



General Assembly

Distr.: General
16 June 2025

Original: English

Human Rights Council

Fifty-ninth session

16 June–11 July 2025

Agenda item 2

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

Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination

**Report of the Special Rapporteur on the situation of human rights in
Afghanistan, Richard Bennett***

Summary

The present report is submitted pursuant to Human Rights Council resolution 57/3, in which the Council requested the Special Rapporteur on the situation of human rights in Afghanistan to prepare a report on access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination thereon.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



I. Introduction

1. Afghanistan is experiencing a profound human rights crisis that has reshaped the lives of its people, especially women and girls. Systematically deprived of their rights to freedom of movement, education, work, healthcare and freedom of expression, women and girls have effectively been erased from public life since the Taliban's return to power in 2021. These widespread and systematic deprivations form an institutionalized system of discrimination, oppression and domination amounting to crimes against humanity.
2. Under Taliban policies of gender persecution, access to justice and protection has been severely compromised. Since seizing power, the Taliban has dismantled legal and institutional frameworks and abolished crucial protection mechanisms, while support networks have either collapsed or been forced underground. Infrastructure and institutional capacity that, albeit incomplete, once provided vital pathways for justice and protection has been decimated.
3. The Taliban's transformation of the legal and justice sectors is not a neutral restructuring: it is an active weaponization of the legal, judicial and social order to oppress women and girls, their allies and LGBTQ+ persons, denying them their rights, dignity, safety and agency. The result is the creation of a Taliban-controlled legal and justice system designed to enforce, entrench and sustain the group's repressive and misogynistic ideology. The effects in the short and long term are and will be profound, felt not only by individuals, but also in families, in communities and across generations.
4. While all Afghan women and girls suffer under Taliban policies of persecution, the situation is exacerbated for women and girls in remote and rural parts of the country, or with intersecting identities, particularly those from minority and marginalized backgrounds. Perceptions of the meaning of justice and protection can therefore vary among and within communities, often shaped by different backgrounds and lived experience. However, there is a shared understanding that injustice, and the harm that it causes, is profoundly felt and enduring.
5. While situation may seem bleak, there are seeds of hope keeping the possibly of justice alive for women and girls. The people of Afghanistan – in particular, women human rights defenders and their allies, whose dedication and perseverance continues – are continuing to find creative ways to work within the Taliban-controlled justice system and to advocate for international action, justice and protection. The Special Rapporteur acknowledges their demands for justice – in all its forms – and expresses his sincere hope that the present report amplifies their voices and contributes to making their demands a reality.¹

II. Mandate and methodology

6. In preparing this report, the Special Rapporteur conducted a series of consultation meetings, focus-group discussions and one-to-one interviews with more than 110 Afghans, of diverse backgrounds and identities, both inside and outside the country. Consultations were undertaken remotely owing to the Taliban's announcement in July 2024 that they would not grant the Special Rapporteur a visa. Individuals consulted included Afghan women, men, LGBTQ+ persons, persons with diverse ethnic and religious backgrounds, young people, individuals working on children's rights, persons with disabilities and refugees. They included current and former members of the legal profession in Afghanistan, service providers, women human rights defenders, civil society activists and former detainees. In response to a call for input, and in addition to submissions from 15 organizations, the Special Rapporteur received individual testimonies from 193 women in at least 20 provinces in Afghanistan.

¹ Further information is presented in an annex to the present report, available at <https://www.ohchr.org/en/documents/country-reports/ahrc5925-access-justice-and-protection-women-and-girls-and-impact>.

7. The Special Rapporteur also met with Afghan and international legal experts, experts in sharia law and representatives of international and national non-governmental organizations (NGOs), including during an expert round table convened by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden, in April 2025. He also benefited from data and insights gathered through an independent survey of 6,550 Afghan women across 33 provinces, conducted in April 2025 through the Bishnaw project.²

8. In accordance with regular practice, the Special Rapporteur sought to engage with the de facto authorities in Afghanistan to seek their views and input. On 17 April 2025, he wrote to the de facto authorities requesting information about efforts taken to ensure access to justice and protection for women and girls and shared an advanced copy of the report for factual comments. He regrets that, at the time of publication, no response had been received. The Special Rapporteur also wrote to the Permanent Mission of Afghanistan to the United Nations Office and other international organizations in Geneva, and he expresses his appreciation for its input and perspectives.

9. The Special Rapporteur extends his deep appreciation to all those who consented to meet with him, provided information for the present report and shared their often painful and personal experiences.

III. International legal obligations

10. As a party to a range of international conventions and human rights treaties, Afghanistan is bound by international obligations deriving from them, regardless of which authority has assumed effective control over the country and whether the authority is formally recognized. Responsibility for upholding these obligations includes respecting, protecting and fulfilling human rights. It includes establishing and enforcing laws and policies through institutions that protect human rights and promote the rule of law, while adopting positive measures to prevent human rights violations and hold perpetrators accountable.

IV. Justice and protection in Afghanistan

11. An Afghan woman in Takhar Province told the Special Rapporteur the following: “For many Afghan women, justice doesn’t always mean going to a court or legal authority. Often, it just means being heard, being safe, or being treated fairly. Protection means having the right to live without fear.” Similarly, for an Afghan woman in Helmand Province: “Justice should not be a privilege: it is a right, regardless of gender, ethnicity, religion, physical ability, or economic status.”

A. Varying perceptions of justice and protection

12. Defining what justice and protection mean in the context of Afghanistan is complex. Often, discussions are framed more by their opposites – injustice and impunity – which are harmful realities, shaped by more than four decades of war. For many Afghans, concepts of justice and protection extend beyond legal protection and accountability and are deeply intertwined with the legacy of violence, discrimination, dispossession and marginalization. They involve recognition of past harms, redress for inequality, meaningful inclusion in decisions affecting people’s lives and futures, and the transformation of violent and discriminatory structures. They often include the realization of economic, social and cultural rights, in particular access to education, work, healthcare and an adequate standard of living.

13. Across Afghan communities, experiences of injustice are informed by factors including gender, age, ethnicity, religion, ability, geography and socioeconomic status. What justice or protection might mean for an individual or community can vary on the basis of these factors.

² See <https://bishnaw.com/womens-access-to-justice-challenges-and-opportunities-in-afghanistan/>.

14. Differing identities shape the meaning of justice and protection for Afghans, as they shape their lived realities and personal experiences. The intersection of different identities, especially for individuals from minority and marginalized communities, often compounds vulnerability or invisibility within justice and protection systems.

15. Yet regardless of their backgrounds or experiences, Afghans share a history of injustice. Decades of war and egregious human rights violations committed by all conflicting parties with impunity have left deep wounds across all segments of society. For justice and protection to be meaningful for Afghans, this wider historical context will need to be addressed holistically, not merely responding to past harms but offering a transformative vision for the country.

B. Justice and protection under the Islamic Republic

16. During the Islamic Republic, significant efforts were made to modernize the legal framework in Afghanistan, including the enactment of a range of substantive and procedural laws regulating the administration of justice, the creation of institutions and the recruitment and training of legal professionals. The Afghanistan Independent Human Rights Commission and civil society organizations, particularly women-led organizations, played an instrumental role in promoting access to justice and protection, especially for at-risk and vulnerable populations.

17. While there was progress, the justice sector was marred by corruption, political interference, lack of accountability and an overreliance on international support. Laws that should have provided protection were inconsistently implemented and often resisted by conservative elements within society, the judiciary and parliament. Members of all ethnic and religious communities faced discrimination, violence and marginalization, particularly at the hands of the Taliban and Islamic State in Iraq and the Levant-Khorasan.

18. Impunity for human rights violations, including by international forces, was entrenched. Efforts towards accountability were seriously undermined by the enactment of the National Reconciliation, General Amnesty and National Stability Law, which shielded perpetrators of international crimes from prosecution. Although the International Criminal Court opened an investigation into crimes under international law committed by members of the Afghan National Security Forces and international forces, it was deferred at the request of the then Government. Meanwhile, efforts to initiate transitional justice processes – notably led by the Afghanistan Independent Human Rights Commission – were undermined by a lack of political will and the fact that many of those implicated in serious crimes remained in positions of power.

C. Justice and protection under the Taliban

19. Discussions about justice and protection for women and girls under Taliban rule are framed by the widespread, systematic and institutionalized system of gender-based discrimination and exclusion that has been enforced since 2021. As the Special Rapporteur has reported on extensively, the Taliban has intentionally and severely deprived women and girls of their fundamental rights, which amounts to the crime against humanity of persecution on grounds of gender.³ A growing international movement, led mostly by Afghan women and supported by the Special Rapporteur, characterizes the situation as gender apartheid.

20. The Taliban defends its approach to justice by claiming that it is implementing sharia, which is central to its overall aim of establishing an Islamic emirate. However, Islamic scholars and other experts consistently raise concerns with the Special Rapporteur about the Taliban's interpretation of sharia, unparalleled in other Muslim-majority States, asserting that it does not adhere to Islamic teachings in principle or in practice. They point to the group's selective, distorted or decontextualized use of Hanafi sources and the failure of the Taliban's

³ See [A/78/338](#), [A/78/338/Corr.1](#), [A/79/330](#), [A/HRC/51/6](#), [A/HRC/52/84](#), [A/HRC/53/21](#), [A/HRC/55/80](#), [A/HRC/56/25](#), [A/HRC/58/74](#) and [A/HRC/58/80](#).

justice system to adhere to key principles of mercy, due process and evidentiary rigour, which are foundational in sharia.

21. The de facto authorities claim to be “protecting” the rights and dignity of women and girls, but their version of protection serves as a mechanism for subjugation rather than safety, one that asserts male dominance and effectively erases women and girls from public life. As such, justice and protection under the Taliban have become instruments of domination, designed to entrench power, silence opposition and control the lives of Afghans through fear and repression.

V. Legal and institutional framework for justice and protection under the Taliban

22. An Afghan woman in Bamiyan Province made the following point: “When the judicial and legal system of a country is built only for men, and women are not allowed to be part of that system, how can we say that justice exists there?”

23. Central to the Taliban’s system of gender-based discrimination and domination is its transformation of the legal and judicial architecture in Afghanistan. Laws and institutions have been almost entirely dismantled or repurposed, allowing the group to impose and enforce its ideology across the country.

A. Legal framework

1. Dismantling of Islamic Republic-era laws

24. On seizing power, the Taliban suspended the 2004 Constitution, effectively removing key protections and safeguards, including the separation of the powers and independence of the judiciary. The Taliban further announced that all Islamic Republic-era laws would be assessed for their compliance with sharia. To date, the de facto authorities have not officially declared the annulment of previous laws, nor have they completed their assessment. However, key laws relating to the administration of justice – such as the Penal Code, the Civil Code, the Criminal Procedure Code and the Civil Procedure Code – are now no longer in effect.

25. In their place, the Taliban has imposed a governance system consisting of a patchwork of so-called laws, decrees and edicts based on their ideology and extreme interpretation of sharia. So far 10 laws have been enacted, while decrees and edicts are often unpublished and issued verbally, including by officials at the provincial and local levels.⁴ The result is a Taliban-controlled legal system that lacks both consistency and legal certainty.

26. For women and girls, the situation has been further compounded by the suspension of laws and regulations that specifically protected their rights. Suspended laws include the Law on the Elimination of Violence Against Women, a landmark piece of legislation that criminalized 22 forms of violence against women, including rape and child and forced marriage, and the Law on the Protection of Child Rights, which, for the first time, defined a child as a person under the age of 18. Taken together, these laws, although inconsistently implemented under the Islamic Republic, provided the basis for key safeguards and protection mechanisms, including specialized courts and support entities.

2. Removal of women’s rights and institution of punishments

27. As the Special Rapporteur has reported, many of the Taliban’s laws, edicts and decrees specifically restrict the right of women and girls, including their rights to freedom of movement, education, work, healthcare, freedom of expression and access to justice.⁵ Under the Taliban’s so-called law on the promotion of virtue and the prevention of vice, enacted in August 2024, women can be punished for travelling without a *mahram* (male chaperone),

⁴ For a description of the Taliban’s legislative process, see [A/HRC/58/74](#), para. 29.

⁵ See, in particular, [A/HRC/53/21](#) and [A/HRC/56/25](#).

failing to observe hijab requirements, or simply interacting with men to whom they are unrelated.⁶ Men are also coerced into complicity, and risk beatings, detention and other punishments if they fail to enforce Taliban edicts imposed on their female relatives.

28. Nevertheless, the Taliban claims to be protecting women's rights. A 2021 decree issued by the Taliban leadership guarantees six rights for women, including protection from forced marriage and the right to inheritance under sharia.⁷ Taliban spokespersons frequently assert that the group is protecting women's rights, including by posting statistics on social media about the number of women and girls whom it claims to have rescued from forced marriages or for whom it claims to have secured inheritance rights.

29. The Taliban has also reinstated corporal punishment, including public flogging and executions, which amount to torture and ill-treatment and violations of the right to life. These punishments are imposed not only for crimes such as murder and theft, but also for so-called moral offences, including adultery and same-sex relations. While men make up the majority of those flogged, women and girls are disproportionately affected by the criminalization of adultery as they are much more likely to be accused of *zina* (sex outside of marriage), often based on little or no evidence. Situations in which women flee forced marriage or domestic violence and crimes of rape are frequently mischaracterized as adultery or prostitution. Such allegations have also been misused to damage individual and family reputations, bringing severe consequences for women and girls.

B. Transformation of the judicial system

1. Transformation of the courts and the judiciary

30. Since taking power, the Taliban has transformed the judicial system. While the group has retained some of the structures that existed under the Islamic Republic – namely a three-tiered court system comprising primary courts, appellate courts and the Supreme Court – these structures have been repurposed to serve the Taliban's ideological model of governance and control. Taliban-controlled courts now mete out so-called justice according to the group's extreme interpretation of sharia.

31. The judiciary has been upended. All judges appointed under the previous Government, including approximately 270 women, have been dismissed, and replaced by Taliban-affiliated judges who lack professional legal training and who hand down decisions based on Taliban-issued edicts rather than on established legal principles. All are men. Most are ethnic Pashtun, increasing the marginalization of other ethnic groups. Judges are supported by muftis and *muharers* (court clerks), who are appointed primarily on the basis of their affiliation with the Taliban. Muftis – Islamic scholars whose role is to advise judges – have extremely broad and subjective powers to interpret sharia and issue religious rulings.

32. There are no standardized processes for court proceedings, and courts across the country are reported as being deeply dysfunctional. There are consistent reports of bias in cases involving Taliban-affiliated individuals, and appellate courts frequently uphold the decisions of primary courts, regardless of the reasoning – or lack thereof – behind the decision. The result is the creation of Taliban-controlled judicial system characterized by a profound lack of independence and mistrusted by large parts of the population, and the inconsistent, arbitrary and often discriminatory application of Taliban-imposed laws and edicts.

2. Law enforcement and investigative bodies

33. The Taliban has assumed full control over law enforcement and investigative institutions and has systematically purged those who worked under the previous Government. There are very few women serving in the de facto police,⁸ and specialized police units to

⁶ See [A/HRC/58/74](#).

⁷ Decree concerning women's rights (83/Vol. 1), 2 December 2021.

⁸ The Taliban has allowed a small number of women to return to work in specific, gender-segregated roles. These roles primarily involve tasks such as searching women at checkpoints and guarding female prisoners.

address gender-based violence are no longer in effect, further limiting safe channels for women and girls to report abuse or seek legal protection.

34. A particularly alarming aspect of law enforcement under the Taliban is the expanding power and influence of the de facto ministry responsible for the promotion of virtue and the prevention of vice, which plays a central role in enforcing the Taliban's strict interpretation of sharia. This de facto ministry operates without judicial or other oversight, and its officials, known as *muhtasibs*, have extremely broad powers to identify and punish infractions of Taliban-imposed moral codes, especially the so-called law on the promotion of virtue and the prevention of vice.⁹ That so-called law does not include any provisions on challenging the decisions of *muhtasibs*.

35. The takeover of law enforcement institutions and the establishment of new bodies has been accompanied by a profound shift in the way in which crimes are investigated and prosecuted. In 2023, the Taliban abolished the Attorney General's Office, replacing it with the Directorate of Supervision and Prosecution of Decrees and Orders. This body oversees the enforcement of Taliban-issued edicts and decrees, underscoring the Taliban's emphasis on ideological conformity over justice and fairness. Today, various actors – including officials of the de facto police and the de facto General Directorate of Intelligence, *muhtasibs* and local officials – have assumed investigative and quasi-judicial functions. Such functions include interrogating suspects, determining guilt and imposing punishments, in some cases within the space of a single day. This ad hoc system lacks avenues to appeal decisions and procedural safeguards, which has led to widespread violations of due process and fair trial rights.

3. Role of lawyers

36. In November 2021, the Taliban dissolved the Afghanistan Independent Bar Association and revoked the licences of thousands of lawyers. Although the Taliban has taken steps to relicence lawyers – who must pass an examination that primarily tests their knowledge of sharia – there remains a chronic shortage of lawyers in the country, which has significantly undermined access to legal aid and representation. Women have not been permitted to register, meaning that there are currently no women lawyers officially registered to practise law.

37. The Taliban have also undermined the role of lawyers within the justice system, particularly in criminal cases. Defence lawyers are often viewed with suspicion, and face threats and harassment. Courts frequently proceed without legal representation for the accused in criminal cases, in violation of basic fair trial standards.

C. Impact and consequences for women and girls

1. Removal of women from the justice sector

38. The removal of women from the justice sector in Afghanistan has had profound and far-reaching consequences. Under the Islamic Republic, hundreds of women served as judges, prosecutors, defence lawyers and providers of legal aid. They played a vital role not only in strengthening the justice system but also in defending the rights of women, girls and marginalized groups.

39. Today, there are no women judges or prosecutors and no officially registered female lawyers, leaving women and girls with fewer safe channels to report abuse or seek redress. Coupled with a lack of female officials in the police and other institutions, the result is widespread underreporting of violence and discrimination against women and girls.

40. Women legal professionals who formerly practised have faced threats and harassment. Some have sought exile, and those who remain in Afghanistan suffer severe economic hardship, especially those who were the primary earners for their household. Nevertheless, women lawyers continue to provide informal legal support, preparing cases and providing

⁹ A/HRC/58/74, paras. 75–77.

legal advice outside of judicial settings. In some instances, they have also accompanied clients to court, although never as officially registered lawyers.

2. Dismantling of specialized frameworks and institutions

41. Specialized institutions and frameworks that provided specific protection and support for women and children have been dismantled, leaving women and girls without legal or physical protection and exposing them to heightened risk of violations, abuse and exploitation. Institutions that supported the Law on the Elimination of Violence Against Women – including specialized courts and prosecution units – were disbanded, while family courts that previously handled divorce, child custody and inheritance cases have been merged with civil courts, with reports of a significant backlog of unresolved cases.

42. The Ministry of Women’s Affairs and its provincial departments, which played a crucial role in advocating for women’s rights and referring survivors of gender-based violence to protection services, was replaced by the de facto ministry responsible for the promotion of virtue and the prevention of vice. In addition, nearly all women’s protection centres have closed, leaving survivors without safe shelter. Many women have been forced to return to abusive environments or face homelessness. Lack of support services for survivors of gender-based violence is even more concerning in a context in which women and girls are placed at greater risk of because of Taliban-imposed policies and restrictions.

43. Access to justice for girls is further undermined by the dismantling of key legal safeguards and institutions protecting the rights of children. Specialized juvenile courts and prosecution offices have been disbanded, juvenile rehabilitation centres have been closed and national institutions and mechanisms responsible for child protection have been dissolved or no longer function effectively. Procedural safeguards designed to uphold the rights of children, including child victims, child witnesses and children in conflict with the law, are not observed, resulting in a justice system that now treats children and adults alike.

44. Under the Islamic Republic, the Afghanistan Independent Human Rights Commission played a vital role in investigating human rights violations and abuses, advocating for the rights of victims and survivors and supporting legal and protection referrals. Operating independently of the Government, it was instrumental in raising awareness about gender-based violence, child protection and the rights of marginalized communities. After seizing power, the Taliban dismantled the Commission, declaring it “unnecessary”, which has resulted in a significant gap in the monitoring and protection of human rights.

3. Limited access to courts and institutions

45. The *mahram* requirement creates significant physical barriers to access to institutions and services, including filing complaints, attending court proceedings, obtaining official documentation and seeking protection and medical and psychosocial support. To obtain such access, women must have a male relative who is able, willing and available to accompany them as a *mahram* throughout the process. In addition, women often also require a letter from a *wakeel guzar* (community leader) verifying their relationship with their *mahram*. In general, women cannot appear in court without a *mahram* and are often prevented from speaking for themselves in legal proceedings, their *mahrms* instead speaking on their behalf.

46. While the *mahram* requirement poses a barrier to all women and girls, it disproportionately affects widows, women from female-headed households, displaced women, and women whose close male relatives have disabilities. For survivors of domestic violence, the situation is even more dire: many cannot seek medical help or legal protection because their *mahrms* are often the perpetrators.

4. Restriction of the right to legal representation

47. Lawyers report facing significant challenges in representing female clients, especially in criminal cases. Defence lawyers describe being denied access clients in detention, including during interrogations, and not having access to courts or to important documents such as the police investigation report. The Special Rapporteur is aware of cases of women being forced to sign confessions for so-called moral crimes, while detained and without a

lawyer present. Male lawyers can face intimidation and harassment when they represent female clients.

5. Hostile judicial environment

48. Women who engage with the Taliban court system – whether as victims seeking redress, to resolve family issues, to obtain official documents or as alleged offenders – face a hostile environment. Courts often reject complaints made by women and are especially reluctant to accept cases relating to divorce, child custody and gender-based violence, preferring instead to refer them for mediation. Cases that are accepted are rarely resolved, and when they are, courts seldom rule in women’s favour. To compound matters, women often face difficulties in obtaining official documentation – including identity papers, marriage certificates and land titles – which hinders their ability to bring claims or prove ownership, especially in land disputes. Women seeking resolution through the courts also face intimidation and humiliation.

49. When cases of domestic violence do come before a court, judges frequently express patriarchal attitudes. Interlocutors inside Afghanistan described numerous cases in which women reporting violence by their husbands or seeking divorce were told by judges that men were entitled to treat their wives as they chose, and that women must obey their husbands. As a woman from Baghlan Province recounted: “Not only did they refuse to believe my words, they also took my husband’s side. Instead of supporting me, they threatened me: either return to my husband or face imprisonment.”

50. The Special Rapporteur also received reports that women requesting separation from abusive husbands are required to return alimony to their abusive spouse or are told that they must physically present their husband to court, which in many cases is impossible. Some such women are met with proposals of (essentially forced) marriage by Taliban officials.

51. Survivors of gender-based violence risk false accusations and self-incrimination if they report the abuse. The Special Rapporteur received reports of women who, after reporting abuse, especially sexual violence, were accused of “illicit” relationships and imprisoned. The result is widespread underreporting of gender-based violence.

52. Under the Taliban, obtaining a divorce has become extremely challenging for women. In several cases, court officials have torn up legal documents or refused to process petitions from women seeking divorce. Where women do obtain a divorce, they disproportionately bear any losses or harms and courts invariably grant custody of children to fathers, irrespective of whether doing so is in the best interests of the child. Women seeking divorce face verbal insults, including accusations that they are destroying Afghan culture or espousing “Western” values.

53. Taliban courts have also reportedly overturned or invalidated a substantial number of divorces granted under the previous Government. In some cases, women have been forced back to abusive or unwanted marriages. In others, divorced women who subsequently remarried have been imprisoned for adultery after the *de facto* authorities refused to recognize the legality of their new marriage.

54. While the overall environment for women and girls seeking redress is hostile, women’s access to inheritance is one area where there appears to have been modest progress, in large part owing to the 2021 decree, which includes a provision on women’s right to inheritance under sharia.¹⁰ The decree has led to an increase in women seeking their inheritance rights from Taliban courts, which increasingly accept and process women’s claims. In some regions, women have had their inheritance cases recognized and successfully enforced by local courts. In some instances, women have been able to independently file their claims without a *mahram*. However, seeking a claim through the Taliban courts remains a last resort for many, and women often seek to resolve such issues through informal and community-based mechanisms.

¹⁰ Decree concerning women’s rights (83/Vol. 1), 2 December 2021.

55. Lawyers using sharia-based arguments in court to assert women's rights have also had some successes. While not a comprehensive solution, lawyers and organizations identifying entry points to secure some form of redress for women should be supported.

6. Detention and punishment

56. Women who have challenged, failed to comply with or peacefully protested against the Taliban's gender policies have faced arrest and detention. The Special Rapporteur is also concerned about the detention of women for begging, especially after the Taliban announced anti-begging laws in May 2024. Detentions are often arbitrary and without formal charges, trials or due process. Detainees have been subjected to torture and ill-treatment, including sexual violence, and verbal abuse by Taliban officials. Conditions in detention are reported to be poor, with overcrowding and inadequate access to medical care and menstrual hygiene.

57. The Special Rapporteur is concerned about the situation of women after release from detention. Information received indicates that there are virtually no services available to support reintegration, while former detainees face social stigmatization. Women detained by the Taliban – especially protesters and those accused of failure to observe hijab requirements – have been released only after male family members or community elders signed guarantees that the women will not “reoffend”.

58. Women and girls have also been subjected to official punishments constituting torture and other ill-treatment. According to the de facto Supreme Court, at least 225 women have been subjected to corporal punishment, including for engaging in adultery or “illicit” relationships and for running away from home. Although the de facto Supreme Court does not publish age-disaggregated data, there have been documented instances of girls being subjected to public floggings.¹¹ LGBTQ+ women have also faced such punishment for the “crimes” of lesbianism, homosexuality and “sodomy”.

7. Limited access to physical and mental healthcare

59. The dismantling of specialized institutions, coupled with restrictive policies on movement and the closure of women-led health facilities and NGOs, have drastically limited the availability of healthcare, trauma counselling and mental health and psychosocial support for women and girls. The situation has been exacerbated by the Taliban's introduction in December 2024 of a ban on women attending classes at private medical educational institutions.¹²

60. The lack of services has devastating consequences. Survivors are left to endure mental health conditions such as depression, anxiety, post-traumatic stress disorder and suicidal ideation. The lack of comprehensive care and opportunities to report not only violates human rights, but also reinforces a culture of impunity.

VI. Compounding barriers

61. Women and girls in Afghanistan have long faced security, economic, social and cultural barriers to access to justice institutions and support services. As described above, these challenges have been severely exacerbated under the Taliban regime. The result is an interconnected and mutually reinforcing web of restrictions and barriers that make access to justice and protection impossible for many.

A. Safety and security

62. A major risk when filing complaints is retaliation or harassment, especially if the accused are Taliban members or affiliates. Women seeking justice often face intimidation,

¹¹ United Nations Assistance Mission in Afghanistan, “Corporal punishment and the death penalty in Afghanistan”, May 2023, p. 13.

¹² A/HRC/58/80, paras. 16–19.

threats or violence, deterring many from coming forward. Families fearing Taliban retaliation often discourage or prevent female relatives from filing complaints.

63. Fear of detention is another barrier. Several women or their representatives described being threatened with detention for reporting cases, while others expressed fear of arrest by *muhtasibs* if they are deemed to be violating Taliban's restrictions while attempting to obtain access to institutions. Fear of detention has a broader chilling effect because women are often assumed to have been sexually assaulted while in Taliban custody, and face victim-blaming, social stigmatization and ostracism.

64. Reprisals from within families also pose a barrier to reporting. Traditional norms mean that women who attempt to complain are perceived as bringing dishonour to their family, and they can face violence and rejection. The situation is worsened by the lack of shelters and support services.

B. Economic barriers

65. Economic barriers further limit access for Afghan women and girls to justice and protection. Widespread poverty, worsened by economic collapse since the Taliban's return, has left many Afghans struggling to meet their basic needs.

66. For women, who are barred from many types of employment, the loss of livelihoods means increasing financial dependence on male relatives. Pursuing a legal case or seeking to resolve land disputes or obtain identity documents or other official documentation often requires the financial support of male relatives, both to pay for legal representation and to cover the cost of travel to courts or official offices, which may be located far from rural areas. The *mahram* requirement further increases costs, especially affecting rural and low-income women, deepening their exclusion. Corruption can compound the problem, with bribes and informal payments often expected when obtaining official documents.

67. Women's increasing economic dependence on male family members is also trapping them in abusive relationships and other harmful situations. Fear of financial instability, homelessness, rejection by their family or community or the inability to support their children is increasingly preventing them from reporting abuse. Without access to independent income, education or support systems, it can seem impossible to leave an abusive situation or seek redress.

C. Social and cultural barriers

68. Women and girls have long faced social and cultural barriers to access to justice and protection. Stigmatization and victim-blaming remain pervasive, and survivors are often held responsible for the violence that they experience. Cultural pressure to reconcile with abusers is strong, especially in cases of domestic violence, and maintaining family honour often takes precedence over achieving justice for the victim. These barriers have intensified under the Taliban.

69. Widespread illiteracy also limits women's and girls' understanding and awareness of their rights and available services. This issue is long-standing in Afghanistan, and is particularly acute in rural and remote areas. However, the Taliban's restrictions on education significantly worsens the situation and is stripping future generations of the knowledge necessary to assert their rights.

70. Exclusion from decision-making processes further marginalizes women and girls. Without a voice in legal, political or community leadership, their specific needs and experiences are increasingly going unaddressed. Increasing confinement to their homes has isolated women and girls from social networks and critical support systems. While online networks offer an important lifeline, they are not available or accessible to all. Exclusion from social and public life not only limits access for women and girls to justice and protection, but is also contributing to their deteriorating mental health, with continuing reports of anxiety and depression.

D. Language barriers

71. The Taliban's institutional preference for Pashto has further marginalized non-Pashto speakers. While there are variations across different regions, many judicial officials reportedly lack proficiency in Dari, and non-Pashto speakers struggle to understand legal proceedings, file complaints or navigate bureaucratic processes. Women are disproportionately affected owing to lower literacy rates and limited exposure to Pashto, especially in Dari-speaking regions. In one case shared with the Special Rapporteur, a woman seeking a divorce unknowingly agreed to a financial settlement significantly lower than expected because she did not understand the Pashto-speaking judge and was not allowed to be accompanied by her legal representative.

72. The imposition of Pashto not only further restricts access to justice, but also reinforces ethnic hierarchies and fosters exclusion, and is likely to deepen divisions within Afghan society.

E. Intersecting barriers and invisible harms

73. While much of the attention on access to rights in Afghanistan focuses on overt restrictions and visible acts of repression, the experiences of many Afghans – especially women and girls – are shaped by less visible but deeply entrenched harms that arise at the intersection of multiple forms of discrimination. These intersecting harms affect not only women and girls as a whole, but also women and girls from ethnic and religious minorities, women and girls with disabilities, widows, LGBTQ+ women and gender-diverse persons, internally displaced and refugee women and girls, female-headed households and women and girls from other marginalized communities. For these groups, access to justice and protection is often completely out of reach.

74. Understanding the distinct harms faced by these groups is necessary to understand the totality of the situation, and to identify specific interventions that can support those most at risk.¹³

VII. Alternative justice mechanisms

75. An Afghan woman in Takhar Province shared the following: “Traditional justice mechanisms are still strong, especially in villages. But they often blame women instead of helping them. They care more about family honour than about what is right or fair.”

76. Amid the dismantling of the previous justice system and widespread mistrust of Taliban-controlled courts, communities in Afghanistan are increasingly turning to traditional and informal justice mechanisms to resolve disputes. These mechanisms – long a feature of Afghan society – include structured forums such as jirgas and shuras, and more alternative processes such as mediation through religious leaders, family or community elders, or influential local officials.

77. While alternative mechanisms may offer faster resolution of disputes and cultural legitimacy, they raise serious concerns regarding the rights of women and girls. They are typically male-dominated, with little or no participation by women. Decisions often reflect patriarchal norms and favour male interests, reinforcing discriminatory attitudes and practices. They also lack procedural safeguards, transparency and independent oversight, further undermining the rights of women and girls.

78. Despite these concerns, many women are resorting to such mechanisms under the Taliban. More than a third of women surveyed through the Bishnaw project said that they used local dispute resolution mechanisms to deal with legal concerns. These mechanisms are especially used to resolve issues relating to domestic and intimate partner violence, and, for

¹³ Further information about the ways in which some of these groups are affected may be found in the annex to the present report, available at <https://www.ohchr.org/en/documents/country-reports/ahrc5925-access-justice-and-protection-women-and-girls-and-impact>.

some survivors, may be the only avenue to mitigate abuse. Taliban courts also regularly refer such cases involving women to alternative justice mechanisms for mediation. Such mechanisms are often the most accessible form of justice for those lacking documentation, including undocumented returnees.

79. Ethnic and religious minorities are also increasingly turning to alternative justice mechanisms owing to mistrust of the Taliban-controlled justice system, fear of discrimination or bias, the imposition of the Taliban's interpretation of sharia and the lack of diversity within the de facto authorities and court system. For these groups, alternative mechanisms are seen as better reflecting their cultural or religious values and are perceived as fairer and more inclusive. Among Shia communities, the Taliban's enforcement of Hanafi jurisprudence has led many to rely on alternative justice systems – particularly religious leaders who apply Ja'fari jurisprudence – to resolve personal and community disputes.

80. In some cases, informal mechanisms have yielded positive outcomes for women and girls. Civil society-supported family mediation has persuaded men to allow their female relatives access to education and has engaged religious leaders on women's rights using sharia-based arguments and reasoning. Community elders and religious leaders have also intervened in cases of forced and child marriage. Such interventions highlight the need for community-based awareness-raising initiatives.

81. However, there are growing concerns about a blurring of lines between the Taliban-controlled justice system and the informal justice system, with reports that the Taliban are increasingly co-opting traditional structures to exert influence and authority. Coupled with the Taliban's suppression of civil society, its co-option of traditional and informal justice mechanisms represents a further shrinking of civic space with long-term implications for justice, accountability and human rights.

VIII. Repression of civil society

82. According to a male human rights activist in Afghanistan, “the presence and sustainability of civil society activists and organizations constitute the only way to protect women and girls in the current context”.

83. Civil society activists, human rights defenders and NGOs play a crucial role in advancing the rights of women and girls, including access to justice and protection within Taliban-imposed limits. But the tightening control of Afghan society by the Taliban has led to a dramatic decline in civic space and the systematic dismantling of the networks that safeguarded women's rights. Countering oppressive Taliban policies will require strengthened and sustained support for these groups and organizations.

A. Attacks on human rights defenders and civil society activists

84. One of the most visible manifestations of Taliban repression has been the systematic targeting of women human rights defenders, lawyers, protesters, journalists and their allies through harassment, arbitrary arrests, detention and ill-treatment.

85. Beyond detention, the de facto authorities have employed a range of coercive tactics to intimidate and silence civil society actors. Such tactics include raids on homes and offices, confiscation and searches of mobile phones, laptops and other electronic devices, and surveillance to enforce compliance with Taliban edicts. A climate of fear has thus been fostered, resulting in widespread self-censorship. Even women human rights defenders operating from exile report ongoing threats, including of retaliation against family members who are still in Afghanistan.

B. Restrictions on non-governmental organizations

86. Many NGOs have been forced to close or suspend operations. Others have adapted through creative workarounds, clandestine operations or relocation; however, such adaptations carry serious administrative and financial burdens and heightened security risks.

87. NGOs offering legal assistance, community-level peacebuilding, women's empowerment programmes, support to human rights defenders at risk and services for survivors of gender-based violence – including shelters and safe houses – have been disproportionately affected. In some cases, the Taliban has ordered the suspension of NGO operations. The de facto Ministry of Economy has refused to approve projects for NGOs working in the justice sector, claiming that there is no need for them, as the de facto authorities provide such services. Organizations featuring terms such as “women”, “justice” and “peace” in their titles have been ordered to reregister under new names.

88. The work of NGOs, the United Nations and civil society more broadly has been further undermined by the continuing ban on women's employment. While the de facto authorities have allowed for exemptions in the education and health sectors, they are neither consistently applied nor automatically granted. In a letter sent to the Agency Coordinating Body for Afghan Relief and Development, an NGO coordination platform, in December 2024, the de facto Ministry of Economy threatened to revoke the operating licences of NGOs that employed women. The exclusion of female staff has had a significant impact on the ability of these organizations to provide humanitarian, legal and other support to women and girls, especially given that cultural norms often require women to assist other women.

89. Even where exemptions are granted, women staff are subject to strict gender-based restrictions, including hijab and *mahram* requirements and gender segregation in the workplace. NGO operations are closely monitored to ensure compliance with Taliban directives. The situation has deteriorated still further since the Taliban's promulgation of the so-called law on the promotion of virtue and the prevention of vice.¹⁴

90. Women are barred from holding management and leadership positions in NGOs. As a result, many women-led organizations have been forced to cede formal leadership to men, while others, refusing to bow to such requests, have had to terminate operations or else work without official registration, raising significant security, operational and financial challenges.

C. Funding

91. NGOs are also grappling with funding and sustainability challenges, including with regard to securing long-term and flexible funding and meeting donor requirements for reporting. NGOs working in protection explained that financial and narrative reporting requirements can pose particular challenges, especially where they are required to share records that include sensitive information about people whom they support. Civil society groups also expressed fear that some donors are reducing their support for work in Afghanistan or prioritizing humanitarian assistance over other important needs, including legal services. A common call by NGOs is for donors to commit to longer-term projects to ensure that civil society – especially women-led organizations – can continue to operate.

92. The Special Rapporteur stresses that funding cuts will not only undermine the ability of NGOs to support women and girls, but also, and equally importantly, risk enabling the Taliban to further entrench its control and ideology, making it harder in the long term to rebuild a stable, prosperous and rights-respecting country.

IX. Pathways towards gender justice for Afghanistan

93. An Afghan woman in Kabul Province stated the following: “We are not victims – we are fighters – but even fighters need support.”

94. Addressing the multifaceted political, human rights and humanitarian crisis in Afghanistan is complex. The Special Rapporteur continues to advocate for an “all tools” approach, one which is rooted in human rights and centres principles of justice, inclusion, equality and non-discrimination. This approach comprises a range of interventions which, when combined, exceed the sum of their parts and maximize the potential for the emergence

¹⁴ See, for example, Jessica Walker, Ahmed al-Ajmi and Anouk Heili, *Women and Girls in Crisis: 2024 Gender Analysis of Humanitarian Sectors in Afghanistan* (Kabul, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), 2025), p. 13.

of a safe, stable, inclusive and prosperous Afghanistan. Central to this strategy is restoring the full rights and freedoms of women, girls and all Afghans, and dismantling or transforming the structures and systems that currently deny them equality. It also means responding to the needs and realities of people with diverse backgrounds and experiences.

95. This strategy comprises the following aspects: (a) centring of Afghan women's rights, voices and agency; (b) recognition and prioritization of economic and social rights as a vehicle for securing justice and protection; (c) international justice and accountability; and (d) support for men and boys.

A. Centring of Afghan women's rights, voices and agency

1. Human rights benchmarks

96. The Special Rapporteur has consistently called for clear benchmarks for engagement with the de facto authorities, stressing that there should be no normalization of engagement unless and until there are concrete, measurable and independently verified improvements in human rights, particularly for women and girls.

2. Inclusion and representation

97. In consultations for the present report, women's lack of representation in political and decision-making processes – and the wider lack of representation of Afghans not affiliated with the Taliban – was frequently raised as a source of injustice. In a context where women's voices are quite literally silenced in Afghanistan, and where those who speak out against the Taliban's policies can face violence and reprisals, the Special Rapporteur considers that greater efforts are needed to ensure the safe and meaningful participation of women, including minority and marginalized women, in discussions about the country's future.

98. The Special Rapporteur reiterates that States have obligations under the women and peace and security agenda to ensure women's equal participation and to promote gender equality in decision-making processes. He calls on all Member States to ensure that Afghan women from diverse backgrounds are included in political discussions and decision-making forums.

99. The youth of Afghanistan, who make up the majority of the population, must also be recognized as key stakeholders and as leaders of the future. Supporting their participation will be vital for building a more inclusive, peaceful and representative Afghanistan.

3. Support for women-led civil society organizations

100. Women-led civil society organizations play a vital role in their communities, despite facing significant challenges. Ensuring sustained support for Afghan-led civil society, especially women-led organizations, which provides legal advice and assistance, protection services and mental health and psychosocial support, is essential to counter Taliban oppression and promote long-term stability in Afghanistan.

B. Economic and social rights as a vehicle for securing justice and protection

1. Humanitarian support and assistance

101. The human rights crisis is taking place against the backdrop of a deepening humanitarian and economic crisis. Some 22.9 million people in Afghanistan – almost half of the population – need humanitarian assistance. As of early June 2025, just 16 per cent of the financial resources required to support those in need under the United Nations humanitarian response plan for 2025 had been received. Increased poverty and dwindling humanitarian support severely undermine the enjoyment of economic and social rights.

102. Cuts to international funding are having a significant impact on humanitarian operations, especially related to healthcare, food security, migration and gender-sensitive services, with some organizations forced to scale back or shut down programmes. Women

and girls, including LGBTQ+ women and gender-diverse persons, are disproportionately affected. It is essential that their rights are central to the current humanitarian reset and its subsequent implementation in Afghanistan and neighbouring countries.

2. Expansion of access to opportunities for education and economic empowerment

103. Denied education and income, women and girls are more vulnerable to violence, exploitation and forced dependency. Yet despite these restrictions, civil society organizations, especially those led by Afghans themselves, continue to provide support through innovative and often discreet means. Such means include clandestine and online provision of education, vocational training and literacy programmes, and the provision of income-generating activities to enable women to earn a livelihood.

104. Such initiatives play an essential role in both immediate protection and long-term transformation. In addition to creating spaces for women to connect, share information and build solidarity, over time they can reduce dependence, foster resilience and reduce exploitation, giving women the means to reclaim their agency and support themselves and their families. These initiatives should be strengthened and supported.

3. Protection and support for refugees and those living in exile

105. Afghan women who have fled Taliban persecution have increasingly found themselves in precarious situations, often without legal status in nearby countries and at risk of forced return. Support and protection are urgently needed, including by granting them refugee, protected or regular status or facilitating their safe resettlement to other countries. The Special Rapporteur calls on third-party Governments to expand humanitarian visa pathways for at-risk individuals, including women human rights defenders, and their allies, and to facilitate family reunification. Greater efforts are also needed to support host countries in providing Afghan refugees with opportunities for education and livelihoods.

C. International justice and accountability

1. International accountability mechanisms

106. As the present report makes clear, prospects for achieving justice in Taliban-controlled Afghanistan are virtually non-existent. Currently, the only avenues available to the people of Afghanistan lie in international forums. There have been encouraging steps in this regard. On 23 January 2025, the Prosecutor of the International Criminal Court announced that he had requested warrants for the arrest of two senior Taliban leaders who allegedly bore responsibility for the crime against humanity of persecution on gender grounds, with further applications forthcoming.¹⁵

107. In addition, efforts are under way to pursue State responsibility. In September 2024, the Governments of Australia, Canada, Germany and Netherlands (Kingdom of the) announced an initiative to hold Afghanistan accountable for violations of the Convention on the Elimination of All Forms of Discrimination against Women, which may reach the International Court of Justice.¹⁶ The initiative has gained the support of a further 25 States, and the Special Rapporteur strongly encourages further support from other States Parties to the Convention, especially Muslim-majority countries. It is essential that Afghan women are regularly consulted and actively engaged throughout the process.

2. Codification of gender apartheid

108. Afghan women have stated that the term “gender apartheid” is the one that best describes their lived reality and most fully encapsulates the totality of the harms being inflicted upon them. Supported by many Afghan men, they, and others in the international

¹⁵ International Criminal Court, “Statement of ICC Prosecutor Karim A.A. Khan KC: applications for arrest warrants in the situation in Afghanistan”, 23 January 2025.

¹⁶ Germany, Federal Foreign Office, “Launch of an initiative on accountability for Afghanistan’s violations of CEDAW declaration”, 26 September 2024.

legal community, are calling for codification of an inclusive crime of gender apartheid in international law. While existing legal frameworks can – and should – be used to hold Taliban leaders to account, the Special Rapporteur supports the codification of gender apartheid to capture more fully the intentional, ideological and institutionalized nature of criminal acts such as those being perpetrated in Afghanistan.

3. Other avenues for justice

109. While the mechanisms described above offer important avenues towards justice and accountability, they take time. It is therefore essential to activate other survivor-centred pathways to justice, including through universal jurisdiction and by establishing complementary mechanisms. National inquiries by States who had active military forces in Afghanistan during the conflict are also necessary.

110. The Special Rapporteur stresses the importance of a holistic approach to justice and accountability, which addresses both past and ongoing violations and abuses, including truth-seeking measures, reparations (restoration of rights, memorialization and institutional reforms) and judicial measures. He is encouraged by plans for a people's tribunal involving respected international jurists to hear evidence and issue findings on Taliban violations of international law. The hearings could offer a symbolic form of justice and provide an important platform for survivors.

D. Support for men and boys

111. While women and girls bear the brunt of Taliban oppression, men and boys are also required to adhere to the group's binary, discriminatory and patriarchal gender roles and responsibilities. They are increasingly being forced into coerced compliance with the Taliban's diktats if they fail to enforce its edicts with regard to their female relatives.

112. However, Afghan men are also playing an important role in resisting Taliban oppression. Protection and support for these allies is critical, including through legal assistance, mental health support and, where necessary, relocation or humanitarian visa pathways. The Special Rapporteur also supports broader efforts that focus on engaging men and boys as positive agents of change, promoting gender equality and challenging harmful stereotypes and patriarchal norms.

X. Conclusion and recommendations

113. An Afghan woman in Kabul Province shared the following: "Since the return of the Taliban, access to justice and protection for women and girls has become nearly impossible. The current system not only fails to protect women; it is, in fact, the greatest barrier to our rights and freedoms."

114. Since August 2021, the legal and judicial system of Afghanistan has been profoundly transformed. The Taliban has abolished laws and replaced or repurposed institutions to serve its ideological and misogynistic model of governance and to cement its control over Afghan society. All Afghans have been affected, regardless of their gender. However, for women and girls, already stripped of their fundamental human rights, the Taliban-controlled justice system not only restricts their access to justice and protection, but also serves as a tool for the further institutionalization – in law, policy and practice – of the group's system of gender-based discrimination and domination. While alternative dispute mechanisms have offered some opportunities for redress, they often further entrench and perpetuate discrimination against women and girls and are not a long-term solution.

115. Addressing the gap in justice and protection in Afghanistan is essential. As reforms of domestic institutions are currently unlikely, international mechanisms offer an important pathway to holding the Taliban accountable and keeping alive the hope of justice for Afghan women and girls. However, addressing the crisis will require more than legal accountability. A meaningful response must be comprehensive, rooted in the

lived experiences of Afghan women and girls and attuned to the broader context of systemic discrimination, exclusion and marginalization. Justice and protection must also be understood as the restoration of rights, the recovery of access to essential services and the creation of conditions in which women, girls and all Afghans can live with dignity and self-determination. This approach must also confront the intersecting forms of harm experienced by women and girls across diverse backgrounds.

116. The Special Rapporteur reiterates his previous recommendations to the de facto authorities, which have been largely unimplemented. He calls on the de facto authorities:

(a) To fulfil their responsibilities under international human rights treaties ratified by Afghanistan, including by reversing policies and practices that violate these obligations;

(b) To take immediate steps to dismantle their institutionalized system of gender oppression that deprives women and girls of their rights and fundamental freedoms.

117. In order to centre women's rights, voices and agency, the Special Rapporteur calls upon States:

(a) To ensure the representative, equal, meaningful and safe participation of Afghan women in all discussions concerning the country's future, including in defining the international community's policies towards the de facto authorities;

(b) To adopt a comprehensive action plan to address the human rights crisis in Afghanistan, linked with any political road map, clearly identifying human rights benchmarks, timelines for implementation and the entities responsible for monitoring and reporting on progress;

(c) To ensure that any normalization of engagement with the de facto authorities is based on demonstrated, measurable and independently verified improvements in human rights, especially for women and girls, assessed against clearly established human rights benchmarks.

118. In order to provide support for women and girls in and from Afghanistan, the Special Rapporteur calls upon States:

(a) To ensure strengthened and sustained support to Afghan-led civil society organizations in the country and in exile, in particular women-led organizations and those providing legal support, advice and representation, operating safe houses and offering emergency relocation;

(b) To support community-led initiatives promoting gender equality and women's rights, including through funding and technical assistance on issues such as education, women's economic empowerment, the prevention of gender-based violence and the provision of health services, including mental and psychosocial healthcare, ensuring culturally- and gender-sensitive approaches;

(c) To ensure that the humanitarian response plan is fully funded and that the rights of Afghan women and girls are central to the implementation of the humanitarian reset in Afghanistan;

(d) To ensure effective implementation of the principle of non-refoulement;

(e) To ensure that human rights defenders and others forced to flee Afghanistan for their safety have access to an adequate standard of living, healthcare and education;

(f) To increase international cooperation and assistance to States neighbouring Afghanistan, which host most of those forced to flee human rights violations in the country.

119. In order to tackle impunity for international crimes committed in Afghanistan, the Special Rapporteur urges States to identify and strengthen survivor-centred

pathways for accountability, as part of a holistic and inclusive approach to transitional justice. In particular, he calls upon States:

(a) To establish an independent accountability mechanism with a comprehensive mandate to investigate and establish the facts and root causes of past and ongoing violations and abuses of international human rights and humanitarian law, collect and preserve evidence, identify alleged perpetrators and prepare case files to support future prosecutions and other forms of accountability, including truth, justice and full and effective reparation;

(b) To support the codification of gender apartheid as a crime against humanity;

(c) To ensure that the International Criminal Court has the resources and cooperation needed to investigate and prosecute those responsible for international crimes;

(d) To support ongoing efforts to bring Afghanistan before the International Court of Justice for violations of the Convention on the Elimination of All Forms of Discrimination against Women; the Special Rapporteur especially encourages Muslim-majority States to support these efforts.
