

**Mandate of the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
UA AFG 2/2019

22 November 2019

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 34/5.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the arrest warrant issued against a human rights defender, and the hateful messages and threats against him and other members of the Logar Youth, Social and Civil Institution, in connection with their research on alleged widespread sexual abuse of young boys in the Logar province.

**Logar Youth, Social and Civil Institution** is a human rights organisation established in 2011 to advocate for women's, children's and prisoners' rights, and fight against administrative corruption in the Logar, Paktia, Khost, Wardak and Kabul Provinces. Its activities include research and advocacy on human rights, raising public awareness of human rights violations and reducing illiteracy rate in the target provinces.

██████████ is a human rights defender from the Logar province and the ██████████. He has authored reports on women's rights and on the phenomenon of sexual exploitation of young boys by older men, known as "bacha bazi".

According to the information received:

In 2017, Mr. ██████████ and two other members of the Logar Youth, Social and Civil Institution were reportedly threatened by the Taliban as a result of their human rights work, and had to temporarily relocate to other provinces within the country as a result.

Approximately six months ago, Mr. ██████████ discovered the existence of a Facebook page publishing images and videos of young boys being sexually abused by older men. He was contacted by families of several victims requesting his assistance in seeking justice. His initial research on the issue revealed that some of the victims had faced retaliation from their families, which in at least six cases amounted to killings.

In June 2019, Mr. ██████████ reported the Facebook page in question to the Ministry of Communications, as a result of which it was shut down. He then continued his

research which reportedly revealed the widespread nature of the issue in the Logar province. Along with four other staff members of his organisation, he conducted interviews with 60 students from six schools located in the province. As a result, 550 cases of suspected sexual abuse of boys between the age of 12 and 20 were identified. The reported perpetrators included teachers, older students, local officials and extended family members. To date, Mr. [REDACTED] has recorded 20 killings of young sexual abuse victims by their families in the province, which followed the publication of their images online. He further reported numerous cases of the abused boys being forced to sell drugs or engage in other illicit activities in exchange for said videos not being published online. Furthermore, some teachers reportedly threatened students with poor grades if they did not submit themselves to sexual abuse.

Mr. [REDACTED] was contacted by journalists from the British newspaper The Guardian who came to Logar to interview him in early November 2019. Mr. [REDACTED] shared the initial research findings with them and facilitated an interview with two victims.

On 13 November 2019, The Guardian published an article on the findings of the research led by the Logar Youth, Social and Civil Institution, in which Mr. [REDACTED] was named. On the next day, he was interviewed by the Afghan TOLO News TV channel.

After the interview was released by TOLO News, both online and on TV, Mr. [REDACTED] received a call from the Head of the Logar Provincial Governor's Office, who said that his report had negatively affected the pride, image and dignity of the citizens of the province. It was also revealed that the Provincial Governor had asked the National Directorate of Security (NDS) to arrest Mr. [REDACTED].

On 14 November 2019, the Ministry of Education announced in a public statement that a fact-finding delegation had been assigned to investigate allegations of sexual abuse of school boys in Logar.

On the same day, at around 2pm, as Mr. [REDACTED] was leaving the office, he noticed a group of armed men waiting outside. Concerned for his safety, he used the back door and managed to escape without them noticing him. He left Logar immediately. Shortly after, he received a call from Mr. [REDACTED], a well-known tribal elder and commander of a local militia group. Mr. [REDACTED] told Mr. [REDACTED] that he should have consulted him before publicizing his research findings, and denied that sexual abuse of young boys was a serious problem in the Logar province. He then asked Mr. [REDACTED] to return to Logar in order to discuss the issue in detail.

Later on that day, Mr. [REDACTED] was informed that his house was surrounded by people looking for him. An individual reportedly entered his house but left after Mr. [REDACTED] wife told him that Mr. [REDACTED] was not there. Due to serious security concerns, Mr. [REDACTED] family was forced to leave Logar.

On 16 November, the Afghanistan Independent Human Rights Commission (AIHRC) issued a public statement expressing concerns over reports of sexual abuse of children. The statement emphasized the government's responsibility and obligation to ensure the protection of children and called on the Ministry of Education and judicial organs to investigate the allegations and bring the perpetrators to justice. The statement also called on the security organs to ensure the protection of the human rights defenders who are involved in the documentation of human rights violations.

On the same day, the Police Department in Logar Province issued an arrest warrant against Mr. [REDACTED].

The threats against Mr. [REDACTED] and others involved in the research have reportedly intensified. Unknown individuals have visited the house of one of the human rights defenders who contributed to the research, and threatened her family.

Various users have reportedly posted hate speech and threats on Facebook, addressed to Mr. [REDACTED] and others involved in the research on sexual abuse. Mr. [REDACTED] has been accused of producing the report in order to defame the population of Logar and make an asylum case for himself. He has also been accused of acting on the instructions of the Taliban and the Islamic State with the aim of stopping children from attending schools and thus facilitating their recruitment by terrorist groups. Mr. [REDACTED] has further been threatened on Facebook with serious consequences if he does not publicly apologise for the report stating that it contains false information.

Some of the alleged perpetrators of sexual abuse of young boys in the province have been reported to the police. On 18 November, the Afghan National Police arrested two individuals who were reportedly released two days later.

Grave concern is expressed at the continuing threats and hateful messages against Mr. [REDACTED] and other staff members of the Logar Youth, Social and Civil Institution, in particular given their reported escalating nature, as well as at the arrest warrant issued against Mr. [REDACTED]. My concerns are strengthened by the apparent direct link between these acts and the human rights work of the abovementioned individuals, in particular their reporting on alleged widespread sexual abuse of young boys in the Logar province. The derogatory comments, including by public officials, in response to the

abovementioned allegations of sexual abuse risk denigrating the important work of the human rights defenders in the eyes of the public and putting their safety at risk.

While I do not wish to prejudge the accuracy of these allegations, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above, in particular articles 2, 6, 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Afghanistan on 24 January 1983, which guarantee the right to life, freedom from arbitrary arrest and detention, the right to liberty and security of person and the right to freedom of opinion and expression. In particular, I wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued.

I remind your Excellency's Government of the duty under the ICCPR article 19 in conjunction with article 2, to put in place effective measures to protect against attacks aimed at those exercising their right to freedom of expression, CCPR/C/GC/34 para. 23. It requires States parties to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities, Id., para. 7. Attacks, including threats to life should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims [...] be in receipt of appropriate forms of redress", Id. para. 23.

With regards to allegations of widespread sexual abuse of young boys in the Logar province, I would like to remind your Excellency's Government of the duty under articles 19 and 34 of the Convention of the Rights of the Child, acceded to by Afghanistan on 28 March 1994, to protect the child from all forms of sexual exploitation and sexual abuse, and to take all appropriate measures to prevent, inter alia, the "inducement or coercion of a child to engage in any unlawful sexual activity".

I also wish to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

Finally, I would like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, and in particular to articles 1, 2, 6, 9 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.



In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the steps taken to address the hateful messages and threats against Mr. [REDACTED] and other staff members of the Logar Youth, Social and Civil Institution, including to investigate and bring to justice the alleged perpetrators in accordance with international human rights law, and to ensure the physical and psychological integrity of the human rights defenders;
3. Please provide information concerning the legal and factual grounds for the issuing of an arrest warrant against Mr. [REDACTED] and explain how these are compatible with international human rights norms and standards. Please also provide detailed information on any investigation opened against him.
4. Please provide information concerning any investigation which has been undertaken with regards to the alleged sexual abuse of young boys in Logar. If no investigation has been undertaken, please explain why.
5. Kindly indicate what measures have been taken to ensure that human rights defenders in Afghanistan are able to carry out their legitimate work in an enabling environment without fear of threats or intimidation of any kind.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Michel Forst  
Special Rapporteur on the situation of human rights defenders