

HUMAN RIGHTS COUNCIL / WORKING GROUP on the Universal Periodic Review of the Afghanistan – Fourth Cycle

29 April 2024

Palais des Nations, Geneva

The Afghanistan's report was presented by **His Excellency Mr. Nasir Ahmad Andisha, Ambassador and permanent representative of the Islamic Republic of Afghanistan** to the United Nations office in Geneva.

Afghanistan has ratified most of the core international human rights treaties including the International Convention on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Elimination of Racial Discrimination, and other cruel and degrading treatment or punishment, the Convention on Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child.

The Ambassador affirmed that despite the formidable obstacles that we face today Afghanistan remains resolute in its commitment to building a society founded on the principles of justice, equality, and respect for human rights and dignity. The constitution of Afghanistan affirmed its dedication to the human rights principle recognizing the significance of the UN Charter and the Universal Declaration of Human Rights.

Afghanistan received 258 recommendations and after the consultation process, supported 235 recommendations on thematic issues concerning: legal and general framework of implementation, universal and cross-cutting issues, civil and political rights; social, economic, and cultural rights; and rights of vulnerable groups, including women, minorities and children.

In 2019, the Action Plan identified responsible entities within the government for the implementation of each of the recommendations. Many entities responsible for this implementation of the supported recommendations had already started the implementation process. However, this process was halted and ultimately discontinued in August 2021, following the military takeover of Afghanistan by the Taliban.

The Taliban continue to lead the international community astray with their claims of respecting the human rights of the citizens of Afghanistan. However, Afghanistan's dedicated civil society organizations, human rights defenders, journalists, and media workers have continued to work actively and steadfastly to shed light on the reality of life on the ground in Afghanistan and counter the false narrative put forth by the Taliban of a resurgence of civil, political and economic stability in Afghanistan.

The government implemented various initiatives to address human rights violations and combat torture, including the passing of the law on the prohibition of torture and the establishment of a monitoring commission.

With respect to children, the government introduced legislation and regulations to improve the condition of children in Afghanistan and provide a holistic environment for healthy development. The specialized law regulation and policies respecting and promoting child rights are no longer accessible since the military takeover. There are no legal safeguards for children now. From restriction to education to the impact of economic and humanitarian crises, displacement, food insecurity, and restriction on women, children's basic needs are not being met. Moreover, families have to resort to

the sale of children, forced child marriage, labor, child labor, and trafficking where children continue to suffer from child abuse, child exploitation, and sexual violence including rape. The absence of child protection and social welfare services has further negatively impacted children.

Ms. Nabila Mosley, former Deputy Minister of Women Affairs, highlighted the grave and pressing challenges that women in Afghanistan are enduring, challenges that demand our serious attention, empathy, and collective action. This extreme situation of institutionalized inequality and gender-based discrimination is unparalleled anywhere in the world.

Afghanistan and the Taliban rule has regressed into one of the most repressive countries in the world concerning women's rights with systematic policies aimed at erasing women from public, political, and social life. Additionally, strict dress codes are enforced restricting women's attire to mandatory hijab and chadori with bright colors prohibited. Travel restrictions require women to be accompanied by male guardians severely limiting the freedom of movement. Other prohibitions include bans on women's participation in sports, arts, media, and decision-making processes. The consequences of these restrictions are dire.

Women and girls are disproportionately affected with many facing increased vulnerability due to their ethnicity, religion, or disability. Women fleeing domestic violence or seeking legal remedies face insurmountable barriers as institutions and mechanisms previously in place have been dismantled or rendered ineffective. Declining mental health is a serious concern for every woman in Afghanistan.

A Former member of the Afghanistan Parliament, Delegate in the Civil Society Delegation of Afghanistan, and the UN talks in Doha informed the international community of the situation concerning the administration of justice including impunity and the rule of law in Afghanistan.

The legal system is now replaced by Taliban-issued edicts, decrees, and orders particularly targeting women and minorities. The Taliban has reintroduced the application of the punishments. This judicial sanction torturous corporal punishment includes public execution, death by stoning, public flagging, imputation, and other violent physical forms of punishment.

The regression in legal and civil rights particularly for women and minorities demands a strong response from global entities to ensure that justice and human rights are upheld. International mechanisms must be mobilized to address this violation and support the people of Afghanistan in their quest for justice.

Mr. Nasir Ahmad Fayek of the permanent mission of Afghanistan in the United Nations in New York, outlined the significant obstacles and ongoing situation in Afghanistan regarding counterterrorism efforts and engagement with international legal mechanisms, particularly the International Criminal Court, ICC. Afghanistan aligned its national legislation with the Rome statute incorporating serious international crimes such as genocide, crimes against humanity, and war crimes in the 2018 penal court. However, the landscape dramatically shifted following the Taliban's forced takeover of Afghanistan who themselves are perpetrators of such crimes and are completely in denial of Afghanistan's international commitments and obligations.

There have been over 1600 documented incidents of arbitrary arrests and detentions with a significant percentage involving torture. In the absence of a constitution and codified judicial system, the Taliban resumed barbaric practices of public executions and corporal punishments.

In conclusion, he stressed that the situation in Afghanistan remains dire with the fundamental rights of its people, particularly of women and girls and other minority groups under constant threat by a regime that systematically violates the norms of international law and human decency.

Ms. Nazifa Haqpal, academic legal expert and a former diplomat, drew attention to three concerning issues regarding human rights in Afghanistan. First, the dissolution of the Afghanistan Independent Human Rights Commission; second, the Taliban's edicts, and third, their judicial system. The present reality of the human rights situation in Afghanistan starkly contrasts with this progress. She reported that nowadays, millions of Afghans including human rights defenders, journalists, scholars, and particularly the women's movement, remain steadfast in their commitment to exposing human rights violations of the Taliban and countering their false narrative of peace and stability.

Recommendations

Treaty Bodies

- Full respect of the principle and obligation established by the United Nations charter and all the other international treaties on human rights ratified
- Fully complies with and respects its obligations under international human rights law as a state party to UN Treaties such as CEDAW.

Liechtenstein, Croatia, Portugal, Slovenia

Women's rights and gender equality

- Uphold the rights of women and girls, including full and equal access to education and work opportunities
- Introduce effective measures to eradicate all forms of violence and discriminatory restrictions against women and girls
- Put an end to direct and indirect discrimination against women and girls to end gender-based violence
- To ensure equality before the law and access to justice for women and girls
- Criminalizes all forms of gender-based violence
- Develop a comprehensive national healthcare plan that would ensure women and girls' access to healthcare services including sexual and reproductive healthcare services
- Reverse laws and policies of unacceptable repression of women and girls' rights and take steps to enable their full, equal, meaningful, and safe participation in all spheres of public life.

Italy, Kuwait, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mexico, Mongolia, New Zealand, Portugal, Brazil, Burundi, Chile, Colombia, Croatia, Slovenia, Albania, the UK

Torture and other cruel, inhumane or degrading treatment, arbitrary arrest, and detention

- Cease extrajudicial killings, arrests and arbitrary detentions, acts of torture, and cruel, inhumane, or degrading treatment.

Malawi, Portugal, Luxembourg, Belgium, UK

Minority Communities

- Recognize, respect, and uphold the international obligations regarding international human rights law, especially for persons belonging to ethnic and religious minorities in particular the Hazara, Shia, Sufis, and Sikhs
- Promote and protect the human rights of minorities
- Safeguard the rights of religious minorities in the countries so that their members be allowed to practice their faith freely and peacefully, preventing any forms of harassment, persecution, or imprisonment.

Luxembourg, Croatia, Australia, Brazil

Death Penalty

- Adopting a moratorium on the death penalty
- Provide official figures regarding the death sentences and executions
- abolishes the death penalty and prohibits all forms of corporal punishment.

Italy, Liechtenstein, Lithuania, Luxembourg, Portugal, Spain, Australia, the UK

Rights of the Child

- Protect the rights of children and take all the necessary measures to end and prevent grave violations against them
- Take measurable steps to prevent and end the recruitment of children to the armed forces and to ensure accountability for all perpetrators
- prohibit all forms of discrimination and violence against children, especially girls, including by reinstating the law on the protection of child rights and ensuring its full implementation.

Italy, Lithuania, Burundi, Slovenia