

International Declaration on Gender Apartheid and Its Destructive Consequences

15 August 2026

We, the undersigned international legal and human rights experts, drawn together from many regions of the world by our shared commitment to the human rights of women and girls, issue the following International Declaration on Gender Apartheid and Its Destructive Consequences,

Recalling that, in accordance with the United Nations (UN) Charter; the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the Convention on the Elimination of All Forms of Discrimination against Women, states parties have an obligation to prohibit discrimination against women and girls and ensure equal enjoyment of rights,¹

Deploing that discrimination against women and girls remains pervasive around the world, and in certain contexts even rises to the level of gender apartheid, a *de jure* institutionalized system and mode of governance with uniquely severe and intergenerational human rights impacts,

Noting with grave concern that since August 2021, through hundreds of decrees and so-called laws enforced by discriminatory institutions such as the Ministry for Propagation of Virtue and Prevention of Vice, the Taliban have stripped Afghan women and girls of most human rights protected by treaties to which Afghanistan is a party,

Further noting with grave concern international efforts to normalize the Taliban, including through official recognition and complicity in the Taliban's practice of gender apartheid,

Recognizing the decades of advocacy and leadership by women human rights defenders across affected regions, including in Afghanistan, using the concept of "gender apartheid" to counter systematic fundamentalist oppression of women and girls,²

¹ Charter of the United Nations, June 26, 1945, <https://www.un.org/en/about-us/un-charter/full-text>; G.A. Res. 217 (III) A, Universal Declaration of Human Rights, Preamble, Dec. 10, 1948, [https://docs.un.org/en/a/res/217\(III\)](https://docs.un.org/en/a/res/217(III)); G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights, art. 2(1) & 3, Dec. 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; G.A. Res. 2200A (XXI), International Covenant on Economic, Social and Cultural Rights, art. 2(2) & 3, Dec. 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>; G.A. Res. 34/180, Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, <https://www.ohchr.org/sites/default/files/cedaw.pdf>.

² The term "fundamentalist" has been used by women human rights defenders to describe movements across all of the world's great religious traditions which "manipulate religion [or] culture... in order to achieve their political aims," and do so to curtail women's rights. Marieme Hélie-Lucas, "What is Your Tribe? Women's Struggles and the Construction of Muslimness", in *Dossier 23-24: Women Living Under Muslim Laws*, 2001, pages 49 and 51. See also Karima Bennouna, United Nations Special Rapporteur in the field of cultural rights, U.N. Doc. A/72/155, *Fundamentalisms, Extremisms and the Cultural Rights of Women, Report of the Special Rapporteur in the Field of Cultural Rights*, July 17, 2017, <https://docs.un.org/en/A/72/155>, and Cassandra Balchin, "Towards a Future without Fundamentalisms: Analyzing Religious Fundamentalist Strategies and Feminist Responses", *Association for Women's Rights in Development (AWID)*, Feb. 18, 2011, <https://www.awid.org/publications/towards-future-without-fundamentalisms>.

Underscoring that states across regions have labelled the situation in Afghanistan as gender apartheid and have supported codifying the prohibition of gender apartheid in the draft Convention on Prevention and Punishment of Crimes Against Humanity,³

Recalling that as early as 1999, then-UN Special Rapporteur on the elimination of intolerance and all forms of discrimination based on religion or belief, Abdelfattah Amor of Tunisia, described previous Taliban oppression of women and girls as “a system of apartheid,”⁴

Noting the statements of the UN Secretary-General, António Guterres;⁵ the UN High Commissioner for Human Rights, Volker Türk;⁶ the Executive Director of UN Women, Sima Bahous of Jordan;⁷ the UN Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett;⁸ the CEDAW Committee;⁹ and the UN Working Group on discrimination against women and girls¹⁰ that have called for codification of the prohibition of gender apartheid under international law,

Recognizing those who successfully combatted the scourge of apartheid in Southern Africa in the 20th century and the important role of international law and concerted international action in supporting their frontline struggle against the vestiges of colonial oppression,

³ End Gender Apartheid Campaign, *Member State Comments on Gender Apartheid*, June 2026, [https://endgenderapartheid.today/download/2026/Member State Comments on Gender Apartheid.pdf?v=2026](https://endgenderapartheid.today/download/2026/Member%20State%20Comments%20on%20Gender%20Apartheid.pdf?v=2026); See also European Parliament, *Afghanistan: Unblock Aid to Earthquake Victims and End “Gender Apartheid”*, Oct. 9, 2025, <https://www.europarl.europa.eu/news/cs/press-room/20251003IPR30662/afghanistan-unblock-aid-to-earthquake-victims-and-end-gender-apartheid>.

⁴ Abdelfattah Amor, United Nations Special Rapporteur on the elimination of intolerance and all forms of discrimination based on religion or belief, U.N. Doc. E/CN.4/1999/58, *Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1998/18*, Jan. 11, 1999, ¶ 26, <https://documents.un.org/doc/undoc/gen/g99/100/95/pdf/g9910095.pdf>.

⁵ António Guterres, United Nations Secretary-General, *The Secretary-General's Remarks to the Security Council on the Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security: The Rule of Law Among Nations*, Jan. 12, 2023, <https://www.un.org/sg/en/content/sg/statements/2023-01-12/the-secretary-generals-remarks-the-security-council-the-promotion-and-strengthening-of-the-rule-of-law-the-maintenance-of-international-peace-and-security-the-rule-of>.

⁶ Volker Türk, United Nations High Commissioner for Human Rights, *Gender Parity Is a Human Right*, Oct. 25, 2024, <https://www.ohchr.org/en/statements-and-speeches/2024/10/gender-parity-human-right>.

⁷ Sima Bahous, UN Women Executive Director, *Speech: The Women's Rights Crisis: Listen to, Invest in, Include, and Support Afghan Women*, Sept. 26, 2023, <https://www.unwomen.org/en/news-stories/speech/2023/09/speech-the-womens-rights-crisis-listen-to-invest-in-include-and-support-afghan-women>.

⁸ Richard Bennett, United Nations Special Rapporteur on the situation of human rights in Afghanistan, *Report on the Phenomenon of an Institutionalized System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, May 13, 2024, ¶¶ 95, 108-109, 129 and 133(g), https://documents.un.org/symbol-explorer?s=A/HRC/56/25&i=A/HRC/56/25_1717410672679.

⁹ Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), U.N. Doc. CEDAW/C/GC/40, *General Recommendation No. 40 on the Equal and Inclusive Representation of Women in Decision-Making Systems*, Oct. 25, 2024, ¶ 11, https://documents.un.org/symbol-explorer?s=CEDAW/C/GC/40&i=CEDAW/C/GC/40_1732733827101.

¹⁰ UN Office of the High Commission for Human Rights (OHCHR), *Treaty on Crimes Against Humanity: States Must Give Afghan Women a Central Voice and Recognise Gender Apartheid, Experts Say*, Jan. 19, 2026, <https://www.ohchr.org/en/press-releases/2026/01/treaty-crimes-against-humanity-states-must-give-afghan-women-central-voice>.

Recalling that this year marks 70 years since 20,000 diverse South African women marched against the system of apartheid, and pass laws in particular, demonstrating that apartheid has always been gendered and impacts women and girls in distinctive ways,

Echoing the words of esteemed anti-apartheid advocate and former first lady of South Africa, Graça Machel, that the situation under Taliban rule in Afghanistan “is a kind of apartheid, which is gender apartheid,”¹¹

Further echoing the letter of 21 February 2024 signed by dozens of prominent South African anti-apartheid advocates, including former Justices of the Constitutional Court, supporting codification of gender apartheid, and explaining that “[b]roadening the definition of the crime of apartheid to include gender would enable a structured global approach that is responsive to the institutionalized systems of domination and oppression of women, girls and others,”¹²

Drawing attention to the use of the gender apartheid framework with respect to the situation in Afghanistan and support for codification by Members of Parliaments, former Presidents, leading civil society organizations, Nobel Laureates, and judges and prosecutors of international criminal courts and tribunals, many of whom were among the hundreds of signatories to a March 2023 letter and October 2023 legal brief to UN Member States from the global End Gender Apartheid Campaign,¹³

Agreeing with the foregoing and concluding that Taliban rule in Afghanistan constitutes the archetypal example of gender apartheid, and that its prohibition should be codified under international law,

Highlighting the statement of the UN Special Rapporteur on the situation of human rights in Afghanistan that “Afghan women ... [have] emphasized that the term gender apartheid best capture[s] the totality of the distinct and transgenerational harms committed against them,”¹⁴

Affirming the importance of an intersectional, victim and survivor-centered approach to combatting gender apartheid,

and

¹¹ Ben Farmer, “Taliban Repression of Afghan Women Is Form of Apartheid, Says Nelson Mandela Widow Graça Machel”, *The Telegraph*, May 22, 2023, <https://www.telegraph.co.uk/global-health/women-and-girls/taliban-repression-of-afghan-women-is-form-of-apartheid>.

¹² End Gender Apartheid Campaign, *Joint Letter from South African Jurists and Anti-Apartheid Experts on Codifying the Crime of Gender Apartheid in the Draft Crimes Against Humanity Convention*, Feb. 21, 2024, <https://endgenderapartheid.today/download/Joint%20Letter%20from%20South%20African%20Jurists%20on%20Gender%20Apartheid%20Codification.pdf>.

¹³ End Gender Apartheid Campaign, *2023 International Women’s Day Open Letter*, Mar. 8, 2023, <https://endgenderapartheid.today/womens-day-letter.php>; End Gender Apartheid Campaign, *Joint Call to Amend the Draft Crimes Against Humanity Convention to Encompass Gender Apartheid*, Oct. 5, 2023, <https://endgenderapartheid.today/download/2025/EGA%20Joint%20Letter%20to%20Amend%20the%20Draft%20Crimes%20Against%20Humanity%20Convention%20-%20English.pdf>.

¹⁴ Bennett, U.N. Doc. A/HRC/56/25, *supra* note 8, at ¶ 88.

Underscoring that international law explicitly prohibits and criminalizes both racial apartheid and racial persecution for addressing specific situations of systemic oppression,¹⁵

Following a series of experts' meetings and consultations, hereby adopt the following principles:

1. Gender apartheid is defined as inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one gender group over any other gender group or groups and committed with the intention of maintaining that regime.¹⁶
2. Gender apartheid is a grave violation of international law and human rights, and constitutes a crime against humanity. It is an illegal situation for which relevant states and non-state actors should be held responsible, and which all states and the United Nations have international obligations to prevent, suppress, punish, and end.¹⁷
3. The prohibition of gender apartheid should be explicitly codified in international law without delay, including in the Convention on Prevention and Punishment of Crimes Against Humanity and in the national law of states around the world.
4. Alleged perpetrators of gender apartheid should be brought to justice in accordance with international law,¹⁸ and its victims have a right to an effective remedy.
5. Under international law, gender apartheid cannot be justified on cultural or religious grounds. It has been resisted first and foremost by those from within the relevant religious and cultural contexts, especially frontline women human rights defenders.

¹⁵ Rome Statute of the International Criminal Court, art. 7(1)(h) & (j), July 17, 1998, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

¹⁶ End Gender Apartheid Campaign, *Legal Brief: Amending the Crime Against Humanity of Apartheid to Recognize and Encompass Gender Apartheid*, April 2025, <https://endgenderapartheid.today/download/2025/EGA%20Legal%20Brief.pdf>. This definition, derived by adding “gender” to the definition of apartheid in the Rome Statute, has been used in various UN documents. See UN Working Group on discrimination against women and girls and Richard Bennett, United Nations Special Rapporteur on the situation of human rights in Afghanistan, U.N. Doc. A/HRC/53/21, *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*, June 15, 2023, ¶ 97, https://documents.un.org/symbol-explorer?s=A/HRC/53/21&i=A/HRC/53/21_5290112; Bennett, U.N. Doc. A/HRC/56/25, *supra* note 8. An analogous innovation in the concept of apartheid, as contained in the 1973 Convention on the Suppression and Punishment of the Crime of Apartheid, in order to describe the situation of Afghan women was previously suggested by South African feminist scholar, Penelope Andrews. See Penelope Andrews, *From Cape Town to Kabul: Rethinking Strategies for Pursuing Women's Human Rights*, 2012, page 156.

¹⁷ International Court of Justice (ICJ), 1971 I.C.J. Rep. 16, *Advisory Opinion: Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, June 21, 1971, <https://www.icj-cij.org/sites/default/files/case-related/53/053-19710621-ADV-01-00-EN.pdf>.

¹⁸ For example, the Rome Statute of the International Criminal Court is a basis for prosecuting alleged perpetrators of gender apartheid, in particular, under Article 7(1)(k) as “[o]ther inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

6. Complicity with, including aiding or abetting, or otherwise assisting in the commission of the practice of gender apartheid, is prohibited by international law.¹⁹
7. Any engagement with perpetrators of gender apartheid – including by states, international organizations, or transnational corporations – must be subject to human rights scrutiny, including women’s human rights scrutiny, and must not be carried out in ways that demonstrate tolerance for abuses.²⁰
8. Gender apartheid gravely exacerbates humanitarian crises,²¹ and must be ended to enable adequate humanitarian response. Principled and non-discriminatory aid delivery is a matter of life and death in humanitarian crises. Protection of human rights and humanitarian action are and must be mutually reinforcing.²²
9. Women and girls fleeing situations of gender apartheid should be presumed to qualify for refugee status.²³

¹⁹ The range of perpetrators of gender apartheid and the nature of gender apartheid requires the use of terms from both international criminal law and international human rights law. *See* International Court of Justice, 2007 I.C.J. 91, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Feb. 26, 2007, <https://www.icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-00-EN.pdf> (employing “aiding and abetting” and “complicity”). *See also* Steven Ratner, *Complicity and Compromise in the Law of Nations*, 10 CRIM. L. & PHIL., 2016, page 20, (asserting that “the state has a duty under international law to stop certain harms, even if its link to them falls well short of the legal standard that would hold the state directly responsible for the act”).

²⁰ *See* UN OHCHR, *Guiding Principles on Business and Human Rights*, 2011, <https://digitallibrary.un.org/record/720245?v=pdf> (setting out the human rights duties of states and responsibilities of transnational corporations).

²¹ *See* ACAPS, *Afghanistan: Humanitarian Impact and Trends Analysis*, Aug. 23, 2021, https://www.acaps.org/fileadmin/Data_Product/Additional_resources/20210823_acaps_afghanistan_humanitarian_impact_and_trends_analysis.pdf; Human Rights Watch, *Afghanistan: Taliban Blocking Female Aid Workers*, Nov. 4, 2021, <https://www.hrw.org/news/2021/11/04/afghanistan-taliban-blocking-female-aid-workers>; UN News, *Afghan Women Face Near Total Social, Economic and Political Exclusion*, June 17, 2025, <https://news.un.org/en/story/2025/06/1164476>; UN High Commissioner for Refugees (UNHCR), *Guidance Note on Afghanistan - Update II*, Sept. 2025, https://www.refworld.org/sites/default/files/2025-09/afg_guidance_note_update_ii_-_september_2025_1.pdf; Special Inspector General for Afghanistan Reconstruction (SIGAR), *A Broken Aid System: Delivering U.S. Assistance to Taliban-Controlled Afghanistan*, Aug. 2025, <https://lalettrehebdo.com/wp-content/uploads/2025/08/SIGAR-25-29-LL.pdf>.

²² OHCHR and UNHCR, *The Protection of Human Rights in Humanitarian Crises*, May, 8 2013, https://www.globalprotectioncluster.org/sites/default/files/2022-12/ohchr-unhcr_joint_paper_en.pdf.

²³ *See* recent Court of Justice of the European Union jurisprudence on women’s rights in asylum cases, including Joined Cases C-608/22 and C-609/22, ECLI:EU:C:2024:828, *AH and FN v Bundesamt für Fremdenwesen und Asyl*, Oct. 4, 2024 (holding that “an accumulation of discriminatory measures in respect of women – consisting, inter alia, in depriving them of any legal protection against gender-based and domestic violence and forced marriage, requiring them to cover their entire body and face, restricting their access to healthcare and freedom of movement, prohibiting them from engaging in gainful employment or limiting the extent to which they can do so, prohibiting their access to education, prohibiting them from taking part in sports and excluding them from political life – adopted or tolerated by an ‘actor of persecution’” qualifies that woman for refugee status).

10. Codification of gender apartheid is a top priority. However, women living in situations of gender apartheid today cannot wait. The ongoing practice of gender apartheid has grave long-term and intergenerational consequences that are magnified by its duration. Immediate use must be made of a progressive interpretation of the concept of apartheid, including in relevant international and national law, to counter it.
11. Given the severe human rights impacts, explicit codification of the prohibition of gender apartheid and progressive interpretation of existing international law are both necessary, and are mutually reinforcing strategies for ending gender apartheid.
12. Failure to effectively address gender apartheid will perpetuate grave human rights violations, undercut the rights advocacy of women on the frontlines of such systems of oppression, and undermine women's internationally guaranteed rights everywhere.

Hence, we call for an immediate end to gender apartheid, including in Afghanistan, and for the comprehensive use and development of international law to those ends.