

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>1678</b>
Land:	Afghanistan
Kilde:	The Advocates for Human Rights og The World Coalition Against the Death Penalty
Titel:	Afghanistan's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: The Death Penalty
Udgivet:	19. maj 2025
Optaget på baggrundsmaterialet:	21. januar 2026



**Afghanistan's Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women:  
The Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

**The World Coalition Against the Death Penalty**

for the 91st Session of the Committee on the Elimination of Discrimination Against Women  
16 June–4 July 2025

Submitted 19 May 2025

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** (WCADP) is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, WCADP advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report addresses Afghanistan’s compliance with human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women, especially with regard to the death penalty.
2. Since the Committee’s last review of Afghanistan in 2020,<sup>1</sup> the Taliban usurped the former government and established itself as the *de facto* government. As such, many of the Committee’s 2020 recommendations are of limited relevance to the present situation.<sup>2</sup> This report focuses on those recommendations that are still relevant to Afghanistan’s circumstances today.
3. Since the Taliban takeover in August 2021, the Taliban *de facto* government has imposed a series of regressive and gender-discriminatory policies, edicts, and laws; allowed extrajudicial killings; and adjudicated cases informally to the detriment of women. Women in Afghanistan experience gender discrimination and gender-based violence.
4. Because of the continued internal conflict in Afghanistan, there is limited official data regarding the number of women currently sentenced to death. For the same reason, there is only limited information regarding detention conditions of women sentenced to death. Between August 2021 and June 2022, Taliban *de facto* authorities carried out extrajudicial executions of at least five women for adultery.<sup>3</sup> Without specifying gender, the Taliban *de facto* Deputy Chief Justice announced that Taliban *de facto* courts issued 175 death sentences and 37 sentences of stoning to death between August 2021 and May 2023.<sup>4</sup> UN experts note that “women are more likely to be sentenced to death by stoning.”<sup>5</sup>

### **Afghanistan fails to uphold its obligations under the Convention**

5. In its Concluding Observations on the Third Periodic Report of Afghanistan, the Committee urged Afghanistan to, among other things, train members of the government, the judiciary, politicians, and lawyers so that they are able to apply the Convention to its laws; remove discriminatory laws and enact laws prohibiting discrimination based on sex; change laws to reflect and raise awareness of the requirement for gender-based violence

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<sup>1</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3 (Mar. 10, 2020).

<sup>2</sup> For example, the report recommends that Afghanistan “consolidate the Ministry of Women’s Affairs and provide it with adequate human, technical and financial resources to fulfil its gender equality and women’s rights mandate.” Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 18(a) (Mar. 10, 2020). However, the *de facto* government has disbanded the Ministry of Women’s Affairs, so this recommendation has limited relevance today. See *Afghanistan: Taliban Morality Police Replace Women’s Ministry*, BBC (Sept. 17, 2021), <https://www.bbc.com/news/world-asia-58600231>.

<sup>3</sup> U.N. Secretary-General, The Situation in Afghanistan and Its Implications for International Peace and Security, U.N. Doc. A/76/862-S/2022/485, ¶ 34 (June 15, 2022).

<sup>4</sup> Press Release, United Nations Human Rights Office of the High Commissioner, Afghanistan: UN Experts Appalled By Taliban Announcement On Capital Punishment (May 11, 2023), <https://www.ohchr.org/en/press-releases/2023/05/afghanistan-un-experts-appalled-taliban-announcement-capital-punishment>.

<sup>5</sup> Press Release, United Nations Human Rights Office of the High Commissioner, Afghanistan: UN Experts Appalled By Taliban Announcement On Capital Punishment (May 11, 2023), <https://www.ohchr.org/en/press-releases/2023/05/afghanistan-un-experts-appalled-taliban-announcement-capital-punishment>.

against women to be tried through formal justice mechanisms; increase the number of women judges and police officers; and criminalize all forms of gender-based violence against women and strengthen prosecution of and remedies for violence against women.<sup>6</sup>

6. In September 2024, 26 UN Member States announced an initiative on accountability for Afghanistan’s violations of the Convention.<sup>7</sup> Additionally, in January 2025, the Prosecutor of the International Criminal Court applied for arrest warrants for senior Taliban *de facto* leaders for the crime against humanity of persecution on gender grounds.<sup>8</sup>

**I. Afghanistan’s *de facto* government fails to adequately communicate women’s rights under the Convention, the Committee’s concluding observations, and the concept of substantive gender equality (Concluding Observations Paragraphs 9 and 10).**

7. In its 2020 Concluding Observations, the Committee expressed concern that Afghanistan does not adequately inform members of the government, the judiciary, politicians, police, and lawyers about women’s rights under the Convention, the Committee’s concluding observations, and gender equality.<sup>9</sup> In particular, the Committee voiced concerns that efforts to translate Committee recommendations into national languages were insufficient to ensure that information was disseminated.<sup>10</sup> The Committee recommended Afghanistan train members of the government, the judiciary, and police about these topics so that they are able to directly apply the Convention.<sup>11</sup>
8. Afghanistan has not implemented the Committee’s recommendation. Taliban *de facto* authorities have essentially created a “gender apartheid” system by institutionalizing gender oppression with edicts, rules, and policies that restrict every aspect of women’s lives.<sup>12</sup>
9. In August 2024, the Taliban *de facto* government enacted the law on “Propagation of Virtue and Prevention of Vice,”<sup>13</sup> or PVPV Law, which imposes extreme restrictions on women and girls.<sup>14</sup> The PVPV Law effectively excludes women from public life and bars them

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<sup>6</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Third Periodic Report of Afghanistan*, U.N. Doc. CEDAW/C/AFG/CO/3, ¶¶ 10, 12, 16(f)-(g), 26(a), (Mar. 10, 2020).

<sup>7</sup> Press Release, U.N. Federal Foreign Office, Launch of an Initiative on Accountability for Afghanistan’s Violations of CEDAW Declaration (Sept. 26, 2024), <https://www.auswaertiges-amt.de/en/newsroom/news/2677760-2677760>.

<sup>8</sup> Press Release, U.N. Human Rights Office of the High Commissioner, Afghanistan: UN Experts Welcome ICC Prosecutor’s Application for Arrest Warrants for Senior Taliban Officials (Jan. 24, 2025), <https://www.ohchr.org/en/press-releases/2025/01/afghanistan-un-experts-welcome-icc-prosecutors-application-arrest-warrants>.

<sup>9</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Third Periodic Report of Afghanistan*, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 9 (Mar. 10, 2020).

<sup>10</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Third Periodic Report of Afghanistan*, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 9 (Mar. 10, 2020).

<sup>11</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Third Periodic Report of Afghanistan*, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 10 (Mar. 10, 2020).

<sup>12</sup> U.N. General Assembly, Situation of Human Rights in Afghanistan, U.N. Doc. A/79/330, ¶¶ 12, 19–20 (Aug. 30, 2024).

<sup>13</sup> ISLAMIC EMIRATE OF AFGHANISTAN MINISTRY OF JUSTICE OFFICIAL GAZETTE, THE PROPAGATION OF VIRTUE AND PREVENTION OF VICE LAW (2024), available at <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2024/08/Law-on-Virtue-and-Vice-Basic.pdf>.

<sup>14</sup> U.N. General Assembly, Situation of Human Rights in Afghanistan, U.N. Doc. A/79/330, ¶ 61 (Aug. 30, 2024).

from engaging in political and decision-making processes.<sup>15</sup> The PVPV Law grants State actors “broad discretionary powers to detain people, impose punishments on them, or refer matters to the courts.”<sup>16</sup>

10. Afghanistan’s Fourth Periodic Report, dated 18 March 2025,<sup>17</sup> states that the law institutionalizes various discriminatory decrees, edicts and policies, making gender discrimination official policy.<sup>18</sup>

11. **Suggested recommendations** relating to the failure of Afghanistan’s *de facto* government to communicate women’s rights under the Convention, the Committee’s concluding observations, and gender equality:

- Immediately amend the law on “Propagation of Virtue and Prevention of Vice” to ensure that no extrajudicial State actor may impose punishments, and undertake a comprehensive review of the law to remove any provisions that codify or institutionalize gender discrimination.
- Promote an inclusive government with an active role for women at all levels of public decision-making.
- Provide all judges, lawyers, politicians, and police with comprehensive gender-sensitization training, including with respect to women and girls in conflict with the law who have experienced gender-based violence, focusing on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses.
- Increase women’s participation in political and leadership roles by removing all barriers that prevent women from accessing political and leadership positions, and ensure that these roles are not conditional on specific political stances or subject to any form of discrimination.
- Establish a commission of women holding leadership positions in politics to identify barriers to their meaningful leadership and make recommendations to overcome those barriers, and ensure that lawmakers conduct hearings on the findings to consider and adopt concrete measures to implement priority recommendations.

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<sup>15</sup> U.N. General Assembly, Situation of Human Rights in Afghanistan, U.N. Doc. A/79/330, ¶ 26 (Aug. 30, 2024).

<sup>16</sup> Press Release, Office of the High Commissioner for Human Rights, Afghanistan: Repressive Law Must Be Immediately Repealed, United Nations Human Rights (Aug. 27, 2024), available at <https://www.ohchr.org/en/press-briefing-notes/2024/08/afghanistan-repressive-law-must-be-immediately-repealed>.

<sup>17</sup> This periodic report is authored by the Permanent Mission of the Islamic Republic of Afghanistan to the United Nations Office and other international organizations in Geneva, at the request of the CEDAW Committee. Committee on the Elimination of Discrimination against Women, *Fourth periodic report submitted by Afghanistan under article 18 of the Convention, due in 2024*, (18 Mar. 2025), U.N. Doc. CEDAW/C/AFG/4, ¶ 2. The staff of the permanent mission do not represent the *de facto* Taliban government. See, e.g., *Afghanistan’s mission in Geneva calls for probe into Taliban’s ‘gender discrimination,’* Amu TV, July 23, 2024, <https://amu.tv/112049/>.

<sup>18</sup> Committee on the Elimination of Discrimination against Women, *Fourth periodic report submitted by Afghanistan under article 18 of the Convention, due in 2024*, (18 Mar. 2025), U.N. Doc. CEDAW/C/AFG/4, ¶ 40.

## II. Afghanistan’s *de facto* government fails to enact laws prohibiting gender and sex discrimination (Concluding Observations Paragraphs 11, 12, 24(b))

12. The Committee in 2020 expressed concern that Afghanistan does not have laws prohibiting gender and sex discrimination and that Afghanistan criminalizes “moral crimes”—like running away from home or adultery—that have a discriminatory effect against women.<sup>19</sup> The Committee recommended Afghanistan remove discriminatory laws and enact laws prohibiting discrimination based on sex.<sup>20</sup>
13. Afghanistan has not implemented the Committee’s recommendations. Taliban *de facto* authorities have publicly stated that they will single out women for the death penalty for the crime of adultery by flogging and stoning in public.<sup>21</sup> The Fourth Periodic Report cites evidence showing that women are more likely to be sentenced to death by stoning due to deeply entrenched stereotypes and discrimination, including for *zina* offenses and other “morality” crimes.<sup>22</sup> According to Amnesty International, *de facto* authorities in 2024 continued to carry out executions and sentence people to death, but specific figures, including figures disaggregated by sex or gender, are unavailable.<sup>23</sup>
14. International human rights standards require that the death penalty be reserved for only the “most serious” crimes,<sup>24</sup> and the *de facto* authorities have carried out executions for offenses such as adultery and apostasy do not meet that threshold.<sup>25</sup> For example, on 14 February 2022, a woman was publicly stoned to death for alleged adultery the day after authorities arrested her.<sup>26</sup> On 1 April 2022, *de facto* authorities mutilated and killed a

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<sup>19</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 11 (Mar. 10, 2020).

<sup>20</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶¶ 12, 24(b) (Mar. 10, 2020).

<sup>21</sup> Ruchi Kumar, *Taliban Affirms That Stoning Will Be Punishment for Adulterers - Especially Women*, Nat’l Pub. Radio (May 8, 2024 8:45 AM), available at <https://www.npr.org/sections/goatsandsoda/2024/05/08/1242306960/taliban-affirms-that-stoning-will-be-punishment-for-adulterers-especially-women>.

<sup>22</sup> Committee on the Elimination of Discrimination against Women, *Fourth periodic report submitted by Afghanistan under article 18 of the Convention, due in 2024*, (18 Mar. 2025), U.N. Doc. CEDAW/C/AFG/4, ¶ 135.

<sup>23</sup> Amnesty International, *Death Sentences and Executions 2024* (2025), at 21, available at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

<sup>24</sup> G.A. Res. 2200 (XXI) at art. 6 ¶ 2 (Dec. 6, 1966). Afghanistan ratified the International Covenant on Civil and Political Rights in 1983. United Nations Human Rights Treaty Bodies, *Ratification Status for CCPR - International Covenant on Civil and Political Rights*, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en).

<sup>25</sup> THE ADVOCATES FOR HUMAN RIGHTS & THE WORLD COALITION AGAINST THE DEATH PENALTY, *AFGHANISTAN DEATH PENALTY & DETENTION CONDITIONS 1* (2024), available at <https://www.theadvocatesforhumanrights.org/Res/Afghanistan%20UPR%20Information%20Death%20Penalty.pdf>.

<sup>26</sup> UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, *HUMAN RIGHTS IN AFGHANISTAN 15 AUGUST 2021 – 15 JUNE 2022 17* (2022), available at [https://unama.unmissions.org/sites/default/files/unama\\_human\\_rights\\_in\\_afghanistan\\_report\\_-\\_june\\_2022\\_english.pdf](https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf); UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, *CORPORAL PUNISHMENT AND THE DEATH PENALTY IN AFGHANISTAN 18* (2023), available at <https://unama.unmissions.org/corporal-punishment-and-death-penalty-afghanistan>.

woman after authorities stopped her at a police checkpoint with a male colleague.<sup>27</sup> Moreover, these methods of execution amount to torture.<sup>28</sup>

15. Amnesty International reports that *de facto* authorities carried out at least four public executions in 2024 alone.<sup>29</sup>

16. **Suggested recommendations** relating to Afghanistan’s *de facto* government failing to enact laws prohibiting gender and sex discrimination and its continued application of the death penalty for “morality” offenses:

- Immediately vacate any death sentences not issued by judicial tribunals and ensure that no woman is executed on the basis of extrajudicial proceedings.
- Immediately prohibit execution by stoning or flogging.
- Prohibit public executions.
- Commute the sentences of all persons sentenced to death for “moral crimes,” including adultery, apostasy, and *zina*, to a sentence that is fair, proportionate, and respects international human rights standards.
- On an annual basis, publish data about all women sentenced to death or executed, disaggregated by age, ethnicity, nationality, crime of conviction, court of conviction, relationship to any codefendants or victims, age of any dependent children, date of conviction, date of execution (if applicable), method of execution (if applicable), and current location (if applicable).
- Enact laws prohibiting gender and sex discrimination.
- Take concrete measures to hold all actors accountable for gender and sex discrimination and offer effective remedies to victims of gender and sex discrimination.

### **III. Afghanistan’s *de facto* government fails to adjudicate cases of gender-based violence through the formal justice system, placing women at risk of coming into conflict with the law (Concluding Observations Paragraphs 15, 16(b), and 16(f)).**

17. The Committee in 2020 expressed concern about the use of informal justice mechanisms to respond to allegations of gender-based violence against women.<sup>30</sup> The Committee

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<sup>27</sup> UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, HUMAN RIGHTS IN AFGHANISTAN 15 AUGUST 2021 – 15 JUNE 2022 17 (2022), available at [https://unama.unmissions.org/sites/default/files/unama\\_human\\_rights\\_in\\_afghanistan\\_report\\_-\\_june\\_2022\\_english.pdf](https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf).

<sup>28</sup> See G.A. Res. 2200 (XXI) at art. 7 (Dec. 6, 1966) (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”).

<sup>29</sup> Amnesty International, Death Sentences and Executions 2024 (2025), at 13, available at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

<sup>30</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 15 (Mar. 10, 2020).

recommended Afghanistan change the law and raise awareness of the requirement for gender-based violence against women to be tried through formal justice mechanisms.<sup>31</sup>

18. Afghanistan has not implemented the Committee’s recommendations. The Fourth Periodic Report states that “Taliban *de facto* authorities have further failed to prevent, investigate, prosecute, punish, and provide reparation for victims and survivors of gender-based violence, to provide an effective legal framework or adopt policies to combat violence against women with the aim of its elimination.”<sup>32</sup>
19. Taliban *de facto* authorities have referred “high severity cases, such as attempted murder, to mediation despite the victim or their representatives requesting the formal resolution of the case” through the formal judicial system.<sup>33</sup> Using mediation to resolve cases of gender-based violence violates international human rights standards<sup>34</sup> and promotes impunity for perpetrators. The judicial hearings that do occur are not standardized and courts issue verdicts without trials and without the presence of defense lawyers.<sup>35</sup>
20. Women facing gender-based violence in Afghanistan used to be able to turn to a number of institutions for help, including the Ministry of Women’s Affairs, the Afghanistan Independent Human Rights Commission, Elimination of Violence against Women units in the Supreme Court, the Ministry of Interior, the Ministry of Justice, and the office of the Attorney General.<sup>36</sup> Taliban *de facto* authorities, however, have eliminated these options and have prohibited all women from working in the judiciary.<sup>37</sup>
21. A former chief prosecutor on elimination of violence against women at the Attorney General’s Office of Afghanistan has said “the absence of a functional legal framework in Afghanistan undermines the rule of law and access to justice for all individuals, but women

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<sup>31</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 16(b), (f) (Mar. 10, 2020).

<sup>32</sup> Committee on the Elimination of Discrimination against Women, *Fourth periodic report submitted by Afghanistan under article 18 of the Convention, due in 2024*, (18 Mar. 2025), U.N. Doc. CEDAW/C/AFG/4, ¶ 138.

<sup>33</sup> UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, UPDATE ON THE HUMANS RIGHTS SITUATION IN AFGHANISTAN: OCTOBER – DECEMBER 2024 UPDATE 4 (2025), available at [https://unama.unmissions.org/sites/default/files/human\\_rights\\_situation\\_in\\_afghanistan\\_october\\_-\\_december\\_2024\\_-\\_english\\_0.pdf](https://unama.unmissions.org/sites/default/files/human_rights_situation_in_afghanistan_october_-_december_2024_-_english_0.pdf).

<sup>34</sup> G.A. Res. 2200 (XXI) at art. 9 ¶ 3 (Dec. 6, 1966) (“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.”); G.A. Res. 2200 (XXI) at art. 14 ¶ 1 (Dec. 6, 1966) (“[E]veryone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”).

<sup>35</sup> THE ADVOCATES FOR HUMAN RIGHTS & THE WORLD COALITION AGAINST THE DEATH PENALTY, AFGHANISTAN DEATH PENALTY & DETENTION CONDITIONS 2 (2024), available at <https://www.theadvocatesforhumanrights.org/Res/Afghanistan%20UPR%20Information%20Death%20Penalty.pdf>.

<sup>36</sup> Ruchi Kumar, *Taliban Affirms That Stoning Will Be Punishment for Adulterers - Especially Women*, Nat’l Pub. Radio (May 8, 2024 8:45 AM), <https://www.npr.org/sections/goatsandsoda/2024/05/08/1242306960/taliban-affirms-that-stoning-will-be-punishment-for-adulterers-especially-women>.

<sup>37</sup> Ruchi Kumar, *Taliban Affirms That Stoning Will Be Punishment for Adulterers - Especially Women*, Nat’l Pub. Radio (May 8, 2024 8:45 AM), <https://www.npr.org/sections/goatsandsoda/2024/05/08/1242306960/taliban-affirms-that-stoning-will-be-punishment-for-adulterers-especially-women>.

in particular are at risk in this scenario, as the Taliban’s interpretation of Islamic law often leads to such discriminatory ways that can be used against women.”<sup>38</sup>

22. As discussed in greater detail in paragraph 3512 below, women are more vulnerable and more likely to be sentenced to death for offenses they commit within the context of gender-based violence.
23. **Suggested recommendations** relating to Afghanistan’s *de facto* government failing to adjudicate cases of gender-based violence through the formal justice system and failing to protect women from gender-based violence:
  - Establish a standardized court system with clear, speedy, and predictable judicial processes.
  - Promptly and thoroughly investigate sentences handed down through any processes other than official judicial proceedings, prioritizing allegations raised by persons who are sentenced to death or charged with capital crimes.
  - Establish and promulgate guidelines for judges handling gender-based violence cases to ensure that all such cases proceed through the formal justice system.
  - Expressly prohibit courts from authorizing or encouraging the use of mediation to resolve cases of gender-based violence.
  - Provide all judges with sentencing authority with comprehensive gender-sensitization training, including regarding women in conflict with the law who have experienced gender-based violence, focusing on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses.
  - Implement legislative reforms to prevent the application of the death penalty when women who have experienced gender-based violence act against their abusers.
  - Commute the sentences of all women sentenced to death for killing people who committed gender-based violence against them.

#### **IV. Afghanistan’s *de facto* government fails to increase the number of women judges and police officers (Concluding Observations Paragraphs 15 and 16(g)).**

24. The Committee in 2020 expressed concern about the disproportionate lack of justice for victims of gender-based violation against women.<sup>39</sup> The Committee recommended Afghanistan increase the number of women judges and police officers.<sup>40</sup>

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<sup>38</sup> Ruchi Kumar, *Taliban Affirms That Stoning Will Be Punishment for Adulterers - Especially Women*, Nat’l Pub. Radio (May 8, 2024 8:45 AM), <https://www.npr.org/sections/goatsandsoda/2024/05/08/1242306960/taliban-affirms-that-stoning-will-be-punishment-for-adulterers-especially-women>.

<sup>39</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, at ¶ 15 (Mar. 10, 2020).

<sup>40</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, at ¶ 16(g) (Mar. 10, 2020).

25. Afghanistan has not implemented the Committee's recommendation, and the situation has only worsened. Women are excluded from public and political life.<sup>41</sup> Shortly after Taliban forces assumed power, the Taliban *de facto* government issued an edict prohibiting women from working as civil servants.<sup>42</sup>
26. The Fourth Periodic Report states that Taliban *de facto* authorities have removed all women judges under the former government (approximately 250) from the bench and replaced them with male mullahs.<sup>43</sup> Further, Taliban *de facto* authorities have systematically removed all judges from the former Afghanistan government and have appointed male mullahs educated in Islamic religion as replacements.<sup>44</sup>
27. Taliban *de facto* authorities have killed police officers from the former Afghanistan government.<sup>45</sup> The Taliban has also threatened women who served as police officers under the former government.<sup>46</sup> Many former policewomen fled in fear of identification, losing their income and support networks in the process.<sup>47</sup>

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<sup>41</sup> General Assembly Human Rights Council, 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, U.N. Doc. A/HRC/53/21, at ¶ 25 (June 15, 2023).

<sup>42</sup> *Afghanistan: Taliban Tell Working Women to Stay at Home*, BBC (Aug. 24, 2021), available at <https://www.bbc.com/news/world-asia-58315413>.

<sup>43</sup> Committee on the Elimination of Discrimination against Women, *Fourth periodic report submitted by Afghanistan under article 18 of the Convention, due in 2024*, (18 Mar. 2025), U.N. Doc. CEDAW/C/AFG/4, ¶ 17.

<sup>44</sup> *Hundreds of Fired Afghan Judges Demand Jobs, Pay from Taliban-Led Government*, RADIOFREEEUROPE RADIOLIBERTY (Mar. 20, 2022), <https://www.rferl.org/a/afghanistan-judges-lawsuit-taliban/31762215.html>; DANISH REFUGEE COUNCIL, AFGHANISTAN CONFERENCE: THE HUMAN RIGHTS SITUATION AFTER AUGUST 2021 7 (Nov. 28, 2022), available at <https://asyl.drc.ngo/media/13vhsflb/drc-afghanistan-conference-report-28nov2022.pdf>; CHRISTOPHER LEHMANN, JUSTICE MATTERS: A STATUS REPORT ON AFGHANISTAN SINCE THE TALIBAN TAKEOVER 15–16 (2023), available at [https://ilacnet.org/wp-content/uploads/2023/01/ILAC\\_Afghanistan\\_Report\\_2023-2.pdf](https://ilacnet.org/wp-content/uploads/2023/01/ILAC_Afghanistan_Report_2023-2.pdf).

<sup>45</sup> HUMAN RIGHTS WATCH, “NO FORGIVENESS FOR PEOPLE LIKE YOU”: EXECUTIONS AND ENFORCED DISAPPEARANCES UNDER THE TALIBAN IN AFGHANISTAN (2021), available at [https://www.hrw.org/sites/default/files/media\\_2021/11/afghanistan1121\\_web.pdf](https://www.hrw.org/sites/default/files/media_2021/11/afghanistan1121_web.pdf); Monika Evstatieva, *Three Years After the U.S. Withdrawal, Former Afghanistan Forces are Hunted by the Taliban*, NAT'L PUB. RADIO (Sept. 25, 2024 4:35 PM), <https://www.npr.org/2024/09/25/nx-s1-5099028/former-afghan-army-and-police-hunted-by-the-taliban>.

<sup>46</sup> HUMAN RIGHTS WATCH, DOUBLE BETRAYAL: ABUSES AGAINST AFGHAN POLICEWOMEN, PAST AND PRESENT (2024), available at <https://www.hrw.org/report/2024/10/10/double-betrayal/abuses-against-afghan-policewomen-past-and-present>.

<sup>47</sup> HUMAN RIGHTS WATCH, DOUBLE BETRAYAL: ABUSES AGAINST AFGHAN POLICEWOMEN, PAST AND PRESENT (2024), available at <https://www.hrw.org/report/2024/10/10/double-betrayal/abuses-against-afghan-policewomen-past-and-present>.

28. Taliban *de facto* judges and police officers are not well versed in their roles.<sup>48</sup> As a result, *de facto* security forces often detain people briefly and then carry out extrajudicial executions.<sup>49</sup> Sometimes such killings occur in public.<sup>50</sup>

29. **Suggested recommendations** relating to Afghanistan’s *de facto* government failing to increase the number of women judges and police officers:

- Repeal the edict instructing women civil servants not to report to work.
- Increase women’s participation in judicial and police roles by removing all barriers that prevent women from accessing these roles, and ensure that these roles are not conditional on specific political stances or subject to any form of discrimination.
- Expressly prohibit representatives of the Taliban *de facto* government from carrying out executions without judicial process and authorization.

**V. Afghanistan’s *de facto* government fails to adequately address gender-based violence, placing women at heightened risk of coming into conflict with the law (Concluding Observations Paragraphs 25 and 26).**

30. The Committee in 2020 expressed concern about the extremely high levels of gender-based violence against women, the lack of protection for women, and impunity for perpetrators.<sup>51</sup> The Committee recommended Afghanistan criminalize all forms of gender-based violence against women and strengthen persecution of and remedies for violence against women.<sup>52</sup>

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<sup>48</sup> *E.g.*, CHRISTOPHER LEHMANN, JUSTICE MATTERS: A STATUS REPORT ON AFGHANISTAN SINCE THE TALIBAN TAKEOVER 16 (2023), available at [https://ilacnet.org/wp-content/uploads/2023/01/ILAC\\_Afghanistan\\_Report\\_2023-2.pdf](https://ilacnet.org/wp-content/uploads/2023/01/ILAC_Afghanistan_Report_2023-2.pdf) (“Many of the judges were assessed by respondents as being functionally illiterate. Their education certainly would not have included any specialized training on sharia law or legal concepts, nor would it involve any exposure to legal or judicial systems.”); Samya Kullab & Tameem Akhgar, *Taliban Official Wanted by U.S. Makes Rare Public Appearance*, ASSOC. PRESS (Mar. 5, 2022 2:20 PM), <https://apnews.com/article/afghanistan-lifestyle-police-graduation-taliban-1a730eff73727418de818c0993c1f3d2> (“The Taliban acting interior minister — designated a terrorist by the U.S. — said in a rare public appearance Saturday that security police guilty of misconduct in Afghanistan were being penalized after a string of abuse allegations.”).

<sup>49</sup> *E.g.*, UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, A BARRIER TO SECURING PEACE: HUMAN RIGHTS VIOLATIONS AGAINST FORMER GOVERNMENT OFFICIALS AND FORMER ARMED MEMBERS IN AFGHANISTAN: 15 AUGUST 2021 – 30 JUNE 2023 6-7 (Aug. 22, 2023), available at [https://unama.unmissions.org/sites/default/files/a\\_barrier\\_to\\_securing\\_peace\\_aug\\_2023\\_english\\_0.pdf](https://unama.unmissions.org/sites/default/files/a_barrier_to_securing_peace_aug_2023_english_0.pdf) (“In most instances, [former Afghanistan government officials] were detained by *de facto* security forces, often briefly, before being killed.”).

<sup>50</sup> *E.g.*, UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, UPDATE ON THE HUMANS RIGHTS SITUATION IN AFGHANISTAN: OCTOBER – DECEMBER 2024 UPDATE 5–6 (2025), available at [https://unama.unmissions.org/sites/default/files/human\\_rights\\_situation\\_in\\_afghanistan\\_october\\_-\\_december\\_2024\\_-\\_english\\_0.pdf](https://unama.unmissions.org/sites/default/files/human_rights_situation_in_afghanistan_october_-_december_2024_-_english_0.pdf) (reporting that the Taliban *de facto* authorities publicly executed an individual sentenced to death by Taliban *de facto* judges in November 2024); UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, UPDATE ON THE HUMANS RIGHTS SITUATION IN AFGHANISTAN: JANUARY – MARCH 2024 UPDATE 4–5 (2024), available at [https://unama.unmissions.org/sites/default/files/human\\_rights\\_update\\_march\\_2024\\_engf.pdf](https://unama.unmissions.org/sites/default/files/human_rights_update_march_2024_engf.pdf) (reporting that Taliban *de facto* authorities publicly executed three individuals sentenced to the death penalty by Taliban *de facto* judges in February 2024).

<sup>51</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 25 (Mar. 10, 2020).

<sup>52</sup> Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Third Periodic Report of Afghanistan, U.N. Doc. CEDAW/C/AFG/CO/3, ¶ 26 (Mar. 10, 2020).

31. Afghanistan has not implemented the Committee’s recommendation, and the situation has worsened considerably. Taliban *de facto* authorities are responsible for an increase in instances of gender-based violence.<sup>53</sup> Gender-based violence against women and girls between October and December 2024 included murders, honor killings, child marriages, forced marriages, rape, domestic violence, and suicide because of domestic violence.<sup>54</sup>
32. Prior to the Taliban takeover in August 2021, there were services and legal protections for victims of gender-based violence, including the Law of 2009 on Elimination of Violence against Women (EVAW).<sup>55</sup> Though these legal protections were not consistently implemented, the EVAW law criminalized specific forms of violence against women.<sup>56</sup>
33. After the Taliban takeover, the Taliban dissolved the specialized courts handling domestic violence cases.<sup>57</sup> Reports reveal that the Taliban are not adhering to the EVAW law or the Convention.<sup>58</sup>
34. In January 2024, authorities took “women wearing ‘inappropriate’ or ‘incorrect’ hijabs” “to police stations where they were beaten and verbally abused and, in some cases, sexually assaulted.”<sup>59</sup> Even women who were not sexually assaulted experienced stigma and ostracization from their family and communities because these people believed that police had assaulted the women.<sup>60</sup>

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<sup>53</sup> *E.g.*, UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, UPDATE ON THE HUMANS RIGHTS SITUATION IN AFGHANISTAN: OCTOBER – DECEMBER 2024 UPDATE 4 (2025), available at [https://unama.unmissions.org/sites/default/files/human\\_rights\\_situation\\_in\\_afghanistan\\_october\\_-\\_december\\_2024\\_-\\_english\\_0.pdf](https://unama.unmissions.org/sites/default/files/human_rights_situation_in_afghanistan_october_-_december_2024_-_english_0.pdf).

<sup>54</sup> UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, UPDATE ON THE HUMANS RIGHTS SITUATION IN AFGHANISTAN: OCTOBER – DECEMBER 2024 UPDATE 4 (2025), available at [https://unama.unmissions.org/sites/default/files/human\\_rights\\_situation\\_in\\_afghanistan\\_october\\_-\\_december\\_2024\\_-\\_english\\_0.pdf](https://unama.unmissions.org/sites/default/files/human_rights_situation_in_afghanistan_october_-_december_2024_-_english_0.pdf).

<sup>55</sup> ISLAMIC REPUBLIC OF AFGHANISTAN, AFGHANISTAN: LAW ON ELIMINATION OF VIOLENCE AGAINST WOMEN (EVAW) (2009), available at <https://www.refworld.org/pdfid/5486d1a34.pdf>.

<sup>56</sup> The forms of violence are (1) sexual assault; (2) forced prostitution; (3) recording the identity of the victim and publishing it in a way that damages her personality; (4) burning or using chemicals or other dangerous substances; (5) forcing one to burn herself or to commit suicide or using poison or other dangerous substances; (6) causing injury or disability; (7) beating; (8) selling and buying women for the purpose of or on the pretext of marriage; (9) giving Baad; (10) forced marriage; (11) prohibiting from the right of marriage or right to choose spouse; (12) underage marriage; (13) abusing, humiliating, intimidating; (14) harassment/persecution; (15) forced isolation; (16) forced addiction; (17) depriving from inheritance; (18) prohibiting access to personal property; (19) prohibiting from the right to education, work, and access to health services; (20) forced labor; (21) marrying more than one wife without observing Article 86 of Civil Code; and (22) denial of relationship. ISLAMIC REPUBLIC OF AFGHANISTAN, AFGHANISTAN: LAW ON ELIMINATION OF VIOLENCE AGAINST WOMEN (EVAW) (2009), at arts. 17–38, available at <https://www.refworld.org/pdfid/5486d1a34.pdf>.

<sup>57</sup> Press Release, Special Rapporteur on the Situation of Human Rights in Afghanistan & Special Rapporteur on the Independence of Judges and Lawyers, *UN Experts: Legal Professionals in Afghanistan Face Extreme Risks, Need Urgent International Support* (Jan. 20, 2023), available at <https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/statements/2023-01-17/202301-stm-sr-ijl-sr-afghanistan-day-endangered-lawyer.pdf>.

<sup>58</sup> The Advocates for Human Rights, *Afghanistan: Stakeholder Report for the United Nations Universal Periodic Review*, 11 Oct. 2023, ¶ 9, [https://www.theadvocatesforhumanrights.org/Res/UPR\\_AHR\\_Submitted.pdf](https://www.theadvocatesforhumanrights.org/Res/UPR_AHR_Submitted.pdf).

<sup>59</sup> U.N. General Assembly, Situation of Human Rights in Afghanistan, U.N. Doc. A/79/330, at ¶ 21 (Aug. 30, 2024).

<sup>60</sup> U.N. General Assembly, Situation of Human Rights in Afghanistan, U.N. Doc. A/79/330, at ¶ 22 (Aug. 30, 2024).

35. Women whose rights are limited and constantly face gender inequality may feel trapped because the law does not protect them.<sup>61</sup> Many women who receive death sentences have killed a spouse or family member who has subjected them to prolonged gender-based violence.<sup>62</sup> In a 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence<sup>63</sup> and manipulative or coercive relationships with male co-defendants.<sup>64</sup> Cornell's data indicate that women who are under sentence of death for allegedly committing murder have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.<sup>65</sup> The Taliban *de facto* authorities' response to gender-based violence heightens the risk that women will feel trapped in such relationships may see killing their abuser as the only means of escape.<sup>66</sup> These women are then at heightened risk of being sentenced to death.<sup>67</sup>
36. **Suggested recommendations** relating to Afghanistan's *de facto* government failing to adequately address gender-based violence:
- Repeal the PVPV Law immediately.
  - Reinstate the protections of and adhere to the EVAW law and the Convention.

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<sup>61</sup> See Human Rights Council, Report of the Working Group on the Universal Periodic Review: Afghanistan, U.N. Doc. A/HRC/57/5/Add.1, at ¶ 22 (Sept. 9, 2024) (“Women have described the continual announcement of restrictions as ‘day by day, the walls close in’, feeling ‘suffocated’, and the cumulative effect leaving them ‘without hope.’”).

<sup>62</sup> Christopher Alexander, *Gendered Nature of the Death Penalty: In Law and Practice*, in MONASH UNIVERSITY AND CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, SILENTLY SILENCED: STATE-SANCTIONED KILLING OF WOMEN 17, 20 (Mai Sato & Sandra Babcock eds., 2023); CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, JUDGED FOR MORE THAN HER CRIME: A GLOBAL OVERVIEW OF WOMEN FACING THE DEATH PENALTY 11 (2018), available at <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>63</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>64</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 6. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

<sup>65</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 11. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>; Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>66</sup> Many women who receive death sentences have killed a spouse or family member who has subjected them to prolonged gender-based violence. See Christopher Alexander, *Gendered Nature of the Death Penalty: In Law and Practice*, in MONASH UNIVERSITY AND CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, SILENTLY SILENCED: STATE-SANCTIONED KILLING OF WOMEN 17, 20 (Mai Sato & Sandra Babcock eds., 2023).

<sup>67</sup> See CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, JUDGED FOR MORE THAN HER CRIME: A GLOBAL OVERVIEW OF WOMEN FACING THE DEATH PENALTY 11 (2018), available at <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf> (“Available data indicates that most women on death row have been sentenced to death for the crime of murder. Many of these crimes involve murders of close family members in a context of gender-based violence.”).

- End the requirement that victims of crimes under the EVAW law must make a complaint, and continue to prosecute these crimes even when a complaint is withdrawn.
- Enact guidance for the judiciary and police on how to apply the EVAW law.
- Re-open shelters for domestic violence victims.
- Commute the sentences of any woman sentenced to death for killing a person who perpetrated gender-based violence against her.