

Background document

CCBE Human Rights Award for the endangered lawyers in Afghanistan

In addition to its 2021 Human Rights Award which will be granted at its Plenary Session in Berlin on 10 December 2021 (International Human Rights Day), the CCBE exceptionally decided to grant an additional Human Rights Award to all the endangered lawyers in Afghanistan.

Following the recent developments in Afghanistan, the CCBE expresses its deep concern over the situation in Afghanistan, especially regarding women, human rights defenders, and those working in the justice sector, and in particular lawyers, judges and prosecutors.

Many lawyers in Afghanistan are being specifically targeted, threatened and harassed based on their legitimate activities as lawyer and many of them are fearing for their lives.

Those lawyers include many female lawyers and representatives of the Afghan Independent Bar Association (AIBA).

The AIBA has about 5,500 members, with 25% of them being women (about 1375 female members).

Given their very active role prior to the Taliban takeover in defending the basic rights of Afghan citizens, those lawyers are now not only targeted by the new regime but also by prisoners who have been released following the takeover. About 30 000 criminals were released from prisons 10 000 of them being a direct threat for lawyers either because they hold their former defence lawyers responsible for their conviction or because the lawyers have represented victims in cases where these prisoners were convicted.

In this regard, many female lawyers are particularly at risk given their work as lawyers in cases concerning the rights of children and women, notably in cases of violence including hostage-taking, kidnapping, assassination, trafficking, harassment and rape, beatings, forced marriages, ill-treatment, ban on education, forced isolation, and deprivation of jobs. Those female lawyers are generally threatened with violence by defendants and family members released from prisons, and in some cases are killed, beaten and/or tortured. These threats have become serious, to the point that many female lawyers have been forced to hide and change their addresses and phone numbers. As of today, it is reported that at least one female defence lawyer was killed and two of them subjected to torture.

Currently, women lawyers are being deprived of their basic rights, including the right to exercise their legitimate activities as lawyer, out of fear of serious reprisals against them. About 200 female lawyers are now faced with life-threatening risks in all Afghanistan based on their legitimate activities.

In addition to this, several representatives of the AIBA, including its President and the Vice-President are also under serious threat. The AIBA is an independent statutory body established in 2008 pursuant to the Advocates Law. The AIBA is an institution that is mandated by law to regulate the profession of lawyer throughout Afghanistan. Since its establishment, it has played a key role in promoting the rule of law and fundamental rights which are essential for building a nation based on democratic values. Despite the cultural, social and economic restrictions, it has notably been able to promote the role of women defence lawyers and has advocated in the area of social justice notably in the defence of

victims' rights in violence cases against women and children. These accomplishments have now been reduced to nothing following the takeover. Moreover, the AIBA has been closed by the new Regime, making the independent exercise of the legal profession no longer possible.

With this Award, the CCBE wishes to raise awareness in the international community of the urgent need to provide adequate protection to those endangered lawyers who are at the forefront of the defence of fundamental rights of Afghan citizens.

The CCBE also wishes to emphasise the importance of the achievements made by the legal profession in Afghanistan for the protection of fundamental rights, as well as it underlines the need for an independent legal profession and Bar in Afghanistan in order to preserve the independence and integrity of the administration of justice and the rule of law.