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Concept Note

Ensuring Access to Justice for Afghan Women and Girls: Documentation, Accountability, Protection, and the Rule of Law

*An Interactive Dialogue with Afghan Women, Legal Experts, and Accountability Mechanisms
Side Event on the Margins of the 70th Session of CSW*

12 March 2026 | 10:00-11:15AM | Conference Room 2 | United Nations Headquarters

Background

The 70th session of the Commission on the Status of Women (CSW70) focuses on strengthening access to justice for all women and girls. This priority theme presents a critical opportunity to examine how systemic discrimination and institutionalised impunity deny women not only their fundamental rights, but also meaningful access to protection, remedies, and redress. In contexts of protracted crisis, access to justice extends beyond courtrooms; it is defined by a woman's legal status, physical safety, bodily autonomy, and the existence of independent mechanisms capable of addressing violations.

This crisis is most acute in Afghanistan. Since 2021, the Taliban has institutionalised gender-based oppression through over 200 decrees restricting women's participation in public life, employment, education, and freedom of movement. These measures culminated in the 2024 Law on the Promotion of Virtue and the Prevention of Vice, codifying a system widely described by Afghan women as gender apartheid, a term they are advocating to be formally recognised under international law.

Beyond legal and political exclusion, Taliban policies have had profound consequences for women's health and reproductive rights. Restrictions on women's mobility, the exclusion of women from education and professional sectors, and limitations on female healthcare providers have severely constrained access to maternal healthcare, sexual and reproductive health services, and psychosocial support. Women's ability to seek life-saving medical care, access family planning information, or obtain confidential treatment is increasingly mediated by male guardianship and moral enforcement structures. In such conditions, denial of health and reproductive autonomy becomes both a human rights violation and a barrier to justice.

In January 2026, the Taliban introduced a new Penal and Criminal Procedure Code that further formalises this system of control. The Code designates men as the primary legal authority (the "owner of the woman") and divides society into hierarchical classes in which punishment is linked to social status rather than the offence. These provisions normalise practices amounting to slavery, weaken fair-trial guarantees, and legitimise violence against women, fundamentally contravening international human rights standards regarding equality before the law, non-discrimination, and the prohibition of torture and cruel, inhuman, or degrading treatment.

Women's experiences of repression and exclusion in Afghanistan are not uniform. Taliban decrees, legal frameworks, and barriers to justice affect women differently depending on intersecting identities, including ethnicity, religion or sect, socio-economic status, geography, disability, and displacement. Women belonging to religious and ethnic minorities, as well as those in rural or conflict-affected areas, face distinct and often compounded forms of discrimination and violence, reflecting the intersection of gender-based persecution and identity-based marginalisation.

As violations escalate, preserving credible evidence is vital for future accountability. In response, Afghan women, legal experts, and researchers have launched documentation initiatives to capture primary-source materials, including decrees, court decisions, and survivor testimonies. These efforts aim not only to record abuses but to structure evidence in ways that meet international accountability standards.

This side event situates violence against Afghan women and girls, including restrictions on legal status, bodily autonomy, and access to health and reproductive care, within international legal and accountability frameworks. It highlights the role of UN mechanisms in documenting violations, preserving evidence, and ensuring that Afghan women's voices remain central to the pursuit of justice under conditions of systemic and intersectional discrimination.

Objectives

- **Examine the erosion of access to justice in Afghanistan** following the dismantling of judicial institutions and the codification of discriminatory legal frameworks, including the Taliban's Penal and Criminal Procedure Code.
- **Analyse the implications of the Taliban's legal and policy measures**, particularly their impact on women's legal status, equality before the law, protection from violence, and access to health and reproductive rights, in light of international human rights standards.

- **Assess how access to justice is experienced differently across communities**, including the compounded barriers faced by women based on intersecting identities such as ethnicity, religion or sect, socio-economic status, geography, disability, and displacement.
- **Identify the gap between documentation of violations and meaningful accountability outcomes**, including challenges related to survivor protection, admissibility of evidence, and enforcement mechanisms.
- **Highlight the role, opportunities, and limitations of UN and international accountability mechanisms** in preserving evidence, preventing the normalisation of systemic discrimination, and advancing future justice processes.
- **Foster a policy-oriented dialogue between Afghan women, Member States, legal experts, and UN actors** to identify practical, survivor-centred pathways toward accountability and the upholding of international law.

Agenda

1. **Opening Remarks** (20 minutes)
2. **Keynote Address by:** Mr. Richard Bennett, UN Special Rapporteur on the Situation of Human Rights in Afghanistan
3. **Panel Discussion** (30 minutes)
 - Ms Metra Mehran, Co-Founder and Director, Afghanistan Justice Archive
 - Ms. Zarqa Yaftali: Director and Founder, Women and Children Legal Research Foundation (WCRAN)
 - Ms. Hanifa Girowal: Women's Rights First (WRF) & Afghanistan Policy Lab SPIA
 - Dr. Homira M Rezai: Human Rights Defender & Board Member, Shahmama Organization
 - Eyewitness TBC

3. Floor Interventions & Q&A (15 minutes)

4. Closing remarks (10 minutes)

Registration: Please register using the following link (or scan the QR code) by **March 9, 2026:** <https://forms.gle/L6CxGs5xyB25cbnY9>