

**STATEMENT OF THE INTERNATIONAL LAW COMMUNITY
OF THE DISTRICT OF COLUMBIA BAR COMMUNITIES**

**HISTORIC LEGAL DEVELOPMENTS IN GENDER EQUALITY
ON THE OCCASION OF INTERNATIONAL WOMEN’S DAY 2025**

On International Women’s Day (March 8, 2025), the International Law Community of the District of Columbia Bar Communities¹ (the “Community”) recognizes historic human rights efforts to affirm women’s equality and gender justice globally and highlights the important work of international courts in their enforcement of international human rights law.

For example, there are initiatives currently underway in connection with the International Court of Justice (ICJ) and the International Criminal Court (ICC), respectively, that seek to hold the Taliban, described as Afghanistan’s *de facto* authority, as well as specific Taliban officials, accountable under international law for gender-based human rights violations against Afghan women and girls. These efforts underscore the extreme comprehensive exclusion of and systematic discrimination against women and girls enshrined in the Taliban’s measures and practices that violate international human rights. Additionally, according to the ICC Prosecutor, Mr. Karim A. A. Khan, such conduct may amount to gender-based persecution and crimes against humanity under international criminal law. The distinct yet related approaches to the underlying challenges facing Afghan women and girls are not limited to Afghanistan and may offer valuable legal strategies to enforce gender justice globally. Notably, these cases draw attention to efforts to define a new crime of “gender apartheid” which is under consideration for inclusion in the world’s first treaty on the Prevention and Punishment of Crimes Against Humanity ([draft Articles, Crimes against Humanity Treaty](#)).² Moreover, addressing Afghan women’s and girls’ rights in these highly-visible international fora conveys the message that other actors and entities may face legal consequences should they fail to honor their obligations or treaty commitments to gender-based equality and non-discrimination.

Since the August 2021 takeover by the Taliban forces, Afghan women and girls have faced a uniquely “widespread, systematic, and all-encompassing” infringement of their rights.³ The Taliban has issued (and brutally enforced) dozens of edicts that have effectively barred Afghan women and girls from secondary and higher education, full employment, participation in public and civic life, equal access to health care, and basic freedoms of movement and association. Under the Taliban authorities, Afghanistan appears to be the only country that prohibits girls

¹ The views expressed herein are presented on behalf of the International Law Community, a voluntary association of individuals, most but not necessarily all of whom are members of the D.C. Bar. The D.C. Bar itself made no monetary contribution to fund the preparation or submission of this statement. Moreover, the views expressed herein have been neither approved nor endorsed by the D.C. Bar, its Board of Governors, or its general membership.

² Kelly Adams, [Support Grows for Gender Justice at UN Session on Draft Crimes Against Humanity Treaty](#), Just Security (May 23, 2024).

³ United Nations Office of the High Commissioner for Human Rights, ‘Situation of women and girls in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls,’ [A/HRC/53/21](#) (June 15, 2023).

from education after the sixth grade and bars women from university education.⁴ According to the United Nations, the August 2024 Law on the Promotion of Virtue and the Prevention of Vice “cement[s] policies that completely erase women’s presence in public – silencing their voices, and depriving them of their individual autonomy, effectively attempting to render them into faceless, voiceless shadows.”⁵

Notably, an ICC investigation against the Taliban underway gained significant momentum in January of this year when ICC Prosecutor Khan applied for arrest warrants against two named Taliban leaders,⁶ with the potential for more defendants to be named, based on violations on the grounds of gender persecution, a crime against humanity under Article 7(1)(h) of the Rome Statute of the ICC. According to Prosecutor Khan, the ICC action “signals that the status quo for women and girls in Afghanistan is not acceptable” and that the named Taliban leaders are criminally responsible for “unprecedented, unconscionable and ongoing persecution” since at least August 2021 of Afghan girls, women, and LGBTQI+ individuals—persons who do not conform to the Taliban’s “ideological expectations of gender identity or expression” as well as allies of Afghan girls and women, including Afghan men who have protested the regime’s gender-based discriminatory policies and practices.⁷

The ongoing criminal gender persecution case specifies that discrimination against Afghan women and girls pervades all aspects of their lives and “entails numerous severe deprivations of victims’ fundamental rights, contrary to international law, including the right to physical integrity and autonomy, to free movement and free expression, to education, to private and family life, and to free assembly.”⁸ As asserted in one of the arrest warrant applications, the Taliban have imposed (and enforce through actual and threatened violence, as well as psychological intimidation) a system of discriminatory rules and prohibitions “affecting all spheres of the public and private lives of women (and girls) [including] decrees and other instructions [that] distinguish women (and girls) from men (and boys) across the entire range of human activities, and afford[ing] them unequal rights and protections accordingly.”⁹

Complimenting the importance of prosecuting the Taliban, several states¹⁰ announced plans to file a case with the ICJ against Afghanistan for severe violations of human rights under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). If the

⁴ UNESCO, [Afghanistan: 1.4 million girls still banned from school by de facto authorities](#) (Sept. 24, 2024) (“Afghanistan is the only country in the world to prohibit access to education for girls over the age of 12 and for women”).

⁵ UN Office of the High Commissioner for Human Rights, Press Briefing Notes: [Afghanistan: Repressive Law Must Immediately Be Repealed](#) (Aug. 27, 2024).

⁶ The arrest warrants requested are for the Taliban Supreme Leader, Haibatullah Akhundzada, and the Taliban Chief Justice, Abdul Hakim Haqqani.

⁷ International Criminal Court, News: [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in Afghanistan](#), (Jan 23, 2025).

⁸ *Ibid.*

⁹ International Criminal Court, Office of the Prosecutor, [Prosecution's application under article 58 for a warrant of arrest against Haibatullah AKHUNDZADA](#), ICC-02/17-224-Red, para. 63 (Jan. 23, 2025).

¹⁰ Germany, the Netherlands, Canada, and Australia, supported by 22 other states, made this announcement on September 25, 2024. *See* Alice Johnson, [Afghanistan: potential ICJ case a step towards justice for Afghan women](#), International Bar Association (Oct. 24, 2024).

case proceeds in the ICJ, it would mark the first time that a CEDAW State party (Afghanistan ratified the treaty in 2003) has been challenged in the ICJ for discrimination against women under that treaty. It would thus simultaneously serve as a case of first impression, “marking the Court’s inaugural examination of the world’s foremost women’s rights treaty.”¹¹

As a CEDAW State party, Afghanistan is required to ensure that women and girls enjoy equal rights and legal protections, including the rights to an education, employment, health, bodily autonomy, and full and equal participation in public life. Numerous human rights groups, women’s rights activists, and inter-governmental organizations have presented substantial evidence showing the Taliban authority has violated CEDAW principles by subjecting women and girls to extreme measures of systematic gender-based discrimination and violence. Significantly, the recent General Recommendation¹² of the UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee) reported that at its most severe, the exclusion of women presents “an institutionalized regime of systematic oppression and domination of women, committed with the intention of maintaining a regime that is increasingly referred to as ‘gender apartheid,’” and further posited that “[i]t is therefore crucial to codify the crime of ‘gender apartheid’ to create full accountability for gender-based crimes” ([General Recommendation No. 40 \(2024\)](#)).¹³

Afghan women, along with global allies, have been central actors in developing and shaping the strategy in connection with the ICC action and in invoking CEDAW to bring a case to the ICJ seeking an international judicial opinion against the Taliban.

The Community is committed to the rule of law, of which human rights protections are an essential pillar. Accordingly, the Community calls on legal professionals and relevant authorities to uphold and support the critical role of international institutions and courts in their efforts to hold actors and governments accountable for failure to respect, protect and fulfill international human rights and to advance and maintain gender equality.

This public statement was approved by the Community’s Steering Committee by a unanimous vote of its elected members. For further information please contact the Community’s Steering Committee Public Statements Designee, [James Newland](#); or the leadership of the Human Rights Subcommittee—the authors of this Statement.

Respectfully submitted,
International Law Community
D.C. Bar Communities

¹¹ Fereshta Abbasi, Natasha Arnpriester, and Duru Yavan, [An Avenue to Justice for Afghan Women](#), The Cambridge Journal of Law, Politics, and Art (Sept. 13, 2024).

¹² Treaty Monitoring Bodies, such as the UN CEDAW Committee, issue “interpretation of the provisions of its respective human rights treaty in the form of “general comments” or “general recommendations.” UN Office of the High Commissioner of Human Rights, [General Comments](#), <https://www.ohchr.org/en/treaty-bodies/general-comments> (last visited Feb. 19, 2025).

¹³ CEDAW Committee, [General Recommendation No. 40 \(2024\)](#) on the equal and inclusive representation of women in decision-making systems, UN Doc. CEDAW/C/GC/40, (Oct. 25, 2024), para. 11.