

## HUMAN RIGHTS COUNCIL – 57th SESSION

### Enhanced interactive dialogue on the Office of the High Commissioner for Human Rights’ report on the situation of human rights in Afghanistan

9 September 2024

**Mr Volker Turk, the High Commissioner for Human Rights**, considering the report, focused on the outrageous and amounts of systematic gender persecution. Equality and the rights of women and girls, the humanitarian crisis and its impact on economic, social and cultural rights, restrictions on media freedoms and the civic space, executions, corporal punishment and ill-treatment of detainees, the targeting of former officials and human rights defenders, opposition groups and perceived critics of the authorities and conflict-related harm which has notably impacted the Hazara community.

He affirmed his abhorrence of the new so-called morality laws, which include limiting the transportation of women who seek to travel without a male so-called guardian, requiring women's voices to be muted in public, forbidding even eye contact between women and men who are not related and imposing mandatory covering for women from head to toe including their faces. Previous measures included forbidding girls from attending secondary school and women from attending university, denying women's rights to freedom of peaceful assembly, opinion expression and freedom of movement and severely curtailing women's rights to seek employment. Women who have sought to protest such laws or express any different opinion or form of dissent faced harsh punishments. The impacts of repression and violence are exacerbated by natural disasters and climate change.

He stressed the lack of accountability in Afghanistan for human rights violations and abuses committed by multiple actors. Generations of Afghans have been denied truth, justice, reparation and guarantees of nonrecurrence for the suffering that has been inflicted on them. He encouraged the de facto authorities to permit the resumption of the operation of a credible and independent national rights institution.

**Mr Richard Bennett, Special Rapporteur on the human rights situation in Afghanistan**, provided an oral update on the situation of human rights in the country, echoing the HC’s concerns. He affirmed that since June 2024 the Taliban has further intensified its violations of the human rights of the Afghan population, particularly women and girls. Gender persecution, a crime against humanity, impacts almost the entire population. Unaddressed, the repercussions will shape future generations. He stressed his concern about the protection and human rights of children.

Moreover, in Afghanistan, religious, ethnic, and linguistic minorities are facing ongoing attacks and violence in addition to restrictions on their ability to practice their faith, speak their language, and express their cultural identities, with Hazaras suffering more than most. LGBTQ+ individuals, long subjected to systemic discrimination and persecution, now endure even more severe violence, including public flogging. Older people and those with disabilities are also bearing the brunt of human rights violations, while the worsening humanitarian crisis leaves the most vulnerable facing extreme neglect. Severe restrictions, threats, intimidation, and violence make it nearly impossible for journalists and human rights defenders to operate freely. Independent reporting and advocacy are met with harsh reprisals and imprisonment, silencing any dissenting voices.

In conclusion, he highlighted that all parties to the conflict are responsible and must be held accountable. Regrettably, impunity has prevailed in Afghanistan for generations. Failure to effectively tackle the cycle of impunity, not only emboldens the Taliban’s oppressive regime and reduces the possibility of genuine and durable peace in Afghanistan and beyond, but it also does a huge disservice to all victims and survivors.

**Afghanistan (Country concerned):** reiterated its support for the renewal and strengthening of the special reporter's crucial mandate, establishing an independent international investigative and accountability mechanism with sufficient financial and technical resources. The prohibition of access to the country further underscores the pressing need for a complementary mechanism. It supported the report's recommendation from the ongoing investigation of the ICC prosecutor and the national avenues to increase support for victims, families, and civil society. The Taliban, particularly those holding real power dramatically increased restrictions over the past few years including enacting an institutionalized regime of gender prosecution and gender discrimination. The people of Afghanistan remained deeply alarmed by the international community increasing the tragic and at the time counterproductive response to the deteriorating situation.

The council must take immediate and decisive action. He urged all Member States and the observers to unite in their response effectively. Accountability and the prevention of further suffering must not be delayed.

**Ms Sima Samar, Former Chairperson of the Afghanistan Independent Human Rights Commission, and Chairperson of the Afghanistan Human Rights Center** affirmed that women and girls in Afghanistan are currently living under the agenda apartheid regime. The new law brings in modern slavery and violent human dignity. One reason for the prolonged and violent conflict in Afghanistan is the lack of accountability and justice for human rights violations within the country and internationally—the acknowledgment of victims suffering reparation documentation and criminal justice as necessary for healing and reconciliation. Failing to heal the victim's wound and allowing them to bleed will make society sick.

Finally, she underscored that the development and sustainable peace and human rights are interconnected and none of them cannot be achieved without the full participation of women; violence against women in Afghanistan or any other country is violence or violence against humans dignity, and this must be taken seriously. Similarly, the normalization of human rights violations in any country fuels the culture of impunity for international crimes. Accountability and justice, particularly access to justice for everyone, are basic human rights.

**Ms Horia Mosadiq, Executive Director of the Safety and Risk Mitigation Organization,** reported that the situation has deteriorated significantly, leading to significant setbacks in the protection of human rights, particularly women, minorities, and civil society: Afghanistan is the only country where it lacks a legal framework, accountability mechanism and most alarmingly it is the only country where girls beyond the year 6 are not allowed to go to school, and women are not allowed to work outside their homes. Women are subjected to severe forms of systematic discrimination and persecution simply because of their gender.

She reported that journalists, human rights defenders, women protesters, and activists are being silenced through intimidation, arbitrary detention, rape, forced marriages and extrajudicial killings. Crackdown on media, freedom of expression, and human rights community especially women human rights defenders have stifled the voice of civil society leaving room for dissent. The absence of an accountability mechanism and legal framework has exacerbated these challenges allowing impunity to prevail over justice. Religious ethnic and gender minorities continue to face systematic persecution including violent attacks and mass displacement. These targeted abuses affront the dignity of human life and violate the core principles of equality and justice that this council stands for.

**Mr Hanny Megally, Deputy Director and Senior Fellow at the Center on International Cooperation, New York University,** offered some reflections on how justice and accountability have been pursued in other countries in transition, particularly within the Middle East and North Africa region and Muslim societies. Specifically, he shared the experiences of Iraq, Morocco, Syria and Tunisia. One important



lesson to learn is the importance of consulting victims and survivors about their justice-based needs and priorities.

### Interactive dialogue

47 country delegations took the floor during the interactive dialogue. **The majority of the countries, including Canada, the EU, Ukraine, Chile, Iceland, Israel, Malta, Liechtenstein, and the UK** expressed their concern about the ongoing institutionalized discrimination, segregation, and deprivation of human rights perpetrated against women and girls in Afghanistan. This situation in which torture, forced disappearances, arbitrary detentions, and sexual and gender-based violence are commonplace is unacceptable. The Taliban's gender-based discrimination may amount to gender persecution, a crime against humanity under the Rome statute to which Afghanistan is a party. **Kuwait** added that women and girls are facing more draconian restrictions, and civic space and space for the media have been severely restricted. While affirming that accountability is key, **Portugal** kept on accompanying the work of the ICC prosecutor.

**Countries** urged the *de facto* authorities to honor their commitments to respect and protect human rights, particularly those of women and girls and to immediately reverse all legislation and policies that curtail these rights. To achieve long-term sustainable peace, development and reconciliation in Afghanistan, it is essential to prevent further violations and hold perpetrators accountable. They stressed the importance of credible, transparent, prompt, thorough, effective and independent investigations into the most serious human rights violations in Afghanistan. **Switzerland** insisted on a principled approach based on international law and human rights in any dialogue between the Taliban and the international community.

While they were concerned by the restrictions on education for women and girls, **Venezuela and the Russian Federation** recalled the cruel US military occupation in Afghanistan and the crimes against humanity committed by the US and NATO militaries. **China** was deeply concerned about the prolonged freezing of Afghanistan's overseas assets and the imposition of unjustified unilateral sanctions which have not only exacerbated the suffering of the Afghan people but have also severely undermined their human rights.

**UNICEF** affirmed that the children of Afghanistan are facing a major child rights crisis. They are suffering from one of the world's most severe human rights and humanitarian crises. It was deeply concerned by the number of children killed and maimed by explosive ordinance. It called upon the *de facto* authorities to ensure access to education for all girls and to protect all children from violence.

**UN Women** affirmed that Afghan women and girls have been targeted with countless decreased directives and statements stripping them of their fundamental rights. The erasure of Afghan women from public life is already mirrored at the social level. The international community must invest in women and girls including by allocating flexible and long-term funding to grassroots women's organizations, designing programs dedicated to countering the erasure of women and girls and facilitating spaces where Afghan women can express their concerns and priorities directly.

**NGOs** asked what should the Member States concretely do to increase pressure towards accountability; and, especially now that the SR's physical access to Afghanistan has been restricted, how could the international society best assist the SR in his valuable work? This council should do more to address the Taliban's sweeping abuses, particularly their crimes against women and girls which the special rapporteur has identified as gender apartheid and to address decades of immunity in Afghanistan. **Human Rights Watch, IBA, and Lawyers' Rights Watch Canada** deplored the erasure of women from the legal profession and all aspects of public life. They denounced the recent law to enforce the concealment of women's bodies, faces, and even their voices. De facto authorities have

imprisoned, tortured, and sexually assaulted many women. These violations may constitute a crime against humanity.

Delegations that took the floor during the Interactive dialogue (47 country delegations):

*Canada (on behalf of a group of countries), European Union, Pakistan (on behalf of the Organization of Islamic Cooperation (OIC), Iceland (on behalf of a group of countries), Kuwait, Czechia, Liechtenstein, United Kingdom of Great Britain and Northern Ireland, Germany, Chile, Sierra Leone, Ireland, Qatar, Luxembourg, Portugal, Israel, Malta, Indonesia, Switzerland, Netherlands (Kingdom of the), Japan, Slovenia, United States of America, Malawi, France, Austria, Republic of Korea, Ukraine, Poland, South Africa, Italy, Spain, Romania, Albania, Bulgaria, Pakistan, Russian Federation, United Arab Emirates, Malaysia, India, Venezuela (Bolivarian Republic of), China, Türkiye, Montenegro, Croatia, Algeria, Belgium.*

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

Madre, Inc., Asian Forum for Human Rights and Development, Human Rights Research League, Lawyers' Rights Watch Canada, Human Rights Watch, International Federation for Human Rights Leagues, International Bar Association, Amnesty International, CIVICUS - World Alliance for Citizen Participation,

International organizations: UNICEF, UN Women.

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