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Summary of stakeholders' submissions on Afghanistan*

Report of the Office of the United Nations High Commissioner for Human Rights**

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 30 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. HRF and NPWJ recommended Afghanistan commit to respecting and upholding all core international human rights instruments it ratified and ensure compliance with its human rights obligations.⁴ Several NGOs recommended ratifying the ICPPED.⁵ Several NGOs recommended ratifying OP2-ICCPR.⁶ NPWJ recommended ratifying OP-CEDAW.⁷ JUBILEE recommended ratifying ICPMW.⁸ JS7 recommend ratifying CAT.⁹ ICAN urged ratifying the Treaty on the Prohibition of Nuclear Weapons.¹⁰

3. JS1 recommended the Taliban de facto authorities (DFA) to extend a standing invitation to all UN Special Procedure mandate holders and prioritise visits by the: Special Rapporteur (SR) on the situation of HRDs; SR on Freedom of Opinion and Expression; SR on Peaceful Assembly and of Association; and WG on Arbitrary Detention.¹¹ HRW recommended to invite the SR on torture to visit Afghanistan.¹² JS8 recommended to provide access to all parts of the country to the UN Special Rapporteur on Afghanistan.¹³ CHRA recommended ensuring that UNAMA, the SR on the situation of human rights in Afghanistan, all relevant special procedures mandate holders, and treaty bodies effectively monitor the situation of human rights.¹⁴

* The present document is being issued without formal editing.

** Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



4. AFGHRC recommends DFA be brought to account and a sanctions mechanism; naming and shaming be applied against them for the violations of international human rights norms.¹⁵

B. National human rights framework

5. ACAFI noted how the DFA have dismantled institutions responsible for overseeing the implementation of laws, including Afghanistan Independent Human Rights Commission (AIHRC), the Independent Commission for Monitoring the Implementation of the Constitution, the Election Commission, and the Legislative Assembly.¹⁶ NPWJ noted that entities such as the AIHRC has been closed and its members persecuted, limiting the space for civil society organisations (CSOs) to document and report on human rights violations.¹⁷ AFGHRC recommended Afghanistan to put in place a special mechanism for protection of minorities and other vulnerable groups.¹⁸

1. Constitutional and legislative framework

6. JS9 noted that in August 2021, after months of intense conflict, DFA forces seized control of the Afghan capital Kabul and other provincial capitals.¹⁹ Several NGOs noted that the 2004 Constitution was abolished.²⁰ JS2 and LSEW noted that after 2021, the independent legal system has been dismantled.²¹ LSEW noted that the DFA declared an interim government in September 2021, suspending the 2004 Constitution, creating a legal void, resulting in deep uncertainty regarding the laws and procedures.²² ECLJ noted that Afghanistan has faced an enormous shift in its legal and political framework since the collapse of its democratic government.²³ CHRA recommended intensifying efforts for drafting a constitution, ensuring an independent, inclusive and consultative process, rebuild national institutions, and restore rule of law.²⁴ JUBILEE recommended Afghanistan to work with civil society of diverse ethnic, religion and belief convictions to prepare a future constitution, built on freedom of thought, conscience, religion and belief for all citizens.²⁵

7. NPWJ recommended developing a robust legal framework for the promotion and protection of human rights by ensuring that constitutional and national legislation are compliant with international human rights standards.²⁶

8. Some NGOs recommended establishing an inclusive, representative government with full, equal participation of all ethnic and religious communities.²⁷ ACAFI recommended that there should be an interaction by the anti-Taliban forces and a ground for negotiations between all parties to the conflict in Afghanistan under the supervision of the UN.²⁸ BC recommended DFA to actively engage in conflict resolution and peacebuilding efforts to create a stable and secure environment.²⁹

2. Institutional infrastructure and policy measures

9. NPWJ noted the DFA disbanded all specialised courts, including those dedicated to addressing violence against women, anti-corruption and crimes against internal and external security.³⁰ AHR recommended respect and restoration of public institutions in Afghanistan.³¹ Numerous NGOs recommended holding free and fair elections to establish a government that is participative, inclusive, and ensures equal participation of women and youth in decision-making.³²

10. JS3 recommended setting up a law enforcement agency, compatible with international standards.³³

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

11. JS5 recommended Afghanistan to embrace diversity within Afghanistan and promptly end all forms of discrimination, including those based on gender, ethnicity, and religion.³⁴

12. JS9 reported on how the DFA is denying, on the basis of gender, the rights to education, employment, peaceful assembly, freedom of expression, movement, and from domestic violence and recommended removing all restrictions and barriers.³⁵

Right to life, liberty and security of person, and freedom from torture

13. JS3 reported 500 ex-government officials and security personnel were either killed or subjected to forced disappearances during the initial six months of the Taliban's rule.³⁶ JS3 noted that these are often civilians.³⁷ JS7 recommended to enact constitutional and legislative provisions pertaining to the death penalty, such as its application to juveniles, and whether the death penalty is limited to the "most serious crimes".³⁸

14. JS7 recommended prohibiting the use of torture during interrogations, to ensure all prisons abide by the Nelson Mandela and Bangkok Rules.³⁹ Some NGOs noted that secret prisons detain, torture, and interrogate individuals without any trial.⁴⁰ JS3 reported that DFA introduced various forms of torture and ill-treatment and undignified punishments, recommending access to lawyers for detainees and torture victims to ensure fair trial.⁴¹

15. JS3 noted that arbitrary detentions have been widespread, targeting various groups of people, including former government officials, members of the Afghan National Defence and Security Forces.⁴² JS3 noted that individuals with alleged links to the "National Resistance Front" (NRF) have been arrested.⁴³ AHR noted that HRDs face intimidation, harassment, arbitrary arrest, ill-treatment, and killing.⁴⁴ NPWJ reported on the arbitrary detentions concerning peaceful protesters.⁴⁵

International humanitarian law

16. BC noted that practices and decisions established by the DFA contradict national and international laws.⁴⁶ HRW recommended full compliance with international humanitarian law, and appropriately punish or prosecute those responsible for grave abuses.⁴⁷

Human rights and counter-terrorism

17. CPHG noted that the Hazaras are vulnerable to various terrorist groups operating within Afghanistan, noting the decree by the DFA leader encouraging the Taliban to support and help their allies, such as the terrorist organisations listed by the UN.⁴⁸ BOLAQ recommended taking measures to protect vulnerable individuals left behind from harm by those groups.⁴⁹

18. ACAFI recommended States to prevent normalizing Taliban actors, including countering support for the Taliban from various nations and extremist networks of Taliban terrorists abroad. It recommended protecting international global peace and security.⁵⁰

Administration of justice, including impunity, and the rule of law

19. HRW noted that although Afghanistan became a member of the International Criminal Court (ICC) in 2003, it did not incorporate Rome Statute crimes under national law until 2018.⁵¹ NPWJ recommended providing access to ICC personnel involved in the on-going investigation into crimes against humanity.⁵² CHRA recommended supporting CSOs' efforts to advance accountability for violations of human rights, including through the ICC.⁵³ JS2 recommended establishing an independent judicial system based on democratic principles, and to ensure compliance with international standards on the right to a fair trial.⁵⁴ ADF and

JS8 recommended restoring the judiciary, rule of law, legal system and enforcement mechanisms in line with international human rights standards.⁵⁵

20. AHR noted the general insecurity of the judicial system.⁵⁶ LSEW noted that there is no process for the appointment of judges, which are based on “connection and friendships.”⁵⁷ JS3 recommended to ensure impartiality and independence of the judicial system and appoint qualified judges.⁵⁸ CHRA reported that various NGOs were able to evacuate around 500 judges along with their families, and those who could not leave are now forced to live in hiding.⁵⁹ CHRA recommended Afghanistan ensure a fair, just and rule of law-based legal and judicial system.⁶⁰

21. HRW and JS3 noted that enforced disappearances is a deeply troubling and ongoing crisis, with numerous cases reported, and recommended investigating all allegations of torture of detainees, enforced disappearances, and summary executions; prosecute all those found responsible for committing or ordering these crimes.⁶¹

22. OIAD noted that after taking power, the DFA eliminated all legal, judicial, and human rights organisations, including Afghanistan Independent Bar Association (AIBA).⁶² LSEW noted that DFA revoked licenses of all lawyers; lawyers and judges have lost their freedom and face economic hardships. It observed an absence of a functioning legal system leading to an increased reliance on traditional and informal dispute resolution mechanisms.⁶³ Some NGOs noted that after the Taliban takeover (takeover), ordained Shari’a law to replace all human-made laws and rendered all laws and the constitution invalid.⁶⁴ ADF noted that judges were mandated to enforce rigorous punishments in accordance with the Shari’a law.⁶⁵ CHRA, LSEW and JS7 noted that as of June 2023, the legal status of former laws remains unknown. The DFA has not officially endorsed or rescinded any laws from the previous government, except to suspend the 2004 Constitution. The DFA stated on numerous occasions that they govern according to their interpretation of shari’a law and, if international human rights law and Islamic law conflict, that the DFA is “obliged to follow the Islamic law.” Today Afghanistan operates in a legal vacuum constrained only by reference to shari’a law.⁶⁶ JS5 noted that Taliban’s interpretation of Shari’a law is marked by a distinct stringency and noticeable bias against women.⁶⁷

23. OIAD, JS2 and JS3 identified serious threats to human rights lawyers, as they have been targeted by the new regime. They noted that the DFA ended the independence of AIBA, and required all attorneys to renew their licenses, barring women from renewing. Now, lawyers are also required to pass an exam based on religious topics unrelated to legal qualifications. They recommended ceasing all attacks on them; ensuring that they can perform their functions without intimidation, harassment or interference; ensuring an independent judicial system; and release all lawyers for legitimately exercising their profession.⁶⁸ JS2 noted that lawyers are further limited by difficulties in representing clients in conflict-affected regions.⁶⁹ Several NGOs recommended to re-establish a professional and independent lawyers’ institution in accordance with the UN Basic Principles on the Role of Lawyers.⁷⁰

24. JS2 noted that the General Prosecutor’s Office has been abolished and that roughly 6,000 member staff in the Attorney General Office were fired or fled the country with many killed: the role of a prosecutor is now non-existent.⁷¹ As LSEW noted, the DFA appointed their own members as the Minister of Justice, Chief Justice, Attorney General and Members of the Supreme Court.⁷² JS2 reported that the DFA govern from Shari’a law, leading to uncertainty in the legal system which runs counter to the Rule of Law, practices that are at odds with principles of the right to a fair trial, and the predictability with no need to prior knowledge of the law, leaving judgements to the discretion of the judge.⁷³ Several NGOs pointed out that Muftis, Senior Islamic scholars, are performing some functions previously undertaken by prosecutors.⁷⁴ JS3 noted that Muftis, have gained an increased role in the judicial process, acting as advisors to judges.⁷⁵ LSEW noted that all prosecutors were fired, but, by late 2021, a few male prosecutors were being called back to work.⁷⁶ JS2 recommended to restore the positions of professional prosecutors and judges.⁷⁷ JS6 recommended to set minimum legal education standards for judicial officials and provide training to judicial officers.⁷⁸

Fundamental freedoms and the right to participate in public and political life

25. ECLJ noted that Afghanistan lacks religious freedom, with many Christians fleeing due to the DFA's door-to-door searches, and persecution, particularly targeting Afghan Christians the largest non-Muslim minority.⁷⁹ Several NGOs recommended the DFA must cease their persecution of religious minorities.⁸⁰

26. AFGHRC noted that freedom of expression in Afghanistan has suffered immensely since the takeover and recommended advocating for freedom of expression and media freedom, support and protect journalists and media outlets.⁸¹ CHRA noted the DFA have imposed restrictions on freedom of expression, targeting and detaining journalists and carrying out raids on independent news media; international media outlets have ceased their operations in the country, and local journalists have had limited access to DFA's information.⁸² HRF recommended the State to protect, respect, and promote the rights of all individuals to freedoms of expression.⁸³

27. CHRA reported on the systematic closing of civic space, as well as the deterioration of the freedoms of expression.⁸⁴ JS8 recalled that since 2019, journalists and media workers have faced threats of harassment, arrest, detention by DFA.⁸⁵ HRF noted that female journalists are increasingly at risk of being harassed, arbitrarily arrested or detained, and physically assaulted for their work.⁸⁶ JS5 noted that female journalists have been barred from working in the media.⁸⁷ The DFA confirmed in 2022 that the Mass Media Law (2009) remained enforceable.⁸⁸ Nevertheless, JS5 noted that DFA have arrested many journalists.⁸⁹ JS1 expressed concerns about the arbitrary arrest, torture, ill-treatment and killings of HRDs and journalists by the DFA with impunity.⁹⁰ CHRA and HRF observed that since the Taliban's takeover, Afghanistan has lost 7,259 journalists, with 80% of female journalists became unemployed and forced to register.⁹¹ While JS5 noted that female journalists have been barred from working in the media.⁹² HRF and HRW noted that the regime has become increasingly hostile against foreign media, and that foreign correspondents face visa restrictions.⁹³ AHR, HRW and JS1 stressed that international media trying to operate in Afghanistan face a challenging environment. They recommended ensuring freedom of expression and media freedom by bringing all national legislation into line with international law and standards; to ensure that journalists may work freely and without fear; take steps to adopt a framework for their protection from persecution, intimidation, and harassment.⁹⁴ AHR and HRW recommended investigating all attacks on journalists and ensure those found responsible for obstructing, abusing, or assaulting journalists are prosecuted; release all journalists, media workers, CSOs.⁹⁵

28. CHRA recommended to cease all attacks against HRDs and activists, ensure that those responsible are held accountable, and enable them to carry out their activities without intimidation, harassment, and fear of reprisal.⁹⁶ Some NGOs recommended to: provide CSOs and HRDs with a secure environment to carry out their work; conduct impartial investigations into all cases of killings, enforced disappearances, attacks, harassment; ensure HRDs carry out their legitimate activities without fear, obstruction, legal action; establish mechanisms that protect HRDs.⁹⁷

29. JS5 noted that in implementing restrictions on unions and associations, DFA are detaining CSOs, tribal elders, education campaigners, university professors.⁹⁸ JS1 and JS8 recommended releasing all individuals, including women and their family members, who have been arrested for exercising their rights to freedom of expression, association and peaceful assembly.⁹⁹ JS1 recommended to guarantee fully the right to freedom of peaceful assembly and investigate extrajudicial killing.¹⁰⁰

Right to marriage and family life

30. ECLJ noted that young girls are assigned to marriage: because DFA consider and conduct marriages as private family and religious affairs, there is no civil registry.¹⁰¹ ECLJ recommended the Afghanistan marriageable age be raised to at least eighteen years old for girls, and the practice of marrying off or selling children for money should be outlawed.¹⁰² AFGHRC stressed that lack of social protections has led families to resort to measures including child marriages, selling their children and organs.¹⁰³

Prohibition of all forms of slavery, including trafficking in persons

31. ECLJ noted that trafficking of Afghan women, holding them as sex slaves or forcing them into marriage with Taliban fighters is common today. ECLJ recommended the DFA to remove itself from and actively stamp out human trafficking activities.¹⁰⁴

Right to work and to just and favourable conditions of work

32. UCI IJC noted there is no justification for the removal of the right to work for women in government.¹⁰⁵ JS8 recommended to end restrictions on women working for the civil service, UN and NGOs.¹⁰⁶ JS1 noted in April 2023, the DFA banned Afghan women from working for the UN in Afghanistan.¹⁰⁷ UCI IJC noted that working for organizations funded by foreign donors did not protect women from losing their pay.¹⁰⁸ UCI-IJC recommended to ensure the compliance of Afghanistan with human rights obligations that include the right to work, and recommended taking steps to promote women's participation in all sectors, and afford women the opportunity to get a formal education.¹⁰⁹

Right to social security

33. JS1 noted that Afghanistan remained in the grip of a severe humanitarian crisis, affecting over two-thirds of its population.¹¹⁰ AHR recommended ensuring that civilians have full and unrestricted access humanitarian aid, including ensuring the safe passage to humanitarian workers, and cooperate with international human rights mechanisms.¹¹¹

Right to an adequate standard of living

34. AFGHRC noted that Afghanistan experienced two decades of progress in the field of human rights, but the takeover in August 2021 plunged the country into a deep humanitarian crisis, accompanied by international isolation and poverty.¹¹² BC noted that Afghan population living in poverty went up from 47% in 2020 to 97% in 2021, and approximately half of the Afghan population is grappling with poverty, and around 15 million individuals are facing food insecurity.¹¹³ HRW noted that in 2023, an unprecedented number of Afghans needed humanitarian assistance, as malnutrition affected more than four million people.¹¹⁴

35. HRW reported that the loss of millions of jobs after August 2021 was enormous and recommended to: facilitate the provision of humanitarian aid to the civil society.¹¹⁵

Right to health

36. Several NGOs noted that women are banned from the healthcare sector.¹¹⁶ JS9 noted that some were beaten so hard in detention they continued to suffer health complications after release.¹¹⁷ JS2 pointed out that the ongoing denial of their fundamental rights traps them in a cycle of despair, with limited access to even the most essential aspects of a dignified existence (humanitarian aid, health services, access to safe water).¹¹⁸

37. JS5 stressed the dire healthcare services allowed to children.¹¹⁹

Right to education

38. BC noted the instability in Afghanistan has impacted its education system.¹²⁰ BC remarked that Afghanistan has one of the lowest literacy rates in the world – especially among girls and in rural areas, and reported that this situation was further exacerbated by the DFA's directive in September 2021.¹²¹ BC noted that public education expenditure was inadequate, far before the takeover in 2021: it reached 3.9% of the country's GDP in 2019.¹²² Since the takeover, ACAFI noted, the DFA have been expanding religious schools throughout the country.¹²³ JS5 reported that as of August 2023, DFA issued over 15 restrictive decrees and orders, severely impacting women's education.¹²⁴ JS8 reported that DFA has announced the modification of the education system and converted the secular curriculum and schools into religious Madrassas, establishing more religious schools.¹²⁵ BC recommended gender equality in education; to increase investment in education; quality and access; protection of educational institutions; non-religious forms of education.¹²⁶ AHR recommended to reopen school at all levels and universities for girls and women.¹²⁷

39. SAR recommended reversing policies barring women and girls from accessing education at any level and implementing policies to protect educational institutions from attack.¹²⁸ ACAFI noted that girls have been banned from attending schools beyond the sixth grade.¹²⁹ BC noted that prohibiting girls from attending secondary school, caused 1.1 million girls being prevented from attending secondary school and 60% decline in women's enrolment in higher education.¹³⁰ JS9 observed that in August 2021, the DFA violently enforced policies depriving women and girls' fundamental rights to education and employment, and it recommended to reverse restrictions on women and girls' access to education and women's access to employment in all fields.¹³¹ AHR pointed out the limiting of women's education in order to prevent children from growing up in educated households.¹³² HRW recommended to end all restrictions on girls' and women's access to education.¹³³ CHRA recommended Afghanistan to rescind all discriminatory edicts and decrees prohibiting women and girls' access to education.¹³⁴ AFGHRC noted that the DFA has actively arrested, tortured, prosecuted, and even killed protestors, educators and women demanding or providing education opportunities for women.¹³⁵ BC recommended that the country ensure that educational policies and programs are tailored to Afghan children's needs and aspirations.¹³⁶

40. SAR reported by many NGOs, academic freedom is under threat. It reported there has been an alarming rise in cases of loss of position experienced by academics whose teaching and research were considered not in line with Taliban ideology.¹³⁷ JS1 also noted that critical academics have been targeted to silence dissent.¹³⁸

Cultural rights

41. Afghan Witness noted that since the takeover, intentional harm to cultural heritage has been documented. It stressed that safeguarding cultural heritage is crucial to preventing ethnic tensions and lamented the systematic destruction of the cultural heritage, pointing out that the Afghan public cultural space has become increasingly restricted and inaccessible since 2021. It recommended Afghanistan to ensure quality of access to cultural rights and practices; respect pluralistic approaches to culture and heritage.¹³⁹

42. AFGHRC noted that concerning restrictions to child education, limiting children's access to science, sports and forcing children to attend Islamic Madrassas and training as child soldiers are the abridges of their rights.¹⁴⁰

Development and the environment

43. AFGHRC noted that considering that ordinary Afghani are struggling to maintain dignity due to political and economic pressures, the economic downturn and climate change continue to fuel economic crisis.¹⁴¹

2. Rights of specific persons or groups

Women

44. JS4 and JS5 noted that women's rights have deteriorated under DFA rule.¹⁴² ECLJ raised attention on the deplorable human rights conditions, sexual exploitation of women and children, forced marriages, oppression of women.¹⁴³ ACAFI noted that since the takeover, women and girls are not considered equal to men and are denied basic rights and roles in social life beyond reproduction. It also noted domestic protests and international recommendations have had no impact on the DFA's stance. It recommended support for Hazari women, who face gender apartheid.¹⁴⁴ HRF specified that in 2023, the DFA decreed that men and women have separate offices, and seats on public transport.¹⁴⁵ Some NGOs stressed the gender apartheid, by issuing over 100 edicts, policy guide announcements, verbal statements and practical actions the DFA have deprived woman from their basic rights, creating an environment of systematic oppression and gender-based discrimination.¹⁴⁶ AFGHRC recommended gender apartheid must be recognized, criminalized, and codified as an international crime and should be prosecuted by the ICC.¹⁴⁷ Various NGOs urged States to use UPR in denouncing and ending immediately the continuing crime against humanity of gender persecution against women and girls.¹⁴⁸ JS8 recommended to reverse discriminatory policies and directives that restrict women and girls' rights and freedom of peaceful

assembly.¹⁴⁹ JUBILEE recommended condemning the DFA's violence, hate crimes and denial of the rights of women and girls.¹⁵⁰ HRW recommended ending all bans on women's access to public spaces like parks, baths, and gyms.¹⁵¹

45. AHR noted that Afghan women experience high rates of domestic violence.¹⁵² JS4 recommended Afghanistan to create policies against discrimination and violence, particularly against women and girls, including domestic violence, and to increase accountability.¹⁵³ ACAFI noted that many female employees have been dismissed from offices, while the rates of child marriages, forced marriages, domestic violence, and crimes against women raised.¹⁵⁴

46. NPWJ noted the limitations imposed on the rights of women and girls recommending the implementation of the elimination of violence against women law and its national action plan for the implementation of UNSC Resolution 1325.¹⁵⁵ UPR-BCU noted that Women for Afghan Women shelter had significant successes prior to the Taliban regaining control. However, DFA shut it down, forcing women to return to their abusers or face homelessness, and sometimes harassing staff. It recommended re-opening domestic abuse support shelters, and fund healthcare and support services for women.¹⁵⁶ AHR and UPR-BCU recommended reinstating the female judges and courts established by the 2009 Elimination of Violence against Women Law.¹⁵⁷

47. JS3 and JS5 stated that women's rights have been significantly curtailed in the legal system. It recommended upholding and promoting gender equality by allowing women's participation in the legal system.¹⁵⁸ AFGHRC noted that women Judges and legal professions are prevented to attend work.¹⁵⁹ JS3 reported that women are banned from participating in judicial roles, and currently, no women judges, lawyers, prosecutors are working in the judicial and criminal system.¹⁶⁰

48. JS6 urged DFA to rescind their misogynistic restrictions and edicts that discriminate against, dehumanise and segregate women and girls in many aspects of public and private life, and to comply with all recommendations they have received from the UN High Commissioner for Human Rights.¹⁶¹ JS2 recommended to ensure the rights of women and girls are guaranteed, protected, and implemented, and to repeal and abolish laws and decrees that violate women's rights and restrict their ability to participate in public life.¹⁶² AFGHRC and JS5 noted that women's opportunities in government, parliament, and organizations effectively ceased under the DFA. DFA measures have further restricted women's participation and their ability to achieve economic independence. They recommended to include Afghanistan women's participation in decision-making processes at the international level.¹⁶³ JS4 stated that barring female staff undermines humanitarian efforts and it recommended to promote participation by women in the peace process.¹⁶⁴

49. JS5 stressed the DFA must enable women's safe return to work and re-establish protection frameworks and mechanisms to facilitate women's access to justice.¹⁶⁵ OIAD recommends guarantee women's access to higher legal studies to enable them to work in the legal profession, and to reinstate the protection of women's rights within the judicial system.¹⁶⁶

50. JS2 reported many women and girls were being raped.¹⁶⁷ HRW and JS9 recommended to investigate and prosecute all cases of violence against women and girls and accountability for unlawful killings, torture, inhumane treatment, unlawful imprisonment, and enforced disappearances in relation to bans on women and girls' education and deprivations of women's freedom of assembly.¹⁶⁸

51. HRF recommended to ensure that the basic rights of women are formally recognized and respected.¹⁶⁹ AHR recommended to end all violations of the rights of women and ensure women enjoy their rights to freedom and equality, and ensure that complaints regarding gender-based violence crimes are heard by official courts and cease the practice of family mediation for charges of domestic violence.¹⁷⁰

Children

52. ACAFI noted that Afghan children are among the most vulnerable groups affected by the discriminatory policies of the DFA: many children not only suffer from the denial of education and training but also endure forms of violence within their homes and

communities. ACAFI noted that a significant number of children are forced into hard labor to support themselves and their families.¹⁷¹ JUBILEE reported that children can no longer go to the parks.¹⁷²

53. ACAFI stressed DFA's efforts to indoctrinate the children and youth of Afghanistan, aiming to transform a culture of freedom and justice-seeking into one of extremism.¹⁷³ ECP noted that corporal punishment of children is lawful, despite repeated recommendations to prohibit it. It recommended to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defence allowing its use, as a matter of priority.¹⁷⁴

Persons with disabilities

54. AFGHRC noted the discrimination against people with disability who belong to the previous regime. The DFA Ministry of Martyrs and Disabled has cancelled more than ten thousand forms and cards of people with disabilities and orphans that were registered in the previous government, while women and girls with disabilities face more challenges in terms of accessing services.¹⁷⁵

Minorities

55. ADF noted that the targeting of persons belonging to religious minorities was evident in Afghanistan even before the takeover.¹⁷⁶ Several NGOs documented cases of religious persecution.¹⁷⁷ JS7 noted that Afghanistan is a majority Sunni Muslim country, while ethnically, the country remained a land of minorities in which no ethnic group constitutes a majority; Afghan religious minority groups, including the Shia Hazaras, Hindus, Sikhs, Baha'is, Christians, and Jews have historically suffered the most.¹⁷⁸ ADF, CPHG and JUBILEE noted that Hazaras' situation has only aggravated, and persecution has been intensified and become more dire and worrisome. They noted that the restriction of access to fundamental rights resulted in acts like murder, arbitrary arrest, torture, and forced displacement. It recommended a recognition of crimes against humanity and crimes of genocide and enhance security measures. They noted increased attacks committed by both the DFA and other militant extremist groups, including the Islamic State of Khorasan Province, which command international attention.¹⁷⁹ JUBILEE recommended condemning the execution of perceived or actual apostates and the denial of freedom of thought, conscience, religion and belief of Christians, Bahá'ís, Hazaras, and others.¹⁸⁰ BOLAQ and CPHG noted that discrimination and hatred against Shia Hazaras are systematic, widespread, and pervasive. They have demonstrated both ethnic and religious motivations against the community, and they have long been victims of ethno-religious hatred, marginalisation, and massacres.¹⁸¹ ACAFI reported that the Hazaras are migrating to seek refuge from the DFA's tyranny and discrimination.¹⁸² BOLAQ recommended restoring justice, to prevent its recurrence; bring the perpetrators to justice; restore their land and compensation for loss of life and property; and establish a special mechanism to monitor and document violence and prevent atrocities.¹⁸³

56. JS3 reported the Hazara's community inhumane and degrading conditions; without access to shelter, food, or medicine.¹⁸⁴ HRW noted that attacks targeting Shia and Hazara communities continued. It recommended protecting minorities and ensure their rights to access education and worship without fear.¹⁸⁵ JS2 reported on accounts of Hazara families in hiding from the Taliban who sought engagements with their daughters.¹⁸⁶

57. JS3 recommended ensuring minorities are guaranteed access to assistance, including humanitarian assistance; investigate all attacks against members of minority communities.¹⁸⁷ JS8 recommended ending systematic attacks against Shia Hazaras and to ensure equitable delivery of humanitarian assistance.¹⁸⁸

Lesbian, gay, bisexual, transgender and intersex persons

58. JS7 noted that there have been no confirmed executions of people for engaging in consensual same-sex sexual activity since the Third-Cycle review.¹⁸⁹ CHRA noted LGBTQI+ individuals are refrained from gathering, exercising their rights to freedom of assembly and association.¹⁹⁰

59. HRW and JS7 noted that Afghanistan's criminal code has long made same sex conduct a criminal offense, punishable by death, and recommended respecting the right of all people to be protected from discrimination or violence based on their sexual orientation or identity.¹⁹¹ JS8 reported that the DFA has reaffirmed the previous government's criminalization of same-sex relations. It reported on the marginalization of LGBTQI+ individuals and lamented that LGBTQI+ community's situation remained under-reported; thus, it recommended their protection.¹⁹²

Migrants and refugees

60. ACAFI noted that many Afghans migrated because of risks to their lives and security.¹⁹³ JS4 noted since the last UPR cycle, Afghanistan was focused on ensuring effective responses to the unprecedented return of refugees to Afghanistan, accordingly recommendations centred on ensuring the enjoyment of their rights, reintegration, employment, education, healthcare, housing.¹⁹⁴

Internally displaced persons

61. AFGHRC and OIAD noted that the humanitarian situation deteriorated since the takeover, resulting in 3.25 million people internally displaced, while more than 2.1 million registered Afghan refugees in neighbouring countries.¹⁹⁵ AFGHRC noted the situation for internally displaced persons (IDP) and refugees in Afghanistan has been dire. AFGHRC reported that IDPs are discriminated against and are deprived of basic human rights, protections, access to food and healthcare.¹⁹⁶

62. AHR noted that the DFA has engaged in systemic forced displacement and massive killings, often targeting ethnic and religious minorities.¹⁹⁷ OLAQ reported on the forced displacement of thousands of Hazara families from provinces such as Dai Kundi, Uruzgan, Ghazni, Bamian, and Ghor.¹⁹⁸

Stateless persons

63. BOLAQ noted that Jogi and stateless communities remained undefined and unprotected under Afghanistan's legal or human rights instrument.¹⁹⁹

Notes

¹ A/HRC/41/5 and the addendum A/HRC/41/5/Add.1, and A/HRC/41/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

ACAFI	Afghan Cultural Association in Italy, Rome (Italy);
ADF International	Alliance Defending Freedom International, Geneva (Switzerland);
AfghanWitness	Afghan Witness, OSINT, London (United Kingdom); Afghanistan;
AFGHRC	Afghanistan Human Rights Center, New Haven (United States);
AHR	Advocates for Human Rights, Minneapolis (United States);
BOLAQ	Bolaq Analysts Network, Flushing (United States);
BC	The Stichting Broken Chalk, Amsterdam (The Netherlands);
CHRA	Center for Human Rights Advocacy, Meyrin (Switzerland);
CPHG	The Coalition for the Prevention of Hazara Genocide, Copenhagen, (Denmark);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
ECP	End Corporal Punishment, Geneva (Switzerland);
H.R.F.	Human Rights Foundation, New York (United States);
HRW	Human Rights Watch, New York (United States);
ICAN	International Campaign to Abolish Nuclear Weapons, Melbourne (Australia);

JUBILEE LSEW	JUBILEE CAMPAIGN, Addlestone (United Kingdom); The Law Society of England and Wales, London (United Kingdom);
NPWJ	Non c'è pace senza giustizia – No Peace Without Justice, Rome (Italy);
OIAD	Observatoire International des Avocats en Danger, Paris (France);
SAR	Scholars at Risk Network, New York (United States);
UCI IJC	UC Irvine International Justice Clinic, Irvine (United States);
UPR-BCU	The UPR Project at BCU, Birmingham (United Kingdom).
<i>Joint submissions:</i>	
JS1	Joint Submission 1 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Safety and Risk Mitigation Organization (SRMO), (United Kingdom);
JS2	Joint Submission 2 submitted by: International Bar Association's Human Rights Institute (IBAHRI), London (United Kingdom); Afghan Independent Bar Association in Exile (AIBAIE), Etterbeek (Belgium); Coalition for Genocide Response, London (United Kingdom);
JS3	Joint Submission 3 submitted by: Afghanistan Women Foundation, Civil Society Human Rights Network (CSHRN), Kabul, (Afghanistan); Feminine Solidarity for Justice Organization (FSJO), Kabul (Afghanistan); Human Rights Defenders Plus (HRD+); Rawadari, The Organization for Women Rights Research (OWRRS); The Afghanistan Independent Bar Association in Exile (AIBA-E), Etterbeek (Belgium); World Organisation against Torture (OMCT), Geneva (Switzerland);
JS4	Joint Submission 4 submitted by: AsyLex, Zurich (Switzerland); Human Rights Advocacy, Meyrin (Switzerland);
JS5	Joint Submission 5 submitted by: Rawadari; Human Rights Defenders Plus (HRD+), Afghanistan; Wazhma Frogh; Safety and Risk Mitigation Organization (SRMO), (United Kingdom);
JS6	Joint Submission 6 submitted by: International Service for Human Rights, Geneva (Switzerland); Women's International League for Peace and Freedom (WILPF), Geneva (Switzerland);
JS7	Joint Submission 7 submitted by: Asia Forum for Human Rights and Development (FORUM-ASIA), Bangkok (Thailand) Advocates for Human Rights, Minneapolis (United States); and The World Coalition Against the Death Penalty, Rome (Italy);
JS8	Joint Submission 8 submitted by: Asian Forum for Human Rights and Development (FORUM-ASIA), Bangkok (Thailand); Safety and Risk Mitigation Organization (SRMO), (United Kingdom); Afghanistan LGBTQ Organization (ALO), (Czech Republic);
JS9	Joint Submission 9 submitted by: Institute on Gender, Law, and Transformative Peace at the City University of New York, New York (United States); MADRE, New York (United States).

³ The following abbreviations are used in UPR documents:

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
ICPPED	International Convention for the Protection of All Persons

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- 4 HRF, p. 16 recommendation (a) and NPWJ, para. D(30).
- 5 NPWJ, para. D.32 and JUBILEE, para. II(2).
- 6 NPWJ, para. D.33, JS7, para. 3, JUBILEE, para. II.2 and JS7, p. 1, para. D.51.II.6.
- 7 NPWJ, para. D(34).
- 8 JUBILEE, para. II(2).
- 9 JS7, para. D.51.II.6.
- 10 ICAN, p. 1.
- 11 JS1, para. 16.1 and JUBILEE, para. II(2).
- 12 HRW, p. 3.
- 13 JS8, para. 52.
- 14 CHRA, para. 27(a).
- 15 AFGHRC, p. 7, recommendation 2.
- 16 ACAFI, para. 2.
- 17 NPWJ, para. B.8.
- 18 AFGHRC, p. 7.
- 19 JS9, para. 3.
- 20 ADF, para. a.5 and HRF, para. 5 and JUBILEE, para. III.A.3.
- 21 LSEW, para. B.4 and JS2, para. II(1).
- 22 LSEW, para. B(4).
- 23 ECLJ, para. 4.
- 24 CHRA, para. 13(b).
- 25 JUBILEE, para. 12.
- 26 NPWJ, para. D(31).
- 27 JS8, paras. 5, 35–36, ACAFI, para. 10.3 and AFGHRC, para. 10.
- 28 ACAFI, para. 10(3).
- 29 Broken Chalk, para. VII(43).
- 30 NPWJ, para. C(25).
- 31 AHR, para. 33.
- 32 CHRA, para. 26(a) and AFGHRC, p. 7, recommendation 5.
- 33 JS3, paras. 51 and 62(h).
- 34 JS5, para. 32 and ADF, paras. 21 and 22.
- 35 JS9, paras. 6 and 40.
- 36 JS3, para. 30.
- 37 JS3, para. 16.
- 38 JS7, para. 3.
- 39 JS7, paras. D51.II.62 and D51.II.6.
- 40 AHR, para. 30 and JS3, para. 17.
- 41 JS3, paras. 49–50 and 62(f).
- 42 JS3, para. 13.
- 43 JS3, para. 16.
- 44 AHR, para. 26.
- 45 NPWJ, para. B(3).
- 46 BC, para. I(5).
- 47 HRW, p. 5.
- 48 CPHG, para. 18.
- 49 BOLAQ, para. 16(b).
- 50 ACAFI, para. 10(1–2).
- 51 HRW, p. 5.
- 52 NPWJ, para. D(37).
- 53 OIAD, para. 7.
- 54 JS2, paras. VI(1) and VI(3).
- 55 ADF, para. 24 and JS8, para. 39.
- 56 AHR, para. 9.
- 57 LSEW, para. B(ii).
- 58 JS3, para. 62(e).
- 59 CHRA, para. 11.
- 60 CHRA, paras. 13(c) and 13(d).
- 61 HRW, p. 3 and JS3, paras. 26 and 62(b).
- 62 OIAD, para. 9.
- 63 LSEW, para. Bvi, IV and CHRA, para. 12.
- 64 AFGHRC, para. 3(3), JS3, para. 7 and CHRA, para. 5.

- 65 ADF, para. a.8.
- 66 CHRA, para. 6 and LSEW, para. B(7) and JS7 para. 6.
- 67 JS5, para. 12.
- 68 OIAD, paras. 9 and II(6), II(8) and IV, I(2, 7) and IV(11) and JS2, para. II(7) and III(6) and JS3, paras. 51 and 62(h).
- 69 JS2, para. III(10).
- 70 JS2, para. VI(2) and OIAD, para. 10, recommendation 1.
- 71 JS2, paras. II(7) and III(13–14).
- 72 LSEW, para. B(8).
- 73 JS2, paras. II(5–6).
- 74 LSEW, para. B(iii) and JS3, para. 8.
- 75 JS3, para. 10.
- 76 LSEW, para. B(iv).
- 77 JS2, para. VI(4).
- 78 JS7, para. D51.II.6.
- 79 ECLJ, paras. 14 and 17.
- 80 ECLJ, para. 28 and AHR, para. 33.
- 81 AFGHRC, para. 4.3 and p. 7.
- 82 CHRA, para. 20.
- 83 HRF, p. 16, recommendation b.
- 84 CHRA para. 15.
- 85 JS8, para. 1.24.
- 86 HRF, para. 19.
- 87 JS5 para. 25.
- 88 JS1, para. 4(4).
- 89 JS5, para. 19.
- 90 JS1, para. 1(5).
- 91 CHRA, para. 22 and ECP, para. 16.
- 92 JS5, para. 25.
- 93 HRW, p. 4 and HRF, para. 21.
- 94 AHR, para. 33, HRW, p. 3 and JS1, paras. 4(7) and 16(1).
- 95 AHR, para. 33 and HRW, p. 3.
- 96 CHRA, para. 26(e).
- 97 JS1, para. 16.2 and JS3, para. 33.
- 98 JS5, para. 18.
- 99 JS1, para. 16(4) and JS8, para. 23.
- 100 JS1, para. 16(4).
- 101 ECLJ, para. 24.
- 102 ECLJ, paras. 30 and 21.
- 103 AFGHRC, para. 6.
- 104 ECLJ, paras. 20 and 29.
- 105 UCI IJC, paras. 13 and 14.
- 106 HRW, p. 2 and JS8, para. 14.
- 107 JS1, para. 2(7).
- 108 UCI IJC, para. 18.
- 109 UCI-IJC, paras. 23(a), 23(c) and 23(e).
- 110 JS1, para. 16(1).
- 111 AHR, para. 33.
- 112 ARGHRC, para. 2.2.
- 113 BC, para. III(10).
- 114 HRW, p. 4.
- 115 HRW, p. 4.
- 116 JS9, para. 10. See also: NPWJ, para. 12, UCI IJC, para. 18 and JS4, para. 13.
- 117 JS9, para. 21.
- 118 JS2, para. 3.
- 119 JS5, para. 11.
- 120 BC, para. V(23).
- 121 BC, para. III(10).
- 122 BC, para. V(22).
- 123 ACAFI, paras. 5–6.
- 124 JS5, para. 11.
- 125 JS8, para. 4.35.

- 126 BC, paras. VII(36) and VII(40).
 127 AHR, para. 33.
 128 SAR, paras. 18(a) and 18(b).
 129 ACAFI, paras. 5–6.
 130 BC para. IV(14).
 131 JS9, paras. 12–13.
 132 AHR, para. 16.
 133 HRW, p. 2.
 134 CHRA, paras. 13(c) and 13(d).
 135 AFGHRC, para. 3.1.2.
 136 BC, paras. 1.2 and VII.45.
 137 SAR, paras. 8, 15 and 16.
 138 JS1, para. 4.11.
 139 Afghan Witness, paras. 1–6(5).
 140 AFGHRC, para. 7.
 141 AFGHRC, para. 6.
 142 JS4, para. 16 and JS5, para. 8.
 143 ECLJ, paras. 19 and 27.
 144 ACAFI, paras. 6 and 10.8.
 145 HRF, para. 30.
 146 AFGHRC, para. 3, JS5, para. 9 and JS6, p. 1.
 147 AFGHRC, para. 3 and p. 6, recommendation 4.
 148 JS5, paras. 9–11, JS6, p. 1 and JS8, para. 37.
 149 JS8, para. 22.
 150 JUBILEE, para. 25.
 151 HRW, p. 2, UPR-BCU, para. 1 and JS2, para. IV(1).
 152 AHR, para. 2.
 153 JS4, para. 33.e.
 154 ACAFI, para. 6.
 155 NPWJ, paras. 2, 4, 9, D(35–39).
 156 UPR-BCU, paras. 13–14, and c.(iii).
 157 AHR, para. 33 and UPR-BCU, paras. 13–14, c.ii.
 158 JS3, paras. 12 and 62(J) and JS5, paras. 11 and 32.
 159 AFGHRC, 3.2.
 160 JS3, para. 12.
 161 JS6, p. 5.
 162 JS2, paras. VI(5 and 7).
 163 AFGHRC, p. 7, recommendation 5 and JS5, paras. 11 and 32.
 164 JS4, para. 33c.
 165 JS5, para. 32.
 166 OIAD, para. IV.
 167 JS2, para. V.7.
 168 HRW, p. 2 and JS9, paras. 15–16 and 24.
 169 HRF, p. 17 recommendation c.
 170 AHR, para. 33.
 171 ACAFI, para. 7.
 172 JUBILEE, para. B(21).
 173 ACAFI, para. 5 and ECLJ, para. 17.
 174 ECP, paras. 1, 2, 3.1 and 3.3.
 175 AFGHRC, para. 8.
 176 ADF, paras. 9, 20 and 23.
 177 ADF, para. a.9 and ECLJ, paras. 8 and 14.
 178 JS7, para. 3.8.
 179 ADF, paras. 9, 20 and 23, CPHG, paras. 2, 5, 8–9, 12 14 and 22(a, b) and JUBILEE, paras. 14 and III.A.6.
 180 JUBILEE, paras. 14 and III.A.6.
 181 BOLAQ, para. 7 and CPHG, paras. 4, 5, and 19.
 182 ACAFI, para. 8.
 183 BOLAQ, paras. 16(a), 16(b), and 16(c).
 184 JS2, para. V(7).
 185 HRW, pp. 5–6.
 186 JS2, para. V(10).

¹⁸⁷ JS2, paras. VI(9) and VI(12).

¹⁸⁸ JS8, paras. 5(44) and 5(45).

¹⁸⁹ JS7, paras. 18–19.

¹⁹⁰ CHRA, para. 25.

¹⁹¹ HRW, p. 2 and JS7, paras. 18–19.

¹⁹² JS8, paras. 1(1), 3(20), and 5(43).

¹⁹³ ACAFI, para. 9.

¹⁹⁴ JS4, para. 1.

¹⁹⁵ AFGHRC, para. 10 and OIAD, para. I5.

¹⁹⁶ AFGHRC, para. 10.

¹⁹⁷ AHR, para. 19.

¹⁹⁸ BOLAQ, para. 9.

¹⁹⁹ JS8, para. 3(2).
