

## HUMAN RIGHTS COUNCIL – 56th SESSION

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

18 June 2024

**Mr. Richard Bennet, Special Rapporteur on the situation of human rights in Afghanistan,** described the Taliban regime as having an institutionalized system of discrimination and misogynistic policies, established and enhanced through violations of women's rights and freedoms which are widespread across the country. Mr. Bennet specified that since June 2023, authorities have issued 62 edicts that intensify the restrictions on women and girls. Examples of such are denying girls an education above primary level, which tightens the risk of forced marriage, and restrictions on work and freedom of movements which remove financial autonomy and increases reliance on male relatives. Mr. Bennet described these violations as so severe and intensive and concluded that they amount to a crime against humanity. A general consensus after having spoken to women from and in Afghanistan demonstrates the use of the word gender apartheid to most accurately describe the dire situation in Afghanistan. Mr. Bennet therefore called for gender apartheid to be recognised by international law as a crime against humanity. Further, Mr. Bennet emphasized the importance of holding all perpetrators accountable. An all-tour approach was recommended, centered around the four pillars of 1. justice and accountability, 2. incorporating human rights and women's voices in the political process and diplomatic engagement, 3. bolstering documentation and reinforcing protection, and 4. solidarity for Afghan women, girls, and human rights defenders. The final point made in the Special Rapporteur's concerned the meeting taking place in Doha on June 30th, which is an opportunity to affirm the voices and rights of women as meaningful. The Taliban is not recognized as a government and should not be treated as such.

*Mr. Bennet also presented five panelists who had various experiences being from and living in Afghanistan.*

**The Ambassador of Afghanistan, Mr. Nasir Andisha,** expressed the situation in Afghanistan as one of the most serious institutionalized human rights crises in the world, particularly for women and girls. He mentioned the future dangers and consequences of the Taliban regime, including the sowing of dangerous ideologies in the new generations of young men and boys, which will have future security risks in the region and beyond. These risks are not being fully recognized, acknowledged, or addressed. Finally, the ambassador reminded the Council that Afghanistan has obligations under various UN charters, such as CEDAW and the ILO convention, of which the Taliban are contravening. Article 4 of the UN charter emphasizes that countries able and willing to carry out the human rights charter should have a seat at the table, of which the Taliban are not. UN Member States therefore have heightened obligations to address violations of human rights and must avoid normalising and legitimising the Taliban.

**Miss Layla,** a woman currently situated in Afghanistan, shared personal experiences under the Taliban regime. She wanted to keep hope and help others do the same and appealed to the international community to keep supporting girls in Afghanistan, especially in education and work.

**Ms Benafsha Yaqoobi** is a woman who experienced the positive consequences of the international society and local constitution fighting for women's rights in the aftermath of the first Taliban regime. However, these rights of freedom, education, and employment have now disappeared. Ms Yaqoobi emphasized that the consequences of the Taliban regime will not stay within the Afghan borders, and will affect other countries, regional and international inclusive. Therefore, this defacto government must be held accountable for its actions, not only for Afghanistan but for all states. Women and girls in Afghanistan ask the international society to have no setback from the accepted human rights laws when engaging with the Taliban. These women and girls want to be represented with an all peace

process, and a strategy plan for the future of Afghanistan. Her recommendation to improve humanitarian aid going into Afghanistan is to make engagement with vulnerable people a precondition for donors.

**Ms Shafika Khpalwak** told the stories of various women and girls in Afghanistan who suffered the consequences of the Taliban's imposed policies and pressed that these policies do not represent Islamic religion or cultural values. The "Read" campaign has been met with nationwide solidarity in Afghanistan, where women and men have raised their voices for the reopening of schools for girls, despite being met with punishment. Ms Khpalwak's recommendation is to consult and include women in all decisions in Afghanistan because any decision will fail without the support of Afghan women.

**Ms Lina Tori Jan** grew up in the first Taliban regime and is part of an organization based in Washington D.C. that supports exiled women. She described the situation as the past echoing the present, with Taliban policies being repeated and worsened. She recommended three avenues for accountability; 1. The international criminal court investigation which started on March 5th, 2020 is ongoing without any charges filed. The investigators should ensure Afghan women and minorities are included in evidence collection. 2. The violation of CEDAW by the Taliban can be challenged by any party in the International Court of Justice. She strongly urged countries to open and rule cases to implement judgments. 3. Gender apartheid must be recognized as a crime against humanity under international law, defining apartheid as an institutionalized system of inhumane acts committed to establish domination of one group over another.

### Interactive dialogue

46 country delegations took the floor during the interactive dialogue, all of which condemned the violations of human rights in Afghanistan and urged the defacto Taliban regime to commit to international obligations. Further, **countries such as Ukraine and Luxembourg** supported the Special Rapporteur's use of gender apartheid to describe the situation in Afghanistan. Several countries commended the world of the Special Rapporteur and the bravery of the Afghan girls for speaking up about their experiences. Several countries also asked the Special Rapporteur and the analysts what more their country could do to aid the girls and women in Afghanistan. **The EU** suggested, supported by multiple countries, that whilst gender apartheid is not recognized in international law, the situation may amount to gender prosecution which is recognised and signed by Afghanistan as a crime in the Rome Statue. **South Africa** was one of the only countries that did not support the use of the word gender apartheid to describe the situation in Afghanistan, in fear of diluting the codified meaning of apartheid. Many countries commented that the Taliban is not a recognized government and should not be treated as such, however, the **Russian Federation** stressed that achieving peace is not possible without working with the defacto regime.

**UN Women** commented on the consequences of the Taliban regime being intergenerational. The gender profile published by UN Women demonstrates the impact of the Taliban's restrictions on women's rights, leaving 1.1 million girls out of school and a 25% increase in child marriages. The international community must further their aid for Afghan girls and incorporate human rights as an essential part of all discussions. Working to protect women's rights in Afghanistan demonstrates that women's rights matter in all countries and for all women.

**NGOs** reinforced the need to avoid treating the Taliban regime as a recognized government and normalizing relations with them, as this would demonstrate that the international community is willing to ignore the suffering of a population. This was discussed in relation to the upcoming Doha meetings, to which no civil society or women are invited to, in order to accommodate the Taliban representatives. Multiple NGOs, such as the **Asian Forum for Human Rights and Development and**

**the International Federation for Human Rights League**, showed their support of the word gender apartheid to describe the human rights violations in Afghanistan and urged the international community to recognize it as a crime against humanity in international law.

Delegations that took the floor during the Interactive dialogue (46 country delegations):

*Finland (on behalf of nordic and baltic countries), Canada (on behalf of Australia, New Zealand and Canada), EU, Pakistan (on behalf of the Organisation of Islamic Cooperation), Liechtenstein, Chile, Kuwait, United Arab Emirates, Turkey, Ireland, Japan, Iran, Sierra Leone, Indonesia, Luxembourg, Israel, Spain, Germany, Poland, Belgium, Qatar, Czechia, Republic of Korea, Italy, China, USA, Costa Rica, Russia, Malta, Malaysia, Pakistan, Albania, Bulgaria, Austria, Switzerland, UK, Ghana, Romania, Venezuela, South Africa, India, Malawi, Montenegro, Mexico, Ukraine, Dominican Republic, France.*

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

Asian Forum for Human Rights and Development, Women's International League for Peace and Freedom, Ireland Human Rights Documentation Centre, Freedom Now, Madre Inc, Interfaith International, Afghanistan democracy and development organisation, Human rights research league, International Service for Human Rights, International Federation for Human Rights Leagues.

International Organizations: UNICEF, UN Women.

To watch the full meeting refer to the UN WEB TV: [Part 1](#) and [Part 2](#).