56th Regular Session of the Human Rights Council

Interactive Dialogue by Richard Bennett, Special Rapporteur on the situation of human rights in Afghanistan[[1]](#footnote-1)
Geneva, 18 June 2024

Mr. President,
Distinguished delegates, fellow panellists,

Afghan friends and partners, members of civil society.

Eid Mubarak to Afghans and others who celebrate.

I am pleased to present my new report as requested by this Council at its 54th session. I’m also honoured to be joined on the podium by three Afghan Human Rights Defenders.

In my joint report with the Working Group on Discrimination Against Women and Girls, presented last year in June, we determined that the Taliban's discriminatory and misogynistic policies, combined with harsh enforcement methods, gave rise to critical concern that gender persecution was occurring in Afghanistan,  and noted that the term “gender apartheid” constituted an accurate description of the situation documented in the report.

My new report builds on and deepens the findings of my joint report with the Working Group on Discrimination against Women and Girls. Following extensive research, consultation, and analysis, it finds that Taliban’s institutionalized system of gender oppression, established and enforced through its violations of women’s and girls’ fundamental rights, is widespread and systematic, and appears to constitute an attack on the entire civilian population, amounting to crimes against humanity. This attack is not only ongoing, it is intensifying.

The Taliban’s system of discrimination, segregation, disrespect for human dignity, and exclusion is pervasive, methodical and imposed through edicts, policies and enforcement, sanctioning severe deprivations of fundamental rights, each systematically interacting with others, creating a mutually reinforcing architecture of oppression.

Since last June, the de facto authorities have issued at least 52 edicts that intensify restrictions on Afghan women and girls. These include bans on educational programs, women’s NGO leadership, media participation, access to public spaces, and recently cutting female civil servants’ salaries. Such measures reinforce a trend of forcing women into subordinate roles and exploitative conditions.

The de facto authorities are increasingly enforcing their edicts and policies, including violently. This is seen in attacks on women protesters, arrests of women who do not comply with their dress code, and enforcement of corporal and capital punishment. They have also delegated enforcement to families, coercing men into complicity with a state-sanctioned system of gender-based domination. Women are being surveilled by their male family members, including their sons. Boys raised in a governance structure that legitimizes the dehumanization of women and girls are vulnerable to radicalization and more likely to disrespect women.

This institutionalized deprivation causes profound gendered harms, spreading across Afghan society and cascading down through generations. Women and girls excluded from the education system face heightened risks of forced marriage and debt bondage, particularly in families under financial pressure. Day by day, Afghanistan is being deprived of its future women engineers, journalists, lawyers, biologists, politicians, and poets to name a few. This is not just a loss for women, but a profound and mounting loss for the entire nation with life-threatening implications.

Systematic restrictions of women’s right to work and freedom of movement caused by the *mahram* requirement has robbed them of their financial autonomy, forcing dependence on male relatives (if available), which they say is humiliating. Families have plunged deeper into poverty, with increased reports of depression and suicide among women and girls.

Against this backdrop, I admire the ingenuity and determination of Afghan women who continue to find ways to sustain themselves and their families.

Afghans with intersecting marginalized identities – including people with disabilities, LGBTQIA+ persons, and those from ethnic, religious, linguistic and other minorities – face heightened discrimination and violence.

I ask the Council to consider the impact on Afghanistan’s children: What will be the effect – on all Afghans, but particularly on girls and boys – of the erasure of strong female role models outside of the home? What conception of the world, and of themselves, do girls have when they have no memories of women thriving independently from men? And what type of men do boys, raised within an institutionalized regime which has systematically disempowered women and girls, grow into?

Mr. President,

The violations against women and girls in Afghanistan are so severe and extensive, I have concluded that they may amount to a widespread and systematic attack on a civilian population amounting to crimes against humanity. These include specifically the crimes against humanity of gender persecution, murder, torture, enslavement, sexual violence and other inhumane acts. The attack is being organized at the highest levels of de facto governance, follows a regular pattern, and is being committed pursuant to or in furtherance of an organizational policy, which Taliban officials have not attempted to hide.

In my consultations with Afghan victims and survivors, in particular women, they consistently emphasize that the term gender apartheid most accurately describes their experience and are calling for its recognition as a crime against humanity. I also consider that this institutionalized system of domination and oppression of women and girls should propel discussion on codification of gender apartheid as a crime against humanity and as a human rights violation, defined in a gender-inclusive way.

Mr. President,

The gravity and scale of the crimes cannot be overstated. We have a collective responsibility to challenge and dismantle this appalling system and to hold those responsible to account.

No single approach is likely to be effective on its own. What is needed is an “all tools” approach, centering around four key pillars: (i) justice and accountability; (ii) incorporating human rights and women’s voices in political processes and diplomatic engagement; (iii) bolstering documentation; and (iv) reinforcing protection and solidarity – specifically support for Afghan women, girls, and human rights defenders.

With regard to justice and accountability, I urge the State Parties to the Convention on the Elimination of All Forms of Discrimination against Women to initiate a case against Afghanistan at the International Court of Justice for non-compliance with the Convention. I also strongly support the ongoing investigation by the International Criminal Court, and further encourage investigations and prosecutions by national courts, including under the principle of universal jurisdiction. I further encourage my colleagues in Special Procedures and Treaty Bodies to call the de facto authorities to account.

In 12 days’ time, a major meeting will take place in Doha. This offers an important opportunity to affirm that the rights and voices of women and girls will not be sidelined. I reiterate the importance of ensuring that civil society, including women, are meaningful participants in the meeting and that women’s rights are central to discussions. For the credibility and the sustainability of international engagement, it is vital that it is underpinned by a principled, human rights-centred approach.

Let me be clear: The Taliban are not recognized as a government and should not be treated as such. They must not be allowed to dictate the terms of UN-hosted meetings. Meaningful and sustained improvements in human rights must form a central part of any way forward for Afghanistan Failure to learn the lessons of the past and sideline human rights could have devastating and long-lasting consequences.

Mr President,

The Taliban’s institutionalization of its system of gender oppression should shock the conscience of humanity. It is incumbent upon us all to take decisive action to stand with Afghan women and girls, hold the perpetrators accountable and restore dignity, equality, and justice for all.

I thank you.

1. This is an extended version of the statement delivered by the Special Rapporteur to the Human Rights Council. [↑](#footnote-ref-1)