

HUMAN RIGHTS COUNCIL – 52nd SESSION

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

06 March 2023

In his opening remarks, **Mr. Richard Bennet, the Special Rapporteur on the situation of human rights in Afghanistan**, deeply regretted the deterioration in the human rights situation since his last report in September 2022. He shared his observation on the deteriorating situation of human rights, *inter alia*, more attacks on women's and girls' rights and religious and ethnic minorities, the greatest economic hardship, shrinking space for media and civil society and continuing retaliation against the security forces and employees of the former administration despite the declared amnesty by the Taliban. The situation in terms of women's and girls' rights has seen further setbacks as of December 2022. The de facto authorities, in addition to barring women from visiting parks, gyms and public places, issued a decree to ban them from going to university and working in NGOs. The collapse of rule of law in the country is of serious concern. With the suspension of the 2004 Constitution Law, which guaranteed the independence of the judiciary, the currently applicable legal framework remains ambiguous. All the judges appointed by the republic are out of their work and the prosecution office no longer functions; the female judges and prosecutors are banned from participating in the legal system leading to an all-made regime implementing the Taliban's version of Sharia law. Civil society activists, journalists and peaceful protesters continue to be subject to arbitrary arrests, detention and ill-treatment. A number of activists remain detained. The space for human rights defenders to work openly has shriveled. International journalists are increasingly under pressure to comply with orders that compromise their principles. The media landscape has become largely devoid of women journalists. Ethnic and religious minorities remain vulnerable to systematic and widespread discrimination. The Afghan National Defence Security Force (ANDSF) former officials are subjected to revenge killing despite the declared amnesty in 2021. This is a sign of the de facto authorities' unwillingness and inability to prevent it from happening. The clashes between the National Resistance Front and the Taliban have resulted in serious human rights violations. Reports indicated multiple extrajudicial killings of captured fighters by the Taliban, in areas affected by clashes, especially Panjshir, which are being heavily suppressed.

Afghanistan (Country concerned), H.E. Mr. Nasir Ahmad Andisha, welcomed the Special Rapporteur's report and appreciated his dedicated efforts, and his second visit in October 2022. He said over the past 18 months, Afghanistan, under Taliban rule has turned into the ground zero of human rights and the graveyard of international norms. Women, minorities, human rights defenders, civil society activists and former ANDSF officials on a daily basis. Severe abuses of human rights and violations of international humanitarian law persist with impunity, banning women and girls from education, access to parks, gyms and public places and working in NGOs. Arbitrary arrests and the forceful detention of peaceful women human rights defenders, university professors and activists together with discriminatory measures should be investigated as gender persecution- a crime against humanity. He further asserted that the reported human rights violations are the tip of the iceberg as many violations are still going undocumented, and the full nature and extent of violation abuses demand an immediate and effective response by the human rights system. The international community should support the establishment of an inclusive, representative government and ensure any engagement with the Taliban is contingent upon respect for human rights.

Interactive dialogue

During the interactive dialogue, 51 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 their protection from all forms of violence. Some speakers, including **the EU, U.S., Israel, Montenegro, Argentina, Malta**, and the **Netherlands**, expressed their concern over the violation

against the LGBTIQ+ communities in Afghanistan. All delegates expressed their extreme concern over the ban of women and girls from education and employment, and some delegates such as **Iceland, Ireland, Germany, Belgium, North Macedonia, New Zealand, Ukraine, Montenegro and Greece** echoed that erasing women and girls from public life amount to gender persecution of Crimes Against Humanity. **Sierra Leone, India, Saudi Arabia and Türkiye**, reiterated the importance of dialogue, and constructive and inclusive political process that would guarantee respect for the rule of law, and human rights including the rights of women. **China, 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. Speakers, including **Pakistan, Saudi Arabia, Qatar, India, Japan, UAE**, and **Malaysia** were deeply alarmed by the human rights violations and abuses and International Humanitarian Law violations in Afghanistan as well as the shrinking space for civil society and restrictions on human rights and fundamental freedoms and rights of minorities.

UN Women expressed its appreciation for the Special Rapporteur's crucial work in documenting these violations and has called for the global community to stand in solidarity with the women of Afghanistan to protect their contributions, freedoms, and voices. The ban on women working in NGOs has resulted in the full or partial cessation of 94% of women-led NGOs and placed 13.8 million women and girls in dire need of humanitarian assistance.

NGOs 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. **The Women's International League for Peace and Freedom** echoed that the current discrimination against women in Afghanistan amounts to gender persecution and psychosocial damage girls and woman are being subjected to is beyond repair. **Save the Children and World Vision** expressed concern about the devastating impact of the drought, economic and humanitarian crisis and the restrictive measures imposed by the de facto authorities on children's rights and survival, including acute malnutrition, child marriage and child labor. **World Association Against Torture** said that worsening and violations are getting more systematic, particularly when it comes to extrajudicial killings, torture and arbitrary arrests. Many HRDs, journalists and artists remain in Afghanistan and neighboring countries in need of evacuation and resettlement. **International Bar Association** said that many legal professionals have fled the country, been threatened, and attacked. They urged the international community to establish an ongoing accountability mechanism to collect and analyze gross human rights violations and to provide legal professionals with assistance, including resettlement. **Meezan Center for Human Rights** stated that while the Taliban claims that women's rights are protected by the Sharia Law but their discriminatory policy against women amounts to Crimes Against humanity. It also expressed concern over attacks against minorities and ethnic groups.

Concluding Remarks

The Special Rapporteur, Mr. Richard Bennett, in his concluding remarks said that many delegations and NGOs in their intervention focused on indiscriminate violence against women and girls. However, even if the situation for women were less serious, there would be still a human rights crisis in Afghanistan. There have been increasing reports of extrajudicial killings of former members of the Afghan security forces and former civil servants. Furthermore, there have also been reports of arbitrary arrest, ill-treatment torture, disappearance, and often killings. In particular, reports of a district governor and a former police commissioner, Commanders from different parts of the country who were arrested and a few days later, their bodies which appeared to have suffered torture were found were received. The lack of accountability for these acts with perpetrators enjoying total impunity is a threat to any future reconciliation efforts. He also expressed concern about the rapidly shrinking civil space and the increasing pressure that human rights organizations and the media are facing. Restrictions, attacks, intimidation, censorship, and control over the press have contributed to the reduction in media activities.

Concerning questions about what more can be done, especially about the situation of discrimination against women and girls, he said it is important for members of the international community to maintain and increase unity and consistently the message that the banning of education is not supported, not justified by any religious grounds. He said that the discussion about accountability needs to be taken further, and it is important to note that accountability should go beyond criminal accountability to the full panoply of transitional justice mechanisms, including the right to truth to record to reparations.

Delegations that took the floor during the Interactive Dialogue (51 country delegations):

Iceland (on behalf of Nordic and Baltic countries), Pakistan (on behalf Organization of Islamic Cooperation), Uzbekistan (on behalf of the Central Asian countries), European Union (on behalf of a group of countries), Liechtenstein, France, United States, Ecuador, Qatar, Switzerland, Ireland, United Arab Emirates, Germany, Belgium, Republic of Korea, Israel, Japan, Sierra Leone, Cyprus, Luxembourg, India, Costa Rica, China, Indonesia, North Macedonia, Venezuela, Canada, Poland, Netherlands, Albania, Malaysia, South Africa, Spain, Sudan, Australia Türkiye, New Zealand, Kazakhstan, Italy, Malta, Chile, Malawi, Montenegro, Austria, Namibia, Bulgaria, Pakistan, Argentina, Timor Leste, Iran, Ukraine, Saudi Arabia, Greece, Russian Federation, Slovenia, UK.

NHRIs and NGOs that took the floor during the Interactive Dialogue (9):

Asian Forum for Human Rights and Development, Women's International League for Peace and Freedom, CIVICUS - World Alliance for Citizen Participation, Save the Children and World Vision, International Lesbian and Gay Association, Interfaith International, World Association Against Torture, International Bar Association, Meezan Canter for Human Rights.

International Organizations (1): UN Women

To watch the full meeting refer to UN WEB TV.