

Resolution 2522 (2023)¹

The humanitarian crisis emerging for Afghanistan and Afghan refugees

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its deepest concern at the ongoing situation in Afghanistan and the protracted Afghan refugee crisis, as expressed in its [Resolution 2403 \(2021\)](#) “The situation in Afghanistan: consequences for Europe and the region”. It acknowledges that the situation has dramatically worsened since August 2021.
2. The Assembly strongly condemns the exclusion, by the *de facto* authorities, of ethnic and religious minorities as well as particular groups in society – especially the Hazaras, the Tajiks, Christians, lesbian, gay, bisexual, transgender, intersex, queer, asexual (LGBTIQA+) people and women – from the management of public affairs and their exposure to discrimination and targeted violence.
3. The Assembly forcefully condemns the systemic violence against women and girls enshrined in edicts that violate human rights. It considers that documentary evidence exists which may justify the consideration of gender persecution as a crime against humanity in the International Criminal Court’s ongoing investigation into the situation in Afghanistan, pursuant to Articles 5.b and 7.1.h of the Rome Statute.
4. The Assembly expresses its solidarity with the Afghan people and salutes the courage of all Afghans, not least women and girls, who strive to claim their rights in extremely dangerous and adverse circumstances inside Afghanistan and in exile.
5. The present Resolution aims to explore concrete avenues for the Council of Europe and its member States to further address the immediate protection needs of Afghans, while envisioning some policy co-ordination mechanisms beyond a humanitarian approach focused on short-term protection.
6. The values and standards reaffirmed by the Heads of State and Government of the Council of Europe in the Reykjavik Declaration constitute a solid baseline for defining such an approach, based on respect for individual human rights as enshrined in the European Convention on Human Rights (ETS No. 5) as well as on solidarity between member States in Europe. This approach will also be reinforced through political dialogue with external partners, notably the United Nations and the European Union.
7. In this context, the Assembly acknowledges [Resolution S/RES/2626 \(2022\)](#) of the United Nations Security Council and European Parliament [Resolution 2022/2955\(RSP\)](#) entitled “The human rights situation in Afghanistan, especially the deterioration of women’s rights and attacks against educational institutions”.
8. The Assembly notes that Afghans represent the third largest nationality seeking asylum across Europe; many of these are unaccompanied children and teenagers in transition to adulthood. It recalls the commitments by the Council of Europe member States enshrined in the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) ([CM\(2021\)67-final](#)), in Recommendation [CM/Rec\(2022\)22](#) of the Committee of Ministers to member States on human rights

1. *Assembly debate* on 13 October 2023 (24th sitting) (see [Doc. 15831](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Birgir Thórarinnsson). *Text adopted by the Assembly* on 13 October 2023 (24th sitting).



principles and guidelines on age assessment in the context of migration, and its explanatory memorandum, as well as in Recommendation CM/Rec(2019)4 of the Committee of Ministers to member States on supporting young refugees in transition to adulthood.

9. People fleeing persecution, hunger or insecurity, whether or not they are recognised as refugees, cannot be blamed for seeking safety and integration. The Assembly warns against mounting anti-migrant and anti-refugee sentiment across Europe, including against Afghans.

10. With 95% of displaced Afghans in Pakistan and in Iran, the Assembly acknowledges that both countries have contributed greatly to the reception of these people and stresses that it is important for member States to contribute to this effort as well. It regrets that many member States have lowered their annual resettlement quotas at a time when reception needs have never been higher, according to the Global Trends report “Forced displacement in 2022” of the United Nations High Commissioner for Refugees (UNHCR).

11. In line with the UNHCR’s Guidance Note on the International Protection Needs of People Fleeing Afghanistan, updated in February 2023:

11.1. the Assembly considers that deportations to Afghanistan are not acceptable under the current circumstances and that forced removals should be immediately halted;

11.2. any voluntary return of Afghans, including via State-sponsored programmes, should be monitored in co-ordination with the UNHCR, in line with applicable standards of the European Convention on Human Rights and the case law of the European Court of Human Rights on the various aspects of vulnerability to which returnees may be exposed;

11.3. the Assembly observes that a growing number of restrictions apply to Afghans in Iran and Pakistan, along with an increasing risk of forced removal. It considers that member States should not return Afghans to Pakistan and Iran as this may expose them to discrimination when accessing their rights as well as to the risk of deportation to Afghanistan.

12. The Assembly considers that Afghans in exile should be provided with dignified reception and integration conditions as long as their durable and safe return to Afghanistan is impossible:

12.1. the Assembly aligns itself with the European Union Agency for Asylum (EUAA), which considers that women and girls are at risk of persecution and that their fear of persecution is in general well founded and substantiated. It welcomes the efforts made by some member States to facilitate access to protection for Afghan women and girls, and encourages all member States to harmonise their practices accordingly;

12.2. the Assembly welcomes the adoption by the Committee of Ministers of Recommendation [CM/Rec\(2022\)17](#) on protecting the rights of migrant, refugee and asylum-seeking women and girls, and calls for the fast and effective implementation of this important instrument across Europe;

12.3. the Assembly recalls that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) requires that signatory States take the necessary measures to prevent, investigate, punish and provide reparation for acts of gender-based and domestic violence. Such measures should be implemented without discrimination on any ground, including on the basis of migrant or refugee status;

12.4. the Assembly urges member States to honour their pledges regarding resettlement and humanitarian aid for Afghans, and to increase their quotas. Concrete relocation and family reunification mechanisms must be enacted rapidly and should involve co-ordination with the relevant European Union authorities and the UNHCR. The Assembly welcomes the establishment in 2021 by the EUAA of the Expert Platform on safe pathways for Afghans, in the framework of its Resettlement and Humanitarian Admission Network;

12.5. ensuring that Afghans are provided with a form of registration should be considered a priority by all member States. Particular attention should be paid to unaccompanied minors and children transitioning to adulthood. The Assembly recalls Recommendation [CM/Rec\(2019\)11](#) on effective guardianship for unaccompanied and separated children in the context of migration, and its explanatory memorandum ([CM\(2022\)81-add](#)). It also draws attention to the role of local and regional authorities as well as civil society organisations in the efforts made in this regard and recalls [Resolution 487 \(2022\)](#) and [Recommendation 481 \(2022\)](#) of the Congress of Local and Regional Authorities of the Council of Europe “Reception of women and children refugees in Europe’s cities and regions”, and the

Recommendation for a global approach of the rights of refugees and migrants and the role of civil society ([CONF-AG\(2023\)REC2](#)), adopted by the Conference of International Non-Governmental Organisations of the Council of Europe;

12.6. in instances where Afghans do not have a form of international protection and an associated residence permit, other forms of legal registration providing (at least temporary) leave to remain should be made accessible (such as work or student visas). This would help ensure that return decisions do not result from a lack of any alternative to an ultimately non-durable and potentially dangerous return.

13. The Assembly is very concerned about the obstacles faced by asylum seekers, including Afghans, to access fair, effective and individualised procedures in Europe, as well as obstacles to family reunification where applicable:

13.1. in line with rulings by the European Court of Human Rights, as well as Assembly [Resolution 2462 \(2022\)](#) “Pushbacks on land and sea: illegal measures of migration management”, pushbacks preventing individuals from seeking asylum on European territory, whether perpetrated by State or non-state actors, must immediately cease. Allegations of pushbacks must be fully investigated and those responsible held to account. Effective complaints mechanisms for victims should be in place to allow such investigations;

13.2. all efforts should be made by State authorities to facilitate access to independent monitoring bodies in areas where people on the move are known to go, including border areas, as recommended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its 32nd General Report of March 2023;

13.3. safe third-country clauses cannot be used as a justification for providing lesser procedural safeguards to asylum seekers. The burden of proof should not be heavier when assessing the admissibility of asylum requests against such a clause, for it often results in blocking access to protection for people in need.

14. The Assembly reasserts its commitment expressed in [Resolution 2379 \(2021\)](#) “Role of parliaments in implementing the United Nations global compacts for migrants and refugees” to operationalise the principles of burden and responsibility sharing:

14.1. in line with its [Resolution 2502 \(2023\)](#) “Integration of migrants and refugees: benefits for all parties involved”, the Assembly calls on member States to engage in the European Qualifications Passport for Refugees (EQPR) programme, which comprises a tailor-made module for Afghan refugees and asylum seekers, targeting credential evaluators. All member States are encouraged to recognise the EQPR as a valid assessment of the holders’ qualifications to enrol in higher education across Europe, even if it is to be used in a country that is not a partner in the EQPR;

14.2. the Assembly echoes the invitation to all member States by the Committee of Ministers, in its reply to the Assembly’s [Recommendation 2248 \(2023\)](#) “European solidarity in the context of asylum and international protection”, to consider joining the Council of Europe Development Bank (CEB). It calls on member States to maintain their support to the Migrant and Refugee Fund, especially through grants;

14.3. the Assembly emphasises that the lack of a harmonised approach across States may increase the risk of unaccompanied children going missing. It encourages member States to co-ordinate on resettlement and relocation procedures, in line with European Union law and the Visa Code when pertinent. Unaccompanied Afghan children should be registered as beneficiaries of international protection to ease family reunification;

14.4. the Assembly invites member States to maintain and increase their support to the UNHCR, especially through unearmarked funding, so that UNHCR programmes in support of Afghans displaced in Afghanistan and in neighbouring countries can be sustained;

14.5. the Assembly is hopeful that member States, but also local authorities, will continue allocating sufficient funding to support their reception efforts. It stresses the importance of refraining from earmarking funds for a specific nationality, which may exclude some people from reception and support programmes for which they might otherwise be eligible, based on vulnerability and other individual criteria.

15. With regard to Afghanistan, the Assembly:

15.1. calls on member States whose consular services have been suspended to explore the possibility of co-ordinating some part of the visa request processes with member States whose consular services are still functioning in Kabul, provided that they share similar eligibility criteria for humanitarian or family reunification visas;

15.2. calls on member States to explore the possibility of resuming their consular services in Kabul with a view to facilitating access to protection for Afghans most at risk, especially women and children, in cases where individuals are unable to leave or are prevented from leaving Afghan territory;

15.3. agrees that the external representations of member States may provide useful input for country of origin information and be of significant help in enhancing support, including financially, for Afghan civil society, especially in support of women and girls. The possibility for direct scholarships for private education in medical studies, one of the only areas of education still accessible to women to date, could be explored. Such efforts should be co-ordinated with United Nations programmes deployed in Afghanistan, the European External Action Service and the European Civil Protection and Humanitarian Aid Operations field office in Kabul;

15.4. in line with United Nations Security Council Resolution S/RES/2626 (2022), encourages member States, in co-ordination with the European External Action Service, to increase funding for aid and co-operation. It highlights the importance of a gradual shift away from humanitarian assistance to a development-oriented approach in Afghanistan.

16. With regard to Pakistan and Iran, the Assembly:

16.1. encourages member States to streamline visa processes and to alleviate some of the eligibility and administrative requirements for visa requests. Member States imposing similar admissibility thresholds should harmonise their procedures and practices. They should co-ordinate with the European Union in order to adopt a common approach on family reunification and relocation of Afghans whenever such relocation to a European Union member State involves elements falling under the European Union Visa Code requirements;

16.2. aligns itself with [Recommendation CM/Rec\(2022\)17](#) and calls on member States “to fund specific assistance and humanitarian resettlement programmes for women and girls who are victims, or at risk, of violence against women or trafficking in human beings”;

16.3. urges member States to allocate greater human and financial resources not only to consulates but also to the capitals of member States to effectively increase access to resettlement and alternative pathways for Afghans, and ensure that cases are processed in a timely fashion;

16.4. suggests that the EQPR programme, in co-ordination with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Qualifications Passport for refugees and vulnerable migrants, be used as a basis for the issuance by consulates of individually adapted qualification assessment certificates in cases of missing or partially missing documentation, as a means of proving and validating the educational background of Afghans who submit applications from Kabul, or, alternatively, from Islamabad or Tehran;

16.5. draws the attention of member States to reception and assistance fatigue in countries hosting Afghan refugees, especially in Iran and Pakistan, and expresses its concern at the risk that this may result in the increased vulnerability of Afghans and possibly human rights violations in first countries of asylum. Echoing principles stated in its [Resolution 2380 \(2021\)](#) “Humanitarian action for refugees and migrants in countries in North Africa and the Middle East”, the Assembly reiterates the need to provide, at national level, humanitarian aid to support access to education and healthcare for Afghan children and teenagers, boys and girls, in co-ordination with the United Nations agencies and their implementing partners.

17. In line with [Resolution 2487 \(2023\)](#) “European solidarity in the context of asylum and international protection” and with [Resolution 2379 \(2021\)](#), the Assembly is committed to reinforcing political engagement to support the Afghan people through parliamentary co-operation, especially with the European Parliament and with the Inter-Parliamentary Union. Exchanges between the Assembly and former members of the Afghan Parliament now in exile could be explored.

18. The Assembly reiterates its position expressed in [Resolution 2403 \(2021\)](#), namely that it considers that isolating the *de facto* authorities has led to the further suffering of the Afghan people. It stressed that:

18.1. engaging in targeted political dialogue with the *de facto* authorities does not imply recognition, on the part of member States, of the Taliban as a legitimate authority in Afghanistan;

18.2. any engagement with the *de facto* authorities should aim to secure unconditional respect for and protection of the human rights of women and girls. Such engagement should also work towards respect for the rights of all ethnic, religious and minority groups in Afghanistan. In this regard, the Assembly recalls that Afghanistan remains a party to several international human rights treaties which it is obliged to respect;

18.3. engaging in a dialogue with all political stakeholders in Afghanistan, including the *de facto* authorities, should include members of all communities and minority groups within Afghanistan. In addition, the voices of Afghans in exile willing to contribute to such dialogue should be duly heard, including former members of the Afghan Parliament, judges and lawyers, regardless of the communities and minority groups in Afghanistan to which they belong.

19. The Assembly is hopeful that this Resolution may lay the ground for a road map on Afghanistan and will contribute to the reflections of member States, especially ahead of the Global Refugee Forum in December 2023 and the UNHCR's Consultations on Resettlement and Complementary Pathways in 2024.

20. The Assembly encourages the Council of Europe to explore avenues for contributing to the EUAA-led Expert Platform on safe pathways for Afghans, which brings together major partners of the Organisation with which it would be useful to co-operate, such as EU+ countries part of the EUAA, Canada, the European Union, the UNHCR and the International Organization for Migration.