

## HUMAN RIGHTS COUNCIL – 51<sup>st</sup> SESSION

### Interactive dialogue with the Special Rapporteur on the situation of human rights in Afghanistan

12 September 2022

In his opening remarks, **Mr. Richard Bennet, the Special Rapporteur on the situation of human rights in Afghanistan**, extended his gratitude to the President, the Council and OHCHR for their support and confidence in this newly appointed role. Stating that he had begun to explore the mandates scope and potential, he updated the Council of the findings of his first report<sup>1</sup>, including an assessment of the human rights situation, recommendations to the *de facto* authorities and the international community, which would result in improvements. The SR saluted all the brave Afghans continuing the peaceful struggle for human rights in their country, often at great personal risk. He deeply regretted the deterioration in the human rights situation since the creation of the mandate. The staggering regression of women's and girl's rights, reprisals on opponents and critics, and a clampdown on freedom of expression by the Taliban was a decent into authoritarianism. He called for urgent action in this regard.

During his 11-day visit to Afghanistan in May, Mr. Bennet had interacted with a range of Afghan stakeholders in Kabul, Mazar-i-Sharif and Kandahar. In addition to meeting senior members of the *de facto* authorities, he met with UNAMA, Members States, and international NGOs, and visited mosques and schools that had been attacked. Mr. Bennet thanked the *de facto* authorities for cooperation and was encourage by their willingness to exchange views, stating that they must change their policies and uphold women's human rights. Mr. Bennet also drew attention to the dire humanitarian situation. According to estimates by the WHO and FAO, 18.9 million people – almost half the population – will face acute levels of food insecurity by November. There are concerns about humanitarian aid not reaching those most in need, such as persons with disabilities, female-headed households, and ethnic minorities. In this regard, the *de facto* authorities and international community must ensure aid is delivered to the most marginalized and disadvantaged, and that safe access and working conditions for aid workers, including women, is guaranteed. The economy is on the brink of collapse, affecting provision of basic social services, including healthcare. The Central Bank of Afghanistan is isolated from the international banking system including access to foreign currency reserves, and international support has diminished. Budget allocation to basic services is disproportionately small compared to the security budget.

The situation of the more than 4 million IDPs, including the ability to leave the country and treatment in neighboring countries and elsewhere needs urgent action from the international community, and will be covered more in detail in future reports. Brutal attacks by the ISIL-KP on civilians continue, and protection of especially children is concerning. Conflict between *de facto* security forces and the National Resistance Front continues, and the Special Rapporteur has received several reports of civilians being subjected to house-to-house searches, displacement, arbitrary arrests, extrajudicial killings, and torture in particular in Panjshir province. Former Afghan National Defence and Security Forces and other officials of the former government remain subject to ongoing arbitrary detention, torture, extrajudicial killings and forced disappearances, despite the amnesty declared by the Taliban. The situation of ethnic and religious minorities has continued to deteriorate. Attacks have especially affected Sufi, Sikh, Hazara and Shia communities. The attacks appear systematic in nature reflecting elements of an organizational policy, thus bearing hallmarks of international crimes. Fundamental freedoms and the civic space continue to shrink, press-freedom has seriously declined, and the Taliban refuse to accept any public criticism. Limitations on peaceful assembly continue as does the use of excessive force to disperse protest, many of them women-led. The justice system has been largely swept aside. Crimes are often dealt with by security forces without involving prosecutors or judges or defence lawyers. Former judicial officials remain at high risk of reprisals. Oversight institutions necessary for any transparent and accountable government have been dismantled.

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<sup>1</sup> Advanced Unedited Version in English, [A/HRC/51/6](#)

**Permanent Mission of Afghanistan to UNOG (Country concerned), H.E. Mr. Nasir Ahmad Andisha,** welcomed the Special Rapporteur's report and appreciated his dedicated efforts, visit, advocacy, and active engagement with stakeholders. He said the story of Taliban's broken promises is by now well known, with girls continuing to be barred from secondary schools, women deprived of safety and freedom, minorities persecuted, civic space restricted, reprisal killings ongoing, barriers to access to healthcare continuing, persisting food insecurity, and insufficient aid that is not delivered to those most in need. Those attempting to leave face violent pushbacks in different countries. Taliban's discriminatory and authoritarian agenda is mercilessly pushing for tyranny. Torture, ill-treatment, mass punishment, arbitrary detentions, and forced displacement continue particularly in Panjshir, Parwan, Kapisa, Baghlan, Takhar, Kandahar, Saripul, Nangarhar, and Samangan provinces. Major terrorist groups are once more active in the country. The SR's and UNAMA's recent reports do not capture the full picture on the ground, with insufficient resources and inability to access many locations hindering the assessment. Many violations go undocumented, and many casualties are overlooked. The Council must establish a robust accountability mechanism at this session, that would allow for independent local and international documentation. The Council has failed to respond to the crisis showing it is a forum for the exchange of words without action. The cost of impunity is inhumanity, which we can observe in Afghanistan. The people in Afghanistan deserve strong support, empathy, and equality. The country's next chapter can be a prolonged suffering or one of resistance for change and struggle for accountability. The Council can support the latter.

### Interactive dialogue

During the interactive dialogue, 35 country delegations took the floor. Speakers expressed their deep concern over the situation of women and girls, calling for their full, equal and meaningful participation in all spheres of life, and for their protection from all forms of violence. Many speakers, including **France, Israel, Luxembourg, Montenegro, Australia, Albania** and **New Zealand**, were disappointed by the Taliban's failure to keep to their many promises. **France** stated that the Taliban has demonstrated repeated violations of the agreements, including on granting safe access to humanitarian workers. **Indonesia** called on the *de facto* authorities to uphold and effectively implement international human rights norms and standards that Afghanistan has accepted, including the ICCPR, ICESCR, the CERD, Convention against Torture, CEDAW, CRC and the CRPD. **The EU** called for accountability recalling that Afghanistan is a party to the Rome Statute. **Australia** urged the international community to ensure accountability and avoid duplication of the work of the ICC.

Many highlighted the importance of inclusive dialogue and sustained engagement with the Taliban, including **Pakistan (on behalf of the OIC), Qatar** and **the United Kingdom**. **Malaysia** was encouraged by the willingness of the *de facto* authorities to exchange views with the SR, highlighting that constructive engagement was essential to better address all pertinent human rights issues. **Japan** said the situation on the ground needs to be monitored now more than ever, in which regards the SR's efforts are vital. **The EU** had defined five benchmarks as principles for engaging with the Taliban, and **Pakistan** highlighted that none of the objectives can be achieved in isolation. The role of support from the international community was acknowledged throughout the statements. **Venezuela, Iran**, and the **Russian Federation**, called into focus the United States' and its military coalition's historical role in the current situation and demanded the unfreezing of Afghanistan's offshore assets, which **China** stated is depriving the people.

The SR's efforts were commended by many speakers and strong support for him voiced. **Czechia** highlighted the importance of having verified reports to hold the authorities accountable. In addition to the role of the SR, the importance of UNAMA was referred to by speakers including the **U.S., the EU** and **Indonesia**, who urged the Taliban to enable the full implementation of their human rights mandate. Others, including **Luxembourg**, called for a stronger mandate, and **Türkiye** strongly supported the "new aid architecture for Afghanistan" initiative led by UNAMA. **Indonesia** and **Pakistan (on behalf of the OIC)** highlighted the importance of an inclusive Afghan-led and Afghan-owned reconciliation process. **Kazakhstan** stated that Afghanistan's sustainable development is crucial for the entire Central Asian region, and they will continue to invest in its advancement with the aim of establishing a UN SDGs Centre for Central Asia and Afghanistan in Almaty.

Many speakers, including **Pakistan (on behalf of the OIC), Denmark (on behalf of Nordic-Baltic Countries), Qatar, India, Japan, UAE, and Malaysia** focused on the dire humanitarian situation, and several countries mentioned providing humanitarian assistance to the country. **The OIC** had operationalized a Humanitarian Trust Fund and Food Security Programme to address the basic human rights and humanitarian needs, **Japan** had contributed 217 million USD in response, **The UAE** 200 million USD **Qatar** was providing 75 million USD and 715 tons of humanitarian aid, **Malaysia** had contributed 100,000 USD to the OIC Humanitarian Trust Fund for Afghanistan, and **India** had dispatched medical assistance, anti-TB medicines, COVID vaccines, and wheat, highlighting that the assistance should be accessible particularly to the most vulnerable. **Namibia** called for unhindered access for all aid workers, including female staff, as recommended by the SR.

The speakers were deeply alarmed by the human rights violations and abuses and IHL violations in Afghanistan as well as the shrinking space for civil society and restrictions on human rights and fundamental freedoms. **Czechia**, among others, voiced grave concern over the dissolving independent oversight mechanisms and institutions, including both houses of Parliament, Independent Human Rights Commission as well as independent media. **Republic of Korea** shared alarm over recent reports of targeted attacks against civilians and civilian infrastructure, especially against persons belonging to ethnic and religious minorities. The situation of ethnic and religious minorities, was further highlighted by several other speakers, including **Switzerland, the United Kingdom, Israel, Ireland, and Italy**, and the rights of LGBTIQ+ persons and persons with disabilities was also mentioned. **Iran** urged the current rulers in Afghanistan to provide for a real and meaningful participation of all Afghan ethnic communities in political and governance system.

The deteriorating security situation and its consequences were also highlighted. **India, the UAE, Russian Federation, China, and Iran** were among the speakers voicing concern over the expansion of terrorist activity in the country. Concerns over arbitrary arrests and detention, torture and extrajudicial killings were raised by **Denmark (on behalf of Nordic-Baltic Countries, Ireland, United Kingdom, Canada and New Zealand)**, among others **Ireland** condemned the forced return of Afghan refugees seeking sanctuary. The situation of human rights defenders, journalists and other media workers suffering from discrimination, killings, arbitrary detentions, enforced disappearances, physical abuse and torture was also highlighted. **Czechia** urged the Taliban to stop harassment, attacking places of worships and arbitrary arrests and torture, and to embark on a path of reconciliation.

**UN Women** said the situation of women and girls in Afghanistan should serve as a warning, demonstrating how years of advancement in women's rights and gender equality can be wiped away in a matter of months. Further stating that our solidarity must be matched with concrete actions, they called the international community to work together to ensure hard won progress on the rights of women and girls in Afghanistan is not lost. UN Women is committed to continue supporting women-led organizations and women human rights defenders who are at the forefront of the world's biggest women's rights crisis.

**NGOs** thanked the SR for his report. They said the Taliban has established gender apartheid, falsely using religion and tradition as an excuse, removing women and girls from socio-economic, cultural, and political spheres. Instead of offering a governance plan, they have released decrees restricting the rights and freedom of women and girls. **The International Commission of Jurists** stated that the systematic violation of women's rights in Afghanistan must be treated as war crimes and crimes against humanity. **World Organization Against Torture** said their colleagues who are still in Afghanistan have been arrested, arbitrarily detained, executed or disappeared. They said that detention conditions have worsened with overcrowding, poor hygiene, lack of food, and no access to health care. Moreover, there are reports of corporal punishments like shootings of juvenile detainees. Thousands of people, especially women, who took to the streets across the country to protest against the Taliban were subjected to excessive force, gunfire and beatings by the Taliban authorities, leading to deaths and injuries of peaceful protesters. The speakers said that despite their reassurances to the international community, Taliban's actions have shown that they have no intention of respecting and protecting human rights, including the rights of women and girls, minorities and of human rights defenders. Many speakers called the Council to establish an independent investigative mechanism in parallel to the SR's mandate and to collect evidence, document

and investigate all alleged violations and abuses, including their gender dimension. **Women's International League for Peace and Freedom** urged UNAMA to better implement its human rights and political mandate with the input and guidance of Afghan women, in particular the requirement to support community-based systems on human rights and resilience and the need for better gender analysis particularly on social and economic rights. **CIVICUS** called on States to provide Afghan human rights defenders with financial, diplomatic and political support, including by issuing humanitarian visas and funding resettlement programmes, and to apply pressure on the Taliban to create a safer space for human rights defenders.

### Concluding Remarks

**The Special Rapporteur, Mr. Richard Bennett**, responding to a question on the importance of access to the territory of Afghanistan said, that during the visit in May, he was granted access to schools, hospitals, and a prison, and could visit many parts of the country. He saw it as key to be able to engage with the civil society, not only to obtain information but also to offer his solidarity. On the level of willingness by the *de facto* authorities to cooperate and follow-up on the recommendations, the SR could not say if he would be able to convince the Taliban to change their policies, but his visit was very appreciated by people on the ground and especially by women who are struggling. The SR is hoping to conduct another visit soon.

In relation to engagement with the Taliban and what changes may take place, the SR reminded that he has been in this role for 4,5 months and is continuing to engage. He said it was worth trying to reach agreement on some goals, agree on milestones and benchmarks, and to hold the *de facto* authorities accountable on their commitments. The Taliban has effective control over the country, and therefore they are responsible for fulfilling the obligations emanating from international human rights treaties to which Afghanistan is a party. The SR has consistently reminded them of their international obligations. Answering to a question on how the Council and Member States can support his mandate, the SR asked to continue to renew it, by providing sufficient resources, and by continuing to support civil society organizations, especially women's human rights organizations inside and outside the country.

Regarding the issue of accountability, the SR highlighted that although bringing perpetrators to justice is necessary and documentation and investigation is needed, it is not necessarily the immediate short term objective. The SR suggested having two parallel tracks, one documenting and investigating, and the other doing what is possible now to change the situation. He reiterated his recommendation for the international community and Member States to take necessary measures to strengthen accountability for human rights violations, including through his mandate and others, with potential mechanisms to address impunity, provide redress for survivors and victims, and bring perpetrators to justice. He concluded by saying that it is important to take stock of what exists now in addition to the SR, UNAMA with a strong Security-Council mandate and a large team, other Special Procedures mechanisms, the OHCHR, and the ICC, which are all engaged. While he thinks there is a need for more mechanisms, he called for careful consideration of how best to add value to the existing ones. The SR is keen to engage in further discussions on this.

#### Delegations that took the floor during the Interactive Dialogue (35 country delegations):

*European Union, Pakistan (on behalf of the Organization of Islamic Cooperation), Denmark (on behalf of Nordic-Baltic Countries), Qatar, Switzerland, France, India, Israel, Luxembourg, Republic of Korea, Australia, Ireland, Japan, UAE, Pakistan, Venezuela, Russian Federation, Namibia, China, Czechia, Malaysia, U.S., Indonesia, United Kingdom, Spain, Kazakhstan, Italy, Montenegro, Belgium, Canada, New Zealand, Iran, Türkiye, Albania, Malawi.*

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

*International Commission of Jurists, World Organisation Against Torture, Asian Forum for Human Rights and Development, Women's International League for Peace and Freedom, International Federation for Human Rights Leagues, Sisterhood is Global Institute, Freedom Now, CIVICUS - World Alliance for Citizen Participation, Peaceland Foundation, Shaanxi Patriotic Volunteer Association.*

#### **International Organizations (1): UN Women**

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