

AFGHANISTAN

Universal Periodic Review

Compilation of information from the United Nations Country Team

This document is a compilation of inputs received from 2 agencies:

- UNDP (2 inputs)
- FAO

The information received from the above agencies has been lightly edited, in terms of clarifying some terminology, but not verified by OHCHR/UNAMA Human Rights Service. UNHCR has submitted its input as a standalone contribution to the UPR.

A) United Nations development programme (UNDP)

1. ADMINISTRATION OF JUSTICE AND RULE OF LAW IN AFGHANISTAN

(This has been prepared as a response to the recommendations from the Report of the WG on Afghanistan for the UPR of 2014, as well as providing important updates and highlights in the arena of improvement in Justice and Rule of Law in Afghanistan. These comments relate to section C of the UPR UN compilation: Administration of Justice and the Rule of Law)

- 1.1** Strengthening of human rights values and trainings to state officials: The Human Rights Support Unit (HRSU) has been established and embedded within the *tashkil* [staffing table] of the Ministry of Justice. The HRSU was established as a primary follow-up on the 7 Human rights treaties ratified by Afghanistan and to ensure that the corresponding recommendation from the human rights bodies are implemented by all line ministries of the Government of Afghanistan, assist the Ministry of Foreign Affairs in its international reporting obligations as well as provide extensive training to all the government staff on human rights standards and obligations of Afghanistan.
- 1.2** Integration of Afghanistan's international human rights obligations into the national legislative framework, strengthening the domestic laws in compliance with the international human rights standards: The Department of *Taqnin* (Rule of Law/Codification) under the Ministry of Justice, has ensured that the legislative drafting process of all national laws is in compliance with the international human rights obligations of the country. Additionally, pertinent laws such as the Draft Protection of Whistleblowers Act, Draft Family Law Code (to reduce HR violations in family law matters including EAW matters), Draft Regulation on the Procedure of Legislative Drafting that enables a standardized procedure of drafting legislative documents by the Government in compliance with HR regulations have been worked upon but have yet to be brought into force, to ensure better legislative framework in the country.
- 1.3** National Public Awareness on Human Rights: Extensive work has been undertaken by the Ministry of Justice to increase the public awareness and information, with specific outreach to women and

children on legal aid as well as legal rights awareness. In addition, through the support of the Ministry of Higher Education, Guidelines have been put in place for an extensive Clinical Legal Education system in universities that allows for law students to undertake community awareness and legal outreach for students.

- 1.4 Enhanced Judicial Reform:** The High Council on the Rule of Law and Anti – Corruption has adopted the National Justice and Judicial Reform Plan (2017 – 2021). This is a comprehensive reforms plan for all national justice institutions including the Supreme Court, Attorney General Office, Ministry of Justice as well as relevant Anti-corruption institutions. The oversight of the Plan is under the Second Vice President’s Office. Institution level plans have been developed and put in place by the national justice institutions on the basis of the National Plan, however the Second Vice President’s office currently has no technical capacity or support to monitor the implementation of these reforms. This results with a slower than anticipated pace of the reform and a lack of effective monitoring of implementation progress and coordination.
- 1.5 Legal Aid:** In addition to the existing work and mandate of the Legal Aid Department (LAD) of the MoJ, Legal Aid Grant Facility (LAGF) was established to handle cases that cannot be covered by the LAD. Nation wide coordination mechanisms such as the ALAAN (Afghanistan Legal Aid and Advocacy Network) and Legal Education and Legal Aid (LELA) networks have been established along with the LAD of MoJ to support nationwide coordination and strengthening of the Legal Aid.
- 1.6 Informal Justice:** As per The Asia Foundation survey for 2017 and the World Justice Project report of 2016, suggest that the community elders (and community-based dispute resolution) is the *de facto* method for solving problems among the local residents. The Department of Taqin, MoJ, is currently finalising a Draft Law on Conciliation of Civil Disputes that seeks to bring the informal justice decisions within the ambit of the formal justice sector, ensuring a registration mechanisms for informal justice decisions in the lower courts. The law prohibits traditional practices of baad, badal and walwar as well as ensures decisions on women’s rights in the presence of representatives from Ministry of women’s affairs to protect the rights of women.
- 1.7 Combatting Corruption:** The Government made significant progress in combatting corruption. In 2016, the Anti-Corruption Justice Center (ACJC), a specialized court, was established to address corruption offences involving high-ranking public officials or high value. This came alongside the adoption in March 2017 and entry into force in February 2018 of a new Penal Code which criminalized all corruption offences mandatory under the UN Convention against Corruption. Although the ACJC succeeded in prosecuting serious corruption cases, enforcement of the court’s decisions and orders is still in need of significant progress to ensure that the credibility of the ACJC is maintained. In 2016, the High Council on Rule of Law and Anti-Corruption has been established and has been driving anti-corruption reforms and coordination of anti-corruption bodies. However, an anti-corruption law with a clear institutional framework for anti-corruption institutions’ mandate and coordination is still needed. This has not been provided within the National Anti-Corruption Strategy adopted in September 2017.
- 1.8 Recruitment and retention of female police officers:** Since 2013, UNDP and the Ministry of Interior Affairs, with funding from the government of Japan, have trained over 1,100 female officers at the state-of-the-art police training facility in Sivas, Turkey. Cadets at the academy go through an

intense schedule of training and learn advanced policing techniques. The training includes classes on law enforcement, computing, physical training, first aid, dispute resolution, community policing and crime scene investigation; and lasts four months. To date, approximately 3000 police officers are women. The Government still needs to increase its efforts to reach the Ministry of Interior's goal of 5000 female police officers.

1.9 Access to information: In November 2014, the Access to Information Law was adopted, enabling citizens to have access to any information if it was not expressly protected by privacy and national security consideration. This law was amended in March 2018 to address previous concerns. In particular, it introduced a reformed Commission for Access to Information with an independent budget, protection measures for whistleblowers and requested Ministers, national and local officials to categorize sensitive and confidential information.

2. Maternal Mortality Ratio

2.1 According to the 2015 AfDHS report, the pregnancy-related mortality ratio (PRM) is estimated at 1,291 deaths per 100,000 live births during the seven-year period before the survey (with a 95% confidence interval of 1,071 – 1,512) which is far higher than the set target for the reporting period. For every 1,000 live births, approximately 13 women died during pregnancy, during childbirth, or within 2 months after childbirth. The lifetime risk of pregnancy-related death (0.073) indicates that of 1,000 women age 15, about 73 would die before age 50 during pregnancy, childbirth, or within two months of childbirth. *Although this is published, the Government and key health partners are contesting this figure.*

<https://dhsprogram.com/publications/publication-fr323-dhs-final-reports.cfm>

3. HIV project

3.1 key human rights violations persist targeting key populations such as; MSM, FSW and drug users. These population continue to face discrimination and stigma that is affecting their access to health services. Of particular concern is that these population are being harassed including by law enforcement agencies. In Q1 2018, UN Implementing Partners reported;

- Death of 8 FSW (female sex workers) clients in Balkh.
- Death threats by Taliban to MSM clients in Kunduz if found in possession of condom.

4. Tuberculosis

4.1 Data available indicates that women are disproportionately affected by TB as compared to men. Some of the factors contributing to this issue are; cultural barriers, poverty, lack of education, lack of access, insecurity etc.

http://www.nationalplanningcycles.org/sites/default/files/planning_cycle_repository/afghanistan/tb_plan_afghanistan.pdf

B) Food and Agricultural Organization

10. Women's Empowerment

10.1 FAO has an institutional commitment to strive for gender equality and women's empowerment through its programs and projects. Gender is a cross-cutting theme in the FAO Strategic Framework and its five Strategic Objectives, which also confirm the organization's commitment to "pursue the integration of gender issues in all aspects of its work," ensuring that attention to gender equality becomes a regular feature of work on standard setting at all levels. Further, every one of FAOs programs has a specific gender component, in addition to some programs being focused almost exclusively on women's empowerment.

10.2 MAIL or MEW implements or co-implements every one of FAO's projects, and in the past four years, these ministries have made notable advances in gender parity. The most notable example was the Policy on Women in Agriculture that was published in 2015. This policy (<http://extwprlegs1.fao.org/docs/pdf/afg156955.pdf>), published by MAIL (with support from FAO) notes that "ignoring gender inequalities comes at a great cost to Afghanistan's ability to develop sustainably and govern effectively. The Strategy for Women in Agriculture underpins the need to make women's empowerment an integral part of the Ministry's policy analysis, design and implementation process. These must be supported by actions that are context-specific to the Afghan situation as there is no one-size-fits all formula for strengthening the role of women in agricultural development." The Strategy goes on to describe activities that can strengthen the role of women as farmers, producers, and managers of natural resources and food security.

10.3 Every project implemented with the GoIRA also begins with a stringent analysis of gender demographics and roles within the regions of implementation. Implementers decide upon selection criteria for gender-mainstreaming strategies, often prioritizing vulnerable female-headed households. And in households consisting of men and women, the roles and contribution of women are explored through surveys and inputted into databases which can help MAIL and its counterparts to understand women's role in the agriculture sector and address gender equality in a systematic way.

10.5 In 2015, the Central Statistics Office (CSO) established a Gender Statistics Unit, however the Statistics Laws of 2006 and 2013 do not call for the production of gendered statistics. Security issues and political instability have also undoubtedly limited the opportunities for data collection, while surveys only partially target gender issues.

10.6 Finally, every project FAO co-implements with GoIRA forms community groups (noted below). In addition to the disadvantaged groups discussed in the next section, these groups also include women, women's opinions, and incorporate women-specific needs into projects (such as

including washing platforms on irrigation canals or giving out energy-efficient cookstoves to save household money and women's time in collecting wood).

11. Disabled people, internally displaced people (IDP) and returning refugees, the elderly, and the youth

11.1 In all of FAO's projects in the past 4 years, formation of community groups has been a central focus. These groups, whether they be initial project consultation groups Common Interest Groups (CIGs), Farmer Field Schools (FFS) or women's self-help (WSH) groups, function to bring together community members under a common set of interests and goals. All of these groups are identified, established and managed solely or in close partnership with MAIL or partner ministries.

11.2 These groups have different compositions, but one area of foci for all of the groups is to ensure that disadvantaged or underrepresented peoples have a voice. Every effort is made to include disabled people, internally displaced people (IDP) and returning refugees, the elderly, the youth and the extremely poor (as well as women). While in some situations or locations it is not possible to include some of these groups, in many cases it is. One prime example is the ongoing animal vaccinations project. This project specifically targets smallholder farmers (seven or fewer animals), which often are extremely poor families, widows, or female-headed households. This project also specifically targets Kuchi through a vaccination campaign aimed at this nomadic and typically-illiterate group.