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Agenda item 2

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

Resolution adopted by the Human Rights Council on 7 October 2021

48/1. 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 the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Recognizing also 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,

Recalling the thirty-first special session of the Human Rights Council on the serious human rights concerns and situation in Afghanistan, and Council resolution S-31/1 adopted thereat on 24 August 2021,

Recalling also all relevant resolutions adopted by the General Assembly, the Security Council and the Human Rights Council on the situation in Afghanistan,

Recalling further the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the Afghanistan Independent Human Rights Commission, and those by several special procedures of the Human Rights Council and treaty bodies on reports of human rights violations and abuses and violations of international humanitarian law in Afghanistan committed by the Taliban and other parties to the conflict,



Deeply concerned about the situation of human rights in Afghanistan, in particular the continued allegations of human rights violations and abuses and violations of international humanitarian law, including those involving summary or extrajudicial executions, arbitrary detentions, violence against peaceful protesters and journalists, reprisals, raids on offices of non-governmental organizations and civil society groups, violations and abuses of the human rights of all women and girls, committed by the Taliban and other parties to the conflict, and recalling the importance of protecting cultural heritage from looting,

Deeply concerned also about the human rights implications of the dire security situation in Afghanistan, in particular for all women and girls, and for older persons and persons belonging to ethnic and religious minorities, journalists, media workers, human rights defenders and members of their families, internally displaced persons, those who have worked for the Government and for former military personnel, and persons in vulnerable situations, and about the ongoing deterioration of the humanitarian situation and the looming food security crisis,

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

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, as well as the urgent and imperative need to ensure accountability by bringing perpetrators of crimes involving violations and abuses of international human rights law and international humanitarian law to justice,

Recalling the obligations of Afghanistan under international human rights law as expressed in 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 and the Convention on the Rights of the Child,

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 Afghan refugees,

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 upholds the enjoyment of human rights, including for all women, girls, children and persons belonging to minorities,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, 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, such as all forms of violence against women and girls, especially sexual and gender-based violence,

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,

Recognizing that terrorism has devastating consequences for the enjoyment of human rights and fundamental freedoms of victims and their families, in particular women and girls, and reaffirming the importance of combating terrorism in Afghanistan, while fully respecting human rights, to ensure that the territory of Afghanistan is not used to threaten or attack any

country, and that neither the Taliban nor any other group or individual can support terrorists operating on the territory of any other country,

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 its 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, the Special Representative of the Secretary-General for Afghanistan and the Personal Envoy of the Secretary-General on 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,

Taking note of the press statement on Afghanistan issued by the Security Council on 16 August 2021,¹

1. *Condemns 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, reprisals, raids on offices of non-governmental organizations and civil society groups, violations and abuses of the human rights of all women and girls, and persons belonging to ethnic and religious minorities, 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, 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 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;

4. *Condemns* discrimination against women and girls in all its forms, and reminds all parties that all forms of sexual and gender-based violence, including violence against women and girls, and child, early and forced marriage constitute violations and abuses of their human rights and fundamental freedoms;

5. *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 urges all parties to refrain from any unlawful military use or targeting of cultural property;

6. *Reiterates* the urgency to initiate 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;

¹ www.un.org/press/en/2021/sc14604.doc.htm.

7. *Calls for* the establishment of a government that is united, inclusive and representative, 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;

8. *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 and persons belonging to 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;

9. *Underscores* the need for and calls for further improvement in the living conditions of the Afghan people, and emphasizes the need for basic social services at the national, provincial and local levels, in particular education, clean water, sanitation, digital connectivity and public health services;

10. *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 vulnerable situations, and to respect the independence of humanitarian agencies and guarantee the protection of humanitarian personnel, including female workers;

11. *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;

12. *Decides* to appoint, for a period of one year, a special rapporteur to monitor the situation of human rights as it develops in Afghanistan, with the following mandate:

(a) To report on the developing situation of human rights, and to make recommendations to improve it;

(b) To assist in fulfilling the human rights obligations arising from international treaties that Afghanistan has ratified;

(c) To offer support and advice to civil society;

(d) To seek, receive, examine and act on information from all relevant stakeholders pertaining to the situation of human rights in Afghanistan;

(e) To integrate a gender perspective and a survivor-centred approach throughout the work of the mandate;

(f) To present a written report to the Human Rights Council at its fifty-first session and to the General Assembly at its seventy-seventh session, in accordance with their respective programmes of work;

13. *Also decides* that, in order to provide the support necessary to the new mandate holder to initiate the mandate in the current particular circumstances, the mandate holder shall benefit from additional dedicated and specific expertise to be provided by the Office of the High Commissioner, in particular in the areas of fact-finding, legal analysis, the rights of women and girls and of persons belonging to minorities, the right to education, forensics, torture and other cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* all relevant parties to cooperate fully with the Special Rapporteur, to grant unhindered access to the country without any delay and to provide the mandate holder with all information necessary to allow for the proper fulfilment of the mandate;

15. *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;

16. *Encourages* the United Nations High Commissioner for Human Rights to update the Human Rights Council on an intersessional basis, as deemed necessary, and in any case before the end of 2021, and requests the High Commissioner to present to the Human Rights Council, at its fiftieth session, an oral update on the situation of human rights in Afghanistan, to be followed by an interactive dialogue;

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

*41st meeting
7 October 2021*

[Adopted by a recorded vote of 28 to 5, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Brazil, Bulgaria, Côte d'Ivoire, Czechia, Denmark, Fiji, France, Germany, India, Italy, Japan, Malawi, Marshall Islands, Mexico, Namibia, Netherlands, Philippines, Poland, Republic of Korea, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay

Against:

China, Eritrea, Pakistan, Russian Federation and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, Cuba, Gabon, Indonesia, Libya, Mauritania, Nepal, Senegal, Somalia and Uzbekistan]
