Workshop Summary

AFGHANISTAN UNDER THE TALIBAN: DEVELOPING TOOLS FOR HUMAN RIGHTS MONITORING AND ADVOCACY

Hosted by the International Justice Clinic
UC Irvine School of Law
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On April 3rd and 4th, 2023, the Afghanistan Human Rights Project of the International Justice Clinic at UCI Law ("IJC") hosted a workshop to bring together human rights advocates, journalists, students and scholars to consider some of the most pressing problems related to the human rights crises in Afghanistan. Twenty human rights advocates participated in a roundtable discussion over the course of two days. This summary provides an overview of the discussion, a starting point for further elaboration, coalition-building, and activity in support of the urgent need for human rights compliance in Afghanistan today. The workshop was supported with the generous assistance of the Jacob Blaustein Institute for the Advancement of Human Rights.

Given the level of intimidation and threat the Taliban poses to women and girls, journalists, human rights defenders and others, including their families, the workshop was conducted under the Chatham House Rule. As a result, this report reviews the key discussions that took place during the workshop but does not identify individuals or provide identifying affiliations.

SUMMARY

The state of human rights within Afghanistan has deteriorated drastically since the Taliban takeover in August of 2021, and opportunities for successful advocacy and monitoring are decreasing. Taliban decrees and policies have imposed extraordinary burdens on individuals, civil society organizations, journalists and human rights defenders, domestically and internationally, making it difficult if not impossible for them to conduct their lives and their work. The rise of the Taliban has led to the decimation of journalism, with censorship and threats of violence eliminating twenty years of progress toward independent media. Since the Taliban takeover, the regime has aimed to target, isolate, harass, and abuse women and girls, assigning them a second-class status in which they are denied fundamental human rights across the board. Local human rights organizations have struggled to stay afloat and other marginalized individuals and communities are under continuous threat.

This Workshop sought to explore these issues and brainstorm different avenues for monitoring and advocacy.

The first sessions of the workshop focused on digital rights (the role of social media companies and protecting journalism), followed by international accountability mechanisms and strategies for research and advocacy. The second day of the conference brainstormed pathways

forward, with three prominent action items that resulted from the final day. Among other outcomes:

- The workshop developed a [letter to the UN Secretary General](#) urging him to center human rights when conducting his assessment of the crisis in Afghanistan under the Security Council Resolution 2679[1].

- The participants noted Afghanistan's [Universal Periodic Review](#) (UPR) in 2024 and the value of sharing information and support with respect to shadow reporting on various issues, including women's rights and minority rights.

- Participants emphasized the important role that could be played by a centralized or coordinated system to effectively collect, preserve, and distribute data on human rights violations in Afghanistan, addressing challenges related to funding, staff training, and credibility.

SESSION I: INTERNET PLATFORMS AND HUMAN RIGHTS IN AFGHANISTAN

Following introductory remarks by the UCI School of Law Dean Austen Parrish, Afghanistan Human Rights Project Director Hashmat Nadirpor, and IJC student/organizer Shaady Alavi-Moghaddam, the workshop opened with introductory statements about the state of digital media and social media in Afghanistan. Since the Taliban became the *de facto* government in 2021, the digital world has drastically changed within the country. The Taliban deploys media to target, among others, ethnic and religious minorities, women, and those who worked with the former coalition and humanitarian presence in Afghanistan. The Taliban, it was argued, attempts to use platforms like WhatsApp, Twitter, and Tiktok to spread their messages and target vulnerable individuals. Although most social media companies ban or limit the Taliban from using their platforms, Taliban leaders have an active presence on Twitter. Additionally, human rights advocates who are using social media to spread their messages are being arrested.

Given the challenges with the evolving digital media space in Afghanistan, the session sought to answer a number of key questions. For instance, what digital tools are available to ensure space for members of marginalized groups, opposition, and human rights defenders to connect with one another? How do social media platforms address online activities (threats, propaganda, etc.) of the Taliban? Are social media platforms equipped to address Taliban monitoring of online space? To what extent do Afghan human rights defenders and journalists perceive the Taliban actively using social media to target marginalized groups and human rights activists?

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[1] On 16 March 2023, the Security Council adopted Resolution 2679, requesting that the Secretary General "conduct and provide" to the Security Council "an integrated, independent assessment" on a range of issues in order to "advance the objective of a secure, stable, prosperous and inclusive Afghanistan." The assessment, according to the language of the resolution, is to include "forward-looking recommendations for an integrated and coherent approach among relevant political, humanitarian, and development actors, within and outside of the United Nations system, in order to address the current challenges faced by Afghanistan."

The discussion first turned to social media companies to question how they are monitoring content on their platforms and ensuring the safety of users when dealing with a terrorist group that is promoting hate speech and radicalization. Some social media companies have a human rights team advising about the protection and respect of human rights. They seek to adhere to commitments to freedom of speech as well as the safety of users on the platforms. However, it was suggested that the balance between protecting freedom of speech while ensuring users' safety and scrubbing platforms for hate speech and terrorist propaganda can be a struggle for social media companies.

Some social media have detailed policies on hate speech, bullying, harassment, doxing of activists, and 'dangerous' organizations that are dedicated to hatred against specific groups. All of these policies, it was said, apply globally, but most platforms seek to ensure that they are adapted for particular cultural vulnerabilities.

In relation to Afghanistan, it was suggested that some companies have introduced the ability to lock profiles, so they cannot be used for private surveillance, as well as messaging encryption services. Additionally, a number of social media companies have made commitments around the UN Guiding Principles on Business and Human Rights and the Global Network Initiative Principles, where businesses are responsible for respecting human rights.

Some human rights defenders expressed concern that the general moderation policies by companies are not fast enough to address emergency cases, such as individuals facing immediate targeting online. Social media companies, it was described, have escalation and operation channels where they can fact-check specific coverage for misinformation mitigation. The social media space is also a sanctioned environment, so they have to abide by legal obligations to avoid transactions with the Taliban under domestic and international rules. It was suggested that user flagging of violations may be the best way to address emergency cases. One company conceded that just because a post gets flagged does not mean it will get taken down, but at least it will go through a second-level review where the pros and cons of leaving up the post are analyzed more critically.

The conversation then turned to the various challenges that human rights defenders and social media companies experience while navigating the evolving digital media space in Afghanistan. Social media companies discussed that they specifically face enforcement and capacity issues as well as freedom of expression, security and privacy concerns. They have very different ways that they enforce content moderation and address privacy concerns. Some platforms have very stringent privacy policies with encrypted messaging while other platforms do not support end-to-end encryption. Social media companies may face objections to their privacy protections to the extent they are perceived as a barrier to enforcement against abuse. Additionally, they seek to ensure enforcement of their content moderation policies in such a way that they are not so broad they take down content that is critiquing the Taliban. It was said that there is generally a consensus that there are tradeoffs between privacy and security, but the human rights teams on social media platforms, it was argued, seek to investigate specific instances of violence, hate speech, or otherwise dangerous materials that are posted on their platforms.

In relation to capacity issues, it was noted that all of the social media companies have algorithms that detect "bad" content, as well as reporting mechanisms where individual users can

report hate speech or Taliban activity. Companies asserted that no matter how many people are on a human rights or policy team, there will always be content that slips through the cracks.

Some companies recognize that many activists and journalists are no longer in Afghanistan, so they were curious about who social media companies should be talking to in order to identify disinformation and other problems. Some suggested that members of the civil society diaspora might be the best people to help identify misinformation because they still have robust networks inside the country. Another issue that was raised was the fact that Dari and Pashto are resource-poor languages in the tech space, which makes it difficult to identify and improve automated responses to troubling content. Companies suggest that it could be helpful to increase Dari and Pashto language libraries on the internet, so their AI can be more effective at content moderation in Afghanistan.

Participants expressed particular concerns that social media companies do not seem to be focusing major efforts on Afghanistan, and there was robust debate about whether or not the companies can do more to protect human rights defenders and stop the Taliban and Taliban sympathizers from weaponizing the platforms. Companies note that they operate globally in areas with severe armed conflicts where the scale of human rights violations is extreme; therefore, they suggested, tools for monitoring are imperfect. There was a sense that there is some particular focus on Afghanistan, but it is difficult to focus large amounts of resources on specific countries because of a lack of capacity. Although most social media platforms moderate content through regional groupings, some platforms have specific content policies toward Afghanistan. These policies are not about just what words are used, but also about what behaviors and surveillance are identifiable (such as coordinated mass reporting/harassment/doxing).

When navigating social media, human rights advocates said that they are faced with privacy, connectivity, and access problems. Unfortunately, internet penetration in Afghanistan is less than 20%, with little connectivity outside of Kabul. Internet access is also very expensive. Participants expressed that connectivity and maintaining existing access to connectivity are very important. Some of the most important tasks in this area are creating ISPs for non-sanctioned entities and the widespread adoption of VPNs for those who have access. Internet connectivity services also face the barrier of their being subject to US/EU sanctions.

Beyond access issues, human rights defenders were curious about what tools *are* available for activists who have internet access, both inside and outside of Afghanistan. Platforms that were mentioned throughout the session were WhatsApp and workspace products such as Google Docs, Google Drive, and Google Sheets. It was suggested that these specific platforms provide security and the ability to collaborate and connect. After August 2021, several platforms put protections in place so users are able to change privacy settings in bulk. Some platforms also provided digital security training to civil society organizations in Afghanistan, enabling them to take control of their own resources. There is also Dari and Pashto training for individuals instructing them about how to secure their accounts.

There was a discussion about whether social media companies collaborate with one another to share information about content moderation and how to navigate human rights issues on their platforms. It was noted that the [Global Internet Forum to Counter Terrorism](#) provides one mechanism to address online terrorist content. It was also noted that some companies release

information on targeted disruptions and internet shutdowns, a growing concern because, during times of sensitive events, this is a tactic often used by bad actors. Social media companies fear that there will be more shutdowns, and they are vocal about this concern, but they believe this is a space where governments need to step in.

Companies added that they are seeking community partner channels where they are looking to build proactive relationships with civil society. The next steps are to continue building tools across platforms that help activists and civilians advocate for human rights issues and educate people on how to use these platforms while providing security to minimize fear of surveillance. The session concluded with social media companies expressing that human rights activists should bring their concerns to each representative of the social media companies so they can take the suggestions back to their human rights teams.

Key takeaways

- Human rights defenders, with support from companies and philanthropic donors, should seek to build up Dari and Pashto libraries online.

- Social media companies must build trusted relationships with human rights defenders and journalists so that they may share knowledge about internet shutdowns, misinformation, privacy concerns, and content moderation.

- Social media companies should collaborate with each other to build capacity across platforms for content moderation and increased security.

- HRDs may benefit from the use of secure communications platforms such as Google Docs, WhatsApp and Signal.

- Human rights defenders should advocate for lifted sanctions so internet access does not continue to decrease.

- Social media companies should continue to carefully monitor and take down content that compromises human rights activists' privacy or bolsters Taliban misinformation and/or propaganda.

- HRDs, journalists, and others using online platforms should appropriately flag and report content causing harm to individuals and communities.

SESSION II: USES OF DIGITAL TECHNOLOGIES BY HRDS, JOURNALISTS, AND OTHERS

This session opened with introductory remarks and a roundtable prompt led by the following questions: what is the current situation in Afghanistan as it relates to digital technologies and access to information, how can social media companies and journalists collaborate to make sure that the information coming out of Afghanistan is accurate, and how can the media accurately report on the human rights violations going on within Afghanistan?

Participants stated that for the two decades prior to the Taliban takeover in 2021, there were vast improvements in the quality of access to information and growth in the media industry. There was the digitization of millions of pages of data and information on Afghanistan, the adoption of robust access to information and freedom of expression legislation, and an increase in the number of journalists and media outlets working as a part of independent media. However, the participants added that during this time there were deaths of over 100 journalists and media workers, many of whom were killed by the Taliban. The Taliban targeted journalists and media workers who were working against the Taliban agenda and in favor of human rights and democratic ideals.

Participants expressed that following the collapse of the previous government came the collapse of the existing network of human rights defenders and journalists as a result of the tight Taliban regulations over the media industry. With this came extreme setbacks as it relates to the collection and preservation of documents, and uncertainty relating to the reliability of information coming out of the country. The participants further stated that the Taliban repealed or ignored legislation relating to the media and freedom of expression and started systematically censoring the media, issuing arbitrary and vague regulations about what were acceptable topics and viewpoints to report. In addition, they placed representatives in the newsrooms of large companies. This has resulted in an environment of self-censorship, effectively an eradication of independent media. It was noted that at least 1,000 journalists of the 11,000 working in Afghanistan prior to the Taliban takeover have left the country, and over 65% have lost their jobs. The impact has been especially significant towards female journalists, where around 85% have lost their jobs, and the Taliban have forced those who continue to work in a public setting as anchors or reporters to wear a black mask while on television.

As such, the participants discussed that there have been three different reactions from the media industry. The first is keeping silent, which has resulted in close to an estimated four hundred media outlets closing over out of fear that their reporting would result in threats and harm from the Taliban. The second response is choosing to escape, where media workers, human rights defenders, and others are forced into exile out of fear of imminent harm that may result from their profession and previous reporting. Partly as a result there has been a growth of new media outlets outside the country, which are seeking to report on what is occurring in Afghanistan. The third response is submission to the new policies of the Taliban, which has resulted in self-censorship and selective reporting that has prevented the media from operating independently.

The participants also discussed that one of the biggest challenges that currently exists is how to connect first-hand information with media outlets. Ensuring there exists constant and transparent communication between outlets and local journalists, both inside and outside Afghanistan, is one of the most important parts as it relates to holding the Taliban accountable for the human rights violations occurring. There was extensive discussion focused on the importance of empowering citizen journalism and local journalism within Afghanistan - these are the people who are familiar with the situation from within and can attempt to report the truth of what is happening through independent channels not under the purview of the Taliban. But this empowerment and reliance on citizen journalists has two major challenges: (1) the safety of journalists and human rights defenders on the ground, and (2) the reliability of the information being accessed. Throughout the human rights crisis in Afghanistan, one participant regretted, it

has become easy for independent reporting to start to turn into "yellow journalism," where opinions (often influenced by the Taliban) are being reported as opposed to objective facts.

As it stands right now, with the Taliban in power, there exists no authority or office to which Afghans may file complaints or give information. Participants emphasized that Afghans are willing to give information about human rights violations, but there is no opportunity to deliver this type of flow of information. Participants mentioned first-hand knowledge of hundreds of reports of human rights violations from daily correspondence within the country. A possible solution to this would be establishing a more streamlined complaint mechanism, either through the mandate of the Special Rapporteur on the situation of human rights in Afghanistan, the United Nations Assistance Mission in Afghanistan, or relevant treaty bodies. This would allow for increased organization as it relates to the reporting of violations by human rights defenders, which many believe is a necessary step in a coordinated international effort toward combating the human rights violations by the Taliban

This session also discussed the importance of document preservation and digitization, especially in the context of the strides the country made in document preservation in the twenty years prior to the Taliban takeover. Both the government and civil society/academic institutions within Afghanistan worked hard to digitize government and social documents, such as the Afghanistan Digital Archive done by the Afghanistan Center at Kabul University, but the capability of doing such has disappeared following the Taliban takeover. The previously mentioned complaint mechanisms, as well as social media companies, should have robust documentation preservation capabilities to record human rights violations coming out of Afghanistan and work with civil society to hold and protect this information.

Extensive discussion surrounded the degree to which social media companies can support the work that is being done in Afghanistan as it relates to data preservation and connectivity between those within Afghanistan and those outside the country. Social media companies stated that while they are not connectivity providers, there are many apps and related connectivity initiatives and channels that can be maximized. A commitment to keeping apps available and expanding connectivity tools like VPNs can greatly assist in getting secure information out of Afghanistan and to those outside of the country who can hopefully assist. Human rights defenders within the country attempt to utilize these tools and apps provided by social media companies, but a lack of intake mechanisms to analyze the incoming reports make this difficult. Reports from social media companies emphasized that updates to community guidelines and corporate policies on the regulation of misinformation, synthetic media, and privacy have been significant and on paper should be valuable to human rights defenders using their services, but practically are hard to apply. The companies added that it is extremely hard to distinguish accurate information from misinformation, especially when it comes to balancing the need to protect freedom of expression and attempting to avoid over-censorship. Collaboration between civil society organizations and social media companies could be useful to analyze data and reports from Afghanistan to weed out misinformation and ensure truthful reporting is being conveyed.

Similarly, there is the element of trust— the participants discussed whether Afghan individuals feel comfortable reporting to social media companies and other civil society organizations confidential information that, if obtained by the wrong hands, can be used as a basis for retaliation by the Taliban. Starting to build this trust, and the idea that whichever

organizations are receiving the information will not disclose the confidential information while also being proactive in response to it, is essential. In addition, the participants agreed that raising the awareness of human rights defenders within the country of tools and organizations available outside of the country will be really valuable in fostering trust and encouraging use of available mechanisms. Technology and social media companies providing technology and safety support for those working in the media and civil societies are also increasingly important, as the Taliban have accessed online profiles and information that those within the country have put on social media.

A theme throughout this session was the importance of narrative to the human rights conversation, and how the situation of human rights in Afghanistan suffers from a certain kind of narrative fatigue. Afghanistan and the Taliban have been in the international media for years, which has led to the international community paying less and less attention and energy to the human rights violations. Participants expressed that there exists a lack of a nuanced conversation about Afghanistan, especially during a period witnessing extensive human rights repression in other countries, drawing attention away. The harm of this is that a lack of international focus and consensus of condemnation towards the Taliban takes the pressure off the *de facto* regime and allows them to continue their reign of terror. Trying to retool and shift the narrative into the mainstream, whether it be through increased international coverage or increased coverage in English and other major languages, could assist in refocusing the narrative on Afghanistan.

Similarly, the participants emphasized that it is important to report and focus on individual stories, while also empowering the reporting of local journalists and human rights defenders, to make focus on the individuals of Afghanistan and the reign of the Taliban. Media attention so frequently focuses on the involvement of other countries within a region of human rights violations, as opposed to the people suffering the human rights violations themselves (for example, reporting on Afghanistan being focused on American troops and Russian involvement, as opposed to the atrocities that the Afghan people are experiencing). The session suggested that shifting awareness on the international and global scale can be a catalyst for change for advocates both within and outside the country.

Key Takeaways

- HRDs should work with internet companies and civil society organizations to preserve human rights violations.

- Social media companies should commit to supporting channels of communication in Afghanistan by keeping apps available and expanding connectivity tools like VPNs.

- The development of trust between human rights defenders, Afghan individuals, social media companies, and NGOs is crucial to advocacy.

- Human rights defenders and NGOs should strive to create a nuanced conversation about Afghanistan within the mainstream media, attempting to refocus the international narrative surrounding the country and shed the "Afghanistan fatigue."

SESSION III: STRATEGIES FOR RESEARCH AND ADVOCACY

This session opened with various questions regarding research and advocacy in Afghanistan. What are the core barriers to researching human rights threats? What strategies may HRDs employ inside the country and outside to navigate the current environment? What tools need to be developed to ensure that human rights advocacy may exist in Afghanistan? Indeed, in the midst of a rash of global crises, how do we make the crisis in Afghanistan a priority? How can the international community support and protect human rights efforts within Afghanistan? Key themes emerged including the need for visibility and documentation, the need to break through the wall of dissenters, and the need for work spaces that meet the needs of HRDs.

Some core threats to research in Afghanistan mentioned include digital and physical security, lack of resources, and the diminished capacity of those who remain inside the country. Additionally, there is a heightened barrier for marginalized groups. To combat these threats, participants suggested the development and expansion of certain tools. First, there is a need for capacity building in the documentation field for those who are still inside the country. Second, participants emphasized the need for engagement and partnership with UN mechanisms, for people both inside and outside Afghanistan. Third, there is a similar need for support for new forums of civil society that are able to exist at the moment, in the face of constant attempts by the Taliban to shutdown human rights work. Finally, participants also noted the need for a long-term plan to ensure the work remains a high priority on the international agenda. Part of this long-term plan includes coordination and collaboration among all relevant stakeholders. For example, consultation with human rights defenders from other countries would be useful in understanding how they navigated the UN system and raised awareness.

Participants discussed the challenges presented by misinformation and its impact on research, leaving people frustrated by the lack of accountability for human rights violations and hesitant to share information. As contact with people on the ground becomes more difficult, it is important to convince people to think in the long-term in regard to the documentation and preservation of evidence so future mechanisms can effectively hold the Taliban accountable.

Participants discussed the Afghanistan Human Rights Coordination Mechanism (AHRCM) and other relevant partnerships that have attempted to fill existing gaps by facilitating coordination. To enhance the connection between those in and out of the country AHRCM has served as a platform for information-sharing among policymakers and key stakeholders through virtual video meetings. Participants discussed other entities that are supporting coordination efforts and discussed the need to continuously share information and coordinate resource-sharing (particularly financial resources) to ensure it is connected to those in need.

With regard to advocacy efforts, participants discussed challenges that come with tapping into unfriendly or unfavorable stakeholder networks, such as neighboring country governments. Some are hostile and others are difficult to get in contact with or are unwilling to engage. Issues also arise due to the varying needs of the community. For example, Afghans still in Afghanistan have very different needs than those in the diaspora. Internally, the lack of protection and the lack of reporting mechanisms are barriers to advocacy. Particularly, few if any reporting mechanisms are available to women. Thus, the voices of Afghan women must be amplified in this process and should be included in negotiations with the Taliban. Additionally, financial resources are shrinking within Afghanistan. Human rights organizations are shifting towards

humanitarian aid. The Taliban rule has also led to self-censorship and the erasure of civic spaces. The diaspora has struggled with the false narrative that the Taliban has bifurcated into hardliners and softliners. However, it was clearly expressed that all Taliban are on the same level and one clear narrative must emerge that supports democracy and human rights in the long-term for Afghanistan. Additionally, there should be an assessment to map out where the diaspora is located and what resources they need in their new environments.

Participants also held space for the tragedy and loss that resulted from the Taliban takeover. Human rights defenders have dedicated their careers to establishing a democracy and enforcing human rights. However, the perpetual struggles and trauma have taken a toll on the mental health and well-being of advocates. Although they are committed to fighting, human rights defenders are suffering from PTSD and fatigue. There is a great need for mental health support for advocates so they can continue fighting for Afghanistan. Participants also discussed the gendered impact of mental health, particularly the effects on women and girls.

Women's rights groups in Afghanistan also require special protection and focus. Several participants discussed education as the largest concern and noted the need to elevate women's voices. Defenders also emphasized the need for men to be involved in advocacy efforts for women's rights. Thus, it is important that all people are supportive of the women's movement. Other needs include building capacity and awareness for the risks associated with advocacy, the need for practical support for civil society including financial resources and capacity building for women-led organizations, and the need for evidence collection for violence perpetrated against women.

Participants questioned what the end goal is with regard to documentation. Many emphasize the need for reparation, restoration, accountability, and memorialization. Again the need for collaboration on documentation was highlighted.

Participants also discussed the need to focus on civil and political rights and economic, social, and cultural rights. Advocates discussed submissions to the Special Rapporteur and his current mandate. They also highlighted language barriers in reporting and what themes could use more attention in the submission process. Participants discussed financial support for Afghan human rights organizations. Much of the emergency funding was used to relocate human rights defenders. However, recently that support is shrinking and many organizations are not qualifying for grants to support other functions, even though the same threats and targeting by the Taliban still remain. Human rights organizations have assisted with coordinating evacuations but additional coordination with embassies would better prevent improper deportations of human rights defenders and increase support for evacuation efforts.

Key takeaways

- Core threats to research and advocacy in Afghanistan are nuanced and interconnected, including digital and physical security, lack of resources, and the diminished resources and capacity of those who remain inside the country.

- There is a major need to develop and sustain capacity to document abuses.

- NGOs and human rights advocates should continue forming connections that will allow them to engage with UN mechanisms and increase their individual capacities

- Increased support for new forums of civil society is needed particularly in light of the changing human rights field in Afghanistan since the Taliban takeover.

- The voices of women and girls in Afghanistan must be protected, amplified, and uplifted.

- Human rights advocates need a cohesive, long-term plan to ensure the work remains a high priority on the international agenda.

SESSION IV: STATE RESPONSIBILITY AND ACCOUNTABILITY

The fourth session focused on which international instruments and mechanisms can serve as valuable interventions for the recognition and protection of human rights. An early theme that emerged was the balance between the top-level responsibility of states and governments to preserve human rights, but also the individual burden that every human right defender carries. Speaking to the latter, the session also focused on how human rights defenders can access these mechanisms, including discussions of how activists can deploy fact-finding in UN mechanisms, how individuals are a central component to transitional and restorative justice, and how civil society can enter into the accountability terrain itself. The group began with a working definition of transitional justice: a process of response to human rights violations in the past, in order to reconcile and move towards a sustainable future.

The first questioned addressed was who exactly has the mandate and motivation to work on these issues in the context of Afghanistan? Noting that accountability mechanisms don't have a thorough history in Afghanistan, speakers highlighted how national efforts of accountability which have been long at work are at tension with a lack of response on the international level. One of the reasons, some suggested, was that international efforts have been focused on politics and security, while national efforts have focused on justice. Nonetheless, some actors at the international level addressing human rights in Afghanistan include the International Criminal Court investigation of human rights violations from 2003 and onward and UNAMA's work in documenting and reporting on human rights abuses.

Participants discussed that one barrier to accountability within Afghanistan is that the justice sector has been subject to corruption. This has prevented the deliverance of justice. To remedy this, speakers suggested a new mechanism with increased resources, funds, and time to research and report on human rights. One issue in this area is documentation. There seems to be no specific organization working on preserving evidence and documenting human rights issues solely in Afghanistan. A potential system to fill this void could be modeled after the Syrian Archive, combining a focused mission with a robust complaint processing mechanism. While this system would be challenging to operate *within* Afghanistan, there is the possibility of establishing organizations with documentation capabilities.

The session also discussed that another barrier to accountability is the tunnel-visioned focus on the Taliban. Yes, the Taliban is responsible for grave human rights abuses, but there are others who need to be held accountable as well, and a potential mechanism should look back through history to thoroughly cover all the human rights violations that the people of Afghanistan have suffered. This system should not only focus on criminal liability but reparations for victims must not be forgotten. A victim-focused dialogue will be necessary to achieve justice.

National mechanisms for accountability can be successfully implemented. The discussants spoke to Australia's ability to hold their military accountable for accused human rights violations within Afghanistan, while the UK and Germany also have mechanisms to hold their own nationals accountable for their actions during the war. These systems often result in paying victims, a crucial step in the process.

Participants stated that a number of international mechanisms for accountability are also available. Regardless of the avenue pursued, it is important to remember the identity of the victims. It can be easy to lose sight of the goal and publicize victims' stories without respecting everyone's dignity and agency. Some of the mechanisms discussed include quasi-legal United Nations mechanisms like UN Human Rights Case Procedures where individual countries and thematic experts can raise cases with governments and *de facto* authorities. Yet this system has no current enforcement mechanism. Nonetheless, these quasi-legal processes are valuable because they can raise the profile of cases, display patterns of human rights violations, and increase scrutiny against the government responsible. Other tools include Universal Periodic Review which has a rather close deadline for Afghanistan.

Participants also discussed the International Criminal Court which currently has ongoing investigations into Afghanistan. It was mentioned that the prosecutor himself seems deeply concerned about these issues, particularly in the realm of gender persecution.

The session discussed that another less-explored tool is the use of universal jurisdiction. Universal jurisdiction provides that, because of the nature of a violation, any country can bring a case in its courts when an alleged perpetrator of crimes is found in its territory. This can function as a valuable gap filler for the International Criminal Court. Because the ICC can at best only pursue a few cases, it is important to utilize pathways like universal jurisdiction to fill in the much bigger puzzle. An example of this in Germany came about through members of the Syrian Diaspora helping to generate cases within Germany.

Participants emphasized that civil society organizations also serve a valuable role in accountability. An example that was discussed was the Women's Court in former Yugoslavia, and how these symbolic tribunals raised awareness and created change. Examples of this sort of procedure are also present with Japanese women who were subjected to slavery during the 2nd World War and Algerian women breaking the silence about their human rights violations.

Again, the discussion pivoted to documentation because of its central role in accountability. One speaker suggested that a foundational issue was the lack of political will for transitional justice. They suggested that the Afghan government and the international community as a whole need to have the will for justice and support documentation efforts. Documentation can be successful in its own right, but without the political will to strengthen policing and the

court system, successful enforcement is precluded. One issue with the judicial system that was highlighted was the political process that dictated how judges received cases: political powers would prevent certain cases from even getting to the judiciary.

To carry out this goal, participants agreed that the development of a national information mechanism can be important. This can be a rallying point for the country which can also help the country to heal. While it may seem trivial, something like a museum or a book can actually make a difference in documenting the abuses and moving toward restorative justice. Ultimately, change requires collective action. There needs to be coordination between national and international human rights defenders.

The session ended with a discussion about what tools are available to those on the ground today. One thing that can be done, a discussant noted, is systematic recordings of testimonies of victims of past human rights violations. A popular example that illustrates this is the Shoah Foundation's recording of the experiences of elderly people from the Holocaust, preserving their stories. Participants expressed that technology companies can play a role in collecting evidence, focusing especially on videos and images that circulate on their websites. Nonetheless, targeted organizations are needed to collect and document this type of data. The group agreed that lots of people in the diaspora have stories to share and victims need access to organizations to get their stories documented.

The next step in this puzzle is matching up those with documentation abilities with those who have the mandate to do something substantive, whether it be the ICC, Universal Periodic Review, or another procedure.

The participants raised a few important caveats to keep in mind. The first is to ensure that the burden is not left entirely on Afghan organizations. Second, hold international media accountable. Media in the past year have been sympathetic to the Taliban, but instead, they need to be a part of this accountability puzzle. The Taliban uses stories like this for cover, framing themselves as restorers of peace, but the media should incessantly highlight the instability that the Taliban has caused and is continuing to cause.

The first day ended with a festive Iftar, catered by a local Afghan small business owned by a family that escaped Afghanistan in August of 2021 and now resides in Orange County.

Key takeaways

- Individual human rights defenders and civil society organizations that are connected with the Afghan community are central to pursuing transitional and restorative justice.

- While national efforts have focused on justice, international efforts are outwardly worried about politics and national security which has limited their effectiveness. It is important to find synergies between national and international actors working in Afghanistan.

- A robust documentation system is crucial in curbing human rights abuses and an important counterbalance against a corrupt justice system.

- A number of national and international human rights mechanisms are available and should be relied upon by individual human rights defenders and civil society.

- States should rely on universal jurisdiction to achieve accountability. This can function as a gap-filler where international mechanisms are insufficient.

- The development of a national information infrastructure for documentation of human rights abuses is a key starting point and can spark healing in Afghanistan.

Day Two

A Way Forward: Supporting the Secretary General's New Mandate from the Security Council

Participants discussed concrete ways to support the Secretary General's new mandate under recent Security Council activity. Security Council Resolution 2679 requests an assessment by the Secretary General of how the UN positions itself in Afghanistan and what strategy it ought to have in the future. Participants brainstormed ways to make the assessment meaningful and centralize human rights in the investigation. Some suggested reaching out to Security Council members who supported the resolution. Others raised concerns regarding how the assessment team should be appointed as well as the "forward-looking" language included in the resolution. Participants were worried about balancing interests at the UN level at the expense of human rights principles. Accordingly, participants suggested putting forward a list of candidates that civil society feels reflect the criteria of what they are looking for in an assessment team. A human rights-centered agenda may be bolstered by a letter campaign, whereby several letters are sent to relevant actors addressing assessment and human rights concerns regarding its implementation. The session discussed that some participants/organizations might be in a strong position to help facilitate signatories and draft accompanying thematic reports on various human rights issues in Afghanistan–women and girls, genocide and ethnic cleansing, education, and more. The papers presented at the conference can serve as a base for this reporting. Some recommended drafting an op-ed that could be shared with the group, potentially focusing on the importance of independence in the assessment.

One other major point of discussion was Afghanistan's Universal Periodic Review ("UPR") in 2024. This upcoming UPR will allow organizations to submit shadow reports on Afghanistan. Participants discussed how shadow reporting could be used effectively to raise awareness of the range of issues in Afghanistan. There were two questions raised in regard to shadow reporting. First, there was a question of whether there is a coordinated mechanism for shadow reporting in Afghanistan. One participant suggested that if there is no such mechanism for Afghanistan, creating one will make the shadow reporting process more efficient and will facilitate community building. Second, the participants deliberated over whether it was valuable to have many shadow reports, as opposed to a few, and what substantive topics should the shadow reports cover. There were a number of suggestions, including reports on women's rights, the media environment, and religious and ethnic minorities. There was consensus that thematic reports are more effective than long reports that address a range of topics and that there is value

in putting out as many reports as possible to document the range of human rights catastrophes in Afghanistan.

The participants also returned to an important, recurring question that was discussed throughout the conference: how can we effectively collect, preserve, and distribute data and evidence on human rights violations in Afghanistan? Participants agreed that there is a need for one central organization or system that can serve as a focal point for the collection and preservation of data. The participants brainstormed many ideas and questions, including whether the UN can spearhead the effort to collect data, whether an organization can be set up akin to the Syrian Archive, and how to identify civil society organizations that can serve as the central body for this project. The participants also noted the number of challenges such a project will entail. One of the biggest challenges is that there is an abundance, and there needs to be sufficient funding and staff that can properly, ethically, and diligently parse through the data. Further, the staff need to be trained on the methodologies, ethics, and principles of collecting and preserving data so that the information is credible and reliable. These challenges underscore the need for a centralized system or organization that can handle the sophisticated nature of data collection and preservation.

Key takeaways

- The Secretary General's assessment of Afghanistan, following the Security Council resolution 2679, must centralize human rights in the investigation. Thematic reports, letter campaigns, and op-eds can ensure that the assessment centers human rights.

- Shadow reports on a diverse range of topics (women and girls, media environment, ethnic and religious minorities) are beneficial not only for Afghanistan's UPR but also for documenting the wide array of human rights violations on various groups, sectors of society, and future accountability.

- A coordinated mechanism for shadow reports can make the shadow reporting process more efficient and can also facilitate community building.

- There needs to be a centralized system for collecting, preserving, and distributing evidence of human rights violations in Afghanistan.

OUTCOMES AND NEXT STEPS

The conference concluded with a prevailing sentiment of gratitude among all participants, appreciating the invaluable opportunity to engage in meaningful discussions and collaborate on the pressing human rights issues in Afghanistan. The enthusiasm for continued dialogue was evident as numerous attendees expressed their desire to sustain the conversation through periodic video check-ins and an email group dedicated to sharing updates and news.

A few weeks after the conference a letter was sent to the UN Secretary-General to address the approach he should take in his independent review of the human rights crisis in Afghanistan. The letter can be found here.