

31st Special Session of the Human Rights Council
“The serious human rights concerns and situation in Afghanistan”

24 August 2021

Ms Nazhat Shameem Khan – President of the Human Rights Council

The President recalled that on 17 August 2021, she had received a joint letter from the Permanent Representative of Pakistan, Coordinator of the Organization of Islamic Cooperation on Human Rights and Humanitarian Issues, and the Permanent Representative of Afghanistan, with a formal request to convene a special session on the serious human rights concerns and situation in Afghanistan, which was supported by **35 States Members**, namely: Argentina, Austria, Bahrain, Bangladesh, Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Czech Republic, Denmark, Fiji, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, Namibia, Netherlands, Pakistan, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom, Uruguay, Uzbekistan.

The following **71 Observer States** also **supported the request**: Afghanistan, Albania, Algeria, Australia, Azerbaijan, Belgium, Benin, Brazil, Brunei Darussalam, Chad, Chile, Comoros, Croatia, Cyprus, Djibouti, Egypt, Estonia, Finland, Gambia, Georgia, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Iran, Iraq, Ireland, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Montenegro, Morocco, Mozambique, Niger, Nigeria, North Macedonia, Norway, Oman, Portugal, Qatar, Romania, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Syria, Tajikistan, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United States of America, Yemen, State of Palestine.

Ms Michelle Bachelet – United Nations High Commissioner for Human Rights

OHCHR has received credible reports of summary executions of civilians and *hors de combat* members of the Afghan national security forces; restrictions on the rights of women; recruitment of child soldiers; and repression of peaceful protest. There are grave fears for journalists, civil society leaders, those who worked with the Government or the international community, and ethnic and religious minorities. The United Nations is committed to stay and deliver aid to those in greatest need. OHCHR will be working urgently to reinstate arrangements for monitoring human rights violations.

Taliban spokespeople have made specific commitments to respect women's right to work and girls' right to attend school, the rights of minorities, and refrain from reprisals. The Taliban should translate these commitments into reality. Enjoyment of human rights is not subject to changes in control of territory or *de facto* authority. The Taliban should work to re-establish social cohesion and reconciliation.

The independence of the Afghan Independent Human Rights Commission should be respected. There should be an open access for humanitarian assistance. All States should create safe pathways for Afghan refugees and migrants, broaden asylum and resettlement programs and halt the deportation of Afghans who seek protection. States, Islamic-majority countries in particular, should use their influence with the Taliban to encourage respect for all human rights, for all. The Council should establish a dedicated mechanism to closely monitor the evolving human rights situation in Afghanistan. An update by OHCHR at the September 2021 session may be necessary. The High Commissioner is willing to update the Council intersessionally, on an urgent basis, in the coming months.

Ms. Anita Ramasastry – Chair of the Coordination Committee of Special Procedures (statement made on behalf of the Coordination Committee, with contributions of more than 20 mandates holders)

In the immediate term, the protection of people most at risk must be ensured. This includes human rights defenders and civil society, journalists, media workers, civil servants, educators, cultural workers, ethnic and religious minorities systematically targeted by the Taliban. Women and girls, and internally

displaced persons face particular risks. Searches, arrests, harassment, intimidation, seizures of property and reprisals are already being reported.

Over the course of the last 18 months, the international community has witnessed the deadliest civilian casualties recorded in Afghanistan in late history. Child casualties for the first half of 2021 constituted the highest number of children killed and maimed in this period ever recorded by the UN in Afghanistan. The acts of the Taliban may amount to war crimes and crimes against humanity.

The Council should make clear that impingements on freedom of movement, expression and information, currently underway in many parts of Afghanistan, are unacceptable. All practices and restrictions that prevent women and girls from leaving their homes amount to de facto deprivation of liberty, in violation of international human rights standards. Attempts to claim cultural or religious justifications for such practices should be rejected.

The Committee calls on Member States, through the Human Rights Council, to pursue the resolute promotion and protection of human rights and fundamental freedoms of the Afghan people, as follows:

1. Member States should remove barriers to exit from Afghanistan, such as lengthy and bureaucratic visa requirements. The Council should also call on States to take urgent action to reduce risks of exploitation of refugees and internally displaced persons.
2. Member States should ensure that a humanitarian corridor is established from Kabul to and from the airport immediately.
3. The Council should establish an independent and adequately resourced international human rights oversight accountability mechanism for a minimum of two years to be deployed urgently to Afghanistan to assess the situation on the ground and report back to the Council, including, but not limited to, war crimes, crimes against humanity, and genocide.
4. The Council should mandate the High Commissioner to regularly report to the Council, ensure that Special Procedures can continue their independent work.
5. The Council should call for the continuation of the robust functioning of Afghanistan's Independent Human Rights Commission and the safety and security of their staff.
6. Member States should support efforts to reach a negotiated settlement of the conflict through an inclusive peace process that guarantees the participation of the Afghan people, safeguarding the rights and guarantees enshrined in the Constitution of the Islamic Republic of Afghanistan.
7. Member States should stand firm in their commitments to women, peace and security.
8. The Council must act to ensure that the protection of the rights of the child are prioritized to prevent grave violations against children from occurring.
9. The Council should address the protection needs of human rights defenders including women's civil society.
10. Member States should ensure that transnational businesses operating in Afghanistan and international financial institutions that provide support for development projects should ensure continued respect for human rights throughout their operations and for their employees.
11. The Council should address the need to protect the full diversity of the cultural heritage of Afghanistan, and ensure the right of everyone to take part in cultural life without discrimination.

Ms. Shahzad Akbar – Chairperson for the Afghanistan Independent Human Rights Commission

There have been calls for the Human Rights Council to respond to the situation in Afghanistan for months. In May, following the horrendous attack on the girls' school in Kabul that killed over 85 people, Afghanistan Independent Human Rights Commission called on the UN for a Fact-Finding Mission to monitor and report, gather evidence of violations and abuses, and advance accountability. The least this Special Session can do is to illustrate that the world is committed to at least a credible, strong and well-resourced mechanism to document the abuses and act as a deterrent.

The draft resolution tabled today is a travesty. The Taliban advances came with summary executions, disappearances, restrictions on women, media and cultural life. Additionally, for the past 20 years and even before, Afghanistan has been the site of many war crimes.

The response of this Council to these abuses as the foremost international human rights body, cannot be business as usual. Afghan activists on the ground who face direct threats to their lives and the lives of their families, demand better. The Council is failing them. It should ensure this session has a credible and strong outcome, which should not be left to tomorrow, the next month or next March.

Afghanistan (Speaking as the country concerned):

The people of Afghanistan, in particular the thousands of **human rights defenders, journalists, academics, civil society members** and **former security personnel**, who were the backbone of our democratic society; the millions of **women and girls** who lost their access to **education**, freedom to **work** and **participate** in the political and social life of their country; the **four million internally displaced persons** who currently live with little to no **humanitarian support**; and many more Afghans who are fearful of their lives. They deserve your **full support here at this Council**.

Restrictions and violations are already taking place as we speak. **Women's rights** in particular, including incidents of **forced marriages, restrictions on freedom of movement, access to education and workplace. Media** outlets are being **intimidated and controlled. Civil society activist, human rights defenders and journalists** fear **harassment and setbacks** for their work and accomplishments of the past 20 years. We must call upon the Taliban and all parties to respect International human rights law and ensure the safety and security of all Afghans.

This is a key moment for the Council to embrace the **preventive role** that it has many times spoke about. This Session may not **establish a Fact Finding Mission** as we requested, but we still hope and urge that its outcome will deliver a **strong message to all**. That violations of human rights law and international humanitarian law undermines both peace and justice and will have **consequences**.

We call upon all States to **keep their borders open**, to facilitate the exit and provide access for all **Afghans who wish to leave and seek asylum**. States cannot and should not **"wait and see"**. We need action for this and urge you to remain fully engaged and abreast of the situation in Afghanistan.

The main lesson from the past 100 years of our history is that a **durable peace** and a sustainable State in a **multi-ethnic** diverse Afghanistan requires a **practical political structure**. There is no alternative to the establishment of a **rights-based pluralistic government** that includes all **ethnic groups** and **women** representatives in an open manner.

Delegations taking the floor

The vast majority of States taking the floor deplored the **grave human rights violations** against **civilians** occurring in Afghanistan. States particularly emphasized the dangerous situation for **women and girls** in Afghanistan, underlining how their rights to **health, education, employment, movement and participation in society** were put in danger.

Delegation were also concerned about the **human rights violations, harassment and targeting** of **human rights defenders, journalists, media workers, members of civil society, ethnic, religious, sexual minorities**, persons with **disabilities** and **artists**, who were all considered as **vulnerable groups**.

The majority of delegations taking the floor recalled that **foreign nationals and Afghans** wishing to **leave the country** should be allowed to do so without any restriction.

States demanded that the **humanitarian aid and access** should be unhindered in Afghanistan.

Several States reaffirmed that an **Afghan-led political process** of national reconciliation that includes **women and minorities** was the only sustainable and peaceful solution for the country.

Some States urged the international community to **welcome Afghan refugees seeking asylum** (Italy, Pakistan, Mexico, Qatar, Greece, Colombia, Holy See, Ecuador).

The **United Kingdom** said it doubled its humanitarian assistance to Afghanistan, **Italy** relocated more than 2000 vulnerable Afghans, **Cuba** said that the US and its allies were directly responsible for the situation in Afghanistan, **Germany** said it was setting up a 10 million Euro aid fund for Afghans who have campaigned for human rights as well as artistic and academic freedom, **Canada** said it will resettle up to 20,000 vulnerable Afghans over the next two years, **Greece** called for the full protection of the cultural heritage in Afghanistan, **China** said it was committed to developing friendly and cooperating neighbouring relationship with Afghanistan, **Iran** asked that vaccines should be provided to the millions of Afghan refugees living in camps in neighbouring countries, **Kyrgyzstan** said it provided 500 student visas to Afghan students.

Member States of the Human Rights Council (33 states):

Slovenia (on behalf of the EU), Denmark (on behalf of Nordic-Baltic countries), United Kingdom, Italy, Pakistan (on behalf of OIC), Bahrain (on behalf of GCC), China, Netherlands, Libya, Uruguay, Argentina, Czech Republic, Austria, Germany, India, Republic of Korea, Venezuela, Indonesia, Bangladesh, Nepal, Russia, Brazil, Bolivia, Bulgaria, Namibia, Poland, Mexico, France, Ukraine, Philippines, Cuba, Japan, Pakistan.

Non-member States of the Human Rights Council that took the floor (40 states and 1 UN Agency):

Spain, Australia, USA, Chile (on behalf of a group of States), Spain (on behalf of a group of States), Qatar, Canada, Costa Rica, Switzerland, Portugal, Cyprus, Saudi Arabia, Liechtenstein, Belgium, Albania, Finland, Luxembourg, Malaysia, Peru, Ireland, Malta, Greece, Turkey, Colombia, Sovereign Order of Malta, Holy See, New Zealand, Iran, Paraguay, Vietnam, Israel, Croatia, UNFPA, Kazakhstan, Egypt, Kyrgyzstan, Botswana, Ecuador, Tajikistan, Timor-Leste.

Dignitaries who took the floor during the Special Session

Mr Gašper Dovžan (State Secretary at the Ministry of Foreign Affairs of **Slovenia**), Mr Jeppe Kofod (Minister for Foreign Affairs of **Denmark**), Lord Ahmad (Minister for South Asia and the Commonwealth of **United Kingdom**), Mr Benedetto Della Vedova (Undersecretary of State at the Ministry of Foreign Affairs and International Cooperation of **Italy**), Mr. Jose Manuel Albares (Minister for Foreign Affairs of **Spain**), Ms. Marise (Minister for Foreign Affairs and Women of **Australia**), Ms. Uzra Zeya (Under Secretary of State for Civilian Security, Democracy, and Human Rights of **United States of America**).

National Human Rights Institutions (2 NHRIs) and Non-Governmental Organizations (18 NGOs):

NHRIs: Global Alliance of National Human Rights Institutions (GANHRI); Australian Human Rights Commission.

NGOs: International Commission of Jurists, World Evangelical Alliance, Minority Rights Group (on behalf of the Coalition for Religious Equality and Inclusive Development), Human Rights Watch, Ingenieurs du Monde, International Federation for Human Rights Leagues, International Humanist and Ethical Union, World Organisation Against Torture, Amnesty International, Lawyers' Rights Watch Canada, Asian Forum for Human Rights and Development, Alliance Defending Freedom, Women's International League for Peace and Freedom, World Vision International, EMERGENCY - Life Support for Civilian War Victims, CIVICUS - World Alliance for Citizen, Participation Caritas Internationalis (International Confederation of Catholic Charities), Campaign for Innocent Victims in Conflict (CIVIC), International Bar Association.

Themes addressed in the statements by NHRIs and NGOs:

All speakers reiterated that the dire human situation in Afghanistan requires the **urgent and sustained action by the Council**. The speakers strongly called for the establishment of an **independent investigative mechanism** adequately staffed and resourced. GANHRI said such a mandate should also include a gender focus. The speakers said States must facilitate the **safe evacuation** of people that wish to leave Afghanistan, including by ensuring safe passage to the airport, the resumption of civilian flights, expediting visas, and providing relocation and resettlement. Particular attention must be paid to the **protection of vulnerable groups**, including women and girls, ethnic and religious minorities, internally displaced people, human rights defenders, journalists and others at risk of reprisals. Refugees and others needing protection who have fled the country must not be forcibly sent back; the **principle of non-refoulement** must be fully respected. A joint statement called for upholding the right to **safe access to education for all, notably girls**, across the country and without discrimination. Several NGOs also expressed concern about the **situation of minorities**, such as Shia Hazara population, as well as Hindus, Sikhs, Christians, Bahai's, Buddhists, Zoroastrians and non-believers who are at risk of persecution.

DRAFT RESOLUTION A/HRC/S-31/L.1 (as orally revised)

Draft Resolution A/HRC/S-31/L.1:

*“Requests the United Nations High Commissioner for Human Rights to present to the Human Rights Council, at its **forty-eighth session, an oral update** on the situation of human rights in Afghanistan, and to present to the Council, at its **forty-ninth session, a comprehensive written report**, focusing on, inter alia, accountability for all perpetrators of human rights violations and abuses in the conflict, to be **followed by an interactive dialogue.**”*

Resolution presented by Pakistan (on behalf of the OIC).

General Comments: Mexico, China, Austria (on behalf of the European Union)

Resolution was adopted without a vote.

Access full recording of the session: [1st Meeting](#); [2nd Meeting](#)