

CHECK AGAINST DELIVERY



Thirty-first Special Session of the Human Rights Council on the serious human rights concerns and situation in Afghanistan

**Statement by Anita Ramasastry,
Chair of the Coordination Committee of Special Procedures**

Geneva, 24 August 2021

Madam President,

Excellencies,

I have the honour to address your Excellencies today on behalf of the Coordination Committee of Special Procedures. I want to thank the more than 20 mandates holders who contributed inputs to this statement. Many of our colleagues are working tirelessly to assist rights holders in Afghanistan at this critical time.

Excellencies,

The actions of this Council and Member States in these dire moments will set the course for the future of Afghanistan. It is a test case for the integrity of the UN Charter and the meaningful application of human rights and humanitarian norms in crisis. My colleagues and I urge the Council to act with urgency, moral clarity, and with full understanding of its responsibilities to lead the world in defending human rights and the rule of law.

To do so, States must not forget how Afghanistan has reached this point and the implications of the past to the present necessitating the continued and strengthened effort to protect human rights.

Afghanistan and its people are facing both short- and long-term challenges.

In the immediate term, the protection of people most at risk must be ensured. This includes human rights defenders and civil society, journalists, media workers, civil servants, educators, cultural workers and other categories of individuals, specifically ethnic and religious minorities systematically targeted by the Taliban. Women and girls face particular risks. Large numbers of internally displaced persons are also at risk. Many of these persons are in hiding as the Taliban continues to search homes door-to-door. There are serious concerns that such information gathering may lead to them being targeted for reprisals. Searches, arrests, harassment, intimidation, as well as seizures of property and reprisals are already being reported.

The freedom of movement of people in Afghanistan and their right to be free to leave their country in safety and dignity should be ensured. The pathways to and from the airport require a long and treacherous journey through the city, through Taliban checkpoints, without any guarantees of safety or departure. Masses of civilians seeking safety have trekked to the airport pleading for their lives – a trek that has resulted in death, injury, and traumatization. These harms are reprehensible and inconsistent with the inherent dignity of Afghans and their right to life. International cooperation and action are required to secure the airport. Member States must safeguard the long-term ability for freedom of movement for Afghans, as well as the continuation of civilian flights after evacuations. The Coordination Committee encourages Member States to effectively facilitate the granting of visas, visa waivers and safe passage to enable Afghans to leave the country to seek safety in third countries, welcoming the efforts of many States already engaged in supporting exit.

Excellencies,

We recall the gravity of civilian harms that have been caused by the latest military offensive by the Taliban, noting that the well-founded fears of the Afghan people are rooted in the onslaught of fighting during this offensive, as well as over the course of the last 18 months and gross and systematic abuses committed from 1996-2001. Several mandate holders have reported these concerns over the same period.

The international community has witnessed, over the course of the last 18 months, the deadliest civilian casualties recorded in Afghanistan in late history. The [fifth report of the UN Secretary-General on Children and Armed Conflict in Afghanistan \(S/2021/662 16 July 2021\)](#) reports that child casualties for the first half of 2021 constituted the highest number of children killed and maimed for this period ever recorded by the UN in Afghanistan, a situation compounded in the last few weeks.

The devastation of these months has been compounded by the ebb and flow of the Doha peace process, which was heavily invested in by the Government, through which there was engagement with civil society and the Afghan people across the country. A hopeful end to decades of armed conflict presented new opportunities to redress the rights of victims of gross violations of human rights, including victims of terrorism, and to embark on a new and peaceful path.

In early 2020, however, the Agreement between the Taliban and the United States of America, and two ceasefires on *Eid-al-fitr* and *Eid-al-adha*, quickly and heinously morphed into unprecedented deaths for Afghan civilians and a weekly count of targeted killings by the Taliban of human rights defenders, women active in public life, media and aid workers, civil society, civil servants and others.

There were indiscriminate attacks on civilians and civilian infrastructure including on hospitals, a maternity ward, academic institutions, markets, and schools. Girls attending school, while exercising their right to education and equality were among the majority of those killed. This setback to gender equality and the empowerment of women and girls must be resisted nationally and internationally.

It has also resulted in displacement of thousands of families due to military offensives by the Taliban for the control of territory as the peace process was formally in place. 80% of those displaced are women and children.

In 2021, [another devastating increase in civilian casualties for Afghans](#) was reported with an increase of 47 per cent as compared to the first half of 2020. The acts of the Taliban over the course of these months and to date may amount to war crimes and crimes against humanity.

In addition, the brokering of the US-Taliban deal without the Government of the Islamic Republic of Afghanistan placed the Taliban in a position of strength above its negotiating counterparts in Government. The US had very few prerequisites, none of which related to the promotion and protection of the rights of the Afghan people – a reality that may have contributed to the above-mentioned rate of civilian harms.

The Committee further recalls that in addition to the last 18 months of armed conflict, the Taliban's recent advance on Provincial Capitals is plagued by human rights violations and grave harms to civilians.

In many of these cities, the Taliban has reportedly interrupted cellular service and networks, disrupting freedom of information and freedom of expression, and severely limiting and controlling the information that reaches the international community. Taliban searches of phones, persons, and property are prompting generations of Afghans to delete important documents and online profiles, disrupting their freedom of expression. However, civil society organizations, rights defenders, media workers, and individuals continue to document the Taliban's actions in territories under their control and provide credible and timely reports under grave threat to their safety. This Council should make clear that such impingements on freedom of movement and information are unacceptable.

Data from areas where the Taliban is in control tend to show that the violations of women's rights remain central to their ideology. These violations include abduction; forced, early and child marriage; forced burka wearing and restrictions on women's attire; restrictions on women's freedom of movement, including the requirement of traveling with a husband or other male relative; exclusion from education and public life and prohibitions against working outside the home. These rights violations align precisely with those reported by the then Special Rapporteur on violence against women in the [mandate's first visit to the country in 1999](#).

Authorities must take urgent action to ensure that women and girls are free to leave their homes at any time and for any purpose without fear of violence. All these practices and restrictions that prevent women and girls from leaving their homes amount to de facto deprivation of liberty, in violation of international human rights standards. Attempts to claim cultural or religious justifications for such practices should be rejected, noting the inconsistency of such claims with the obligations of international law.

In response to the Taliban's most recent offensive and the taking of Kabul, Special Procedures issued a [press release](#), joined by 18 mandate holders, calling for "swift global action to protect human rights and prevent 'civilian slaughter,'" and tracing the path of civilian harm, including for victims of terrorism, that has escalated over the last 18 month to new heights. The experts, in another [press release](#), underscored the deplorable abandonment of "Afghanistan to a fundamentalist group like the Taliban whose catastrophic human rights record is well documented."

Excellencies,

Fear and hiding are not the full story of what is happening in Afghanistan. Just as quickly as a wave of fear came over Kabul, so too have waves of bravery among Afghans who, despite unbearable uncertainty are prepared to participate in building Afghanistan's future; a future that promotes the rights and dignity of every Afghan. Women reporters have shown up to work only to reportedly be turned away. Women human rights defenders and female civil servants have

continued to draw attention to the violations witnessed in all parts of life. On 19 August Afghans around the country celebrated Afghanistan's Independence Day, including with women at the forefront.

In July, mandate holders jointly [warned](#) Member States that the situation in Afghanistan "was beyond urgent." The experts recalled the statement of the High Commissioner from June, calling for increased monitoring from the Council as well as consideration of "mechanisms for an effective prevention response."

Despite the Taliban's promise of a general "amnesty," as well as the consideration of some role for women and girls in line with Islamic Law, the actions of the armed group have yet to match their rhetoric.

The Committee calls on Member States, through the Human Rights Council, to pursue the resolute promotion and protection of human rights and fundamental freedoms of the Afghan people, as follows:

In the immediate term:

1. Member States should remove barriers to exit from Afghanistan, such as lengthy and bureaucratic visa requirements. We also underscore the necessity for cooperation and working together to ensure that those most at risk and their family members are brought to safety and treated with dignity and compassion. The Council should also call on States to take urgent action to reduce risks of exploitation of refugees and internally displaced persons, including trafficking for sexual and labour exploitation through the urgent expansion of humanitarian admission, resettlement and family reunification schemes.
2. Member States should ensure that a humanitarian corridor is established from Kabul to and from the airport immediately. The current state of chaos is inhumane and can be overcome through concrete mechanisms for cooperation among Member States, including cooperation on securing the civilian airport and the continuation of civilian flights after evacuations.
3. The Council should establish an independent and adequately resourced international human rights oversight accountability mechanism for a minimum of two years to be deployed urgently to Afghanistan to assess the situation on the ground and report back to the Council, including, but not limited to, on war crimes, crimes against humanity, and genocide. A fact-finding mechanism is the minimum required to achieve a credible outcome of the Special Session.
4. The Council should mandate the High Commissioner to regularly report to the Council, ensure that Special Procedures can continue their independent work, support the implementation of the standing invitation to Special Procedures for country visits when appropriate and support previous recommendations of official visits to Afghanistan.

5. The Council should call for the continuation of the robust functioning of Afghanistan's Independent Human Rights Commission and the safety and security of their staff, to allow it to carry out its legitimate work in monitoring the human rights situation in Afghanistan.
6. Member States should support efforts to reach a negotiated settlement of the conflict through an inclusive peace process that guarantees the meaningful and equal participation of the Afghan people and the promotion and protection of human rights and fundamental freedoms, including non-discrimination, safeguarding the rights and guarantees enshrined in the Constitution of the Islamic Republic of Afghanistan.

In addition, we underscore the following:

7. Member States should stand firm in their commitments to women, peace and security. In addition to supporting women's meaningful participation in negotiating any peaceful settlement, this also requires the promotion and protection of their human rights, including the right to participate in public, cultural and political life, in education. It also requires concrete measures to ensure their safety and prevent gross violations linked to any restrictions imposed on their access to sexual and reproductive health rights.
8. The Council must act to ensure that the protection of the rights of the child are prioritized to prevent grave violations against children from occurring, including recruitment and use of children in armed conflict, and the trafficking of children for purposes of forced criminality, sexual and labour exploitation.
9. The Council should address the protection needs of human rights defenders including women's civil society. The international community has partnered with Afghan civil society and human rights defenders and must honor those commitments through continued financial and political investment.
10. Member States should ensure that transnational businesses operating in Afghanistan and international financial institutions that provide support for development projects should ensure continued respect for human rights throughout their operations and for their employees, and other rights holders impacted by their operations.
11. The Council should address the need to protect the full diversity of the cultural heritage of Afghanistan as required by international law, as well as cultural institutions, cultural workers and artists, as well as the right of everyone to take part in cultural life without discrimination should be ensured.

In closing, we reiterate the call from Special Procedures amidst the fall of Kabul – “We cannot stand idly by as the lives of the Afghan people are treated with contempt, derision, and weariness. Afghanistan is a test case for the value of the UN Charter, and the commitment of States to prevent the scourge of terrorism from destroying rights-bearing societies and values. We urge all States to stand firm and have the moral courage to act in order to prevent further violence and harms. The international community will be judged on our actions, our fortitude, and our willingness to make our words about rights have meaning in this decisive moment.”

Thank you