**CHECK AGAINST DELIVERY**

**Richard Bennett  
UN Special Rapporteur on the situation of human rights in Afghanistan**

**12 September 2022**

Mr. President, Excellencies, Ladies and Gentlemen

I wish to extend my gratitude to the President of the Council for appointing me as the Special Rapporteur on the situation of human rights in Afghanistan and the Office of the High Commissioner for Human Rights for the support rendered to me thus far. I also wish to thank the Council for its confidence in my ability to serve this important mandate.

In my initial report, I set out my assessment of the human rights situation in Afghanistan and include recommendations both to the Taliban *de facto* authorities and to members of the international community that, if implemented, will result in improvements. As this is my first report, I have also begun to explore the scope and potential of the mandate.

At the outset, I wish to salute brave Afghan women and men, youth, human rights defenders, media workers, and other civil society activists who continue to struggle peacefully for human rights in their country, sometimes at great risk to their own lives.

Mr. President,

I regret to report that since this mandate was established almost a year ago the human rights situation has deteriorated. Afghans are trapped in a human rights crisis that the world has seemed powerless to address. The severe rollback of the rights of women and girls, reprisals targeting opponents and critics, and a clampdown on freedom of expression by the Taliban amount to a descent into authoritarianism. This crisis demands ongoing attention from this council.

Soon after being appointed, I conducted an 11-day visit to Afghanistan in May. I consulted with a wide range of Afghans in Kabul, Mazar-i-Sharif and Kandahar. It was important for me to visit mosques and schools that had been attacked and to pay my respects to the survivors and their families. I also met with the UN in Afghanistan, including UNAMA, Member States, international NGOs and senior members of the *de facto* authorities.

I extend my appreciation to the *de facto* authorities for their cooperation during the visit, including by receiving me for high level meetings. I am encouraged by the willingness of the *de facto* authorities to exchange views. They have continued to engage including by providing comments on my draft report.

Mr President,

All Afghans are going through turbulent times, however, I’m gravely concerned about the staggering regression in women and girls’ enjoyment of civil, political, economic, social, and cultural rights since the Taliban seized control of the country. There’s no country in the world where women and girls have so rapidly been deprived of their fundamental human rights purely because of gender.   
  
Half of the population cannot continue to be ignored and deprived of their rights. The *de facto* authorities must change their policies and uphold women’s human rights. This is a matter of international concern and urgent action is required to preserve the international human rights system's fundamental ban against discrimination. I will address the alarming situation of women and girls in the following Enhanced Interactive Dialogue.

Mr. President

The dire humanitarian situation is very worrying with food security becoming more precarious by the day. WHO and FAO warn that by November 18.9 million people-almost half the population – are estimated to face acute levels of food insecurity. Children in particular are facing extreme hunger and high risks of exploitation, including forced labour and marriage. When visiting Afghanistan, I was surprised by the number of accounts from Afghans who raised concerns about humanitarian aid not reaching those most in need, such as persons with disabilities, female-headed households, and ethnic minorities. I stress that it’s the joint responsibility of the *de facto* authorities and the international community to ensure international assistance reaches the most marginalized and disadvantaged people in the country without hindrance or discrimination. Safe access and working conditions for all aid workers, including women, is a fundamental pre-requisite.

The isolation of the Central Bank of Afghanistan from the international banking system, including access to the country’s foreign currency reserves - coupled with reduced international support - has led the Afghan economy to the brink of collapse. This has significantly affected the provision of basic social services, including the healthcare system, thus impacting economic, social and cultural rights negatively.   
I note with concern, that within the limited resources available, the *de facto* authority’s budget allocation to basic services is disproportionately small compared to the security budget.

A significant matter that I have not covered in this report but will do in the future, is that of internally displaced people, of whom there are more than 4 million. The ability of Afghans to leave the country if they wish, and how they are treated in neighbouring countries and received in other resettlement countries also remains of concern and in need of much more urgent attention by the international community.  
  
Mr President,

Security in Afghanistan is deteriorating again. I remain concerned about the protection of civilians, especially its damaging impact on children. Brutal attacks on civilians mainly claimed by the Islamic State – Khorasan Province (ISIL-KP) cast doubts on the *de facto* authorities’ ability to ensure security and protection of people from harm. I call on all parties to respect international human rights and humanitarian law and to refrain from targeting civilians.

The conflict between *de facto* security forces and the National Resistance Front continues to result in significant suffering and violations of international humanitarian and human rights law in the north of Afghanistan, in particular in Panjshir province. I’ve received and examined a number of reports of civilians being subjected to house-to-house searches, displacement, arbitrary arrests, extrajudicial killings, and torture in these areas, some amounting to what appears to be collective punishment.

Mr. President,

I am particularly concerned that former Afghan National Defence and Security Forces and other officials of the former government remain subject to ongoing arbitrary detention, torture, [sometimes in private prisons], extrajudicial killings and forced disappearances, despite the amnesty declared by the Taliban. I am also receiving allegations, of serious violence committed against the civilian population allegedly by men representing local *de facto* authorities. They appear to act with impunity and are creating an atmosphere of terror.

The situation of ethnic and religious minorities, which have faced historical persecution and attacks, has continued to deteriorate since August 2021. Places of worship, educational and medical centres and public transport have been systematically attacked. Attacks have affected Sufi and Sikh communities with devastating effects.

Hazaras and Shia communities are one of the most severely persecuted groups. Members have been arbitrary arrested, tortured, summarily executed, displaced from traditional lands, subjected to discriminatory taxation and otherwise marginalised. They have been victims of attacks for years, frequently claimed by ISIL-KP. These attacks appear to be systematic in nature and reflect elements of an organizational policy, thus bearing hallmarks of international crimes and need to be fully investigated. I am willing to play my part in this.

I continue to urge the *de facto* authorities to engage with all religious and ethnic communities, provide security and uphold their duty to protect all the population of Afghanistan. One step in the right direction would be to create religious and ethnic diversity in the administration.

Mr President,

Fundamental freedoms remain bleak with civic space continuing to shrink. Civil society organisations, and human rights defenders in particular face numerous pressures including drying up of funding, non-recognition by the *de facto* authorities, as well as reprisals and threats. As with inclusive government, civic space is critical for a peaceful society in which rights are respected.

Press freedom has seriously declined. Dozens of journalists have been imprisoned, attacked, intimidated and ill-treated and in a few cases killed or disappeared. The *de facto* authorities have promulgated restrictive guidelines for the media that together with pressure and warnings – plus funding challenges – have led to the closure of media organisations and a reduction in activities. Nevertheless, the media continues to function, with some outlets having shifted their operations abroad. While certain news reporting is possible, the Taliban refuse to accept any public criticism. Investigative reporting or coverage of conflict areas is strictly off limits.

I also remain concerned about the limitations imposed on the freedom of peaceful assembly. The *de facto* authorities have often resorted to excessive force to disperse protests, many of them women-led. There have been house-raids targeting women protesters, who’ve been detained and allegedly ill-treated.

Mr. President,

The justice system under the Republic has been largely swept aside with former judges, including women judges, excluded. There is uncertainty of the applicable laws and processes, and cases are handled idiosyncratically across jurisdictions and locations. Crimes such as theft or assault are often dealt with by security forces without involving prosecutors or judges or defence lawyers. Former judicial officials remain at high risk of reprisals by the Taliban or now-freed prisoners whose cases they presided over. I’ve received a number of reports of prosecutors being attacked and killed.

Finally, I reflect that not only has the independence of the judicial system been compromised, other oversight institutions that create the checks and balances necessary for any transparent and accountable government have been dismantled, both houses of parliament and the Afghanistan Independent Human Rights Commission for example, let alone a constitution consistent with international human rights standards.

Mr. President,

Before concluding, I will share some initial thoughts about the scope of my mandate and how I plan to exercise it. A year ago, the Council deemed that a new mechanism to address the human rights situation in Afghanistan was necessary following the Taliban’s return to power. Notably, the mandate for a Special Rapporteur created in Resolution 48/1, included a provision for the support necessary to “initiate the mandate in the current particular circumstances”. I am pleased to note that OHCHR has now recruited four staff to support me and a gender specialist has been seconded.

Among my duties are “to seek, receive, examine and act on” information pertaining to the human rights situation in Afghanistan. I conclude there is an expectation of documentation leading to accountability and, as noted in my report, I plan to take this forward to the degree that resources permit, if the mandate is renewed. Accountability is critical for a peaceful future, and it’s necessary to begin the groundwork for it now. Meanwhile, it’s also important to work towards improving the current situation.

I also consider that the significance of access to the country and engagement with the *de facto* authorities should not be underestimated. As recently as last week I had a conversation with a relevant official in Kabul and, as noted, they shared comments on the draft report. The *de facto* authorities have effective control over the country and therefore are responsible for fulfilling the obligations emanating from the international human rights treaties to which Afghanistan is a party, regardless of whether there is recognition of a formal change of government. In my meetings, I reminded the *de facto* authorities of their international obligations, and I will continue to urge respect for them. I am hoping to make another visit soon.

Despite this rather gloomy assessment, the Taliban still has an opportunity to redeem the situation; it requires a radical change of approach. Firstly, they must close the gap between their words and their actions and show openness to inclusivity and diversity. They must end the repression of women’s rights, open girls’ schools, acknowledge and address human rights abuses and violations, enforce the amnesty for former government officials, protect Hazara communities, build the rule of law including oversight institutions, and engage constructively with the international community. They must also accept that any acceptable government must tolerate different points of view, including critical voices.

At the same time, the international community must acknowledge its own role and responsibility for the situation unfolding in Afghanistan today, recognise the Afghan survivors and victims and listen to them about what they consider necessary to rebuild their country – and support their efforts politically and financially. Equally, the international community should pay particular attention to the calls from Afghans across all walks of life for accountability and justice, for concrete and effective challenges to the impunity pervasive in the country and to remedying the wrongs of the past to prevent their recurrence in the future.

I look forward to engaging with you in the interactive dialogue. I thank you.