

Afghanistan Human Rights Overview: Two Years of Taliban Rule

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I. Introduction

1. After the Taliban seized power on August 15, 2021, the people in Afghanistan have lived in repressive circumstances with almost every aspect of their life restricted one way or the other by Taliban bans.¹ Many of these restrictions or decrees violate basic human rights and are in direct contradiction to the *jus cogens* international laws set forth under International Covenant on Civil and Political Rights (“ICCPR”) and similar covenants.² The de facto government has failed to uphold its assurance and pledge to ensure human rights protection.³
2. Recognizing the increasing actions of human rights violation, this overview aims to examine the urgent, ongoing crisis in Afghanistan, present recommendations to alleviate and improve the circumstances, and call on the de facto government to ensure the safety and wellness of its people. This overview seeks to cover human rights violation encompassing torture and ill-treatment; arbitrary arrest and due process; enforced disappearance and summary executions; freedom of movement; freedom of religion and assembly; freedom of opinion and expression; women’s rights to education, healthcare, work; and rights of the child.

II. Torture & Ill-treatment

3. Article 7 of the ICCPR clearly states that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (hereinafter “ill-treatment”).”⁴ In fact, torture is commonly recognized as a peremptory (*jus cogens*) norm of international law, a “fundamental principle that applies at all times and in all circumstances.”⁵ Torture can be of different forms, comprising the inducement of physical pain as well as severe mental pains or suffering.⁶
4. Afghanistan is bound by several international treaties that strictly prohibit torture and similar ill-treatment, including the ICCPR, the Convention against Torture (“CAT”), the

¹ See United Nations Assistance Mission in Afghanistan (hereinafter, “UNAMA”), *Human Rights Situation in Afghanistan: May - June 2023 Update*, July 17, 2023, available on: <https://unama.unmissions.org/human-rights-situation-afghanistan-may-june-2023-update>.

² See United Nations (General Assembly), *International Covenant on Civil and Political Rights, Treaty Series*, vol. 999, p. 171, December 16, 1966. (hereinafter, “ICCPR”); See also United Nations (General Assembly), *International Covenant on Economic, Social and Cultural Rights, Treaty Series*, vol. 993, p. 3, December 16, 1966. (hereinafter, “ICESCR”)

³ See Bezhan, Foltyanova, Martinez, *Draconian Decrees: The Taliban’s Restrictions In Afghanistan*, August 14, 2023, published by RadioFreeEurope/RadioLiberty, available on: <https://www.rferl.org/a/draconian-decrees-taliban-restrictions-afghanistan/32547882.html>.

⁴ ICCPR Art. 7.

⁵ Office of the United Nations High Commissioner for Human Rights (hereinafter, “OHCHR”), *UN experts call for States to uphold the absolute prohibition of torture in armed conflict*, June 26, 2023, available on: https://www.ohchr.org/en/statements/2023/06/un-experts-call-states-uphold-absolute-prohibition-torture-armed-conflict#_ftnref1.

⁶ See UNAMA, *The treatment of detainees in Afghanistan Respecting human rights: a factor for trust*, September 2023, available on: <https://unama.unmissions.org/file/unamareport-eng-treatmentofdetaineessept23pdf>.

Geneva Convention, and more.⁷ Additionally, the Taliban itself has also implemented similar laws or “code[s] of conduct” that aim to prohibit torture, especially against prisoners or detainees. These laws are implemented to prohibit conduct that “contravenes Sharia principles,” and de facto ministries demonstrated some effort to implement these “code[s] of conduct.”⁸

5. However, since the Taliban seized power, civil societies, human rights organizations, and UNAMA have all documented countless cases of torture and ill-treatment.⁹ UNAMA’s most recent report *Treatment of Detainees in Afghanistan* (“UNAMA Report”) documented at least 800 instances of physical aggression and illegal use of force since January 2022, particularly during the context of arrests and custody by the de facto police and security ministries.¹⁰ The report indicated that detainees suffered from different forms of severe torture and ill-treatment, with beatings being the prevalent physical aggression, especially amid Taliban interrogations. Interviews with surviving victims revealed that they were often severely beaten with pipes or cables while restrained, often to the point of losing consciousness.¹¹ Other forms of physical aggression documented include the use of electric shocks, asphyxiation, hanging, and waterboarding.¹² UNAMA documented 18 incidents of deaths resulting from such torture.¹³
6. At the same time, these detainees suffered tremendous emotional pain.¹⁴ Many of them were detained and blindfolded for an unnecessary, prolonged period of time without any direct means of contacting their family members.¹⁵ Threats of death or killing of their closed ones imposed significant pressure and fear among the detainees.¹⁶
7. Instances of torture and ill-treatment did not limit themselves to detainees; there are overwhelming evidence of Taliban endorsing violence as a method to control the public, with beatings again being the prevalent form of torture and often demonstrated in public as warnings.¹⁷

⁷ ICCPR; United Nations (General Assembly), *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Treaty Series*, vol. 1465, p. 85, December 10, 1984, available on: <https://www.refworld.org/docid/3ae6b3a94.html>, (hereinafter, “CAT”); International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Fourth Geneva Convention) 75 UNTS 287, August 12, 1949, available on: <https://www.refworld.org/docid/3ae6b36d2.html>, (hereinafter, “Geneva Convention”).

⁸ See UNAMA, *supra* note 6.

⁹ See *id.*

¹⁰ *Id.* at 12.

¹¹ *Id.* at 3.

¹² *Id.*

¹³ *Id.* at 4.

¹⁴ *Id.* at 15-20.

¹⁵ See *id.*

¹⁶ *Id.* at 13-14.

¹⁷ See Afghan Witness’s Interactive Map Webpage, available on: <https://www.afghanwitness.org/map>.

8. Amnesty International presented that more than 100 people were publicly tortured by Taliban officials in just a month in 2022.¹⁸ In another recent report by Amnesty, the NGO reported thousands of civilians in the Panjshir province being arrested and beaten on suspicion of affiliation with the former government or the National Resistance Front (NRF).¹⁹ There were at least three cases of civilians beaten to death.²⁰
9. Afghan Witness, a comprehensive website compiling incidents of human rights issues through an interactive map and open-source investigation, also presented multiple video footages of Taliban soldiers and officers beating civilians, often with their weapons, sticks, or resorting to punches and kicks.²¹ One incident in the Kabul province on Sept 18th, 2021, showcased an alleged thief being tied up to a signpost and repeatedly punched and kicked while the general public stood and watched.²² Another incident on Nov 8th, 2021, displayed several Taliban soldiers chasing and repeatedly beating an unarmed civilian with their rifles.²³ Other incidents covered Taliban’s dispersing tactics against protests or religious minorities ceremonies, often resorting to aerial gunfire, water cannon, beatings, and whippings to threaten and disperse crowds.²⁴
10. While the Taliban and its *de facto* governmental agencies made various responses to the documented incidents on the UNAMA report including listing out some of the legislative and procedural measures Taliban implemented or plan to implement to prevent torture or ill-treatment, the majority of the content within the responses focused on the denial of these incidents on the basis that they are against Sharia law.²⁵
11. Specifically, the General Directorate of Intelligence (“GDI”) denied that detainees were rid of the right to contact family members and argued that the GDI “impose no such restrictions.”²⁶ The GDI also argued that the detainees have the right to complain regarding their detention and that “the majority of the complaints have been registered and addressed...”²⁷ The *de facto* Supreme Court argued that no one has been “detained or imprisoned but based on the order of the Court and nor are they to be subjected to torture or killed.”²⁸
12. Given the above documented instances, the Taliban should:

¹⁸ Amnesty International, Afghanistan 2022, available on: <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/>.

¹⁹ Amnesty International, *Afghanistan: “Your sons are in the mountains”: The collective punishment of civilians in Panjshir by the Taliban*, June 7, 2023, available on: <https://www.amnesty.org/en/documents/asa11/6816/2023/en/>.

²⁰ *Id.* at 21.

²¹ Afghan Witness, *supra* note 18.

²² *See id.*

²³ *See id.*

²⁴ *See id.*

²⁵ UNAMA, *supra* note 7, at 66-70.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

- Establish a strong legal framework that reflects international standards on prohibition of torture and other forms of ill-treatment;
- Implement such legal framework by establishing procedural measures to ensure the protection against torture and ill-treatment, including but not limited to official visits, human rights trainings, complaint procedures, and establishment of human rights divisions;
- Establish mechanisms to monitor implementation of the legal framework, including routine oversight of places of detention and to hold the perpetrators accountable;
- Actively ensure contact between detainees and family members and closely monitor the wellbeing of detainees; and
- Refrain from the use of violence or public punishment.

III. Arbitrary Arrest, Detention, and Due Process

13. ICCPR Article 9 declares that “[n]o one shall be subjected to arbitrary arrest or detention.”²⁹ International treaties like ICCPR and CAT in which Afghanistan is bound to clearly establish that arbitrary arrests and detention without proper legal procedures violate international laws and conventions.³⁰ ICCPR Article 14 establishes that “...everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law” to determine any criminal charges.³¹
14. The *de facto* government has failed to implement any procedural safeguards to ensure compliance with these international human rights laws or to provide due process for its arrestees or detainees.³² On the contrary, Taliban officials and police force commenced their arrest or detention without any informing of rights, reasons, or procedures, often resorting to violence and force that align the process akin to kidnapping.³³ The UNAMA report documented incidents where civilians were beaten, blindfolded, threatened, and dragged into vehicles to be detained.³⁴ The report also documented no instances in which Taliban officials or the police force informed the arrestees or detainees the reason for their arrest and their right to appeal to court regarding their charges.³⁵
15. Furthermore, the UNAMA report documented several instances of solitary confinement where detainees were detained for an unnecessary, prolonged period of time, often

²⁹ ICCPR Art. 9.

³⁰ See ICCPR; CAT.

³¹ ICCPR Art. 14.

³² See UNAMA, *supra* note 7, at 3.

³³ See *id*; Amnesty International, *Afghanistan: Taliban must immediately stop arbitrary arrests of journalists, civil society activists, former government officials and those who dissent*, March 21, 2022, available on: <https://www.amnesty.org/en/documents/asa11/5369/2022/en/>.

³⁴ See UNAMA, *supra* note 7, at 17 n.30-33.

³⁵ See UNAMA, *supra* note 7.

accompanied by repetitive interrogations and beatings.³⁶ Interviews revealed that a detainee was held for up to 50 days.³⁷ Under physical and psychological stress, these detainees would often be forced to sign guarantees admitting certain charges against them.³⁸

16. Similarly, Amnesty International's recent oral statement to the UN Human Rights Council during its 54th session voiced additional examples of arbitrary arrests and prolonged confinement without proper due process, such as the detention of the journalist Mortaza Behboudi and the education activist Matiullah Wesa.³⁹ The Human Rights Watch's very recent submission to Afghanistan's Fourth UPR also offered additional documented cases.⁴⁰ Protestors against Taliban's policies violating women's rights, such as Nadima Noor and Parwana Ibrahimkhel, were arbitrarily detained for up to three weeks in the beginning of 2023.⁴¹ Activists like Zholia Parsi were arbitrarily detained recently and still remained in confinement.⁴² Female detainees even face additional barriers as Taliban requires a *mahram*, a husband or close male relative, to act as escort if the female detainees are to be released.⁴³ Many therefore were indefinitely confined due to inaccessibility to a male family member.⁴⁴
17. The unnecessarily prolonged detention, whether intentional or not, amounts to the level of torture, and the forcibly signed admissions of crime amid such confinement have no legal validity.⁴⁵ Solitary confinement can only be executed under a fully regulated legal framework.⁴⁶
18. Without informing the detainees and arrestees their reasons for arrest as well as their due process rights, the de facto government officials' actions are in direct contradiction of international human rights laws.⁴⁷ These arbitrary and unnecessary procedures promote the

³⁶ UNAMA, *supra* note 7, at 26-27.

³⁷ *Id.*

³⁸ *Id.* at 47.

³⁹ Amnesty International, *UN Human Rights Council should Consider Accountability Options to Support Victims' Quest for Justice*, September 12, 2023, submitted to the UN Human Rights Council 54th session, available on: <https://www.amnesty.org/en/documents/asa11/7172/2023/en/>. (As of October 18th, Mortaza Behboudi has been released from prison by the Taliban court. See Reporters Without Borders, *RSF announces the release of journalist Mortaza Behboudi after 284 days in detention in Afghanistan: "the end of a painful ordeal"*, October 18, 2023, available on: <https://rsf.org/en/rsf-announces-release-journalist-mortaza-behboudi-after-284-days-detention-afghanistan-end-painful>.)

⁴⁰ See Human Rights Watch, *Submission to the Universal Periodic Review of Afghanistan*, October 2023, available on: <https://www.hrw.org/news/2023/10/11/submission-universal-periodic-review-afghanistan>.

⁴¹ *Id.* at 4.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *See id.*

⁴⁵ See UNAMA, *supra* note 7, at 47.

⁴⁶ UNAMA, *supra* note 7, at 26-27.

⁴⁷ See ICCPR; CAT

use of excessive physical and psychological aggression and inhibit the process of eliminating torture and ill-treatment, especially to those in detention or confinement.⁴⁸

19. Given the relevant circumstances and the lack of legal mechanism and regulatory framework, the Taliban should:

- Establish and widely promote a well-regulated procedure of arrest, ensuring that the arrestees are timely informed of their due process rights and reasons for arrests;
- Establish an appeal process that allows detainees to present in front of a tribunal for defense before being criminally charged;
- Implement laws and regulations on the length and methods of confinement to prevent unnecessarily prolonged time of detention;
- Provide access to legal assistance with regards to the detainees and arrestees;
- Provide access to medical examinations upon arrest or during detention; and
- Ensure that all persons unlawfully detained or arrested are duly compensated for their pain and suffering.

IV. Enforced Disappearance and Summary Execution

20. Article 3 of the Universal Declaration of Human Rights protects the right to life, liberty, and security of the people.⁴⁹ Extrajudicial or summary executions and enforced disappearances are serious violations of such established international human rights law.⁵⁰ Other treaties such as the International Convention for the Protection of All Persons from Enforced Disappearance further solidified that enforced disappearances and summary executions are violations of customary international laws.⁵¹ The provisions of Articles 9 and 14 of the ICCPR similarly impose restrictions and prevent any such infringements of human rights.⁵²

21. Unfortunately, numerous cases of summary executions and enforced disappearances have taken place since Taliban took power on August 15, 2023.⁵³ Despite Taliban's reassurance of amnesty to former government civilians and military officials and claim to hold violators accountable, retaliations against these members via summary executions or enforced

⁴⁸ *See id.*

⁴⁹ United Nations (General Assembly), *Universal Declaration of Human Rights*, Art. 3., December 10, 1948, 217 A (III), available on: <https://www.refworld.org/docid/3ae6b3712c.html>.

⁵⁰ *See id.*; ICCPR; CAT.

⁵¹ United Nations (General Assembly), *International Convention for the Protection of All Persons from Enforced Disappearance*, December 20, 2006, available on: <https://www.refworld.org/docid/47fdfaeb0.html>.

⁵² *See* ICCPR Art. 9 & 14.

⁵³ *See, e.g.*, Human Rights Watch, “No Forgiveness for People Like You” Executions and Enforced Disappearances in Afghanistan under the Taliban, November 30, 2021, available on: <https://www.hrw.org/report/2021/11/30/no-forgiveness-people-you/executions-and-enforced-disappearances-afghanistan>.

disappearances are highly common.⁵⁴ Civilians living in regions or districts with suspected former government or other anti-Taliban organization activities are often raided in their home, tortured, and executed with little investigation.⁵⁵ Public executions and corporal punishments are also highly prevalent.⁵⁶ Taliban officials or soldiers often hang civilians or suspects on excavators or trucks, even going to the extent of taking the deceased on a parade.⁵⁷

22. Many international organizations, including UNAMA, have documented and reported numerous instances of Taliban’s killings and enforced disappearance.⁵⁸ The Human Rights Watch, in its report “No Forgiveness for People Like You,” documented at least 47 summary executions or enforced disappearance between August 15 and October 31, 2021, in the provinces of Ghazni, Helmand, Kandahar, and Kunduz.⁵⁹ Most of the victims were affiliated with the former Afghan National Security Forces (ANSF).⁶⁰
23. Some of the victims, complying with the amnesty the Taliban leadership declared, provided information or registered with the Taliban regarding their affiliation with the former government.⁶¹ Nonetheless, the Taliban has, in many instances, used this information to retaliate.⁶² Abdul Qadir, a former fighter for the National Directorate of Security was forcibly disappeared and later killed after he compliantly revealed to Taliban soldiers his former affiliations.⁶³ His body was found by his family three days after he was taken away.⁶⁴ Similarly, many of the former members of the Afghan Local Police or police agencies were reportedly executed on the spot or arrested and forcibly disappeared.⁶⁵
24. One of the more well-known cases of enforced disappearance was the one of Alia Azizi, the former women’s prison director in Herat.⁶⁶ The de facto government allegedly called Azizi to return to work despite her affiliation with the former government.⁶⁷ Nonetheless, after she returned to her job post, Azizi went missing on October 2nd, 2021.⁶⁸ No information regarding her whereabouts has been released by the Taliban.⁶⁹

⁵⁴ *See id.*

⁵⁵ *See, e.g.,* Amnesty International, *supra* note 20.

⁵⁶ *See* Afghan Witness, *supra* note 18.

⁵⁷ *See id.*

⁵⁸ *See* UNAMA, *UNAMA Human rights in Afghanistan: 15 August 2021 to 15 June 2022*, July 2022, available on: <https://unama.unmissions.org/human-rights-monitoring-and-reporting>.

⁵⁹ Human Rights Watch, *supra* note 54.

⁶⁰ *See Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *See id.*

⁶⁶ Human Rights Watch, *Afghanistan: Herat Women’s Prison Head Missing 6 Months*, April 20, 2022, available on: <https://www.hrw.org/news/2022/04/20/afghanistan-herat-womens-prison-head-missing-6-months>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

25. UNAMA’s report published in July 2022 documented at least 200 extrajudicial killings and around 60 enforced disappearances between August 15, 2021, to June 15, 2022.⁷⁰ Many of the targeted victims were former government affiliates, affiliate of the ISKP, ISIS, or NRF.⁷¹ Some instances included journalists and media workers.⁷²
26. Additionally, the *de facto* authorities have carried out collective punishments against civilians on top of their summary executions and enforced disappearances.⁷³ The Taliban regime performed night raids in districts and communities they accused of being affiliated with anti-Taliban organizations.⁷⁴ Amnesty International documented severe human right violations the *de facto* authorities carried out specifically towards the Panjshir province, a place where fighting between the NRF and Taliban occurred.⁷⁵ Without any due investigations or judicial process, many civilians were tortured, arbitrarily arrested, forcibly disappeared, or even executed sometimes on suspicions of their affiliation with the NRF or other anti-Taliban organizations.⁷⁶ Amnesty International documented at least 14 confirmed extrajudicial killings between September 12 and 14 of 2022, where surrendered NRF fighters were taken in small groups and executed.⁷⁷ Similar reports on extrajudicial killing of NRF fighters from various sources, including the United Nations, Afghan Witness, Etilaatroz, and Hasht e Subh, have all presented statistics of Taliban’s summary executions.⁷⁸ They include only more confirmed numbers of killings than the reported ones from Amnesty International.⁷⁹
27. Afghan Witness documented many videos confirming the *de facto* authorities’ actions of summary executions, especially in the form of public punishment and showcasing.⁸⁰ A September 11th, 2021, video shows the Taliban officials executing an unarmed civilian on the streets.⁸¹ A video from September 25th, 2021, displays an alleged kidnapper hanged from an excavator.⁸² On October 5th, 2021, video evidence shows that the Taliban hanged at least three corpses on their excavators to the general public.⁸³ Similarly on February 21st, 2022, the Taliban hanged alleged kidnappers and former ANDSF affiliates on tow trucks and excavators while they marched on a parade.⁸⁴ Another video from September 14th, 2022, showcases the Taliban marching a group of “unarmed and restrained resistance

⁷⁰ UNAMA, *supra* note 59.

⁷¹ *See id.*

⁷² *See id.*

⁷³ *See* Amnesty International, *supra* note 20.

⁷⁴ *See id.*

⁷⁵ *See id.*

⁷⁶ *See id.*

⁷⁷ *Id.* at 11.

⁷⁸ *Id.* at 20.

⁷⁹ *Id.*

⁸⁰ *See* Afghan Witness, *supra* note 18.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

members prior to their execution.”⁸⁵ On March 8th, 2023, alleged criminals were publicly executed, and their bodies left on the street.⁸⁶ First-hand evidence of the de facto authorities’ human rights violations is abundant.⁸⁷

28. To end summary executions and enforced disappearances in Afghanistan, the Taliban should:

- Immediately cease all extrajudicial killings and other forms of unlawful killings or collective punishment under the international human rights law;
- Promptly and thoroughly investigate all credible allegations of extrajudicial killings, enforced disappearances, and unlawful use of collective punishment;
- Implement laws that prohibit summary executions and forced disappearances and ensure all de facto authorities and officials are provided detailed and thorough trainings on the matter as violations of international human rights laws;
- Ensure proper judicial process for suspected criminals; and
- Prohibit the use of public punishment and executions.

V. Freedom of Religion and Minority Rights

29. According to ICCPR Article 18, every individual has the right to freedom of thought, conscience, and religion, including the freedom to choose or adopt a religion or belief.⁸⁸ They may practice and express their religion individually or with others, publicly or privately, through worship, observance, practice, and teaching.⁸⁹ No one should be coerced in matters of their religious or belief choices.⁹⁰ The freedom to manifest one's religion or beliefs may be limited by law, but only when necessary to safeguard public safety, order, health, morals, or the fundamental rights and freedoms of others.⁹¹ States Parties to this Covenant commit to respecting parents' and, when applicable, legal guardians' freedom to provide religious and moral education to their children in accordance with their own convictions.⁹² Moreover, General Comment 22 emphasizes the broad scope of the freedom of thought, and clarifies that Article 18 protects all form of religion, including the right not to profess any religion or belief.⁹³

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *See id.*

⁸⁸ ICCPR Art. 18.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *See Id.*

⁹³ *See* United Nations (OHCHR), *Special Rapporteur on freedom of religion or belief*, available on: <https://www.ohchr.org/en/special-procedures/sr-religion-or-belief/international-standards#:~:text=Human%20Rights%20Committee%20general%20comment,belief%20of%20one%27s%20choice%3B%20%22.>

30. Religious minority communities in Afghanistan, such as Sikhs, Hindus, Christians, and Ahmadi Muslims, have reported experiencing harassment and oppression under Taliban rule.⁹⁴ The Taliban leadership enforces their policies on the population based on their interpretation of Islamic sharia law and local cultural norms.⁹⁵ UNAMA documented an increase in civilian harm resulting from attacks on places of worship after the Taliban takeover, causing 1,218 civilian casualties (368 killed, 850 wounded) between 15 August 2021 and 30 May 2023.⁹⁶
31. Hazaras, who are Shia Muslims, as well as other Shia Muslim groups, face threats and attacks from various sources, including ISIS-K and local Taliban factions.⁹⁷ These attacks have resulted in civilian casualties, and Hazara activists have accused the Taliban of both repression and failing to protect them from ISIS-K assaults, which has contributed to their marginalization.⁹⁸ Similarly, 28 members of the Ahmadiyya Muslim community were detained in December 2021 on suspicion of being associated with ISIS-K.⁹⁹ Some of the detainees were released in December 2021, while the remaining detainees were released in July 2022.¹⁰⁰
32. In April 2022, the security situation in Afghanistan deteriorated significantly as the Taliban failed to protect against ISIS-K terrorist attacks targeting places of worship and educational institutions belonging to ethnic and religious minority communities.¹⁰¹ On April 22, in response to these attacks, the UN Security Council issued a press statement condemning the acts of terrorism in Afghanistan.¹⁰² These attacks included a bombing in a mosque with Hazara worshippers, resulting in the tragic loss of at least 33 lives and the injury of over 43 individuals.¹⁰³ Furthermore, ISIS-K carried out attacks in Balkh and Kunduz Provinces, causing the deaths and injuries of approximately 100 civilians, primarily Shia Muslims.¹⁰⁴ The situation escalated when a suicide bomber struck an education center in a Hazara area of Kabul in September 2022, resulting in the deaths of 53 people and injuries to 110

⁹⁴ See Siddique, 'Forced To Dress Like a Muslim': Taliban Imposes Restrictions On Afghanistan's Sikh, Hindu Minorities, August 22, 2023, published by RFE/RF, available on: <https://www.rferl.org/a/afghanistan-sikh-hindu-muslim-taliban-restrictions/32559175.html>.

⁹⁵ *Id.*

⁹⁶ See UNAMA, *supra* note 1.

⁹⁷ See Human Rights Watch, *Afghanistan: ISIS Group Targets Religious Minorities*, September 6, 2022, available on: <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities>

⁹⁸ *Id.*

⁹⁹ See U.S. Department of State, *2022 Country Reports on Human Rights Practices: Afghanistan*, available on: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/afghanistan/>.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² See United Nations (Security Council), *Security Council Press Statement on Attacks in Afghanistan*, April 22, 2022, available on: <https://press.un.org/en/2022/sc14879.doc.htm>.

¹⁰³ See France24, *Mosque blast during Friday prayers kills dozens in northern Afghanistan*, April 22, 2022, available on: <https://www.france24.com/en/afghanistan/20220422-mosque-blast-during-friday-prayers-kills-dozens-in-northern-afghanistan>.

¹⁰⁴ See U.S. Department of State, *supra* note 100.

according to UNAMA, with most of the victims being girls and women from various religious and ethnic backgrounds.¹⁰⁵

33. All religious minority groups in Afghanistan live in fear of persecution by the Taliban and report various forms of marginalization, including restrictions on religious worship, limited access to civil service positions, and challenges in gaining admission to universities.¹⁰⁶ Hazaras, in particular, continue to experience repression, discrimination, and marginalization by the Taliban, especially in terms of public service and employment opportunities.¹⁰⁷ Sikhs and Hindus have stopped congregating at their places of worship, and many have resettled abroad due to fear of attacks by both the Taliban and ISIS-K.¹⁰⁸ Consequently, only a small number of Sikhs and Hindus remain in the country.¹⁰⁹ Minority religious communities, including Baha'is and Christians, live in constant fear of exposure and are hesitant to openly disclose their religious identities.¹¹⁰ Converts to Christianity often receive threats, including death threats, from their own family members.¹¹¹ Ahmadiyya Muslims opt for private worship to avoid discrimination and persecution.¹¹²
34. In June 2022, the Taliban banned the teaching of Jafari (Shia) jurisprudence at the University of Bamyan, imposing Hanafi jurisprudence instead, further demonstrating their efforts to reshape the educational landscape.¹¹³
35. To recognize the diversity of religious beliefs, practices and traditions, the Taliban should:
- Protect followers of religions other than Islam to freely exercise their faith and perform their religious rites;
 - Establish safeguards that protects rights of religious minorities including minorities within Islam such as Shias and Ahmadiyyas;
 - Ensure the safety and security of religious minorities particularly in places of worship.

VI. Freedom of Expression and Right to Peaceful Assembly

36. According to ICCPR Article 19, every individual has the right to hold opinions without interference and to exercise freedom of expression.¹¹⁴ This freedom encompasses the seeking, receiving, and sharing of information and ideas through various means, including

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See Human Rights Watch, *supra* note 98.

¹⁰⁹ *Id.*

¹¹⁰ See U.S. Department of State, *supra* note 100.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ See ShiaWaves, *Taliban bans teaching of Jafari jurisprudence at Bamiyan University*, June 16, 2022, available on: <https://shiawaves.com/english/news/islam/afghanistan/83477-taliban-bans-teaching-of-jafari-jurisprudence-at-bamiyan-university/>.

¹¹⁴ ICCPR Art. 19.

oral, written, artistic, and other media.¹¹⁵ Furthermore, ICCPR Article 21 recognizes the right to peaceful assembly.¹¹⁶

37. The exercise of these rights is accompanied by special duties and responsibilities.¹¹⁷ Therefore, it may be subject to legal restrictions, but such limitations should only be provided by law and are necessary to safeguard the rights and reputations of others or to protect national security, public order, public health, or morals.¹¹⁸
38. Freedom of expression is essential to democratic societies in which the government is accountable to the people. The Human Rights Committee in General Comment 34, obliges States parties to ensure that public broadcasting services operate in an independent manner.¹¹⁹ In this regard, States parties should guarantee their independence and editorial freedom.¹²⁰ Moreover, they should also provide funding in a manner that does not undermine their independence.¹²¹
39. In August 2021, the first ten days witnessed a disturbing escalation of violence and repression by the Taliban, as they carried out a series of high-profile killings and brutal crackdowns on dissent.¹²² This period began with the murder of the head of the Afghan government's media center, followed by an assassination attempt on the acting defense minister.¹²³
40. Right after Taliban takeover, protests erupted in various parts of Afghanistan, even as the Taliban leadership promised inclusivity and peace.¹²⁴ A demonstration occurred in Jalalabad, a Pashtun-dominated city, where protesters replaced the Taliban flag with the Afghan national flag.¹²⁵ Videos on social media depicted a sizable rally with people carrying the national flag.¹²⁶ In one video, protesters cheered and chanted slogans before

¹¹⁵ *Id.*

¹¹⁶ ICCPR Art. 21.

¹¹⁷ ICCPR Art. 19.

¹¹⁸ *Id.*

¹¹⁹ See United Nations (Human Rights Committee), *General comment No.34 on Article 19: Freedoms of opinion and expression*, July 29, 2011, available on: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and>.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² See Gannon and Akhgar, *Taliban kill Afghan media chief in Kabul, take southern city*, August 6, 2021, published by APNews, available on: <https://apnews.com/article/media-taliban-94face0f6d0cabcc3896ef6f33d03bea>.

¹²³ *Id.*; See also TOLONews, *8 Killed, 20 Wounded in Attack on Acting Defense Minister's House*, August 4, 2021, available on: <https://tolonews.com/afghanistan-173965>.

¹²⁴ See Devulapalli, *Taliban face stiff resistance in several provinces; violence breaks out in Pashtun-dominated Jalalabad*, August 18, 2021, published by TheWeek, available on: <https://www.theweek.in/news/world/2021/08/18/taliban-face-stiff-resistance-in-several-provinces-violence-breaks-out-in-pashtun-dominated-jalalabad.html>.

¹²⁵ *Id.*

¹²⁶ *Id.*

gunshots led to dispersal, reportedly due to Taliban forces opening fire, resulting in casualties.¹²⁷

41. Throughout the timeframe of the regime, the Taliban carried out house-to-house searches, specifically targeting journalists and individuals with ties to the republic and Western forces.¹²⁸ Their suppression of women's protests included the use of force, encompassing live ammunition, batons, whips, pepper spray, and tear gas, creating an environment of fear and intimidation, where expressing dissent was met with severe consequences.¹²⁹ Adding to the distressing pattern, it was revealed that three Afghan women detained for protesting against Taliban abuses in October 2022 had experienced torture and severe mistreatment while in custody, underscoring the harrowing conditions faced by those who dared to speak out against the Taliban's actions.¹³⁰
42. In September 2021, the Taliban implemented a series of stringent media directives, which included restrictions on content that was deemed contrary to Islamic values, insulting to national figures, or distorting news content.¹³¹ Simultaneously, the state of internet access remained selective, with no expectation of privacy and a fear of Taliban monitoring.¹³² The Taliban strategically utilized the internet and social media to disseminate their own messages, while media outlets and activists utilized these platforms to discuss political developments and provide an alternative perspective.¹³³
43. However, the Taliban's approach to internet access was far from consistent, as they periodically shut it down during periods of active dissent and political discord, aiming to suppress the spread of information and coordination among protesters.¹³⁴ This pattern of control extended to banning protests and slogans that lacked prior approval from the

¹²⁷ *Id.*

¹²⁸ See Aljazeera, *Taliban conducting house-to-house sweep across Afghan capital*, February 27, 2022, available on: <https://www.aljazeera.com/news/2022/2/27/taliban-conducting-house-to-house-sweep-across-afghan-capital>.

¹²⁹ See Dangor, *Taliban Uses Whips, Batons To Break Up Largest Protest Since They Took Power*, September 7, 2021, published by Forbes, available on: <https://www.forbes.com/sites/graisondangor/2021/09/07/taliban-uses-whips-batons-to-break-up-largest-protest-since-they-took-power/?sh=6fccc444521b>.

¹³⁰ See Human Rights Watch, *Afghanistan: Women Protesters Detail Taliban Abuse*, October 20, 2022, available on: <https://www.hrw.org/news/2022/10/20/afghanistan-women-protesters-detail-taliban-abuse>.

¹³¹ See Reporters Without Borders, *Afghanistan: "11 journalism rules" imposed by Taliban open way to censorship and arbitrary decisions, RSF warns*, September 22, 2021, available on: <https://rsf.org/en/afghanistan-11-journalism-rules-imposed-taliban-open-way-censorship-and-arbitrary-decisions-rsf>.

¹³² See Tarabay and Najafizada, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, August 31, 2022, published by Bloomberg, available on: <https://www.bloomberg.com/news/newsletters/2022-08-31/taliban-continues-censorship-web-blocks-as-it-promises-4g>

¹³³ See Thorbecke, *How the Taliban uses social media to seek legitimacy in the West, sow chaos at home*, August 19, 2021, published by ABCnews, available on: <https://abcnews.go.com/Technology/taliban-social-media-seek-legitimacy-west-sow-chaos/story?id=79500632>.

¹³⁴ See Tarabay and Najafizada, *supra* note 140.

Taliban, effectively stifling dissent.¹³⁵ On September 29, 2021, Taliban forces resorted to gunfire to disperse a women's rally in Kabul, held in support of protests in Iran concerning the death of a woman in police custody.¹³⁶ The women participating in these Kabul protests, and future protestors, reported facing additional abuses by the Taliban, including physical beatings, illustrating the harsh consequences faced by those who dared to express their dissent in the face of the Taliban's rule.¹³⁷

44. In September 2021, the situation in Afghanistan, particularly concerning the safety of human rights defenders and media workers, remained a cause for deep concern, as highlighted in a briefing provided by Deborah Lyons, the Secretary-General Special Representative and head of UNAMA.¹³⁸ A report by UNAMA documented a series of distressing incidents, revealing the extent of targeted violence faced by these individuals across various regions.¹³⁹ These incidents included the killing of a civil society activist and his wife by the Taliban in Helmand Province, the killing of another civil society activist in Kabul Province, and the tragic killing of an international photojournalist in Kandahar Province.¹⁴⁰ Additionally, the report mentioned the killing of a female journalist, which was claimed by ISIL-K, in Kabul Province, an armed attack on a private radio worker in Ghazni Province, and threats made against a journalist, a female non-governmental organization employee, and a female civil society activist by unidentified individuals in Daikundi and Herat Provinces.¹⁴¹
45. Furthermore, the report described the harrowing situation of a female journalist who had reportedly escaped an attack by ISIL-K in Nangarhar Province and the suspension of broadcasts by Radio Bareen in Parwan Province following an assault on one of its female staff members by unknown perpetrators.¹⁴² Beyond these isolated incidents, the report also revealed the concerning trend of media organizations suspending their activities in various districts of Baghlan, Zabul, Jawzjan, Kunduz, Nuristan, and Paktia Provinces, particularly after these areas came under Taliban control, highlighting the challenging and precarious

¹³⁵ See Makoi, Beaumont, and Wintour, *Taliban ban protests and slogans that don't have their approval*, September 8, 2021, available on: <https://www.theguardian.com/world/2021/sep/08/taliban-ban-protests-and-slogans-that-dont-have-their-approval>.

¹³⁶ See France24, *Taliban fire into air to disperse women's rally backing Iran protests*, September 29, 2022, available on: <https://www.france24.com/en/live-news/20220929-taliban-fire-into-air-to-disperse-women-s-rally-backing-iran-protests>.

¹³⁷ See Human Rights Watch, *supra* note 138.

¹³⁸ See United Nations (Security Council), *Report of the Secretary General: The situation in Afghanistan and its implications for international peace and security*, September 2, 2021, available on: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2021_759.pdf.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

environment in which media workers and human rights defenders operated in Afghanistan during that period.¹⁴³

46. In October 2021, a survey released by Reporters Without Borders (RSF) shed light on the dire situation faced by media outlets and journalists in Afghanistan since August 12, 2021.¹⁴⁴ The report revealed the staggering impact, as the country had lost approximately 40 percent of its media outlets and an estimated 60 percent of its journalists, with a significant focus on women journalists, as three-quarters of them found themselves unemployed.¹⁴⁵ During this period, more than 200 media outlets were forced to close, leaving over 7,000 journalists unemployed, the majority of whom were women.¹⁴⁶ Tragically, the situation worsened in March 2022 when TOLO TV staff members were arrested following their broadcast of a report on the Taliban's ban of foreign TV drama series.¹⁴⁷ The Taliban's actions continued to suppress the freedom of media and expression as they barred private TV stations from presenting programming from VOA and BBC.¹⁴⁸
47. Furthermore, in October 2022, international journalists began to face escalating challenges as the Taliban imposed stringent restrictions on their ability to work within the country, including difficulties with visa renewals, obtaining visas from outside Afghanistan, and limiting their stays to just 30 days, in contrast to the previous 90-day allowances.¹⁴⁹ This ongoing trend of censorship and intimidation served to further silence and restrict media organizations and journalists in Afghanistan, ultimately undermining the free flow of information and diverse perspectives in the country.¹⁵⁰
48. Considering these incidents, the Taliban should:
- Uphold international standards for freedom of expression and guarantee media freedom and independence;
 - Prioritize policies that emphasize the importance of safeguarding journalists and upholding the right to peaceful assembly;
 - End restrictions on the operation of media, ensuring they can disseminate critical reports without the threat of any repercussion; and

¹⁴³ *Id.*

¹⁴⁴ See Reporters Without Borders, *Afghanistan has lost almost 60% of its journalists since the fall of Kabul*, October 8, 2022, available on: <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul>.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ See Aljazeera, *Taliban release three Afghan journalists after media crackdown*, March 18, 2022, available on: <https://www.aljazeera.com/news/2022/3/18/taliban-release-three-afghan-tv-staffers-detained-over-media-ban>.

¹⁴⁸ See VOAnews, *Taliban Ban VOA, BBC News Shows in Afghanistan*, March 27, 2022, available on: <https://www.voanews.com/a/6503749.html>.

¹⁴⁹ See U.S. Department of State, *supra* note 100.

¹⁵⁰ *Id.*

- Cease using violence and repression against journalists, human rights defenders, and peaceful protesters.

VII. Women’s Rights

49. In the last two years, the Taliban have enforced oppressive policies targeting the rights and well-being of women and girls.¹⁵¹ These policies include restrictions on women’s right to health, right to work, right to freedom of movement, and the right to education.
50. The head of a provincial hospital in Badakhshan province announced in May 2023 that the hospital recorded 180 suicide attempts among women.¹⁵² This number could be much higher due to underreporting caused by cultural sensitivities and self-censorship among the media and family members.¹⁵³ “Cases of suicide among women have been linked to the lack of opportunities available, but also to gender-based violence.”¹⁵⁴ There has been an increase in domestic violence and forced marriage, which is also linked to the increased female suicide rate.
51. The UN Deputy High Commissioner for Human Rights has expressed deep concern for the “overall discriminatory and restrictive environment, indeed the climate of fear, in which women and girls live in Afghanistan.”¹⁵⁵ It is at the point that women are only allowed to exist within the confines of their homes, where they still face violence and abuse. It is nearly impossible for women to fight back against this dismal state of living.

A. Women’s Right to Education

52. The denial of women’s rights became a cause for concern on August 15th, 2021, when the Taliban took back control of Afghanistan.¹⁵⁶ By August 17th, 2021, Zabihullah Mujahid, the Taliban spokesperson, announced that the Taliban would “allow women to work and study. Women [would] be very active in society, but within the framework of Islam.”¹⁵⁷ The Taliban reiterated this commitment to women’s education when it sent a letter to the United Nations on September 10th, 2021.¹⁵⁸ However, in contrast to these “promises” the

¹⁵¹ See Afghan Witness, *Two Years of Taliban Rule: Documenting Human Rights Abuses Using Open Source*, August 14, 2023, available on: <https://www.afghanwitness.org/reports/two-years-of-taliban-rule%3A-documenting-human-rights-abuses-using-open-source>.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ See Nada Al-Nashif (UN Deputy High Commissioner for Human Rights), *Afghan Women Suffer Extreme Discrimination, Restrictions, and Violence*, June 19, 2023, delivered at the Human Rights Council 53rd Session, available on: <https://www.ohchr.org/en/statements/2023/06/afghan-women-suffer-extreme-discrimination-restrictions-and-violence-deputy-high>.

¹⁵⁶ See Human Rights Council, *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 19, 2023, available on: <https://www.ohchr.org/en/documents/country-reports/ahrc5321-situation-women-and-girls-afghanistan-report-special-rapporteur>.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

Taliban made, they suspended the 2004 Constitution and all domestic legislation, including the Law on the Elimination of Violence against Women.¹⁵⁹

53. On September 18th, 2021, just ten days after promising to maintain women’s rights, the Taliban restricted secondary school education for girls.¹⁶⁰ Women were still allowed to attend university at this time under the conditions that the universities had gender-segregated entrances and classrooms and the women were taught by professors of the same sex or elderly male professors. Additionally, the female university students had to wear hijabs to comply with the dress code.
54. Kankor is Afghanistan’s university entrance exam. The challenges women face to take the exam is another way that the Taliban has restricted women’s education. In October of 2022, women were permitted to take the exam to attend university for a limited number of subjects.¹⁶¹ Regardless of being able to take the exam, female students still faced many challenges to succeed on the exam. For example, “Frozan” (name concealed for protection) reported to Afghan Witness that she had enrolled in a prep course for the exam.¹⁶² The education center where the course was held was an hour from Frozan’s home, and she was fearful of the volatile security situation that she faced to and from the course.¹⁶³ This indirectly restricted Frozan’s ability to take and pass the exam. On December 20th, 2022, the Taliban reversed its decision to allow women to take Kankor and suspended women’s right to attend university at all.¹⁶⁴
55. Furthermore, female students studying abroad with scholarships were barred from leaving the country alone due to the mahram policy.¹⁶⁵ Some female students that plan to study abroad take language classes at universities and education centers to prepare for learning the curriculum in a different language.¹⁶⁶ However, female students were barred from taking these classes because of the overall female university ban. In certain cases, the Taliban has also barred women from accessing their certificates and transcripts required for study abroad applications.¹⁶⁷ The Taliban Ministry of Higher Education justified this decision by stating that female students violated the Taliban’s Islamic dress code and interaction between male and female students.¹⁶⁸ In January 2023, the Taliban also banned female students from attending entrance exams at private universities.¹⁶⁹ In July 2023, the

¹⁵⁹ *Id.* at 4.

¹⁶⁰ *Id.*

¹⁶¹ Human Rights Council, *supra* note 164, at 8.

¹⁶² Afghan Witness, *Frozan*, available on: <https://www.afghanwitness.org/stories/frozan->.

¹⁶³ *Id.*

¹⁶⁴ Human Rights Council, *supra* note 164, at 5.

¹⁶⁵ *Id.* at 8.

¹⁶⁶ Afghan Witness, *Options are Limited for Afghan Female Students Hoping to Study*, August 24, 2023, available on: <https://www.afghanwitness.org/reports/options-are-limited-for-afghan-female-students-hoping-to-study>.

¹⁶⁷ *Id.*

¹⁶⁸ *See* Afghan Witness, *Parnian*, available on: <https://www.afghanwitness.org/stories/parnian>.

¹⁶⁹ Afghan Witness, *supra* note 174.

National Examination Authority announced that only boys will be allowed to participate in the university entrance exam.¹⁷⁰

56. The Taliban’s restriction on women’s education is also reflected in women’s restriction on freedom of movement. Before females were suspended from attending university, female students that attended university were instructed to only attend public universities close to their homes.¹⁷¹ As stated previously, female students are also restricted from attending university abroad if they do not have a mahram to escort them. The mahram directive was first issued by the Taliban’s Ministry of Promotion of Virtue and Prevention of Vice.¹⁷² It stated that women traveling more than 45 miles by road needed to be accompanied by a mahram.¹⁷³ In March of 2022, this rule also applied to air travel.¹⁷⁴ In certain situations, even having a mahram is not enough. In August of 2023, female students were prevented from traveling to Dubai to attend the University of Dubai even if they had a mahram.¹⁷⁵
57. The Taliban’s restriction on women’s education violates Article 13(1) of the ICESCR, which recognizes the right of everyone to have an education.¹⁷⁶ Even more specifically, Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) calls for State Parties to “take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.”¹⁷⁷ Sections (a), (b), (c), (d), (e), and (f) of the article emphasize the need for women to receive the same quality of education as men.¹⁷⁸
58. Afghanistan stands as the only nation to restrict the opportunity for women to pursue an education. To uphold the human rights to education, the Taliban should:
- End all restrictions on girls’ and women’s access to education;
 - Ensure equal opportunities for women and girls to receive the same quality of education as men; and
 - End all restrictions on girls and women’s right to freedom of movement.

B. Women’s Right to Health

59. Under the new regime, women’s healthcare in Afghanistan suffers due to a significant shortage of skilled healthcare personnel.¹⁷⁹ The Taliban’s limitations on women and girls’

¹⁷⁰ *Id.*

¹⁷¹ Human Rights Council, *supra* note 164, at 8.

¹⁷² Afghan Witness, *supra* note 174.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ ICESCR Art. 13(1).

¹⁷⁷ United Nations, (General Assembly), *Convention on the Elimination of All Forms of Discrimination Against Women*, *Treaty Series*, vol. 1249, p. 13, December 18, 1979. (Hereinafter, “CEDAW”).

¹⁷⁸ *Id.*

¹⁷⁹ See UN Women, *Women’s Rights in Afghanistan: where are we now? Gender Alert No. 2*, Aug. 15, 2022, available on: <https://www.unwomen.org/en/digital-library/publications/2022/08/gender-alert-no-2-womens-rights-in-afghanistan-one-year-after-the-taliban-take-over>.

travel outside of the home, and stipulation that healthcare workers are limited to treating patients of the same gender as themselves, coupled with the significant exodus of educated women from the country, fuels the decline in vital healthcare personnel.¹⁸⁰ This poses a particularly formidable challenge in rural areas, where healthcare resources were already scarce during the previous regime.¹⁸¹ Furthermore, the freezing of most international aid, which previously made up 45% of Afghanistan’s Gross Domestic Product (“GDP”), has resulted in hospitals and health clinics being severely under-resourced and understaffed, leading to a widespread lack of access to healthcare.¹⁸² In early 2022, only 10 percent of women, compared with 23 percent of men, said that they could cover their basic health needs with the services available to them.¹⁸³

60. Moreover, Afghan women and girls’ mental health continues to deteriorate under the Taliban.¹⁸⁴ Recent findings indicate that Afghan women are more susceptible than men to depression and anxiety.¹⁸⁵ Factors that contribute to this rise in mental health issues include rising domestic violence, poverty, as well as lack of freedom of movement and access to employment and public spaces such as schools, universities, parks, gyms and public baths, which limit exercise, leisure and social contact.¹⁸⁶ Additionally, a lack of communications tools, such as mobile phones and Internet access, hinder avenues for coping with the ongoing situation.¹⁸⁷
61. Article 12 of ICESCR states, “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹⁸⁸ Under this article, the ICESCR recognizes every people’s right to the highest attainable standard of physical and mental health and provides a definition of the right to health.¹⁸⁹
62. The Committee on Economic, Social, and Cultural Rights in General Comment No. 14 further elaborates on Article 12 by recognizing that health is a fundamental and

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Amnesty International, *Death in Slow Motion: Women and Girls under Taliban Rule*, July 27, 2022, available on: <https://www.amnesty.org/en/documents/ASA11/5685/2022/en/>.

¹⁸³ See UN Women, *supra* note 179.

¹⁸⁴ IOM Afghanistan, *Displacement Trends and Challenges in Afghanistan since August 2021*, 2022, available on: https://afghanistan.iom.int/sites/g/files/tmzbdl1071/files/inline-files/Digital_RADAR%20research%20papers_mental%20health.pdf.

¹⁸⁵ *Id.*

¹⁸⁶ UN Women, IOM UN Migration & UNAMA, *Situation of Afghan women - Summary report of country-wide women’s consultation*, June 2023, <https://asiapacific.unwomen.org/sites/default/files/2023-06/af-Consultation-report-UNWomenIOMUNAMA-130623.pdf>.

¹⁸⁷ *Id.*

¹⁸⁸ ICESCR Art. 12.

¹⁸⁹ *Id.*

indispensable human right.¹⁹⁰ The comment also distinguishes the right to health from the right to be healthy.¹⁹¹ It notes that unlike the right to be healthy, the right to health contains freedoms such as the right to control one's health and body, as well as entitlements to health systems which provide equality of opportunity for people to enjoy the highest attainable level of health.¹⁹² Furthermore, the comment establishes that the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health.¹⁹³

63. In addressing women's health in particular, Article 12 of CEDAW further stipulates that, "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning."¹⁹⁴
64. CEDAW's Article 12 establishes the U.N.'s broader effort to promote gender equality in healthcare. The article holds countries accountable for ensuring men and women receive equal health care, and access to health care.¹⁹⁵
65. The Taliban's discriminatory restrictions on women's movement, education and work have caused turmoil for women's health.¹⁹⁶ In December 2021, the Taliban stated that women weren't allowed to travel more than 45 miles without a male relative to escort them.¹⁹⁷ In a country where healthcare facilities are not easily accessible, this means that some women without a male guardian may not be able to visit a healthcare professional and others may not be able to treat patients.¹⁹⁸
66. Additionally, shortly after suspending university education for women in December of 2022, the de facto government, during the same month, barred female employees of non-governmental organizations from coming to work.¹⁹⁹ These restrictions have had monumental consequences on Afghan women's health. The decrees have frozen the pipeline of female medical personnel in a country that already suffers from a healthcare worker brain drain.²⁰⁰ Furthermore, in light of the news, global health organizations long

¹⁹⁰ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 14: The Right to Work (Art. 6 of the Covenant)*, E/C.12/2000/4, August 11, 2000, available on: <https://www.refworld.org/pdfid/4538838d0.pdf>.

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ CEDAW Art. 12.

¹⁹⁵ *Id.*

¹⁹⁶ See Amnesty International, *supra* note 190.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ Naheed Farid and Rangita de Silva de Alwis, *Afghanistan under the Taliban: A State of "Gender Apartheid"?*, January 2023, published by Princeton SPIA Afghanistan Policy Lab, available on: https://spia.princeton.edu/sites/default/files/2023-02/SPIA_NaheedRangita_PolicyBrief_07.pdf.

²⁰⁰ Flacks et. al., *The Taliban's Increasing Restrictions on Civil Society and Aid Organizations*, February 2016, published by Center for Strategic International Studies, available on: <https://www.csis.org/analysis/talibans-increasing-restrictions-civil-society-and-aid-organizations>.

associated with the delivery of primary healthcare services in Afghanistan decided to suspend operation because they wouldn't be able to provide care without their female staff.²⁰¹

67. Finally, in some provinces, such as Balkh, male and female health workers are prohibited from communicating with each other and are limited to treating patients of the same gender as themselves.²⁰² Given that there is already a scarcity of available healthcare workers in general, restricting women to the relatively few female medical personnel exacerbate Afghan women's already limited access to care.²⁰³
68. The above-mentioned restrictions on women's movement, education and work have impacted not only women's physical health, but also their mental health. Many women describe feelings of constant fear and extreme anxiety, comparing their situation to life under house arrest.²⁰⁴
69. Approximately 90 percent of women reported that their mental health, in terms of the frequency of feelings of anxiety, isolation and depression, was "very bad" or "bad."²⁰⁵ To make matters worse, women suffering from mental health issues are also more likely to experience physical trauma such as beatings in the home and they are less likely to be perceived as being "justified" in experiencing mental health issues.²⁰⁶
70. Private data from healthcare workers also suggests that suicide among Afghan women is at a staggering rate, making Afghanistan one of the very few countries where more women than men die by suicide.²⁰⁷ In fact, females made up more than three-quarter of recorded suicide deaths and treated survivors during the year long period from August 2021 to August 2022.²⁰⁸
71. Taliban's effort to increase gender-based segregation in Afghanistan results in physical and mental ramifications for Afghan women. To alleviate these ramifications, the Taliban should:

²⁰¹ *Id.*

²⁰² Isha Sharma, *Taliban Terror: Afghan Women Banned from Seeing Male Doctors, Athletes Barred from Playing*, January 12, 2023, published by India Times, available on: <https://www.indiatimes.com/trending/social-relevance/afghan-women-banned-from-seeing-male-doctors-beauty-salons-to-shut-down-590044.html#:~:text=On%20Sunday%2C%20journalist%20Ashwini%20Shrivastava,means%20no%20female%20physicians%20either.%22>.

²⁰³ *Id.*

²⁰⁴ UN News, *Afghanistan: Women tell UN rights experts 'we're alive, but not living'*, May 5, 2023, available on: <https://news.un.org/en/story/2023/05/1136382>.

²⁰⁵ See UN Women, IOM UN Migration & UNAMA, *supra* note 194.

²⁰⁶ See UN Women, *supra* note 187.

²⁰⁷ Zahra Nader, *'Despair is settling in': female suicides on rise in Taliban's Afghanistan*, August 28, 2023, published by The Guardian, available on: <https://www.theguardian.com/world/2023/aug/28/despair-is-settling-in-female-suicides-on-rise-in-talibans-afghanistan>.

²⁰⁸ *Id.*

- Remove all travel bans on women to ensure that women are able to travel to seek healthcare without a male chaperone.
- Remove all restrictions prohibiting women and girls from attaining higher education, especially related to the pursuit of any kind of medical training; and
- Allow healthcare professionals to provide care to those of the same or opposite gender.

C. Women's Right to Work

72. The Taliban's takeover of Afghanistan in 2021 has significantly restricted women's right to work and participate in public life.²⁰⁹ According to a UNAMA report from June 2023, 81% of women interviewed reported that Taliban restrictions had decreased their ability to engage in income-generating activities in the previous three months.²¹⁰
73. The Taliban's restrictions on women working have varied, with emerging patterns indicating that women are only permitted to work if they cannot be replaced by men or if the job is not considered a "man's job."²¹¹ Most Afghan women working in government are required to stay home, except for those in the health and education sectors.²¹² Similarly, in the private sector, many Afghan women in high-level positions have been dismissed or have experienced harassment through questioning and detention.²¹³
74. For the select group of women who are able to maintain their jobs, Taliban-imposed restrictions on clothing, behavior, and opportunities have made working in any sector more challenging. For instance, in May 2022, the Taliban introduced regulations on wearing the hijab, leading to consequences for those not in compliance.²¹⁴ Female government employees not adhering to the regulations would be dismissed immediately, while male government employees with non-compliant daughters or wives would be suspended.²¹⁵ These restrictions have forced many women into negative coping mechanisms such as isolation and further affected their mental and physical health.²¹⁶
75. ICSECR Article 6 recognizes every person's right to work and places an obligation on states that are parties to it to take appropriate measures to safeguard this right.²¹⁷ ICESCR General Comment No. 18 further elaborates on states' responsibilities by holding them

²⁰⁹ See UN Women, *supra* note 186.

²¹⁰ *Id.*

²¹¹ Alissa J. Rubin, *Taliban complete interim government, still without women*, 21 September 2021, published by New York Times, available on: [nytimes.com/2021/09/21/world/asia/taliban-women-government.html](https://www.nytimes.com/2021/09/21/world/asia/taliban-women-government.html)

²¹² *Id.*

²¹³ *Id.*

²¹⁴ Associated Press in Kabul, *Taliban orders female Afghan TV presenters to cover faces on air*, 19 May 2022, published by The Guardian, available on: [theguardian.com/world/2022/may/19/taliban-orders-female-afghan-tv-presenters-to-cover-faces-on-air](https://www.theguardian.com/world/2022/may/19/taliban-orders-female-afghan-tv-presenters-to-cover-faces-on-air)

²¹⁵ See UN Women, *supra* note 186.

²¹⁶ *Id.*

²¹⁷ ICESCR Art. 6.

accountable to prevent discrimination against marginalized groups' right to work.²¹⁸ Article 11 of CEDAW calls on States Parties to take all appropriate measures to eliminate discrimination against women in the field of employment.²¹⁹ This is with the objective of ensuring equality between men and women regarding their rights in the workforce.²²⁰ Furthermore, Articles 7 and 8 of CEDAW highlight the importance of women's participation in the political and public life of a country, including the right to hold public office, participate in non-governmental organizations, and represent their governments at the international level, among others.²²¹

76. The Taliban's restrictions on Afghan women's right to work and their broader impact on gender equality and human rights are in direct contradiction to these international commitments. Efforts to uphold these principles are essential for advancing the rights and opportunities of Afghan women. Therefore, the Taliban should:

- Remove all restrictions discriminatorily preventing women from working; and
- Ensure the safe passage of women in public spaces.

VIII. Rights of the Child

77. Since the Taliban took control in Afghanistan, international donors halted non-humanitarian financial assistance to the country.²²² Even humanitarian organizations such as Save the Children stopped most of its activities due to Taliban's ban on female staff working for international organizations. Because of these economic problems the country must face, Afghan families have been forced to compensate for this loss by marrying their children off or exchanging their children to pay off debt.²²³ Furthermore, children are forced to work or marry to support their families leading to these children being pulled out of school. According to Save the Children one third of all children in Afghanistan do not attend school, most of them are girls.²²⁴

78. One in four children reported to Save the Children that they had been asked to help their families financially by working rather than attending school.²²⁵ The work these children do can be possibly dangerous or harmful – some boys work in mines, brick factories, recycling companies, all of which do not have any safety measures and can possibly leave

²¹⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, 6 February 2006, E/C.12/GC/18, available at: <https://www.refworld.org/docid/4415453b4.html> [accessed 29 October 2023]

²¹⁹ CEDAW Art. 11.

²²⁰ *Id.*

²²¹ CEDAW Art. 7-8.

²²² See Silvia Arlini et al., *Breaking Point: Children's Lives One Year Under Taliban Rule*, 2022, published by Save the Children, available on: <https://resourcecentre.savethechildren.net/document/breaking-point-childrens-lives-one-year-under-taliban-rule/>.

²²³ *Id.*

²²⁴ *Id.* at 4.

²²⁵ *Id.*

them exposed to chemicals.²²⁶ Children in higher income homes are more likely to be asked to help in domestic work or caregiving.²²⁷ However, children in poorer homes are more likely to work in paid labor.²²⁸ These children are being denied the chance to go to school because their time is taken up working to ensure the survival of their families. For example, Save the Children describes Nagina’s story. Her older sister, Yasmin, provided for Nagina and her little brother by cleaning homes. She could not afford to send them both to school and feed them. Because of this Yasmin was forced to pull Nagina and her brother out of school.²²⁹

79. The other avenue some children are forced to take to provide for their families financially is to marry. More than one in twenty girls had been asked to marry according to Save the Children.²³⁰ Girls are more likely to be asked to marry and the highest percentage comes from female-headed households who suffered the most financial pressures.²³¹ The same for children who work, children that are forced to marry are unable to pursue an education.²³² Parents are forced to marry their children off because they would be unable to support them otherwise.
80. The lack of financial stability also has led to malnutrition for children in Afghanistan. 88% of children reported eating less than usual over the last year (2021).²³³ As of June 2021, most children did not eat meat, fruit, or vegetables.²³⁴ There are children who only eat one meal a day, usually consisting of bread and tea, and only have a full meal once a week or sometimes once a month.²³⁵ Girls are more likely to go to bed hungry compared to boys and older siblings are more likely to miss meals compared to their younger siblings.²³⁶
81. Article 3 Section 1 of the Convention on the Rights of the Child (CRC) states that “in all actions concerning children . . . the best interests of the child shall be a primary consideration.”²³⁷ CRC Article 6 calls for State Parties to ensure the survival and development of the child to the maximum extent.²³⁸ The economic hardship that almost every family faces in Afghanistan is denying children the right to engage in education and eat nutritious food. Moreover, Article 18 of CRC states that State Parties should “render appropriate assistance to parents and legal guardians in the performance of their child-

²²⁶ *Id.* at 12.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.* at 11.

²³⁰ *Id.* at 4.

²³¹ *Id.* at 13.

²³² *Id.*

²³³ *Id.* at 4.

²³⁴ *Id.* at 19.

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ United Nations (General Assembly), *Convention on the Rights of the Child, Treaty Series*, vol. 1577, p. 3, November 20, 1989, (Hereinafter, “CRC”)

²³⁸ CRC Art. 6(1).

rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.”²³⁹

82. Additionally, CRC Article 32 Section 1 requires that State Parties “recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”²⁴⁰

83. To end the hardship that children face in Afghanistan, the Taliban should:

- End bans on women working for international organizations to facilitate humanitarian aids;
- Prevent child marriage and child labor by facilitating humanitarian aids to the special-need or women-headed households; and
- Implement and enforce policies consistent with the Convention on the Rights of the Child to protect children from economic exploitation and hazardous work that interfere with child’s education.

IX. Conclusion

84. Since the Taliban’s coming to power on August 15, 2021, the de facto authorities have imposed severe restrictions on women, children, and ethno-religious groups. To retain their control, the Taliban has stifled political dissent, often in the form of severe media restrictions and unlawful use of torture, summary executions, arbitrary arrests and detention, and enforced disappearances. This report presents an overview of the general human rights violation documented under the current Afghanistan regime and serves to provide recommendations and solutions to presented human rights crisis.

²³⁹ CRC Art. 18(1).

²⁴⁰ CRC Art. 32(1).