



سفارت و نمایندگی
جمهوری اسلامی افغانستان
ژنیو - سویس

EMBASSY & MISSION of
THE ISLAMIC REPUBLIC of AFGHANISTAN
Geneva - Switzerland

د افغانستان اسلامي جمهوریت
سفارت او نمایندگی
ژنیو - سویس

**To the Members of the United Nations International Law Commission,
Avenue de la paix 8-14
1211 Geneva 10, Switzerland**

11/12/2023

Subject: Inclusion of "Gender Apartheid" as a Crime Against Humanity in the Draft of the Crimes Against Humanity Treaty

Dear Esteemed Members of the Commission,

As the Permanent Representative of Afghanistan to the United Nations in Geneva and Former Vice President of the Human Rights Council, I am writing to express grave concern and propose an essential amendment to the Crimes Against Humanity Treaty Draft.

Afghanistan, like many nations, has witnessed the harsh realities of what can only be described as "Gender Apartheid" – a systematic and brutal regime of discrimination and segregation based on gender since September 2021, the seizure of power by the Taliban. This phenomenon, unfortunately, is not unique to our nation but is a global crisis that undermines the fundamental principles of equality, dignity, and human rights that the United Nations and civilised communities stand for.

"Gender Apartheid," as we propose it to be recognised, involves practices or/and incitement to them where one or more gender groups (most commonly women and girls) are systematically segregated, discriminated against, and denied fundamental human rights, including the right to education, work, freedom of movement, to the right to participate in social, political, and economic life, by another gender group.

Recognising "Gender Apartheid" as a crime against humanity would be a historic step in the right direction for global human rights legislation. It would not only offer a framework for international accountability but also serve as a deterrent against the perpetration of such acts. This amendment would also align with the Sustainable Development Goals, particularly Goals 5 and 16, which aim to achieve gender equality and empower all women and girls and peace, justice, and strong institutions.

The inclusion of "Gender Apartheid in the draft treaty would also send a powerful message to the international community that gender-based discrimination in its most extreme forms will not be tolerated and that the global legal framework is adapting to address evolving forms of crimes against humanity.

I urge the Commission to consider this proposal seriously and to take a stand for the millions of women and girls who are currently suffering under regimes of Gender Apartheid like the de facto Taliban governance in Afghanistan. Our collective responsibility as member states of the United Nations is to ensure that our international legal instruments are robust, relevant, and reflective of the challenges faced by those most vulnerable among us.

Thank you for considering this critical amendment. I look forward to your response and the possibility of working together towards a world where the rights and dignity of every individual, regardless of gender, are respected and protected under international law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dr. Nasir A. Andisha', with a long horizontal flourish extending to the right.

Dr. Nasir A. Andisha
Ambassador and Permanent Representative of Afghanistan
United Nations and Other International Organisations in Geneva