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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Liberal International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2022]

* Issued as received, in the language of submission only.



The Human Rights Situation of Women and Girls under the Taliban Regime

Liberal International is concerned with the human rights situation of women and girls in Afghanistan, with particular reference to the destruction of Afghanistan's rule of law at the expense of their human rights and education for women and girls.

Absence of Rule of Law

First, Liberal International views with concern reports of the corruption of the judicial system by the Taliban.

Convictions are handed out on insufficient evidence and women often don't have lawyers to defend their fundamental rights. We have learned that the organisation that previously gave pro bono legal assistance to women is now closed. The Mufti has allegedly stated that women should represent themselves in court and will not accept the advice of lawyers.

Allegations have been received that female lawyers face threats and intimidation from opposing parties, especially from men. This violence is exacerbated under the Taliban regime.

On the other hand, the Taliban canceled the advocate's license for lawyers. Those wishing to practice law need to re-sit their exams. These exams are hard to pass as they are derived from the Taliban interpretation of Sharia law.

Lawyers are struggling to get licenses to continue their jobs, and the license extension process for women lawyers has stopped completely. The Taliban is only extending men's lawyers. There is grave concern that this will erode the representation of women's rights in court and the inclusion of women's interests in the judicial process.

There is no specific trial procedure and accused persons don't have the right to appeal. As such, women do not have the procedural infrastructure to protect themselves from oppressive legal action.

Criminalisation of women

Secondly, in the absence of rule of law, the judicial system is being used to legitimize violence against women.

There are reports that women who enter unauthorized romantic relationships are subject to gender-related persecution by the Taliban.

Some allegations we received claim that the Taliban entered the house of a female and male who were in a romantic relationship and killed them;

In a Mazar-Sharif court, a group of women who were placing long distance calls to relatives were sentenced to a group lashing; and

In Sari-Pol province a woman convicted of adultery was sentenced to lashings. She died the following day.

The discriminatory application of the judicial apparatus against women is dangerous and limits their rights and freedoms.

Education

Third, since the Taliban banned girls' education, girls have lost over 300 days of schooling. This will have the knock-on effect of reinforcing their systematic exclusion from public and political life.

While higher education remains open, in practice Human Rights Watch reports that increasingly restrictive rules on segregation in universities and employment and high school fees have discouraged or prevented women from continuing their education.

Treatment of LGBTQ+ community under Taliban Rule

Finally, the Taliban's assertion of control has escalated persecution and acts of violence such as torture and beatings against LGBTQI+ minorities in Afghanistan. Homosexuality is criminalised under Sharia law.

Asylum as a pathway to safety is inadequate to absorb the number of people needing protection. For example, Roshaniya, a human rights organisation resettling LGBTQI+ Afghans, has a waiting list of 1000 people.

Recommendations

We urge the Special rapporteur to continue monitoring and documenting the persecution of women and girls in Taliban courts, especially in rural provinces;

Advocate for re-instating the Afghanistan Independent Bar Association to protect judicial independence and women's rights including LGBTQI+ women;

Monitor the treatment of lawyers, legal aides, and legal charities, especially females working in these sectors;

Direct funds to education that does perpetuate gendered discrimination, such as the funding of primary schools which girls are still able to attend, and to provinces that can verify the openness and functioning of girls' secondary schools;

Sustain international attention on communities where schools for girls are permitted to stay open to protect the status of those institutions;

Expand evacuation assistance for persecuted women, especially Hazara women, and members of the LGBTQI+ community; and

Encourage governments to continue to pressure the Taliban to reinstate rule of law, respect the rights of women, reinstate women's full access to education, and protect the rights of LGBTQI+ individuals, making the reinstatement of women's rights a condition of diplomatic engagement.