



Oral Statement by the International Bar Association's Human Rights Institute

Second Parliamentary Conference on Interfaith Dialogue
General Debate: Strengthening trust and embracing hope for our common future

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Addressing Gender Persecution and Gender Apartheid of Women and Girls in Afghanistan

The IBAHRI is highly concerned about the deteriorating situation of women and girls in Afghanistan, a situation that meets the legal definition of gender persecution but also shows concerning parallels with apartheid and must be called for what it is - gender apartheid [as inhumane acts committed in the context of an institutionalised regime of systematic oppression and domination by one gender group over any other gender group or groups and committed with the intention of maintaining that regime].

In early 2024, the IBAHRI supported an ad-hoc Inquiry in the UK Parliament examining the situation of women and girls in Afghanistan and whether this would amount to gender apartheid. Its recommendations include supporting the efforts to codify gender apartheid, but also utilising all possible avenues to help women and girls in the country. Silence in the face of segregation in Afghanistan cannot be accepted.

The IBAHRI remains deeply concerned about the risks faced by those remaining in the country, and how women's exclusion compounds the collapse of the Rule of Law. Without women being able to meaningfully join and engage with institutions of power, including the Afghan Parliament, they will remain second-class citizens.

Furthermore, the IBAHRI is highly concerned about the situation of the Hazara in the country, an ethno-religious minority community, treatment which has the hallmarks of crimes against humanity and genocide, requiring urgent attention from the international community in line with the duties in the UN Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).

We urge Parliamentarians to:

- Support the ongoing efforts to ensure justice and accountability for women and girls in Afghanistan and for minority communities, including by way of:
 - Joining the efforts of Australia, Canada, Germany, and the Netherlands, who have formally called upon Afghanistan to cease its violations of the Convention on the

Elimination of All Forms of Discrimination Against Women (CEDAW) under Article 29 of the Convention, and initiate proceedings before the International Court of Justice;

- Joining Chile, Costa Rica, Spain, France, Luxembourg, and Mexico in referring the issue of gender persecution to the International Criminal Court;
 - Calling upon domestic authorities to initiate structural investigations against members of the Taliban for their involvement in gender persecution and other crimes, followed by prosecutions under the principle of universal jurisdiction;
 - Initiating proceedings against the *de facto* authorities before the International Court of Justice for the violations of the Genocide Convention in their treatment of the Hazara community.
- Engage governments to support the establishment of a UN investigation and accountability mechanism mandated to collect, preserve and analyse ongoing systematic and gross human rights violations carried out in the country, with a specific focus on the human rights violations against women and girls, the Hazara and other minority communities, among others.
 - Accommodate further focus on the issue of gender apartheid with Parliamentary debates, motions, and resolutions on the situation of women and girls in Afghanistan, and also provide a platform for women and girls to participate and contribute meaningfully.
 - Identify the best ways to support women and girls in Afghanistan, and ethnic and religious minorities, through grassroots organisations.

Thank you.

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