

11 September 2023

UN Human Rights Council, 54th session (11 September to 13 October 2023)

Item 2: Interactive dialogue with the Special Rapporteur on the situation of human rights in Afghanistan - Interactive Dialogue

Statement on Afghanistan

An international response to mass violations of human rights requires a coherent strategy for accountability and redress. In Afghanistan widespread and systematic violations, in particular of the rights of women and girls, have been documented, analysed and reported on by UN and civil society actors; among others, OHCHR, UNAMA, the Working group on Discrimination Against Women and Girls in law and practice, and of course, the Special Rapporteur on Afghanistan.

Their findings point to the recognition that amongst many violations committed, those based on gender discrimination amount to gender persecution; a crime under the Rome statute for which there can be individual accountability. The ICC is already engaged and prosecutions will, inevitably, come.

In their joint report to the 53rd session of the HRC, the Working Group and the Special Rapporteur stated that gender apartheid is an accurate description of the situation documented in their report, “in which systematic discrimination against women and girls is at the heart of Taliban ideology and rule.” The High Commissioner for Human Rights¹ and several countries, including South Africa, have termed the levels of persecution suffered to amount to gender apartheid. There must be consequences, based on precedent from apartheid in South Africa.

Any political engagement with the *de facto* authorities must be informed by international law and as recommended by the Special Rapporteur and the Working Group in their joint report, States must: “ensure the representative, equal and meaningful participation of Afghan women in all deliberations concerning the country’s future, including while defining the international community’s policies towards the *de facto* authorities.” However, political engagement must not amount to diplomatic recognition of the Taliban regime.

We call on all States to:

- Denounce the ongoing gender persecution and gender apartheid in Afghanistan and take decisive measures to address these.
- Ensure that any political engagement with the Taliban, such as on humanitarian grounds, be fully informed by international law and by the views and recommendations of Afghan women activists, and that such engagement not be part of a move towards recognition of the Taliban. Furthermore, we stress that any meetings with the *de facto* authorities at the international level without presence of Afghan women defenders and leaders contributes to entrenching their system of gender apartheid.
- Ensure continued support for Afghan human rights defenders including Afghan women activists inside and outside the country.

¹ <https://www.ohchr.org/en/statements/2023/05/turk-there-should-be-un-human-rights-office-everywhere>

- Renew the mandate of the Special Rapporteur on Afghanistan for two years with the strengthened resources to carry out its mandate.
- Establish an international independent investigative mechanism to collect, consolidate, preserve and analyse evidence of international crimes and violations of international law committed in Afghanistan including of gendered human rights violations, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law.
- Ensure meaningful follow up to the report of the Special Rapporteur and the Working Group on discrimination against women and girls as well as continuation of a dedicated discussion at the HRC on the situation of women and girls in Afghanistan.