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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Albania,* Andorra,* Australia,* Austria,* Belgium,* Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Costa Rica,* Croatia,* Cyprus,* Czechia,* Denmark,* Ecuador,* Estonia,* Finland,* France,* Germany,* Greece,* Hungary,* Iceland,* Ireland,* Israel,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Marshall Islands,* Monaco,* Montenegro,* Netherlands,* New Zealand,* North Macedonia,* Norway,* Poland,* Portugal,* Romania,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Ukraine,* United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

51/... Situation of human rights in Afghanistan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Reaffirming also that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Afghanistan, and that the Afghan people are entitled to freely determine their political status and to freely pursue their economic, social and cultural development,

Deeply deploring the suffering of the people of Afghanistan, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance, and stressing the urgent and imperative need to ensure accountability by bringing perpetrators of crimes involving violations and abuses of international human rights law and violations of international humanitarian law to justice,

Recalling its thirty-first special session on the serious human rights concerns and situation in Afghanistan, and Human Rights Council resolution S-31/1 adopted on 24 August 2021, its forty-eighth session, at which the Council appointed in its resolution 48/1 of 7 October 2021 a special rapporteur to monitor the situation of human rights in Afghanistan,

* State not a member of the Human Rights Council.



its resolution 50/14 of 8 July 2022 on the situation of human rights of women and girls in Afghanistan, and all relevant resolutions adopted by the General Assembly and the Security Council on the situation in Afghanistan, children and armed conflict, and on women, and peace and security,

Recalling also the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Afghanistan and the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Special Representative of the Secretary-General on Children and Armed Conflict, those by several special procedures of the Human Rights Council and treaty bodies on reports of human rights abuses in Afghanistan committed by the Taliban, and the press statement on Afghanistan issued by the Security Council on 24 May 2022,

Deeply concerned about the situation of human rights in Afghanistan, in particular the continued human rights violations and abuses and violations of international humanitarian law, including those involving summary or extrajudicial executions, arbitrary detentions, forced displacement, collective punishment, violence against peaceful protesters, journalists, and former defence and security personnel, reprisals, raids on offices of non-governmental organizations and civil society groups, violations and abuses of the human rights of all women, children, and members of ethnic and minority communities, committed by the Taliban and other parties to the conflict,

Expressing grave concern about the grave, institutionalised, widespread, and systematic oppression of all women and girls in Afghanistan,

Recalling the importance of protecting cultural heritage from deliberate damage and looting,

Deeply concerned about the human rights implications of the dire security situation in Afghanistan, in particular for all women, girls, children and for older persons and persons belonging to ethnic and religious minorities, journalists, media workers, human rights defenders, particularly women media workers, journalists and human rights defenders, and members of their families, lawyers, judges, prosecutors, internally displaced persons, prisoners, those who have worked for the Government and former military personnel, and persons in situations of vulnerability, such as persons with disabilities, and about the ongoing deterioration of the humanitarian situation and the food security crisis,

Expressing deep concern at the dire humanitarian and economic situation in Afghanistan that has undermined the enjoyment of a full range of economic, social and cultural rights of the people of Afghanistan, including of women and girls,

Expressing deep concern also at the increasing level of food insecurity and the acute malnutrition affecting the people of Afghanistan, in particular women, children and female-headed households,

Noting with grave concern the assessment of the Special Rapporteur that attacks, frequently claimed by Islamic State in Iraq and the Levant-Khorasan, and the historical persecution of Hazaras and persons belonging to other ethnic and religious minorities appear to be systematic in nature and reflect elements of an organizational policy, thus bearing the hallmarks of international crimes, including crimes against humanity,¹

Noting the concerns of the Special Rapporteur about the situation of children, who continue to be affected by hardship following decades of conflict, insecurity, conflict-related violence, recruitment and use as child soldiers, of sexual and gender-based violence, and other violations of international law, including human rights violations, who in addition to restrictions on the right to education suffer from the effects of the humanitarian crisis, including hunger, and whose basic needs are not met,²

Recognizing that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and

¹ See A/HRC/51/6, para. 67.

² *Ibid.*, para. 71.

freedoms, and underlining the important role played by local journalists and media workers in continuing to carry out essential work, including documenting and reporting, in challenging circumstances,

Deeply concerned about the increasing erosion of respect for the human rights of women and girls in Afghanistan by the Taliban, including the imposition of restrictions that limit the enjoyment of the rights to education, the highest attainable standard of physical and mental health, work, freedom of movement, freedom of expression, freedom of opinion, and freedom of peaceful assembly and association, and women's full, equal and meaningful participation in public life, and emphasizing that these restrictions contradict the expectations of the international community and the commitment made by the Taliban to the Afghan people,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to governance, mediation, confidence-building, and conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, including those relating to all forms of violence against women and girls, especially sexual and gender-based violence, and child, early and forced marriage,

Expressing deep concern at the continued prevalence of violence and discrimination against women and girls in Afghanistan, in all their different forms and manifestations, including sexual and gender-based violence and multiple and intersecting forms of discrimination against women, emphasizing that discrimination and violence against women and girls violate, abuse and impair their enjoyment of human rights, and stressing that perpetrators of crimes involving human rights violations and abuses must be brought to justice and the critical need for victims and survivors to be provided with effective redress, support and remedies,

Recognizing that the full, equal, and meaningful participation, inclusion and empowerment of all women and girls in all spheres of life are essential for sustainable peace and full and complete economic and social development, as well as the realization and enjoyment of all human rights of all persons in Afghanistan,

Recalling the obligations of Afghanistan under international human rights law and international humanitarian law as expressed in, inter alia, the treaties and conventions to which it is a party, including 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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

Recalling also that Afghanistan has been a State party to the Rome Statute of the International Criminal Court since 1 May 2003,

Acknowledging the efforts of numerous States to evacuate and relocate Afghans wishing to leave the country, and emphasizing the need to support neighbouring countries that are sheltering large numbers of refugees and other people from Afghanistan deserving international protection, while reiterating the importance of protecting their rights and protecting them against refoulement,

Acknowledging also the efforts of neighbouring and other countries in facilitating the delivery of humanitarian assistance to Afghanistan, in collaboration with the United Nations and other international agencies and partners,

Emphasizing that sustainable peace in Afghanistan can only be achieved through an inclusive, just, durable and realistic political settlement that reflects the choice of the Afghan people and upholds the enjoyment of human rights of all persons, including for all women and girls, children and persons belonging to minorities,

Recognizing that the full realization of the right to education for all is an essential condition for achieving sustainable development and a multiplier right that supports the empowerment of all women and girls to exercise their human rights, including the right to

participate in the conduct of public affairs and in economic, social and cultural life, and to fully, equally and meaningfully participate in the decision-making processes that shape society, and the transformative potential of education for every girl,

Reaffirming the equal right of every child to education without discrimination of any kind, and expressing concern at the continuation of the multiple and intersecting forms of discrimination that girls face,

Reaffirming also that human rights, democracy and the rule of law create an environment in which countries can promote development, protect individuals from discrimination and ensure equal access to justice for all,

Underlining the need to preserve and build on the political, economic and social achievements of the Afghan people made over the past 20 years, and for further improvement in this regard, in particular to address poverty and the delivery of services, stimulate economic growth, create employment opportunities, tackle corruption, enhance transparency, increase domestic revenue and promote and implement the obligations under international law to protect all human rights and fundamental freedoms,

Reiterating its support for the work of the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General for Afghanistan with a view to facilitating an inclusive peace and reconciliation process in Afghanistan,

Emphasizing the importance of the safety and security of United Nations personnel, including of those working on human rights, and of diplomatic and consular personnel of States Members of the United Nations and of humanitarian personnel, including female workers,

Welcoming the visit of the United Nations High Commissioner for Human Rights to Afghanistan in March 2022 and the first mission of the Special Rapporteur on the situation of human rights in Afghanistan in May 2022, acknowledging the access and cooperation provided, and welcoming also the work and the report of the Special Rapporteur,³

1. *Continues to condemn in the strongest possible terms* all human rights violations and abuses and violations of international humanitarian law committed in Afghanistan, in particular those involving summary or extrajudicial executions, arbitrary detentions, violence against peaceful protestors, journalists and media representatives, particularly women journalists and media representatives, as well as former judges, prosecutors and other magistrates, civil servants, or law enforcement and military personnel, reprisals, raids on offices of non-governmental organizations and civil society groups, including women's rights organizations, violations and abuses of the human rights of all women, girls, children, persons with disabilities, persons belonging to ethnic and religious minorities, and other marginalized groups, and the targeting of those who have worked for the Government of Afghanistan and former military personnel;

2. *Calls for* an immediate end to all human rights violations and abuses and violations of international humanitarian law in Afghanistan, for strict respect for all human rights and fundamental freedoms, including the rights to life, for the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the right to a fair trial, the right to an effective remedy, the rights to an adequate standard of living, including adequate food, housing, and safe drinking water and sanitation, to education, work, the highest attainable standard of physical and mental health, freedom of peaceful assembly, and religion or belief, freedom of expression and the right to liberty of movement and freedom to leave the country, and for the protection of civilians and critical civilian infrastructure, particularly medical and educational facilities in the country;

3. *Reaffirms* its unwavering commitment to the full and equal enjoyment of all human rights by all women, girls and all children in Afghanistan, including their right to freedom of movement, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including their sexual and reproductive health, the right to work and the right of access to justice on an equal basis with others, and

³ A/HRC/51/6.

the importance of protecting women, girls and all children from violations and abuses, and in this regard notes that, according to the Convention on the Rights of the Child, a child is anyone under the age of 18;

4. *Expresses grave concern* at continuing reports of serious human rights violations and abuses and violations of international humanitarian law committed against children, including killing and maiming, sexual and gender-based violence in all its forms, exploitation, the recruitment and use of children by armed forces and groups in hostilities, attacks on students, teachers, schools and universities, the unlawful military use of educational facilities and the denial of humanitarian access;

5. *Condemns* all forms of discrimination against women and girls, including women and girls with disabilities, and reminds all parties that all forms of sexual and gender-based violence, including violence against women and girls, the sexual slavery of boys (*bacha bazi*) and child, early and forced marriage constitute violations and abuses of human rights and fundamental freedoms;

6. *Expresses deep concern* at the lack of accountability for the human rights violations and abuses and violations of international humanitarian law committed in Afghanistan;

7. *Calls upon* the Taliban to reverse the policies and practices that currently restrict the human rights of people in Afghanistan and to bring them into line with the international human rights obligations of Afghanistan, including policies and practices that unduly restrict the human rights and fundamental freedoms of women and girls, including freedom of movement and the rights to education, work and public participation, and those that discriminate against persons belonging to ethnic or religious minority groups, including Hazaras;

8. *Calls for* opportunities and access to inclusive and equitable quality education at all levels for women and girls, for the immediate and unconditional reopening of schools for girls of all ages, and for equal and quality education for girls and boys at all levels;

9. *Calls for* respect for and the promotion and protection of the right of everyone to take part in cultural life, including the ability to have access to and to enjoy cultural heritage, and for the protection of tangible and intangible cultural heritage consistent with article 15 of the International Covenant on Economic, Social and Cultural Rights and the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the two optional protocols thereto, and urges all parties to refrain from any unlawful military use and the targeting of cultural property;

10. *Reiterates* the urgency of a prompt, independent and impartial review of or investigation into all alleged violations and abuses of human rights and violations of international humanitarian law to end impunity, ensure accountability and bring perpetrators to justice;

11. *Reiterates* its call for an Afghan-led and Afghan-owned process for the establishment of a participative, inclusive and representative government, including with regard to gender and all ethnic and religious minorities, and ensuring the full, equal and meaningful participation of women and youth in decision-making positions and processes;

12. *Urges* the international community to adjust further its engagement with any future Government of Afghanistan with regard to respect for the human rights and fundamental freedoms of all Afghans, including women, girls, children, persons with disabilities and persons belonging to marginalized groups, including ethnic and religious minorities, and respect for the rule of law, freedom of expression, including for members of the media, with specific attention to human rights defenders, as well as respect for the obligations of Afghanistan under international human rights law;

13. *Underscores* the need for and calls for further improvement in the living conditions of the Afghan people, and emphasizes the need for providing basic social services at the national, provincial and local levels, in particular education, clean water, sanitation, digital connectivity and public health services, with special attention to the needs of women,

girls, disadvantaged and marginalized groups, including persons belonging to minority groups and persons with disabilities;

14. *Expresses deep concern* at the humanitarian situation, calls upon the international community to offer greater support, including in the context of the food security situation and the ongoing protection crisis, and urges all parties to allow immediate, safe and unhindered humanitarian access, including across conflict lines, to ensure that humanitarian assistance reaches all those in need, particularly internally displaced persons and those in situations of vulnerability, and to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, including female workers;

15. *Encourages* any future Government of Afghanistan to continue engagement and cooperation with the United Nations, including with the United Nations Assistance Mission in Afghanistan, the Office of the United Nations High Commissioner for Human Rights, and other relevant United Nations entities;

16. *Reiterates* its call for the reinstatement of an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to protect and promote all human rights, receive complaints from the public, monitor places of detention and bring issues to the attention of the de facto authorities, and also for the reinstatement of the Ministry of Women's Affairs;

17. *Calls for* the provision of an enabling environment for civil society actors and the media to carry out their activities without hindrance or fear of reprisal, the investigation of cases of intimidation and attacks against members of civil society, including women's rights organizations, and journalists, bringing perpetrators to justice, and for measures to promote respect for freedom of expression and access to information and support;

18. *Acknowledges* the specific access provided to the Special Rapporteur;

19. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for a period of one year, and to include in his mandate a child's rights perspective and the responsibility to document and preserve information relating to human rights violations and abuses, and to present a report to the Human Rights Council at its fifty-second session, to provide an oral update at its fifty-fourth session, and to present a report to the General Assembly at its seventy-eighth session, in accordance with their respective programmes of work;

20. *Requests* the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, with the support of other relevant special procedure mandate holders, to prepare a report on the situation of women and girls in Afghanistan, and to present it to the Human Rights Council at its fifty-third session, to be followed by an enhanced interactive dialogue;

21. *Decides* that, in order to provide the support necessary to the mandate holder, the mandate holder shall continue to benefit from additional dedicated and specific resources and expertise to be provided by the Office of the High Commissioner, in particular in the areas of fact-finding, legal analysis, forensics, the human rights of women and girls and of persons belonging to minorities, the right to education, torture and other cruel, inhuman or degrading treatment or punishment, and additional resources for children's rights, translation, documentation, information- and evidence-gathering and -preservation;

22. *Calls upon* all relevant actors in Afghanistan to cooperate fully with the Special Rapporteur, the special procedures of the Human Rights Council and the treaty bodies, and other international bodies seized with the situation in Afghanistan, to grant them unhindered access to the country without delay, and to provide them with all necessary information and support to allow for the proper fulfilment of their mandates, and to ensure that civil society organizations, human rights defenders, victims, survivors, their families and other individuals have unhindered access to the above-mentioned bodies and mechanisms without fear of reprisals, intimidation or attack;

23. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary for the effective fulfilment of the mandate;

24. *Requests* the United Nations High Commissioner for Human Rights to end reporting on the implementation of Human Rights Council decision 2/113 of 27 November 2006 and Council resolution 14/15 of 18 June 2010, and requests the Office of the High Commissioner to enhance its monitoring and reporting on the overall situation of human rights in Afghanistan, and to update the Council thereon on an intersessional basis, as deemed necessary, and to present, under agenda item 2, a comprehensive report, including an analysis and recommendations on the institutional protection of human rights, to the Council at its fifty-fourth session, to be followed by an interactive dialogue;

25. *Urges* all relevant special procedure mandate holders and invites treaty bodies to closely monitor and reflect on the situation of human rights in Afghanistan within the scope of their respective mandates;

26. *Decides* to remain seized of the matter.
