



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### List of issues prior to submission of the combined second to sixteenth periodic reports of Afghanistan\*

#### General information

1. Please provide information on any recent significant developments in the legal and institutional framework through which human rights are promoted and protected at the national level.
2. Please provide updated information on the ethnic composition of the State party, including on the composition of non-citizens such as asylum seekers, refugees, stateless persons and migrants. Please clarify whether there are groups that are officially considered to be national or ethnic minorities in the State party and, if so, which groups, taking into account the Committee's general recommendations No. 8 (1990) on identification with a particular racial or ethnic group and No. 24 (1999) on the reporting of information on persons belonging to different races and national or ethnic groups and on indigenous peoples.

#### Article 1

3. Please provide information on:
  - (a) Whether the definition of racial discrimination in domestic law encompasses discrimination on the grounds of race, colour, descent and national or ethnic origin;
  - (b) Whether direct and indirect forms of discrimination are included in the definition of racial discrimination in domestic law;
  - (c) The extent to which domestic law provides for differential treatment on the grounds of citizenship or immigration status in relation to the rights covered in the Convention.

#### Article 2

4. Please provide information on the legal framework and the policies in place to eliminate racial discrimination and to give effect to the provisions of article 2 (1) and (2) of the Convention.

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\* Adopted by the Committee at its ninetieth session (2-26 August 2016).



5. Please clarify whether the Afghanistan Independent Human Rights Commission is mandated to combat racial discrimination, including through the consideration of individual complaints of racial discrimination, and what types of support are offered to victims of racial discrimination.

6. Please provide information on whether the legal system of the State party allows or provides for special measures to secure the adequate advancement of groups and individuals protected under the Convention. If so, please describe such measures and provide information on the results achieved.

**Article 3**

7. Please provide information on measures taken to prevent, prohibit and eradicate all practices of racial segregation in the State party, in particular in cities, where residential patterns may result from multiple discrimination, for example on the grounds of income, race, colour, descent and national or ethnic origin.

**Article 4**

8. Please provide information on the legislative measures taken to prohibit:

(a) All dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;

(c) The provision of any assistance to racist activities, including the financing thereof;

(d) Organizations, as well as organized and all other propaganda activities, that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) Public authorities or public institutions, national or local, from promoting or inciting racial discrimination.

9. Please provide information on whether racial motives are considered an aggravating circumstance under domestic penal legislation.

10. Please provide information on decisions taken by national tribunals and other State institutions regarding acts of racial discrimination, in particular those offences dealt with in article 4 (a) and (b) of the Convention. Please also provide statistical data on complaints filed, prosecutions launched and sentences imposed for acts prohibited under article 4 of the Convention, as well as a qualitative assessment of such data.

**Article 5**

11. Please provide information on the enjoyment of the rights set out under article 5 of the Convention by:

(a) Members of ethnic, ethnoreligious and ethnolinguistic minority groups, including smaller groups such as the Tajik, Uzbek, Hazara, Nuristani, Aimak, Baloch, Turkmen and Brahui;

(b) Non-citizens, including immigrants, refugees, asylum seekers and stateless persons;

(c) Women belonging to groups vulnerable to racial discrimination, including the above-mentioned groups.

12. Please provide updated information on the implementation of article 16 of the Constitution, in particular with regard to the adoption of the law concerning the use of a third official language.

**Article 6**

13. Please provide information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 6 of the Convention. In particular, please provide information on the practice and decision of courts and other judicial and administrative organs relating to cases of racial discrimination, as defined under article 1 of the Convention.

14. Please provide information on the types of reparation and satisfaction, with examples, considered adequate in domestic law dealing with racial discrimination. Please also provide information on the burden of proof in civil proceedings in cases involving racial discrimination.

**Article 7**

15. Please provide information on legislative and administrative measures taken to combat prejudices that lead to racial discrimination, including general information on the educational system. Please also provide information on steps taken to include in text books, at all appropriate levels, chapters about the history and culture of groups protected under the Convention and living in the State party's territory.

16. Please provide information on the role of institutions or associations working to develop national culture and traditions to combat racial prejudices and to promote understanding, tolerance and friendship among all groups in the State party, irrespective of culture.

17. Please provide information on the linguistic policies adopted and implemented by the State party.

18. Please provide information on action taken to encourage awareness among media professionals of their particular responsibility not to encourage prejudice and to avoid racial, discriminatory or biased language.

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