



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1998/L.91**
16 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN
ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER
DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Canada, Denmark, Finland*, France, Germany, Ireland,
Italy, Japan, Liechtenstein*, Netherlands*, New Zealand, Portugal*,
Switzerland*, United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution

1998/... The question of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration
of Human Rights, the International Covenants on Human Rights and accepted
humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and
the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and
protect human rights and fundamental freedoms and to fulfil the obligations
they have freely undertaken under the various international instruments,

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

** Re-issued for technical reasons.

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling its previous resolutions, most recently resolution 1997/65, and General Assembly resolutions 52/145 of 12 December 1997, 52/211 of 19 December 1997, Security Council resolution 1076 (1996) of 22 October 1996 and the statements by the President of the Security Council of 16 December 1997 (S/PRST/1997/55) and 6 April 1998 (S/PRST/1998/9),

Concerned that armed confrontation persists in Afghanistan and by the increasingly ethnic nature of the conflict,

Recalling that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all key actors in Afghanistan,

Taking into account the report of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1998/71) and of the conclusions and recommendations contained therein;

2. Notes with deep concern:

(a) The ongoing further deterioration of the situation of human rights in Afghanistan;

(b) The continuing and substantiated reports of violations of the human rights of women and girls, including all forms of discrimination against them, particularly in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan, which have resulted in extensive human suffering, forced displacement, including on the ground of ethnicity, and which hinders the return of the internally displaced to their homes;

(d) Reports of mass killings and atrocities committed by combatants against civilian population and prisoners of war;

(e) The sharp deterioration of the humanitarian situation in several areas of Afghanistan;

(f) The continued displacement of millions of Afghan refugees in Pakistan and the Islamic Republic of Iran;

(g) Reports of the destruction and looting of the cultural and historical heritage of Afghanistan;

(h) The lack of major reconstruction in Afghanistan;

3. Condemns:

(a) The widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, and, in particular, the human rights of women and girls;

(b) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, including the recent public executions of male prisoners in Herat and Kandahar;

(c) All actions constituting interference with the delivery of humanitarian assistance to the civilian population of Afghanistan and which jeopardize the safety of humanitarian personnel, including the blockade of the Bamyan region, the bombing of the Bamyan airport and the looting on a massive scale of United Nations and other warehouses and offices in Mazar-e-Sharif;

4. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs;

5. Urges all the Afghan parties:

(a) To cease hostilities immediately and to work and cooperate fully with the Special Envoy and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced

persons to their homes in safety and dignity and to the establishment of a broad-based fully representative government through the full exercise of the right to self-determination of the people of Afghanistan;

(b) To bring to an end without delay all violations of human rights of women and girls and to take urgent measures to ensure:

- (i) The repeal of all legislative and other measures which discriminate against women;
- (ii) Effective participation of women in civil, cultural, economic, political and social life throughout the country;
- (iii) Respect for the right of women to work, and reintegration in their employment;
- (iv) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;
- (v) Respect for women's right to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;
- (vi) Respect for women's freedom of movement and effective and equal access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

(c) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, to prohibit forced conscription and the drafting and recruitment of children as para-combatants and to ensure their reintegration into society;

(d) To provide sufficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial;

(e) To fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as of their premises in Afghanistan, and to cooperate, fully and without discrimination on grounds of gender,

nationality or religion, with the United Nations and associated bodies as well as with other humanitarian organizations and agencies, including the International Committee of the Red Cross, and non-governmental organizations;

(f) To provide the International Committee of the Red Cross access to all prisoners;

(g) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including of civilian foreign nationals, and urges their captors to release them, as well as non-criminal civilian prisoners;

(h) To protect and safeguard the cultural and historical heritage of Afghanistan;

6. Encourages:

(a) The Secretary-General to continue fully to investigate reports of mass killings of prisoners of war and civilians and cases of rape in Afghanistan, and requests all Afghan parties to cooperate with such investigation;

(b) The Secretary General to exert efforts to ensure a gender perspective in the selection of the staff of the United Nations Special Mission for Afghanistan, in order to enhance the role of women in preventive diplomacy, peacemaking and peacekeeping;

(c) The Special Rapporteur to continue to pay attention to the human rights of women and children and to apply a gender perspective in a similar manner in his report to the Commission at its fifty-fifth session;

(d) The United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning, inter alia, the drafting of a constitution, which should embody internationally accepted human rights principles and provide for the holding of direct elections;

7. Welcomes the recent release of prisoners of war and calls for the unconditional and simultaneous release of all remaining prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

8. Appeals to Member States and to the international community:

(a) To provide, on a non-discriminatory basis, humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

(b) To intensify the programme for the removal of millions of anti-personnel landmines laid in Afghanistan;

(c) To ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;

(d) To implement the recommendations of the inter-agency gender mission in Afghanistan under the leadership of the Special Adviser of the Secretary-General on Gender Issues and Advancement of Women;

(e) To take urgent measures to prevent the looting of cultural artifacts and ensure that artifacts that have been illegally removed are returned to Afghanistan;

9. Requests:

(a) The Afghan parties to continue to extend their full cooperation to the Special Rapporteur and to facilitate his access to all sectors of society and to all parts of the country;

(b) The Secretary-General to give all necessary assistance to the Special Rapporteur;

(c) The United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

10. Decides:

(a) To extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-fifth session and to the General Assembly at its fifty-third session;

(b) To continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, under the same agenda item at its fifty-fifth session.
