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**OPENING REMARKS OF AMB. NASIR ANDIHSA AT THE HUMAN RIGHTS COUNCIL**

**46th SESSION**

 **UNIVERSAL PERIODIC REVIEW – GENEVA**

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**Mr. President**

**Excellencies, distinguished delegates,**

**Good afternoon**

With a profound sense of duty and commitment to my people, country, and human rights principles, I stand before you today while my country is experiencing an extraordinary and precedented situation to address the 46th Session of the Universal Periodic Review working group and present the Afghanistan delegation in its fourth cycle of review.

The state of Afghanistan, as one of the pioneering and active members of the UN system since 1946, has ratified most of the core international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economical, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on Elimination of All Forms of Discrimination Against Women and the Convention of the Rights of the Child.

The ratification of the human rights treaties obliges Afghanistan to incorporate them into domestic law and enforce them in practice. Afghanistan made a legal commitment to abide by the international human rights treaties, stating in Article 7 of the Constitution of Afghanistan that “the State shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.”

Considering the unprecedented situation caused by the military takeover of the country and its preceding human rights and international legal fallouts, the PMoIRA requested the postponement of the Afghanistan review for the fourth cycle. However, the HRC bureau decided that the Afghanistan review would take place as planned.

The PMoIRA called for contributions from civil society organizations and human rights defenders; around 34 organizations and individuals participated in this process. The drafting process and methodology are explained in the report.

Afghanistan is grateful for this opportunity. We have a distinguished delegation with us who will discuss various issues highlighted in the report. This delegation is carefully drawn inclusively based on their expertise, previous rules in the UPR process, and human rights activities.

Introducing the delegation:

Excellencies, colleagues,

In its journey toward securing and upholding its citizens' fundamental rights and dignity, Afghanistan made significant progress in all areas, as reflected as a pro-active stakeholder in the UNHR system, as indicated in our membership in this council in 2018-2020. Our dedication to protecting and promoting human rights remains steadfast as we navigate a challenging and tumultuous period marked by setbacks and reversal of rights and socio-economic progress.

Afghanistan places great importance on the Universal Periodic Review mechanism, which serves as a crucial platform for constructive dialogue, reflection, and collective action in advancing human rights and provides an opportunity for a constructive and candid engagement between the Member States to enhance the protection and promotion of human rights values worldwide.

Despite the formidable obstacles we face today, Afghanistan remains resolute in its commitment to building a society founded on the principles of justice, equality, and respect for human dignity.

The Constitution of Afghanistan affirms its dedication to human rights principles, recognizing the significance of the United Nations Charter and the Universal Declaration of Human Rights. Specific provisions within the Constitution ensure the rights of all individuals, regardless of gender. Afghanistan has made significant strides in realizing these principles, including advancements in fundamental freedoms, inclusive governance, and women's participation across various sectors. Moreover, efforts to enhance social services such as healthcare and education have been prioritized.

**Mr. President,**

Unfortunately, Afghanistan’s human rights landscape has drastically altered with the Taliban’s military takeover. Our forthcoming report will detail the initiatives pursued before the takeover and illustrate the subsequent decline in the situation following the takeover.

During the 3rd cycle of the UPR, Afghanistan received 258 recommendations. Following a consultation process, 235 recommendations were endorsed addressing various thematic areas, encompassing the legal and operational framework, universal concerns, civil and political rights, socio-economic and cultural rights, and the rights of vulnerable groups, including women and children.

The Human Rights Support Unit (HRSU) was established at the Ministry of Justice to uphold its commitment to implementing the endorsed recommendations. It collaborated with various governmental bodies and civil society organizations to devise an Action Plan in 2019. This collaborative effort involved key stakeholders. The Action Plan delineated specific governmental entities responsible for executing each recommendation. Before the military takeover by the Taliban in August 2021, several responsible entities had commenced the implementation process. However, this progress was subsequently halted and ultimately discontinued due to the change in governance dynamics.

**Mr. President,**

**Distinguished Delegates,**

Afghanistan, under the Taliban, remains the most repressive country in the world for women’s rights. **Women and girls** also continue to experience deep inequality and the effects of persistent armed conflict.

Before the takeover, the Government of Afghanistan was committed to instituting reforms to advance women's rights and achieve gender equality throughout the nation. This commitment was reflected in initiatives such as implementing a National Action Plan for Women, reflecting our various international commitments, including toward CEDAW and Women Peace and Security agenda, designed to strengthen and promote women's rights across all provinces of Afghanistan. Constitutional provisions, notably Article 22, explicitly prohibited discrimination against women, while Articles 218 and 409 of the Penal Code reinforced this prohibition within the realm of administration.

Moreover, the Government had formulated a comprehensive Gender Strategy to combat discrimination against women. This strategy was anchored in five pillars, each supported by a cross-governmental action plan:

The unprecedented situation concerning women and girls in Afghanistan cannot be found anywhere else in the world, including all Islamic nations. The Taliban has introduced a widespread, systematic, institutionalized policy of oppression meant to erase women from public, political, and social life.

**Mr. President,**

**Afghanistan's civil and political rights** have undergone significant shifts in recent times. Efforts have been underway to strengthen and protect these rights, as was enshrined in the various legal frameworks. However, the current situation presents grave concerns regarding the preservation of these rights, given the restrictions imposed by the new authorities. It is imperative for the international community to closely monitor and address any violations of civil and political rights, ensuring that all individuals in Afghanistan can exercise their rights freely and without fear of persecution or discrimination.

Afghanistan guaranteed the inviolability of freedom of expression. The Mass Media Law of 2009 safeguarded freedom of speech and expression, protected journalists, and upheld the independence of a diverse media landscape. Additionally, enacting the Law on Access to Information in 2017 enhanced government transparency and ensured citizens' access to information from governmental institutions. Until August 2021, the media sector thrived, providing employment opportunities with over 60 operational TV stations and newspapers nationwide.

However, following the military takeover, the Taliban intensified their attacks on journalists, media personnel, human rights defenders, and civil society activists. Consequently, many media outlets were compelled to cease operations within Afghanistan and report from abroad.

**Afghanistan has grappled with political instability** in the past few decades. The fall of the Taliban in 2001 paved the way for the realisation of establishing an inclusive and representative democracy. Women were active participants in the 2002 Constitutive Assembly, and between 2004 and 2019, accounted for more than 30 percent of voters were women. Before August 2021, women comprised 27 percent of members in the lower house of parliament, 22 percent in the upper house, and 30 percent in the civil service. They held key roles in the Government, independent commissions, and the judiciary.

**The Government implemented various initiatives to address human rights violations and combat torture, including the passing of the Law on Prohibition of Torture and the establishment of a monitoring commission**. The 2018 Penal Code incorporated provisions from the United Nations Convention against Torture (UNCAT) and its Optional Protocol. Additionally, measures were introduced to reform the prison system, aiming to safeguard the human rights of inmates. A monitoring department was established to prevent torture in prisons and detention centres.

However, all legislative and procedural measures aimed at combating and preventing torture have been rescinded by the Taliban. Reports from UN bodies and non-governmental organizations operating in Afghanistan have documented widespread abuse of detainees and prisoners by the Taliban, including instances of torture and other forms of cruel, inhuman, and degrading treatment, such as physical, mental, and sexual abuse. The penitentiary system under Taliban control operates without transparency, violating international human rights standards that protect the rights of prisoners and contravening Afghanistan's treaty obligations.

**With respect to children**, the government introduced legislation and regulations to improve conditions for children in Afghanistan and provide a holistic environment for healthy development. The specialised laws, regulations and policies respecting and promoting child rights are no longer accessible since the military takeover by the Taliban. There are no legal safeguards for children. From restrictions on education to the impacts of the economic and humanitarian crises, displacement, food insecurity, and restrictions on women, children’s basic needs are not being met.

Moreover, families have resorted to the sale of children, forced child marriage, child labour and trafficking, while children continue to suffer from child abuse, child exploitation, and sexual violence including rape and bacha bazi. The absence of child protection and social welfare services has further negatively impacted children.

Since the military takeover, **persons with disabilities face** increased vulnerability. Because of the economic crisis, services have been reduced or ceased. According to OCHA, more than 60,000 persons with disabilities have no or limited access to rehabilitative care.

Afghanistan’s governance structure before August 2021 followed a syncretic approach, keeping in view the religious and ethnic composition of the country. Freedom of religion and religious minorities were protected under Art. 2 of the Constitution.

The government took significant steps to ensure the safety of religious and ethnic minorities and to promote social cohesion, encouraging their participation in public and political affairs. However, due to a constant state of conflict, religious groups, particularly the Hazaras (Shia), Sikhs, Hindus, Baha’is, Christians, Ahmadiyya, and Ismaili suffered discrimination and persecution at the hands of extremist groups, including the Taliban within the minority groups.

With respect to **IDPs, Returnees, and Refugees, the National Policy for IDPs implemented by the GoIRA acknowledged the right to full access to basic health services and education**

**Access to education and healthcare** has notably improved before the military takeover. Concerning education, we have embarked on a comprehensive review process of national education curricula to ensure that human rights values are being taught to children in school. The latest National Education Strategic Plan for the period 2017-2021 contained new indicators to monitor progress in the development of the education system. However, since the takeover, all these plans have been unfortunately halted.

**Mr. President,**

**Distinguished delegates,**

Despite the Taliban's pledges to honor and protect human rights, the people of Afghanistan are witnessing a systematic unraveling of their inherent and unassailable rights, with women bearing the brunt of this regression. The once-promising assurances of safeguarding fundamental freedoms have dissolved into a stark reality characterised by repression and oppression.

However, amidst this dark landscape, the fortitude and resilience of the people of Afghanistan, particularly its women, shine through as a beacon of hope. Despite facing immense challenges and enduring unimaginable hardships, they stand unwavering in their resolve to uphold their dignity and rights. Their resilience is not merely a testament to their strength, but also a testament to the enduring spirit of humanity in the face of adversity.

Though the road ahead may be fraught with obstacles, the resolve of the people of Afghanistan remains steadfast. Their determination to defend their rights and freedoms serves as a reminder that even in the darkest of times, the human spirit perseveres. In the face of oppression, the flame of resilience burns brighter, illuminating the path toward a future where justice, equality, and freedom reign supreme.

**In conclusion**, I would like to thank all Member States who have sent their questions in advance and all of you for your participation today in this review. My delegation and I look forward to a constructive engagement with you throughout the session.

Thank you all for your kind attention.