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Human Rights
Institute

Organization: Lawyers' Rights Watch Canada
Item: Item 10: General Debate
Date: 30 March 2022
Speaker: Paul Scambler

Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada, the International Bar Association's Human Rights Institute, the Law Society of England and Wales, and Lawyers for Lawyers, organizations in special consultative status, and endorsed by the Raoul Wallenberg Centre for Human Rights

Situation of human rights in Afghanistan: Report of the UN High Commissioner for Human Rights

Mr. President,

Lawyers' Rights Watch Canada, the International Bar Association's Human Rights Institute, The Law Society of England and Wales, and Lawyers for Lawyers, along with the Raoul Wallenberg Centre for Human Rights, thank the High Commissioner for her reports on Afghanistan.¹ We share her concern about the administration of justice in Afghanistan, including lack of access to legal assistance, fair trials, and remedies for victims of rights violations, particularly women, girls, and minorities.

Judges, lawyers, prosecutors, and other human rights defenders remain at risk, and many human rights organizations cannot operate due to imposed restrictions and lack of access to funding.² Many women jurists and defenders are still in hiding.

We urge Afghanistan's de facto authorities to comply with international human rights obligations as well as the UN *Basic Principles on the Independence of the Judiciary*,³ the UN *Basic Principles on the Role of Lawyers*,⁴ the UN *Guidelines on the Role of Prosecutors*,⁵ and the UN Declaration on Human Rights Defenders.⁶

We urge all Council members and observer States to ensure adequate humanitarian assistance for all people in need in Afghanistan. We also ask States to urgently take up the High Commissioner's recommendation to provide effective international protection and resettlement options for all those at risk, including women jurists, defenders, and their families.

Thank you Mr. President.

References

- ¹ OHCHR, Situation of human rights in Afghanistan: Report of the United Nations High Commissioner for Human Rights, A/HRC/49/24, Advance Unedited Version, 4 March 2022, https://www.ohchr.org/sites/default/files/2022-03/A_HRC_49_24_AdvanceUneditedVersion.docx; Situation of human rights in Afghanistan, and technical assistance achievements in the field of human rights – Report of the United Nations High Commissioner for Human Rights, A/HRC/49/90, 12 January 2022, <https://undocs.org/A/HRC/49/90>.
- ² *Ibid*, paras 52-55.
- ³ *Basic Principles on the Independence of the Judiciary*, Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985), <https://www.un.org/ruleoflaw/blog/document/basic-principles-on-the-independence-of-the-judiciary/>.
- ⁴ *Basic Principles on the Role of lawyers*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and welcomed by the UN General Assembly in 1990., <https://www.un.org/ruleoflaw/files/UNBasicPrinciplesontheRoleofLawyers.pdf>.
- ⁵ *Guidelines on the Role of Prosecutors*, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, https://www.unodc.org/pdf/criminal_justice/Guidelines_on_the_Role_of_Prosecutors.pdf.
- ⁶ *Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution / adopted by the General Assembly*, 10 February 2016, A/RES/70/16, <https://digitallibrary.un.org/record/265855?ln=en>.