 109.66, 109.67, 109.68, 109.69, 109.70, 109.71, 109.72, 109.73, 109.74, 109.75, 109.76, 109.77, 109.78, 109.79, 109.80, 109.81, 109.82, 109.83, 109.85, 109.86, 109.87, 109.88, 109.89, 109.90, 109.92, 109.93, 109.94, 109.95, 109.96, 109.97, 109.98, 109.99, 109.100, 109.101, 109.102, 109.103, 109.104, 109.105, 109.106, 109.107, 109.108, 109.109, 109.110, 109.111, 109.112, 109.113, 109.114, 109.115, 109.116, 109.117, 109.118, 109.119, 109.120, 109.121, 109.122, 109.123, 109.124, 109.126, 109.127, 109.128, 109.130, 109.131, 109.132, 109.133, 109.134, 109.135, 109.136, 109.137, 109.138, 109.139, 109.140, 109.141, 109.142, 109.143, 109.144, 109.145, 109.146, 109.147, 109.148, 109.149, 109.150, 109.151, 109.152, 109.153, 109.154, 109.155, 109.157, 109.158, 109.159, 109.160, 109.161, 109.162, 109.163, 109.164, 109.165, 109.166, 109.167, 109.168, 109.169, 109.170, 109.171, 109.172, 109.173, 109.174, 109.175, 109.176, 109.177, 109.178, 109.179, 109.180, 109.181, 109.182, 109.183, 109.184, 109.185, 109.186, 109.187, 109.188, 109.189, 109.190, 109.191, 109.192, 109.193, 109.194, 109.195, 109.196, 109.197, 109.198, 109.199, 109.200, 109.201, 109.202, 109.203, 109.204, 109.205, 109.206, 109.207, 109.208, 109.209, 109.210, 109.211, 109.212, 109.213, 109.214, 109.215, 109.216, 109.217, 109.218, 109.219, 109. 220, 109.221, 109.222, 109.223, 109.224, 109.225, 109.226, 109.227, 109.228, 109.229, 109.230, 109.231, 109.232, 109.233, 109.234, 109.235, 109.236, 109.237, 109.238, 109.239, 109.240, 109.241, 109.242.

6. **International Human Rights Obligations:** Afghanistan must comply with its obligations arising from international instruments, including the Universal Declaration of Human Rights, the UN Charter, and core international human rights treaties and optional protocols, to which Afghanistan is a State Party. Upholding internationally recognized human rights standards is essential for protecting the dignity and freedom of all of its citizens, preventing abuse and discrimination, and ensuring equal treatment under the law. Promoting

respect for human rights is a necessary element of durable peace. Integrating human rights into the educational process to promote a culture of human rights is crucial. Granting the Special Rapporteur on the situation of human rights in Afghanistan and the Human Rights Section of the United Nations Assistance Mission in Afghanistan (UNAMA) access to the country, as well as cooperation with other United Nations bodies and mechanisms remains essential for continued investigation, reporting and documentation of human rights abuses and violations.

7. **Prevention and Accountability:** The Afghanistan Independent Human Rights Commission (AIHRC), an institution, which had maintained A status and was in full compliance with the Paris Principles, was dismantled by the Taliban *de facto* authorities in August 2021. It remains essential to ensure such an institution is reinstated. The absence of such an institution, in addition to the dismantling of the rule of law, the absence of an independent judicial system, the lack of credible national investigations and fair trials, and restrictions on travel for the Special Rapporteur on the situation of human rights in Afghanistan, has left the victims and survivors inside the country with no avenues for accountability. To combat impunity, the recommendations to establish an independent investigative mechanism within the Human Rights Council to ensure thorough investigations, accountability, and remedies for victims and survivors, and to ensure cooperation with the International Criminal Court, are supported.

8. **Counter-Terrorism:** The recommendation to address the persisting threat of terrorism in Afghanistan, in accordance with relevant international human rights law is supported.

9. **Civil and Political Rights:** The current structure of the Taliban *de facto* authorities is non-inclusive and non-representative. It therefore remains essential to take steps to facilitate the establishment of an inclusive and representative Government, including for all ethnic, religious and gender minorities, ensuring the full, equal and meaningful participation of women and youth in decision-making. Recommendations calling for the establishment of an inclusive and representative Government by ensuring the full, equal and meaningful participation of women and youth in decision-making positions, including those related to the promotion and protection of human rights, are thus supported. Moreover, recommendations concerning the cessation of violations or abuses, including summary or extrajudicial executions, arbitrary arrests and detention, torture, ill-treatment and other inhuman, cruel and degrading treatment, forced displacement and collective punishment, are supported and should be immediately implemented. In addition, all individuals, including activists, human rights defenders, journalists and media workers, who have been arrested or detained for exercising their rights to freedom of expression, association and peaceful assembly must be immediately released and allowed to work freely without censorship or risk of reprisal.

10. **Specific Groups:** Afghanistan is a party to the Convention on the Elimination of All Forms of Discrimination against Women. Recommendations preventing gender-based violence, eliminating all forms of institutionalised discrimination and systematic oppression against women and girls, and combating harmful practices such as early and forced marriage are thus supported. Recommendations to rescind all bans, discriminatory edicts and decrees issued since August 2021 by the Taliban *de facto* authorities, which curtail the rights and freedoms of women and girls, including access to quality education and employment, as well as those of individuals belonging to ethnic, religious and other minority communities, are also supported. Recommendations with regard to ensuring their full, equal, meaningful and safe participation in all spheres of public life and peacebuilding processes are supported. Recommendations regarding the protection of religious and ethnic minorities, ensuring their safe access to places of worship and educational institutions, without fear of violence and discrimination, and the prevention of harassment, persecution or imprisonment against them are supported. Recommendations concerning the prevention of all grave violations against children are supported. Recommendations concerning the prohibition of all forms of discrimination on the grounds of disability are also supported.

11. **Humanitarian Crisis:** Recommendations concerning ensuring unrestricted access to humanitarian aid and assistance, including essential health services and medical supplies, without discrimination, particularly for the most vulnerable groups, and funding to the

Afghanistan Humanitarian Needs and Response Plan of the Office for the Coordination of Humanitarian Affairs are supported.

12. 109.51 – Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “...and put an end to corporal punishment, in particular the stoning of women.”

(b) **Noted:** “Abolish the death penalty...”

13. 109.52 – Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “...and prohibit all forms of corporal punishment.”

(b) **Noted:** “Abolish the death penalty...”

14. 109.53 – Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “End executions...”

(b) **Noted:** “...and return to a moratorium on the death penalty, as a preliminarily step to its abolition.”

15. 109.59 – Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “Reinstate a moratorium on executions...”

(b) **Noted:** “...and abolish the death penalty.”

16. 109.60- Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “Impose an immediate moratorium on any further executions...”

(b) **Noted:** “...and take steps towards the abolition of the death penalty.”

17. 109.62 – Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “...and evaluate the possibility of introducing a moratorium on new executions.”

(b) **Noted:** “Adopt measures to abolish the death penalty...”

18. 109.65 – Partially accepted: This recommendation contains two issues in which one of them is accepted and the other is noted, as follows:

(a) **Accepted:** “End the use of floggings and other State-sanctioned cruel punishment...”

(b) **Noted:** “...and abolish the death penalty.”

Noted recommendations

19. 109.1, 109.2, 109.3, 109.4, 109.10, 109.22, 109.47, 109.48, 109.49, 109.50, 109.55, 109.56, 109.57, 109.58, 109.64, 109.84, 109.91, 109.125, 109.129, 109.156, 109.243.

20. The content of the noted recommendations calls for accession to international human rights instruments, abolition of the death penalty, engagement, and technical cooperation. Each recommendation or clustered recommendation will be explained as follows:

(a) **Accession to international human rights instruments:** Afghanistan takes note of the importance of adhering to international human rights treaties that are not yet ratified, particularly those focused on combating trafficking in persons, addressing cases of statelessness, protecting migrant workers and their families, preventing forced disappearances, and eliminating discrimination against women. Afghanistan is committed to

aligning with international standards to ensure the protection and promotion of human rights for all citizens. Taking into consideration the dismantling of national structures since August 2021, once Afghanistan is in a position to consider the ratification and accession to further international human rights instruments, it can thereafter decide upon them.

(b) **Abolition of the death penalty:** In 2017, a commission under the Deputy Attorney General of Afghanistan was formed to review death penalty cases, and in 2018, it recommended commuting many sentences to long-term imprisonment, a proposal accepted by the President. A special committee was later established to monitor these cases, and the new Penal Code significantly limited the death penalty to serious crimes under Article 170. Afghanistan also had a moratorium on executions. However, since August 2021, the Taliban *de facto* authorities have suspended the existing criminal laws and have implemented their own interpretation of Sharia Law, including through public executions, which are arbitrary and contrary to the right to life, public floggings, stoning, and other forms of corporal punishment, which constitute torture or cruel and inhuman punishment, which must be ceased immediately. In the absence of rule of law, due process and fair trial rights, including access to legal representation, a moratorium on executions remains critical.

(c) **Engagement:** Recommendations concerning dialogue or engagement with the Taliban *de facto* authorities risk serving to normalise their illegitimate regime, reinforcing their practices of violence and abuse, and their institutionalised system of discrimination, oppression, segregation, disrespect for human dignity and exclusion, as well as entrenching the climate of impunity; such recommendations are therefore noted. Any dialogue or engagement must be contingent on and centred around respect for the human rights and fundamental freedoms of the people of Afghanistan.

(d) **Technical cooperation:** Recommendations concerning technical cooperation, including capacity-building, risk serving to bolster and legitimise the Taliban *de facto* authorities, strengthening their capacity to solidify and further institutionalise their broad pattern of violence, violations, abuses, discrimination, repression, segregation, exclusion, and overall disrespect for human dignity, and are therefore noted.
