



TREMENDOUS HUMAN RIGHT VIOLATIONS AND NEED FOR IMPLEMENTATION: AN EXPOSURE TO AFGHANISTHAN

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ABSTRACT

This paper examines the miseries and sufferings faced by the civilians of Afghanistan and how the surviving Afghan communist regime (the Taliban) are controlling and ruling almost the entire province of Afghanistan. The Taliban's swift takeover of most of the country, including the capital, has aroused worries of a return to past patterns of human rights violations, as well as desperation among many Afghans. In order to understand the human right violations undergone in the country, this paper has bought a brief analysis on the history of Afghanistan, the current scenario and the role of United Nations and other international organizations and countries addressing the same.

Through this paper, it brings awareness and educate the readers about the human rights available to all citizens and fundamental freedoms that are protecting civilians, particularly the most dependent groups such as women and children, as well as individuals functioning for the other international organizations and the United Nations, as well as relief workforce, is a top priority. All parties must engage in discussion in order to achieve long-term peace and national reconciliation. To avoid a humanitarian disaster, immediate action is required, and

the United Nations and its allies must redouble their efforts.

HISTORY, NATURE AND STRUCTURE OF UNITED NATIONS

Post the Second World War at 1945 the second multipurpose international organization, The United Nations was formulated by fifty countries with an aim to maintain global harmoniousness and security, fostering friendly relations among respective sovereign states and encouraging social development, raising the level of standard and protecting human rights and serving as a focal point for nations to coordinate their actions and activities towards various goals.

In spite of the issues experienced by the League of Nations in parleying disputes and guaranteeing world peace and security earlier to the Second World War, the major united powers concurred amid the war to set up a new international organization in order to assist and oversee the International undertakings. The predecessor of the United Nations was the League of Nations which was established in 1919, after the First World War, under the Treaty of Versailles with an aim to promote international cooperation and to realize peace and security throughout the world." Despite some early successes, the League of Nations wasn't still successful in preventing Second World War.¹

As the Second World War was approximately reaching to a conclusion in 1945, nations were in complete a disintegration, and the world extremely were in need of peace. Representatives of fifty countries came together at the United Nations

¹ UNITED NATIONS ORGANISATION,
<https://www.un.org/en/about-us/history-of-the-un/predecessor>, (Aug 28, 2021).



Conference on International Organization in San Francisco, California from 25 April to 26 June 1945.² The Charter of the new UN organization went into effect on October 24, 1945.³

The work of the United Nations reaches every corner of the world. The United Nations organization operates through six major organs namely the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.

FUNCTIONS OF UNITED NATIONS

The following are the key principles that constitute the organization's functions and operations, as specified in Article 1 – 2 of UN Charter,⁴

- To formulate universal peace and surveillance by concerted steps for avoidance of threats to bring about serenity in conformity with the principles of justice and arrangement of international conflicts or circumstances that might lead to a infringement of the peace.
- To build universal peace and harmony by promoting harmonious and friendly relations among nations based on the principles of equality.
- To build global cooperation and collaboration in the resolving the social, economic, cultural and humanitarian problems, as well as to

develop universal adherence for all for fundamental freedoms and human rights devoid of any kind of discernment.

- To assist as a focal point for harmonizing the actions of nation for fulfilling the common ends.
- Ensuring sovereign equality to all the member states.
- To resolve international conflicts peacefully so that international peace, security are not jeopardized.
- Refraining member states from threatening or using force in ways that are inconsistent with the UN's goals.
- Cooperation with the organization in actions relating to enforcement that is taken underneath the Charter, and nations that are not members are required to behave in conformity with all the standards to ensure international peace and security and the organization has a long-standing policy of not intervening in issues that are deemed to be within a state's domestic jurisdiction.⁵

HUMAN RIGHT VIOLATIONS AND ISSUES IN AFGHANISTHAN 2021

Afghanistan is a non-coastal country with a variegated common folks in the kernel of south-central Asia. The country has had such a long history of chronic instability and conflict that its economic prudence and

² UNITED NATIONS ORGANISATION, <https://www.un.org/en/about-us/history-of-the-un>, (Aug 27, 2021).

³ Dr. S. R. MYNENI, ASIA LAW HOUSE'S HUMAN RIGHTS LAW, page number. 14, 2018.

⁴ UNITED NATIONS ORGANISATION, <https://www.un.org/en/about-us/un-charter/chapter-1>, (Aug 28, 2021).

⁵ Jacques Fomerand, *United Nations international organization*, BRITANNICA, (Aug 29, 2021, 09:45 AM), <https://www.britannica.com/topic/United-Nations/Organization-and-administration>.



infrastructure are in shambles, and out of which several citizens are refugees.



What happened when war was declared?

The country was devastated by civil war in the last quarter of the twentieth century, which was aggravated by the Soviet Union's military invasion and occupation (1979–89). After the armed battles, the surviving Afghan Communist regime (the Taliban) ran against Islamic insurgents (1989-92) and began a theocratic regime, which soon came under the influence of a well-funded Islamist league led by an exiled Saudi Arabian, Osama bin Laden. (1996-2001).⁶ Schooling possibilities decreased under the Taliban, and instruction was primarily focused on Quranic studies. Girls' public education has almost vanished. In the late 1990s, it was believed that less than half of the male population and probably less than one in seven women were literate. Afghanistan has one of the world's least developed health care systems, based on infant mortality and life expectancy. In 1996 when Kabul was captured by the Taliban, the authorities stopped girl going to schools and compelled women to give up jobs in almost every field. Women who were not fully clothed on the streets or who were found in

the company of males not related to them were subjected to harsh punishments.

The situation continued to deteriorate in late 2001. Later, The Taliban regime fell apart in December 2001 as a result of a continuous US military campaign aimed against the Taliban and associates of Osama bin Laden's al-Qaeda operation.

On September 11, blame for the terrorist attacks on the World Trade Center in New York City and the Pentagon outside Washington, D.C. quickly shifted to members of al-Qaeda, led by bin Laden in Afghanistan. In September 2014, presidential campaign was held wherein Ashraf Ghani took the position of president. Within months of his presidency, the country sort to face new set of issues. A resurgent However, US troops stayed in Afghanistan to train Afghan forces and help in counter-terrorism operations. In 2015, administration of Ghani initiated peace talks with the Taliban and other armed organizations in an effort to pacify the country. The Taliban attempted to undermine the credibility of the 2016 parliamentary elections as they neared. They urged Afghans to abstain from voting and threatened violence if they did. The Taliban assassinated Kandahar's police chief two days before the polls scheduled around October 20. ⁷ Few days later, the US declared its plan to withdraw 1000s of its troops from Afghanistan and this decision had not been communicated to Afghanistan's central government prior to its announcement.

Again, election was held on September 2020 and days after the election results were announced, while negotiations between the

⁶ BBC NEWS, <https://www.bbc.com/news/world-south-asia-12011352>, (Aug 28, 2021).

⁷ Griff Witte, *Afghanistan War*, BRITANNICA, (Aug 29, 2021, 10:45 PM), <https://www.britannica.com/event/Afghanistan-War>



Taliban and the central government, made little progress, even when the US resumed troop withdrawals in May 2021 after a several-month halt. Lack of coordination among the government's armed forces, as well as their lack of responsiveness to the insurgency, handed the central government a crushing blow as a rejuvenated Taliban made rapid advances amid the pullout. By mid-August 2021, the Taliban had taken control of nearly the entire province of Afghanistan, including Kabul.

Evolution of Human rights in Afghanistan.

The United Nations (UN) was established in 1945, and the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) on December 10, 1948.⁸ The UN Genocide Convention was developed in 1946 and accepted in 1948. Afghanistan joined the United Nations in 1946, and under the framework of global democracy and human rights movement, Prime Minister Shah Mahmud announced elections in 1946, in which Afghans voted for the first time to elect their members in parliament. However, it did not last long, and in 1953, in an attempt to build a strong administration, it was abandoned.

Afghanistan is a Constitutional Monarchy according to Article 1 of the Constitution, and the country's sovereignty belongs to the people.⁹ The "Basic Rights and Duties of the People" are covered in Chapter III of the constitution.¹⁰ Further, Article 25 states that, "The people of Afghanistan have equal rights and obligations before law without any discrimination or preference." Article 26 declares liberty to be a natural right

of human beings, and the State is entrusted with respecting and protecting the individual's liberty and dignity. It further stated that torturing a human being is not permissible. It is not permitted to impose punishment that is incompatible with human dignity. It also affirms everyone's right to work and trade and prohibits the use of forced labor (Article 37). The country's 2004 Constitution established core human rights protection and acknowledged international duties.

For the first time, the New Administration established the Afghanistan Independent Human Rights Commission (AIHRC) and the Ministry of Women Affairs to promote human rights, particularly women's rights, with direct international community support. Parallel to these, Afghanistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on March 5, 2003 and Optional Protocol of the Convention against Torture (CAT-OP) (17 Apr 2018).

Despite all these efforts, the country's human rights situation has not improved. Civilians are being killed in the combat between the Afghan government and the Taliban, according to a 2017 study by Human Rights Watch (HRW). Civilians killed by government troops, militants, and international forces, as well as other human rights breaches, continue to be important issues. As a result, human rights movement, despite external assistance, has had limited success in the country.

⁸ UNITED NATIONS ORGANISATION, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, (Aug 28, 2021).

⁹ CONSTITUTION OF AFGHANISTAN (1964). Art. 1.

¹⁰ Ibid. Art. 2.



Serious Human rights concerns and situation in Afghanistan

18 million Afghans today are facing dire humanitarian needs.¹¹ The people of Afghanistan are in deep urgency to defend and protect their rights at this critical time. This is very vital as it will help prevent human rights violations to a greater extent and scope. The Taliban's swift takeover of most of the country, including the capital, has aroused worries of a return to past patterns of human rights violations, as well as desperation among many Afghans. Research by Human Rights Watch and others have found that there is a strong need for education in Afghanistan, including a deep awareness that girls should study in many corners of the nation.¹² But, due to the government's failure to integrate these schools into the state education system along with inconsistent funding for these schools, has resulted in the education of many girls being denied. In areas of rural Afghanistan, strict societal rules regulating clothes, particularly for women, and women's movements are common.

Many people currently fear Taliban retaliation against those who collaborate with the government or the foreign community; those who have tried to improve human rights and justice; or those whose lives and ideas are simply seen as being incompatible with Taliban ideology. Vice and virtue policing is

carried out by both military and civilian Taliban officials, including questioning, beating, and sometimes imprison people for crimes such as too short haircuts and shaving beards. Officials from the Taliban mandated that women must wear burqas rather than the black headscarf that is commonly worn in the district. Furthermore, The Taliban proclaimed in local mosques in August-September 2019 that local women should wear blue burqas instead of hijabs and not wear sandals that expose their feet. The prohibition on wearing Western-style clothing in public appears to be aimed mostly at men. Other clothing, including caps and hats, are prohibited for people linked with specific mujahidin factions.¹³

Music is prohibited by the Taliban, including during wedding receptions, engagement parties, and other celebrations. The Taliban justice system is based on punishment and depends heavily on confessions, which are frequently collected through torture such as beatings.

The Taliban use the quick application of punishment for big offences to demonstrate their dominance and inspire fear. Authorities have been known to execute persons found guilty of murder within days of their conviction. Recent events have exacerbated the distressing humanitarian situation, which has been aggravated by severe drought, the COVID-19 outbreak, and major shortages in

¹¹ UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN (UNAMA), <https://reliefweb.int/report/afghanistan/srsg-deborah-lyons-opening-remarks-special-joint-coordination-monitoring-board>, (Aug 29, 2021).

¹² Jose Martinez, "You Have No Right to Complain" *Education, Social Restrictions, and Justice in Taliban-Held Afghanistan*, HUMAN RIGHTS WATCH, (Aug 30, 2021, 01:20 PM), <https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>.

right-complain/education-social-restrictions-and-justice-taliban-held.

¹³ Jose Martinez, "You Have No Right to Complain" *Education, Social Restrictions, and Justice in Taliban-Held Afghanistan*, HUMAN RIGHTS WATCH, (Aug 30, 2021, 01:20 PM), <https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>.



enhancing economic, social, and cultural rights.

Since January 2021, the UNHCR estimates that an additional of 270,000 individuals have been forced to abandon their homes and livelihoods, bringing the total number of displaced people to above 3.5 million. We might expect a numerous individuals to flee to neighboring nations or countries outside the region.¹⁴ A major restriction imposed by the Taliban is the prohibition of any civilian or military to contact with the Afghan government. Criticizing Taliban military activity is strictly prohibited, and civilians are afraid of reprisal if they speak out for their own safety. In frontline regions, the proximity of Afghan security troops to Taliban forces potentially increase the risk to civilians. Taliban authorities, according to Afghans in Taliban-controlled regions, do not see the need to listen to them or allow them to express problems or make recommendations.

ROLE OF OTHER COUNTRIES IN AFGHANISTHAN CRISIS

Taliban's quick return to power after two decades has left Afghanistan's neighbors trying to figure out how to respond to a changing geopolitical landscape.¹⁵ Despite being outmanned by the Afghan forces, the Taliban made quick battlefield gains as the US military presence dwindled. The group conquered major cities and provincial capitals in recent weeks before invading Kabul and seizing the presidential palace. At the very least, regional powers are terrified of

a Taliban-dominated Afghanistan. However, they may have no choice but to engage whoever is the de facto power on the opposite side of the border in the end. They continue to support the Afghan government, but their outreach to the Taliban is growing.

Afghanistan's border with Pakistan is the longest from any of its other neighbors. Five recurring drivers of strained relations between Afghanistan and Pakistan are sovereignty concerns, security interests, geopolitical dynamics, cross-border links, and connectivity and trade. From its position on Afghanistan's eastern border, Pakistan has played a crucial role in the struggle. According to Eurasia Group researchers, Pakistan had substantial control over the Taliban in the past. When the organization was in power, it was one of the country to recognize them as a legitimate government.

However, the relationship between Islamabad and Kabul is deteriorating. Pakistan is one of the several players attempting to save the fragile intra-Afghan talks. Kabul appears to have crushed its attempts to assemble an all-Afghan summit in Islamabad.

India previously has had a positive influence in Afghanistan by assisting with training and infrastructure upgrades. India has been a key player in Afghanistan's peace and stability, supporting an Afghan led, owned, and controlled national peace and reconciliation process. It has already contributed about \$3 billion in the war-torn country's relief and rehabilitation efforts.¹⁶

¹⁴ THE UN REFUGEE AGENCY (UNHCR), <https://www.unhcr.org/afghanistan.html>, (Aug 30, 2021).

¹⁵ Saheli Roy Choudhury, *From India to China, the Taliban's return leaves Afghanistan's neighbors scrambling to adjust*, CNBC, (Aug 30, 2021, 11:45

AM), <https://www.cnn.com/2021/08/18/afghanistan-taliban-impact-on-pakistan-india-china-russia-iran.html>.

¹⁶ HINDU, <https://www.thehindu.com/news/international/india->



India has attempted to engage with the Taliban, but most of its diplomatic operations in Afghanistan have been essentially shut down. In a statement, India's foreign ministry said it had urged Indian nationals in Afghanistan to return home immediately. It further specifies that the Indian envoy to Kabul and his staff will return to India as soon as possible.¹⁷ Recognizing the Taliban's advancement, India is focusing on shifting to a new bilateral relationship with Afghan forces that would include financial and logistical support.

While the United States, the United Kingdom, and India rushed to remove diplomats and civilians from Afghanistan, China on the other hand, chose to leave its embassy in Kabul open. It does, however, advise Chinese citizens to remain indoors. China will be in a strong position to enlist the Taliban's assistance in order to fulfill two main objectives in Afghanistan: ensuring a secure environment for Chinese infrastructure projects and isolating Uyghur militants.

Russia, like China, kept its embassy in Kabul open, but it is anticipated that some of its personnel will be evacuated.¹⁸ Sergei Lavrov, Russia's Foreign Minister, stated that there is

no urgency to recognize Taliban as legitimate authorities in Afghanistan.¹⁹ Russia's immediate concerns would be to reduce the likelihood of spillover violence or the transfer of organized extremist groups across Afghanistan's northern border.

Iran will have to pay close attention to the situation in Afghanistan. The Hazaras are the third-largest ethnic group in Afghanistan. Previously, the Taliban targeted them for retaliation. Iran's priority will be to stop the flow of refugees and drugs into Afghanistan, as well as to protect the Hazaras. Eurasia Group analysts stated that, "the Iranian State will probably mobilize more armed forces to the border and prepare for a number of contingencies, all of which may distract Tehran from the Arab world in the short term."²⁰ The Taliban from Russia and Iran have both used the presence of Islamic State affiliates in Afghanistan to legitimize their actions. Both were said to be more directly involved in 2020, including possibly aiding Taliban attacks against US forces.²¹

Tajikistan, Afghanistan's northeastern neighbor, has altered its stance on the Taliban, no longer referring to it as a terrorist or extremist organization. In reaction to the Taliban's recent advances, Dushanbe

played-a-constructive-role-in-afghanistan-pentagon/article35830151.ece, (Aug 30, 2021).

¹⁷MINISTRY OF EXTERNAL AFFAIRS, <https://mea.gov.in/press-releases.htm?dtl/34189/Press+Release+on+the+current+situation+in+Afghanistan>, (Aug 31, 2021).

¹⁸ Maria Tsvetkova, *Russia in contact with Taliban via embassy in Kabul – diplomat*, REUTERS, (Aug 31, 2021, 10:54 AM), <https://www.reuters.com/world/asia-pacific/russia-will-evacuate-some-embassy-staff-afghanistan-official-2021-08-16/>.

¹⁹ REUTERS, <https://www.reuters.com/world/asia-pacific/russia-says-no-rush-recognise-taliban-calls-inclusive-government-2021-08-17/>. (Aug 31, 2021).

²⁰ Saheli Roy Choudhury, *From India to China, the Taliban's return leaves Afghanistan's neighbors scrambling to adjust*, CNBC, (Aug 31, 2021, 11:00 AM), <https://www.cnbc.com/2021/08/18/afghanistan-taliban-impact-on-pakistan-india-china-russia-iran.html>.

²¹ Charlie Savage, Eric Schmitt and Michael Schwartz, *"Russia Secretly Offered Afghan Militants Bounties to Kill U.S. Troops, Intelligence Says,"* New York Times, (Aug 31, 2021, 12:13 PM), <https://www.nytimes.com/2020/06/26/us/politics/russia-afghanistan-bounties.html>.



launched its largest military drills and sent 20,000 reservists to the border. Tajikistan has stated that it is willing to take in up to 100,000 refugees. It will undertake trilateral military drills with Russia and Uzbekistan in August 2021.²²

The current scenario in Afghanistan has presented both opportunities and risks for Uzbekistan. Tashkent has endeavored to open up to the area and strengthen ties with the United States under the presidency of Shavkat Mirziyoyev. It has met Taliban officials and offered to conduct intra-Afghan talks in order to achieve both agendas. Uzbekistan is also aggressively positioning itself for a regional trade, but substantial economic trade with South Asia requires stability in Afghanistan.

The main concern at this point is that Afghans seeking safety shall be able to find it, including crossing borders and entering neighboring countries if necessary. In light of the escalating crisis in Afghanistan, the UNHCR is urging countries bordering Afghanistan to maintain their borders open.

All of Afghanistan's neighbors want a peaceful and independent Afghanistan that is free of jihadist groups. Their bilateral enmities, competing claims inside Afghanistan, and widespread criticism to Western military deployment in the region, however, hamper unified and coherent policies in the region. In view of certain

regional competition, Afghanistan's stability appears to be of minor importance.

THE UNITED NATIONS' ROLE IN RESOLVING AFGHANISTAN'S HUMAN RIGHTS VIOLATIONS

Despite US statements that Taliban violence and other acts were in contravention of the agreement, the US began withdrawing forces before the February 2020 agreement was struck and continued to do so subsequently.²³ President Donald Trump ordered a drawdown in November 2020, and on January 15, 2021, then-Acting Secretary of Defense Christopher Miller said that the number of US personnel had hit 2500, completing the drawdown.

After the talks at Doha, Qatar, failed to produce results, the Biden Administration stepped up its diplomatic efforts to arrange an intra-Afghan deal in spring 2021. The Afghan news agency TOLO news revealed an undated letter from US Secretary of State Antony Blinken to President Ghani on March 7, 2021. The US is also said to have drafted a peace proposal for Afghan negotiators to review. The document, which is described as “intended to jumpstart” talks by offering realistic power-sharing options, suggests the formation of a “transitional peace government,” which would include the choosing of a new president who would be acceptable to both sides.²⁴

The UN's role in bringing peace to Afghanistan can be traced back to the 1980s,

²² Kamila Ibragimova, *What does the Taliban's ascendancy mean for Tajikistan?*, EURASIANET, (Aug 31, 2021, 12:29 PM), <https://eurasianet.org/what-does-the-talibans-ascendancy-mean-for-tajikistan>.

²³ Thomas Gibbons-Neff and Mujib Mashal, “U.S. Is Quietly Reducing Its Troop Force in Afghanistan,”

(Aug 31, 2021), New York Times, <https://www.nytimes.com/2019/10/21/world/asia/afghanistan-troop-reduction.html>.

²⁴ *Exclusive: Details of Proposed Draft for Afghan Peace*, TOLOnews, (Aug 31, 2021, 01:10 PM), <https://tolonews.com/afghanistan-170504>.



when the UN Security Council enacted resolution during an emergency session held between 10 and 14 January 1980 in response to the Soviet Union's invasion of Afghanistan. The United Nations Assistance Mission in Afghanistan (UNAMA) is in Afghanistan with the aim of supporting the Afghan government's aspirations for security, stability, and democracy, according to the UN mandate.²⁵

Although one can be critical of the UN's function, it is vital to remember that without the international community's political will, the UN's impact would always be limited. As the UN Secretary General put it in 1997, "it may be alleged that...the United Nations' role in Afghanistan is little more than that of an alibi to offer cover for the international community's passivity - or worse."

The High Peace Council receives advice. Aside from the UN's role in Afghanistan's security, UNAMA's position is crucial, as it advises the Afghan High Peace Council that an all-inclusive peace process will allow Afghanistan to embrace lasting peace. They have stated that reports from 16 provinces show that the majority of women are subjected to the same rights violations as they were 20 years ago when the Taliban controlled the country, including forced burka wearing, forced marriage, restrictions on freedom of movement and the use of a mahram, prohibition on working, and limited access to health care, education, and other services. Women and children account for

over a quarter of a million Afghans forced to flee since the end of May.²⁶

For the past 10 years, the United Nations has served as the international community's leader in Afghanistan. The UN's support for Afghan capacity building and institutional strengthening, as well as its engagement in humanitarian and reconstruction operations, has been critical for the country as it emerges from nearly thirty years of war and crisis during the last decade.²⁷

In order to curb and resettle the situation in Afghanistan the UN Security Council shall:

- Take necessary action as stated under Chapter VII of the UN Charter to protect Afghanistan's humanitarian needs, particularly those of the most exposed, and to address the responsibilities of Member States in preventing acts of terrorism under international law.
- Enforce international sanctions against designated terrorist groups to the utmost degree possible and in accordance with international law, including all States' responsibility to repress and prevent terrorist acts.
- Ensure that people have complete and unrestricted access to humanitarian help by the implementation of necessary sanctions as the need for emergency assistance grows exponentially.
- Member States should keep their borders accessible to asylum seekers

²⁵ Michelle Barsa, *Finding a Role for the UN in Afghanistan*, HUFFPOST, (Aug 31, 2021, 01:20 PM), http://www.huffingtonpost.com/michelle-barsa/afghanistan-war-unama_b_1383594.html.

²⁶ UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS, (Aug 31, 2021), <https://srdefenders.org/afghanistan-un-experts-urge->

[swift-global-action-to-protect-human-rights-and-prevent-civilian-slaughter/](https://www.un.org/press/en/2021/afghanistan-20210831.htm).

²⁷PERMANENT MISSION OF AFGHANISTAN TO THE UNITED NATIONS, (Aug 31, 2021), <https://afghanistan-un.org/2012/02/ten-years-of-the-united-nations-in-afghanistan-a-closer-look-at-recent-history-and-a-glimpse-into-what-lies-ahead/>.



from Afghanistan while also providing adequate safety and humanitarian aid to Afghan refugees and internally displaced people.

- Focus on the protection of Afghanistan's most vulnerable people, such as children, women, and girls, those who are internally displaced, the disabled, human rights defenders, journalists and the media, educators, and civil society actors, and by utilizing the Council's diplomatic and political capabilities to engage with all stakeholders to protect and support these people.

Given the possibility for US sanctions to restrict vital foreign investment to a future Afghan government that is dominated by the Taliban, Congress may consider sanctions as a possible leverage. Another area on which Members could engage is how Afghanistan fits into the overall US strategy, especially given competing fiscal concerns in light of the COVID-19 epidemic, as well as competing US policy agendas. Furthermore, because the humanitarian situation impacts 18 million people which is half the country's population, it's critical that basic services continue to be supplied.²⁸

The Human Rights Council adopted a resolution aimed at reinforcing Afghanistan's human rights promotion and protection wherein it voiced great concern about the violations of human rights and international humanitarian law in Afghanistan, and asked for full respect for the human rights of all people, especially women, children, and members of ethnic, religious, and other minority groups. The Council emphasized

the importance of conducting a thorough and timely inquiry into all reports of breaches and abuses committed by all parties to the conflict, as well as holding those responsible accountable. Further, The Council requested that the United Nations High Commissioner for Human Rights provide an oral update on the situation of human rights in Afghanistan at its forty-eighth session, as well as a comprehensive written report at its forty-ninth session, focusing on, among other things, accountability for all perpetrators of human rights violations and abuses.

The UN will hold a significant role in coordinating foreign civilian actions and aiding the Afghan government in the next years as Afghanistan continues to pass over full responsibility for security, governance, and development to the Afghan government. For the next decade, the UN's effort in Afghanistan must be marked by effective support for Afghan leadership and ownership, which is crucial for the country's transformation into a peaceful, stable, and prosperous nation. If the transition is to succeed, the UN will need to take a bigger role in allowing, facilitating, and supporting it.

SUGGESTIONS/ RECOMMENDATIONS

The rights of citizens must be strictly monitored in order for the reconciliation process to succeed. Countries that still have Afghan refugees should handle them in accordance with the Geneva Agreements, 1988 on the Settlement of the Afghan Situation. Despite slower progress in recent months, the Afghanistan and the Taliban

²⁸ UNITED NATIONS ORGANISATION, (Aug, 31, 2021), <https://www.un.org/press/en/2021/sc14603.doc.htm>.



have reaffirmed their public commitment to finding a peaceful solution. To protect this commitment, a substantive agenda for the Afghanistan peace talks must be formed, and any further military escalation that would inflict greater human suffering and jeopardize public trust in the peace process must be avoided. Both sides, particularly the Taliban, must heed the Afghan people's demand for an immediate end to the carnage, leading to a just, long-lasting, and inclusive peace.

The General Secretary and the Council should utilize all available mediums to demand an immediate end to violence and adherence to law of armed conflicts and human rights. They should demand that the Taliban honor their broad amnesty offer, stop targeted deaths and reprisal assaults, and follow international humanitarian law. They should insist that public establishments, including museums and media outlets, shall not be demolished, and in case if anyone abuses any Afghan civilians human rights will have to face consequences.

An altruistic pathway shall be necessarily be determined as soon as possible to allow individuals who are at risk of Taliban retribution and attacks to depart. Bordering nations shall clear the borders and facilitate the delivery of humanitarian aid as well as the egress of Afghans attempting to flee easier. Furthermore, the General Secretary and the Council shall call out for the formation of an inclusionary and democratic provisional government which includes all cultural communities as well as women's representatives, resulting in a decorous and long-term resolution of the dispute while conserving the improvements made in the previous two decades, particularly for women and young girls.

The Human Rights council and the General Secretary should focus attention that the United Nations will not accept any government that gets into power by force or that is not comprehensive and reflective of Afghanistan's heterogeneity. They must also clarify explicitly that the United Nations does not acknowledge the reinstatement of the Islamist republic, as previously stated by the Security Council. Humanitarian aid must be deployed immediately, especially for those displaced by the crisis in 2021 Afghanistan.

The deterioration of Afghanistan's security situation is deeply concerning. The conflict continues to disproportionately affect civilians. NAMA has documented a rise in civilian casualties since the commencement of the Afghanistan peace discussions, indicating that the peace process has not improved conditions for Afghan civilians. To preserve lives and maintain public confidence, both parties must stop from further military escalation and put an end to the violence. The Taliban should stop using improvised landmines, which have resulted in an upsurge in civilian deaths. Furthermore, the Afghan government will step up efforts to prevent and reduce civilian losses from indirect fire and air strikes, improve civilian casualty documentation, and conduct investigations to ensure accountability.

Certain recommendations to the Governments that are favoring the Intra-Afghan Talks and the United Nations are as follows:

- Commend vehemently for everyone to uphold the safeguarding of rights enshrined in the State of Afghanistan's constitution and legal codes.
- To not support any arrangement that would jeopardize any of the



international law guaranteed fundamental rights.

- Ascertain that the mediation and framework of such discussions allows for enough space and time for discussion of human rights issues, as well as engagements with a wide spectrum of Afghans, including survivors and democratic society leaders.
- Stimulate and facilitate participation in the relevant working groups during the negotiations by human rights advocates, activists groups, media agencies, and legislative law specialists.
- Encourage conciliators to steer clear of deferring crucial settlements on human rights protection in order to secure a quick agreement.

Torture is a profound violation of human dignity that has long-term implications for those who are tortured and their families. It exacerbates communal tensions and develops new grievances, putting true healing in jeopardy. According to UNAMA and OHCHR reports, the government must take real efforts to end the practice of torture, including modifying law enforcement officials' interrogation procedures, safeguarding prisoners' procedural rights, and punishing torture and ill-treatment perpetrators.

Women and children are still subjected to a great deal of violence. Gender-based abuse victims still have a tough time getting justice. Due to the COVID-19 pandemic, lockdowns have increased the danger of violence against women and children. By providing greater resources, legal assistance networks, and developing a functioning case management system for categorizing and tracking such

crimes, the government shall improve the execution of the law on the elimination of discrimination against women. The government must do more to investigate and prosecute complaints of abuse against women and girls.

Afghanistan's humanitarian needs have reached new heights. In Afghanistan, the exceptionally high percentage of people experiencing "crisis" or "emergency" levels of food insecurity is particularly concerning. Donors must step up and generously fund the 2021 Humanitarian Response Plan so that Afghanistan and its humanitarian partners can scale up life-saving efforts as soon as possible.

Reports on dehumanization, women molestation and suppression are all concerning to the world community. The most vulnerable pay the largest price, with many Afghans, especially women and girls, living in increasingly hazardous situations. The international community must take the arm shipments that could end up in the vicious hands very seriously. As long as this amplification of the states continues, the Taliban and others will be able to execute their objectives through violence. Despite years of international efforts, the path to making Afghanistan a safe haven for terrorists is once again open. The Council must state unequivocally that the application of coercion is intolerable, and those nations which have direct linkage with the Taliban must demand a prompt restart of productive talks.

Protecting civilians, particularly the most dependent groups such as mothers and children, as well as individuals functioning for the other international organizations and the United Nations, as well as relief workforce, is a top priority. All parties must



engage in discussion in order to achieve long-term peace and national reconciliation. To avoid a humanitarian disaster, immediate action is required, and the United Nations and its allies must redouble their efforts.

We can't stand by and watch as the Afghan people's lives are ridiculed, derided, belittled and insulted. Afghanistan is a crucial test for the charter of United Nation's value and the states require to resolve in order to impede the plague of terrorism from undermining communities and moral code based on human rights. To avert more violence and suffering, all the nations must stand determined and act with fortitude and limpidity. In this pivotal time, the global community will be assessed based on its conduct, moral values, and commitment to create rights meaningful.

CONCLUSION

The lack of an efficient central authority continues to constrain Afghanistan's human rights status. The situation varies by region and is mostly determined by the sort of government in place in each area, namely, whether it is a coalition government, a one-party government, or dictatorship, the basic human rights in Afghanistan are affected by the fierceness of the political battle between rival parties, which is still ongoing in some areas and is undertaken in violation of international and humanitarian law. Kabul is the most striking example of the numerous human rights breaches that continue to occur. There is no regard for the freedom to live, the freedom to possess property, or the maintenance of dignity of women, and economic and social rights are not being exercised. The instability of law and order is one of the reasons for this lack of respect for human rights. The country's judicial system is fragmented.

Due to the country's current state of conflict, the enjoyment of economic, social, and cultural rights can only be preserved at a bare minimum, partly thanks to international assistance. The humanitarian aid promises of Member States can only meet a portion of the demands. In a handful of provinces, the educational system is basically non-existent. The same can be said for the health-care system, which suffers from a severe shortage of drugs and medical equipment.

The international community's continuous cooperation with the State of Afghanistan has steadily strived to sustain the Afghan folks for over two decades. At this time, we must not forget or overlook the accomplishments and advances made in advancing complete and dignified lives for all Afghans. The outcomes of this collaboration, on the other hand, are not only in jeopardy, but have already been lost as a result of the current state of inertia. Over 1,000 people were killed in the last month alone, and their deaths shall be counted for. Hundreds of thousands of people have been displaced, and they must be accounted for. The Afghan folk's right to live peacefully, with dignity, must be counted for. Following their declaration of rule over Afghanistan, the Taliban are responsible for the safety and security of all Afghans, as well as adhering to international standards, particularly humanitarian law, and upholding human rights laws and regulations.
