

29 February 2024

UN Human Rights Council, 55th session (26 February to 5 April 2024)
Item 2: Interactive Dialogue with the Special Rapporteur on Afghanistan

Statement on Afghanistan

Speaker: Negina Yari via pre-recorded video

We welcome the Special Rapporteur's latest report and particularly its increased intersectional analysis of the many ongoing serious human rights violations and abuses, including against children, persons with disabilities, ethnic and religious minorities, civil society members and journalists, LGBTQI+ people, and refugees and asylum-seekers. We also welcome analysis of violations of economic, social and cultural rights including in relation to access to land and which we recommend be analysed further from a gender perspective.

The Special Rapporteur's mandate remains critical to keep the human rights situation of Afghanistan on the international community's agenda. We agree with his assessment that "the weight of history, (...) offers little indication that the Taliban leadership is willing to embrace human rights."¹ Once again, we strongly warn against any move towards normalisation or recognition of the Taliban regime. Any political engagement with the *de facto* authorities must put human rights front and centre and must be fully informed by the recommendations of Afghan women activists.

While it may be less present in the media, the context of Afghanistan continues to be characterised by constant prohibitions and restrictions on the rights of women and girls. Evidence of that is, for example, women being arbitrarily arrested on the streets for allegedly not dressing appropriately, and being illegally detained, often without information on their whereabouts provided to their families.² There are reports of financial extortion of families in exchange for information on their female relatives' whereabouts, as well as of sexual and gender-based violence against women detained by the Taliban.

The few pockets of life that Afghan women and girls had found to resist, including through remote schooling and operating businesses from home, are being violently cracked down upon by the Taliban. Women leaders of civil society organisations including in the humanitarian sector continue to be harassed, arrested, listed by the Taliban intelligence services, and forced to resign. In the face of all such violations, women and girls have nowhere to turn to as the rule of law and the justice system have been obliterated by the Taliban, and as reported by the Special Rapporteur, live in constant fear of punishment due to unpredictable enforcement of Taliban rules.

¹ Situation of human rights in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan (Advance edited version) A/HRC/55/80, para. 6

² A/HRC/55/80, para. 16

Women and girls are being persecuted on the basis of gender, a crime against humanity, and the Special Rapporteur has noted the institutionalized, systematic and widespread nature of the level of discrimination justifies framing it as “gender apartheid.”³ This situation is setting a very dangerous precedent for women’s and girls’ rights globally. We urge all States to condemn it for what it clearly is: gender apartheid.

We also call on all States that genuinely stand for the rights of women and girls and gender justice to:

- Take concrete actions to hold the Taliban accountable for these systematic gender-based violations. This includes:
 - supporting efforts by the International Criminal Court in prosecuting the crime of gender persecution;
 - exercising universal jurisdiction regarding gender-based crimes; and
 - issuing arrest warrants and travel bans against Taliban leadership;
- Support the mandate of the Special Rapporteur on Afghanistan with adequate resources, and support initiatives for additional accountability avenues.

³ A/HRC/55/80, para. 30