

Summary of major actions taken by international community against the Taliban after their takeover of Afghanistan in August 2021 and the recommendations of the United Nations Special Rapporteur's reports on the situation of human rights in Afghanistan

Following the Taliban takeover of Afghanistan and the violation of human rights and international humanitarian law in that country, the international community has taken some steps to address these violations by the Taliban. Below is a brief summary of these measures and the recommendations from the reports of the U.N. Special Rapporteur on the situation of human rights in Afghanistan:

- 1.** On October 7, 2021, the United Nations Human Rights Council (UNHRC) adopted a resolution establishing the mandate of the Special Rapporteur with the following mandate:
 - a) To report on the developing situation of human rights, and to make recommendations to improve it;
 - b) To assist in fulfilling the human rights obligations arising from international treaties that Afghanistan has ratified;
 - c) To offer support and advice to civil society;
 - d) To seek, receive, examine and act on information from all relevant stakeholders pertaining to the situation of human rights in Afghanistan;
 - e) To integrate a gender perspective and a survivor-centered approach throughout the work of the mandate;
 - f) To present a written report to the Human Rights Council at its fifty-first session and to the General Assembly at its seventy-seventh session, in accordance with their respective programmes of work.¹

- 2.** On October 7, 2022, the UNHRC extended the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and strengthened the mandate as “the mandate holder shall continue to benefit from additional dedicated and specific resources and expertise to be provided by the Office of the High Commissioner, in particular in the areas of:
 - a) Fact-finding
 - b) legal analysis,
 - c) forensics,
 - d) the human rights of women and girls and of persons belonging to minorities,

¹ <https://shorturl.at/eBGU0>

- e) the right to education, torture and other cruel, inhuman or degrading treatment or punishment,
 - f) and additional resources for children’s rights, translation, documentation, information- and evidence-gathering and preservation.”²
3. On December 22, 2021, the United Nations Security Council (UNSC) approved a humanitarian exemption to sanctions against the Taliban, allowing for the provision of humanitarian assistance to Afghanistan, as well as the processing and disbursement of funds and other activities in support of basic humanitarian assistance supplies to Afghanistan.³
 4. On October 31, 2022, the international criminal court (ICC) authorized its office of the prosecutor to resume investigations of crimes against humanity and war crimes in Afghanistan.⁴
 5. On March 16, 2023 the U.N. Security Council adopted a resolution establishing an independent assessment mechanism for addressing the challenges and providing “forward-looking recommendations for an integrated and coherent approach among relevant political, humanitarian, and development actors, within and outside of the united nations system” on Afghanistan.⁵
 6. On April 27, 2023, the U.N. Security Council unanimously adopted a resolution condemning the Taliban's ban on Afghan women working for U.N. offices in Afghanistan and calling on the Taliban to quickly change its discriminatory policies against women in all areas in Afghanistan.⁶
 7. In the Special Rapporteur's first report, published on September 09, 2022, the Special Rapporteur calls on the Taliban to (1) restore constitutional order and provide clarity on applicable laws; (2) protect all Afghans, but especially minorities, women, judges, and lawyers from all threats and implement the general amnesty; (3) reverse all discriminatory measures, especially against women and girls; (4) give space to civil society, journalists and women; and (5) prohibit and investigate all types of human rights violations.

Similarly, the Special Rapporteur calls on the international community and States to (6) provide humanitarian assistance to the Afghan people and support economic recovery; (7)

² <https://shorturl.at/blMP5>

³ <https://shorturl.at/kuBHL>

⁴ <https://shorturl.at/cgGJU>

⁵ <https://shorturl.at/hstBN>

⁶ <https://shorturl.at/fuFP1>

strengthen accountability for human rights violations and support an international investigation into systematic attacks on minorities; (8) ensure protection of the rights and freedoms of girls and women; (9) protect human rights defenders and civil society; (10) ensure and support safe passage for all vulnerable persons; and (11) develop clear human rights conditions for any engagement with the Taliban.

The Special Rapporteur also calls on United Nations agencies to (12) ensure better coordination with all relevant actors to promote and protect human rights and to (13) provide de facto authorities with the technical assistance they need to comply with and implement their obligations under international human rights treaties.⁷

8. In the second report of the Special Rapporteur, published on 09. February 2023, the Special Rapporteur reiterates the recommendations made in the first report and recommends that (1) the authorities end persecution and discrimination on the basis of sex and recognize the equal rights of men and women and restore their access to education and employment in both State and non-State organizations, (2) abolish all discriminatory measures, (3) refrain from interfering in humanitarian operations, (4) release and provide due process to all detainees exercising their rights, (5) create an enabling environment for media, journalists, and civil society, and (6) prohibit and prevent violence and human rights abuses.

The Special Rapporteur also makes recommendations to the international community and Member States to (7) ensure that the situation in Afghanistan remains at the center of foreign policy; (8) continue to work with de facto authorities to ensure equal rights for women and girls; (9) increase the contribution to humanitarian assistance and improve independent monitoring of aid deliveries; and to (10) provide guidance on the implementation of the de facto authorities' humanitarian exemption; (11) ensure a coherent approach to working with de facto authorities based on human rights and humanitarian principles; (12) "support international mechanisms of investigation and accountability and initiate accountability processes in domestic jurisdictions"; (13) continue support for the safe departure of vulnerable Afghans to other countries; and (14) provide political and financial support to human rights organizations inside and outside Afghanistan.⁸

9. The Special Rapporteur and the Working Group on Discrimination against Women and Girls published a joint report in June 2023. This report addressed the situation of women and girls under the rule of the Taliban and made the necessary recommendations to the Taliban and the governments and organizations of the United Nations.

⁷ <https://shorturl.at/abozC>

⁸ <https://shorturl.at/fHNS8>

The summary of the recommendations addressed to the governments and the United Nations are given below:

Recommendations to the UN members states:

(1)produce a report on gender apartheid in Afghanistan; (2)support women-led domestic institutions in Afghanistan;(3)address the humanitarian and human rights crisis; (4) consult with Afghan women and take their views into account in decision-making; (5)support women defenders at home and abroad; (6)support the justice efforts of international organizations and Afghan civil society organizations.

Recommendations to the United Nations organization:

(1)Ensure a unified approach based on human rights and humanitarian principles when interacting with de facto authorities; (2) ensure recruitment of female staff and ethnic diversity in UN institutions; (3) support equal and meaningful participation of women in various discourses with de facto authorities; (4)taking serious action in cases of serious and systematic violations of women's and girls' human rights; (5)creating grounds for civil society women's participation in planning and policy-making; (6)prioritizing gender-sensitive evaluations; (7) and ensuring that Afghan women and girls have adequate access to relevant UN bodies.⁹

⁹ <https://shorturl.at/gxAQ7>