***CHECK AGAINT DELIVERY***

**Statement: Special Rapporteur on Afghanistan, Mr Richard Bennett**

GA78, Third Committee, New York

24 October 2023

Thank you Chairperson ,

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

Firstly, allow me to pay respect to the victims and their families of the Herat earthquakes earlier this month. The vast majority of those killed and injured were women and children as many men had left the area for work. The earthquakes also destroyed or damaged thousands of buildings, and severely impacted the enjoyment of the rights to housing, education, health among others. I urge donors to provide all the assistance that is so desperately needed.

The earthquakes are the latest in what can be described as a perfect storm of immense challenges faced by the resilient but embattled people of Afghanistan. The consequences for already vulnerable communities are exacerbated by decades of war, an economic crisis, underfunding of humanitarian assistance, and importantly, the deterioration of the human rights situation since the Taliban took control in August 2021, as outlined in my report which is based on my visit to Afghanistan in May, further meetings with Afghans in the country and the diaspora, written communications and data from other reliable sources, including the UN. I extend my appreciation to the *de facto* authorities for their cooperation during the visit and for ongoing dialogue.

The Human Rights Council has wisely mandated me to integrate a gender perspective , a child rights perspective and survivor centred approach throughout my work and it is through these lenses that I will structure my remarks.

Once again, I salute the brave Afghan women and men and youth who refuse to be victims and insist on being survivors. Their courage to stand up for their human rights in the face of intimidation, arbitrary detention and violence is inspiring.

I have reported repeatedly, as have others, that the situation for women and girls has worsened drastically over the past two years, in a step-by-step manner. For example, we are witnessing a continued narrowing of the permitted economic activity of women outside the home. In addition to the earlier bans for women to work for NGOs and the United Nations, in recent months there have been further restrictions on women’s participation in the media and beauty sectors.

I note however that the Taliban have banned forced marriage and announced that those who violate this directive will be prosecuted. I look forward to seeing women and men being able to exercise their freedom to marry partners of their choice, and to all having access to justice with legal representation.

As time goes by, more girls and women are missing out on education above sixth grade at school, and university. The de facto authorities continue to claim that the suspension is temporary, however it has already been in place for more than two years. They should meet their obligations under international law and reopen schools and universities for girls and women forthwith – with curricula in line with international standards.

Education is an enabling right; it is a prerequisite for being able to claim many other human rights. The suspension of education has curbed opportunities for women and girls, reversed decades of progress, and severely affected women’s chances of financial and other forms of independence. These restrictions on education also perpetuate cycles of poverty and reinforce traditional gender roles, hindering societal development. They are also having severe detrimental effects on mental health.

The Taliban’s actions may amount to gender persecution and the systematic discrimination, oppression and segregation require further examination of the evolving phenomenon of ‘gender apartheid’. I welcome that the Human Rights Council has mandated a report on the “systematic discrimination of exclusion of women and girls” and look forward to working on it together with other mandate holders and treaty bodies.

I am also troubled about reported actions taken by the Taliban towards limiting education to madrasas or focusing education primarily on religious studies. This would not only risk depriving Afghan children of essential knowledge, but combined with unemployment and poverty, may create fertile ground for radical ideologies, intensifying the risk of homegrown terrorism as well as regional and global instability.

I remain concerned about the situation of women human rights defenders, including the arrests in September of Zholia Parsi and Neda Parwani, as well as earlier arrests of Rasoul Abdi, Matiullah Wesa, and others who are detained for exercising their human rights. After discussions with de facto authorities, we understand that limited access has been given to family members. As this year’s Nobel Peace prize makes clear - peacefully promoting human rights for women and girls, as well as other human rights, should never be a crime.

I welcome the release of Mortaza Behboudi last week after 284 days in detention, as well as the release of about a dozen journalists in early September and this month. The arrests have already had a chilling effect and have further shrunk civic space in Afghanistan.

Due to the dismantling of institutions, such as the national human rights commission and the Attorney General’s office, there are no independent national institutions to document human rights violations and provide some measure of accountability. There is a culture of impunity for torture and inhumane treatment in prisons, and for human rights violations against former government officials and military personnel, despite promises made to the contrary in the General Amnesty declared by the Taliban’s leadership.

Impunity is unacceptable. Victims and survivors deserve better. Significantly, my mandate is tasked with documenting and preserving human rights violations with a view to future accountability processes.

Afghans who have crossed a border to regional countries have approached me expressing deep concern about their precarious situation, and while I applaud the countries that have hosted many of them, they often feel that they are not treated with dignity, and are subjected to harassment, fear arrest and deportation, and are vulnerable to exploitation. I am concerned about the plans of Pakistan that may result in deportation of 1.4 million “undocumented” Afghans – many who fled for their own safety.

Together with other mandate holders, I have urged the Pakistan government to abandon these plans and continue to host Afghans, provide them with proper documentation, and to uphold the principle of non-refoulment. In doing so regional countries deserve more support from other members of the international community. Furthermore, I urge countries further afield to do more to support Afghans fleeing persecution and to at least complete the programmes started in 2021 for those in need of resettlement due to protection concerns.

I acknowledge that before August 2021 many ethnic tensions already existed in Afghanistan. However, in my conversations with ethnic and religious groups, including in relation to the central highlands as well as some northern provinces, there is a clear feeling that the political, ethnic, and religious, as well as gender make-up of de facto institutions has resulted in a sense of exclusion - Tajiks, Hazaras, Uzbeks, and Turkmen demand genuine and proportionate representation. At the same time, Pashtuns who are not Taliban supporters note that they are also excluded.

This impacts the credibility of de facto institutions, but also intensifies highly troubling claims among many ethnic and religious groups about marginalization, prejudice and discrimination, including in relation to access to justice, education, employment, housing, and humanitarian assistance. This is a time for unity among Afghans, not division.

Complicating the matter even further are the continuous attacks of ISKP targeting religious minorities, especially harming Hazara communities, including the deadly attack on a mosque in Pul-i-Khumri just 10 days ago.

I urge you to:

* Keep Afghanistan high on the international agenda,
* Listen to and support Afghans and Afghan organisations, especially Afghan women, and ensure that Afghan women’s and youth’s voices continue to be heard in national and international fora.
* Look with a human rights lens at international assistance to the people of Afghanistan, and devise ways to improve the economy,
* Protect the human rights of Afghans in your own country and uphold the principle of non-refoulment
* And support international investigation and accountability mechanisms.

Finally, to end on a positive note, the majority of Afghans are under 25. Youth are the future of Afghanistan; we need to invest in them as they have the aspirations and the skills to break the cycle of violence and repression and take the country forward to peaceful and prosperous future.