



23 August 2021

31st Special Session of the Human Rights Council on the serious human rights concerns and situation in Afghanistan

Written statement

A strong credible outcome from the HRC Special Session on Afghanistan is imperative

The United Nations and its member states have let the people of Afghanistan down. Afghans have not only faced the brutality of the Taliban and government failure, but also the hypocrisy of the international community. At their darkest hour, the system failed Afghans extraordinarily and those with mandates did not offer protection.

WILPF acknowledges the bravery of Afghan women leaders, and the commitment and passion of individuals who continue to achieve what states and institutions have failed to do: they are taking risks, helping save lives, and giving hope.

The human rights and humanitarian crises demand a robust response from the UN Human Rights Council. Afghan women have raised the alarm about the impacts of rising violence against civilians and targeted attacks on human rights defenders, journalists, and other civil society actors, and about the importance of the peace process. But their analysis and calls to action have been ignored.

In engaging with the UN and other processes, Afghan women have put their lives and the lives of family members at risk. Only last June, WILPF was asking HRC members and observer states to extend any support possible to human rights defenders and other individuals at risk who imminently needed to leave the country because they knew what was coming.¹ And now many of them, including women human rights defenders who are in hiding or trying to make their way through the crowd at the Kabul airport, are understandably angry and feel betrayed by the international system.

The rights of women and girls and their future participation in Afghan society must be protected. The very least the HRC can do is to secure accountability, redress, and prevention. It must establish without delay a robust investigative mechanism, with a gender-sensitive and multiyear mandate, reporting regularly and acting as a deterrent. Decisive international action is needed to help prevent further violations and abuses by all actors, including the Taliban, and ensure accountability.

¹ "The HRC must act to protect the lives of human rights defenders in Afghanistan at this critical time", WILPF to the 47th session of the Human Rights Council, A/HRC/47/NGO/147, issued on 16 June 2021. Available at: <https://undocs.org/A/HRC/47/NGO/147> and at https://www.wilpf.org/wilpf_statements/the-hrc-must-act-to-protect-the-lives-of-hrds-in-afghanistan-at-this-critical-time/.

At the 47th session of the HRC in June, WILPF also told the HRC that Afghanistan is at a critical juncture and the HRC must fulfill its prevention mandate and play its part. The High Commissioner made a similar call.² Most recent developments make the call for a credible HRC response even more pressing.

WILPF fully supports the repeated and urgent calls by the Afghanistan Independent Human Rights Commission (AIHRC) for the HRC to establish a fact-finding mission, as also recommended by UN Special Procedures.³ Special Procedures have called UN Member States “to take immediate and preventive action to prevent the slaughter of civilians, the destruction of essential civilian infrastructure, and the undoing of decades of human rights, rule of law and gender equality work to advance the health, education, culture and social infrastructure of Afghanistan.”⁴

The already life-threatening situation of human rights defenders and journalists, who had been subject to increased targeted attacks since last year, has further deteriorated. The Taliban are carrying out house-to-house searches, particularly of journalists and human rights defenders, as well as those who have worked with the government or security forces. Women human rights defenders are particularly at risk.

Years of military invasion and occupation have not brought peace. Militarised responses only beget more armed violence. Afghanistan is one of the countries most affected by landmines and explosive remnants of war, with many mines having been placed 40 years ago. Together with gunshot wounds, these are among the leading causes of disabilities in the country. With reports of heavy weapons and more sophisticated military equipment provided to the Afghan armed forces by the US and allies now being captured and used by Taliban,⁵ this is only the most recent tragic example of how when weapons are poured into a conflict they can remain for decades to come, affecting the lives of future generations and undermining prospects for peace.

As the crisis in the country unfolds, the rights many women and girls have embraced over the past two decades risk being stripped away in a matter of days.

The HRC must stand with the people of Afghanistan and in particular with women and girls, whose rights and future participation in Afghan society must be protected. It must make it absolutely clear that it will scrutinise the actions of all actors, including the Taliban. It is imperative that there be clear, independent, and adequately resourced international human rights oversight.

2 The High Commissioner said that she was alarmed by the sharp increase in violence and civilian harm and encouraged the Human Rights Council “to increase its monitoring and to consider mechanisms for an effective prevention response.” See 47th session of the Human Rights Council, Item 2: Update by the High Commissioner for Human Rights, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27178&LangID=E>. On 10 August, the High Commissioner called on the international community, including through the HRC, “to take urgent action to prevent further atrocities” against civilians. See: “UN Human Rights Chief urges action to prevent calamitous consequences for the people of Afghanistan”, 10 August 2021, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27370&LangID=E>.

3 UN Special Procedures, “Afghanistan: UN experts urge swift global action to protect human rights and prevent ‘civilian slaughter’,” 16 August 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27384&LangID=E>.

4 *Ibid.*

5 Paul McCleary and Lee Hudson, “U.S.-made weapons seized by Taliban could lead to regional arms bazaar,” Politico, 19 August 2021, <https://www.politico.com/news/2021/08/19/us-weapons-seized-taliban-506313> and Idrees Ali, Patricia Zengerle and Jonathan Landay, “Planes, guns, night-vision goggles: The Taliban's new U.S.-made war chest,” Reuters, 19 August 2021, <https://www.reuters.com/business/aerospace-defense/planes-guns-night-vision-goggles-talibans-new-us-made-war-chest-2021-08-19/>.

Considering the importance of acting swiftly to prevent further serious violations, WILPF calls on all states to ensure that at the Special Session, the Human Rights Council:

- Decides to dispatch urgently an independent international and gender-responsive fact-finding mission or similar investigative mechanism with a multiyear mandate to:
 - Investigate and establish the facts and circumstances surrounding human rights abuses and violations and violations of International Humanitarian Law (IHL), including any gendered dimensions of such violations and abuses by all parties, including the Taliban, and the underlying patterns of abuse, such as structural and systemic discrimination, including gender-based discrimination and targeting of minorities;
 - Collect, analyse, and preserve evidence and make recommendations, in particular on accountability measures, with a view to ensuring full accountability for perpetrators and justice and reparations for victims and survivors;
 - Make recommendations for concrete action to protect the rights of the people of Afghanistan, paying particular attention to protection needs of women and girls, persons belonging to ethnic and religious minorities, internally displaced people, human rights defenders, journalists, and others who face or fear of reprisal or targeted attacks.
 - Provide regular updates and reports to the HRC, including intersessionally, as well as to the General Assembly, the Security Council, and other relevant UN organs and bodies. This includes presenting an oral update during an interactive dialogue at an intersessional briefing by the end of 2021.
- Calls on all parties, including the Taliban, to ensure that all civilians, including internally displaced people, have full, unfettered, and free access to humanitarian assistance from UN agencies and humanitarian groups;
- Calls on all parties, including the Taliban, to respect international human rights law and IHL, protect civilians, and end reprisal attacks, as negotiations on transitional arrangements continue;
- Demands that the Kabul airport, access routes, and border crossings remain open in a safe manner so that those who wish to leave the country can do so without violence or harm;
- Calls for an immediate, permanent, and comprehensive cessation of hostilities, followed by an inclusive, negotiated peace process that prioritises the implementation of the UN Security Council Resolutions on Women, Peace and Security;
- Stresses that the future governance of Afghanistan can only have the support and endorsement of the international community if it guarantees full, equal, and effective participation of women and girls from a diversity of backgrounds and experiences, including from ethnic and religious minority groups, upholds human rights and fundamental freedoms, and ensures adherence and respect for Afghanistan's international obligations;
- Calls on all states to:
 - take every necessary measure to ensure the safe passage out of Afghanistan for all those at risk of being targeted by the Taliban and other parties. This includes ensuring that border crossings remain open, expediting visas, delivering support for evacuations, and providing relocation and resettlement support;
 - heed the call of UNHCR to “suspend the forcible return of nationals and former habitual residents of Afghanistan, including those who have had their asylum claims rejected. A moratorium on

forced returns to Afghanistan would need to stay in place until the situation in the country has stabilized, pending an assessment of when the changed situation in the country would permit return in safety and dignity. The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and human rights situation in Afghanistan has significantly improved to permit a safe and dignified return of those determined not to be in need of international protection.”⁶

- publicly recognise that Afghans fleeing the country should be given real opportunities to seek asylum and coordinate protocols for resettlement to third countries for people particularly at risk;
 - provide human rights defenders, journalists, and other individuals at particular risk immediate practical support at all levels, including through diplomatic and political channels, with specific and enhanced protection measures for women human rights defenders and women journalists.
- Calls on all states, including neighbouring states, to use their influence, such as economic, political, or religious, to ensure compliance with the above demands; and
 - Requests the High Commissioner for Human Rights to present an oral update on the human rights situation in Afghanistan to the 48th session of the HRC.

WILPF urges all states to actively support the creation of this urgently needed HRC investigative mandate. The international community has been late in responding. Now, we demand that you act.

⁶ UNHCR, UNHCR Position on Returns to Afghanistan, August 2021, <https://www.refworld.org/pdfid/611a4c5c4.pdf>.