

**Gender persecution: Institutionalized violations of women’s human rights in Afghanistan**

**CEDAW Committee**

The Committee on the Elimination of Discrimination against Women is deeply concerned about the serious violations of women’s rights in Afghanistan that have taken place since August 2021. These violations nullify Afghanistan’s commitment to protect human rights, particularly the rights of women and girls under the Convention on the Elimination of All Forms of Discrimination against Women.

Afghanistan took a historic step when it ratified the Convention on 5 March 2003 as the first Islamic country to do so without any reservations. However, regressive laws and policies and the recent edicts fundamentally negate women’s enjoyment of civil, political, economic, social and cultural rights, in contravention of Afghanistan’s obligations under the Convention.

From September 2021 to January 2024, dozens of edicts, decrees, declarations and directives have been passed restricting women’s human rights, segregating and oppressing women and girls based on misogynistic attitudes, practices and policies, and marginalizing and excluding them from society. This has been accompanied by appalling levels of gender-based violence against women committed by both public and private actors. The Committee is alarmed by the ban on women’s education, which is unique globally, not only as a right in and of itself but because the ban will perpetuate women’s disempowerment and prevent women and girls from entering secondary school and university, with grave consequences for future generations. Women have also been prohibited from working with inter-governmental organizations, including the United Nations, and national and international non-governmental organizations. Their freedom of movement has been restricted, and strict dress codes are being imposed on women to observe “proper hijab”. Arbitrary arrests, continuous surveillance and gender-based violence against women and girls for wearing “bad hijab” have been reported. Such policies and actions highlight the prevailing systemic gender-based discrimination carried out by the Taliban since coming to power, which violates almost all the substantive articles of the Convention.

The progressive and deliberate restrictions on women and girls’ rights since the Taliban takeover in 2021 and the related violations of their human rights have been institutionalised by the de facto authorities through edicts, policies and practices and it has resulted in the marginalisation and exclusion of women and girls in all their diversity from social, political, public and economic life. These actions may amount to gender persecution, which is recognised as a crime against humanity in the Rome Statute of the International Criminal Court. Those responsible should be held accountable.

While there is no internationally recognised legal definition of gender apartheid, it is clear that an institutionalized regime of systematic oppression and domination, committed with the intention of maintaining that regime, is tantamount to a form of apartheid based on gender segregation.

The systematic discrimination by the Taliban against women and girls severely breaches the basic principles of equality and non-discrimination enshrined in the Charter of the United Nations and in international human rights law. Limiting women and girls’ rights not only hinders their empowerment and contribution towards society, but it is also antithetical to the overall progress, stability and sustainable development of Afghanistan.

The Committee therefore calls upon the Taliban to urgently address the violations of women and girls’ rights and take immediate action to end the deteriorating situation within Afghanistan. It urges the de facto authorities to reverse all misogynistic edicts and restrictions that institutionalise discrimination against women and girls and their segregation and oppression and to investigate, and if there is sufficient evidence, to prosecute all allegations of gender-based violence against women and girls. The Committee further urges the de facto authorities to respect, protect and fulfil women’s human rights, in due compliance with the Convention on the Elimination of All Forms of Discrimination against Women and international human rights law.

Lastly, the Committee expects that, in line with its General Recommendation No. 30 (3013) on women in conflict prevention, conflict and post-conflict situations, and recalling the full spectrum of the Security Council agenda on women and peace and security, as reflected in Security Council resolution 1325 (2000) and subsequent resolutions, the active and meaningful participation of Afghani women will be ensured in the upcoming UN-convened meeting of Special Envoys and Special Representatives on Afghanistan, scheduled to be held on 18 and 19 February 2024 in Doha, Qatar, to discuss the path forward on the independent assessment on Afghanistan as mandated by Security Council resolution 2679 (2023).