

## HUMAN RIGHTS COUNCIL - 50th SESSION

### Interactive dialogue on the oral update of the High Commissioner on the situation of human rights in Afghanistan

15-16 June 2022

**Ms. Michelle Bachelet, the UN High Commissioner for Human Rights**, updated the Council on the situation in Afghanistan and her country visit in March 2022. Since the Taliban takeover in August 2021, Afghanistan has been plunged into a deep economic, social, humanitarian and human rights crisis. The situation for women and girls is critical, which the High Commissioner described as the **institutionalised, systematic oppression of women**. Despite having ratified treaties including the **Convention on Elimination of All Forms of Discrimination Against Women**, the de facto authorities remain far from complying with them. Barriers for women's access to employment and participation in public and political life are in place, restrictive decrees such as a strict hijab rule have been passed, and the ban on secondary schooling for girls is affecting 1.1 million girls. The High Commissioner called on the de facto authorities to listen to the voices of "courageous Afghans" and commended the women for their bravery in demanding their rights.

While recognizing the general amnesty for the former Government's officials and members of the security service as an important step, the High Commissioner voiced concern over the reported arbitrary arrests, detention, ill-treatment, and extra-judicial killings of persons associated with the former government institutions. UNAMA continues to record attacks on civilians, including in schools, places of worship, markets and public transportation. She remained concerned over **alleged human rights violations and abuses against civilians** in the northern provinces, including violations of IHRL and IHL, in the context of clashes between the de facto security forces and fighters of the National Resistance Front. The High Commissioner regretted the **dramatic shrinking of civic space** with restrictions on freedom of opinion and expression, the right to peaceful assembly, and the right to participate in public affairs as "chilling", with civil society actors subjected to killings, enforced disappearances, incommunicado detention, attacks, harassment, threats and arrests. She urged the de facto authorities to keep their commitments in this regard and reminded of their responsibility to protect all Afghans. The High Commissioner further voiced concern over the **humanitarian and economic crisis**, with 93 percent of households facing high level of food insecurity and diminishing access to basic services including health care. The WHO estimates some 18.1 million people are in need of health services, including 3.19 million children under five.

The High Commissioner expressed concern over the absence of national mechanisms to monitor human rights violations and called for the **establishment of an independent human rights mechanism**. She welcomed the appointment of the SR and stated that the UNAMA will continue to work with the de facto authorities to promote and protect human rights. She concluded in highlighting that the representation of all Afghans in policy and decision-making processes is crucial for moving towards peace, calling for inclusive alliances and urging the international community to ensure further funds to surpass the economic and humanitarian crises.

**Afghanistan (Country concerned)** thanked the High Commissioner for her oral update and recent visit. All efforts of the international community to engage with the Taliban have been met with empty promises. The "violent extremist group" has removed every fundamental right and liberty. Women voices, faces and presence in public life have been erased and girls cannot attend school beyond 6<sup>th</sup> grade. The gruesome reports of violations of IHL from around the country include extrajudicial killings, torture, forced displacement, denial of access to medical facilities, and killing of war wounded. There is absence of free media and lack of human rights monitoring mechanisms. Arbitrary arrests of journalists, attacks in public spaces, and systematic attacks on religious minorities continue, and children remain in the risk of exploitation. The protection and promotion of the rights of Afghans must be at the top of international community's human rights agenda, more funding and scaling up of operations, humanitarian assistance and protection initiatives for the most vulnerable is urgently needed. The goal should be to fund humanitarian needs without funding discrimination. The international community must not give in further

under any pretence on the rights of the Afghan people. Welcomed the visit of the SR to the country. OHCHR, mandate holders and mechanisms should closely monitor the human rights situation.

### Interactive dialogue

43 States took the floor during the interactive dialogue. Majority voiced their concern over the situation of **women's and girls' rights** in the country, calling for women's full effective participation in public and political life and securing access to education for girls. **The EU** condemned the systematic erosion of these rights as unacceptable; **Spain** described the situation of women "institutionalised repression"; and **Germany** stated their solidarity with women and girls and those continuing to work for human rights in the country. **Belgium** regretted the **broken promises** by Taliban in terms of respecting and protecting human rights of women and girls, endorsing the call by the Permanent Mission of Afghanistan in Geneva, international NGOs and the Afghan Women Leader's Network to hold an **urgent debate** during the session to put the international spotlight on this issue. **Romania**, stating its HRC candidature, commended the courage of women human rights defenders. **France** condemned in the strongest terms the requirement for women to wear the **full veil** in public places and the exclusion of girls from schools, actions which demonstrate that the "the Taliban are pursuing a policy of repression and systematic exclusion of half the population." **UN Women** reminded that the current restrictions on women's employment have been estimated to result in an immediate economic loss of up to USD 1 billion, with the latest restrictions making attempts at recovery harder, if not impossible.

**The UAE** joined in concerns over the situation of women's rights and girls' access to education, stating that the protection of basic rights is a prerequisite for a healthy society. The UAE further stressed the need to prevent **terrorism and extremism** and expressed the stability of this "brotherly country" as central to the stability of the region at large. **Regional stability** was also of key concern for several other speakers, including **India, Iran, and Kazakhstan**, who, speaking on behalf of **Central Asian Countries**, referred to peace and security in Afghanistan a matter of primary importance. Kazakhstan further voiced strong support for an **inclusive and representative administration** that considers the needs of all ethnic and religious groups, as well as gender aspects.

The situation of **minorities** was raised by several countries, with attacks against people belonging to ethnic and religious communities including the Hazara and Shiites, while LGBTIQ persons, human rights defenders, journalists and other media workers, and humanitarian personnel remained at risk. The **Republic of Korea** reiterated that targeted attacks against civilians and civilian infrastructure, including mosques and schools, are prohibited under IHL. **Albania** called the magnitude and gravity of the abuses committed chilling and attacks on minorities "increasingly bearing the hallmarks of **crimes against humanity**."

Several countries raised concerns over the security situation, with **extrajudicial and revenge killings** of former members of the security forces and officials and the alleged targeted killings of presumed political opponents. **Finland (on behalf of the Nordic-Baltic countries)** called for a stop in the arbitrary detentions and killings, torture, enforced disappearances, mistreatment of protestors and journalists, and related impunity, demanding that Taliban prove they take the international regulations seriously. Several speakers shared the Office's concern over the decision to dissolve the **Afghanistan Independent Human Rights Commission** as a significant setback and called for its reopening.

Many countries expressed concern over the dire humanitarian situation, including food insecurity, disproportionately affecting vulnerable groups. Several countries, including **the UAE, Pakistan, the Russian Federation, Malaysia, Qatar, and the United Kingdom** highlighted their continuing financial and/or humanitarian assistance and **the EU** called for securing humanitarian access. As Afghanistan's largest regional partner, **India** referred to their "special relationship," and highlighted having supplied 23,000 MTs of wheat, half a million doses of COVAXIN, 13 tons of essential lifesaving medicines and winter clothing for the Afghan people. Some countries mentioned the situation of Afghan refugees, **Portugal** having already welcomed more than 800 Afghan refugees; **Mexico** having created a safe passage for

women, girls, human rights defenders, and officials for international protection on Mexican soil; and *Iran* reminding the Council of having hosted millions of Afghan refugees over the past four decades – a number which is again rising. *Pakistan (on behalf of the OIC)* underlined finding solutions to unfreeze Afghanistan's financial assets as critical in preventing total economic meltdown and further deterioration of the humanitarian and human rights conditions. In this regard, the OIC has strengthened its Mission in Kabul, appointed a Special Envoy, established a Food Security Programme and successfully operationalized the Humanitarian Trust Fund to address the needs of their "Afghan brothers and sisters".

Some countries, including *Venezuela, Cuba, China, Iran* and *the Russian Federation*, declared *U.S.* and its allies as responsible for the historic failure of securing peace in Afghanistan and the decades long war contributing to the current instability. The *Russian Federation* regretted that the West continued to dodge culpability. *Venezuela* called for the dismantling of *UCMs* and denounced the "kidnapping" of Afghanistan's resources and blocked access to financing from the IMF and World Bank. Several countries voiced their disillusionment with the promises and assurances of the de facto authorities, *U.S.* stating that Taliban's legitimacy depends on its conduct. Voicing their support to the work of UNAMA as well as the mandate and the work of the SR, majority of the countries urged the de facto authorities to comply with their international human rights obligations. *Indonesia* and *Malaysia* called for an inclusive Afghan-led, Afghan-owned and Afghan-controlled peace and national reconciliation process.

*NGOs* voiced concern over the situation of human rights defenders, journalists, and civil society organizations, with Taliban showing no signs of change in its conduct. Dissolution of the Afghanistan's Independent Human Rights Commission was of concern, and the decisions to keep girls out of school and to force women to cover their faces were described as only two examples of the **massive setback for the rights of women and girls**. One NGO referred to the discriminatory edicts and practices as 'gender apartheid' and many demanded the Council to continue to monitor this crisis and ensure the prevention of human rights violations in Afghanistan, calling for the establishment of an accountability mechanism to investigate abuses and violations of international law and bring perpetrators to justice. One NGO called for States to provide Afghan human rights defenders with financial, diplomatic and political support, including by issuing **humanitarian visas** and funding resettlement programmes. Sisterhood is Global Institute, speaking on behalf of the Women's Forum on Afghanistan, an initiative led by Afghan women leaders, expressed distress by the **inaction of the HRC** and called for holding an **urgent debate**.

### Concluding remarks

The High Commissioner recognized the **dissolving of Afghanistan Independent Human Rights Commission** as a big setback. She had discussed the need for establishing an independent mechanism to receive complaints and propose solutions during her visit. She welcomed the renewal of the robust UNAMA mandate, which together with the mandate of the SR will ensure the continuation of a strong human rights presence in the country, including in monitoring and advocacy.

Coordination across all forums and mandates is important to **collectively keep the pressure on the Taliban** to uphold their human rights obligations. The rights of women and girls should be at the forefront of UNAMA's action. OHCHR continues advocacy to ensure Afghanistan stays as a priority for the international community. Member states must coordinate their messaging bilaterally and in intergovernmental bodies. The HRC and Security Council have made clear the international community's expectations, and processes such as the **"troika plus"** can be important in engaging the de facto authorities around these goals.

The High Commissioner hoped that the setbacks regarding the advancement of rights of women and girls can be reversed. Civil society and media have a central role in protecting the space for women advocates, journalists and jurists. She was inspired to have met many women's rights activist during her visit and had advocated to the de facto authorities to open direct channels with these women. The international community should give Afghan women **a place at every table** continuing to amplify their voices. Protection of people feeling the country must be secured. UNHCR and other partners have resettled Afghan refugees from wide range of backgrounds, according to their objective resettlement submission criteria. Humanitarian agencies are protecting the most vulnerable and assisting displaced people with shelter,

water, food and core relief items. Neighbouring host countries need to be supported and safe paths for migrants secured.

Decades of war has scarred the country, and ways forward need to be sought to ultimately **address impunity**. Long term comprehensive process of transitional justice will be needed for peace and reconciliation, preserving the vast body of information and evidence for future use. The International Criminal Court continues to pursue independent investigations in international crimes that may have been committed in the country.

Delegations that took the floor during the Interactive Dialogue (43 country delegations):

*Afghanistan, Finland (on behalf of Nordic-Baltic countries), European Union, Pakistan (on behalf of the OIC), Kazakhstan (on behalf of a Central Asian countries), Liechtenstein, France, Qatar, Germany, Pakistan, Mexico, Switzerland, Luxembourg, Spain, Canada, Venezuela, Namibia, Australia, Belgium, Russian Federation, Malaysia, India, China, Republic of Korea, Greece, Romania, United Arab Emirates, Portugal, Türkiye, Italy, Malta, Ireland, United Kingdom of Great Britain and Northern Ireland, Poland, Croatia, Austria, Iran, United States, Albania, Indonesia, New Zealand, Czech Republic, the Netherlands.*

NHRIs and NGOs that took the floor during the Interactive Dialogue (10):

*International Federation for Human Rights Leagues, World Organisation Against Torture, International Service for Human Rights, Sisterhood is Global Institute, Lawyers' Rights Watch Canada, Asian Forum for Human Rights and Development, CIVICUS - World Alliance for Citizen Participation, International Commission of Jurists, Amnesty International, Interfaith International.*

International Organisations (2): UN Women, United Nations Children's Fund

Watch the full video recording on UN Web TV: [Part 1](#), [Part 2](#)