



**To: Permanent Representatives of Member and Observer States of the United Nations Human Rights Council**

Excellencies

We are writing to call on you to support a strong resolution on the human rights situation in Afghanistan.

The situation in Afghanistan is extremely worrying as the country faces an increasingly intertwined spate of crimes under international law, gross human rights violations and a deteriorating humanitarian crisis. The Taliban have been grossly and systematically violating women's rights since their takeover on 15 August 2021. They have imposed a ban on girls beyond grade six from attending schools and dismantled institutions such as Ministry of Women's Affairs (MoWA), Afghanistan Independent Human Rights Commission (AIHRC) and other structures that were addressing women's human rights. Now, women facing different forms of gender-based violence, including domestic violence and increased instances of early and forced marriages are left without avenues to seek shelter and redress due to closure of women's shelters and dissolution of justice institutions established over the years.

The Taliban takeover has led to increasing attacks and marginalization of minority groups in particular Shia/Hazara, Hindu and Sikh, and ethnic groups who have little or no presence in their de facto structure according to various reports. At least 11 attacks have been carried out against the Shia/Hazaras after the Taliban takeover by the Islamic State of Khorasan Province (IS-KP). Ethnic Hazaras/Shia and Tajiks have been subjected to forced eviction according to various reports.

Under the Taliban rule, former security personnel and government officials have been forcibly disappeared, arbitrarily arrested and extrajudicially killed. Likewise, the Taliban have been arbitrarily arresting critical voices, such as journalists, human rights defenders, women activists and protestors, keeping them in detention with no charge or trial and access to defence attorney for a long period of time. Those who have been arrested were subjected to torture. The Taliban further arbitrarily arrested and tortured civilians on suspicion of their political affiliation to the Afghanistan National Resistance Front (NRF), an armed group which is active in the northern part of Afghanistan. The Taliban also have been killing individuals linked to NRF according to various reports.

The humanitarian situation has been worsening due to cuts in international development assistance, freezes of Afghanistan assets, challenges in transferring humanitarian aid and severance from international market because of sanctions. This situation is exacerbated by the increasing drought and flash floods due to climate change. The number of internally displaced people due to conflict and climate changes remained high and forced return of Afghan refugees from other countries in the region continued unabated.

Despite crimes under international law and gross human rights violations being committed, there is no independent and impartial national human rights monitoring body in place in the country. With the intensifying repression of freedom of assembly and expression by the Taliban, local media and civil society organizations are unable to conduct independent and impartial monitoring due to fear of brutal reprisals.

We call on you to:

1. Urgently establish an independent international accountability mechanism on Afghanistan. We recall operative paragraph 8 of HRC resolution S-31/1 and operative paragraph 6 of HRC resolution 48/1 and stress on the continuing need for investigations into violations of international humanitarian and human rights law in Afghanistan. The serious nature of continuing and intensifying violations require urgent attention. We call on you to establish an independent accountability mechanism with a mandate to comprehensively investigate and document crimes under international law and serious human rights violations and abuses committed in Afghanistan. Such a mechanism can be complementary to the monitoring and reporting mandate of the UN Special Rapporteur on the situation of human rights

in Afghanistan and would bring a specialised focus on accountability by establishing the facts and circumstances related to violations and abuses and identifying, where possible, those responsible for such violations and abuses.

2. Support the mandate of the Special Rapporteur and enhance the Special Rapporteur's capacity to "seek receive examine and act on" human rights information as mandated by UN Human Rights Council resolution 48/1. To this end, adequate additional resources, should be provided to the Special Rapporteur.
3. Request the Special Rapporteur to develop a set of benchmarks or indicators on immediate measures that should be adopted by all actors (including the Taliban, UN member states, regional and international organisation, as well as international financial institutions) towards addressing human rights concerns. A clear UN human rights roadmap such as this would be an important guide for international deliberations on Afghanistan.
4. Request the Office of the High Commissioner for Human Rights (OHCHR) to enhance its monitoring of the human rights situation in Afghanistan and report on a regular basis, followed by a debate under item 2, in order to present its findings, including on the human rights aspects of the work undertaken by the United Nations Assistance Mission in Afghanistan (UNAMA).
5. Request the UN Special Rapporteur to undertake a thematic investigation, in association with other relevant mandate holders, on the situation of women and girls in Afghanistan, and present a report at HRC 52.

Please accept, Excellencies, the assurances of our highest consideration.

Yamini Mishra,  
South Asia Director, Amnesty International