



An initiative for fostering dialogue on peace, education, and reorganizing professionals and civil society

SUMMARY REPORT

THE ROAD AHEAD: FROM PARTIAL PROGRESS TO FULL ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS IN AFGHANISTAN

Official Side Event of the 60th Session of the UN Human Rights Council, 10 September 2025, Geneva & Online

Introduction

This report summarizes the insights from the panel discussion held on September 10, 2025, organized by the Center for Dialogue and Progress - Geneva in partnership with the Permanent Missions of Afghanistan, Liechtenstein, and Iceland in Geneva, End Gender Apartheid Campaign, The Duty Legacy, Center for Human Rights Advocacy, and Global Center for Responsibility to Protect.

The event brought together leading experts and advocates to assess progress on accountability efforts, identify persistent gaps, and explore the need and complementarities with a new independent investigative mechanism for Afghanistan.

Panelists:

Richard Bennett (UN Special Rapporteur on Human Rights Situation in Afghanistan)

Natasha Arnpriester (Senior Litigation Officer at Open Society Justice Initiative)

Azadah Raz Mohammad (Legal Advisor at End Gender Apartheid Campaign)

Fereshta Abbasi (Afghanistan Researcher at Human Rights Watch)

Moderator: **Hamid Formuli** (Center for Dialog and Progress - Geneva)

Opening Remarks: **Ambassador Nasir Andisha** (Permanent Representative of Afghanistan to UNOG)





1. Framing the Discussion: tracking progress, highlighting gaps, and exploring complementarities

Hamid Formuli set the stage by highlighting the “widespread human rights violations in Afghanistan and decades of absolute impunity.” Meanwhile, acknowledging the recent efforts toward accountability: ICC proceedings, the work of the Special Rapporteur, a potential ICJ case, and growing advocacy for codifying gender apartheid and an investigative mechanism.

He acknowledged concerns among member states about “proliferation of mechanisms” and “uncertainty about how these initiatives can fit together.” The panel’s goal was to “take stock of the progress on these efforts, highlight complementarities and also, more importantly, identify the gaps that could be felt by an additional Investigative Mechanism.”

2. The Need to Close the Accountability Circle

Ambassador Andisha described the sustained advocacy by Afghan civil society and the Afghan mission at the UN for an independent investigative mechanism. He noted that, after years of both hope and disappointment, the urgency for such a mechanism has increased, especially as prospects for internal reform have faded.

Andisha argued that an independent mechanism is a missing piece to close the accountability circle, complementing the ICC, ICJ, and other bodies, and to create a comprehensive approach to accountability. He called for leveraging “all the tools that we have in our hand,” including sanctions, and concluded: “In the case of Afghanistan, there is a possibility of action, and there’s a possibility of making a difference.

Panelists Contributions



3. The Mandate of the Special Rapporteur: Progress and Gaps in Accountability

Richard Bennett, the UN Special Rapporteur, outlined the progress made through existing accountability tools, such as the ICC's investigation and his own mandate, including: successive reports raising awareness, putting violations on record, and amplifying victims' voices.

However, he was forthright about the limitations of his office, stating that "On paper, I have a strong team... In reality, I have a fraction of this." He also explained the structural limitations; the inability of his office to conduct in-depth investigations or collect evidence to a criminal justice standard. "Even if my mandate was fully resourced, fully staffed, there are things I could not do, and this includes conducting in-depth investigations,... to a standard that would be usable by international criminal justice bodies... It is at a human rights standard[currently], and identifying perpetrators, including those on the ground, and those with command or superior responsibility." Bennett emphasized that a new mechanism is needed to fill these gaps.

He advocated for clear cooperation between mechanisms to ensure efficiency and mutual reinforcement, especially given financial constraints, and also emphasized the importance of survivor-centered approaches. Bennett concluded that: "A new mechanism would perform a function that neither I nor UNAMA can perform... I see such a mechanism being strongly complementary to both my role and others."

4. Legal Initiative before the International Court of Justice to Hold Afghanistan Accountable under CEDAW

Natasha Arnpriester explained the activation of the CEDAW dispute settlement mechanism on September 25, 2024, by Australia, Canada, Germany, and the Netherlands, marking a first such instance and a historic step in international legal action. She described the multi-stage process required before a case can reach the ICJ, from notification to negotiations and potential arbitration. She urged claimant states to pursue this historic initiative. "The immediate priority is for these states to complete that pre-filing requirement if they were to take this case forward."

Arnpriester emphasized the potential impact of an ICJ case, which could result in legal clarity and binding declarations that Afghanistan is in breach of its international law obligations. The Court can issue compliance

orders requiring Afghanistan to remove restrictions, it can also produce evidence, and issue provisional measures (urgent orders) to halt ongoing violations while the case goes forward.

She emphasized the complementarities: “An investigative mechanism can gather, verify, organize the evidence that then the states can use to present to the court... an independent mechanism could package survivor testimony and documentation so that it reaches the court through the state’s proceedings and really ensures that Afghans' lived experiences are not excluded from the record.”

5. Codifying Gender Apartheid in International Law

Azadah Raz Mohammad discussed the effort to codify gender apartheid as a distinct crime in international law. She explained that this would “ formally recognise... systematic, institutionalized and state sponsored, gender based domination and operation as a... distinct and punishable crime, similar to racial apartheid... enabling accountability for perpetrators.”

She pointed to the ongoing negotiations around the draft crimes against humanity treaty in the sixth Committee as a key opportunity for codification. As of 2024, at least 10 UN member states have publicly indicated openness to this initiative.

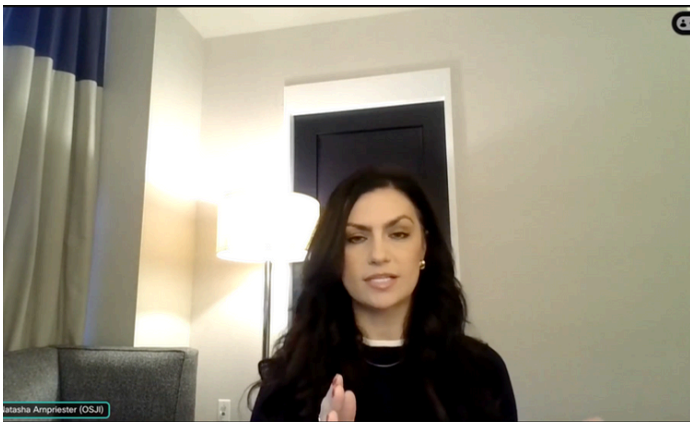
She argued that an investigative mechanism could provide the necessary documentation and evidence to support both advocacy and legal action, reinforcing the case for codification and accountability.. “An investigative mechanism could assist by documenting evidence of a system of systematic gender based oppression, exposing patterns of abuse and building a factual record that underscores the need for codification of gender apartheid... the empirical foundation that could reinforce advocacy efforts for increased pressure on states and international bodies to hold alleged perpetrators accountable.” She concluded by emphasizing that codification would not only provide a legal tool for accountability but also serve as a deterrent and a source of hope for survivors.

6. Gaps that Warrant an Independent Investigative Mechanism

Freshta Abbasi identified a major gap in the documentation of human rights abuses in Afghanistan, particularly regarding the collection of evidence and identification of perpetrators. She argued that the “mechanism that [the civil society is] calling for will be investigating and documenting grave abuses in Afghanistan, preserving evidence, and identifying perpetrators. Currently, no institution is adequately addressing this need.”

She emphasized that such a mechanism would complement existing initiatives, including ICC investigations and potential ICJ cases, as well as enabling universal jurisdiction cases.

Abbasi called for immediate action from the Human Rights Council and EU member states, stressing that further delays would only worsen the situation. “We cannot wait another year of deterioration of the situation in Afghanistan... we are at the point that the political decision needs to be taken now, if there is an intention and will. We do not need another option or scoping paper, because we do know what our options are... we need not waste resources on another paper while we know where these resources must be used.”



Panelist speaking online

Conclusion: Main Points & Recommendations for Action

- The panelists agreed on the urgent need for a comprehensive, independent investigative mechanism for Afghanistan to address documentation and accountability gaps.
- Existing efforts (Special Rapporteur, ICC, CEDAW initiative, advocacy for codifying gender apartheid), while crucial, are insufficient on their own.
- The new mechanism should be empowered to conduct in-depth investigations, preserve evidence, and identify perpetrators.
- Complementarity between legal initiatives, advocacy, and investigative mechanisms is essential for effective accountability.
- The Human Rights Council and the EU (as penholder of the resolution on Afghanistan) must act without further delay to establish the mechanism and support ongoing accountability efforts.

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