

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1565
Land:	Afghanistan
Kilde:	UN Human Rights Council
Titel:	Afghanistan Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights
Udgivet:	4. marts 2024
Optaget på baggrundsmaterialet:	21. maj 2024



General Assembly

Distr.: General
4 March 2024

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-sixth session
29 April–10 May 2024

Afghanistan

Compilation of information prepared by 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 outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that Afghanistan as a State remained bound by the international human rights obligations stemming from the treaties to which it was a party. The de facto authorities had responsibility for upholding those obligations. The High Commissioner called upon those authorities to fundamentally change their approach on human rights and reiterated previous calls for full compliance with the obligations of Afghanistan under international human rights law.²

3. The Committee on the Elimination of Discrimination against Women recommended that Afghanistan ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.³

4. The same Committee encouraged Afghanistan to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also recommended ratifying the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190).⁴

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



5. The United Nations country team and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Afghanistan consider accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁵

6. The country team recommended that Afghanistan engage with special procedures that request country visits.⁶

7. The country team recommended that Afghanistan submit overdue reports to the United Nations treaty bodies.⁷

III. National human rights framework

8. OHCHR noted that, over the past two years, the de facto authorities had steadily dismantled institutional protections for human rights and eroded the rule of law.⁸

9. The country team, OHCHR and others reported that the Afghanistan Independent Human Rights Commission had been formally abolished by the authorities on 4 May 2022. The Special Rapporteur on the situation of human rights in Afghanistan and others recommended reinstating immediately a credible and independent national human rights complaint mechanism that was compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Two special procedures noted that the Ministry of Women's Affairs had been abolished, further weakening gender equality and protection against gender-based violence.⁹

1. Constitutional and legislative framework

10. The Special Rapporteur and others noted that following the Taliban takeover, the de facto authorities suspended the 2004 Constitution and all domestic legislation, creating a legal vacuum, and initiated a review of laws passed under the Islamic Republic of Afghanistan in November 2021 to assess their compliance with sharia and Afghan traditions. Those authorities had introduced a series of edicts and pronouncements which directly violated human rights and fundamental freedoms and stated that sharia was the applicable legal framework in Afghanistan. The Special Rapporteur and others recommended that Afghanistan ensure that any law review complied with the obligations of Afghanistan under international human rights law, by rescinding all discriminatory edicts and instructions issued since August 2021 that specifically targeted women and girls.¹⁰

11. The Secretary-General noted that, after two years in power, the Taliban de facto administration remained firmly in control of the country and focused on further building what it described as an "Islamic system". On 17 August, the de facto authorities announced the abolishment of political parties.¹¹

2. Institutional infrastructure and policy measures

12. The Special Rapporteur recommended the expansion of funding avenues beyond purely humanitarian funding lines, to include political and financial support for initiatives that promoted respect for human rights.¹²

13. The country team recommended that Afghanistan promote a culture of human rights through human rights awareness-raising programmes and activities, including for law enforcement officials.¹³

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

14. The Special Rapporteur on Afghanistan had received information that the distribution of assistance was frequently uneven and favoured Taliban supporters and that it could be difficult to obtain, particularly for minority groups, older persons, female-headed households and persons with disabilities. The ban on female staff affected delivery services to women and girls. The Special Rapporteur recommended promoting inclusiveness and non-discrimination towards communities and persons from ethnic and religious minority backgrounds.¹⁴

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

15. OHCHR reported that, for most of 2021, Afghanistan remained one of the deadliest countries in the world for civilians. From 1 January to 30 November 2021, at least 8,300 civilian casualties occurred. The United Nations Assistance Mission in Afghanistan (UNAMA) and OHCHR had received reports of the summary execution by the Taliban of civilians and members of the Afghan National Defence and Security Forces (ANDSF) who were hors de combat. UNAMA and OHCHR saw evidence of orders by senior officials from ANDSF that Taliban members, if captured, should be summarily killed, rather than taken prisoner.¹⁵

16. Between 15 August 2021 and 30 May 2023, UNAMA recorded a total of 3,774 civilian casualties (1,095 killed), three quarters of which were caused by indiscriminate improvised explosive devices attacks in populated areas, including places of worship, schools and markets. The country team observed that those attacks were carried out by armed opposition groups on the de facto security forces. UNAMA recommended that armed groups cease the use of all such devices, particularly in populated areas. UNAMA and the country team recommended that the de facto authorities conduct prompt, impartial, independent and effective investigations into the attacks and prosecute the perpetrators. UNAMA reported that at least 80 people were killed as a result of unexploded ordnance. The majority of the victims (71 per cent) were children, who often picked up unexploded ordnance to sell for scrap metal. The Mine Action Service also reported in that regard. The country team recommended that Afghanistan ensure mine clearance across the country.¹⁶

17. UNAMA reported on human rights violations perpetrated by the de facto authorities between 15 August 2021 and 30 June 2023. UNAMA recorded 800 violations, including 218 extrajudicial killings of former government and ANDSF members, along with 61 National Resistance Front (NRF) members, and, by September 2023, an additional 48 NRF members and 48 individuals linked to Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP). The killings followed a similar pattern, with bodies found dumped, sometimes hanging from trees, often dismembered or beheaded. UNAMA recommended taking immediate legal, policy and practical measures to prevent human rights violations, in particular extrajudicial killings, arbitrary arrests and detentions, torture and ill-treatment, and ensure accountability.¹⁷

18. The Secretary-General and others called upon the de facto authorities to establish a moratorium on further executions, with a view to abolishing the death penalty.¹⁸

19. UNAMA and the country team recommended that, pending the abolition of the death penalty, Afghanistan should limit its imposition to only the most serious crimes, ensure that it was never used against persons under the age of 18 at the time of the alleged commission of the crimes, pregnant women and persons with serious psychosocial or intellectual disabilities and ensure strict respect for fair trial and due process guarantees, including the right to seek pardon and commutation, without discrimination.¹⁹

20. The United Nations High Commissioner for Human Rights reported on extrajudicial killings and injuries by the de facto authorities during protests and search operations and at

checkpoints. OHCHR recommended that those authorities investigate all violations in accordance with international human rights norms and standards and hold perpetrators accountable.²⁰

21. UNAMA documented the deaths of 18 individuals in custody, from 1 January 2022 to 31 July 2023, and 1,600 cases of human rights violations against detainees. Nearly 50 per cent of the violations constituted acts of torture and other cruel, inhuman or degrading treatment. UNAMA and others recommended that Afghanistan ensure prompt, impartial, independent and effective investigations into all allegations of torture, ill-treatment and death in places of detention, ensure criminal accountability for the perpetrators and provide redress for victims. The Committee against Torture requested Afghanistan to provide further information in that regard.²¹

22. UNAMA recommended that the de facto authorities take immediate action to prevent and investigate extrajudicial killings, torture and ill-treatment, arbitrary arrests and detentions affecting individuals accused of affiliation with armed groups, including ISIL-KP and NRF.²²

23. UNAMA recorded more than 2,400 arbitrary arrests and detentions between March 2022 and August 2023, including at least 115 media workers, 356 former government officials and ANDSF members, 408 individuals accused of affiliation with NRF and 39 individuals accused of affiliation with ISIL-KP. The United Nations High Commissioner for Human Rights recommended that the de facto authorities immediately halt arbitrary arrests and detention and ensure that any person detained was given prompt access to an independent, impartial and competent court, and that the legality of the detention was subject to a speedy and effective court review. The Secretary-General expressed similar concerns.²³

24. UNAMA continued to record instances of arbitrary arrest and ill-treatment of individuals viewed as not following government decrees, particularly those pertaining to the hijab and beard length.²⁴

25. UNAMA and the country team observed that, since the takeover, the Taliban had implemented corporal punishment, including for cases of zina (adultery), running away and homosexuality, and the death penalty, following sharia law. The Special Rapporteur expressed alarm at a recent announcement by the de facto Supreme Court in Afghanistan sanctioning the use of corporal punishment, including stoning, flogging and burying under a wall. He stated that those acts constituted torture or other cruel, inhuman or degrading treatment or punishment and were contrary to international law. The Special Rapporteur and UNAMA noted that 274 men, 58 women and 2 boys had been publicly flogged, that one judicially sanctioned execution had been carried out and that many more were at risk of suffering such cruel violations. The country team and the Special Rapporteur recommended that Afghanistan stop the use of all forms of corporal punishment. The Committee on the Rights of the Child requested Afghanistan to provide information in that regard.²⁵

26. The Special Rapporteur recommended that the de facto authorities protect all Afghans from threats to life and security posed by any actors and undertake, in line with international standards, investigations and accountability measures for attacks, including on ethnic and religious communities, such as Hazara, Shia, Sufi and Sikh.²⁶

27. The country team recommended that Afghanistan address prolonged pretrial detention and ensure the unfettered access of independent international organizations, including the United Nations, to all places of detention and prisons. UNAMA reported that, by mid-September 2023, the overall detainee population in prisons had surpassed 17,000 persons, posing serious challenges for the de facto Office of Prison Administration, which lacked adequate resources to ensure compliance with the minimum standards for the treatment of prisoners. The Committee against Torture requested Afghanistan to provide information in that regard.²⁷

28. The Special Rapporteur recommended that the de facto authorities immediately and unconditionally release all individuals who had been arrested for exercising their rights to freedom of expression, association and peaceful assembly.²⁸

3. Human rights and counter-terrorism

29. The Secretary-General reiterated his call upon the de facto authorities to engage in dialogue and cooperate with regional countries and the international community to counter activities of terrorist elements.²⁹

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

30. OHCHR and others expressed concern that post-takeover the situation of the rule of law and the administration of justice remained unclear in relation to the domestic legal framework, the grave restriction of the role of lawyers, as well as inconsistent practices within the justice system and the use of sharia law by the de facto judges to adjudicate cases. Minimum fair trial and due process guarantees were not safeguarded. Two special procedures noted that the de facto authorities had dismantled the specialized courts and units. OHCHR and others reported that the de facto Ministry of Justice withdrew licences from female lawyers and judges, with a specific impact on the ability of women and girls to obtain legal representation, their equality before the law and access to justice. The United Nations High Commissioner for Human Rights recommended establishing a legal aid framework through which legal services for persons suspected or accused of criminal offences were effectively ensured.³⁰

31. The country team recommended that Afghanistan clarify the applicability of laws that offered essential procedural protections to all Afghans; publish and disseminate new laws, edicts and policies of the de facto authorities; scale up and continue the licensing of lawyers, including female lawyers; issue clear instructions to de facto judges to respect the Defence Lawyers Integration Procedure and prohibit the ill-treatment or harassment of lawyers; and ensure a human-rights based approach to law enforcement and justice.³¹

32. Following up the de facto authorities' unimplemented announcement on a "general amnesty", UNAMA recommended that those authorities fully uphold the amnesty in respect of former government and security personnel, by holding accountable those responsible for violating it, through prompt, impartial, independent and effective investigations, and preventing further violations.³²

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

33. OHCHR noted that the right to freedom of opinion and expression had been severely curtailed in Afghanistan since the Taliban takeover. The de facto authorities had taken steps to halt the operations of numerous media outlets that had violated the imposed guidelines and established the Media Violations Commission.³³

34. The Special Rapporteur noted that freedom of peaceful assembly had been suppressed.³⁴ The country team and others reported that, post-takeover, fundamental freedoms had been dramatically curtailed and closely monitored by the de facto authorities, contributing to a marked shrinking of civic space. Civil society activists, journalists and peaceful protesters, including women, had been targeted by those authorities with widespread arbitrary arrest and detention, torture and ill-treatment, including sexual abuse against women, and killings. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that, as at 16 June 2023, 81 journalists had been killed since 2006. The country team and others recommended that Afghanistan respect the independence of media and civil society organizations by opening up space for civil society activists, journalists and human rights defenders, especially women, and respect the rights of Afghans to peaceful assembly and freedom of association and expression, including dissent, without fear of arbitrary arrest, intimidation and threats. The Special Rapporteur noted that the de facto authorities had also escalated crackdowns on social media.³⁵

35. The Special Rapporteur noted that women journalists faced even greater restrictions than men, including removal from their jobs.³⁶

36. The Committee on the Elimination of Discrimination against Women urged Afghanistan to protect the life, personal liberty and security of women human rights defenders and journalists, to guarantee their freedom of movement and expression, to prosecute acts of murder or gender-based violence and intimidation committed against them

and to adequately punish the perpetrators of such crimes. The Special Rapporteur on Afghanistan demanded the immediate release of women human rights defenders who had been detained by the de facto authorities.³⁷

37. UNESCO recommended that Afghanistan decriminalize de jure and de facto defamation and incorporate them in a civil code that was in accordance with international standards.³⁸

6. Right to marriage and family life

38. The country team noted that the de facto authorities had issued a Special Decree on Women's Rights that focused on marriage and property rules for women. The country team and the Committee on the Elimination of Discrimination against Women recommended that Afghanistan establish the legal age for girls and boys to marry at 18 years, without exception, and prevent and end early and child marriage, prosecute perpetrators and provide reparations to victims.³⁹

39. The Committee on the Elimination of Discrimination against Women urged Afghanistan to ensure that the legislation provided for equal rights of women and men in all matters relating to marriage and family relations and ensure mandatory registration of all marriages.⁴⁰

7. Prohibition of all forms of slavery, including trafficking in persons

40. The Committee on the Elimination of Discrimination against Women was concerned that women and girls who fell victim to trafficking were often treated as criminals and charged with so-called "moral crimes". It urged Afghanistan to develop a standard operating procedure to ensure the early identification of trafficking victims and their referral to the appropriate services, and ensure that adequate resources and funds were allocated for the proper care and rehabilitation, including through the provision of accessible shelters, of trafficking victims. The Committee against Torture requested Afghanistan to provide information in that regard.⁴¹

8. Right to work and to just and favourable conditions of work

41. The country team recommended that Afghanistan ensure the participation of girls and women in education, vocational training and employment, in both the public and private sectors; amend the labour law to explicitly define and prohibit direct and indirect discrimination, in line with the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111); progressively eliminate child labour in all economic activities, in both the formal and the informal sectors; and address occupational gender segregation and promote women's participation in the labour market. The Special Rapporteur on Afghanistan urged the de facto authorities to allow women to work and run businesses.⁴²

42. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict noted that activities of national and international non-governmental organizations (NGOs) were severely restricted, and a ban on the employment of Afghan women in national and international NGOs and in the United Nations had been issued. UNAMA noted the impact of the ban on the work of the United Nations. The country team, two special procedures, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the International Organization for Migration (IOM) and UNAMA recommended immediate restoration of the right of women to work for the United Nations, international NGOs and the civil service.⁴³

43. The Secretary-General and UNAMA noted the edict of the Ministry for the Propagation of Virtue and the Prevention of Vice announcing a ban on women's beauty salons and services, which affected approximately 60,000 women-owned businesses, further excluding women from the workforce.⁴⁴

9. Right to social security

44. The Secretary-General and the Special Rapporteur on Afghanistan noted that Afghanistan continued to experience a severe humanitarian crisis, with more than two thirds of its population, or approximately 29.2 million people, requiring humanitarian assistance.⁴⁵

10. Right to an adequate standard of living

45. The United Nations High Commissioner for Human Rights reported that the economic crisis had had a profound impact on the right to an adequate standard of living, including the right to food. According to the World Food Programme (WFP), 22.8 million people, or nearly half the population, were unable to adequately feed themselves and their families in 2022. WFP had warned that millions would be excluded from its support due to lack of funding. The 2023 Afghanistan Humanitarian Response Plan remained severely underfunded. The Committee on the Rights of the Child requested Afghanistan to provide information on measures taken to decrease child malnutrition rates and improve access to safe water.⁴⁶

46. The country team reported that most of the people in Afghanistan drank unsafe water. In particular, as reported by the United Nations Children's Fund, 93 per cent of children lived in areas of high water vulnerability and more than 60 per cent of Afghan people did not have access to basic hygiene facilities. Drought had exacerbated water scarcity. The country team recommended allocating sufficient drinking water supplies for the population.⁴⁷

47. The country team recommended that Afghanistan resume land allocation programmes for displaced people and safeguard the regulatory mechanisms that secured women's land and property rights.⁴⁸

11. Right to health

48. The country team noted that over 9 million people lacked access to basic health-care services. It recommended that Afghanistan improve access to quality health-care services. The Committee on the Elimination of Discrimination against Women and others recommended that Afghanistan ensure that women and girls, in particular rural women, had access to quality health services, including sexual and reproductive health services and information. The Committee recommended reducing the maternal mortality rate and ensuring that affordable contraceptives were available.⁴⁹

49. The Committee on the Elimination of Discrimination against Women noted with concern that abortion for non-therapeutic reasons continued to be criminalized and that many unsafe abortions were carried out, causing a high rate of maternal mortality. It recommended legalizing abortion in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and abolishing punitive measures imposed on women who undergo abortion.⁵⁰

12. Right to education

50. The Committee on the Elimination of Discrimination against Women noted with concern the disproportionately high rate of illiteracy among girls, especially in rural areas, the socioeconomic and cultural barriers faced by girls in gaining access to and continuing education, as well as girls' lack of access to secondary and higher education.⁵¹

51. UNESCO and others noted that since the Taliban takeover, girls had been banned from secondary education and later from post-secondary education. UNESCO had condemned that clear violation of human dignity and the fundamental right to education. The Special Rapporteur and others noted that the de facto authorities were therefore violating article 13 of the International Covenant on Economic, Social and Cultural Rights, article 10 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 28 and 29 of the Convention on the Rights of the Child.⁵²

52. The Special Rapporteur noted that children's access to early education in Afghanistan had been significantly affected by the dismissal in July 2023 of 469 kindergarten teachers and employees.⁵³ The Special Rapporteur and others recommended immediately restoring equal access to quality education for girls and women at all levels, allowing schools and universities to unconditionally accept female students in all courses and reinstating all female

teachers. The Committee on the Elimination of Discrimination against Women made a similar recommendation.⁵⁴

53. The country team recommended that Afghanistan provide education and care for children with disabilities and re-establish literacy programmes for all Afghans. The country team and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended that Afghanistan ensure the non-military use of schools and accountability for perpetrators of attacks on educational institutions.⁵⁵

54. The Secretary-General noted that the de facto Minister for Education had advised that in August 2023 there were around 15,000 madrasas, which reportedly used curricula focused on religious subjects, with a few courses on modern sciences. While they were not permitted to attend public schools, girls were allowed to attend madrasas, including past grade six in most cases.⁵⁶

13. Cultural rights

55. The Special Rapporteur reported that since 15 August 2021, deliberate damage to cultural heritage had been reported and emphasized that the preservation of cultural heritage was key to avoiding ethnic tensions.⁵⁷

56. UNESCO recommended that Afghanistan not hinder access to and participation in cultural heritage and creative expressions.⁵⁸

57. OHCHR and others noted that the de facto authorities had limited the participation of women and girls in cultural life and sports, leading many to flee into exile. The Special Rapporteur recommended ensuring that all women and girls enjoyed freedom of movement and the right to leisure, including the right to participate in sports and cultural activities.⁵⁹

14. Development and the environment

58. The country team recommended that Afghanistan prioritize the basic needs of the poor in its national development policies.⁶⁰

59. OHCHR pointed out that there had been a severe compression of the economy. The United Nations High Commissioner for Human Rights recommended that the international community continue to facilitate financial measures and assistance for urgent humanitarian needs and basic services.⁶¹

60. The country team stated that the United Nations Office on Drugs and Crime had revealed that opium cultivation had plunged by an estimated 95 per cent following a drug ban imposed by the de facto authorities in April 2022, resulting in immediate humanitarian consequences for many. It recommended that Afghanistan ensure suitable, economically viable and sustainable alternatives to opium cultivation and the non-production of synthetic drugs.⁶²

61. The Special Rapporteur recommended the strengthening of mechanisms to ensure the meaningful participation of all groups, including women, in the planning, decision-making, delivery and monitoring of humanitarian assistance, and ensuring that it is distributed equitably.⁶³

62. The Secretary-General noted that Afghanistan was among the most vulnerable countries to climate change. The country team recommended that Afghanistan develop an adaptation and resilience strategy and plan to reduce risks from climate impacts.⁶⁴

B. Rights of specific persons or groups

1. Women

63. OHCHR reported that women and girls who had experienced crimes of violence faced significant barriers to accessing justice.⁶⁵ The United Nations High Commissioner for Human Rights reported that gender inequality, discrimination and gender-based violence remained deeply entrenched in Afghanistan. UNAMA noted that the imposition on women and girls of the *mahram* and hijab had had a direct impact on their right to freedom of movement and

freedom of expression. UNHCR noted increasing restrictions for women on education, employment, legal remedies, health and freedom of movement. UNAMA and others recommended removing all restrictions and barriers to women's rights, including repealing the imposition and enforcement of compulsory dress codes and the *mahram*.⁶⁶

64. Two special procedures noted that women were now wholly excluded from political and public life in Afghanistan. They recommended that Afghanistan take steps to promote women's active participation in all aspects of public life and desist from committing threats or acts of violence, including arbitrary detention, sexual abuse, or any form of torture, ill-treatment or punishment against women and girls for allegedly violating the edicts or for protesting peacefully.⁶⁷

65. UN-Women and others urged the international community to continue political and economic sanctions against the Taliban, including by not granting exemptions to the travel ban; advocate for women's political participation in shura councils and local governance structures and create a women's platform for political participation; focus on women's legal and physical protection; and continue advocating for women's right to work.⁶⁸

66. The country team and the United Nations High Commissioner for Human Rights observed that the de facto authorities formed an all-male "caretaker cabinet" on 7 September 2021. The country team recommended that Afghanistan ensure the non-discrimination of women and girls and the strengthening of gender equality through the removal of all bans, discriminatory practices and unequal treatment, and study and effectively address the underlying causes for the increased number of suicides among women and girls.⁶⁹

67. The country team and others recommended ensuring the equal representation and meaningful participation of women and girls from all religious and ethnic groups in all decision-making processes affecting their lives.⁷⁰

68. Since the Taliban takeover in August 2021, UNAMA had recorded 87 reports involving serious crimes, including murder, rape, suicide, forced marriages (including child marriage), assault, battery and two cases of honour killing. None of those cases had undergone formal justice system proceedings.⁷¹ Two special procedures were deeply concerned about reports of gender-related killings, or femicide.⁷²

69. The Committee on the Elimination of Discrimination against Women recommended that Afghanistan ensure that cases of gender-based violence and discrimination against women were adjudicated by the ordinary courts; clearly define the competence of informal justice mechanisms and ensure that women could appeal to the ordinary courts against any decision taken by a jirga or a shura; and raise awareness among legal personnel and the general public in that regard.⁷³

70. The same Committee remained deeply concerned about the extremely high levels of gender-based violence against women and girls. It urged Afghanistan to amend the Criminal Code to include provisions criminalizing all forms of gender-based violence against women; ensure that all alleged violations were investigated promptly and effectively and that perpetrators were prosecuted; guarantee effective remedies; and address cultural norms and discriminatory stereotypes in that regard. The country team and the Special Rapporteur on Afghanistan made similar recommendations. The Committee against Torture requested Afghanistan to provide information in that regard.⁷⁴

71. The Special Rapporteur and others were concerned about widespread harmful practices and persisting forms of inequality, including with respect to forced and/or child marriage, polygamy, dowry obligations, guardianship of children, divorce and inheritance, from which women and girls suffered. The Committee on the Elimination of Discrimination against Women recommended that Afghanistan remove provisions that were discriminatory towards women and girls from the legislation and include a definition of discrimination against women, covering all types of discrimination in all spheres.⁷⁵

72. The country team and the Committee on the Rights of the Child recommended that Afghanistan stop harmful practices against women and girls, such as honour killings, public flogging and stoning, child marriages and forced marriages, and bring perpetrators to justice; ensure specialized services for victims; and ensure the physical safety of women and girls at risk of domestic and/or intimate partner violence.⁷⁶

73. The Committee on the Elimination of Discrimination against Women urged Afghanistan to decriminalize the so-called “moral crimes”, such as adultery and running away from home, and raise awareness about the criminal nature of harmful practices and their impact on the capacity of women and girls to enjoy their rights.⁷⁷

74. The Committee against Torture and the Committee on the Rights of the Child requested Afghanistan to provide information on the measures taken to end *bacha bazi* (sexual exploitation of boys). The Committee requested Afghanistan to provide information on measures taken to enforce and raise awareness of its prohibition and provide remedies to victims.⁷⁸

2. Children

75. UNAMA was concerned about the conditions of juveniles deprived of liberty and the impact of the lack of resources on the ability of prison authorities to fulfil their obligations to detainees in the provision of adequate food, medical care, clothing, accommodation and hygiene materials. UNAMA noted that, in some instances, juveniles were held alongside adults in breach of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).⁷⁹

76. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the Secretary-General noted that the number of grave violations against children remained high and expressed concern about the prevalence of the killing and maiming of children, including due to explosive ordnance and landmines. The Office of the Special Representative and the country team recommended that Afghanistan abide by national and international commitments to protect children, with the definition of a child being an individual under the age of 18, from unlawful recruitment or use by armed forces or armed groups; end and prevent grave violations against children, in particular the recruitment and use of children by armed forces, the killing and maiming of children and attacks on schools and hospitals; ensure that children can access all levels of education and that schools are free from violence, threats, closures and attacks; and promote accountability for perpetrators of grave violations against children.⁸⁰

77. The Committee on the Rights of Persons with Disabilities requested Afghanistan to provide information on measures taken to protect children with disabilities from violence and abuse in all settings, including prohibiting discrimination.⁸¹

78. The Committee on the Rights of the Child requested Afghanistan to provide information on measures taken to increase children’s access to sexual and reproductive health education and include such education in school curricula.⁸²

3. Persons with disabilities

79. The Special Rapporteur noted that 13.9 per cent of the population lived with severe disabilities and about 65 per cent with mild to moderate disabilities. Severe disabilities were more prevalent among women and girls. The Committee on the Rights of Persons with Disabilities requested Afghanistan to inform it about measures taken to ensure that legislation prohibited all forms of discrimination on the basis of disability and ensured equal and effective legal protection; to harmonize all legislation, policies and measures; and to ensure and promote the effective participation of organizations of persons with disabilities.⁸³

80. Two special procedures noted that women and girls with disabilities faced additional challenges in their access to services and had no legal protection from discrimination and limited viable alternatives to classroom education, employment and support services. The Committee on the Elimination of Discrimination against Women noted with concern their limited access to health care.⁸⁴

4. Minorities

81. The Special Rapporteur was concerned about reports from ethnic and religious communities facing severe discrimination and exclusion. The Special Rapporteur and UNAMA noted with concern that minorities’ places of worship and educational and medical centres had been systematically attacked and their members arbitrarily arrested, tortured,

summarily executed, evicted, marginalized and, in some cases, forced to flee the country. The responsibility for attacks was frequently claimed by ISIL-KP. UNAMA recommended that the de facto authorities take steps to engage with representatives of ethnic and religious minority communities to provide security in and around densely occupied civilian areas.⁸⁵

5. Lesbian, gay, bisexual, transgender and intersex persons

82. The Special Rapporteur noted with concern that the de facto authorities had reaffirmed the previous Government's criminalization of same-sex relations, regarding them as being against sharia law. A 2022 manual issued by the Ministry for the Promotion of Virtue and Prevention of Vice stated that religious leaders must prohibit same-sex relations and that "strong allegations" of homosexuality were to be referred to the Ministry's district manager for adjudication and punishment.⁸⁶

6. Refugees and asylum-seekers

83. UNHCR reported that it had facilitated the return of over 5 million Afghan refugees, mainly from neighbouring countries.⁸⁷

84. UNHCR and the country team recommended enacting a national asylum policy framework and legislation to facilitate access to asylum for refugees and asylum-seekers and ensure their inclusion in national programmes, strategies and policies.⁸⁸

7. Internally displaced persons

85. UNHCR noted that 3.25 million Afghans remained displaced within the country. UNHCR recommended adopting and implementing the land allocation scheme and reducing the risk of eviction. The country team recommended providing complementary or alternative forms of shelter for the most vulnerable returnees and internally displaced persons and continuing to address the humanitarian needs of evicted populations, particularly for women-headed households. The country team also recommended that Afghanistan include Afghan refugee returnees in development planning and support humanitarian and development actors in building resilience and searching for solutions for returnees.⁸⁹

86. The Committee on the Elimination of Discrimination against Women urged Afghanistan to safeguard internally displaced and returnee women and girls from gender-based violence, to investigate and prosecute all instances of discrimination and violence and to provide victims with free and immediate access to medical and health-care services, legal assistance and a safe environment.⁹⁰

8. Stateless persons

87. UNHCR and the country team noted that the registration of births remained very low and recommended that Afghanistan ensure birth registration of all children, including foreign nationals, to reduce the risk of statelessness.⁹¹

88. IOM research revealed that, under the de facto authorities, access to documentation was not equal for all groups, with women, in particular, facing ever increasing barriers, especially in rural communities. IOM recommended that the authorities clarify the processes for acquiring civil documentation.⁹²

89. UNHCR noted that, although it was not widely accepted by government or private entities, the UNHCR certificate was the only identity document for many refugees, especially children. UNHCR and the country team recommended that Afghanistan promote and facilitate access to individual civil documentation, particularly the *tazkira* (national identity document) for all, with specific attention to returnees and internally displaced persons.⁹³

Notes

- ¹ [A/HRC/41/5](#), [A/HRC/41/5/Add.1](#) and [A/HRC/41/2](#).
- ² [A/HRC/54/21](#), paras. 5, 66 and 75; [A/HRC/51/6](#), paras. 19, 20 and 97 (a); and [A/HRC/49/24](#), para. 70 (a).
- ³ [CEDAW/C/AFG/CO/3](#), para. 28 (e).
- ⁴ [CEDAW/C/AFG/CO/3](#), paras. 42, 57 and 61.
- ⁵ UNHCR submission for the universal periodic review of Afghanistan, p. 3; and United Nations country team submission for the universal periodic review of Afghanistan, p. 12.
- ⁶ United Nations country team submission, p. 1.
- ⁷ Ibid.
- ⁸ [A/HRC/54/21](#), para. 66; [A/HRC/51/6](#), paras. 19, 20 and 97 (a); and [A/HRC/49/24](#), para. 70 (a).
- ⁹ United Nations country team submission, p. 1; [A/HRC/54/21](#), paras. 24–28 and 75; [A/HRC/53/21](#), paras. 13, 14, 17 and 99; [A/HRC/51/6](#), paras. 21 and 97 (g); [A/HRC/49/24](#), paras. 70 (b) and (f); and statement by the Special Rapporteur on the situation of human rights in Afghanistan following his visit to Afghanistan from 15 to 26 May 2022 (available at https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2F2022-05%2F26052022-Afghan-SR-visit_press-statement.docx&wdOrigin=BROWSELINK).
- ¹⁰ [A/HRC/54/21](#), paras. 14, 15 and 75; [A/HRC/53/21](#), paras. 13, 14, 17 and 99; [A/HRC/51/6](#), paras. 21–24 and 97 (d); United Nations country team submission, p. 1; and UNHCR submission, p. 1.
- ¹¹ [A/78/361-S/2023/678](#), paras. 4 and 9.
- ¹² [A/78/338](#) and [A/78/338/Corr.1](#), para. 83 (e).
- ¹³ United Nations country team, pp. 1 and 2.
- ¹⁴ [A/78/338](#) and [A/78/338/Corr.1](#), paras. 9 and 82 (g). See also Security Council resolution 2681 (2023).
- ¹⁵ [A/HRC/49/90](#), paras. 5, 6, 8, 14, 16 and 18.
- ¹⁶ UNAMA, “Impact of improvised explosive devices on civilians in Afghanistan: 15 August 2021–30 May 2023”, pp. 5 and 13; [A/HRC/54/21](#), paras. 42 and 43; United Nations country team submission, pp. 2 and 5; UNAMA “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 12; and UNAMA, “Human rights situation in Afghanistan: May–June 2023 update”, pp. 3 and 4.
- ¹⁷ [A/HRC/54/21](#), paras. 48–51 and 75; UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, pp. 13 and 14; UNAMA, “A barrier to securing peace: human rights violations against former government officials and former armed force members in Afghanistan: 15 August 2021–30 June 2023; [A/HRC/49/24](#), para. 70 (g); and UNAMA, “Human rights situation in Afghanistan: July–September 2023 update”, p. 3.
- ¹⁸ [A/78/361-S/2023/678](#), para. 71; [A/HRC/54/21](#), para. 75; and United Nations country team submission, p. 4. See also OHCHR, “Afghanistan: United Nations experts appalled by Taliban announcement on capital punishment”, press release, 11 May 2023; and [A/HRC/54/21](#), paras. 60 and 61.
- ¹⁹ UNAMA, “Corporal punishment and the death penalty in Afghanistan” (May 2023), pp. 4, 6, 12, 13, 19 and 20; and United Nations country team submission, p. 4. See also general comments Nos. 8 and 20 of the Human Rights Committee; [A/HRC/13/39](#), para. 63; UNAMA, “Corporal punishment and the death penalty in Afghanistan”, annex; and [A/HRC/54/21](#), paras. 60 and 61.
- ²⁰ [A/HRC/49/24](#), para. 27; and [A/HRC/54/21](#), paras. 52 and 75. See also [CAT/C/AFG/QPR/3](#), paras. 21–24.
- ²¹ UNAMA, “The treatment of detainees in Afghanistan: respecting human rights: a factor for trust”, pp. 4 and 57. See also UNAMA, “UNAMA urges urgent, accelerated action by Afghanistan’s de facto authorities to stop torture and protect rights of detainees, press release, 20 September 2023; United Nations country team submission, pp. 3 and 4; [A/HRC/51/6](#), para. 97 (l); and [CAT/C/AFG/QPR/3](#), paras. 1 and 21–24.
- ²² UNAMA “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 42.
- ²³ [A/HRC/54/21](#), paras. 54–58 and 75; and [A/78/361-S/2023/678](#), para. 71.
- ²⁴ UNAMA, “Human rights situation in Afghanistan: May–June 2023 update”, p. 6.
- ²⁵ UNAMA, “Corporal punishment and the death penalty in Afghanistan”, May 2023, pp. 4–6, 12, 13, 19 and 20; United Nations country team submission, p. 4; general comments Nos. 8 and 20 of the Committee on the Rights of the Child; [A/HRC/13/39](#), para. 63; [A/78/338](#) and [A/78/338/Corr.1](#), para. 5; OHCHR, “Afghanistan: UN experts appalled by Taliban announcement on capital punishment”, press release, 11 May 2023; [A/HRC/54/21](#), paras. 59–61; [A/HRC/49/24](#), para. 70 (h); and [CRC/C/AFG/Q/2-5](#), para. 6.
- ²⁶ [A/78/338](#) and [A/78/338/Corr.1](#), para. 82 (j).
- ²⁷ United Nations country team submission, pp. 3 and 4; UNAMA, “Human rights situation in Afghanistan: July–September 2023 update”, p. 4; and [CAT/C/AFG/QPR/3](#), para. 3.
- ²⁸ [A/78/338](#) and [A/78/338/Corr.1](#), para. 82 (i). See also [A/HRC/49/24](#), para. 49.
- ²⁹ [A/78/361-S/2023/678](#), para. 72.

- ³⁰ [A/HRC/54/21](#), paras. 13, 21–23, 75 and 80; [A/HRC/51/6](#), paras. 89–93 and 97 (a); United Nations country team submission, pp. 5, 6 and 11; and UNAMA, “Human rights in Afghanistan: 15 August 2021–15 June 2022”, p. 35.
- ³¹ United Nations country team submission, pp. 5 and 6.
- ³² UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 42. See also UNAMA, “A barrier to securing peace: human rights violations against former government officials and former armed force members in Afghanistan: 15 August 2021–30 June 2023, pp. 7 and 14; United Nations country team submission, pp. 2 and 3; and [A/HRC/49/24](#), para. 70 (b).
- ³³ [A/HRC/54/21](#), paras. 33–36.
- ³⁴ [A/78/338](#) and [A/78/338/Corr.1](#), para. 26.
- ³⁵ [A/78/338](#) and [A/78/338/Corr.1](#), paras. 5, 25, 26, 31 and 79; [A/HRC/51/6](#), paras. 78–80, 85 and 86; United Nations country team submission, p. 6; [A/HRC/49/24](#), paras. 40–50, 52–55 and 70 (j) and (k); UNAMA, “Human rights situation in Afghanistan, February–April 2023 update”, p. 3; OHCHR, “Afghanistan: time for decisive action says UN expert”, press release, 13 September 2023; and [A/HRC/53/21](#), para. 99.
- ³⁶ [A/78/338](#) and [A/78/338/Corr.1](#), para. 22.
- ³⁷ [CEDAW/C/AFG/CO/3](#), paras. 35–38; and OHCHR, “Taliban must immediately release women human rights defenders, say UN experts”, press release, 41 October 2023. See also [A/HRC/51/6](#), paras. 82–84; and [A/HRC/49/24](#), para. 36.
- ³⁸ UNESCO submission, para. 18.
- ³⁹ United Nations country team submission, p. 11; and [CEDAW/C/AFG/CO/3](#), para. 24. See also [A/HRC/51/6](#), paras. 31 and 32.
- ⁴⁰ [CEDAW/C/AFG/CO/3](#), paras. 55 and 56.
- ⁴¹ *Ibid.*, paras. 27–29; and [CAT/C/AFG/QPR/3](#), para. 6.
- ⁴² United Nations country team submission, p. 9; and OHCHR, “Afghanistan: time for decisive action says UN expert”, press release, 13 September 2023.
- ⁴³ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Afghanistan, pp.1 and 2; [A/78/338](#) and [A/78/338/Corr.1](#), para. 82 (a) (ii); UNAMA, “Human rights situation in Afghanistan: May–June 2023 update, p. 2; [A/HRC/53/21](#), para. 99; United Nations country team submission, pp. 10 and 11; UN-Women, IOM and UNAMA, “Summary report of country-wide women’s consultations”, September 2023, pp. 7 and 8; and *ibid.*, June 2023, pp. 3–5.
- ⁴⁴ [A/78/338](#) and [A/78/338/Corr.1](#), para. 13; and UNAMA, “Human rights situation in Afghanistan: July–September 2023 update”, p. 2. See also [A/HRC/51/6](#), paras. 37–39.
- ⁴⁵ [A/78/338](#) and [A/78/338/Corr.1](#), para. 59; and [A/78/361-S/2023/678](#), para. 52.
- ⁴⁶ [A/HRC/49/24](#), paras. 8 and 9; [A/HRC/51/6](#), para. 41; and [CRC/C/AFG/Q/2-5](#), para. 9. See also World Food Programme, “WFP Afghanistan: situation report”, 19 July 2022; and [A/78/338](#) and [A/78/338/Corr.1](#), para. 8.
- ⁴⁷ United Nations country team submission, pp. 7 and 8.
- ⁴⁸ *Ibid.*, p. 8.
- ⁴⁹ *Ibid.*, pp. 8 and 9; [CEDAW/C/AFG/CO/3](#), para. 45; and [A/HRC/53/21](#), para. 99.
- ⁵⁰ [CEDAW/C/AFG/CO/3](#), paras. 47 and 48.
- ⁵¹ *Ibid.*, para. 39.
- ⁵² UNESCO submission, paras. 2, 3 and 9; [A/78/338](#) and [A/78/338/Corr.1](#), para. 41; UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 33; United Nations country team submission, p. 9; Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 2; [A/HRC/53/21](#), para. 33; and [A/HRC/51/6](#), paras. 24–26 and 29. See also Michelle Bachelet, United Nations High Commissioner for Human Rights, “Oral update on the situation of human rights in Afghanistan”, statement to the Human Rights Council at its forty-eighth session, 13 September 2021.
- ⁵³ [A/78/338](#) and [A/78/338/Corr.1](#), paras. 13 and 40. See also UNAMA, “Human rights situation in Afghanistan: July–September 2023 update, p. 2; and [A/HRC/51/6](#), paras. 37–39.
- ⁵⁴ [A/HRC/53/21](#), para. 99; [A/HRC/51/6](#), paras. 26–30 and 97(f); [A/HRC/49/24](#), para. 70 (d); UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 43; United Nations country team submission, p. 9; UNHCR submission, p. 7; Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 2; [A/78/338](#) and [A/78/338/Corr.1](#), para. 82 (a) (i); and [CEDAW/C/AFG/CO/3](#), para. 40.
- ⁵⁵ United Nations country team submission, p. 9; and Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 2.
- ⁵⁶ [A/78/361-S/2023/678](#), para. 12.
- ⁵⁷ [A/HRC/51/6](#), paras. 50 and 97 (j).
- ⁵⁸ UNESCO submission, paras. 20 and 21.

- ⁵⁹ [A/HRC/53/21](#), para. 70; [A/78/338](#) and [A/78/338/Corr.1](#), para. 82 (a) (iv); [A/HRC/54/21](#), paras. 37–40; and [A/HRC/51/6](#), para. 81.
- ⁶⁰ United Nations country team submission, p. 7.
- ⁶¹ [A/HRC/54/21](#), paras. 10, 11 and 75; and [A/78/338](#) and [A/78/338/Corr.1](#), para. 59.
- ⁶² United Nations country team submission, p. 10.
- ⁶³ [A/78/338](#) and [A/78/338/Corr.1](#), para. 83 (f).
- ⁶⁴ [A/78/361-S/2023/678](#), para. 69; and United Nations country team submission, p. 10.
- ⁶⁵ [A/HRC/54/21](#), paras. 6 and 7.
- ⁶⁶ [A/HRC/49/24](#), paras. 32 and 36–39; UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, pp. 22–25, 32, 33 and 43; UNHCR submission, p. 2; [A/HRC/53/21](#), para. 99; [A/HRC/51/6](#), para. 97 (d); and [A/HRC/54/21](#), paras. 5, 31, 32, 66 and 75.
- ⁶⁷ [A/HRC/53/21](#), paras. 24–29 and 99; and [A/HRC/49/24](#), para. 33.
- ⁶⁸ UN-Women, IOM and UNAMA, “Summary report of country-wide women’s consultations”, September 2023, pp. 7 and 8; and *Ibid.*, June 2023 pp. 3–5.
- ⁶⁹ United Nations country team submission, pp. 2, 10 and 11. See also Michelle Bachelet, “Oral update on the situation of human rights in Afghanistan”.
- ⁷⁰ United Nations country team submission, p. 2; [A/78/338](#) and [A/78/338/Corr.1](#), para. 82 (a) (iii); and [A/HRC/53/21](#), para. 99. See also Michelle Bachelet, “Oral update on the situation of human rights in Afghanistan”.
- ⁷¹ UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 34.
- ⁷² [A/HRC/53/21](#), para. 77.
- ⁷³ [CEDAW/C/AFG/CO/3](#), para. 16.
- ⁷⁴ *Ibid.*, paras. 25 and 26; United Nations country team submission, p. 11; [A/HRC/53/21](#), para. 99; [A/78/338](#) and [A/78/338/Corr.1](#), para. 82(c); and [CAT/C/AFG/QPR/3](#), para. 5.
- ⁷⁵ [A/HRC/53/21](#), para. 66; and [CEDAW/C/AFG/CO/3](#), paras. 11, 12 and 14.
- ⁷⁶ United Nations country team submission, p. 11; and [CRC/C/AFG/Q/2-5](#), para. 7.
- ⁷⁷ [CEDAW/C/AFG/CO/3](#), para. 24. See also [A/HRC/49/24](#), para. 34.
- ⁷⁸ [CAT/C/AFG/QPR/3](#), para. 29; [CRC/C/AFG/Q/2-5](#), para. 7; and [CRC/C/OPAC/AFG/Q/1](#), para. 12 (e).
- ⁷⁹ UNAMA, “Human rights in Afghanistan: 15 August 2021 to 15 June 2022”, p. 37.
- ⁸⁰ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, pp. 1 and 2; [A/78/361-S/2023/678](#), para. 33; and United Nations country team submission, p. 9.
- ⁸¹ [CRPD/C/AFG/Q/1](#), para. 5 (c).
- ⁸² [CRC/C/AFG/Q/2-5](#), para. 9 (b).
- ⁸³ [A/HRC/51/6](#), para. 74; and [CRPD/C/AFG/Q/1](#), paras. 1 and 2.
- ⁸⁴ [A/HRC/53/21](#), para. 88; and [CEDAW/C/AFG/CO/3](#), para. 45.
- ⁸⁵ OHCHR, “Afghanistan: time for decisive action says UN expert”, press release, 13 September 2023; Richard Bennett, Special Rapporteur on Afghanistan, statement to the Third Committee of the General Assembly at its seventy-eighth session; [A/HRC/51/6](#), paras. 65–70; and UNAMA, “Human rights in Afghanistan: 15 August to 15 June 2022”, pp. 9, 10 and 42.
- ⁸⁶ [A/HRC/51/6](#), para. 76.
- ⁸⁷ UNHCR submission, p. 4.
- ⁸⁸ *Ibid.*, p. 3; and United Nations country team submission, p. 12.
- ⁸⁹ UNHCR submission, pp. 1 and 5; and United Nations country team submission, p. 11.
- ⁹⁰ [CEDAW/C/AFG/CO/3](#), para. 52.
- ⁹¹ UNHCR submission, pp. 3 and 4; and United Nations country team submission, p. 11.
- ⁹² IOM Afghanistan, *Documentation and Legal Identification in Afghanistan* (2023), pp. 61 and 63.
- ⁹³ UNHCR submission, pp. 3 and 4; and United Nations country team submission, p. 12.