

Geneva International Centre for Justice
63rd Session of the Human Rights Council

**FIVE YEARS OF TALIBAN RULE:
AFGHANISTAN'S WOMEN PAY THE PRICE**



By Nandini Gupta / GICJ



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Executive Summary

On 7 September 2026, an Enhanced Interactive Dialogue was held during the 2nd meeting of the 63rd session of the Human Rights Council on the report of Mr Richard Bennett, Special Rapporteur on the Situation of Human Rights in Afghanistan (A/HRC/63/22), marking five years since the Taliban's return to power. His report highlighted issues such as the exclusion of girls from secondary education, rising casenumbers of child labour, severe hunger, repression of religious and ethnic minorities, and a nationwide ban on demonstrations amongst other grave concerns.

The dialogue addressed the overall human rights situation in the country, with a particular focus on the impact of Taliban rule on children and young people. Mr Nasir Ahmad Andisha, Permanent Representative of the Islamic Republic of Afghanistan, responded on behalf of the country concerned, after which more than thirty states took the floor, alongside statements from UN entities and several NGOs. The overwhelming majority of states expressed grave concern over the continued deterioration of the human rights situation in Afghanistan, with particular emphasis on the systematic exclusion of women and girls from education, employment, and public life, which many characterised as amounting to gender apartheid or gender persecution.

A recurring theme across state interventions was the call for the full and urgent operationalisation of the Independent Investigative Mechanism for Afghanistan, with several states also announcing or reaffirming financial contributions to it. A number of states raised the situation of religious and ethnic minorities, the erosion of child protection systems, and the humanitarian and economic crises facing the country. A smaller number of states struck a different tone, either linking the human rights situation to unresolved security concerns along Afghanistan's borders, or criticising what they described as double standards in the international community's approach, pointing to frozen assets and sanctions. NGOs raised additional concerns that included the targeting of the Hazara community, discrimination faced by LGBTIQ+ persons, and delays in resourcing the accountability mechanism.

Geneva International Centre for Justice (GICJ) acknowledges the Special Rapporteur's assessment that the Taliban's institutionalised system of gender-based discrimination amounts to gender apartheid and reiterates that accountability mechanisms, including the Independent Investigative Mechanism for Afghanistan, must be fully and urgently resourced. GICJ further calls on all states to uphold the principle of non-refoulement and to ensure that no engagement with the de facto authorities normalises the systematic erasure of Afghan women, girls, and minority communities from public life.

Background

The Taliban seized control of Afghanistan on 15 August 2021, prompting the Human Rights Council to establish, through resolution 48/1 of 7 October 2021, the mandate of a Special Rapporteur on the situation of human rights in Afghanistan. Richard Bennett was appointed to the role in 2022 and has since reported regularly to the Council and the General Assembly on developments in the country.

Over the following five years, the de facto authorities issued more than 100 decrees curbing women's and girls' access to education, employment, freedom of movement, healthcare, and justice, according to UN Women. As of 2026, an estimated 2.4 million girls remained excluded from secondary education, and Afghanistan remained the only country in the world to formally prohibit access to education for girls and women beyond the primary level, per UNESCO. Two decrees issued in 2026 further entrenched this system: one stripped legal equality between spouses and criminalised domestic violence only where it caused severe physical injury, and another made it substantially harder for women to leave a marriage while implicitly permitting child marriage.

The Human Rights Council responded to the deepening crisis by establishing an Independent Investigative Mechanism for Afghanistan in 2025, tasked with collecting and preserving evidence of the most serious crimes for future accountability processes. Marking the fifth anniversary of the takeover in August 2026, more than 50 states issued a joint statement calling on the Taliban to restore girls' education and women's full participation in public life, while UN agencies warned that funding shortfalls were forcing women's organisations inside Afghanistan to scale back or close.

It was against this backdrop, and pursuant to Council resolution 62, that the Enhanced Interactive Dialogue of 7 September 2026 was convened to consider the Special Rapporteur's latest findings.

Summary of the Special Rapporteur's Report

In his report, submitted pursuant to Human Rights Council resolution 60/2 and covering developments between November 2025 and August 2026, Mr Richard Bennett the Special Rapporteur, reviewed five years of Taliban rule with a specific focus on children and young people, drawing on focus group discussions with 102 participants across 24 provinces and 26 written submissions.

The report found that the de facto authorities had dismantled Afghanistan's pre-2021 legal and institutional framework, suspending the Constitution and key protective laws, and had progressively codified gender-based discrimination through decrees, most notably a January 2026 decree on the separation of spouses that made it almost impossible for women to leave abusive marriages and implicitly permitted child marriage, and a decree on "criminal rules of courts" that punished violence against women only where it caused severe, visible injury. These policies, the Special Rapporteur noted, may amount to the crime against humanity of gender persecution.

On children specifically, the report found that Afghanistan no longer had a legal definition of a child, that the juvenile justice and child protection systems had been dismantled, and that girls remained barred from education beyond the sixth grade, with an estimated 3.8 million girls out of school as of 2024. It documented rising child labour, increasing child marriage, corporal punishment permitted in schools, the recruitment of boys by Taliban forces, and severe hunger affecting roughly one in three Afghan children. It also highlighted the compounded vulnerabilities of returnee and disabled children, alongside restrictions on religious minorities, freedom of expression, and civic space, and cross-border strikes by Pakistani forces that killed and injured Afghan children.

The Special Rapporteur concluded that these policies would be reshaping an entire generation's development and called on the international community to refrain from normalising relations with the Taliban, to fully operationalise the Independent Investigative Mechanism for Afghanistan, to uphold non-refoulement, and to sustain funding for education, health, and child protection. He urged the de facto authorities to revoke the decrees on separation and criminal procedure, adopt an internationally consistent definition of a child, and restore the child protection and juvenile justice systems dismantled since 2021.

Exhaustive Summary of the Enhanced Interactive Dialogue

I. Opening Statement by Mr. Richard Bennett, Special Rapporteur on the situation in Afghanistan



Mr. Richard Bennett, who was appointed to be the Special Rapporteur on the situation in Afghanistan presented his findings during his opening remarks. Mr. Bennett opened by recommitting to defending the rights of Afghans, particularly women and girls, and called on the Council to match its words with deeds. Speaking three weeks after the fifth anniversary of the Taliban's takeover, he warned that the cumulative effect of five years of restrictions had reshaped Afghanistan's social fabric, with the education system excluding girls, dismantled institutions, and Taliban decrees invading private lives. According to him, the Taliban had learned that international condemnation carried little cost. He outlined his report's two-part structure: a review of developments since November 2025 and a dedicated examination of the plight of children, who make up roughly half the population of Afghanistan. Citing focus group discussions with 102 Afghans and 25 written submissions, including those of young Afghans, he quoted a girl who said her life was defined by "fear, tears and despair," and noted continuing reports of suicide among girls.

He detailed the May 2026 decree on spousal separation, which he stated as implicitly recognising child marriage, and the "rules for courts" decree, which he reported as unfairly punishing women through violence. He also raised the repression of religious and ethnic minorities, closing civic space, a new ban on demonstrations, mass returns from Iran and Pakistan, and called on states to avoid normalising relations with the Taliban.

II. Statement of the Permanent Representative of Afghanistan, on behalf of Country Concerned



Mr. Nasir Ahmad Andisha, Permanent Representative of Afghanistan, thanked the Special Rapporteur for his extensive work and noted that five years after the Taliban's takeover, restrictions on fundamental rights were no longer isolated measures but had been consolidated through decrees and institutionalised practice, with severe consequences for women, girls, children, and people of religious and ethnic minorities. He stressed that the decrees from 2026 on spousal separation and criminal procedure were not simply legislative shortcomings, since no legislative process exists under the Taliban, and that women facing violence encountered almost insurmountable barriers to protection.

Regarding children, he pointed to the dismantling of child protection and juvenile justice mechanisms, exposure to corporal punishment, and the continued exclusion of girls from

education, warning of long-term damage to Afghanistan's human capital and social fabric. He echoed concerns raised by the High Commissioner regarding shrinking civic space and violence against the Shia community in Herat. He called on the Council to move beyond documenting and condemning violations by urgently operationalising the Independent Investigative Mechanism for Afghanistan, reconsidering its location in Vienna, advancing the codification of gender apartheid as a crime against humanity, and supporting universal jurisdiction and Afghan-led transitional justice initiatives.

III. Statements Delivered on behalf of Group of States

The Kingdom of Norway on behalf of the Nordic Baltic countries



The Representative of Norway thanked the Special Rapporteur for his work and expressed deep concern over Afghanistan's worsening human rights situation. He highlighted systematic discrimination against women and girls, including restricted education and employment, intensified enforcement of dress codes, alongside cruel and degrading punishments and restrictions on freedom of expression of journalists, human rights defenders, and civil society. He warned that Taliban policies were affecting the future of an entire generation of children, while praising the resilience of young Afghans. He called for greater engagement with Afghan actors inside the country, urged for the operationalisation of the Independent Investigative Mechanism for Afghanistan, and reaffirmed support for the Special Rapporteur's mandate.

Islamic Republic of Pakistan on behalf of the Organisation of Islamic Cooperation (OIC)



Speaking on behalf of the OIC, Mr Jawad Ali thanked the Special Rapporteur for his report and expressed deep concern over Afghanistan's deteriorating humanitarian, social, economic, and human rights conditions. He reiterated the OIC's disappointment over the continued suspension of female education, stressing that Islamic teachings guarantee education as a fundamental right to be enjoyed equally and without discrimination, and calling on the de facto authorities to reverse this policy. He urged them to uphold the principles of the UN and OIC Charters and to comply with their obligations under international human rights covenants, particularly regarding women, children, youth, the elderly, and persons with special needs. He also stressed the importance of combating terrorism and ensuring Afghan territory was not used as a safe haven by armed groups against neighbouring states, while reaffirming OIC's solidarity with the Afghan people.

The European Union (EU)

The representative of the EU thanked the Special Rapporteur for his report, noting that five years after the Taliban's takeover, its grip on Afghanistan's society had only tightened, with girls being denied secondary education, child protection safeguards having been dismantled, and civic space has been continuously shrinking. He condemned the decree on criminal rules of courts for legalising violence against women short of severe injury, and enabling violence against children and other minorities, warning these violations may amount to gender persecution under the Rome Statute. It called for reversing restrictions on women's healthcare, pledged financial

support for the Independent Investigative Mechanism for Afghanistan, and asked how the Special Rapporteur envisioned collaboration with the de facto regime.

The Republic of Chile on behalf of a Group of Countries



Speaking on behalf of a cross-regional group of over 48 countries, Chile's representative noted that Taliban policies have had a devastating impact on children, particularly girls, since the takeover in 2021. She expressed grave concern that girls remained barred from education beyond sixth grade, and highlighted alarming reports of rising forced child marriage, including cases where a girl's silence was deemed consent, alongside increased gender-based violence and impunity for killings linked to domestic violence and forced marriage. She warned these harms were driving a severe mental health crisis among Afghan children and called on the Taliban to guarantee education, end child marriage, and ensure accountability.

IV. Relevant Statements by Other Delegations

The State of Qatar



The representative of Qatar noted that over 22 million people (making 45 % of the population), were in need of humanitarian assistance, due to economic vulnerability, climate shocks, displacement, and the freezing of assets. Rather than solely criticising the Taliban, the delegate of Qatar detailed its own contributions, including evacuating and sheltering Afghan children, funding the education of 30,000 students since 2023, supporting education through the Red Crescent since 2016, and building a children's hospital. In his statement he positioned Qatar as a mediator, hosting dialogues with the Taliban, and called for an approach, combining humanitarian response with responsible political engagement.

The Republic of South Africa



The delegate of the Republic of South Africa framed the crisis in Afghanistan through South Africa's lens. She stated that Afghan children, particularly girls were being denied a childhood and robbed of a future. . She invoked Nelson Mandela's reminder that a society's true character is revealed in how it treats its children. Drawing on South Africa's own experience of institutionalised discrimination, she stated that South Africans understood the lasting harm such systems inflict on children and adults alike. She concluded her statement by calling for the Independent Investigative Mechanism for Afghanistan to be adequately funded and urgently operationalised, describing accountability as the least the international community owed Afghanistan's children.

The Russian Federation



The representative of the Russian Federation began by stating that Russia recognised the right of the Afghan people to their own identity and religious and ethnic traditions. Rather than condemning the Taliban's decrees, he criticised what he called the "double standards" of Western states, pointing to frozen Afghan assets and conditional humanitarian assistance. He argued that Western states were demanding decisive human rights action while simultaneously blocking Afghanistan's resources, and recalled what he described as the unaddressed war crimes committed by NATO and allied forces during their twenty-year presence in Afghanistan. He called on international donors to increase assistance in a neutral, impartial, and independent manner.

V. Statements delivered on behalf of UN Bodies

UN Women



Ms. Asya Varbanova, on behalf of UN Women, stated that five years after the Taliban's takeover, the systematic exclusion of Afghan women and girls has taken a deep intergenerational toll on them. She cited a new UN Women report which found that nearly two-thirds of parents felt their adolescent daughters' lives were worse than expected, almost double the share who felt the same about their sons. She highlighted the lost access to education as a major concern, limiting future work and public participation. The report noted that Afghan girls were growing up with fewer memories of women studying or working freely. The statement drew much needed attention, since it was delivered one year after Afghan women staff and contractors were barred from UN premises, an unprecedented restriction in the UN's history, and called on the Council to keep Afghanistan on top of its agenda.

United Nations Children's Fund (UNICEF)



Ms. Anne Grandjean, the representative of UNICEF, stated that she remained concerned about the worsening situation of children in Afghanistan, noting that millions of girls remained barred from secondary schools and universities, with projections of over 2 million adolescents denied access to education by 2030. She warned that the resulting lack of female health workers would severely impact children's health outcomes. She also highlighted that Decrees 12 and 18 codified systematic discrimination against women and girls in law and practice, with Decree 18 effectively normalising child marriage by treating a girl's silence as consent, and Decree 12 stripping safeguards against domestic violence by making marital abuse punishable only where it caused severe physical injury. The representative noted that nearly 2.9 million Afghans, over 60% of them children, were expected to return from neighbouring countries in 2026, and that over 1,000 grave violations against children had been verified by the UN in 2025, with explosive remnants of war remaining the leading cause of child casualties. UNICEF urged the de facto authorities to lift all bans on girls' education, revoke measures normalising child marriage and domestic violence, and guarantee unhindered humanitarian access for children and women.

VI. Statements and Video Interventions by NGOs

Several civil society representatives echoed the Special Rapporteur's assessment that the exclusion of Afghan women and girls amounts to gender apartheid, calling for its recognition under international law and warning that the Independent Investigative Mechanism for Afghanistan remained slow to operationalise, more than a year after its creation. Civil society actors raised the issue of severe penalties including death, and cautioned against European states pursuing returns of Afghan refugees while simultaneously engaging Taliban officials. Others highlighted targeted violence, land seizures, and forced displacements affecting the Hazara community, calling for a dedicated thematic report and for atrocity crimes against them to be prioritised.

One video intervention detailed the Taliban's criminal code, including institutionalised corporal punishment and discriminatory treatment of religious minorities. Civil society speakers also documented widespread corporal punishment and continued public executions, urging states to avoid normalising relations with the Taliban and to ensure full, independent funding of the accountability mechanism.

VII. Concluding Remarks by Special Rapporteur



In his concluding remarks, Mr Bennett thanked delegations and civil society for their support, noting that he was encouraged by the attention given to children and young people, whom he described as not only Afghanistan's future but its present. On accountability, he thanked the EU and Germany for pledging financial support to the Independent Investigative Mechanism for Afghanistan, stressing it required gender, child rights, and minorities expertise. He urged the use of every available accountability tool, including the International Criminal Court and universal jurisdiction, and also called for gender apartheid to be codified. He called for multi-year flexible funding for Afghan-led and women-led organisations, protection for minorities, scholarships and visas for students, and recognition of alternative education. He flagged ongoing concerns in Badakhshan and Kabul, including arrests of a seminary's teachers and a Hazara and Shia elders' office head, and closed his statement by calling for truth, justice, and reparations for all victims under Taliban rule.

Position of the Geneva International Centre for Justice

Geneva International Centre for Justice (GICJ) welcomes the update by the Special Rapporteur on the situation of human rights in Afghanistan. GICJ is particularly concerned by the institutionalisation of gender-based discrimination in Afghanistan through decrees that strip women and girls of their legal capacity and criminalise dissent. In terms of children's rights, GICJ is alarmed by the dismantling of Afghanistan's child protection and juvenile justice systems, leaving children without safeguards against corporal punishment, and exposed to forced labour, abusive recruitment, and sexual exploitation, as well as the normalisation of child marriage under the guise of protective legislation. GICJ is particularly worried by the continued forcible return of Afghan refugees, including unaccompanied children, in disregard of the non-derogable principle of non-refoulement. GICJ stresses the urgent need for the international community to move from documentation to binding accountability, five years after the Taliban's takeover.

GICJ calls on States to:

- Fully and urgently resource the Independent Investigative Mechanism for Afghanistan, ensuring it is staffed with gender, child rights, and minority expertise, consistent with the Council's mandate establishing it, and States' obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child;
- Support the codification of gender apartheid as a crime against humanity within the forthcoming Convention on Crimes Against Humanity, and pursue accountability through the International Criminal Court and universal jurisdiction, consistent with the Rome Statute;
- Uphold the principle of non-refoulement under customary international law and the Refugee Convention by immediately halting deportations to Afghanistan absent individualised protection screening, and expand safe, legal pathways, including scholarships and visas, for at-risk Afghans, particularly women, girls, and minorities.



@geneva4justice



Geneva International Centre for Justice



info@gicj.org



<https://www.gicj.org/>



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