



# General Assembly

Distr.: General  
19 October 2021

Original: English

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## Human Rights Council

Thirty-first special session

24 August 2021

# Report of the Human Rights Council on its thirty-first special session

*Vice-President and Rapporteur: Monique T.G. Van Daalen*



## **I. Resolution adopted by the Human Rights Council at its thirty-first special session**

### **S-31/1. Strengthening the promotion and protection of human rights in Afghanistan**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, reaffirming the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant instruments,

*Reaffirming* that States have the primary responsibility for the promotion and protection of human rights,

*Recognizing* that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations,

*Reaffirming* its strong commitment to the sovereignty, political independence, territorial integrity and unity of Afghanistan,

*Recalling* the obligations of Afghanistan under international human rights covenants and instruments to which it is a State party,

*Recalling also* the annual reports of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council on the situation of human rights in Afghanistan and technical assistance in the field of human rights, including her report presented to the Council at its forty-sixth session,\*

*Recalling further* all relevant resolutions of the General Assembly, the Security Council and the Human Rights Council on the situation in Afghanistan,

*Taking note* of the recent statements made by the Secretary-General and the High Commissioner, and the joint statements of the special procedures of the Human Rights Council, on reports of human rights violations and abuses in Afghanistan,

*Underscoring* that a sustainable end to the conflict in Afghanistan can only be achieved through an inclusive, just, durable and realistic political settlement to safeguard and advance respect for human rights and fundamental freedoms of all Afghans,

*Recognizing* the role and efforts of international and regional partners and the United Nations system in facilitating an inclusive peace and reconciliation process in Afghanistan,

*Expressing serious concern* at reports of violations and abuses of human rights and violations of international humanitarian law in the country,

*Stressing* the need to provide a safe and enabling environment to civil society, journalists, humanitarian actors and health workers to carry out their work,

*Expressing deep concern* at the displacement in Afghanistan that has caused many Afghan civilians and persons of other nationalities to take refuge in neighbouring and other countries, appreciating the generous hospitality demonstrated by the neighbours of Afghanistan, and urging the international community to assist major refugee-hosting countries to address the refugee problem on the basis of the principle of shared burden and responsibility, particularly given the coronavirus disease (COVID-19) pandemic, including through the urgent vaccination of all eligible refugees,

*Recalling* that the current security and humanitarian situation is linked to, inter alia, the prolonged conflict in Afghanistan,

*Reaffirming* the importance of combating terrorism while fully respecting human rights in Afghanistan, and of ensuring that the territory of Afghanistan is not used to threaten

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\* A/HRC/46/69.

or attack any country, and that no Afghan group or individual supports terrorists operating on the territory of any other country,

*Recognizing* that terrorism has devastating consequences for the enjoyment of human rights and fundamental freedoms of victims and their families, in particular women and girls, deploring the suffering of the people of Afghanistan, and reaffirming its profound solidarity with them while stressing the importance of providing them with proper support and assistance,

*Reiterating* its unwavering commitment to the rights of women and girls in Afghanistan in accordance with the State's obligations under international human rights law and the Constitution of Afghanistan, and to the promotion and protection of women's full ability to exercise their equal enjoyment of human rights in Afghanistan,

*Recognizing* that sustainable peace can be achieved only through a comprehensive and inclusive Afghan-led and Afghan-owned political process, with the full and meaningful participation of all Afghans, including persons belonging to ethnic and religious communities and women, that aims at a permanent and comprehensive ceasefire and an inclusive political settlement to end the conflict in Afghanistan,

*Recognizing also* that accountability for those responsible for human rights violations and abuses in the conflict is one of the central elements of reconciliation and stability within a State and of any effective remedy for victims of human rights violations and abuses, and recognizing further that a fair and effective national justice system, in line with international best practices, is a key factor in ensuring respect for human rights and fundamental freedoms,

*Cognizant* of the importance of promoting human rights and fundamental freedoms, good governance, the rule of law, democracy and accountability by States in accordance with universal human rights and their constitutional and legal systems,

*Considering* that the international community, through appropriate platforms, including the Human Rights Council, can play an important and useful role by highlighting violations of international humanitarian law and violations and abuses of human rights in Afghanistan to protect human rights and fundamental freedoms, to help justice and to reduce the risk of further escalation of violence,

1. *Expresses grave concern* at all violations and abuses of human rights and violations of international humanitarian law in Afghanistan;

2. *Calls for* full respect for the human rights of all individuals in Afghanistan, including women, children and persons belonging to ethnic, religious and other minority groups;

3. *Strongly urges* all parties to the conflict to respect their obligations under international law, including international human rights law and international humanitarian law, as applicable, and also urges them to respect the right to liberty of movement and the freedom to leave the country;

4. *Calls for* an immediate ceasefire, and urges all parties to cease violence and to refrain from any action that undermines the rights and fundamental freedoms of all individuals in Afghanistan or violates international humanitarian law;

5. *Reaffirms* its support for ongoing efforts aimed at an inclusive and durable political settlement and national reconciliation in Afghanistan, and calls for an inclusive and meaningful peace and reconciliation process that respects human rights and fundamental freedoms, including the full, equal and meaningful participation of women, youth and persons belonging to ethnic, religious and other minority groups, and builds upon the progress made in the past 20 years;

6. *Urges* the international community to remain engaged with an inclusive and representative Afghanistan and its people along political, humanitarian, human rights and development tracks, and calls upon all parties to the conflict to allow immediate, safe and unhindered humanitarian access for United Nations humanitarian agencies and other humanitarian actors, providing assistance, including across conflict lines, to ensure that humanitarian assistance reaches all those in need;

7. *Also urges* the international community, including donors and international humanitarian actors, to provide adequate urgent humanitarian assistance to Afghanistan and major refugee-hosting countries, including with regard to the allocation of COVID-19 vaccines in order to expedite the inoculation of Afghan refugees against the disease;

8. *Stresses* the need for transparent and prompt investigations into reports of all violations and abuses of human rights and violations of international humanitarian law committed by all parties to the conflict, and to hold those responsible to account;

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

10. *Decides* to remain seized of the matter.

*2nd meeting  
24 August 2021*

[Adopted without a vote.]

## II. Organization of work of the thirty-first special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council may hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

2. On 17 August 2021, the Permanent Representative of Pakistan, Coordinator of the Organization of Islamic Cooperation on Human Rights and Humanitarian Issues, jointly with the Permanent Representative of Afghanistan to the United Nations Office at Geneva, requested the convening of a special session of the Human Rights Council on 24 August 2021 on the serious human rights concerns and situation in Afghanistan (see A/HRC/S-31/1).

3. The above-mentioned request was supported by 29 States members of the Human Rights Council: Argentina, Austria, Bahrain, Bangladesh, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Czechia, Denmark, France, Gabon, Germany, India, Indonesia, Italy, Japan, Libya, Mauritania, Mexico, the Netherlands, Pakistan, Poland, Senegal, Somalia, the Sudan, Togo, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan. The request was also supported by 60 observer States of the Council: Afghanistan, Albania, Algeria, Azerbaijan, Belgium, Benin, Brunei Darussalam, Chad, Comoros, Croatia, Cyprus, Djibouti, Egypt, Estonia, Finland, the Gambia, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iran (Islamic Republic of), Iraq, Ireland, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Morocco, Mozambique, the Niger, Nigeria, Oman, Portugal, Qatar, Romania, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Spain, Suriname, Sweden, the Syrian Arab Republic, Tajikistan, Tunisia, Turkey, Turkmenistan, Uganda, the United Arab Emirates, Yemen and the State of Palestine.

4. Subsequently, the request was also supported by Member States Brazil, Fiji, Namibia, the Republic of Korea, Ukraine and Uruguay, and observer States Australia, Chile, Georgia, Iceland, Liechtenstein, Montenegro, North Macedonia, Norway, Switzerland and the United States of America.

5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene an open-ended informative consultation on the conduct and organization of the special session on 23 August 2021, and the special session on 24 August.

### A. Opening and duration of the session

6. The Human Rights Council held its thirty-first special session at the United Nations Office at Geneva on 24 August 2021. It held two meetings during the session.

7. The thirty-first special session was opened by the President of the Human Rights Council.

### B. Attendance

8. The special session was attended by representatives of States members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

### C. Officers

9. The following members of the Bureau of the Human Rights Council appointed for the fifteenth cycle also served as officers for the thirty-first special session:

<i>President</i>	Nazhat Shameem Khan (Fiji)
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<i>Vice-Presidents</i>	Keva Lorraine Bain (Bahamas)
	Ebyan Mahamed Salah (Somalia)
	Yuri Borissov Sterk (Bulgaria)
<i>Vice-President and Rapporteur</i>	Monique T.G. Van Daalen (Netherlands)

## **D. Organization of work**

10. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 23 August 2021 in preparation for the thirty-first special session.

11. At its first meeting, on 24 August 2021, the Human Rights Council considered the organization of its work, including speaking time limits, which would be 2 minutes and 30 seconds for States members of the Council and 1 minute and 30 seconds for observer States of the Council and other observers.

12. At the same meeting, the Human Rights Council decided to endorse extraordinary measures and modalities proposed by the Bureau of the Council in the annex to the minutes of the Bureau meeting of 19 August 2021 for the thirty-first special session, which mirrored the modalities that had been adopted by the Council for its forty-seventh regular session in the light of the coronavirus disease (COVID-19) pandemic. The measures included encouraging parties to deliver their statements remotely or by pre-recorded video message, allowing delegations to raise points of order remotely, and the virtual exercise of the right of reply.

13. Also at the same meeting, the Human Rights Council, given that the measures required to address the COVID-19 pandemic precluded in-person participation of non-governmental organizations, adopted a decision to allow, exceptionally, non-governmental organizations in consultative status with the Economic and Social Council and national human rights institutions with A status the opportunity to submit pre-recorded video statements for the special session. The number of non-governmental organizations to be included in the list of speakers for the special session was set at 18, as for the special sessions held in February and in May 2021.

14. The special session was conducted in accordance with the relevant provisions contained in the annex to Human Rights Council resolution 5/1.

## **E. Resolution and documentation**

15. The resolution adopted by the Human Rights Council at its thirty-first special session is reproduced in chapter I of the present report.

16. The list of documents issued for the thirty-first special session is contained in the annex to the present report.

## **F. Statements**

17. At the first meeting, on 24 August 2021, the United Nations High Commissioner for Human Rights made a statement.

18. At the same meeting, the Chair of the Coordination Committee of Special Procedures, Anita Ramasastry, made a statement.

19. Also at the same meeting, in the light of the subject of the special session, the Chairperson of the Afghanistan Independent Human Rights Commission, Shaharзад Akbar, made a statement.

20. At the same meeting, the representative of Afghanistan made a statement as the State concerned.

21. Also at the same meeting and at the second meeting, on the same day, the following made statements:

(a) Representatives of States members of the Human Rights Council: Argentina (video statement), Austria (video statement), Bahrain (on behalf of the Cooperation Council for the Arab States of the Gulf) (statement delivered in person), Bangladesh (video statement), Bolivia (Plurinational State of), Brazil, Bulgaria, Chile\* (also on behalf of Argentina, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Paraguay, Peru, Spain and Uruguay) (video statement), China, Cuba (video statement), Czechia (video statement), Denmark (also on behalf of Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden) (video statement), France, Germany (video statement), India (video statement), Indonesia, Italy, Japan, Libya, Mexico (video statement), Namibia (video statement), Nepal (video statement), Netherlands, Pakistan (also on behalf of the Organization of Islamic Cooperation), Philippines, Poland (statement delivered in person), Republic of Korea (video statement), Russian Federation (video statement), Slovenia\* (on behalf of the European Union) (video statement), Spain\* (also on behalf of Albania, Andorra, Argentina, Australia, Austria, the Bahamas, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Libya, Malta, the Marshall Islands, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam), Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Albania (video statement), Australia (video statement), Belgium, Botswana (video statement), Canada (video statement), Colombia (video statement), Costa Rica, Croatia (video statement), Cyprus (video statement), Ecuador, Egypt (video statement), Finland (video statement), Greece (video statement), Iran (Islamic Republic of), Ireland (video statement), Israel (video statement), Kazakhstan (video statement), Kyrgyzstan (video statement), Liechtenstein (video statement), Luxembourg (video statement), Malaysia (video statement), Malta (video statement), New Zealand (video statement), Paraguay, Peru (video statement), Portugal (video statement), Qatar (video statement), Saudi Arabia (video statement), Spain (video statement), Switzerland, Tajikistan, Timor-Leste, Turkey, United States of America (video statement), Viet Nam (video statement), Holy See (video statement);

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Population Fund (video statement);

(d) Observer for the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta (video statement);

(e) Observers for national human rights institutions: Australian Human Rights Commission (on behalf of the Asia Pacific Forum of National Human Rights Institutions), Global Alliance of National Human Rights Institutions;

(f) Observers for non-governmental organizations: Alliance Defending Freedom, Amnesty International, Asian Forum for Human Rights and Development, CIVICUS: World Alliance for Citizen Participation, Emergency – Life Support for Civilian War Victims, Human Rights Watch, Ingénieurs du monde (also on behalf of United Nations Watch), Institute for NGO Research, International Commission of Jurists (also on behalf of Article 19: International Centre against Censorship), International Federation for Human Rights Leagues, International Humanist and Ethical Union, Lawyers' Rights Watch Canada (also on behalf of the Law Society), Minority Rights Group (also on behalf of Al-Khoei Foundation), Program in International Human Rights Law, Women's International League for Peace and Freedom (also on behalf of the Association for Women's Rights in Development and Madre,

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\* Observer of the Human Rights Council speaking on behalf of Member and observer States.

Inc.), World Evangelical Alliance, World Organisation Against Torture, World Vision International (also on behalf of Save the Children International).

### **G. Action on the draft proposal**

22. At the 2nd meeting, on 24 August 2021, the representative of Pakistan, on behalf of the Organization of Islamic Cooperation, introduced draft resolution A/HRC/S-31/L.1, sponsored by Pakistan on behalf of the Organization of Islamic Cooperation. Subsequently, the Marshall Islands joined the sponsors.

23. At the same meeting, the representative of Pakistan orally revised the draft resolution.

24. Also at the same meeting, the representatives of China, Mexico and the Russian Federation made general comments on draft resolution A/HRC/S-31/L.1 as orally revised.

25. At the same meeting, the representative of Afghanistan made a statement as the State concerned.

26. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised. The Chief of the Finance and Budget Section of Programme Support and Management Services of the Office of the United Nations High Commissioner for Human Rights made a statement on the budgetary implications of the draft resolution as orally revised.

27. At the same meeting, the representative of Austria, on behalf of the States members of the European Union that are members of the Council, made a statement in explanation of vote before the vote.

28. Also at the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (see resolution S-31/1).

## **III. Report of the Human Rights Council on its thirty-first special session**

29. At its 2nd meeting, on 24 August 2021, the Human Rights Council adopted the report on its thirty-first special session ad referendum and entrusted the Rapporteur with its finalization.



## Annex

### Documents issued for the thirty-first special session of the Human Rights Council

#### *In the general series*

- |              |   |
|--------------|---|
| A/HRC/S-31/1 | Letter dated 17 August 2021 from the Permanent Representative of Pakistan and the Permanent Representative of Afghanistan to the United Nations Office at Geneva addressed to the President of the Human Rights Council |
| A/HRC/S-31/2 | Report of the Human Rights Council on its thirty-first special session  |

#### *In the limited series*

- |                |   |
|----------------|---|
| A/HRC/S-31/L.1 | Strengthening the promotion and protection of human rights in Afghanistan |
|----------------|---|

#### *In the non-governmental series*

- |                  |   |
|------------------|---|
| A/HRC/S-31/NGO/1 | Written statement submitted by the Women's Federation for World Peace International, a non-governmental organization in general consultative status   |
| A/HRC/S-31/NGO/2 | Written statement submitted by the International Human Rights Council, a non-governmental organization in special consultative status                 |
| A/HRC/S-31/NGO/3 | Written statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in special consultative status |