

Organization: Lawyers' Rights Watch Canada
Item 6: Universal Periodic Review of Afghanistan: Outcome
Date: 26 September 2024
Speaker: Rahima Toufan

Oral Statement to the 57th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), and the International Bar Association's Human Rights Institute, NGOs in special consultative status

Afghanistan: Urgently take effective action to prevent violations and atrocity crimes

Mr. President,

Lawyers' Rights Watch Canada and the International Bar Association's Human Rights Institute joins with those who see this UPR as an opportunity "to present a picture of the deteriorating situation and foster an effective response"¹ to end the de facto authorities' impunity for violations and atrocity crimes.

Since its unlawful takeover three years ago, the Taliban has systematically dismantled all legal institutions in Afghanistan. The Taliban's *de facto* Supreme Court, which illegitimately acts as both prosecutor and law enforcement, has publicly flogged² and imprisoned hundreds of people for so-called crimes like "running away from home" or "romantic marriages."

As a former Prosecutor for Afghanistan until August 2021, I have seen first hand the dangers faced by my colleagues. Their lives and those of their families and children, are at risk from both the Taliban and those they prosecuted.

The Taliban have deprived women and girls of basic rights, including education, employment, and freedom of movement and expression. ³

Ethnic and religious minorities, especially the Hazara community, face atrocity crimes, with impunity for perpetrators of mass killings.⁴

States must prevent the Taliban from gaining recognition as a legitimate government.

We call on the Council to urgently establish an independent international mechanism to collect and prepare evidence of violations and atrocity crimes, including gender persecution and potential genocide against the Hazara,⁵ in support of relevant proceedings in the International Criminal Court, the International Court of Justice, and Member States with competent jurisdiction.⁶

Thank you.

¹ Report of the Working Group on the Universal Periodic Review: Afghanistan. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/57/5.add.1, 9 September 2024, https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session46/af/A_H

[RC 57 5 Add.1 AV Afghanistan E.docx](#); Report of the Working Group on the Universal Periodic Review: Afghanistan, A/HRC/57/5, 11 June 2024, <https://undocs.org/en/A/HRC/57/5>.

² Comment by UN Human Rights spokesperson Jeremy Laurence on mass flogging in Afghanistan, OHCHR, 5 June 2024, <https://www.ohchr.org/en/statements/2024/06/comment-un-human-rights-spokesperson-jeremy-laurence-mass-flogging-afghanistan>.

³ Women who resist, have faced sexual violence, torture, imprisonment, and even assassination. Families, fearing forced marriages with Taliban members, are arranging early marriages for their daughters. Mariam Safi, Evie Browne, Tony Mwenda Kamninga, Ayesha Khan, Changing social norms around age of marriage in Afghanistan: data on repression and resistance under the Taliban, ODI Research Report, February 2024, <https://odi.org/en/publications/report-changing-norms-age-marriage-afghanistan/>.

⁴ Amnesty International, ‘Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation’ (19 August 2021), <https://www.amnesty.org/en/latest/news/2021/08/afghanistan-taliban-responsible-for-brutal-massacre-of-hazara-men-new-investigation/>; Afghanistan’s Hazara Community Needs Protection: Islamic State Armed Group Kills 14 Civilians in Daikundi, Human Rights Watch, 13 September 2024, <https://www.hrw.org/news/2024/09/13/afghanistans-hazara-community-needs-protection>.

⁵ The Hazara Inquiry. Report of the Inquiry into the situation of Hazaras in Afghanistan and Pakistan, Hazara All Party Parliamentary Group, United Kingdom, 25 January 2023, <https://www.hazarainquiry.com/>.

⁶ Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Human Rights Watch, International Bar Association's Human Rights Institute, International Commission of Jurists, International Service for Human Rights, Women’s International League for Peace and Freedom, World Organisation Against Torture (OMCT), Joint letter to Permanent Representatives to the UN Human Rights Council, RE: Meaningful action needed at UN Human Rights Council to advance accountability for past and ongoing crimes under international law in Afghanistan, 18 September 2024, <https://www.hrw.org/news/2024/09/18/questions-and-answers-advancing-accountability-past-and-ongoing-crimes-under>.