

AFGHANISTAN

Date of admission to UN: 19 November 1946.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Afghanistan has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 24 January 1983.

Afghanistan's second periodic report was due 30 June 1995.
Reservations and Declarations: Paragraphs 1 and 3 of article 26.

Civil and Political Rights

Acceded: 24 January 1983.

Afghanistan's third periodic report was due 23 April 1994.
Reservations and Declarations: Paragraphs 1 and 3 of article 48.

Racial Discrimination

Acceded: 6 July 1983.

Afghanistan's second through seventh periodic reports were due 8 May 1986, 1988, 1990, 1992, 1994 and 1996 respectively.

Reservations and Declarations: Articles 17, 18 and 22.

At its March 1997 meeting, the Committee considered the situation and reporting status of Afghanistan in the absence of a report by the government. In its concluding observations (CERD/C/50/Misc.4/Rev.1), the Committee expressed regret that no report had been submitted since 1984 and that the government had not responded to the invitation to participate in the meeting. It also expressed concern that the lack of an effective central authority in Afghanistan was hindering implementation of the Convention. The Committee decided to send a communication to authorities setting out reporting obligations and urging Afghanistan to resume a dialogue as soon as possible. The Committee suggested that the government avail itself of the technical assistance offered by the Office of the High Commissioner for Human Rights so that it could prepare and submit as soon as possible an updated report.

Discrimination against Women

Signed: 14 August 1980.

Torture

Signed: 4 February 1985; ratified: 1 April 1987.

Afghanistan's second and third periodic reports were due 25 June 1992 and 1996 respectively.

Reservations and Declarations: Articles 20 and 30.

Rights of the Child

Signed: 27 September 1990; ratified: 28 March 1994.

Afghanistan's initial report was due 26 April 1996.

Reservations and Declarations: General reservation.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on Afghanistan

A Special Rapporteur (SR) was first appointed to examine the human rights situation in Afghanistan in 1984 by the Chairman of the Commission on Human Rights, who had

been requested to do so by the ECOSOC. Since then, the mandate has been renewed regularly in resolutions by the Commission, confirmed by ECOSOC, in which the SR was requested to submit reports to the Commission and General Assembly. Mr. Choon-Hyun Paik was the Special Rapporteur during 1997.

The SR's 1997 report to the CHR (E/CN.4/1997/59) reflects the situation in Afghanistan after 27 September 1996. The summary narrative in the report was drawn in part from information received by the SR during visits he made to Pakistan and Afghanistan from 6 to 13 January 1997. The SR noted that, when he completed his report (dated 20 February 1997), the Taliban movement controlled roughly three quarters of the country while the remainder (mostly in the north) was controlled by members of the alliance comprising the Supreme Council for the Defence of Afghanistan.

According to the report, immediately after the Taliban assumed control, it made a number of statements to the effect that: the new Taliban government would be neither parliamentary nor presidential, but Islamic; a caretaker government would precede the establishment of a representative government to be elected by the Afghan people; Islamic law would be strictly enforced; all important decisions concerning areas under the control of the Taliban would continue to be made by their Supreme Council in Kandahar; and, the Amri Bel Maroof Wa Nai Az Munkar, i.e., the "Department for enforcement of right Islamic way and prevention of evils" (the religious police) had been established and empowered to mete out summary justice.

In his general observations, the SR stated that: Afghanistan continues not to have a legitimate, effective and functioning central government; a functioning independent, impartial and unified judicial system; a constitution; institutions of civil society; rule of law; accountability for human rights violations and mechanisms to provide redress to the victims. The report referred to the state of civil war and noted that local, especially tribal customs appear to prevail. The economy is virtually non-existent, unemployment has been rising steadily; inflation has been soaring and almost half of Afghanistan's housing stock has been damaged or destroyed along with the economic infrastructure. The Taliban movement does not appear to see itself bound by the international standards of human rights to which Afghanistan is a party, and the enjoyment of a number of fundamental human rights and freedoms is severely curtailed throughout the country.

Addressing specific human rights problems, the SR commented on individual cases and incidents relating to such violations as summary or arbitrary execution; retaliation and individual acts of revenge (some politically motivated); torture and other cruel, inhuman or degrading treatment, covering capital punishment and corporal punishment (including amputation of the hand or foot as determined by Sharia courts); arbitrary arrest and detention; and kidnapping and disappearances. The SR also commented on conditions for prisoners of war and political prisoners and on actions by the Taliban that severely restrict or totally subvert the rights to freedom of thought, expression, peaceful assembly and association, and the right to privacy and respect for property. On economic and social rights, the SR discussed the rights to work, to education and to freedom of movement. It is in these