

Mandates of the Special Rapporteur on the situation of human rights in Afghanistan; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL OTH 113/2024
(Please use this reference in your reply)

5 August 2024

Dear Mr. Bach,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Afghanistan; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Independent expert on the promotion of a democratic and equitable international order; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/1, 53/3, 55/5, 54/4, 50/7 and 50/18.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

We welcome the International Olympic Committee's efforts to ensure a gender-balanced Afghanistan team at the Paris 2024 Olympics. We also note with appreciation that symbols of the Taliban de facto authorities will not be displayed at Olympic events and representatives of the de facto authorities will not be accredited.

We further observe that a response of a Taliban spokesperson for sport has been that, in their view, Afghanistan will only be represented at the 2024 Olympics by the three male athletes selected because "in Afghanistan, girls' sports have been stopped"

International Olympic Committee

and “when girls’ sport isn’t practised, how can they go on the national team?”.¹ We condemn this illustration of the Taliban’s blatant denial of women and girls from sporting activities, and their evisceration from public life.

However, we have longer-term concerns that we wish to draw to your attention with regard to **the ongoing denial of women’s and girls’ participation in sports by the de facto authorities in Afghanistan and the role of the International Olympic Committee, including as the supreme authority of the Olympic Movement,² to uphold the rights of women and girls.** Prior to drafting this letter, we have consulted with a number of female Afghan athletes.

According to information received:

On 6 December 2022, the Executive Board of the International Olympic Committee expressed its “serious concern and strongly condemned the latest restrictions imposed” by the Afghan de facto authorities on women and girls in Afghanistan, “which prevent them from practising sport in the country.” The Executive Board also urged “the relevant [de facto] authorities in Afghanistan, including the Afghan National Olympic Committee (Afghan NOC) and the [de facto] Afghan Directorate of Physical Education & Sports, to take immediate action at the highest level to reverse such restrictions and ensure safe access to sport for women and young girls in the country.”

On the same day, the Executive Board of the International Olympic Committee also decided that “support to, activities with, and continued operations of” the Afghan NOC within the Olympic movement will be subject to the following conditions, which would be monitored:

- “Safe and inclusive access to sport for women and young girls being guaranteed in the country and restrictions preventing women and young girls from participating in sporting activities being addressed by the relevant [de facto] governmental authorities.”
- “Afghan teams and delegations participating in international sports competitions and events including not only female athletes living abroad, but also female athletes living in Afghanistan.”

“Afghan sports institutions belonging to the Olympic Movement addressing these issues at their respective levels and also being in a position to include women amongst the members of their governing bodies and at all levels of their management and administration.”³

During its meeting on 29 March 2023, the Executive Board noted “no tangible progress on the issue of ensuring access to sport and education for women and young girls” in Afghanistan. At the same meeting, it reiterated its “call on the

¹ <https://www.france24.com/en/live-news/20240708-taliban-don-t-recognise-women-on-afghan-olympic-team-sport-official>

² The three main constituents of the Olympic Movement are the International Olympic Committee, the International Sports Federations and the National Olympic Committees.

³ <https://olympics.com/ioc/news/ioc-eb-receives-updates-on-activities-of-nocs>

relevant authorities in the country to urgently reverse the existing restrictions and ensure safe access to sport for women and young girls.”⁴

- On 21 June 2023, the Executive Board urged the Afghan NOC and the de facto Directorate of Physical Education & Sports “to drastically strengthen and accelerate their efforts with the highest [de facto] authorities in the country” and expected to see “significant progress and concrete results at all levels in the very near future.”⁵
- On 19 March 2024, the Executive Board confirmed the objective of having a “gender-balanced Afghan team” at the Olympic Games Paris 2024 and its “continuous dialogue with the Afghan NOC and the Afghan [de facto] sports authorities with the aim of reversing the current restrictions on access to sport for women and girls in Afghanistan.”⁶
- On 13 June 2024, the Executive Board communicated that the Afghanistan team would be composed of three men and three women. The Executive Board also informed that no representatives of the *de facto* authorities will be accredited for these games.⁷

We recognise the aim of the International Olympic Committee to work with the Afghan NOC to affect positive change for access to sports for women and girls in Afghanistan. While the Executive Board has repeatedly demanded progress and concrete results on safe and inclusive access to sport for women and girls, this has not occurred. To the contrary, recent reports confirm that the Taliban continue to impose restrictions in many areas of life that cause a deteriorating situation for women and girls in Afghanistan⁸ and women and girls remain barred from participating in sports. Moreover, the Taliban’s institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls may amount to crimes against humanity, including the crime of gender persecution⁹In addition, in our consultations, many Afghan women note that the situation can be best described as gender apartheid.

We express concern that after almost three years of the de facto authorities systematically denying women’s and girls’ participation in sports, the International Olympic Movement, including the International Sports Federations, has not resorted to more assertive and responsive solutions to support Afghan women and girls, both inside and outside the country. Such solutions must be tailored to the unique situation of sweeping exclusion and marginalization. We remind the International Olympic Committee of a September 2021 UN Special Procedures press release which recommends that international sporting associations act vigorously.¹⁰

⁴ <https://olympics.com/ioc/news/ioc-eb-receives-updates-on-the-activities-of-nocs>

⁵ <https://olympics.com/ioc/news/ioc-eb-receives-updates-on-national-olympic-committee-activities>

⁶ <https://olympics.com/ioc/news/ioc-eb-provisionally-lifts-suspension-of-noc-of-guatemala-confirms-objective-of-having-a-gender-balanced-afghan-team-at-paris-2024>

⁷ <https://olympics.com/ioc/news/ioc-executive-board-receives-updates-on-activities-of-nocs>

⁸ See for example, A/HRC/56/25, A/HRC/55/80, A/HRC/53/1, as well as <https://www.ohchr.org/en/press-releases/2024/02/afghanistan-talibans-arbitrary-arrests-and-detention-women-and-girls-over>

⁹ See A/HRC/56/25

¹⁰ <https://www.ohchr.org/en/press-releases/2021/09/afghanistan-un-experts-deplore-women-sports-ban-call-vigorous-response>

Female Afghan athletes living abroad have told us that they aspire to represent Afghanistan to demonstrate the ability and strength of Afghan women and girls to the whole nation and the world. Most of them have had to overcome stigma, threats and intimidation from family members and others to exercise their right to participate in sports. Many of them fled from Afghanistan after the Taliban seized control of the country in August 2021, in order to continue their sporting activities.

However, Afghan women athletes who fled abroad note a lack of support from National Sports Federations as well as International Sports Federations, some of which are recognised by the International Olympic Committee. This includes the inflexible application of internal policies and a lack of financial support that impede them from representing Afghanistan.

In connection with the above concerns, we note that sporting bodies including the Executive Committee of the International Olympic Committee have a responsibility to respect and protect internationally recognized human rights and minimize harms by adopting human rights policies that apply to athletes, judges, events, and competitions (from bidding processes to game time), fans, journalists, and others. They should also commit themselves to reviewing and revising their policies, including eligibility regulations. Sports governing bodies should review, revise and revoke eligibility rules and regulations that have negative effects on athletes' rights. Please refer to the Annex referring to international human rights law attached to this letter which cites relevant international human rights instruments and standards. In the past, the IOC has taken strong principled stands when there have been serious violations of international law, including humanitarian and human rights law by governments or de facto authorities.

The exceptional situation in which your organisation, as the leader of the Olympic Movement, continues to support Afghanistan's NOC and recognises International Sports Federations that are seemingly unable to commit to their obligations regarding the participation of women and girls, demands special efforts of the entire Olympic Movement.

We call for all constituents of the Olympic Movement to support all Afghan women and girl athletes to the best of their abilities, going far beyond regular pathways, taking action in consultation with Afghan women and girls athletes themselves. As the leader of the Olympic Movement, we urge the International Olympic Committee to provide more resources and assertive and responsive efforts to provide such support, either through your own organisation or through the Afghan NOC and recognised International Sports Federations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned concerns.
2. Please provide information on all measures adopted by the International Olympic Committee and the Afghan NOC to address the issue of the participation of women and girls in sports in Afghanistan.

3. Please provide information on how the International Olympic Committee has monitored and addressed the exclusion of Afghan women and girls from sports through its interactions with affiliated International Sports Federations noting their apparent challenges in applying the gender equality requirements of the Olympic Charter.
4. Please provide your reflections on the impediments faced by Afghan women and girls athletes and teams that operate outside of their country to directly represent Afghanistan and provide ways to overcome these barriers, including the possibilities for Afghan women and girls to directly represent their country.
5. Please provide information on any formal and informal consultations that you have held or are planning to hold, if any, with a wide range of Afghan women and girl athletes and women in sports governance with a view to ensuring Afghan women and girls rightsholders can meaningfully participate in further decision-making about their access to participate in sports and represent Afghanistan.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information we have received is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned concerns. Any public communication will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that a copy of this letter on t has been also sent to Islamic Republic of Afghanistan and to the Taliban.

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

Richard Bennett
Special Rapporteur on the situation of human rights in Afghanistan

Fernanda Hopenhaym
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

George Katrougalos
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Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention to the international human rights standards applicable and relevant to this case.

Right to take part in cultural life, including sports

In accordance with article 27 of the Universal Declaration of Human Rights, and article 15 of the International Covenant on Economic, Social and Cultural Rights, ratified by Afghanistan in 1986, everyone has the right to take part in cultural life, which includes the practice of sports. Article 10(g) and article 13(c) of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Afghanistan in 1985, guarantee these rights, especially for women and girls. Article 31 of the Convention on the Rights of the Child, ratified by Afghanistan in 1990, does so for children, including girls.

The International Charter for Sport and Physical Education, adopted by UNESCO in 1978, stipulates in its Preamble that “one of the essential conditions for the effective exercise of human rights is that everyone should be free to develop and preserve his or her physical, intellectual and moral powers, and that access to physical education and sports should consequently be assured and guaranteed to all human beings.” It is further proclaimed in article 1 that the practice of sport is a fundamental right to all, as essential for development of his/her personality. Every person should have full opportunities, to practice sport, develop his/her physical fitness and attain a level of achievement in sport which corresponds to his/her gift.

The right to equality and non-discrimination for women and girls

The right to equality and non-discrimination is established firmly in international human rights instruments. Sex has been explicitly included in the list as a forbidden ground of discrimination, including through the Universal Declaration of Human Rights (article 2), the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, ratified by Afghanistan in 1986. The above-mentioned Convention on the Elimination of All Forms of Discrimination against Women is a specific UN human rights instrument that addresses discrimination against women, understood as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (article 1). Article 10 affirms that “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (g) The same Opportunities to participate actively in sports and physical education.” Article 13 states that “States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and

social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: (c) The right to participate in recreational activities, sports and all aspects of cultural life.” Discrimination and lack of access to sports strongly influence the benefits of sports, such as education, public health, socialization and social cohesion and can present the violation of other rights, also stipulated in UN human rights conventions.

Sporting bodies have taken on the responsibility to respect international standards and prohibit discrimination within sport. The fourth fundamental principle of the Olympic Movement indicates that “[t]he practice of sport is a human right. Every individual must have access to the practice of sport, without discrimination of any kind in respect of internationally recognised human rights within the remit of the Olympic Movement. The Olympic spirit requires mutual understanding with a spirit of friendship, solidarity and fair play.” The sixth principle further states that “The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as [...] sex, sexual orientation [...] or other status.”

As such, the Olympic Charter specifies that the International Olympic Committee’s role is: “to act against any form of discrimination affecting the Olympic Movement” and to “encourage and support the promotion of women in sport at all levels and in all structures with a view to implementing the principle of equality of men and women”.¹¹

In addition, the International Olympic Committee, serving as the “supreme authority” of the Olympic Movement, may grant formal recognition to constituents of the Olympic Movement, including International Sports Federations and National Olympic Committees. The seventh principle of the Olympic Charter states that “belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC”.

In addition, in its Strategic Framework on Human Rights, the International Olympic Committee stated that “in order to fulfil the goal of Olympism, all constituents of the Olympic Movement need to respect internationally recognised human rights within their respective remit.” Further, “Besides placing of sport at the service of a peaceful society concerned with the preservation of human dignity, a number of other foundational elements in the Olympic Charter strongly relate to human rights standards, including the explicit prohibition of discrimination and the respect for universal fundamental ethical principles.” (1.1 and 1.2)

Further, the practice of sport without discrimination of any kind is conceived as a human right under article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights, combined with the principle of non-discrimination recognized in article 2 of the twin International Covenants, on Civil and Political Rights and on Economic, Social and Cultural Rights. It is further reflected in the substantive work of the United Nations Human Rights machinery, including the work of the Committee on the Elimination of

¹¹ <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>

Discrimination against Women (CEDAW Committee), and in the United Nations Guiding Principles on Business and Human Rights.

Right to work

For professional athletes and professionals within the sport sector, articles 23 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Economic, Social and Cultural Rights also recognize the right of everyone to work. In its general comment No. 18, the Committee on Economic, Social and Cultural Rights underlined that this is a fundamental right, essential for the realization of other rights that allow life in dignity (CESCR, general comment No. 18, The right to work, 24 November 2005, para. 1). This right also includes the right not to be deprived of work unfairly (para. 4). The CESCR interprets the right to work as having the following aspects: a) availability, b) accessibility, and c) acceptability.

Responsibilities of businesses

The United Nations Guiding Principles on Business and Human Rights require businesses to respect human rights. As such, sports governing structures must integrate human rights standards into their governance structures and operations. In accordance with principle 3 of the guidelines, States must ensure that non-discrimination and equal protection is upheld under the law. States must also provide appropriate guidance to businesses on adopting a gender-responsive approach in identifying and assessing any actual or potential adverse human rights impacts. The gender dimension of the guiding principles suggests a gender transformative approach to remedy, in which States ensure that their own policies and laws and those acting within their jurisdiction tackle the root causes of violence against women and girls and contribute to their elimination.