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Situation of human rights in Afghanistan

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly a brief interim report on the situation of human rights in Afghanistan prepared by Kamal Hossain, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 56/176 of 19 December 2001 and Economic and Social Council decision 2002/252 of 25 July 2002.

* A/57/150.

** The present report is being submitted on 13 August 2002 so as to take into account the Economic and Social Council mandate and as much updated information as possible.

Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan

Summary

This is the eighth report of the Special Rapporteur on the situation of human rights in Afghanistan. The Special Rapporteur visited Pakistan and the Islamic Republic of Iran in October 2001, Kabul in January 2002 and Herat in February.

The Bonn Agreement, concluded on 5 December 2001, elaborated a transitional framework through which the people of Afghanistan can freely determine their own political future and undertake the task of rebuilding their State. The Agreement reaffirmed the independence, national sovereignty and territorial integrity of Afghanistan. The goal of the transition process is the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government. Human rights are to be fully integrated into the humanitarian, reconstruction and political activities undertaken during the transition, with the aim of building sustainable institutions that will support human rights, democracy and the rule of law.

Under the Agreement, an Emergency Loya Jirga was to be convened within six months of the establishment of the Interim Authority and to decide on a Transitional Authority, including a broad-based Transitional Administration that would lead Afghanistan until a fully representative government could be elected through free and fair elections, which would be held no later than two years from the convening of the Emergency Loya Jirga.

Despite the widely noted imperfections in the convening and conduct of the Loya Jirga, the fact that it was convened within the time frame laid down in the Bonn Agreement was a significant milestone. It presented the Afghan people with a forum where they could express and exchange views and marked the beginning of a process for resolving internal differences through political means rather than by violence. The Loya Jirga ended by electing President Hamid Karzai and approving the Cabinet of the Transitional Administration, which is composed of five Vice-Presidents, three Special or National Advisers with Cabinet status, and 30 ministers, including three women.

Criticism was expressed that persons with questionable records were not excluded from the Loya Jirga process. Concerns were expressed that the continuing impunity of those responsible for gross human rights violations could present an obstacle both to the emergence of democracy and to the establishment of the rule of law. President Karzai emphasized that the imperative of justice would be kept in sight but that peace must be established first.

The Special Rapporteur therefore urged that priority be given to replacing the rule of the gun by the rule of law. This would require building up a national police force as well as other disciplined forces for purposes of internal security and defence. It was emphasized that for human rights to be restored, it would be necessary to disarm the country, collect the arms held by many groups under various local commanders and establish a national legal order based on human rights and the rule of law.

The Special Rapporteur issued specific warnings in October and November 2001 about the need to take special measures to protect civilians against the threat of ethnically motivated violence in areas where ethnic minorities identified with the earlier regime could be exposed to reprisals. Reliable reports indicated that as territories changed hands, scattered Pashtun communities in northern and central Afghanistan were especially vulnerable. Also, there were numerous reports of fighting between armed factions in Balkh and in areas around Mazar-i-Sharif. Robberies and killings of local Afghans were reported from various parts of southern Afghanistan. The capacity of the Interim Administration to take effective measures was clearly limited by the absence of an effective national police force or local law enforcement mechanisms, as well as the fact that the International Security Assistance Force (ISAF), which numbered about 5,000, was deployed only in and around Kabul.

In his reports, the Special Rapporteur drew attention to the plight of prisoners. Overcrowding, malnutrition and disease were reported, in particular in Sheberghan prison, which in November 2001 housed over 3,000 prisoners and where conditions clearly did not meet minimum standards of human treatment. Prisoners are being released in batches as a means of alleviating prison conditions. There is some concern about reports of women being detained for violating social codes.

There are reports that aerial bombing as part of the military operations of the coalition led by the United States of America has resulted in civilian casualties in a number of locations. On-site review of 11 locations indicates that, over a six-month period, air strikes killed as many as 400 civilians. It is important that thorough high-level investigations be held to identify the causes of air strikes that result in civilian casualties. Prompt corrective action should be taken to avoid any recurrence.

Disarming armed groups under local commanders is a necessary first step towards bringing people under the rule of law. The security of life and property must be effectively protected and a national police force must be organized again as a matter of the highest priority. A human rights-based approach to policing would involve special training and human rights education, a code of ethics and the establishment of an independent monitoring body. The reports of violations of the human rights of ethnic minorities and vulnerable sectors of the population, including assaults and sexual abuse, clearly provide the strongest argument for according the highest priority to strengthening the internal security force available to the Transitional Administration.

An Independent Human Rights Commission was established by decree on 6 June 2002. It is empowered to consider any questions falling within its competence and to initiate its own inquiries and investigations. It is also vested with the power to hear any person and obtain any information, evidence and documentation necessary to assess situations and cases.

A Judicial Commission was similarly established. It is an independent expert body entrusted with the task of making recommendations on all action necessary for rebuilding the justice system in Afghanistan. It is to work in close consultation and cooperation with the Ministry of Justice and other governmental and non-governmental bodies.

For the realization of the ultimate aim of the Bonn Agreement — the emergence of a broad-based, gender-sensitive, multi-ethnic and fully representative

government — it is imperative that a human rights-based strategy be adopted. The Transitional Administration is expected to promote participatory governance at all levels and engage in extensive consultations in carrying out its work. The commissions established by it should visibly involve all sectors of the Afghan populace.

The Bonn Agreement directs the United Nations to ensure that a rights-based and gender-sensitive approach is applied in all aspects of its work. The report of the Secretary-General on the situation of women and girls in Afghanistan (E/CN.4/Sub.2/2002/27) contains detailed recommendations that emphasize the need for the full participation of women in political decision-making and the importance of a rights-based and gender-sensitive approach to relief, reconstruction and development. It elaborates specific recommendations for action to be taken at the national and international levels for that purpose.

Funds and food are urgently needed to meet both survival needs and priority reconstruction projects. There is also a need to ensure that the assistance is equitably distributed throughout Afghanistan and, in particular, that it reaches the remote areas and the most vulnerable sectors of the population. The \$1.6 billion 15-month overall international assistance programme that started on 1 October 2001 has received some \$820 million. As at July 2002, \$777 million were needed by the end of the year, of which nearly \$400 million were needed in the third quarter. The funds pledged have to be provided urgently. Delay in the provision of funds could cause serious damage to the transition process in which Afghanistan and its people are currently engaged.

The Office of the United Nations High Commissioner for Refugees has assisted more than a million Afghans to return home from Pakistan and more than 83,000 from the Islamic Republic of Iran. To encourage the return of refugees, on 22 December 2001 the Interim Administration issued the Presidential Decree on the Dignified Return of Refugees, welcoming them and assuring them protection against harassment, intimidation, discrimination or persecution for reasons of race, religion, nationality, membership in a particular social group, political opinion or gender.

The highest priority has to be accorded to security in order to protect lives and property. The building of a national army, which has begun, needs to be accelerated. In the meantime, ISAF must be expanded and deployed wherever needed beyond Kabul and its environs. A national human rights-sensitive police force must be developed to carry out law enforcement effectively and impartially. Urgent action should be taken to review prison conditions to ensure that prisoners are treated humanely, in conformity with internationally recognized standards.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–2	6
II. The Bonn Agreement: the framework for transition	3–12	6
III. The Transitional Administration and the way ahead	13	8
IV. Human rights as a key feature of the transitional framework	14–15	8
V. Review of the human rights situation during the initial phase of the transition ...	16	9
VI. Violence and human rights abuses	17–20	9
VII. Political assassinations	21	11
VIII. Prisoners	22–25	11
IX. Civilian casualties of military operations	26	12
X. Human rights priorities: security, the rule of law and participatory democracy ...	27–30	12
XI. Commissions on human rights, the judiciary and the constitution j	31–36	13
XII. United Nations approach to human rights in Afghanistan	37–43	15
XIII. Gender and the rights of women	44–47	16
XIV. Transitional justice	48–51	17
XV. National reconstruction and development: economic and social rights	52–63	18
XVI. Refugees	64–67	21
XVII. Recommendations	68–75	22

I. Introduction

1. This is the eighth report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan. The seventh report reflected the impact on the human rights situation of dramatic developments that took place in the last quarter of 2001. The Special Rapporteur visited Pakistan and the Islamic Republic of Iran in October 2001. He visited Kabul in January 2002 and Herat in February 2002.

2. The prospect of fundamental change began with the end of the Taliban regime. The United Nations was entrusted with the task of developing a political alternative to the Taliban regime. The Secretary-General assumed the pivotal role and mandated his Special Representative, Lakhdar Brahimi, to initiate consultations, which paved the way for the conference that was convened in Bonn on 27 November 2001. It was attended by delegations representing different Afghan groups — the Northern Alliance and exiled groups, including those affiliated with the country's former King, Mohammad Zahir Shah. A transition process was to be devised through which Afghans could undertake the task of rebuilding their State.

II. The Bonn Agreement: the framework for transition

3. The Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement), concluded on 5 December 2001, was signed by 25 parties on behalf of the Afghan participants and witnessed for the United Nations by the Special Representative of the Secretary-General. It elaborated a transitional framework through which the people of Afghanistan could freely determine their own political future. The Agreement reaffirmed the independence, national sovereignty and territorial integrity of Afghanistan. The goal of the transition process was defined as the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government.

4. Aspirations for peace and national reconstruction, shared widely by different segments of the Afghan people, were directed by the Bonn negotiations towards a time-bound series of measured steps. Power would officially be transferred to an Interim Authority to be established on 22 December 2001. The Interim Authority would consist of an Interim Administration presided over by a Chairman, a Special Independent Commission for the Convening of the Emergency Loya Jirga and the Supreme Court of Afghanistan, as well as such other courts as might be established by the Interim Administration. The Interim Authority was to be the repository of Afghan sovereignty and, throughout the interim period, would represent Afghanistan in its external relations, occupying its seat at the United Nations and at other international institutions and conferences.

5. The Emergency Loya Jirga was to be convened within six months of the establishment of the Interim Authority, that is by 22 June 2002, and would be opened by His Majesty Mohammad Zahir Shah, the former King of Afghanistan. The Emergency Loya Jirga would decide on the Transitional Authority, including a broad-based Transitional Administration, which would lead Afghanistan until a fully representative government could be elected through free and fair elections to be held no later than two years from the convening of the Emergency Loya Jirga.

6. The Special Independent Commission for the Convening of the Emergency Loya Jirga was to be established within one month of the establishment of the Interim Authority and was to consist of 21 members, a number of whom were expected to have expertise in constitutional and customary law. The members would be selected from lists of candidates submitted by participants in the United Nations talks on Afghanistan and by Afghan professional and civil society groups. The United Nations was to assist in the establishment and activities of the Commission.

7. The Emergency Loya Jirga was convened in Kabul on 10 June 2002. The process was not without difficulties. The task of selecting over 1,000 delegates from 390 districts of Afghanistan began on 16 April 2002 in the north-western region and ended on 6 June in Kabul. Two hundred women delegates were selected, of whom more than 20 were elected. The overall state of insecurity was heightened by tensions and conflict between different ethnic groups and certain local commanders who were involved in promoting their candidates for the Loya Jirga. These problems were particularly evident in the south-east (Gardez), the north (Mazar-i-Sharif) and the western districts of the Hazarajat (Daikundi). There were reported attempts by local commanders and authorities to influence the outcome of the selection process through money or intimidation. Problems in a dozen districts led to interventions by the Special Independent Commission, leading to the cancellation of district elections. Despite the widely noted imperfections in the convening and conduct of the Loya Jirga, the fact that it was convened within the time frame laid down in the Bonn Agreement was a significant achievement. It presented the Afghan people with a forum where they could express and exchange views. It also marked the beginning of a process for resolving internal differences through political means rather than by violence.

8. Between 11 and 19 June the Emergency Loya Jirga held extensive discussions and lively debates on major issues. A strong consensus in favour of positive change was evident. The themes on which there was a convergence of views included the need to promote national unity in spite of political and ethnic differences; the need to address insecurity and to undertake disarmament; the need to create a national army that would absorb the many local and regional militias; the need for country-wide physical reconstruction; the need to expand education and, above all, improve the living conditions of the people at large; and the need to build an ethnically balanced government and to curb corruption and patronage.

9. The Loya Jirga ended by electing Hamid Karzai as President with 1,295 votes out of 1,575. The fact that the candidate with the second highest number of votes was a woman physician, Massouda Jalal, was itself another milestone in the political development of Afghanistan. The participation of women delegates paved the way for the creation of a national network of Afghan women delegates that will continue to work beyond the Loya Jirga.

10. Following the election of President Karzai, three Vice-Presidents and 14 ministers were endorsed by the Loya Jirga. The final Cabinet of the Transitional Administration is composed of five Vice-Presidents, three Special or National Advisers with Cabinet status and 30 ministers. Ethnic balance is an important aim, since the declared goal of the process is to establish a broad-based multi-ethnic State. Pashtun representation is just under 50 per cent and Tajik representation just under one third. Three women were appointed as ministers.

11. Criticism was expressed that persons with questionable records were not excluded from the Loya Jirga process. Concerns were expressed that the continuing impunity of those responsible for gross human rights violations could present an obstacle both to the emergence of democracy and to the establishment of the rule of law. President Karzai emphasized that the imperative of justice would be kept in sight but that peace must be established first. It was argued that in order to maintain the fragile peace and promote national unity, the transition process would have to allow for the continued participation of major factional leaders, subject, however, to the condition that those leaders contributed constructively and effectively to building national institutions, in particular a genuinely national army and a national police force. The United Nations estimates that the total cost of building the new army will be \$289 million, which includes training, salaries, refurbishment of barracks and facilities, equipment and \$17 million for the first stage of demobilization. Donors have so far pledged \$235 million but the money has yet to arrive.

12. The completion of the first phase of the Bonn Agreement, the launching of the Interim Administration on 22 December 2001 and the establishment on 22 June 2002 of the Transitional Administration headed by a President elected by the Emergency Loya Jirga and a Cabinet of ministers substantially endorsed by it, is a significant achievement which has belied pessimistic predictions and sustains the hope that the many formidable challenges that lie ahead can be successfully overcome. Enormous efforts will have to be made by the leadership and people of Afghanistan, with constant support from the international community.

III. The Transitional Administration and the way ahead

13. According to the Bonn Agreement, within two months of the establishment of the Transitional Administration, that is by 22 August 2002, a Constitutional Commission would be established by the Transitional Administration with the assistance of the United Nations. A Constitutional Loya Jirga would be convened within 18 months of the establishment of the Transitional Authority, that is by 22 December 2003, to adopt a new constitution. Free and fair elections would be held no later than 10 June 2004, two years from the date on which the Emergency Loya Jirga was convened.

IV. Human rights as a key feature of the transitional framework

14. The common determination to promote national reconciliation, lasting peace, stability and respect for human rights in Afghanistan is affirmed in the preamble to the Bonn Agreement. The Agreement stipulates that existing laws will be applicable to the extent that they are not inconsistent with the Bonn Agreement or with the international legal obligations to which Afghanistan is a party. It mandates the Interim Authority and the Emergency Loya Jirga to act in accordance with the basic principles and provisions contained in instruments on human rights and international humanitarian law to which Afghanistan is a party. The Special Representative of the Secretary-General is to monitor and assist in the implementation of all aspects of the Agreement. It is expressly provided that the United Nations will have the right to

investigate human rights violations and, when necessary, to recommend corrective action. It will also be responsible for the development and implementation of a programme of human rights education to promote respect for and understanding of human rights.

15. It is thus of critical importance to give effect to the commitment to ensure that the observance of human rights is a key feature of the transition process: political development founded on the implementation of civil and political rights, and economic reconstruction and social development based on the progressive implementation of economic, social and cultural rights. Human rights are thus to be fully integrated into the humanitarian, reconstruction and political activities undertaken during the transition, with the aim of building sustainable institutions that will support human rights, democracy and the rule of law.

V. Review of the human rights situation during the initial phase of the transition

16. The Special Rapporteur's visit to Kabul in January 2002 and to Herat in February brought home to him the enormity of the challenge faced by the Interim Authority and the people of Afghanistan. In his report to the Commission on Human Rights in March (E/CN.4/2002/43), he underlined the yearning of the people for peace, security and the rule of law. He therefore urged that the first priority should be to replace the rule of the gun by the rule of law, which would require building up a national police force, as well as other disciplined forces, for purposes of internal security and defence. He emphasized that for human rights to be restored, it would be necessary to disarm the country, collect the arms that were held by many groups under various local commanders and establish a national legal order based on respect for human rights and the rule of law. The Chairman of the Interim Administration and other leaders whom the Special Rapporteur met in January recognized that human rights were essential to all human beings and that the Constitution must secure the rights of all Afghans so that all ethnic groups could live in harmony. It is important to measure the progress that has been made towards these declared objectives.

VI. Violence and human rights abuses

17. In October and November 2001, in his report to the General Assembly and his briefing under the Arias formula to the Security Council, the Special Rapporteur issued specific warnings concerning the need to take special measures to protect civilians against the threat of ethnically motivated violence in areas where ethnic minorities identified with the earlier regime might be exposed to reprisals. Reliable reports from Balkh, Faryab, Samangan, Badghis and Kunduz indicated that as territories changed hands, scattered Pashtun communities in northern and central Afghanistan were especially vulnerable. There were also reports of a dozen incidents in Balkh, Samangan and Sar-i-Pul in January and February 2002. When these incidents were brought to the attention of the Interim Administration, a three-member commission headed by a Pashtun member of the Administration, Minister Noorzai, was entrusted with the task of investigating the incidents and taking corrective action. The capacity of the Interim Administration to take effective

measures was, however, clearly limited by the absence of an effective national police force and local law enforcement mechanisms, as well as by the fact that the 5,000 member International Security Assistance Force (ISAF) was deployed only in and around Kabul. The Interim Administration has requested that ISAF be strengthened and deployed in other parts of Afghanistan, but this has not yet been done.

18. Reliable reports from the north-western province of Faryab indicated that between February and early May, some 2,000 displaced Pashtun people in Badghis left their homes in Faryab in fear of persecution and that there was a refugee flow of some five to ten families from Faryab every day. Pashtuns were reportedly attacked in Ghowr, Badghis, Faryab and the northern province of Balkh and subsequently made their way to the Shaidayee internally displaced persons (IDP) camp in Herat. The human rights abuses included killings, beating, looting and sexual assault. Recognizing the need for effective measures in response to concerns expressed about security in northern Afghanistan, particularly in the district of Sholgare in Balkh province and in the northern province of Sar-i-Pul, in the first week of May General Rashid Dostom, General Atta and representatives of Hezbe Wahdat, Akhbari and Harakat Islami signed an agreement on the withdrawal of weapons and forces. As part of this agreement, a new police force was to be established. The Special Representative of the Secretary-General confirmed that efforts to verify the withdrawal of all militia forces would be made shortly. Despite these measures, there were reports in June that factional fighting had affected humanitarian agencies in and around the northern city of Mazar-i-Sharif. The violence included an attack on a clinic, armed assaults, beatings, shooting at a car delivering bread and the gang rape of a female aid worker on the road between Khulm and Mazar-i-Sharif. In mid-June, two aid workers were reportedly seriously wounded when they refused to give gunmen a ride.

19. During the same period, some 1,500 Pashtuns are reported to have fled to an IDP camp west of Mazar-i-Sharif. Reliable reports received in the course of May and June reflect concerns over what was described as deteriorating security conditions and alarming levels of violence in parts of northern Afghanistan. Reports from four districts of Faryab Province (Shrintagab, Daulatabad, Qaysar and Almar) indicated that abuse, extortion and violence targeting Pashtun and other vulnerable families continued in June. There were numerous reports of fighting between armed factions in Balkh and in areas around Mazar-i-Sharif. Robberies and killings of local Afghans have been reported from various parts of southern Afghanistan, ranging from Kandahar to Helmand.

20. In mid-June the Special Representative sent a letter to President Karzai describing the security situation in the north of the country as serious. The level of violence was said to be affecting the security and confidence of local residents, as well as the ability of aid workers to assist them. The letter appealed to the Administration to intervene strongly and urgently with local parties and authorities to secure the restoration of vital humanitarian space and to ensure that those committing such crimes were held accountable under the law. He also continued to raise this matter with local authorities and forces and with prominent members of the Loya Jirga able to exert authority and influence in the northern area, who promised to take urgent measures.

VII. Political assassinations

21. The Interim Administration phase suffered in February 2002 when the Minister of Civil Aviation and Tourism, Abdul Rahman, was assassinated at Kabul Airport. In April an attempt was made on the life of the Defence Minister in Jalalabad. A bomb exploded near his convoy, killing four people and injuring 20. The start of the Transitional Administration suffered a major setback with the assassination on 6 July of the Vice-President and Minister of Public Works, Haji Abdul Qadir, a powerful and respected Pashtun leader and former Governor of Nangarhar Province. He was gunned down by two unidentified assailants at the entrance to his office. President Karzai has appointed a five-member commission headed by Vice-President Karim Khalili to investigate the assassination, making use of the expertise of international investigators. The transition is thus seen to be vulnerable and fragile, underlining the need for significant strengthening of security. Although it was previously believed that security needed to be strengthened outside Kabul and that the capital was relatively secure owing to the presence of ISAF, the case for both strengthening ISAF in Kabul and expanding and extending it to other parts of Afghanistan is now compelling.

VIII. Prisoners

22. Attention was drawn to the plight of prisoners in the Special Rapporteur's reports to the General Assembly in November 2001 and to the Commission on Human Rights in March 2002. Overcrowding, malnutrition and disease were reported in particular in Sheberghan prison, which housed over 3,000 prisoners in November. Since prevailing conditions clearly did not respect minimum standards of humane treatment, these concerns were communicated to the authorities and to the International Committee of the Red Cross (ICRC).

23. ICRC started visiting places of detention under the Interim Administration and such visits are continuing. It had to intervene several times with respect to food assistance and improving the water supply, sanitation, hygiene, clothing and the like. A significant intervention was the establishment of a therapeutic feeding centre within Sheberghan prison, together with general food distribution.

24. In addition to such emergency action, prisoners have been released in batches as a means of alleviating prison conditions. Such releases were accelerated in May and by the end of that month the numbers in Sheberghan had been substantially reduced. As at 30 May about 1,100 prisoners remained.

25. Concerns have been expressed regarding continued detention of prisoners without trial, since the adjudication machinery does not yet function effectively. There is some concern about reports of women being detained for violating social codes. These reports need to be investigated by the Transitional Administration and also by the United Nations monitoring mechanisms, and prompt corrective action must be taken.

IX. Civilian casualties of military operations

26. There are reports that aerial bombing as part of the military operations of the coalition led by the United States of America has resulted in civilian casualties in a number of locations. On-site review of 11 locations indicates that, over a six-month period, air strikes killed as many as 400 civilians. On 1 July 2002, in Uruzgan Province air strikes on four villages around the hamlet of Kakrak resulted in the death of 54 civilians, most of them women and children. At least 120 people were wounded. United States officials acknowledged that the raid killed innocent civilians and sent a team to investigate, reportedly including a United States Air Force General. It is important that thorough high-level investigations be carried out to identify the causes of air strikes that result in civilian casualties. Prompt corrective action should be taken to avoid the recurrence of such incidents.

X. Human rights priorities: security, the rule of law and participatory democracy

A. Security

27. The need to strengthen an internal security force to protect citizens throughout the country against violence and the threats posed by armed groups that are still not under the effective control of the Transitional Administration has been repeatedly emphasized by President Karzai and members of his Cabinet, the Special Representative of the Secretary-General and the United Nations agencies in the field. An option widely recommended is the expansion of ISAF. The reports of violations of the human rights of ethnic minorities and vulnerable groups, including assaults and sexual abuse, clearly provide the strongest argument for according the highest priority to strengthening the internal security force available to the Transitional Administration. Building the institutional infrastructure for a participatory democracy requires as a precondition the disarming of armed groups under local commanders and warlords, some of whom were armed and equipped in the military operations launched by the international coalition to free Afghanistan from the Taliban regime. These elements must now be brought under the control of the Transitional Administration.

B. Rule of law

28. For the rule of law to be established, the rule of the gun must end. Disarming armed groups under local commanders is a necessary first step towards bringing people under the rule of law. The Disarmament Commission that is being established could play an important role in this regard, but to do so it must be seen to carry out its mandate impartially and it must have the ability to enforce its decisions. Life and property must be effectively protected and a national police force should be organized as a matter of the highest priority. A human rights-based approach to policing will involve special training and human rights education, a code of ethics and the establishment of an independent monitoring body. Local communities and the emerging provincial administrations must develop the capacity to protect the lives and property of ordinary citizens throughout the country against assaults by armed groups. The media and civil society must play an active role in

promoting the emergence of the rule of law, building the confidence of ordinary citizens and making them aware of their rights and the right of every person to equal protection under the law and to equality before the law. For people who have suffered oppression and violence for as long a period as the Afghans have, the nurturing of a participatory democracy requires a sustained and intensive campaign to make people aware of their rights and reassure them that the Transitional Administration is fully committed to empowering citizens, extending equal protection under the law to all citizens and upholding the principle of equality before the law.

C. Participatory democracy

29. With the ultimate aim of establishing a broad-based, gender-sensitive, multi-ethnic and fully representative government, as required by the Bonn Agreement, the Transitional Administration is entrusted with the task of adopting measures to enable all segments of the population to participate meaningfully in shaping structures of governance at the community, provincial and national levels. If free and fair elections are to take place within two years, the capacity of citizens meaningfully to participate in the processes of governance at the community and provincial levels needs to be consciously promoted. Civil society played an important role during the years when Afghans were effectively denied the possibility of governing themselves. A proactive civil society will be important in harnessing the energies of citizens in making choices and shaping policies during the transition process. The formation of a national parliament for the transition period has been entrusted to a 45-member commission consisting of five representatives from each of the nine regions. The establishment of committees and commissions for key follow-up actions reflects a participatory approach that should continue to be strengthened.

30. The successful conclusion of the Emergency Loya Jirga was characterized by the Special Representative of the Secretary-General as a crucial milestone in the Afghanistan peace process. He further observed that despite efforts to threaten and intimidate delegates, which the United Nations strongly condemned, most delegates did find the courage to raise controversial issues and make daring proposals.

XI. Commissions on human rights, the judiciary and the constitution

A. Independent Human Rights Commission

31. By a decree of 6 June 2002, the Interim Administration established the Independent Human Rights Commission. This was the result of an Afghan-led process of national consultations aimed at developing a national programme for the implementation of the human rights provisions of the Bonn Agreement. Eleven Commissioners were appointed, four of them women, to serve for two years. During their tenure they will not be subject to removal by any external authority. The Commission is to have its headquarters in Kabul and regional offices in Kandahar, Herat, Mazar-i-Sharif, Faizabad, Jalalabad, Gardez and Bamyan. It is to be supported by a full-time professional secretariat.

32. The mandate of the Commission is: (a) to monitor the situation of human rights throughout the entire country; (b) to investigate allegations of violations of human rights; (c) to develop recommendations for building and strengthening national human rights capacities and institutions; (d) to work with partner institutions to develop and implement human rights education activities, including through the incorporation of human rights issues into national educational curricula at all levels and through the mass media; (e) to undertake national consultations and propose a national strategy for transitional justice and for addressing the abuses of the past; (f) to submit opinions, recommendations, proposals and reports to local, regional and national authorities for the promotion and protection of human rights; (g) to promote the harmonization of national law and practice with international human rights instruments to which Afghanistan is a party; (h) to provide advice and information to authorities that deal with the country's human rights treaty reporting processes; and (i) to cooperate with the United Nations and other international organizations on all matters within the Commission's competence.

33. The Commission is empowered to consider any questions falling within its competence, whatever the source of the proposal or referral, and has the authority to initiate its own inquiries and investigations. It may also hear any person and obtain any information, evidence or documentation necessary to assess situations and cases falling within its competence. In redressing and resolving matters that come before it, the Commission has a range of available options: it can (a) seek amicable settlement through conciliation, adopting any decisions or confidential measures that it sees fit; (b) inform petitioners of their rights and available remedies within the national legal system and international mechanisms and advise petitioners how to access them; (c) refer petitioners to the courts or transfer cases to other competent authorities; and (d) make recommendations to the authorities for remedial legal or administrative action. The Special Representative of the Secretary-General had his first formal meeting with the Independent Human Rights Commission on 23 June and reaffirmed the support of the United Nations for the Commission's work.

B. Judicial Commission

34. The Judicial Commission was also established by the Interim Administration by a decree of 6 June 2002. It is an independent expert body entrusted with the task of making recommendations on any action necessary for rebuilding the justice system in Afghanistan. It is to work in close consultation and cooperation with the Ministry of Justice and other governmental and non-governmental bodies to (a) organize a comprehensive programme of compiling, publishing and distributing all laws in force in Afghanistan; (b) propose changes or amendments to existing laws; and (c) recommend new legislation, as necessary, for the proper administration of justice.

35. The guiding principles to be taken into consideration by the Judicial Commission in fulfilling its mandate are set out in a schedule to the decree. These include (a) ensuring the establishment of an independent judicial authority in accordance with the 1964 Constitution and international instruments ratified by Afghanistan; (b) creating a separate chamber within the Supreme Court as a constitutional court with jurisdiction over interpretation of the new constitution and the authority to make rulings on the constitutional validity of Afghan laws and regulations and on alleged human rights violations in contravention of the new

constitution; (c) establishing a high judicial council, consisting of senior members of the judiciary, to administer and oversee the justice sector, which will have its own budget and powers in relation to (i) the appointment, promotion, transfer and discipline of judges; (ii) preventing intervention in or influence of judicial proceedings by executive or other authorities; and (iii) other matters on which guiding principles have been adopted by the United Nations.¹

C. Constitutional Commission

36. According to the Bonn Agreement, the Constitutional Commission is to assist the Constitutional Loya Jirga in connection with the adoption of a new constitution for Afghanistan. It is expected that the Commission will engage in extensive consultations with citizens. The Commission is also expected to reflect in the new constitution Afghanistan's commitment to uphold and enforce human rights pursuant to its obligations under the international human rights instruments to which it is a party.

XII. United Nations approach to human rights in Afghanistan

37. Under the Bonn Agreement, the United Nations is to ensure that the commitments undertaken by the Transitional Administration are effectively fulfilled, which necessarily involves providing the required support to Afghan initiatives for the implementation of the Bonn human rights provisions and sustaining that support throughout the process.

38. In performing its role, the United Nations will seek to ensure (a) fully integrated United Nations responses and mechanisms; (b) maximized Afghan ownership and leadership; and (c) a rights-based and gender-sensitive approach. Its human rights programme, developed on the basis of these principles, places emphasis on Afghan capacities, Afghan institutions, and a strong and close operational alliance between the Afghan Transitional Administration, the Independent Human Rights Commission and Afghan civil society organizations. The United Nations will use its existing human rights capacities to provide technical support, and the bulk of its integrated effort will be directed towards facilitating Afghan processes and institutions.

39. A Senior Human Rights Adviser was assigned to work with the Special Representative of the Secretary-General on facilitating Afghan national consultations on the implementation of the human rights provisions of the Bonn Agreement. Through these consultations, a national roster of members of the Afghan human rights community was compiled. A human rights focal point was established in the Interim Administration and targeted consultations were held with key persons on the roster in order to develop the broad parameters for the development of the national programme for implementing the human rights provisions of the Bonn Agreement.

¹ These include: General Assembly resolutions 40/32 and 40/146; Basic Principles on the Role of Lawyers; Guidelines on the Role of Prosecutors; Standard Minimum Rules for the Treatment of Prisoners; Code of Conduct for Law Enforcement Officials; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

40. The first national workshop on human rights was held on 9 March 2002 with 80 Afghan participants. President Karzai, a number of civil society leaders and government ministers, the United Nations High Commissioner for Human Rights and the Special Representative of the Secretary-General addressed the workshop. The following four matters were considered: (a) the proposed independent human rights commission; (b) a national programme of human rights education; (c) a transitional justice system; and (d) gender and the rights of women. After reviewing all the Bonn human rights commitments, the workshop established standing national working groups on each of these questions, plus one on strategies for human rights monitoring and investigations.

41. Following intensive consultations and technical preparations by the working groups, with support from the United Nations, four more national workshops were convened in May 2002 on (a) human rights education; (b) human rights monitoring, investigations and transitional justice; (c) the human rights of women; and (d) the establishment of an independent human rights commission.

42. This national human rights programme now awaits implementation. The importance of providing the required financial and technical support for the implementation of this programme cannot be overestimated. The success of the transition process depends upon the implementation of the human rights programme.

43. The basic objective of the transition process is to restore Afghanistan to its people. This objective must be achieved through a democratic participatory process that will enable the Afghan people to adopt a constitution, establish an independent judiciary, establish a representative parliament through free and fair elections and create a fully representative government.

XIII. Gender and the rights of women

44. The Bonn Agreement directs the United Nations to ensure that a rights-based and gender-sensitive approach is applied in all aspects of its work. The national consultations identified a number of priority tasks as part of the programme for advancing the human rights of women. A two-year programme will have among its aims: (a) establishing a women's rights unit in the Independent Human Rights Commission; (b) a participatory national assessment of programme needs for the advancement of women's rights; (c) training and information activities on women's rights for key government officials; (d) review of key laws affecting women's rights; and (e) legal education and studies on gender in the legal system of Afghanistan.

45. While concerted national efforts are under way to address the issue of gender and women's rights, international human rights bodies expressed concern as recently as early May 2002 about the effect of ongoing insecurity in Afghanistan on women. Reports indicated that women of all ethnicities felt compelled to restrict their participation in public life to avoid being targets of violence by armed factions and elements seeking to enforce the repressive edicts of the previous regime, especially outside Kabul. There were other reports, however, that women in southern Afghanistan were undeterred by such intimidation. Initially, 28 women were selected for the Loya Jirga, including one in Helmand and four in Uruzgan. Eventually some 200 women were among the more than 1,500 delegates selected for the Loya Jirga.

46. In its resolution 2002/19 of 22 April 2002, the Commission on Human Rights noted with deep concern recent abuses and violations of the human rights of women and girls, including rape and other forms of sexual violence, abductions and kidnappings, as well as forced marriage and trafficking. It urged the Government to give high priority to the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and to respect fully the human rights and fundamental freedoms of women and girls in accordance with international human rights law. The urgent measures recommended by the Commission are reproduced below in section XVII of the present report.

47. The report of the Secretary-General on the situation of women and girls in Afghanistan (E/CN.4/Sub.2/2002/27) submitted to the Subcommission on the Promotion and Protection of Human Rights contains detailed recommendations that emphasize in particular the need for women's full participation in political decision-making and the importance of a rights-based and gender-sensitive approach to relief, reconstruction and development. The report contains specific recommendations for action to be taken at the national and international levels for that purpose. These recommendations merit serious attention and effective and early implementation.

XIV. Transitional justice

48. At the national human rights workshop in March 2002, the issue of major human rights violations in the past, a legacy of massacres and mass graves, was among the matters that arose for discussion. In his opening statement to the workshop, President Karzai addressed this issue as follows:

“Another important matter to consider is the question of the violations of the past. I cannot say whether the current Interim Administration has full authority to address this. But it is my hope that the Loya Jirga government will have the authority to establish a truth commission and ensure that the people will have justice. The people of Afghanistan must know that there will be a body to hear their complaints. Indeed, we must hear what the people have to say. Mass graves have been found in which hundreds are buried, houses and shops have been burned, so many cruel acts, and about which nothing has been heard or known before. So many of our people have been murdered. Mothers killed as they embraced their children, people burned, so much oppression, so many abuses. This is why a truth commission is needed here to protect our human rights and to heal the wounds of our people.”

49. The workshop established a national working group on transitional justice. Through consultations the group developed a programme that includes the establishment of a Transitional Justice Unit in the Independent Human Rights Commission. It also envisages nation-wide consultations leading to a national policy, strategy and programme for transitional justice and the development of a secure database for the collection and storage of information and evidence on war crimes, crimes against humanity and gross violations of human rights, as well as the development of domestic forensic capacity.

50. Questions have arisen regarding the role of certain persons in the Emergency Loya Jirga who may have been responsible for major human rights violations. In his message to the Emergency Loya Jirga President Karzai urged that, when electing their representatives, Afghans should put the interests of the country and its people

above their personal and group interests and should elect those who have not been involved in the killing of the people of Afghanistan and who are not accused of looting and plundering public and private properties.

51. Following his election, in his first speech President Karzai said: "Can we have justice and peace at the same time? Or do we have to build peace slowly and surely and then turn to the justice which the Afghan needs? If we can, it would be great. Can we do it? Let's see". Transitional justice is thus on the national agenda. This is a matter that should seriously engage those who will be involved in national consultations on transitional justice. It is noteworthy that the Presidential Decree on the Dignified Return of Refugees, issued on 22 December 2001, granted returnees immunity from criminal prosecution, except for those who may have committed crimes against peace or humanity or a war crime, as defined in international instruments.

XV. National reconstruction and development: economic and social rights

52. As Afghanistan embarks on the new phase of its transition, the challenges of economic and social development, national reconstruction and achieving sustainable livelihoods confront the Afghan people, including over a million refugees who have returned and several million who are expected to follow if the process moves ahead. As a leading humanitarian agency reported in June 2002, the terrorism that oppresses the Afghan people has now taken a different form. Three years of drought and crop failures have created the worst famine in 75 years. The United Nations estimates that 7 million Afghans now face the threat of starvation. Seventy per cent are already malnourished and only 13 per cent have access to clean water. About 5 million have been displaced from their homes. One in four Afghan children will not make it to their fifth birthday. One in three is an orphan, and one in two is malnourished. In addition, the country is infested with 5-7 million landmines, which kill an estimated 10 Afghans every day. Many families are barely surviving on limited food shipments from the World Food Programme (WFP).

A. Food

53. A report issued by the Food and Agriculture Organization of the United Nations (FAO) notes that while rural indebtedness is a chronic problem, the protracted drought has left countless small and medium-sized farmers heavily in debt. Many IDPs have been selling non-food relief items to get cash either to buy food or to begin paying debts. Small and not-so-small farmers are losing their land. There is a great need for cash and institutional support in the form of a national microcredit programme, which would significantly contribute towards the rehabilitation of these farmers. Another recent study, based on fieldwork done between January and May 2002, underlines the widespread food insecurity. This situation is the result of multiple factors, including natural and man-made hazards and people's reduced ability to cope.

54. The continuing effects of the protracted drought are still being felt. Although it has eased in the north and west, the drought persists in the central and southern regions. Despite some positive developments, there is still a need for targeted,

balanced and long-term programmes of food assistance. Among the measures recommended for addressing food insecurity are (a) a multi-year strategy of assistance that would include expanded relief and development assistance; (b) principled humanitarian engagement to alleviate food insecurity; and (c) specific sectoral interventions, including the immediate provision of water, cash infusions, microfinance and restoration of road networks.

55. WFP, which is the largest humanitarian agency working in Afghanistan, faces a significant deficit. It has received \$183 million so far this year, which is only two thirds of what it needs to feed some 9 million people. According to current WFP estimates, the agency still faces a huge shortage of 175,000 tons of food.

56. Funds and food are urgently needed both to meet survival needs and for priority reconstruction projects. The pledge of \$4.5 billion over five years appears to be based on cost estimates from unidentified countries that received international assistance of \$40 to \$80 per capita annually for post-conflict recovery programmes. By contrast, aid to the Balkans and East Timor ranged from \$200 to \$300 per capita annually. Comparable levels of aid for Afghanistan would translate into an annual figure of at least \$5 billion, which is far greater than the pledges made at Tokyo. It is therefore imperative that the essentially modest pledges made be fully honoured and that funds be made available in a timely manner. There is also a need to ensure that the assistance is equitably distributed throughout Afghanistan and, in particular, that it reaches the remote areas and the most vulnerable sectors of the population.

57. WFP rapid emergency assessments indicate rises in all of the following distress indicators: sale of assets, labour migration, consumption of wild foods, spiralling debt, begging, early marriage of girls as young as 7 years of age and indentured labour of boys. A shortage of the food resources needed to maintain or commence the Food-for-Asset Creation and Food-for-Work Programmes has meant a slowdown or suspension of the rehabilitation activities targeted for 6 million rural Afghans. As a result of the food aid shortages, the already stressed coping mechanisms used by struggling women and men are at risk of complete breakdown and destitution threatens to spread in communities that are already desperately poor.

58. The current emergency operation still faces a shortfall of more than 175,000 tons of food worth approximately \$102 million, or 36 per cent of the total requirements. As a result, many of the most vulnerable women, men and children will receive reduced food assistance or none at all when they critically need it. It is essential that resources be made available before the onset of heavy snows in order to enable food to reach remote areas, where an estimated 4 million people are at risk.

B. Critical resource shortages

59. The Afghanistan Support Group meeting in Geneva on 11 July 2002 drew attention to the serious delay in fulfilling the funding commitments made in Tokyo. The Group was concerned that many of the most vital programmes, including those related to repatriation of refugees, education and health care, were in serious jeopardy as a result of the delay. It was pointed out that the funding crisis and the refugee, IDP and food aid problems could drastically erode the gains of recent months. Most alarming was the funding slowdown over the preceding three months in the midst of the critical pre-harvest period, when hunger was greatest.

60. The overall international assistance programme that started on 1 October 2001 was a 15-month programme for \$1.6 billion. Since 1 October, some \$820 million have been received. The bottom line therefore is that \$777 million are needed by the end of the year, of which nearly \$400 million are needed in the third quarter.

C. Narcotics

61. In 1999 the country was the source of 70 per cent (450 tons) of the global production of heroin. This year's production, estimated by the United Nations Office for Drug Control and Crime Prevention, could be as high as 200-250 tons. The Office is implementing a broad range of projects aimed at strengthening Afghanistan's drug control capacity. Its Drug Control Programme includes monitoring of illegal crops. International support is needed to assist Afghanistan in building its law enforcement capacity also in this context and in implementing drug demand reduction projects and to provide Afghan farmers with sustainable alternative livelihoods.

D. Mines

62. Afghanistan is one of the countries most afflicted by mines and unexploded ordnance (UXO). It is estimated that 850 km² are affected. There are some 200,000 survivors of mine and UXO accidents, and prior to the events of late 2001, the death and injury rate was 150-300 per month. The mine and UXO problem in Afghanistan has been exacerbated by recent military activities, with new areas being contaminated by UXO and additional mines being laid as forces shift throughout the country. Many large ammunition depots in major towns have been hit by air strikes, which can spread UXO over as much as a 5 km radius. Mine and UXO injuries have escalated owing to new contamination and population movement, as people shift into unfamiliar areas to avoid fighting or return to newly secure locations.

63. The following mine and UXO clearance operations are ongoing and need to be continued on a priority basis:

(a) In the high-priority mine and UXO contaminated area, 23,825,611 m² were cleared during the first quarter of 2002. A further 75,000,000 m² should be cleared by the end of 2002;

(b) Five regional mine action centres, the centres in the central (Kabul), southern (Kandahar), eastern (Jalalabad), northern (Mazar) and western (Herat) regions, are now operating. New regional suboffices will also be established in Bamyan, Gardez and Kunduz in order to respond to the new United Nations eight-area structure;

(c) Clearance operations have returned to 100 per cent of previous capacity, but ongoing security constraints have prohibited the re-establishment of operations in some areas. To address needs in high priority areas, these security constraints are being closely monitored. Based on a recent assessment mission to the provinces of Paktia and Paktika as well as the Tora Bora region, clearance and survey capacities are being re-established in those priority areas;

(d) The clearance of BLU 97 cluster munitions has been a high priority activity in all regions and new procedures have been put in place to address the new

post-11 September threat. Clearance of cluster munitions is being achieved at a rate faster than anticipated.

XVI. Refugees

64. The Office of the United Nations High Commissioner for Refugees (UNHCR) has assisted more than a million Afghans in returning home from Pakistan and more than 83,000 from the Islamic Republic of Iran. UNHCR has stressed that more funds are needed if the goals of the repatriation programme are to be achieved. These goals include the voluntary return, by the end of the year, of up to 400,000 Afghans living in Iran. As at 31 May, UNHCR had received \$180 million of its total budget of \$271 million towards its assistance programmes for Afghan refugees and returnees. On that basis, UNHCR had funding only until the end of June. Lack of funding would severely constrain its capacity to provide the necessary support to returning refugees, including travel grants, basic housing, water projects and assistance towards establishing sustainable livelihoods for returning refugees.

65. On 22 December 2001, to encourage the return of refugees, the Interim Administration issued the Presidential Decree on the Dignified Return of Refugees, welcoming them and assuring them protection against harassment, intimidation, discrimination or persecution for reasons of race, religion, nationality, membership in a particular social group, political opinion or gender. The returnees were also granted immunity from criminal prosecution, except for those who may have committed crimes against peace or humanity or a war crime, as defined in international instruments. The human rights and fundamental freedoms of returnees were guaranteed and the recovery of their properties will be facilitated through relevant legal organs. UNHCR and other international agencies were to be allowed to monitor the treatment of returnees to ensure compliance with recognized humanitarian law and human rights standards.

66. Over 3 million people are still to be repatriated. The repatriation process cannot be sustained without more funding. Some caution is being expressed about further accelerating repatriation before adequate funds are made available to ensure the provision of food and basic services, as well as protection from criminal assaults, banditry, factional fighting and landmines.

67. Despite the return of nearly 1.3 million refugees, the situation of certain special categories merits attention. Some 25,000 asylum-seekers are stranded in the border area of Chaman, unable to cross into Pakistan, and UNHCR and other humanitarian organizations cannot assist these refugees properly. Some 35,000 Afghans are barely being assisted in IDP camps in Spin Boldak, an Afghan border town located a few kilometres from Chaman. UNHCR reports that conditions of reintegration in southern Afghanistan appear very difficult. The whole southern region has suffered from severe drought for the last four years. The continuous fall of the water table has resulted in many wells running dry, and many areas are without water. The area around Kandahar is still the most drought-affected region in Afghanistan. Significant economic regeneration of that region cannot be expected before badly needed water conservation measures are put in place. Until then, many people will be unable to return to their place of origin. In facing these special problems, UNHCR has begun to consider the concept of community-based settlements for IDPs as a means of integrating new groups into a social and

economic fabric. Such innovative approaches will be needed to carry out the integration of special categories of IDPs.

XVII. Recommendations

Human rights-based implementation of the Bonn Agreement

68. For the realization of the ultimate aim of the Bonn Agreement — the emergence of a broad-based, gender-sensitive, multi-ethnic and fully representative government — it is imperative that a human rights-based strategy be adopted. The Transitional Administration is expected to promote participatory governance at all levels and to engage in extensive consultations in carrying out its work. The commissions established by it should visibly involve all sectors of the Afghan populace.

Security

69. The highest priority has to be accorded to security in order to protect lives and property. The building of a national army, which has begun, needs to be accelerated. In the meantime, ISAF must be expanded and deployed wherever needed beyond Kabul and its environs.

Rule of law

70. The rule of the gun must be replaced by the rule of law. A national human rights-sensitive police force must be developed in order to carry out law enforcement effectively and impartially. Urgent action should be taken to review prison conditions to ensure that prisoners are treated humanely, in conformity with internationally recognized standards.

Judicial Commission: an independent judiciary and criminal justice system

71. The Judicial Commission should take urgent steps to establish and develop an independent and impartial judiciary. The restoration of the rule of law requires a functioning criminal justice system that conforms to international legal standards relating to human rights. Such a system is also needed to guarantee that perpetrators of human rights abuses, including those responsible for abuses in the past, are held accountable for their acts.

Independent Human Rights Commission

72. The broad mandate of the Independent Human Rights Commission will enable it to contribute significantly to the overall improvement of the human rights situation. However, in order to make such a contribution, the Commission needs to have substantial resources allotted to it. The human rights education programme should be accorded special priority.

Freedom of the press and autonomy of the electronic media

73. The media could play a vital role in promoting the culture of democracy, tolerance and mutual respect for rights that is essential for sustaining a multi-ethnic and gender-sensitive State. Therefore the media, in particular autonomous electronic media, should be developed as a matter of the highest priority.

Women

74. Urgent measures were recommended by the Commission on Human Rights, in paragraph 13 of its resolution 2002/19, to improve the human rights situation of women and girls. The following issues should be addressed immediately:

(a) The repeal of any legislative and other measures in place that discriminate against women and girls and that impede the realization of their human rights and fundamental freedoms;

(b) The full, equal and effective participation of women in civil, cultural, economic, political and social life throughout the country at all levels;

(c) Respect for the equal right of women to work and their reintegration into employment in all segments and at all levels of Afghan society;

(d) The equal right of women and girls to education without discrimination, the reopening of schools throughout the country and the admission of women and girls to educational programmes at all levels;

(e) Respect for the equal right of women and girls to personal physical security, ensuring that those responsible for physical attacks on women are brought to justice;

(f) Respect for the freedom of movement of women and girls;

(g) Respect for the effective and equal access of women and girls to the facilities necessary to protect their right to achieve the highest possible attainable standards of physical and mental health.

Urgent international support to meet humanitarian and recovery needs

75. The funds pledged at Tokyo have to be provided urgently. Delay in the provision of funds could cause serious damage to the transition in which Afghanistan and its people are currently engaged. The Immediate and Transitional Assistance Programme for the Afghan People, 2002 calls for support from the international community in recognition of its special responsibility towards the Afghan people. The Programme has the following strategic objectives:

(a) To address the ongoing humanitarian crisis with a combination of emergency and recovery programming;

(b) To support the massive return of refugees to Afghanistan with a combination of assisted return and coherent reintegration and recovery programmes for relevant communities;

(c) To develop a comprehensive analysis of and approach to widespread vulnerability in Afghanistan through the consolidation and analysis of information, the development of integrated programming to address the needs of the most vulnerable communities and households, and the establishment of longer-term social and economic recovery;

(d) To provide ongoing support for an effective transition, consistent with the National Development Framework, based on a transfer of competence, ownership and technical capacity to the Afghanistan Transitional Administration at central and provincial levels, culminating in a measurable reduction of the United Nations presence in Afghanistan;

(e) To support decentralization and integration of assistance programming and coordination responsibilities in the provinces based on strengthened linkages between central and provincial planning activities, the development of technical and programme management capacities within provincial offices, and stronger collaboration between authorities and assistance partners at the local level.
