

Joint Civil Society Statement on the Legal Initiative to Hold Afghanistan Accountable for Violations of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

March 4, 2025

We, members of Afghan and international civil society, commend the initiative taken by Australia, Canada, Germany, and the Kingdom of the Netherlands (states undertaking the initiative), who have formally called upon Afghanistan to cease its violations of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) under Article 29 of the Convention. This initiative may potentially lead to a case against Afghanistan in the International Court of Justice (ICJ), and it is a welcome step to illustrate solidarity in action with the women of Afghanistan.

We also welcome the convening of virtual and in-person consultations with the Afghan human rights community and call for continued, inclusive, and meaningful discussions. This legal initiative is a significant step toward holding Afghanistan accountable for its obligations under international law. In the face of the worsening women's rights crisis in Afghanistan and the Taliban's systematic and grave violations of women's and girls' rights since their takeover on August 15, 2021, there is a dire need for accountability and justice. According to the United States Institute of Peace (USIP), as of January 31, 2025, the de facto authorities have issued 138 decrees and measures against women and girls that have effectively erased them from public life, subjecting them to systematic, gender-based discrimination and persecution, which women in Afghanistan and the Special Rapporteur on the Situation of Human Rights in Afghanistan have described as tantamount to "gender apartheid." The Taliban have barred women from secondary and higher level education, employment, political participation, and equal access to healthcare and have dismantled protections for women and girls experiencing gender-based violence. Afghan women have been bravely resisting the Taliban's oppressive policies for the past three and a half years. Women protestors have faced arbitrary detention, torture, extrajudicial killings and enforced disappearances. Afghan human rights defenders in exile have sought every international and regional platform to demand a reversal of the discriminatory bans and restrictions and have repeatedly called for accountability for these violations.

As members of Afghan and international civil society, we stress the vital role of Afghan women and girls in this potential case. As agents of change, Afghan women should have opportunities to engage with states undertaking this initiative to contribute, whether in evidence gathering, case documentation, strategic communications, and future legal proceedings. Additionally, states undertaking this initiative should seek to center Afghan legal professionals where possible, including in decision-making, litigation strategy, and, where possible, lead oral arguments and litigation.

To ensure the effectiveness and inclusivity of this process, we recommend the following actions to the Applicant States and the international community at large:

- **Meaningful and Safe Consultations:** Uphold comprehensive, inclusive, and meaningful consultations with the affected community both within the country and in exile to shape and enrich the process and increase its legitimacy.
- **Inclusive Participation:** Ensure the inclusion and representation of Afghan human rights activists, women's rights experts, legal scholars and academics, and civil society from diverse ethnic, religious, and linguistic communities of Afghanistan, as well as other vulnerable and marginalized groups, including survivors of gender-based crimes, people with disabilities, members of the LGBTQI+ community and youth. The meaningful inclusion of the affected community will increase the mobilizing power of the process. Members of the Afghan human rights community can continue to advocate for the case, galvanize support of more states, act as a bridge between the governments and the broader affected community on the ground, and amplify firm voices of support on Afghan media. This will also connect the process with millions of Afghan women and girls inside Afghanistan and carry further resonance for the people of the country.
- **Transparency and Awareness:** Promote transparency throughout the future legal proceedings and dedicate thought and resources to raising awareness in the affected community through Afghan civil society partners.
- **Build broad-based support for the process:** Prioritize strategies for building broad support for the initiative, including from Muslim states and from the global majority countries. The severe violations of CEDAW in Afghanistan should be unacceptable everywhere. Afghan women deserve to see a strong, diverse, but united global alliance standing and advocating for their rights. This will remain difficult if there are perceptions of double standards regarding a potential future case before the ICJ from one or more of the Applicant States. Such perceptions could undermine the trust and credibility of the process, and the fragmentation in the international community will not serve Afghan women. The initiating states should address these concerns proactively at the outset to demonstrate the integrity of their efforts.

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