



15 August 2023

Alliance for Human Rights in Afghanistan - Joint statement – Afghanistan: call for Justice accountability and effective response to ongoing violations and gender persecution

Two years after the Taliban takeover of Afghanistan on August 15, 2021, we strongly condemn ongoing and escalating gross human rights violations by the Taliban especially against women and girls and the lack of an effective response from the international community, 10 international human rights organizations stated today.

Over the past two years, the Taliban have imposed increasingly abusive policies especially against women and girls and religious and ethnic minorities that clearly violate Afghanistan's obligations under international human rights law. Policies that ban and restrict women and girls from education, work and other livelihood opportunities, free movement and access to public spaces and services have been widely condemned. In their joint report to the United Nations (UN) Human Rights Council, published in June 2023, the UN Special Rapporteur on the human rights situation in Afghanistan and the UN Working Group on Discrimination Against Women and Girls stated that the Taliban treatment of women and girls "may amount to gender persecution – a crime against humanity – and be characterised as gender apartheid".

Activists, especially women, protesting Taliban policies from within Afghanistan face some of the greatest risks for raising their voices and yet speak the loudest. They have persisted, despite the Taliban responding by inflicting on them physical violence, raids, arbitrary arrests and detention, torture and other cruel, inhuman or degrading treatment, enforced disappearance, and attacks on their family members.

As international attention to the crisis fades, and human rights violations by Taliban become normalized in the eyes of the international community, our organizations continue to record crimes under international law and other serious human rights violations.. We are also gravely concerned for the safety of human rights defenders in Taliban custody. Prominent examples—emblematic of many more—are the cases of education rights defender Matiullah Wesa, who was arbitrarily arrested and detained on 27 March 2023 and Rasool Parsi, an university lecturer, Islamic scholar and civil society activist, who remains imprisoned since 6 March 2023. Internal protection and legal safeguards for those at risk are practically non-existent; Taliban actions have disregarded existing legal frameworks or placed them in an ambiguous non-functioning state.

While many human rights defenders at risk have been compelled to leave Afghanistan over the past two years, many more remain behind, trapped and in hiding, with little recourse for safety. Those who have crossed borders into neighbouring countries lack durable solutions, are at risk of being expelled, are often in financial crises and face a credible risk of persecution if returned to Afghanistan. Yet, they cannot rebuild their lives in their host country and often lack any resettlement prospects outside the region. In their current host countries—often Iran, Turkey and Pakistan—they suffer threats, including of arrest, violence, extortion, deportation, and lack access to essential services, including health care and education.

The extremely difficult situation for those inside Afghanistan is compounded by the humanitarian crisis, with 97% of the population living in poverty, up from 47% in 2020. According to UN

figures, 28.8 million people, more than half of the country's population, needs humanitarian assistance to survive while 3.2 million children and 800,000 pregnant and breastfeeding women are malnourished. While broad cuts to aid that primarily harm people living in Afghanistan rather than the Taliban have not helped, the Taliban's ban on women humanitarian staff from working in non governmental organizations and the UN has denied effective support to those who are most in need, particularly women-headed households. According to UN Office for the Coordination of Humanitarian Affairs (OCHA), "[t]he series of restrictions levied on women is exacerbating existing vulnerabilities faced by women and girls as well as women-headed households." OCHA found that 48% of women-headed households have a poor Food Consumption Score (FCS) compared to 39% of male-headed households.

The Taliban should be pressured to end violations and repression and be held accountable for their alleged crimes under international law, including investigation of whether the crime against humanity of gender persecution against women and girls has been committed. The voices of people in Afghanistan and those who have been forced to leave the country must be heard in their calls for an end to the grave rights violations and for justice and redress. To this effect, the International Criminal Court prosecutor should ensure that his office's investigation and any resulting prosecutions address all patterns of underlying criminality by all parties to armed conflicts in Afghanistan, including crimes allegedly committed by the Taliban against women and children, in line with the court's Policy on the Crime of Gender Persecution and Policy on Children. Additionally, judicial authorities in third states should explore pursuing criminal cases against individuals credibly implicated in serious crimes based on the principle of universal jurisdiction in accordance with national laws.

The international community should be more consistent and effective in their response to Taliban violations, including pushing urgently for an end to violent reprisals and the release of those currently held arbitrarily in Taliban detention. The international community should also heed demands for a more robust accountability mechanism for investigation and evidence collection regarding human rights violations and renewing and strengthening the mandate of the Special Rapporteur on the situation of human rights in Afghanistan with additional resources to maintain scrutiny on the human rights situation in Afghanistan. For those Afghans in transit or in neighbouring countries, governments should do more to protect them, including ending deportations and expanding and accelerating programs to resettle vulnerable Afghans to third countries.

Finally, the Taliban, as de-facto authorities, are still responsible for the international treaties that Afghanistan has ratified and therefore are responsible for fulfilling the obligations emanating from the international human rights and humanitarian treaties to which Afghanistan is a party. The international community should unanimously and firmly hold its position that there is only one outcome acceptable: there must be justice, accountability, and reparation for all grave human rights violations in Afghanistan.

Signed by

- Amnesty International
- FIDH – International Federation for Human Rights
- Freedom House
- Freedom Now
- Front Line Defenders
- Human Rights Watch
- MADRE
- Urgent Action Fund – Asia & Pacific
- Women's International League for Peace and Freedom
- World Organisation Against Torture (OMCT)