Position Paper

Standing with the women and girls of Afghanistan

Committee	United Nations Human Rights Council (UNHRC)
Country	Kingdom of the Netherlands
Agenda	Addressing the institutionalization of gender-based discrimination in Afghanistan: examining the recognition of "gender apartheid", accountability mechanisms and the international community's responsibility to protect fundamental rights

1. Why this cannot wait

Picture a twelve-year-old girl who loves school. She finishes her homework early, she dreams of becoming a doctor or a teacher, and then one morning she is told she may never walk back through those gates. For girls in Afghanistan, this is not a story. It is what has happened since August 2021, when the Taliban took control of the country.

In the years since, the doors have kept closing. Girls have been shut out of secondary school, and young women out of universities. Most women have lost their jobs. Their freedom to move around, to speak, and to take part in public life has been taken away step by step, until a whole half of the population has been pushed out of sight.

These are not a few unfair rules that happen to sit side by side. Together they form a system, and that is exactly why so many voices now call it "gender apartheid." The Netherlands sees this as a deep human rights crisis, and we believe the world has no right to look away from it or to get used to it.

> *"A right that disappears because of who you are was never respected in the first place."*

2. Where the Netherlands stands

Our belief is simple. No one should lose their rights because of their gender. The Netherlands strongly condemns the discrimination against Afghan women and girls, and we will keep asking, again and again, for an end to the policies that keep them out of classrooms, workplaces and public life.

We have tried to back our words with action. In September 2024, the Netherlands joined Australia, Canada and Germany in starting formal proceedings against Afghanistan under Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), because of its failure to keep the promises it made under that treaty.

We have also been clear about relations with the Taliban de facto authorities. Talk of normal ties can only begin once real progress is made on human rights, and above all on the rights of women. We support independent monitoring, careful documentation of abuses, and accountability for

those responsible. Above all, we believe Afghan women must have a real voice in deciding the future of their own country. No deal, however convenient, should be paid for with their freedom.

3. What the law already tells us

Afghanistan is not outside the rules. It ratified CEDAW in 2003, and it is still bound by it, whoever happens to be in power. The authorities in Kabul must respect these obligations and stop the policies that stop women and girls from enjoying their rights.

The Netherlands has raised its concern about the systematic oppression of Afghan women and girls here at the Human Rights Council. We support the UN Special Rapporteur on Afghanistan and the wider effort to record violations and keep the evidence safe for the day it is needed.

We also follow the growing debate on gender apartheid with great interest. At present it is not a crime in its own right under international law, and we support looking carefully at whether it should become one, through a proper legal process. But we should not sit and wait for that to happen. The law we already have, including the crime against humanity of persecution on the grounds of gender, can and should be used wherever its conditions are met. Justice should not have to wait for a perfect definition.

4. What we propose

The Netherlands believes the following steps are realistic, and that together they can make a real difference.

1. **Make accountability real.** The UN and its Member States should back independent investigations and the safe keeping of evidence, and cooperate so that credible reports of serious violations are properly looked into.

2. **Give “gender apartheid” a clear legal meaning.** Member States should work toward a precise definition and think seriously about recognising it as a separate crime. This must be done carefully and through established international channels, so that the result is strong and lasting.

3. **Open the doors to learning and work again.** The world should keep calling for girls to return to secondary school and university, and for women to be allowed to work. Where it is possible to reach them, scholarships, education programmes and livelihood projects should be supported.

4. **Put Afghan women in the room.** Women, civil society groups and human rights defenders must be included in UN discussions and decisions about Afghanistan. Their place at the table has to be safe, meaningful and able to change outcomes, not just a photo opportunity.

5. **Keep help flowing, for everyone.** Humanitarian aid must keep reaching the Afghan people, especially women, girls and other vulnerable groups. It should follow humanitarian principles, and discriminatory rules must not be allowed to keep women away from the support they need to survive.

6. **Speak with one voice.** Member States should stay united on women's rights, press for clear and measurable progress, and keep human rights at the heart of any decision about relations with the Taliban de facto authorities.

5. A final word

The exclusion of women and girls from Afghan society must never be treated as normal. Every year that passes means another year of lost classrooms, lost careers and lost dreams, and those years do not come back. The world has a duty to answer with steady diplomacy, honest legal accountability and practical help for the people whose rights are being taken.

The Netherlands asks the Human Rights Council to strengthen cooperation, to stand behind women-led initiatives inside and outside Afghanistan, and to pursue accountability that people can trust. This is not only a political matter. It is a basic duty owed to every human being. We remain committed to working with all Member States toward a day when every Afghan girl can open a book without fear, every woman can walk into public life with her head held high, and each of them can live with dignity and equality.