

The Human Rights Situation in Afghanistan & Victims of Terrorism: Accountability to Safeguard the Rights of Victims of Terrorism and Human Rights Defenders¹

6 July 2021

Closing statement by Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

In closing today's event, I therefore offer a statement on behalf of my own mandate, and the following Special Procedures mandate holders: *Ms. Dubravka Simonovic, Special Rapporteur on violence against women, its causes and consequences, Ms. Irene Khan, Special Rapporteur on the promotion and protection of freedom of opinion and expression, Ms. Karima Benoune, Special Rapporteur in the field of cultural rights, Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Mr. Morris Tidball-Binz, Special Rapporteur on extra-judicial summary or arbitrary executions, Mr. Clement Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Working Group on Discrimination against Women and its Chair Melissa Upreti.*

Today, the violence in Afghanistan has reached new heights of egregious human rights violations, demonstrating the escalating and devastating tactics of directly targeting civilian populations by terrorist groups. The latest reports of direct targeting includes attacks on young women and girls exercising their rights to education,² civil society, academics,³ health workers,⁴ human rights defenders,⁵ media workers,⁶ and civil servants.⁷ The perverse logic of the motivations to silence human rights defenders and civilian populations exercising their human rights and fundamental freedoms, including the right to education; right to freedom of assembly, association, and expression; the right for women to equally enjoy their human rights, and more, **should move** the international community to consider with the Government of the Islamic Republic of Afghanistan and its people how collective efforts towards prevention, redress and accountability for such **grave violations of human rights**, which may amount to war crimes and crimes against humanity, can reach victims and survivors and make a difference in their lives.

¹ Online side event at the sidelines of the 47th session of the Human Rights Council, co-sponsored by Permanent Mission of the Islamic Republic of Afghanistan to the United Nations in Geneva, the Permanent Mission of Norway to the United Nations in Geneva, Afghanistan's Independent Human Rights Commission, and the United Nations Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism and on the situation of human rights defenders.

² A/75/926, S/2021/570, para 18.

³ A/75/926, S/2021/570, para. 18.

⁴ Ibid, paras. 18 (three female polio vaccinators in Jalalabad); 36 (21 attacks against hospitals and health-care personnel).

⁵ Ibid, para. 41 (killing of one civil society activist in Paktiya Province, and threatening of three human rights defenders and one journalist by the Taliban in Baghlan, Kunduz, and Bamyan)(two women human rights defenders and one journalist allegedly received threats from unknown perpetrators in Nangarhar, Takhar, and Bamyan.

⁶ Ibid, para. 41 (three female media workers killed in two separate attacks claimed by ISIL-K in Nangarhar, and the killing by unknown perpetrators of one former journalist in Kandahar Province).

⁷ Ibid, para 18.

Among the most recent targeted attacks was the targeting of the Sayed Ul-Shuhada high school in a Shia neighborhood of Kabul on the 9th of May that killed at least 90 people and wounded many more. Girls leaving class, girls exercising their right to education and equality were among the majority of those killed. This is targeted violence against girls and their human right to life and education aimed to stop participation of women in public life and development of Afghanistan. This is a push back against gender equality and empowerment of girls that must be resisted by all nationally and internationally. Moreover, the intensified targeted killings of journalists and human rights defenders is dramatically undermining Afghanistan's future.

Many have warned that the world is watching the loss of a generation of young leaders, educators, activists, engaged citizens and proud Afghan men and women. **Their loss is our loss too.**

This sentiment resonates today as just last week we marked the anniversary of the death of **Fatimah Natasha Khalil and Ahmad Jawed Folad** who were killed on their way to work at the Afghanistan Independent Human Rights Commission on 27 June 2020. Fatima, a brave human rights defender, was just 24 years old.

These losses will be felt through generations. Victimization from terrorism and grave human rights violations multiplies. It is not limited to the direct effect on the individual but expands out from personal victimization among those whose lives are lost, to secondary victims who are the direct family members and relatives left with grief and loss. Community and societal victimization can also change the fabric of society and is experienced both in smaller communities, as well as among those who watch the impact of such violence ravage their country on the daily news. The targeting of human rights defenders is designed to, and does, dissuade others from standing up for human rights.

All survivors of human rights violations and terrorism must be protected and assisted, they are entitled to recognition, to be treated with compassion and respect for their dignity, to be informed to their right to redress and more.⁸ Most importantly, it is well recognized that States must adopt reasonable measures to prevent violations and to investigate, prosecute, punish, and provide reparation when serious human rights abuses arise, including those perpetrated by terrorist groups.⁹ In doing so, States must also acknowledge the distinct experiences of women and girls, including the direct and disproportionate targeting of women and girls and the ongoing threat of reprisals for speaking out.

We commend the work of the Government of the Islamic Republic of Afghanistan for undertaking these open discussions on the Government's responsibility and efforts to protect citizens and

⁸ Victims should have their views and concerns presented in legal proceedings, should receive proper assistance throughout the legal process, should be protected against intimidation and retaliation, should have their privacy protected, should be offered the opportunity to participate in informal mechanisms for the resolution of disputes, including mediation, should enjoy restitution and compensation, as appropriate, should receive the necessary material, medical, psychological and social assistance. See **United Nations, General Assembly (1985). [United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#)** . 29 November. A/RES/40/34. Paras. 4-17. See also: **United Nations, General Assembly (2006). [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#)** . 21 March. A/RES/60/147 (2006). (Sects. VI-X.)

⁹ See e.g. *Osman v. UK*, 1998, para. 116; *A v. UK*, 1998, para. 22; *Z and others v. UK*, 2001, para. 73.

human rights defenders from such violence and unveil the complete truth about the events surrounding gross human rights violations, their circumstances, their perpetrators, and their causes. We particularly welcome the launch of a protection mechanism by Presidential decree in December of last year and therefore urge the Government to continue working with the Independent Human Rights Commission and civil society to ensure this mechanism can serve its purpose and serve the rights of victims of human rights violations and terrorism as central to its aims.

Today's need, however, is beyond one pathway or one mechanism. And, it is beyond urgent. Collectively promoting and protecting the rights of victims of gross human rights violations and terrorism, providing remedies including access to health and psycho-social support, and the means to reclaim their lives and ensuring space for human rights defenders to work is the challenge of the hour. This also includes preventing further victimization and will require **collective solutions and engagement of all stakeholders**, standing in **practical solidarity** with the victims and survivors of terrorism, in close cooperation of the Government of the Islamic Republic of Afghanistan.

The experts recall the statement made by the High Commissioner for Human Rights to the Council on the 21st of June, calling for increased monitoring from the Council **as well as consideration of "mechanisms for an effective prevention response."**¹⁰ The experts further call for enhanced engagement with the Independent Human Rights Commission and consideration of **mechanisms that may advance accountability, justice and ultimately prevention and attention to existing communications**. We stand ready to assist in all these efforts.

As previously recalled by mandate holders, "Impunity allows the perpetuation of such crimes and contributes to put human rights defenders' life at risk," the experts said, noting that investigations in many cases have not yet yielded any results. "There needs to be full accountability for such egregious violations of human rights."

The international community and Afghanistan must come together to advance practical and effective accountability mechanisms, tools and processes to fully deliver on the obligations to the rights of victims of human rights violations and terrorism. **Those tools must be practical, fulsome and they must be enacted with some urgency in light of the contemporary challenges on the ground**. Similar efforts must be made to protect human rights defenders from the specific targeting that they have encountered in recent months. The experts recognize the leadership of the Government of Afghanistan in embarking on this dialogue openly and with deep commitment to fulfilling international human rights obligations and are committed to support these efforts and to resolute engagement.

Thank you.

¹⁰ Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 47th session of the Human Rights Council, Item 2: Human rights update by the High Commissioner, 21 June 2021 , available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27178&LangID=E>.