

Organization: Lawyers' Rights Watch Canada  
Item 2: Enhanced Interactive dialogue on Afghanistan  
Date: 9 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, NGOs in special consultative status**

### **Afghanistan's worsening human rights catastrophe and gender apartheid**

Mr. President,

Lawyers' Rights Watch Canada and the International Bar Association's Human Rights Institute condemn the flagrant destruction of Afghanistan's legal system,<sup>1</sup> including denial of fair trials and independent courts.

Criminal inmates released by the Taliban have sought revenge against those who convicted them, killing dozens of prosecutors and judges, including women.<sup>2</sup> We urge UN bodies and States to ensure timely assistance to Afghan legal professionals who fled to Iran and Pakistan where they face insecurity and threats of deportation.

We deplore the erasure of women from the legal profession and from all aspects of public life. We denounce the recent law to enforce concealment of women's bodies, faces and even their voices.<sup>3</sup> *De facto* authorities have imprisoned, tortured, and sexually assaulted many women.<sup>4</sup> These violations may constitute the crime against humanity of persecution. The situation should be recognized as gender apartheid.

We call on the Council:

- to establish an accountability mechanism to document, analyze rights violations and international crimes in Afghanistan in preparation for prosecutions; and
- to urge that the Special Rapporteur have full access to the country.<sup>5</sup>

Thank you.

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<sup>1</sup> OHCHR, A stocktaking of accountability options and processes for human rights violations and abuses in Afghanistan, A/HRC/57/22, 3 September 2024, available at:

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/A-HRC-57-22-AdvanceEditedVersion.docx>;

Afghanistan: Collapse of legal system is 'human rights catastrophe,' Press release, 20 January 2023 <https://news.un.org/en/story/2023/01/1132662>; Ruth Green, "Taliban takeover threatens independence of Afghan Bar, International Bar Association, 9 December 2021, available at:

<https://www.ibanet.org/Taliban-takeover-threatens-independence-of-Afghan-Bar>; *De facto*

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“High Directorate of Supervision and Prosecution of Decrees and Edicts,” referred to at A/HRC/57/22, para 46, *supra* note 1; also see Rawadari, Latest Taliban decree on Attorney General’s Office (AGO) further erodes rule of law in Afghanistan, Press release, 25 March 2023, available at: <https://rawadari.org/250320231387.htm/>.

<sup>2</sup> According to the Afghanistan Prosecutors Association, at least 33 prosecutors, 45 defenders, and 12 judges have been extrajudicially killed. Afghanistan Prosecutors Association, n.d., available at: <https://afghanprosecutors.org/restore-fair-and-just-rule-of-law-in-afghanistan/>.

<sup>3</sup> *De facto* Ministry of Justice, *The Propagation of Virtue and Prevention of Vice Law*, 31 Julu 2024, unofficial translation by John Butt, Afghanistan Analysts Network, available at: <https://www.afghanistan-analysts.org/en/reports/political-landscape/the-propagation-of-virtue-and-prevention-of-vice-law-translated-into-english/>.

<sup>4</sup> At least 14 women have been murdered, 49 subjected to public flogging or other violence, and 39 arrested.

<sup>5</sup> OHCHR, UN Special Rapporteur says committed to people of Afghanistan despite Taliban barring entry, 21 August 2024, available at: <https://www.ohchr.org/en/statements/2024/08/un-special-rapporteur-says-committed-people-afghanistan-despite-taliban-barring>.