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From: General Secretariat of the Council
On: 20 March 2023
To: Delegations

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Subject: Afghanistan
- Council conclusions (20 March 2023)

Delegations will find in the annex the Council conclusions on Afghanistan, as approved by the Council at its 3941st meeting held on 20 March 2023.

Council conclusions on Afghanistan

1. The European Union reaffirms its principled commitment to peace and stability in Afghanistan and to supporting the people of Afghanistan. A stable Afghanistan is in the interest of the international community as a whole, to prevent regional instability, terrorism threats, forced displacement and irregular migration.
2. The EU reaffirms the importance and validity of the benchmarks outlined in the Council conclusions dated 15 September 2021, for policies and actions under the Taliban-appointed caretaker cabinet. The EU once again calls on the Taliban, in the interest of the Afghan people, to respect, protect and fulfil all human rights, to address human rights violations and abuses, to establish an inclusive and representative government, to prevent Afghanistan from serving as a base for hosting, financing or exporting terrorism, to provide unhindered and non-discriminatory humanitarian access and to continue allowing safe, secure and orderly travel to and from Afghanistan.
3. The EU deplores that, since the August 2021 overthrow of the constitutionally based government, the Taliban's actions and decisions, contrary to their commitments, have led to the dramatic worsening of the human rights, political, economic and humanitarian situation for the Afghan people, especially for women and girls. This includes continued and systemic violations of civil, political, social, economic and cultural rights of the Afghan people, as recognised by international treaties to which Afghanistan is a State Party. The Taliban bear the sole responsibility for the consequences of their actions, orders and decisions and their lack of domestic and international legitimacy.

4. The EU is alarmed by reports of and strongly condemns the systemic violation of human rights, in particular of women, girls and boys, persons belonging to ethnic and religious minorities, LGBTI persons, human rights defenders, journalists and other media workers, former security forces and politicians, despite the so-called amnesty announced by the Taliban. Accountability for human rights violations and abuses and violations of international law, must be ensured. In this regard, the EU recalls that Afghanistan is a party to the Rome Statute of the International Criminal Court. The EU and its Member States are ready to consider the activation of accountability mechanisms as provided for in the human rights treaties to which Afghanistan is a state party.
5. The institutionalization of large-scale and systematic gender-based discrimination by the Taliban is a grave concern and is unparalleled in the world. The EU strongly condemns the decisions by the Taliban that have led to an overall deterioration of the situation for women and girls through their exclusion from public life and by denying their human rights, including the rights to education, work, and freedom of movement. Through their discriminatory decision to ban women from working for national and international non-governmental organisations, the Taliban are impeding the delivery of humanitarian assistance and basic needs support to the Afghan people and since August 2021 are responsible for further exacerbating the dire humanitarian and economic situation in the country.
6. In this context, recalling Council Conclusions on Women, Peace and Security of 17 December 2018 and of 14 November 2022, the EU reaffirms its commitment to gender equality and gender responsive action, including by ensuring accountability for and contributing to countering all forms of discrimination and violence against women and children.

7. The EU reiterates its unwavering commitment to supporting the full participation of all Afghans, including women and girls and persons belonging to ethnic and religious minorities in all spheres of life in Afghanistan. The EU calls on the Taliban to urgently reverse their repressive decisions, including the ones restricting women's and girls' education and their full, equal and meaningful participation in public life. Restrictions on women's and girls' access to education will have further devastating impact on the economy and development of Afghanistan.
8. The EU stands ready to adopt additional targeted restrictive measures against those responsible for serious violations and abuses of human rights. These restrictive measures are designed not to negatively impact the Afghan population and are reversible.
9. In line with the UN Security Council resolution 1325 on Women, Peace and Security and with the UN Security Council resolution 2250 on Youth, Peace and Security, and subsequent relevant UN resolutions, the EU recalls the crucial role of women and young persons in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.
10. The EU and its Member States will continue to amplify the voices of Afghan women, including 'Hear Us' and the EU-supported Afghan Women Leaders' Forum, providing an opportunity for the international community to listen to their perspectives and to take these into account in international policy-making regarding Afghanistan.

11. The EU strongly condemns the ban on women working for national and international non-governmental organisations and calls on the Taliban to lift their decision immediately. As one of the top providers of assistance to the people of Afghanistan, the EU remains committed to continuing its assistance to alleviate the severe humanitarian and socio-economic crisis. The EU stands ready to provide humanitarian and basic needs and livelihoods support within a principled approach in accordance with international law, including international human rights law and international humanitarian law, adhering to humanitarian principles and, notably, at this stage, based on the “Guiding principles and donors’ expectations” on humanitarian assistance.
12. The EU’s principled approach entails, notably, that aid can continue where women can meaningfully participate in its delivery and where women remain beneficiaries in a do-no-harm and non-discriminatory approach, in a ‘by women for women’ spirit, also protecting the safety of beneficiaries. Female staff affected by the ban should not be replaced. In instances where activities cannot be continued in line with the EU’s principled approach, the EU support to those activities will be reconsidered. In that regard, a robust monitoring mechanism will be put in place. The EU calls on the Taliban to respect international humanitarian law, the neutrality, independence and impartiality of humanitarian and basic needs operations and to guarantee that all aid workers, including all female staff, can continue their participation in aid delivery and enjoy free and unimpeded access to the entire territory.
13. The EU will continue its unwavering support to Afghan independent media, civil society organisations, including those working on human rights and women’s rights, and human rights defenders, despite the closed and risky space in which they operate.
14. The EU closely coordinates with all regional and international partners and underlines the key role of the UN in Afghanistan. The EU will continue its full support to the United Nations Assistance Mission in Afghanistan (UNAMA) under its comprehensive mandate with a strong human rights component, as set out in the Security Council Resolution 2678 (2023), as well as the work of the UN Special Rapporteur on the situation of human rights in Afghanistan.

15. The Council welcomes the EU's presence in Kabul, which strengthens the delivery of aid, monitors the political, security, economic and humanitarian situation, facilitates operational coordination and contacts with implementing partners and the people of Afghanistan, and maintains necessary operational engagement with the de-facto authorities, without bestowing any legitimacy on them. Through its presence in the country, the EU will continue to prioritise its direct support to and engagement with the Afghan people, including the facilitation of free and safe passage for Afghans who could be received by EU Member States.
16. The Council recalls the importance of the work of the EU Special Envoy for Afghanistan in conveying the EU's position in dialogues with regional and international partners, and a broad range of stakeholders, both in Afghanistan and abroad, and in contacts with the de-facto authorities in close coordination with the Member States. The EU and its Member States reiterate the importance of continuing dialogue and cooperation with all regional and international partners for the promotion of a stable, secure and prosperous Afghanistan. The regular dialogue between the EU and Central Asian partners on Afghanistan, as well as engagement with Afghanistan's neighbours, Muslim-majority countries, the Organisation of Islamic Cooperation and the Gulf countries – in line with the Joint Communication on a strategic partnership with the Gulf of 18 May 2022 – remains a priority. In this respect, the EU welcomes the strong statements issued by the international community, especially the Organisation of Islamic Cooperation, on women's and girls' education.
17. The EU expresses grave concern about the presence and operations of terrorist groups in Afghanistan, including Islamic State Khorasan Province (ISKP) and Al-Qaida. The EU condemns continued terrorist attacks targeting the Afghan population, especially persons belonging to ethnic and religious minorities and the international community in Afghanistan as well as directed against neighbouring countries. Afghanistan should not once again serve as a base for hosting, planning, training, financing or exporting terrorism and violent extremism to other countries, or threaten or attack other countries. In this regard, the EU recalls the unequivocal demand that the Taliban cease all direct and indirect ties with terrorism and reiterates the Taliban's responsibility in combatting terrorism. The EU remains committed to the implementation of the EU Counter-Terrorism Action Plan on Afghanistan and of UNSC Resolution 2593 (2021).

18. The EU and its Member States stand ready to further enhance their support to Afghanistan's neighbours and partners across the wider region for the prevention of negative spill-over effects, including export of terrorism, violent extremism and religious radicalisation. The EU will enhance regular counter-terrorism consultations with concerned partners and neighbouring countries, using bilateral, regional or multilateral fora/formats, and will continue to support reinforcing their capacities to prevent and fight terrorism and violent extremism in close collaboration with the Member States.
19. The EU is concerned about drug production, trafficking and the reported increase in opium poppy cultivation, which carry dire potential health and security consequences in Afghanistan, neighbouring and transit countries, as well as in Europe.
20. The EU is furthermore concerned about the risk of proliferation of small arms, light weapons and ammunition in Afghanistan and beyond and thus welcomes the United Nations Assistance Mission in Afghanistan (UNAMA) having been mandated to support regional and international efforts to prevent and address the illicit trade in and destabilizing accumulation of small arms and light weapons and their diversion in Afghanistan and the region, and encourages further support to activities in this regard.
21. The EU recognises the risk that further deterioration of the humanitarian and security conditions might force more people to leave Afghanistan possibly resulting in an increase in forced displacements, thus negatively impacting efforts against trafficking in human beings, and the prevention of irregular migration. Monitoring of migratory flows and the risk of increase in trafficking in human beings; migrant smuggling; and irregular migration and its possible instrumentalisation, including for hybrid threats, should continue through existing networks and be further strengthened. In a Team Europe approach, the EU will continue to engage with and strengthen its support to third countries, in particular the neighbouring and transit countries hosting large numbers of Afghan migrants and refugees, to reinforce their capacity to provide protection, dignified and safe reception conditions and sustainable livelihoods for refugees and host communities.

22. Providing protection to human rights defenders and other Afghans at risk remains a priority for the EU. The EU and its Member States will continue to provide, on a voluntary basis, safe pathways, mainly through resettlement and humanitarian admissions, to those at risk.
 23. The Council invites the EU High Representative and the Commission to ensure that the EU's position is conveyed to all actors in Afghanistan, as well as our regional and international partners.
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