

Committee against Torture

Concluding observations on the second periodic report of Afghanistan*

ADVANCE UNEDITED VERSION

1. The Committee against Torture considered the second periodic report of Afghanistan (CAT/C/AFG/2) at its 1515th and 1518th meetings (see CAT/C/SR.1515 and 1518), held on 25 and 26 April 2017, and adopted the present concluding observations at its 1535 and 1537th meetings, held on 9 and 10 May 2017.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Afghanistan and the information contained therein. It regrets, however, that the report was submitted over 20 years late, which prevented the Committee from conducting a periodic analysis of the implementation of the Convention by the State party following its ratification in 1987.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2003;

(b) The Rome Statute of the International Criminal Court, in 2003;

(c) The 1951 Convention relating to the Status of Refugees and its 1967 Protocol, in 2005; and

(d) The United Nations Convention against Corruption, in 2008.

5. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

(a) The adoption in January 2004 of the new Constitution, which *inter alia*, prohibits torture;

(b) The adoption in 2005 of the Law on Prisons and Detention Centres;

(c) The adoption in 2005 of the Juvenile Code;

(d) The adoption in August 2009 of the Law on Elimination of Violence against Women; and

(e) The issuance in February 2013 of the decree n°129 of the President of the Islamic Republic of Afghanistan to implement the Afghan fact-finding delegation's suggestions on the presence of torture and ill-treatment in detention centres.

6. The Committee also welcomes the following measures taken by the State party to give effect to the Convention, including:

* Adopted by the Committee at its sixtieth session (18 April-12 May 2017).

(a) The establishment of the Afghanistan Independent Human Rights Commission in 2002, whose activities include monitoring conditions in places of detention; and

(b) The adoption in February 2015 of the National Plan on the Elimination of Torture.

C. Principal subjects of concern and recommendations

Culture of impunity

7. While welcoming the delegation's assurances and the governmental measures evidencing that the fight against impunity is a priority of the State party, the Committee remains gravely concerned about the general climate and culture of impunity in Afghanistan as evidenced by the large number of cases of alleged human rights violations' cases involving senior State officials,. The Committee is deeply concerned that the National Reconciliation, General Amnesty, and National Stability Law, passed in 2007, prevents the prosecutions of individuals responsible for gross human rights violations, including acts of torture, committed before December 2001. In this connection, and while noting the establishment of the high level commission to deal with senior and medium-level appointments, the Committee is deeply concerned about the various reports alleging that perpetrators of war crimes and gross human rights violations, including acts of torture, are still exercising or nominated for official executive positions, even in the government. Consequently, the Committee is concerned that such a situation fosters a general climate of impunity and contributes to creating a widespread acceptance and legitimization of torture among the Afghan society (arts. 1, 2, 12 and 16).

8. **The Committee urges the State party to:**

(a) **Repeal provisions from the National Stability and Reconciliation Law preventing the prosecutions of gross human rights violations perpetrators, including for acts of torture;**

(b) **Effectively investigate and prosecute all perpetrators of past gross human rights violations, including acts of torture; and**

(c) **Ensure that all candidates for official executive positions did not perpetrate any human rights violation and if found responsible for past human rights violations, including torture, are not nominated.**

Allegations of widespread use of torture and ill-treatment

9. While noting the delegation's affirmations and commitment to fight the practice of torture in Afghanistan and the State party's concerns about protecting its population from terrorist groups and attacks, the Committee remains deeply concerned at the specific situation of national security related detainees, or conflict related detainees, that are most at risk of being subjected to acts of torture or ill treatment. The Committee is further concerned at the numerous reports, including from UNAMA, the International Criminal Court (*Report on Preliminary Examination Activities, 2016*), the Afghanistan Independent Human Rights Commission (AIHRC) and civil society, that beatings, electric shocks, suspensions, threats, sexual abuses, and other forms of mental and physical abuses are largely and increasingly practiced on detainees in custody in facilities run by the National Directorate of Security (NDS), the Afghan National Police (ANP) and the Afghan Local Police (ALP) primarily to extract confessions or information to be used in criminal proceedings (arts. 2, 12, 13, 15 and 16).

10. **The Committee urges the State party to:**

(a) **Install and maintain video recordings of all interrogations and install video surveillance in all areas of NDS, ANP and ALP custody facilities where detainees may be present, except in cases where detainees' right to privacy or to confidential communication with their lawyer or doctor may be violated;**

(b) Ensure that officials are trained on the use and the purpose of these video recordings and video surveillance; and

(c) Ensure that such recordings are kept in secure facilities and available to investigators, detainees and lawyers.

Impunity for acts of torture

11. While taking note of the information provided by the State party that some National Directorate of Security' officials were dismissed or degraded; welcoming the establishment of Human Rights Units in 21 provinces in order to prevent ill-treatment and torture in NDS detention centers; and commending the General Attorney's commitment during the dialogue to investigate and prosecute all cases raised at the occasion of the dialogue, the Committee remains concerned at the deficiencies in effectively investigating and prosecuting complaints of torture and ill-treatment perpetrated by law enforcement officials during detention and interrogation of national security related detainees, as evidenced by the particularly low rate of prosecutions and condemnations. The Committee also considers that internal administrative sanctions should never preclude an effective investigation into and prosecution of complaints of torture and ill-treatment. The Committee is also concerned at the numerous and credible allegations that complaints of torture and ill-treatment are dismissed due to the absence of physical signs of torture possibly due to late or no medical examination (2, 4, 10-14, 15 and 16).

12. **The Committee urges the State party to:**

(a) Ensure that all alleged cases of torture and ill-treatment are promptly medically documented in line with the Istanbul Protocol;

(b) Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively and impartially by an independent body;

(c) Ensure that perpetrators and their superiors responsible for ordering or condoning such practices are removed, disciplined and punished;

(d) Notwithstanding the internal administrative sanctions, ensure that alleged perpetrators are prosecuted and, if found guilty, convicted in accordance with the gravity of their acts, as required by article 4 of the Convention; and

(e) Unambiguously reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties.

Arbitrary, illegal and incommunicado detention

13. The Committee remains concerned at the widespread arbitrary and illegal detentions as evidenced by the 2015 and 2017 UNAMA reports "Treatment of conflict-related detainees in Afghan Custody" and "Treatment of conflict-related detainees: Implementation of Afghanistan's National Plan on the Elimination of Torture" (arts. 2, 11 and 16).

14. **The State party should release all persons detained arbitrarily or without any legal grounds and should ensure the right to a fair trial for all detained or arrested persons. The State party should ensure that all persons found responsible for arbitrary detentions are sanctioned with appropriate penalties.**

Situation in Kandahar province

15. While being aware of the difficulties in other provinces of Afghanistan, such as Farah, Herat and Nangarhar, the Committee is deeply concerned at the numerous reports brought to its attention concerning the situation in Kandahar province, identifying: (a) the worrisome rate of NDS and ANP detainees who allegedly experienced torture or ill-treatment, including *inter alia*, suffocation, crushing the testicles, water forcibly pumped in the stomach and electric shocks; (b) the ANP's alleged responsibility for incommunicado detention, enforced disappearances, mass arbitrary detention and extrajudicial killings, during counter insurgency operations. The Committee is particularly concerned at the

numerous and credible allegations indicating General *Abdul Raziq*, ANP Commander in Kandahar, as being widely suspected of complicity, if not of personal implication, in severe human rights abuses, including extrajudicial killings and settlement of secret detention centers (arts. 2, 4, 10-14 and 16).

16. The Committee urges the State party to take immediate measures to ensure that:

(a) All allegations of torture or ill-treatment in Kandahar are promptly, thoroughly and impartially investigated by a fully independent body; and

(b) All alleged perpetrators, including officials such as General Abdul Raziq, are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes.

Parwan (Bagram) detention facilities

17. While noting that the United States Armed Forces handed over the administration and responsibilities of Parwan detention facilities in 2013 to the State party, the Committee remains concerned that the Ministry of Defense is still administering Parwan detention facilities and at the credible allegations that Parwan detainees are routinely tortured as punishment for their past terrorist activities or for disciplinary measures. It is further concerned at the restrictive access to lawyers for Parwan detainees. The Committee is deeply concerned at the numerous allegations that at least 160 children in Parwan are detained with and under the same regime as adult detainees. In this respect, the Committee is further concerned at reports that minors associated with armed groups involved in insurgent movements are being punished instead of being rehabilitated (arts. 2, 4, 10-14 and 16).

18. The Committee urges the State party to take immediate measures to ensure that:

(a) The Parwan detention facilities' are transferred from the Ministry of Defense to the Ministry of Justice;

(b) All allegations of torture or ill-treatment in Parwan are promptly, thoroughly and impartially investigated by a fully independent body and perpetrators prosecuted; and

(c) All minors detained in Parwan are transferred to juvenile centers and duly rehabilitated.

International Security Assistance Force's (ISAF) accountability

19. While noting the ICC's Prosecutor's preliminary examination regarding the alleged war crimes, including acts of torture, committed by Anti-Government Groups, Afghan Government Forces and International Forces, and welcoming the delegation's affirmations that the Afghan government is fully committed to collaborate with the ICC, the Committee remains concerned at the situation of detainees transferred by ISAF to the Afghan government. It is also concerned that through consultancy or advisory positions, foreign elements remain informally in charge or involved in the running of detention centers of national security related detainees (arts. 2, 4 and 11).

20. The State party should:

(a) Fully cooperate with the ICC's prosecutor including by the collection and documentation of all cases involving ISAF administration and soldiers in order to ensure that no crime of torture committed in Afghanistan remains unprosecuted and unpunished; and

(b) Ensure that any foreign advisor or consultant respects the provisions of the Convention.

Use of torture and ill-treatment by non-State armed insurgency and terrorist groups and civilian casualties

21. While noting the State party's efforts to combat non-State armed insurgency and terrorist groups, the Committee deplores the presence of a wide range of armed groups, including the Taliban, *Da'esh* and *Hizb-i Islami*, perpetrating severe human rights abuses including extrajudicial killing and corporal punishment, such as flogging and stoning. The Committee is concerned at the numerous reports documenting the increase of propaganda for violent extremism in Afghanistan, including in some educational institutions, fostering the adherence and support of one part of the Afghan population to Taliban. It also deplores the deliberate attacks on civilians perpetrated by these groups causing a large number of deaths and injuries among civilians as stated in the UNAMA reports and in the last report prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council Resolution 14/15 (see A/HRC/34/41), (arts. 2, 4 and 12-14).

22. **The Committee recommends that the State party:**

(a) **Keep thorough documentation on the victims of torture and inhuman treatment in areas not under governmental control, on the type of violations of the Convention against them and the damages inflicted, as well as on the identity, if possible, of the alleged perpetrators, so that the State party can fully exercise its duties under the Convention when effective control is re-established and ensure that those found responsible are prosecuted;**

(b) **Undertake prompt, impartial and thorough investigations into all allegations of torture and ill-treatment committed under its jurisdiction;**

(c) **Provide effective redress to victims, including fair and adequate compensation, and as full rehabilitation as possible, in accordance with the Committee's general comment No. 3 (2012) on the implementation of article 14 of the Convention by State parties; and**

(d) **Take all necessary measures to counter violent extremism in Afghanistan.**

Current legal frameworks and criminalization of torture and ill-treatment

23. While welcoming the delegation's affirmations that the new bill of Law on Prohibition of Torture now includes a definition of torture that is identical with article 1 of the Convention, the Committee remains concerned that the legislation is not yet fully harmonized with the Convention notably in view of the lenient penalties - midterm sentences from 3 to 5 years of imprisonment - for the crime of torture under the Penal Code. The Committee furthermore deplores:

(a) The absence of clear legal provisions ensuring that other cruel, inhuman or degrading treatment or punishment are also clearly prohibited and criminalized as separate offence;

(b) The absence of legal provisions ensuring that victims have access to reporting mechanisms without fear of intimidation or reprisals from authorities; and

(c) That the State party's penal Code does not clearly prohibit corporal punishments, including flogging, amputation of limbs and stoning, which amount to torture and cruel, inhuman or degrading treatment or punishment, (arts. 1, 2 and 4).

24. **The Committee requests the State party to:**

(a) **Ensure that the new bill of Law on Prohibition of Torture including a definition of torture that covers all the elements contained in article 1 of the Convention is properly enforced under its jurisdiction;**

(b) **Ensure that penalties for torture and statutory limitations are commensurate with the gravity of this crime;**

(c) **Amend its legislation in order to prohibit and establish other acts of cruel, inhuman or degrading treatment or punishment as separate offences;**

(d) **Legally ensure that victims have access to reporting mechanisms without fear of intimidation or reprisals from authorities; and**

(e) **Amend its legislation in order to clearly prohibit all forms of corporal punishment as they amount to torture and cruel, inhuman or degrading treatment or punishment, in violation of the Convention.**

Fundamental legal safeguards

25. While welcoming the State party's information regarding procedural safeguards particularly set out in articles 7, 8, 9, 10, 11 and 152 of the Criminal Procedure Code of 2014, the Committee is concerned that in practice the rights of persons deprived of their liberty to have prompt access to a lawyer and independent medical doctor are not respected. The Committee is deeply concerned at the numerous allegations that detainees and in particular national security related detainees in NDS, ANP and ALP facilities:

(a) Do not have guaranteed access to lawyers including legal aid services and then medical personnel, from the outset of deprivation of liberty, when they are most at risk of being subjected to acts of torture or ill-treatment;

(b) Are frequently not notified of the reasons for their detention and not authorized to communicate with their relatives; and

(c) Are held in custody in complete violation of the time limits set out in the Criminal Procedure Code, some of them being allegedly detained in pretrial custody for 1 year. In this connection, the Committee is particularly concerned at the Presidential Decree 76, notably article 5 and 6, amending the Criminal Procedure Code adding provisions for "terrorist crimes and crimes against internal and external security" which significantly extend the time limit during which those suspected of terrorist crimes, or crimes against internal and external security could be held during the detention and investigation phase without having access to a judge (art. 2).

26. **The State party should ensure, in law and in practice that all detainees, including detainees suspected of terrorism or other security related offences, are afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2. It should ensure that law enforcement officials respect legal safeguards, and penalize any failure by officials to do so. It should in particular ensure that all persons deprived of their liberty including those suspected of terrorism or other security related crimes:**

(a) **Have the right to access to legal counsel of their choice, or if necessary to free legal aid by an independent lawyer in full confidentiality and are able to challenge, any time during the detention, the legality or necessity of the detention before a magistrate who can order the detainee's immediate release;**

(b) **Have the right to request and receive a medical examination by an independent doctor, preferably of their choice, in conformity with orders 5 and 6 of Presidential Decree 129, especially upon arrival;**

(c) **Are notified of the reasons for their detention;**

(d) **Have the right to contact a family member or a person of their choice to inform them about their detention and where about; and**

(e) **Are held in custody in conformity with the time limits set out in the Criminal Procedure Code and that all inconsistent provisions of the Presidential Decree 76 with the Convention are repealed.**

Coerced confessions

27. While taking note of the legal safeguards enshrined in the Criminal Procedure Code establishing the inadmissibility of documentation or evidence in violation of the law, the

Committee remains concerned at the numerous allegations of widespread use of forced confessions as evidence as basis for prosecution or conviction at trial and about the lack of cases in which officials have been prosecuted and punished for extracting confessions (art. 15).

28. **The State party should:**

(a) Adopt effective measures to ensure that coerced confessions are inadmissible in practice;

(b) Invite the judiciary to review all cases of convictions based solely on confessions obtained through torture and ill-treatment; and

(c) Take appropriate remedial measures and ensure that all cases of coerced confessions are promptly and impartially investigated, prosecuted and punished.

Conditions of detention

29. While taking note of the State party's challenges regarding the lack of budget and welcoming the 2005 Law on Prisons and Detention Centres, the Committee remains deeply concerned about the poor conditions of detention including severe overcrowding, inadequate access to water, sanitation, sufficient and quality food and to medical services. In this connection, the Committee is particularly concerned at the situation of women in prisons. It is also concerned at the situation in *Pul-Charghi* prison, where the renovation works are allegedly uncompleted due to corruption. The Committee is also deeply concerned at:

(a) The situation of detainees in solitary confinement which is applied to persons with epidemic diseases, with mental diseases and terrorists for prolonged periods of time;

(b) The widespread corruption among, law enforcement officers, in particular prison officers; and

(c) At the general lack of facilities to separate pre-trial detainees from convicted inmates. The Committee also regrets the under-use of non-custodial measures (arts. 2, 11 and 16).

30. **The State party should:**

(a) Take all measures to alleviate overcrowding in detention facilities, including through the application of alternative measures to prison;

(b) Ensure that all the projects of prisons' development or renovations are free from corruption and effectively completed;

(c) Take effective measures to improve access to drinking water, sanitation facilities and quality of food, and ensure that health services and facilities are available to all detainees, particularly for women and girls facilities;

(d) Ensure that the use of solitary confinement is reviewed and remains an exceptional measure of limited duration and that medical assistance is provided to ill persons in isolation;

(e) Ensure that pretrial detainees and convicted inmates are kept separate; and

(f) Develop educational programs to ensure that prison staff abide by the law and adhere strictly to rules and regulations.

Afghanistan Independent Human Rights Commission

31. While taking note of the delegation's affirmations that the AIHRC has access to all detention facilities throughout the country and commending the large and competent staff of the AIHRC, the Committee remains concerned at the reports from AIHRC that its monitoring staff members have limited access to custody and detention centers, especially NDS facilities, and no access to places of detention for suspects and accused. The

Committee is also concerned at the reports alleging that Dr. *Sima Simar*, chair of AIHRC, received death threats in relation to her work (arts. 2, 12 and 13).

32. The State party should:

(a) Continue to allocate adequate budget to AIHRC and provide it with additional resources including human resources to enable it to effectively fulfil its mandate;

(b) Enable AIHRC to make regular and unannounced visits to all places of detention, including those controlled by armed forces and international forces;

(c) Support AIHRC in undertaking documentation of alleged cases of torture in places of detention and investigate promptly and impartially all allegations of torture and ill-treatment reported by AIHRC;

(d) Implement recommendations made by AIHRC promptly and effectively; and

(e) Enable all personnel of AIHRC to safely conduct their human rights work without fear of reprisals.

Death penalty

33. While welcoming the delegation's information that a separate committee has been established to review death penalty sentences and discuss a plan to declare a moratorium on death penalty, the Committee remains concerned at the high number of prisoners on death row which currently amounts to 600, the tremendous length of time before the sentences' execution and at their conditions of detention while awaiting execution. The Committee is also deeply concerned at the recent cases of executions of minors (arts. 2 and 16).

34. The State party should:

(a) Promptly consider taking measures for an immediate moratorium on executions and a commutation of sentences;

(b) Respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty; and

(c) Immediately end the execution of minors and commute all existing death sentences for offenders on death row who had committed a crime while under the age of 18.

Harmful practices against children: child marriages and *bacha baazi*

35. The Committee is concerned at the widespread phenomenon of forced and early marriages of girls. While welcoming the delegation's affirmations that a new law is nearing adoption prohibiting *bacha baazi*, a practice that facilitates sexual violence against and sexual slavery of boys, the Committee remains deeply concerned that despite these new legal frameworks, the practice may remain widespread in Afghanistan, including among State officials, as evidenced by the involvement of *Shah Mirza Panjsheri* in a *bacha baazi* case. The Committee recalls its General Comment No. 2 which notes that indifference or inaction by the State with respect to serious violence committed by private actors, including against women and children, can suggest a failure to prevent or official consent or acquiescence to such violence in violation of the State party's obligations under the Convention (arts. 2, 4 and 16).

36. The State party should:

(a) Take all measures to ensure that forced and early marriages are prohibited, the responsible prosecuted and punished and the victims rehabilitated; and

(b) Take all measures to adopt promptly and enforce the new *bacha baazi* prohibition law and eradicate this practice, including by ensuring that all cases of sexual violence of boys, including those involving officials, are promptly and impartially investigated and the perpetrators prosecuted.

Violence against women

37. While commending the 2009 Law on Elimination of Violence against Women, the establishment of national and provincial Commissions on Elimination of Violence against Women and of Women Protection Centers, the Committee remains deeply concerned at the high prevalence of violence against women in the State party, in particular domestic violence, rape, battery, laceration, so called honor crimes and cases of stoning. It is concerned that the 2010 Law is not equally implemented in the Afghan provinces and that very few cases from rural or remote areas have been registered, these cases being frequently mediated through traditional dispute resolution mechanisms or undeclared by victims due to familial and social pressure. While noting the delegation's statement that the practice of virginity test belongs to the local culture and has no legal ground, the Committee remains deeply concerned that such a practice is routinely required by police officers and prosecutors for women fleeing domestic violence and consequently suspected of moral crimes, such as adultery (arts. 2, 4 and 16).

38. **The Committee urges the State party to take all measures to ensure that the 2010 Law is fully implemented in the territory of the State party. It should *inter alia*:**

(a) **Conduct awareness-raising campaigns on the content of the Law and encourage women to report all cases of violence;**

(b) **Increase the presence of women among the police staff and the judiciary;**

(c) **Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and held to account and that victims obtain redress, including adequate compensation;**

(d) **Conduct training and campaign for the general public and public officials to increase the understanding that violence against women constitutes a grave violation of the Convention and domestic law; and**

(e) **Take all measures, including legal, to ensure that virginity tests are prohibited and ensure that all officials ordering virginity tests are adequately sanctioned.**

Parallel justice mechanisms

39. While taking note of the State party's affirmations that informal parallel judicial mechanisms, particularly *Jirga* courts, may only hear civil cases and commending that the government strives to build capacity of ordinary courts in rural areas to reduce the number of cases referred to *Jirga* and any other parallel justice system, the Committee however is seriously concerned at the sentences still imposed by *Jirga* and other forms of dispute resolution system on the Afghan population, particularly on women, notably for so-called moral crimes, including death sentence and corporal punishment that amount to torture or cruel, inhuman or degrading treatment or punishment (arts. 2, 4 and 16).

40. The State party should:

(a) Set up an effective system for monitoring and revising decisions by *Jirga* courts in order to ensure that State officials do not recognize or carry out judgements of parallel judicial mechanisms that exculpate perpetrators of crimes committed in the name of "honor", that call for women to be subject to corporal punishment, or that are otherwise inconsistent with the State party's obligations under the Convention; and

(b) Develop clear and mandatory instructions for prosecutors identifying which *Jirga* decisions should lead to criminal prosecutions.

Redress, including compensation and rehabilitation

41. While noting that article 51 of the Constitution recognizes general redress and compensation for any undue harm by government action, the Committee remains concerned at the absence of separate and specific law providing redress, including compensation and rehabilitation for victims of torture. It regrets that claims for the compensation of damages resulting from acts of torture or ill-treatment can only be launched through civil lawsuits.

This is in contravention of the primary responsibility of the State to provide redress and excludes:

- (a) Any claim when the perpetrator has not been identified;
- (b) Any compensation when the perpetrator is insolvent; and
- (c) Any case when the victim does not personally seize courts. The Committee particularly deplores that the State party was unable to provide any case where compensation for torture or ill-treatment has been granted (art. 14).

42. **The Committee, recalling its general comment No. 3, urges the State party to:**

(a) Acknowledge its obligation to victims of torture and take measures, including through legal reforms, to guarantee that victims of torture and ill-treatment benefit from effective remedies and can obtain redress, including adequate compensation and rehabilitation, including in cases in which the perpetrator has not been identified or convicted of a crime;

(b) Create a specific governmental fund or budget line to ensure that all victims get access to compensation;

(c) Ensure that specialized, holistic rehabilitation services are available and promptly accessible by victims of torture and ill-treatment, including victims from the past conflicts, through the direct provision of rehabilitative services funded by the State; and

(d) Foster the creation of rehabilitation centers administered by non-governmental organizations.

Threats, violence and intimidation of human rights defenders

43. While taking note that the State party will evaluate and monitor complaints submitted by human rights defenders to AIHRC and that it did not receive any complaint on arbitrary detention, forced disappearance and torture of human rights activists, the Committee remains deeply concerned about numerous reports alleging that human rights defenders, as well as journalists, are subjected to threats, intimidation, harassment, surveillance, arbitrary detentions, forced disappearances and killings. It is particularly concerned at the lack of adequate measures taken by the State party to protect them from reprisals for their work as stated in the report prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council Resolution 14/15 (see A/HRC/34/41, para. 68), (art. 2) .

44. **The Committee urges the State party to:**

(a) Ensure that human rights defenders are able to conduct their work and activities freely in the State party, without fear of reprisals or attacks; and

(b) Investigate promptly, thoroughly and impartially all violations committed against human rights defenders, prosecute and punish appropriately those found guilty and provide redress to the victims.

Training

45. While noting the State party's information regarding training and program already in place or delivered, notably for the judiciary, the Committee regrets that:

- (a) No training for all components of the judiciary sector together;
- (b) No training for officials and health personnel on how to identify the physical signs of torture and other forms of violence; and
- (c) No training on non-coercive interrogation techniques have taken place (art. 10).

46. **The State party should:**

(a) Consider organizing training for the judicial service gathering investigators, prosecutors, judges and medical personnel in order to train them on similar and coordinated lines;

(b) Ensure that all relevant officials, including medical personnel, are specifically trained to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol; and

(c) Ensure that all law enforcement officers receive mandatory trainings insisting on the link between non-coercive interrogation techniques, the prohibition of torture and ill-treatment and judiciary obligation to invalidate confessions obtained under torture.

Follow-up procedure

47. The Committee requests the State party to provide, by 12 May 2018, information on follow-up to the Committee's recommendations on paragraphs 8 (c), 28 (c) and 34 (a). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

48. The Committee welcomes the delegation's commitment to remove Afghanistan's reservation regarding article 20 to the Convention and invites the State party to effectively implement this commitment.

49. The Committee invites the State party to consider making the declarations under articles 21 and 22 of the Convention.

50. The Committee welcomes the delegation's commitment to ratify the Optional Protocol to the Convention and invites the State party to effectively implement this commitment.

51. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party.

52. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

53. The State party is invited to submit its next periodic report, which will be its third, by 12 May 2021. To that purpose, the Committee will, in due course, submit to the State party a list of issues prior to reporting, considering that the State party has accepted to report to the Committee under the optional reporting procedure. The State party's replies to that list of issues will constitute its third periodic report under article 19 of the Convention.
