POSITION PAPER

COMMITTEE: United Nations Human Rights Council (UNHRC)
COUNTRY: Republic Indonesia
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. INTRODUCTION AND BACKGROUND

The Republic of Indonesia is deeply concerned about the deteriorating human rights situation of women and girls in Afghanistan. Since August 2021, the de facto authorities have imposed increasingly severe restrictions on their fundamental rights, including access to education, employment, healthcare, freedom of movement and participation in public life. These restrictions have created a systematic and institutionalized structure of discrimination that affects millions of Afghan women and girls, threatening their dignity, equality and fundamental freedoms.

Indonesia firmly believes that gender equality is essential for achieving sustainable peace, social development and human dignity. No woman or girl should be denied access to education, employment or equal opportunities because of her gender. Indonesia recognizes the importance of examining the concept of “gender apartheid” within international law and supports effective measures to prevent gender-based persecution, protect victims and ensure accountability for serious human rights violations.

2. INTERNATIONAL INITIATIVES AND EXISTING FRAMEWORKS

The international community has undertaken several initiatives to address the deteriorating human rights situation in Afghanistan and protect the fundamental rights of women and girls.

a) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

CEDAW establishes an international legal framework requiring States Parties to eliminate discrimination against women and guarantee equal rights in education, employment, healthcare and public participation. Afghanistan signed the Convention on 14 August 1980 and ratified it on 5 March 2003, making it legally bound by its provisions.

b) United Nations Security Council Resolution 1325 (2000)

This resolution established the Women, Peace and Security agenda, emphasizing the importance of women's equal participation in conflict prevention, peace negotiations, peacebuilding and decision-making processes. It also highlights the need to protect women and girls from violence during and after conflicts.

c) Human Rights Council Resolution 50/14 (2022)

Adopted on 8 July 2022, this resolution specifically addressed the situation of human rights of women and girls in Afghanistan. It condemned the institutionalized and systematic oppression of women and girls and emphasized the need to protect their fundamental rights and freedoms.

d) United Nations Security Council Resolution 2681 (2023)

Adopted unanimously on 27 April 2023, this resolution condemned the Taliban's decision to prohibit Afghan women from working for the United Nations in Afghanistan. It called for the full, equal and meaningful participation of women and girls in Afghan society.

e) Human Rights Council Report A/HRC/56/25 (2024)

The report of the Special Rapporteur on the situation of human rights in Afghanistan examined the institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion faced by women and girls. It contributed to international discussions concerning gender apartheid and the need for stronger accountability measures.

f) Human Rights Council Resolution 57/3 (2024)

Adopted on 9 October 2024, this resolution extended the mandate of the Special Rapporteur on the situation of human rights in Afghanistan. It also requested further examination of women's access to justice, protection and the effects of multiple and intersecting forms of discrimination.

g) Human Rights Council Resolution 60/2 (2025)

Adopted on 6 October 2025, this resolution established an ongoing independent investigative mechanism to collect, consolidate, preserve and analyse evidence of international crimes and the most serious violations of international law committed in Afghanistan, including violations against women and girls. The mechanism is intended to prepare evidence files to facilitate fair and independent criminal proceedings before courts or tribunals with appropriate jurisdiction.

h) Human Rights Council Resolution 63/1 (2026)

This resolution strengthened international accountability efforts by welcoming progress towards operationalizing the independent investigative mechanism established under Resolution 60/2. It called upon states and other relevant stakeholders to cooperate with the mechanism and provide necessary evidence and assistance. It also welcomed the initiative of Australia, Canada, Germany and the Netherlands under Article 29(1) of CEDAW to hold Afghanistan accountable for violations of the Convention.

3. INDONESIAN POLICIES AND INTERNATIONAL STANCE

The Republic of Indonesia firmly believes that women's rights, gender equality and human dignity must remain central to international human rights cooperation.

a) Commitment to Gender Equality

Indonesia supports the principles of equality and non-discrimination established under the United Nations Charter and international human rights conventions. Indonesia ratified CEDAW on 13 September 1984 through Law No. 7 of 1984, demonstrating its commitment to eliminating discrimination against women and promoting equal opportunities in education, employment and public life.

b) Indonesia's Stance on Afghanistan

During the 59th Session of the Human Rights Council in June 2025, Indonesia expressed deep concern regarding the continued deterioration of human rights in Afghanistan, particularly the discriminatory policies that restrict women's participation in public life. Indonesia urged the de facto authorities to reverse these practices and emphasized that women's access to justice and representation within the legal system are essential for building an inclusive and just society.

c) Educational Empowerment and Humanitarian Assistance

Indonesia has expressed its commitment to empowering Afghan women and girls through educational opportunities, including scholarships. During its intervention at the Human Rights Council in June 2025, Indonesia also highlighted the importance of food security, healthcare and education in protecting the fundamental rights of Afghan women and girls. It drew attention to the funding challenges affecting World Food Programme nutrition assistance and their impact on women and children.

d) Promotion of Women's Political Participation

Indonesia has demonstrated its commitment to women's participation in decision-making by serving as a main sponsor of Human Rights Council Resolution 57/17 (2024), titled *Equal Participation in Political and Public Affairs*. This resolution promotes equal opportunities for women to participate in political institutions, public affairs and decision-making processes.

e) International Cooperation and Diplomatic Engagement

Indonesia supports constructive cooperation with international organizations, humanitarian agencies and relevant stakeholders to improve the human rights situation in Afghanistan. It believes that international engagement should be based on dialogue, respect for international law and the meaningful participation of Afghan women themselves.

f) Accountability and Access to Justice

Indonesia supports international efforts to investigate serious human rights violations and strengthen accountability mechanisms. It believes that victims must have access to justice,

that evidence of serious violations should be properly preserved and that appropriate legal processes should be strengthened to prevent impunity.

4. PROPOSED SOLUTIONS AND RECOMMENDATIONS

The Republic of Indonesia proposes the following measures to address the institutionalization of gender-based discrimination in Afghanistan:

a) Strengthening International Accountability Mechanisms

Indonesia supports the effective operationalization and adequate funding of the independent investigative mechanism established under Human Rights Council Resolution 60/2. It encourages cooperation between this mechanism, relevant United Nations bodies and national, regional and international courts with appropriate jurisdiction. Particular attention should be given to the safe collection and preservation of evidence and the protection of victims and witnesses.

b) Restoration of Educational and Employment Opportunities

Indonesia calls for the immediate restoration of equal educational opportunities for Afghan girls at all levels, including secondary schools and universities. It also encourages international scholarship programmes, vocational training and employment initiatives to promote women's independence, economic empowerment and participation in society.

c) Expansion of Humanitarian and Educational Assistance

Indonesia encourages the international community, particularly UN Women, UNICEF, UNESCO and the World Food Programme, to strengthen educational assistance, healthcare services and food security programmes for vulnerable Afghan communities. Special attention should be given to women and children, and humanitarian assistance must reach all those in need without discrimination. Support should also be provided to women-led organizations delivering essential services.

d) Examination and Recognition of Gender Apartheid

Indonesia supports further international legal examination of the concept of gender apartheid and its possible recognition within international law. It encourages cooperation among Member States, international legal experts and Afghan women's organizations to develop a clear and internationally accepted legal framework that strengthens protection against systematic gender-based persecution. This process should also build upon existing international law concerning gender-based persecution as a crime against humanity.

e) Meaningful Participation of Afghan Women

Indonesia calls for the meaningful inclusion of Afghan women, civil society representatives and women-led organizations in international discussions and decision-making processes

concerning Afghanistan. Their perspectives must be considered when developing policies and solutions that directly affect their rights, safety and future.

5. CONCLUSION

The Republic of Indonesia firmly believes that protecting women's rights is fundamental to achieving peace, equality and sustainable development. The institutionalized discrimination faced by Afghan women and girls requires a coordinated, consistent and effective international response. Indonesia urges all Member States to work collectively through diplomatic dialogue, humanitarian cooperation, international legal frameworks and effective accountability mechanisms to restore the fundamental rights of Afghan women and girls.

Indonesia emphasizes that education, equality, justice and human dignity must never be treated as privileges. The international community must ensure that Afghan women and girls are not excluded from the future of their own country and that their voices are represented in every effort towards a peaceful, inclusive and just Afghanistan.