**Statement by the United Nations Special Rapporteur on the situation of human rights, Richard Bennett, following his visit to Afghanistan from May 15-26, 2022**

During an eleven-day visit to the country, the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett met with representatives of the de facto authorities, civil society including women activists, human rights defenders, prosecutors, judges, journalists, entrepreneurs, academics, teachers, artists, representatives of minority groups including people with disabilities, members of the LGBTIQ community, religious and community leaders, victims of human rights violations and the international community.

In addition to Kabul, the expert also visited Balkh and Kandahar provinces and held meetings with individuals from Helmand, Zabul, and Panjshir Provinces. To assess the human rights situation on the ground first-hand, the expert visited schools and a place of worship that had been targeted by terrorist attacks, as well as a prison, a hospital, and children and teenage girls’ safe spaces. This statement contains initial observations based on the mission which will be elaborated upon following further research and assessment. The Special Rapporteur’s first report will be presented to the 51st session of the Human Rights Council starting in September 2022.

The Special Rapporteur thanks the de facto authorities for receiving him, as well as extending their invitation to access the entire territory and to visit schools, hospitals, and prisons, a crucial commitment to ensure that transparent monitoring can be undertaken. He looks forward to a constructive and candid dialogue with the authorities and to engaging directly with the people and civil society of Afghanistan towards the promotion and protection of their human rights. He acknowledges the de facto authorities’ assurances that they will respect the international human rights treaties ratified by Afghanistan, albeit as far as consistent with Sharia law.

The expert notes that, since August 2021, armed hostilities in most parts of the country ceased and there was a consequent reduction in conflict-related casualties. This also resulted in increased access in the country for Afghans and humanitarian agencies, and more predictability especially in rural communities, although women’s freedom of movement has been progressively restricted.

The Special Rapporteur acknowledges that serious human rights concerns existed in Afghanistan prior to the Taliban takeover in August 2021, as reported in multiple UN and other reports. However, he observes that Afghanistan is now facing a plethora of critical serious human rights challenges that are having a severe impact on the population. The de facto authorities have failed to acknowledge the magnitude and gravity of the abuses being committed – many of them in their name - and their responsibility to address them and protect the entire population. The expert is alarmed that many of the de facto authorities’ policies and drive for absolute control are having a cumulative effect on a wide range of human rights and is creating a society that is ruled by fear. The advancing erasure of women from public life is especially concerning.

The granting of the general amnesty to officials of the former Government and members of the security forces could be a first step towards reconciliation. The recently established Commission for the return of leading Afghan personalities may provide an opportunity for dialogue and potentially strengthen governance. However, the expert remains alarmed about reports of ongoing extrajudicial and revenge killings of former members of the security forces and officials and door-to-door searches.
“*I fear that these killings will only strengthen the atmosphere of animosity and hatred and make any reconciliation efforts challenging. I call on the de facto authorities to enforce the general amnesty and hold accountable after a trial in accordance with international standards those involved in the killing, disappearance, and mistreatment of former Government officials and members of the security forces”.*

**The Special Rapporteur expresses concern about humanitarian and economic crisis - seriously impacting the great majority of the 40 million people in the country. According to humanitarian assessments, over 23 million people are in need of food assistance and approximately 95 percent of the population has insufficient food consumption. Numerous Afghans, including those in the middle class, told the expert that their priority now is to have enough to eat. Of particular concern is the vulnerability of more than 4 million internally displaced people. People belonging to ethnic and religious minorities and persons with disabilities (approximately 14% of the country’s population) are particularly exposed and should be given the space to participate in decision-making processes. The rights of other marginalised groups such as drug-addicts and single-headed female households (including widows) also require ongoing dedicated attention.**

The Special Rapporteur was particularly troubled to learn about accounts of parents struggling to survive including by increasingly engaging in child marriage, and being exploited by criminal organisations to sell their children or body organs to survive. It is key that the national budget is gender-sensitive and balanced, to ensure that the funds allocated to security are not disproportionate compared with those allocated to health, education, and social services. The expert recommends that both the de facto authorities and the international community take steps to address economic and social rights to the maximum of available resources.

The expert calls on the international community to continue to provide humanitarian support, ensure its equitable and gender-sensitive distribution and the implementation of applicable sanctions does not substantially impede the provision of essential public services, accessible to all, which are necessary for the enjoyment of human rights. **A number of Afghan interlocutors raised concerns about fairness in aid distribution.**

Measures such as the suspension of girls’ secondary education, severe barriers to employment, no opportunities to participate in political and public life, limits on freedom of movement, association, and expression, directives on *maharam* (male family member chaperone), enforcing a strict form of Hijab and strong advice to stay at home, fit a pattern of absolute gender segregation and are aimed at making women invisible in society. **These measures contravene Afghanistan’s obligations under numerous human rights treaties to which it is a State party**.

The Special Rapporteur calls on the de facto authorities to meet their obligations to gender equality under international human rights law. “*I call upon the de facto authorities to immediately reverse policies and directives that negatively impact women and prioritize women’s and girls’ rights to equal* ***participation in education, employment, and all other aspects of public life*.”**

**As a first step, the de facto authorities should announce the date for the reopening of girls’ secondary schools in all provinces. Critical services for all Afghans, especially women, girls, and persons with disabilities, must continue to be delivered, and this requires female as well as male aid workers who are able to have full access to communities.**

The Special Rapporteur calls for investigation of and accountability for the series of attacks on places of worship and schools in Kabul, Kunduz, and Balkh provinces, instances of which have been claimed by the ISIS-K group. These appear to have specifically targeted members of the Hazara, Shia, and Sufi communities and to be part of a pattern of attacks and other discriminatory measures going back many years, especially against members of the Shia community. The killings and other violations that have been committed during these and other attacks, appear to be systematic in nature and reflect elements of an organizational policy, thus bearing hallmarks of crimes against humanity. I urge the Afghan and international community to work with me and other human rights mechanisms to address this issue utilising a victim-centered approach. I also remind the de facto authorities that they bear the primary responsibility for the protection of all Afghans, and especially of children, against real threats to life and security posed by any actors.

The expert expresses concern about information, received directly, of human rights violations and abuses against civilians in Panjshir, Baghlan, Badakhshan, and Takhar Provinces, which have recently seen clashes between the de facto security forces and fighters affiliated with the National Resistance Front. There are serious allegations, which require verification, that civilians have been exposed to violations of international human rights law and international humanitarian law, including arbitrary arrests, extrajudicial killings, torture, and forced displacement. The Special Rapporteur urges the parties to this conflict to observe restraint and to fully respect international human rights law and applicable international humanitarian law. He calls on the authorities to permit human rights monitors access to these areas.

The Special Rapporteur highlights the high number of reports since August 2021 of intimidation, harassment, attacks, arrests, and in some cases killing or disappearance of journalists, prosecutors, and judges for exercising their duties, as well as of civil society for exercising their rights to peaceful assembly and association. *“I have received credible information about physical ill-treatment and mental harm inflicted on a range of actors, including human rights defenders, that previously made up a core part of the Afghan vibrant civil society”,* observed the Special Rapporteur*.*

The absence of any clarity on the process of rule of law, the wholesale changes in the judicial sector with the effective replacement of judges and lawyers in several provinces, and the lack of any formal mechanisms for justice in line with international standards for survivors, including for children, remain a serious concern. Information shared by victims of human rights violations indicates that informal dispute resolution mechanisms are being used, especially in cases related to gender-based violence, and that there is no possibility for appeal of decisions.

The press is grappling with censorship and threats, dramatically reducing citizens’ access to information. In international media freedom ratings, Afghanistan has plunged since August 2021. Access to information has become very challenging, impacting negatively on the dissemination of information including at the provincial level. The expert noted “*The enjoyment of the rights to freedom of expression and freedom of association and peaceful assembly are essential ingredients for a healthy and functioning society. Further, the de facto authorities should introduce strict and clear safeguards to prevent interference in public freedoms, especially the freedoms of opinion, expression, and assembly”*.

For individual journalists, the impact has been worse for women media professionals with 80% of them having lost their jobs and increasing restrictions on their activities including by being required to wear a face-covering on screen.

The abolition of the Afghan Independent Human Rights Commission (AIHRC) during the expert’s mission is a major setback for the country. Abolishing AIHRC appears to have left victims of human rights violations and abuses with few avenues for recourse. It would be helpful for the de facto authorities to explain what are the domestic mechanisms in place to monitor, document, and bring human rights concerns from the citizens to the attention of the authorities. The Special Rapporteur is troubled by the challenging environment in which NGOs, INGOs, and especially human rights NGOs continue to operate in Afghanistan, with continuing reports of threats, intimidation, and unannounced visits of armed men to their premises. Civil society space is critical for a peaceful society in which rights are respected.

The authorities acknowledged that, from their perspective, the vast majority of international human rights norms are compatible with their understanding of Sharia. While there are some contentious issues where further dialogue is needed, they are urged to fully implement the human rights standards which Afghanistan has freely accepted, including respecting the rights of girls and women to education, employment, and participation in public life.

In conclusion, the Special Rapporteur acknowledges the complexities of the Afghan social and political fabric and notes that he met individuals within the de facto administration who appear to be endeavouring to deliver necessary services to Afghans, and urges the authorities to acknowledge the human rights violations that are committed on their watch and to close the gap between their words and their deeds. At the same time, the de facto authorities should be acknowledged and recognised for progress that is achieved on human rights.

“*The Taliban stands at a crossroads. Either the society will become more stable and a place where Afghans enjoy freedom and their human rights, or it will become increasingly restrictive. If benchmarks are met such as the urgent opening of secondary schools for girls, the establishment of an inclusive administration that genuinely represents every segment of the Afghan society, and a platform is provided for dialogue and avenues for redressing grievances, the risks of further instability and suffering in Afghanistan may be mitigated*”*,* the Special Rapporteur stated.

END

Mr. Richard Bennett (New Zealand) was appointed as Special Rapporteur on the situation of human rights in Afghanistan by the UN Human Rights Council on 1 April 2022. He officially assumed his function on 1 May 2022.

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