

Mandates of the Special Rapporteur on the situation of human rights in Afghanistan; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

7 December 2022

Dear Mr. Khan Muttaqi,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Afghanistan; Special Rapporteur on the right to education; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/20, 44/3, 44/5, 51/21, 43/8, 49/5, 49/10, 45/10, 50/7 and 50/18.

In this connection, we would like to bring to your attention information we have received concerning **the attack seeming to mainly target members of the Hazara minority at the Kaaj Educational Center in Kabul which resulted in the death of 54 individuals (51 female victims) with another 114 injured.**

According to the information received:

On 30 September 2022, a serious attack was carried out against the Kaaj Educational Center in the Dasht-e-Barchi district 13 of West Kabul, a predominantly Hazara Shia neighborhood. This attack claimed the lives of 54 individuals and injured another 114. Most of the victims, 51 out of 54 killed, were young women and girls between the ages of 14 and 22 who were studying for the university entrance exam. In preparation for the exam, every Friday morning, which is a day off in Afghanistan, students gathered in a big hall to take a practice test. The perpetrator, armed with a gun and dressed as a civilian, first shot two unarmed bodyguards at the entrance door of the Center at 7.20 a.m. He also shot the female guard, responsible for conducting body search procedures on female students and women entering the premises, and the Center's manager while they were running to close the armored gate. The perpetrator then entered the hall where several hundred students were gathered and started shooting at them. When he ran out of ammunition, he detonated his explosive vest in the large hall where female students were occupying the first

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rows. Male and female students were separated by a partition in the hall with females sitting in the front and males in the back.

The blast wave also destroyed the ceiling, walls, chairs, and broke the glasses; thus, causing considerable infrastructural damage.

Available information indicates that the Kaaj attack was planned and organized to deliberately target female Hazara students. Evidence suggests that the attacker had the necessary skills to carry out an explosive and armed attack, and that he had the requisite knowledge of the targeted center's map, schedule and organizational structure. He was already aware that the guards did not possess any weapons. While educational centers were issued licenses for weapons during the previous administration in order to protect themselves, the *de facto* authorities collected those weapons without providing any alternative security for such public institutions. Elders, representatives and civil society activists of the Hazara community had on various occasions asked the *de facto* authorities for protection, but their request was ignored.

Security officials of the *de facto* authorities have mistreated and used unseemly language against the families of victims of the Kaaj attack. Furthermore, it took one hour for the ambulance to arrive while the families were not allowed to see their children at the scene. In some instances, family members were physically assaulted and humiliated by the forces of the *de facto* authorities at the attack site and in hospitals while being denied access to hospitals to look for their loved ones, donate blood, transport the victims to the hospital or retrieve the remains of the deceased after the attack.

Journalists were prevented from going to the Kaaj Educational Center or to the hospitals where killed and wounded victims were taken. Further, families were warned by the security forces of the *de facto* authorities not to talk to the media.

While to date, no group has claimed responsibility for the Kaaj attack, the Islamic State of Khurasan Province (ISKP), also known as Daesh, has repeatedly and for many years targeted the Hazara and Shia minorities of Afghanistan. The Kabul Dasht-i-Barchi area, which is predominantly inhabited by Hazaras, has been particularly and seriously affected. On 22 October 2022, the *de facto* authorities announced that they had identified and killed six people who were suspected to be ISKP members and responsible for a number of terrorist attacks, including the attack on Kaaj Educational Center. This announcement came despite the fact that ISKP had not claimed responsibility for the latter. Furthermore, there is no information on the investigation undertaken by the *de facto* authorities to identify the perpetrators. Moreover, support to survivors of the attack and families of victims, as well as financial assistance to the Kaaj Educational Center to repair the damage to the facility, has not been provided, beyond some financial support to a few families.

The Kaaj attack followed many recent attacks against civilians and civilian structures, including religious minority communities, across Afghanistan. Over the past decade, systematic and targeted terrorist attacks have been launched against the Hazara and Shia communities at places of worship, religious celebrations, educational, healthcare and sports centers, civic public gatherings

and public transportation. Since 30 August 2021, 22 attacks against civilians have been launched, killing at least 328 people and injuring 628. Of these, 16 attacks have specifically targeted the Hazara community, including three attacks against educational centers. In addition to the attack against Kaaj, on 21 April 2022, Mumtaz Educational Center and Abdurahim Shahid school were targeted in two separate bomb attacks, killing a total of nine and injuring 34. Similarly, large scale attacks against Shia mosques have been launched during Friday prayers in Kunduz on 8 October 2021, Kandahar on 12 November 2021 and Mazar-e-Sharif on 20 April 2022. These attacks claimed a total of 118 lives and injured another 281. This pattern of attacks mainly against the Hazara minority seems to be widespread and systematic and appears to bear the hallmarks of crimes against humanity.

Furthermore, the attack against the Kaaj Educational Center, targeting female students who were mainly from the Hazara minority, took place in the wake of the denial of girls' access to education beyond 6th grade by the de facto authorities. On 23 March 2022, de facto authorities ordered adolescent girls to return home and await further notice on the opening of secondary schools, contrary to the initial declaration and assurance that both girls and boys of all ages would be able to attend school from that date, having been suspended since 18 September 2021. In the absence of secondary education for girls in Afghanistan, the Kaaj Educational Center is known as one of the few educational institutions that provide an opportunity for girls to continue their education. Other similar education centers, according to reports, have been closed due to security threats and other challenges. Despite many restrictions and security threats, female students attending the Kaaj center are reportedly determined to continue their education.

While we do not wish to prejudge the accuracy of the details of these allegations, we wish to express our concern about the fact that the attack against the Kaaj Educational Center appears to be multifaceted and intersectional in nature. In addition to being an attack on human life, it was also an attack specifically targeting women, children, an ethnic and religious minority group, the Hazaras, as well as an attack against education and a civilian facility. We also express our deep concern about what appears to be a grave violation of the human right to life of those killed at the Kaaj Educational Center, in conjunction with their right to education without discrimination including on the basis of sex, gender, ethnicity and religion. The attack against Kaaj Educational Center and other similar attacks mainly against the Hazara minority, in addition to violating Article 1 of Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, violates Articles 1, 5 and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits racial discrimination on the basis of race, colour, descent, national or ethnic origin, and oblige state parties to take proactive measures to ensure bodily protection and equal provision of basic services. Should the abovementioned allegations be confirmed, they would also contravene articles 6 (right to life), 18 (freedom of thought, conscience and religion), 24 (right of every child to such measures of protection as are required by his status as a minor) and article 27 (right of minorities) of the International Covenant on Civil and Political Rights, as well as article 13 (right to education) of the International Covenant on Economic, Social and Cultural Rights and articles 1 (discrimination), article 7 (political and public life) and article 10 (right to education) of the Convention on the Elimination of All Forms of Discrimination against Women. We underline that the right to life

constitutes an international customary law and *jus cogens* norm from which no derogation can be permitted under any circumstances.

We are also deeply concerned that the abovementioned allegations depict a pattern of continued and widespread attacks against the Hazara Shia minority and other religious minorities in Afghanistan.

We are equally concerned about the lack of response of the *de facto* authorities in protecting the affected and at-risk minorities in Afghanistan and holding perpetrators to account. We note that the State has a duty to investigate crimes and to bring those responsible to justice before a judicial system and according to a process that meets international standards. In this regard, we recall the importance of conducting investigations into all suspected unlawful killings in line with international standards, particularly the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by Economic and Social Council resolution 1989/65, and the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the *Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)*).¹ A failure to conduct a proper investigation is regarded, in itself, as a violation of the right to life. We are further concerned that should this attack not be investigated properly and should preventive measures not be put in place, such grave aggressions may reoccur in the future, claiming many more lives and depriving children and young people, in particular young women and girls, of their fundamental right to education.

Regarding the alleged failure to provide timely medical assistance to injured persons after the reported assault, we emphasize that medical assistance should be provided as soon as possible when lethal force is used.

We also note that, in addition to killing and injuring 168 victims, the Kaaj attack had a far-reaching psychosocial impact on students and employees of the center as well as on survivors and families of victims. To restore the morale and commitment of young students to their studies, it is essential to provide psychosocial support to survivors and victims' relatives. All survivors of terrorism must be protected and assisted. These victims collectively have the right to be recognized, to be treated with compassion and respect for their dignity, and to be provided with protection of their human rights at all times, including their rights to health, legal assistance, justice, truth and adequate, effective prompt reparation. They must be provided legal recognition and status as well as access to adequate remedies, including physical and psychosocial support, legal and material assistance, justice and truth (A/HRC/16/51, para. 25). Bringing the perpetrators of terrorist acts to justice is also vitally important.

Furthermore, we remain deeply concerned about the fact that secondary education for girls in Afghanistan continues to be inaccessible, with the exception of sporadic opportunities in a few cities where local communities have managed to keep the door of secondary education for girls open.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

¹ <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please inform us on whether the *de facto* authorities have taken concrete steps to investigate the incident and, if so, provide information on the result of the investigation carried out so far. In particular, please also detail whether forensic investigations have been conducted into the reported deaths in accordance with the aforementioned Minnesota Protocol on the Investigation of a Potentially Unlawful Death. If not, please explain the reasons and the measures that the *de facto* authorities are planning to take.
3. Please respond to allegations that the families of victims of the Kaaj attack, who are mainly members of the Hazara minority, were prevented from attending hospitals in the immediate aftermath of the attack to identify victims, see their family members and give blood. Please respond to allegations that they were disrespected, assaulted and threatened. In particular, please indicate whether any steps were taken to identify individuals connected with the *de facto* administration who were engaged in such acts and if they were held accountable.
4. Please provide information about allegations that the media were prevented from visiting the Kaaj Center and hospitals to cover the attack and that the families of victims and survivors were advised not to speak to the media about the attack.
5. Please provide information on the concrete steps taken to provide reparations and other forms of support to victims of the attack and their families as well as detailed information on the reparations and support provided.
6. Please describe measures that the *de facto* authorities have taken or plan to take to prevent the recurrence of such incidents in the future. In particular, please provide information on specific security measures in the Dasth-e-Barchi area where the Shia Hazara minority has systematically been under attack over the last years.
7. Please inform us on the concrete steps the *de facto* authorities have undertaken or are planning to undertake to reopen girls' secondary schools and explain the reasons for the delay in re-opening those schools.
8. Please provide information on how the *de facto* authorities plan to address the systematic, direct/indirect and intersectional discrimination faced by the Hazaras and other minority groups, including religious minorities, and in particular women and girls of the community.

9. Please describe measures that the de facto authorities have taken or plan to take to provide psychosocial support for the rehabilitation of the survivors and families of victims.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Finally, we stress that this letter does not in any way imply the expression of opinion concerning the legal status of any territory in Afghanistan, city, or area, or of its authorities.

Please accept, Mr. Muttaqi, the assurances of our highest consideration.

Richard Bennett
Special Rapporteur on the situation of human rights in Afghanistan

Farida Shaheed
Special Rapporteur on the right to education

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Tlaleng Mofokeng
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Fabian Salvioli
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Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind you that any authority exercising effective control over parts of the Afghan territory and/or persons has the obligation to abide by Afghanistan's international commitments including treaties and human rights agreements. In this regard we would like to refer you to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, accessed to by Afghanistan respectively on 24 January 1983, 24 January 1983, 6 July 1983, 28 March 1994, and 5 March 2003. Afghanistan is a State party to all the mentioned conventions, which obliges the de facto authorities to enforce them in practice.

Article 3 of the Universal Declaration of Human Rights on the right to life and security of person, Article 6 of the International Covenant on Civil and Political Rights that recognizes the inherent right of every person to life, stipulating that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life" and Article 5(b) of the International Convention on the Elimination of All Forms of Racial Discrimination, which obliges the state to protect citizens against violence and bodily harm. Moreover, it appears in violation of Article 6 of the Convention on the Rights of the Child that recognizes the right to life and development of persons under the age of 18 and urges governments, or those having effective control over a territory and its people, to take all reasonable steps towards fulfilling the realization of this right. We underscore that the right to life, and children's right to life and development, are non-derogable under international human rights law and must be respected under all circumstances.

We refer the de facto authorities to General Comment 36 which indicates that the obligation to protect the right to life requires States Parties, or those with effective control over a territory and its people, to take special measures to protect persons in vulnerable situations whose lives have been placed at particular risk by specific threats or pre-existing patterns of violence (CCPR/C/GC/36, para. 23). Moreover, the Special Rapporteur on extrajudicial, summary or arbitrary executions indicates in the report on a gender-sensitive approach to arbitrary killings that "States have an obligation to protect the right to life of women when they exercise custody or control over women" (A/HRC/35/23, para. 38).

We would like to remind the de facto authorities of the duty to investigate, prosecute, and punish all violations of the right to life. We urge you in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 17/5 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4). The Council

added that this includes the obligation “to identify and bring to justice those responsible ... to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions.”

In the aforementioned General Comment No. 36, the Committee stated that investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates and should be independent, impartial, prompt, thorough, effective, credible and transparent. We also refer to the report on Medico-legal Death Investigations (MLDIs) (A/HRC/50/34) by the Special Rapporteur on extrajudicial, summary or arbitrary executions, indicating that the bereaved families and next of kin should be informed in a timely and appropriate manner about the identity of the deceased, the investigation, its progress and its findings and that should be protected from any threat resulting from their participation in the investigation (paras. 92 and 94).

We would like to further refer the de facto authorities to articles 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which establishes that an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including women and girls, to preventive, curative and palliative health services (Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14, para. 34). This includes the obligation of all States Parties to guarantee that measures are taken to ensure that health services are accessible to all, especially the most vulnerable and marginalized sections of the population, without discrimination, in conformity with article 2.2 of ICESCR.

We appeal to the de facto authorities to take all necessary measures to guarantee all women and girls the right to be free from any gender-based violence, discrimination and abuse. Towards that end, we would like to draw your attention to the Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly, which states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In this context, we would like to bring to your attention Article 4 (c & d), which notes the responsibility of States, or those effectively controlling a territory and its people, to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence, and to families of the victims.

Regarding addressing the acts of violence against women and girls, we recall that the Declaration on the Elimination of Violence against Women adopted by the General Assembly resolution 48/104 of 20 December 1993 states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These

rights include, inter alia, (a) the right to life; (b) the right to equality; (c) the right to liberty and security of person; and (d) the right to equal protection under the law (article 3). In article 4 (g), the Declaration notes the responsibility of States to work to ensure that women subjected to violence receive specialized assistance, such as rehabilitation, assistance in childcare, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

Previously defined by the United Nations Special Rapporteur on violence against women, its causes and consequences as the culmination of pre-existing forms of violence, often experienced in a continuum of violent acts, the notion of “femicide” is inextricably linked to violence against women. As such, the violence experienced by women is influenced by conditions of gender-based discrimination, often reflected in patterns attributable to gender-related killings of women: structural factors influencing such discrimination are encountered at the macro level of social, economic and political systems (A/HRC/20/16). In this regard, we would like to refer the de facto authorities to the Convention on the Elimination of Discrimination against Women according to which States Parties, or those effectively controlling a territory, agree to pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

According to the norms of customary international law, individuals and objects who do not play a direct role in hostilities are considered “civilian”, and must therefore be protected against attacks. Furthermore, as per Geneva Conventions of 1949 and their Optional Protocols of 1977, which are considered the main treaties of International Humanitarian Law setting a range of minimum standards in war times, attack against civilians and educational facilities can amount to war crime. A full-scale war has ceased in Afghanistan since the Taliban’s takeover. However, in the view of the United Nations and the International Committee of the Red Cross (ICRC) the country continues to experience a non-international armed conflict, considering the ongoing conflict and high number of civilian casualties.

Article 13 of the International Convention on Economic, Social and Cultural Rights (ICESCR) stipulates the right of every person to education. As underlined by the Committee on Economic, Social and Cultural Rights in its General Comment 13 on the right to education, States or those effectively having control over a territory have the obligation to respect, protect, and fulfil the right to education. The obligation to respect requires States parties, and those with effective control over a territory, to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties, or de facto authorities, to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfil (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfil (provide) the right to education. As a general rule, States parties are obliged to fulfil (provide) a specific right in the Covenant when an individual or group is unable, for reasons beyond their control, to realize the right themselves by the means at their disposal (see E/C.12/1999/10, paras. 46-47). As

Afghanistan is a State party to the ICESCR, the *de facto authorities* are responsible not only to ensure provision of education to all Afghans but also to ensure the safety of educational facilities.

The ban on girls' secondary education undermines a number of rights and principles guaranteed under the Convention on the Elimination of all forms of discrimination against women (CEDAW), signed by Afghanistan on 15 August 1980 and ratified on 5 March 2003. The Convention condemns all forms of discrimination against women and girls (art.2), requires the modification of social and cultural patterns of conduct in order to eliminate discrimination against women and girls (art.5) and guarantees their right to equal access in the field of education (art. 10).

The Working Group on discrimination against women and girls has consistently expressed its commitment to the principle of upholding freedom of religion or belief as human rights to be protected, it regrets the increasing challenges to gender equality in the name of religion. It joins other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women (see A/HRC/29/40). The Working Group has recommended that States repeal all discriminatory laws and practices, including those that discriminate against women on traditional, cultural or religious grounds and laws that exclusively or disproportionately criminalize action or behaviour by women and girls, taking into account the multiple and intersecting forms of discrimination faced by many women and girls (see A/HRC/38/46).

Further the Working Group has noted that school-related gender-based violence takes different forms including with girls in being violently targeted for attending school. Such violence severely curtails girls' educational opportunities. The Working Group has urged States to eliminate all discriminatory laws and practices which prevent girls from completing their education and to ensure all girls' *de facto* access to education, including mandatory, free primary education and access to secondary and tertiary education, free of discrimination (A/HRC/26/39).

We would like to recall that the CEDAW Committee in its concluding observations regarding Afghanistan has expressed concern regarding the cultural barriers faced by girls in gaining access to and continuing secondary and higher education. The Committee recommended the State Party to enhance access by girls to education, including in conflict-affected areas, through measures such as the community-based education model and to establish and enforce procedures to tackle violence against women and girls in and around educational institutions (CEDAW/C/AFG/CO/3).

Further, the CEDAW Committee in General Recommendation no. 36 has recommended States to protect girls and women from being deprived of their right to education based on patriarchal, religious or cultural norms and practices, in keeping with the Joint CEDAW General Recommendation no. 31 and the CRC General Comment no 18 on harmful practices and to facilitate dialogues with religious and traditional leaders on the value of educating girls and the importance of addressing practices and customs that act as barriers to their participation at all levels of education (CEDAW/C/GC/36).

Article 18 of the ICCPR stresses that "Everyone shall have the right to freedom of thought, conscience and religion. These rights shall include freedom [...]"

either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

The 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) states in its Article 2 (1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” In Article 4 (1), the General Assembly further states that: “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Furthermore, we would like to refer to Article 4(2) according to which: “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.”

Article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”. We also wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.