



The Law Society
of England and Wales



Human Rights
Institute



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Organization: Lawyers' Rights Watch Canada

Item: Item 2, Interactive dialogue on the oral update of the High Commissioner on the situation of human rights in Afghanistan (HRC res. 48/1)

Date: 15 June 2022

Speaker: Catherine Morris

Oral Statement to the 50th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), the International Bar Association Human Rights Institute (IBAHRI), the Association of the Bar of the City of New York (New York City Bar), Lawyers for Lawyers and the Law Society of England and Wales, organizations in special consultative status. The Raoul Wallenberg Centre for Human Rights, NGO without consultative status, also shares the views expressed in this statement.

Afghanistan: Grave risks for jurists, particularly women, and threats to Afghanistan's independent legal profession

Mr. President,

This is a joint statement of several lawyers' organizations. We are alarmed by the demise of the rule of law in Afghanistan since the Taliban's unlawful armed takeover of the country in August 2021 and its forcible takeover of the Afghanistan Independent Bar Association in November 2021.¹

The High Commissioner's previous oral report in March 2022 noted that the safety of "Afghan judges, prosecutors and lawyers..., particularly women legal professionals," is a matter of "acute concern."² The newly-appointed Special Rapporteur for Afghanistan expressed similar concerns after his May 2022 country visit.³

Women jurists are at particular risk as the Taliban intensifies its restrictions on women's and girls' rights and attempts to erase⁴ women from public life. Many women jurists have escaped Afghanistan and await resettlement as refugees; many others await assistance to flee the country. Many are in hiding.⁵ Women legal professionals from the Hazara community face added discrimination based on their ethnicity and religion.

We urge this Council to hold an urgent debate at this session to refocus global attention on the worsening human rights crisis in Afghanistan. We also urge all States to redouble efforts to protect Afghan legal professionals, particularly women, both resettling refugees and protecting those at risk within Afghanistan.

Thank you, Mr. President.

¹ On 23 November 2021, fifty armed Taliban forcibly took control of the Afghanistan Independent Bar Association (AIBA) during an AIBA leadership meeting. Taliban also seized the AIBA bank account and data base of information about its 2,500 members. The AIBA has also been merged into the Taliban Ministry of Justice. See UN Deputy High Commissioner for Human Rights, 14 December 2021, <https://www.ohchr.org/en/statements/2021/12/oral-update-situation-human-rights-afghanistan>; International Bar Association, “Taliban takeover threatens independence of Afghan Bar,” 9 December 2021, <https://www.ibanet.org/Taliban-takeover-threatens-independence-of-Afghan-Bar>; IBA letter to the Secretary-General, 30 November 2021, <https://www.ibanet.org/document?id=/IBA-letter-to-the-UN-on-Taliban-takeover-of-AIBA-2021Nov30>; International Observatory of Lawyers: <https://protect-lawyers.org/en/afghanistan-the-afghanistan-independent-bars-association-stormed-by-the-taliban/>; Statement of the New York City Bar Association re: the Taliban Takeover of the Afghanistan Independent Bar Association, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/taliban-takeover-of-afghanistan-independent-bar-association>; “Afghanistan dispatch: formerly independent bar association merged with Taliban MoJ now subject to new regulations,” *Jurist*, 22 March 2022, <https://www.jurist.org/news/2022/03/afghanistan-dispatch-formerly-independent-bar-association-merged-with-taliban-moj-now-subject-to-new-regulations/>; U.S. Dept. of State, 2021 Country Report on Human Rights Practices: Afghanistan at p.17, 12 April 2022, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/afghanistan/>; Oral update on the situation of human rights in Afghanistan, Statement by Nada Al-Nashif.

² UN High Commissioner for Human Rights, Interactive dialogue on the High Commissioner's report on Afghanistan, 7 March 2022, <https://www.ohchr.org/en/statements/2022/03/interactive-dialogue-high-commissioners-report-afghanistan>

³ Statement by the United Nations Special Rapporteur on the situation of human rights, Richard Bennett, following his visit to Afghanistan from 15-26 May 2022, OHCHR, https://www.ohchr.org/sites/default/files/2022-05/26052022-Afghan-SR-visit_press-statement.docx.

⁴ Kate Clark and Sayeda Rahimi, “‘We need to breathe too’: Women across Afghanistan navigate the Taleban’s hijab ruling,” Afghanistan Analysis Network, 1 June 2022, <https://www.afghanistan-analysts.org/en/reports/rights-freedom/we-need-to-breathe-too-women-across-afghanistan-navigate-the-talebans-hijab-ruling%ef%bf%bc/>.

⁵ Oral update on the situation of human rights in Afghanistan, Statement by Nada Al-Nashif, *supra* note 5.