

55th Regular Session of the Human Rights Council

Interactive Dialogue by Richard Bennett, Special Rapporteur on the human rights situation in Afghanistan

Geneva, 29 February 2024

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Mr. Vice-President,

Distinguished delegates,

Members of civil society, especially Afghan human rights defenders,

As noted in my report, while there are a few “pockets of hope”, which I have strived to identify, overall, the human rights situation has not improved since I addressed this Council last September. It continues to deteriorate and once again my report depicts a stark reality.

Despite competing priorities, it is imperative for this Council, to keep Afghanistan and its people at the forefront of your agenda. As the Secretary General said following a meeting in Doha last week, there is agreement that we want an Afghanistan that is at peace with itself and its neighbours. As is universally the case, respect for human rights must be the cornerstone of that goal and I implore all stakeholders to embrace this principle.

Afghans approach me regularly to demand demonstrated, measurable, and independently verified improvements in respect for international human rights treaties before any normalization or integration of Afghanistan back into the international community is considered. Such improvements should be benchmarks, as proposed in the recent independent assessment submitted to the Security Council.

I also reiterate that a stable, rights-respecting future requires that longstanding impunity be tackled. I support the ongoing international accountability efforts and encourage collaboration with accountability processes in domestic jurisdictions for past and current violations by all parties to the conflict in Afghanistan, including for gender justice and attacks on ethnic and religious communities. The investigations by the International Criminal Court are in full swing and I'm also hopeful that other avenues of accountability will be used. State Parties to the Convention on the Elimination of All Forms of Discrimination against Women possess authority to initiate a case against Afghanistan at the International Court of Justice for non-compliance with the Convention. I encourage States Parties to consider this legal pathway to challenge these violations.

Mr. Vice-President,

The de facto authorities have created a national system in which the discrimination, segregation, oppression, and exclusion of women and girls is institutionalised. I repeat my previous analysis that the situation amounts to persecution based on gender, which is a crime against humanity within the Rome Statute. I will go further and say that it may be further characterised as “gender apartheid”, as the de facto authorities appear to be governing by systemic discrimination with the intention to subject women and girls to total domination. As mandated, I will be undertaking a deeper analysis of this issue and will brief this Council during the upcoming June session.

This is anathema to human rights standards and the fight for gender equality, and has implications for accelerating a global rollback on women and girls' rights. It is important to hold the Taliban to account for their policies and actions. And most of all, perhaps, it's important for Member States to find ways to support the women and girls of Afghanistan, and the men and boys, in bringing about the change that is needed for them to realise their human rights as soon as possible.

This environment appears to be having a severe impact on the mental health of the whole population, and especially on women and girls, with widespread reports of depression and suicide especially among adolescents. According to recent surveys of Afghan women in Afghanistan, their perception of the possibility of international recognition is one of the greatest stress factors. In addition, Afghanistan is missing out on the contribution of women and girls in terms of social, economic, cultural and political development.

Early this year, the Taliban started to harshly implement their dress code for women and girls in several cities and provinces, arbitrarily detaining dozens on claims that their hijab was “insufficient”. These arrests clearly infringe women and girls’ right to privacy and self-expression, further curtailing their agency. The responsibility for their release was placed on their male relatives, who were coerced into signing guarantees that their female relatives would adhere to the prescribed dress code in the future.

As I have noted previously, the Taliban do not tolerate any dissenting voices and have arbitrarily arrested education advocates, women human rights defenders, journalists and artists. I reiterate my call for the immediate and unconditional release of all human rights defenders, especially those standing up for gender equality, including Mr. Fahim Azizi, Mr. Siddiqullah Afghan and Ms. Manizha Sediqi. Civic space has also further shrunk, as the Taliban has intensified their censoring of books that they deem to be contrary to “sharia, national values, and Afghan culture”.

All of the above, combined with the arbitrary and capricious nature of the implementation of policies, has worsened a climate of fear.

I want to also draw your urgent attention to the dire circumstances facing the children of Afghanistan, the right to education remains a distant dream for many, particularly beyond the sixth grade for girls, effectively extinguishing the hopes

and aspirations of a generation yearning for knowledge and progress. This situation is further exacerbated by the alarming prevalence of child labour and forced and underaged marriage. Young girls and boys are being thrust into adult roles, with grave implications for their physical and psychological well-being.

More than a third of children are compelled to work to support their families. Girls and those with disabilities, disproportionately suffer from severe hunger. These practices not only violate the most basic human rights but also undermine the very fabric of society, perpetuating cycles of poverty and despair.

I call on the de facto authorities and the international community to address these violations and to ensure that the children of Afghanistan are afforded the opportunities and protections they deserve.

My report also gives more detailed information about the discrimination and violence against LGBTQI+ people, who too often go unheard and unseen, as well as the difficult situation of persons with disabilities, especially when it comes to access to humanitarian aid and representation.

Mr. Vice President,

As I have noted before, the Taliban do not uphold their own commitments, disrespecting their own amnesty for former government officials and security personnel, and their guidance on the treatment of prisoners. They continued to torture and ill-treat detainees and to inflict cruel and degrading punishments. In the last two weeks, there were public executions and/or floggings in the provinces of Bamyán, Ghazni, Jawzjan and Laghman in contradiction to international human rights commitments made by Afghanistan.

Ethnic and religious minorities are under more pressure. An increase in targeted attacks on the Hazara Shia community during the reporting period, often claimed by Islamic State KP, has reinforced the climate of fear among religious and ethnic

minorities. Many feel vulnerable, discriminated against, underrepresented and treated unfairly by the de facto authorities, including in terms of land disputes.

Afghanistan remains caught in the throes of a profound humanitarian crisis with an overwhelming almost 24 million Afghans needing humanitarian aid, including 15 million children. The need is mounting for humanitarian support to high numbers of Afghans forced to leave neighbouring countries and due to ongoing, often climate-induced, natural disasters, including recent landslides in Nuristan.

Noting an increased funding gap in 2023, I call on you to increase funding that will enable the people of Afghanistan to better exercise their social, economic and cultural rights. Long-term support of education, for example, that is not covered by humanitarian funds, should be addressed. However, I note that widening the scope and increasing the levels of funding should not be mistaken for legitimisation of the Taliban.

Mr. Vice-President,

Afghanistan's future should include the full, equal and meaningful participation and respect for the human rights of its people in all its diversity, including with regard to gender and all linguistic, ethnic, religious and other minorities. In particular, Afghanistan stands alone in the scale of its deplorable treatment of women and girls.

It is vital that the international community is steadfast in this respect. To do otherwise would send a concerning message about their commitment to women everywhere.

Mr Vice-President and distinguished delegates,

I urge you to stand together for the human rights of the people of Afghanistan. The people of Afghanistan deserve to decide and be consulted on the way forward

to an Afghanistan where their international human rights obligations are respected.

For Afghanistan at peace in the long term with itself and its neighbours, I reiterate my calls on the Taliban to improve their human rights record and building on the small gains in the private and health sectors. Human rights are the cornerstone of sustainable, long-lasting peace.

Last but not least, I pay tribute to the many brave Afghan human rights defenders who continue to stand up for the human rights of their people.

I thank you.