

**Human Rights Council****Fifty-fourth session**

11 September–13 October 2023

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 11 October 2023****54/1. 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 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 people of Afghanistan are entitled to freely determine their political status and to freely pursue their economic, social and cultural development,*Reaffirming also* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,*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 also 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, its resolutions S-31/1 of 24 August 2021, 48/1 of 7 October 2021, in which the Council appointed a special rapporteur to monitor the situation of human rights in Afghanistan, 50/14 of 8 July 2022 and 51/20 of 7 October 2022, and all relevant resolutions adopted by the General Assembly and the Security Council on the situation in Afghanistan, on 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, the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Special Representative of the Secretary-General for 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, cruel, inhuman or degrading treatment of detainees, sexual and gender-based violence, violence against peaceful protesters, reprisals, raids on offices of non-governmental organizations and civil society groups, and violations and abuses, committed by the Taliban and other actors, of the human rights of all women, children, older persons, journalists and media workers, human rights defenders and members of their families, lawyers, judge, prosecutors, prisoners, internally displaced persons, former government officials and former armed forces members, members of ethnic and religious minorities and persons in situations of vulnerability,

Expressing alarm at the findings of the United Nations Assistance Mission in Afghanistan in its report on extrajudicial killings, arbitrary arrest and detention, torture and ill-treatment and enforced disappearance carried out against individuals affiliated with the former Government of Afghanistan and its security forces, and over the findings of the United Nations Assistance Mission in Afghanistan in its report on the treatment of detainees in Afghanistan, which included torture, ill-treatment and illegal use of force during arrests and in custody, in some cases leading to the death of detainees,

Expressing serious concern about the grave, institutionalized, widespread and systematic oppression of all women and girls in Afghanistan by the Taliban that stems, inter alia, from edicts, policies and practices targeting women and girls, the undermining of legal protections and accountability mechanisms for sexual and gender-based violence, and the ongoing denial of human rights,

Underlining the vital role of women in the delivery of life-saving assistance and basic services, and expressing grave concern at the Taliban-imposed ban on women from Afghanistan working for the United Nations in Afghanistan and for international and national non-governmental organizations, which severely impacts the effective delivery of life-saving assistance and basic services, putting at risk the lives of millions of Afghans, especially those in female-headed households,

Expressing deep concern at the economic, climate, mental health, humanitarian and food security crises in Afghanistan, including the increasing level of acute food insecurity and malnutrition, and the deprivation of women's ability to make a living that have undermined the enjoyment of a full range of economic, social and cultural rights of the people of Afghanistan, including of women and children, and emphasizing the need to address the critical funding gap in the humanitarian response across Afghanistan,

Recalling with grave concern the assessment of the Special Rapporteur on the situation of human rights in Afghanistan regarding the historical persecution of Hazaras and persons belonging to other ethnic and religious minorities, as well as the Special Rapporteur's assessment that attacks, frequently claimed by Islamic State in Iraq and the Levant-Khorasan, 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 and noting the assessment of the High Commissioner that their human rights situation appears to be worsening,

Noting the concerns about the situation of children, who continue to be affected by hardship following decades of conflict, insecurity, conflict-related violence, recruitment and

¹ A/HRC/51/6, para. 67.

use of children by armed forces and groups in hostilities in violation of applicable international law, sexual and gender-based violence in all its forms, killing and maiming of children, abduction of children and other violations of international law, including human rights violations and abuses, and who, in addition to restrictions on the right to education, suffer from the effects of the humanitarian crisis, which drives harmful, discriminatory, oppressive and violent practices, such as child, early and forced marriage, abuse and economic and sexual exploitation, the sale of children and organs, forced and child labour, trafficking in persons and unsafe migration,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 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,

Reaffirming the need to prevent and redress human rights violations and abuses in a manner consistent with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Deeply concerned about the continuing, systematic and all-encompassing erosion of respect for the human rights of all 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 are inconsistent with the obligations of Afghanistan under international human rights law and international humanitarian law and the commitment made by the Taliban to the people of Afghanistan,

Expressing deep concern at the continued prevalence of violence and discrimination against women and girls in Afghanistan, in all their different forms and manifestations, which may amount to the crime against humanity of persecution on the grounds of gender, including sexual and gender-based violence in all its forms, child, early and forced marriage, and multiple and intersecting forms of discrimination against women and girls, 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,

Reaffirming that the full, equal and meaningful participation, inclusion and empowerment of all women and girls in all spheres of life, including in planning and decision-making with regard to governance, mediation, confidence-building and conflict prevention and resolution, as well as their involvement in all efforts to maintain and promote peace and security, 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,

Expressing deep concern that the Taliban have introduced judicially sanctioned corporal punishments and death penalties, noting that sentences such as stoning people to death or burying them under a wall constitute torture or other cruel, inhuman or degrading treatment or punishment, and expressing deep concern also at reports of non-judicially sanctioned corporal punishments,

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

Recalling also 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

² Ibid., para. 71.

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

Expressing deep concern at the displacement in Afghanistan, acknowledging the efforts of numerous States to evacuate and relocate people wishing to leave Afghanistan, emphasizing the need to support neighbouring countries that are generously sheltering large numbers of refugees and other people from Afghanistan deserving international protection, while reiterating the importance of protecting their rights, protecting them against refoulement and treating them in a dignified manner, and recalling the principle of burden- and responsibility-sharing,

Acknowledging the efforts of neighbouring and other countries to facilitate 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 people of Afghanistan 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 recognizing also the transformative potential of education for every girl,

Noting the efforts by religious actors from neighbouring and other countries to promote the human right of women and children to have access to quality education in Afghanistan, emphasizing the need to support efforts aiming at the realization of the right to education without discrimination of any kind, and recalling the importance of secular curricula in that regard,

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,

Noting that many human rights have been under concerted attack in Afghanistan in the past two years after 20 years of political, economic and social achievements of the people of Afghanistan,

Reiterating its support for the work of the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General for Afghanistan in fulfilling their mandates under Security Council resolutions 2626 (2022) of 17 March 2022 and 2678 (2023) of 16 March 2023, including their human rights monitoring and reporting and engagement with all relevant political actors in Afghanistan and stakeholders, including relevant authorities as needed,

Recognizing the need to help to address the substantial challenges facing the economy of Afghanistan, including through efforts to restore the banking and financial systems and efforts to enable the use of assets belonging to the Central Bank of Afghanistan for the benefit of the people of Afghanistan, including all women and girls,

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

Members of the United Nations and of national and international humanitarian personnel, including women workers,

Welcoming the report of the High Commissioner, the reports of the United Nations Assistance Mission in Afghanistan and the ongoing work and the reports of the Special Rapporteur, as well as his report with the Working Group on discrimination against women and girls,³ and acknowledging the access and cooperation provided,

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 detention, violence against peaceful protestors, journalists and media representatives, in particular women journalists and media representatives, as well as former judges, prosecutors and other magistrates, civil servants and 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 of former military personnel;

2. *Strongly condemns* the Taliban-imposed ban on women of Afghanistan working for the United Nations in Afghanistan and national and international non-governmental organizations and all other forms of interference in non-governmental assistance activities, including aid delivery, which undermine the enjoyment of human rights and are inconsistent with humanitarian principles;

3. *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 right to life, the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, the right to a fair trial, the right to an effective remedy, the right to an adequate standard of living, including adequate food, housing and safe drinking water and sanitation, the rights to education, work and the highest attainable standard of physical and mental health, including sexual and reproductive health and reproductive rights, the rights to freedom of peaceful assembly, of religion or belief and 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, in particular medical and educational facilities in the country;

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

5. *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 in violation of applicable international law, attacks on students, teachers, schools and universities, the unlawful military use of educational facilities and the denial of humanitarian access;

6. *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;

³ A/HRC/53/21.

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

8. *Calls upon* the Taliban to reverse their policies and practices that currently restrict the human rights of people in Afghanistan, to make them consistent 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, and to prohibit and prevent discrimination and violence against them and ensure their representation in all decision-making processes affecting their lives;

9. *Calls for* opportunities for 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 children at all levels;

10. *Also 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 Convention 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;

11. *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;

12. *Also 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, ensuring the full, equal and meaningful participation of women and youth in decision-making positions and processes;

13. *Urges* the international community to adjust further its engagement with any stakeholders in 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 journalists and media workers, with specific attention to human rights defenders, and respect for the obligations of Afghanistan under international human rights law;

14. *Reiterates* the need to address the profound challenges facing Afghanistan, including through efforts to provide assistance in the fulfilment of human rights obligations arising from international treaties that Afghanistan has ratified, and to offer support and advice to civil society;

15. *Underscores* the need for and calls for further improvement in the living conditions of the people of Afghanistan, and emphasizes the need to provide basic social services at the national, provincial and local levels, in particular education, clean water, sanitation, digital connectivity, adequate housing and public health services, with special attention to the needs of all women, girls and disadvantaged and marginalized groups, including persons belonging to minority groups and persons with disabilities;

16. *Expresses deep concern* at the humanitarian situation, calls upon the international community to offer greater support, including in the context of the food security crisis and the ongoing protection crisis, and to enhance efforts to bridge the funding gap, 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, in particular 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 women workers;

17. *Encourages* all stakeholders in 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;

18. *Reiterates* its call for the reinstatement of the Ministry of Women's Affairs and 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;

19. *Calls for* the provision of an enabling environment for civil society actors, especially women's and women-led organizations and leaders whose work is impacted by restrictions targeting women, 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 and media workers, bringing perpetrators to justice, and measures to promote respect for freedom of expression and access to information and support, both offline and online;

20. *Expresses deep concern* at continuing reports of serious human rights violations and abuses committed against artists and musicians, including attacks, arrests, detentions, the destruction of artistic images and artefacts, including murals, and musical instruments, and bans and restrictions on the arts and music;

21. *Acknowledges* the specific access provided to the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls;

22. *Decides* to extend the mandate of Special Rapporteur on the situation of human rights in Afghanistan for a period of one year, and requests the Special Rapporteur to present a report to the Human Rights Council at its fifty-fifth session, to provide an oral update to the Council at its fifty-seventh session and to present a report to the General Assembly at its seventy-ninth session, in accordance with their respective programmes of work;

23. *Requests* the Special Rapporteur, with the support of other relevant special procedure mandate holders and treaty bodies and with temporary, specific and relevant expertise to be provided by the Office of the High Commissioner, to prepare a report on the phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls, building on the report submitted to the Human Rights Council at its fifty-third session,⁴ and to present it to the Council at its fifty-sixth session, to be followed by an enhanced interactive dialogue;

24. *Decides* that, in order to provide the support necessary to the mandate holder, the mandate holder shall benefit from additional dedicated and specific resources and expertise to be provided by the Office of the High Commissioner, as defined by the Human Rights Council in its resolution 51/20, with further additional resources and expertise for strengthening documentation and preservation, including for information and communications technology licensing and security, and for Dari and Pashto language capacity;

25. *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 of 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 reprisal, intimidation or attack;

⁴ Ibid.

26. *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;

27. *Also requests* the Office of the High Commissioner to present, during an enhanced interactive dialogue also including the Special Rapporteur's oral update requested in paragraph 22 above, a comprehensive report, including a stocktaking of accountability options and processes for human rights violations and abuses in Afghanistan;

28. *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;

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

*46th meeting
11 October 2023*

[Adopted without a vote.]
