

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1639
Land:	Afghanistan
Kilde:	UN Assistance Mission in Afghanistan (UNAMA)
Titel:	Update on the human rights situation in Afghanistan: July - September 2024 Update
Udgivet:	31. oktober 2024
Optaget på baggrundsmaterialet:	13. december 2024

Update on the human rights situation in Afghanistan:

JULY - SEPTEMBER 2024 UPDATE



United Nations
Assistance Mission in Afghanistan



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

About this update

This update on the human rights situation in Afghanistan covering the period from July to September 2024¹ is based on monitoring undertaken by UNAMA's Human Rights Service in accordance with its mandate from the UN Security Council.²

Law on Promotion of Virtue and Prevention of Vice

On 21 August, the *de facto* Ministry of Justice published the Law on Promotion of Virtue and Prevention of Vice³ ("the Law"), conferring responsibility for its implementation to the *de facto* Ministry for the Propagation of Virtue and Prevention of Vice. The Law codifies a number of restrictions that had already been issued as decrees, edicts and instructions by the *de facto* authorities, such as: requirements for women to wear a *hijab* and cover their faces outside of the home; and for men to grow beards and attend congregational prayers at the mosque; bans on certain holidays such as Nowruz and Yalda (winter solstice), on playing music inside a vehicle and on depictions of images of living beings.

The Law also appears to broaden some pre-existing restrictions, and adds new ones. The most notable measures include:

- Drivers of commercial and private vehicles should not offer to drive women unaccompanied by a *mahram* (male guardian). The previous instruction on the matter required women to be accompanied by a *mahram* for travel of distances over 78km,⁴ while the Law does not provide any distance for which women may travel unaccompanied in a vehicle.
- Women's voices are considered private and should be concealed in

public.⁵ The Law states that when a woman leaves her home for a "necessary purpose" she is required to conceal her voice, face and body. The Law also forbids men to look at the body and face of a woman who they do not know and vice versa.

- Inspectors of *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice are responsible for ensuring publications and media content do not contradict Sharia, insult Muslims or contain images of living beings.
- The Law confers broad powers on inspectors, including the power to detain persons deemed to have violated the Law for up to three days and to implement other discretionary punishments, including referring violators to the courts.

After the publication of the Law, the *de facto* Ministry for the Propagation of Virtue and Prevention of Vice and other *de facto* Ministries held seminars to familiarize their personnel with its content. In addition, *de facto* Propagation of Virtue and Prevention of Vice inspectors provided guidance and monitored the implementation of the Law to the wider population at checkpoints and during visits to places such as mosques, bazaars, barbershops, health facilities, educational institutions and NGO offices. On 2 October, the Taliban leader instructed all *de facto* Provincial Governors to establish committees which are to initially focus on implementing the Law among the *de facto* authorities themselves, followed by a broader enforcement across the country.

The Law further limits the already constrained rights of women and girls to freedom of movement, expression and participation in daily and public life. For example, in Kandahar province, a letter was issued on 1 September

[1] All dates specified in this update refer to 2024, unless otherwise specified.

[2] United Nations Security Council Resolution 2626 (2022), extended by Resolution 2678 (2023).

[3] ددلی وزارت - وزارت عدلیه [MojAfghanistan], X (formerly Twitter), 21 August 2024, 4:05PM. Available at: <https://x.com/MojAfghanistan/status/1826221513504382986>

[4] د امریالمعروف، نهی عن المنکر او شکایتونو او ریدلو وزارت [MOPVPE1], X (formerly Twitter), 31 December 2021, 4:45PM. Available at: <https://x.com/MOPVPE1/status/1476889768357150729?s=20&t=7TuX4pPt6OQEvspvgZDDFA>

[5] On 3 October, in an interview with BBC Persian, the *de facto* Deputy Minister of the Ministry for the Propagation of Virtue and the Prevention of Vice clarified that the Law did not prohibit the voice of women when it is necessary for them to speak such as during shopping. Available at: <https://www.bbc.com/persian/articles/c77xe8yvv7o>

by the *de facto* Department of Public Health instructing female staff of public hospitals to be accompanied by a *mahram* when commuting to and from work at the hospital. In Helmand province, a similar letter was issued, also on 1 September, to an INGO-run hospital and included an additional provision that female patients must also be accompanied by a *mahram* in order to enter the hospital. Additionally, in some parts of the country, taxi drivers have refused to provide transport to women not accompanied by a *mahram* as a result of the more restrictive application of the *mahram* requirement under the Law.

On 9 July, UNAMA/OHCHR published a report entitled: “*De facto* Authorities’ Moral Oversight in Afghanistan: Impacts on Human Rights”⁶ which detailed the decrees and edicts issued by the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice and their implementation prior to the publication of the Law. The report found that the measures taken by the *de facto* Ministry negatively impact the enjoyment of human rights and fundamental freedoms of people living in Afghanistan, with a discriminatory and disproportionate impact on women.

Rights of women and girls

Despite continued limitations on their rights to work in the NGO sector, in the civil service and many other vocations, women are allowed by the *de facto* authorities to operate stalls in some markets and exhibitions.⁷ Even within these permitted fields of employment, women experience discrimination and restrictions imposed by the *de facto* authorities. For example:

- On 7 August in Takhar province, *de facto* Propagation of Virtue and

Prevention of Vice officials halted a handicraft exhibition, reportedly because women vendors were not wearing proper *hijab* and were communicating with the men vendors (whose stalls were in a separate hall). Both the women’s and men’s exhibitions were prevented from taking place.

The *de facto* authorities – primarily the *de facto* Ministry for the Propagation of Virtue and Prevention of Vice – continue to implement restrictions on women’s freedom of movement (even before the promulgation of the Law) affecting their access to work, services and recreation. UNAMA continues to record instances where women who are travelling short distances from their homes – for example, to their workplace or the bazaar – are prevented from travelling or even detained because they are not accompanied by a *mahram* or are deemed not to be wearing the correct *hijab*.

- On 19 July in Kandahar, *de facto* police prevented families travelling with women in their vehicle to enter the picnic area at Dahla Dam reservoir in Shawalikot district, stating that only men were permitted to have picnics at the reservoir.

Girls and women continued to be deprived of secondary and tertiary education. On 25 August, during a press conference⁸ on the achievements of the *de facto* Ministry of Higher Education, the *de facto* Acting Minister of Higher Education, Neda Mohammad Nadeem, stated that religious scholars are carrying out research to determine whether education is allowed, or not, for females. It has been almost two years since the *de facto* Ministry of Higher Education suspended higher education for female students on 20 December 2022⁹ and over three years since

[6] UNAMA/OHCHR, “*De facto* Authorities’ Moral Oversight in Afghanistan: Impacts on Human Rights”, 9 July 2024. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting-0>

[7] See for example: UNAMA News [@UNAMANews], X (formerly Twitter), 9 October 2024, 5:33PM. Available at: <https://x.com/UNAMANews/status/1844000747362582644>

[8] Pajhwok Afghan News [@pajhwok], X (formerly Twitter), 25 August 2024, 3:43PM. Available at: <https://x.com/pajhwok/status/1827665596734943560>; Pajhwok Afghan News [@Pajhwokafghannews], YouTube, 25 August 2024. Available at: <https://www.youtube.com/watch?v=f8wUACcgfGc>

[9] UNESCO, “Protecting education for all Afghans”, 26 August 2024. Available at: <https://www.unesco.org/en/emergencies/education/afghanistan#:~:text=Education%20in%20Afghanistan&text=Since%2020%20December%202022%2C%20women,what's%20at%20stake%20in%20Afghanistan%3F>

the closure of girls' high schools following the Taliban takeover of Afghanistan in August 2021. In addition to the bans imposed on formal education for women and girls, the *de facto* authorities have prevented their access to alternative forms of education. In August 2024, radio stations in at least two provinces (Khost and Paktya) were instructed to stop broadcasting educational programs for girls beyond grade six.

Civilian harm

Between July and September, a number of incidents claimed by Islamic State – Khorasan Province (ISKP) resulted in civilian casualties. The claims issued by ISKP stated that the target of incidents were Shi'a Muslims and the *de facto* authorities:

- On 11 August in Kabul, Dasht-e-Barchi area, an IED exploded against a minibus, killing one civilian man and wounded 13 others, all Hazara. The *de facto* Ministry of Foreign Affairs reported to UNAMA that they had recorded one death and 11 injuries, and that "the relevant authorities have been given serious instructions to arrest the perpetrators" of the incident.
- On 22 August, in Nangarhar province, Dara-e-Noor district, an IED targeted the vehicle of the *de facto* Chief of Police of Nuristan province, killing six boys and wounding four civilian men who were passing through the area at the time. The *de facto* Ministry of Foreign Affairs reported to UNAMA that *de facto* security forces have arrested three suspects in connection with the incident and an investigation is ongoing.
- On 2 September, in Kabul, a suicide attack occurred outside the *de facto* High Directorate of Supervision and Prosecution of Decrees and Orders, killing at least seven civilians and wounding more than 29 others. The *de facto* Ministry of Foreign Affairs reported to UNAMA that: "The Islamic Emirate of Afghanistan, as a

responsible regime, takes pride in having ensured nationwide security, with no concerning issues in any part of the country. However, an explosion occurred in the sixth district of Kabul city by the enemies of Islam and the people, in which several people were injured." They also noted that *de facto* security agencies have been instructed to take "serious action" to apprehend the perpetrators of the incident.

- On 12 September, on the border between Ghor and Daikundi provinces, armed attackers hijacked a vehicle, forced the passengers to dismount and shot at them, killing 14 civilian men and wounding four others. All victims were Hazara Shi'as travelling to welcome pilgrims returning from Karbala in Iraq, a holy site for Shi'a Muslims. A delegation of personnel from the *de facto* Ministry of Interior and representatives of the Hazara Shi'a community travelled to the incident site to meet families of victims and expressed their commitment to conducting an investigation and holding perpetrators to account. The *de facto* Ministry of Foreign Affairs reported to UNAMA that a joint delegation from the *de facto* Ministry of Interior travelled to Daikundi to meet with victims and their families and provide them with financial assistance and that "operations were conducted in Ghor province against the hideouts of ISIS insurgents, and the perpetrators of this incident were also brought to justice".

Cross-border incidents

A series of cross-border incidents in Kunar, Nangarhar and Khost provinces resulted in civilian casualties in Afghanistan:

- On 1 July at approximately 1400hrs, in Kunar province, Dangam district, Wara Goriga border area, Pakistani military forces fired a number of mortar rounds that impacted a residential

area. As result, a woman was killed, and a boy and a man were wounded. Additionally, a house was damaged.

- On 12 August at around 1700hrs in Nangarhar province, Mumand Dara district, Torkham border area, armed clashes between Pakistani military forces and *de facto* security forces resulted in civilian casualties. Three people were killed (a man, woman and a boy) and three wounded (two men and a boy), reportedly as a result of mortar rounds fired by Pakistan. Hundreds of residents were also displaced by the fighting. In response, the Embassy of Pakistan in Afghanistan informed UNAMA that: "Pakistan Military always exercises extreme restraint despite repeated Afghan provocations, and onus of any escalation rests solely on Afghanistan side." The *de facto* Ministry of Foreign affairs reported to UNAMA that: "Pakistani military forces fired light and heavy weapons. As a result of a mortar shell hitting a house, two civilians were martyred" and: "in order to ensure the safety and protection of civilians in armed conflicts, the Human Rights Directorate [of the *de facto* Ministry of Interior] intends to educate the police on the principles and provisions of humanitarian law through awareness programs."
- On 7 September in Khost province, Zazi Maidan district, Satiwan and Palosi areas, armed clashes between *de facto* security forces and Pakistani military forces resulted in the deaths of two civilians (one woman and one man) and injuries to five others (all men). Some houses in the area were also damaged. In response, the Embassy of

Pakistan in Afghanistan informed UNAMA that: "Pakistan Military always exercises extreme restraint despite repeated Afghan provocations, and onus of any escalation rests solely on Afghanistan side." The *de facto* Ministry of Foreign Affairs reported to UNAMA that two people were killed and four wounded in the incident.

Former government officials and Afghan National Defense and Security Forces (ANDSF) members¹⁰

Between 1 July and 30 September, UNAMA Human Rights documented at least 24 instances of arbitrary arrest and detention, at least 10 instances of torture and ill-treatment, verbal threats and at least five killings of former ANDSF members.

Corporal punishment

The *de facto* authorities continue to implement judicial corporal punishment in public on a regular basis, sometimes against large groups. On 2 July in Uruzgan province, Tirin Kot city, provincial *de facto* officials publicly flogged 18 males between 19 and 39 times each in the sports stadium.¹¹ They had been convicted by the *de facto* Court of Appeal of theft, sodomy and adultery. Thousands of local residents, religious scholars and local *de facto* officials attended the punishment.

Between 1 July and 30 September, UNAMA Human Rights documented judicial corporal punishment against at least 111 individuals (95 men, 15 women and one girl).

[10] Afghan National Defense and Security Forces (ANDSF) is an umbrella term used to refer to the security forces of the former government of the Islamic Republic of Afghanistan and includes: Afghan Border Force, Afghan Local Police, Afghan National Army, Afghan Air Force, Afghan National Police, Afghan National Civil Order Force, Afghan Special Forces, Afghan Territorial Army (also referred to as the Afghan National Army – Territorial Force), and the National Directorate of Security.

[11] Supreme Court of Afghanistan, 'In Uruzgan province, 18 accused people were sentenced to punishment', 2 July 2024. Available at: <https://www.supremecourt.gov.af/dr/node/3766>.

Freedom of expression

During the reporting period, two new sets of restrictions on freedom of expression and freedom of the media were introduced:

- On 20 September, the *de facto* Prime Minister's Office issued a statement which restricts religious scholars' participation in public discussions, such as panels. The statement instructs religious scholars to refrain from controversial debates which could cause confusion and says that scholars who encourage disputes, promote superstitions, and use inappropriate language publicly must not be invited to gatherings.¹²
- On 21 September, in a meeting, the *de facto* Ministry of Information and Culture instructed media outlets to discontinue live political panels. Political panels must be pre-recorded and content deemed sensitive or against the *de facto* authorities shall be removed prior to broadcast. The *de facto* Ministry of Information and Culture also shared a list of 64 analysts (including two women) who could be invited to participate in political panels. Media outlets are required to obtain approval from the *de facto* Ministry of Information and Culture on the topic of discussion and panellists (if they are not already on the *de facto* Ministry's pre-approved list) to be invited prior to recording the panel.

Administration of justice

Between July and September, various *de facto* ministries made announcements regarding the administration of justice:

- On 25 July, in a gathering, the *de facto* Director General of the General Directorate of Intelligence stated that it "performs its duties based on a comprehensive and complete law, derived from Islamic Sharia and Hanafi jurisprudence and approved by Ulema and experts and ratified by the Taliban leader, with strict oversight on its implementation". Further, *de facto* General Directorate of Intelligence personnel "are subject to Islamic Sharia and the law, and are investigated in cases of violations, such that the General Directorate of Intelligence is now a reformed and law-abiding body."¹³
- On 4 August, the *de facto* Ministry of Justice reported its achievements during the previous year, which included¹⁴ the provision of legal aid, acquittal by *de facto* courts of indigent suspects defended by the *de facto* Ministry of Justice and the review of various legislative texts.
- On 8 August, *de facto* Spokesperson Zabihullah Mujahid shared the Taliban Leader's Decree No. 2 on performing prayers, dated 23 July 2024;¹⁵ followed on 21 August by the

[12] ARG - ARG (@ARG_1880), X (formerly Twitter), 20 September 2024, 12:09PM. Available at: https://x.com/ARG_1880/status/1837033783729565962

[13] GDI (@GDI1415), X (formerly Twitter), 25 July 2024, 12:17PM. Available at: <https://x.com/GDI1415/status/1816380997250044156>; GDI (@GDI1415), X (formerly Twitter), 25 July 2024, 12:22PM. Available at: <https://x.com/GDI1415/status/1816380997250044156>

[14] @MojAfghanistan, X (formerly Twitter), 4 August 2024, 4:22PM. Available at: <https://x.com/MojAfghanistan/status/1820065282313896109>; ددليلي وزارت - وزارت عدليه, Facebook, 4 August 2024, 4:20PM. Available at: <https://www.facebook.com/share/p/MQtxFNChhhBWnH3j/>

[15] Zabihullah (ذبيح الله م.), (@Zabehulah_M33), X (formerly Twitter), 8 August 2024, 1:31PM. Available at: https://x.com/Zabehulah_M33/status/1821471869406695783

announcement of the *de facto* Ministry of Justice that it had published the Law on the Promotion of Virtue and Prevention of Vice after the text had been approved by the Taliban Leader.¹⁶

- On 1 September, the *de facto* Office of Prison Administration reported achievements over the previous year including:¹⁷ assurances to all inmates and journalists that anyone witnessing torture or corporal punishment within the prison can report it; and efforts to improve the conditions of detainees, such as provision of religious, modern, and vocational education to inmates.
- On 12 September, the *de facto* Ministry of Justice announced that criticism of provisions of the *de facto* authorities' legislative texts is unacceptable and amounts to a criticism of Sharia, recalling that per the procedure approved by the Taliban Leader dated 24 October 2022 for approval of newly developed legislative documents, review and research by a committee of scholars is undertaken to ensure all texts are founded in Sharia. It noted that clarifications on the scope of laws, or suggestions on correction are welcome, but that individuals who continued opposition to texts in the media could be referred to courts.¹⁸

- On 19 September, the *de facto* Supreme Court reported its achievements over the previous year which included:¹⁹ the release of 2,304 prisoners and granting of sentence reductions to 1,920 prisoners on Eids; resolving, inter alia, 3,373 cases concerning women's legal rights; and conducting visits to all provinces, reviewing appellate, city, and district courts, as well as prisons to evaluate the conditions of inmates.
- On 24 and 25 September, the Taliban Leader met with senior *de facto* Supreme Court officials and directed them to conduct judicial affairs according to Islamic Sharia, emphasizing judicial independence, and stressing that in an Islamic system, all citizens should enjoy their Sharia rights, and courts must protect the oppressed by punishing oppressors.²⁰
- Throughout the period, *de facto* Supreme Court announced that at least five cases involving murder and entailing sentences of retribution (*Qisas*) were referred by *de facto* Primary and Appeal Courts to local mediation for resolving.²¹

[16] @MojAfghanistan, X (formerly Twitter), 21 August 2024, 4:05PM. Available at: <https://x.com/MojAfghanistan/status/1826221517538996455>; *De facto* Ministry of Justice of Afghanistan, قانون امر بالمعروف و نهی عن المنکر نافذ و در جریده رسمی نشر شد, 21 August 2024. Available at: <https://t.co/0FTC233kXL>; *De facto* Ministry of Justice of Afghanistan, "Collection of laws of Afghanistan", undated. Available at: <https://t.co/o28plfppRs>

[17] @GMICafghanistan, X (formerly Twitter), 1 September 2024, 2:01PM. Available at: <https://x.com/GMICafghanistan/status/1830176709187862964>; GMIC Afghanistan (@gmicafeghanistan), YouTube, 1 September 2024. Available at: <https://www.youtube.com/watch?v=DzC3WPdPGcQ>

[18] @MojAfghanistan, X (formerly Twitter), 12 September 2024, 12:50PM. Available at: <https://x.com/MojAfghanistan/status/1834145062067871999>; *De facto* Ministry of Justice of Afghanistan, د توشیح شویو تقنیني سندونو په اړه د عدلیې وزارت، اعلامیه, 12 September 2024. Available at: <https://moj.gov.af/ps/node/3435>

[19] Supreme Court Of Afghanistan (ستره محکمه) (@SupremeCourt_af), X (formerly Twitter), 19 September 2024, 9:48AM. Available at: https://x.com/SupremeCourt_af/status/1836635864161464652

[20] Supreme Court Of Afghanistan (ستره محکمه) (@SupremeCourt_af), X (formerly Twitter), 26 September 2024, 4:09PM. Available at: https://x.com/SupremeCourt_af/status/1839268587468472547

[21] Supreme Court Of Afghanistan (ستره محکمه) (@SupremeCourt_af), X (formerly Twitter), 29 August 2024, 12:00PM. Available at: https://x.com/SupremeCourt_af/status/1829059106356830664; *De facto* Supreme Court of Afghanistan, د پکتیا ولایت محاکمو په یوه میاشت کې د (۴۳۴) دوسو ته پر رسېدنه سربېره، (۲۵۷) وثیقي هم اجرا کړي دي, 15 October 2024. Available at: <https://t.co/GT3VDy31ZA>; Supreme Court Of Afghanistan (ستره محکمه) (@SupremeCourt_af), X (formerly Twitter), 12 September 2024, 1:32PM. Available at: https://x.com/SupremeCourt_af/status/1834155557256634583; *De facto* Supreme Court of Afghanistan, د زابل ولایت محاکمو په دوو اونيو، (۱۶۰) دوسو ته پر رسېدنه سربېره، (۸۳) وثیقي هم اجرا کړي دي, 25 September 2024. Available at: <https://t.co/MRjCu8eil1>; Supreme Court Of Afghanistan (ستره محکمه) (@SupremeCourt_af), X (formerly Twitter), 16 September 2024, 4:39PM. Available at: https://x.com/SupremeCourt_af/status/1835652251936805262; *De facto* Supreme Court of Afghanistan, د زابل ولایت د شنکې ولسوالۍ د، 16 September 2024. Available at: <https://t.co/M1SyZWP0vb>