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COMMISSION ON HUMAN RIGHTS  
Fifty-second 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

Draft resolution submitted by the Chairman

1996/... Situation 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 international humanitarian law, 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,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling in particular, its resolution 1995/74 of 8 March 1995, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to

consider submitting a report to the General Assembly at its fiftieth session, and Economic and Social Council decision 1995/285 of 25 July 1995, in which the Council approved the Commission's decision,

Concerned that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Deeply concerned at reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, to liberty and security of person and to freedom of opinion, expression and association,

Concerned, in particular, at the situation of women and children, especially regarding access to basic education for girl children and access by women to employment, training and their effective participation in the political and cultural life throughout the country,

Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances, and stressing the necessity, until one is created, for regional administrations to assume responsibility for the protection of the human rights of those people under their control,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations, as well as by the International Committee of the Red Cross and other humanitarian organizations,

Noting with satisfaction that the voluntary repatriation of the Afghan refugees has resumed, although full repatriation has been impeded by the continuing conflict,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1996/64), of his conclusions and recommendations, including his suggestion for the appointment of a human rights field officer in Kabul, and of the translation of previous reports into the Dari and Pashtu languages,

1. Welcomes the cooperation that the governmental and local authorities in Afghanistan and the Government of Pakistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan;

2. Urges all the Afghan parties to work and cooperate fully with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic government elected through free and fair elections to be held throughout the country and based on the right to self-determination of the people of Afghanistan;

3. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

4. Urges all the Afghan parties to respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, including the rocket attacks against civilian suburbs of Kabul, to stop the laying of land-mines and to prohibit the drafting and the recruitment of children as para-combatants;

5. Calls upon all Afghan parties to respect fully all human rights and fundamental freedoms, including the rights of women and children, in accordance with international human rights instruments, and calls upon the Afghan authorities to ensure the effective participation of women in the social, economic, political and cultural life throughout the country, including education and employment;

6. Calls upon all authorities in Afghanistan to ensure equal treatment to women and girls, and calls particularly upon local authorities in Kandahar and Herat to proceed urgently to the reopening of the primary and secondary schools for girls, which have been closed recently, and to reintegrate women in their previous jobs;

7. Calls for the unconditional and simultaneous release of all 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. Calls upon all warring parties in Afghanistan to refrain from detaining foreign nationals and urge their captors to release them immediately;

9. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply the Amnesty Decree issued in 1992 by the Transitional Islamic State of Afghanistan in a strictly non-discriminatory manner, to reduce the period during which prisoners await trial and to treat all suspected, convicted or detained persons in accordance with relevant international instruments;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations of human rights and accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Appeals to Member States and to the international community to continue to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries pending their voluntary repatriation in accordance with relevant international instruments, in particular through the support of activities such as mine detection and clearance and repatriation projects undertaken by the Office of the United Nations High Commissioner for Refugees, the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and other United Nations agencies or non-governmental humanitarian organizations;

12. Strongly urges, in the light of recent events, all parties to the conflict to take all necessary measures to ensure the safety and security of all diplomatic missions in Kabul, the personnel of humanitarian organizations and the representatives of the media in Afghanistan;

13. Urges all countries to respect the full national independence, territorial integrity and the non-interference in the internal affairs of Afghanistan, and takes note with concern of paragraph 37 of the report of the Special Rapporteur wherein he is informed of the presence of foreigners among prisoners of war;

14. Invites the United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles and the holding of direct elections;

15. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul museum;

16. Urges the Afghan authorities to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

17. Decides 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-third session and to consider submitting a report to the General Assembly at its fifty-first session;

18. Requests the Special Rapporteur to continue to apply a gender perspective in his reporting;

19. Decides to continue its consideration of the human rights situation in Afghanistan, as a matter of high priority, under the agenda item entitled "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".

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