***CHECK AGAINST DELIVERY***

**Statement of the Special Rapporteur on the situation of human rights in Afghanistan**

**26 October 2022**

Mr President,

It is my honour to share my assessment of the situation of human rights in Afghanistan, based on my initial report, transmitted to you in accordance with Human Rights Council resolution 48/1, and updated with information and observations from my recent visit to Afghanistan last week.

After taking up my responsibilities in May this year, I have undertaken two visits to Afghanistan – one in May and the other in October - to make an independent and informed assessment of the human rights situation based on first-hand information from affected individuals and groups living in Afghanistan and other relevant stakeholders.

Judging by comments I received, my initial report was received positively by many Afghans as a fair and accurate assessment of the human rights situation. To the extent that they commented, the Taliban *de facto* authorities expressed disappointment that the report was too critical and did not sufficiently highlight their achievements.[[1]](#footnote-1) They claim to have made further progress since May. Indeed, they declare that “the rate of suicide and extra-judicial killing of women, kidnapping and torture in prisons has dropped to zero”. While there may be a few promising developments, this is far from the reality.

Nevertheless, the *de facto* authorities continue to desire engagement. Referring to me, the acting Foreign Minister tweeted “Rather than criticizing one another we should work together, publish facts and build on the progress made.” In my meetings with the *de facto* leadership at central and provincial level, they took time to list their views on the progress made and invited me to witness the situation “with my own eyes”.

On both visits, I met with a range of stakeholders including members of civil society, especially women, the *de facto* authorities, and the international community in Afghanistan, including the newly appointed SRSG. I listened to voices of human rights defenders, journalists, judicial officers, community elders, religious scholars, and importantly, the victims of human rights violations and their families. I also travelled to several provinces outside of Kabul, including Kandahar, Balkh, Bamyan and Panjshir and visited places of detention, hospitals and cultural heritage sites.

I extend my appreciation to the de facto authorities for meeting me at senior levels and for access to different parts of the country, including sensitive locations such as prisons. I also appreciate the dialogue I had with them despite our differences on critical human rights issues. I am grateful for all the support provided by the UN in Afghanistan to make my visits possible and productive.

Above all, I salute the brave Afghan women and men who continue to strive peacefully for human rights in their country, sometimes at great risk to their own lives.

In general, my assessment today is that the human rights situation remains deeply concerning. While there are a few signs of positive change, they are outweighed by regression in other areas. The country continues to face a human rights and humanitarian crisis and the people of Afghanistan continue to suffer.

Women have been erased from public life and their civil, political, economic, social and cultural rights disregarded. With the exception of one decree issued last December, numerous directives issued by the Taliban have removed their fundamental rights and freedoms. Women and girls whom I met expressed anger, anguish, fear, and desperation. Their physical and mental well-being has been deeply impacted. Yet, their determination to take their rightful places in society shines through.

One said: *“We know that what has happened to us is not right. Some of us could have left the country but we did not, we decided to stay and fight for women’s place in Afghan society. We are willing to speak to the Taliban but we urge the international community to help to create the space for us and to support us throughout this process”*

401 days ago, girls’ secondary schools were closed. In no other country are girls denied the right to secondary school education. There is no religious justification for this. Secondary schools for girls must be reopened. It will be the first test for the *de facto* authorities’ compliance with its international human rights obligations, including under CEDAW. It has fundamental implications for the future of both girls and the country. But it must be the first step, not the last.

Regaining of livelihoods is another priority expressed by women due to the multiple positive impacts that it brings. While it does not restore the right to work, the international community should support the ongoing initiatives of business owners and women’s markets as an initial step. Some solutions will come from within communities.

The situation of ethnic and religious minorities remains deeply troubling. I am particularly concerned about violent attacks against the Hazara, Shia, Sikh and Sufi religious minorities. I also met representatives of Uzbek and Turk communities who expressed concern about their marginalisation. The majority of attacks targeting educational institutions, places of worship or public transportation claimed civilian lives. The recent attack against Kaaj Educational Center on 30 September is a brutal example, claiming the lives of 54 individuals and injuring another 114. Fifty-one out of the 54 killed were young Hazara women. The attack triggered a global wave of grassroots protests and was roundly condemned by the UN. However, I note this attack received scant coverage in international media.

Mr President - is such disregard for life being normalised?

The attacks, often claimed by ISKP, have been ongoing for years, appear systematic, bear the hallmarks of serious international crimes and must be fully investigated, as noted in my report.

Members of Hazara communities I met during my recent visit reiterated that since August 2021, their lives have become highly restricted. Regrettably, a commitment to education and public service appears to have been turned against them, one of numerous indicators of their extreme vulnerability. The *de facto* authorities have failed to safeguard such communities against such attacks, they must take every possible measure to protect these communities and bring the perpetrators and instigators to justice in accordance with international standards.

Clashes are continuing between Taliban security forces and armed opposition groups in Panjshir, and other northern provinces. There are credible reports of multiple extrajudicial killings of captured fighters, indicating serious violations of international human rights and humanitarian law. Communities in those areas, especially Panjshir which I visited and from which I received accounts and interviewed witnesses, are being heavily suppressed. Civilians considered by the Taliban to be associated with the National Resistance Front are subject to house-to-house searches, arbitrary arrest and detention, extrajudicial killings, torture and displacement, combined with an information blackout. This appears to amount to collective punishment, which the Taliban denies.

My visit to Panjshir and the testimony I have heard have convinced me that a reversal of policies and a full independent investigation are needed.

I also remain highly concerned about the targeted and revenge killings of former Afghan National Defence and Security Forces by the Taliban contrary to the amnesty declared in 2021. The killings and disappearances only fuel tensions and animosity within communities and will not assist any reconciliation efforts in the future. The *de facto* authorities should enforce the amnesty and prosecute individuals involved in the killing and disappearances of former security and other officials.

Mr. President,

There is no doubt that the conflict of the past four decades has deeply wounded all communities regardless of their ethnic or religious affiliation. There is a need for an inclusive state, and a comprehensive transitional justice process.

Since my previous visit, press freedom has declined further. Reportedly with well-known outlets considering their ability to continue broadcasting. There is no space for dissent and criticism of officials. Investigative reporting or coverage of conflict-affected areas are strictly off limits affecting the overall freedom of expression in the country. Both international NGOs and international journalists are increasingly under pressure to comply with orders that compromise their principles. The authorities must respect and promote freedom of expression and access to information, and to facilitate an enabling environment where media professionals can operate without fear of reprisals or attacks.

Civic space overall has shrunk, women have disappeared from public space, reprisals targeting opponents and critics are on the rise, the clampdown on freedoms of expression and assembly has intensified, access to justice is in disarray, the humanitarian crisis is worsening with a harsh winter ahead with Afghans having fewer savings, income and resilience than last year, and the economy continues to falter. While these crises have had adverse impacts on the entire population, women and girls have been the most affected. More attention should be paid to other marginalised groups, especially children, older people, people with disabilities and members of sexual and gender minorities.

Nearly half the population are food insecure, including 6.6 million at ‘emergency’ levels, the highest number of any country in the world at risk of famine-like conditions. 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 seriously impacted the Afghan economy. This has significantly affected the provision of basic social services, including the healthcare system, thus affecting economic, social and cultural rights negatively.

It is understandable that the international community prioritizes humanitarian aid and does not want the Taliban to benefit from its support. However, the current standoff between the *de facto* authorities and the international community mainly harms Afghans who are in the most vulnerable situations. Therefore, it is important to analyze the situation from a longer-term perspective and to identify what areas could possibly be entry points for positive change for Afghan people. Looking ahead, an NGO member told me: *“Afghans are trapped in an intersecting humanitarian and human rights crisis that the world has seemed powerless to address during the last 14 months, therefore it is time to change the approach”.*

There are a few signs of change. Some cultural religious heritage sites, including Buddhist heritage sites, have been restored, UNESCO confirmed. The Supreme Leader issued a guideline on treatment of detainees that appears somewhat aligned with international standards. The prison population has been capped at 10,000, and there are signs of a more professional approach to prison administration. The Ministry of Foreign Affairs has revived its Human Rights and Women’s International Affairs Department and set up an inter-ministerial technical and coordination committee. Other Ministries such as Interior and the Attorney General’s Office have established human rights focal points sitting on this committee. However, these developments are yet to be fully assessed.

In conclusion, while there are a few brighter spots, in general from a human rights point of view the situation is continuing to deteriorate. In particular, Afghanistan almost certainly remains the worst country in the world to be a woman or a girl. There are also a plethora of other human rights concerns, as I have highlighted. On the one hand, there is a need to continue to be firm and principled but to engage to avoid further deterioration. On the other, the pervasive climate of impunity must be challenged with human rights monitoring and reporting a first step on the rung of accountability.

I thank you.

1. The de facto Ministry of Foreign Affairs also expressed disappointment that their written comments on the draft report were not able to be annexed due to the de facto status of the administration. [↑](#footnote-ref-1)