

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1612
Land:	Afghanistan
Kilde:	ACAPS
Titel:	Afghanistan - Second update on Taliban decrees and directives relevant to the humanitarian response
Udgivet:	25. juli 2024
Optaget på baggrundsmaterialet:	3. september 2024

Second update on Taliban decrees and directives relevant to the humanitarian response

OVERVIEW

This report provides an update on Interim Taliban Authority (ITA) decrees and directives to provide contextual knowledge in support of the humanitarian response in Afghanistan. Specifically, it maps and analyses ITA policy decisions communicated between September 2023 and June 2024 and builds on ACAPS' baseline report (published in April 2023) and our first update report on the topic for the April–September 2023 period (published in December 2023).

In the period that this report covers, the ITA continued to communicate decrees and directives further curtailing access to employment, health, and media, as well as measures of social control. It also published two decrees on land rights. Most policy decisions mapped and analysed in this report were communicated by institutions at the subnational level and directly targeted women, with secondary effects on men; no ITA policy decision retracted prior decrees or directives.

The decrees and directives that this report covers appear to have affected many Afghan families, especially female household members. The impacts include negative economic effects, more inefficiencies in the humanitarian response, and the amplification of destitution, all of which drive migration (MMC 29/03/2023). These aggravate an already fragile situation, as Afghanistan remains a protection emergency with high levels of internal displacement, forced refugee returns from Pakistan and Iran, climate change-related weather phenomena, and natural hazards. The 2024 Humanitarian Response Plan for Afghanistan estimates that 23.7 million Afghans need humanitarian assistance (OCHA 23/12/2023). The multitude of ever-changing regulations forces humanitarian responders to use more financial means, time, and energy to meet the new regulatory requirements, and constant renegotiations drain resources from the response (TNH 29/04/2024). The increasing deprivation of rights and lack of economic opportunities create additional stress and the need for additional mental health and psychosocial support, which is currently inadequate, for the Afghan population (ACAPS 09/01/2024). As mentioned above, the effects of ITA policy decisions are a major driver of migration for Afghan men and women, which raises additional protection concerns (MMC 06/05/2024). This situation is not likely to change in the second half of 2024.

KEY FINDINGS

- The 28 national- and provincial-level ITA decrees and directives mapped between September 2023 to June 2024 included decisions affecting access to employment, health, and media; measures of social control; decrees relating to land rights; and those influencing international aid governance. Subnational-level institutions communicated most ITA policy decisions. The ITA did not retract any past decrees and directives.
- Of the 28 ITA decrees and directives covered in this report:
 - seven decisions directly and indirectly affected access to employment and income and primarily but not exclusively targeted women
 - two decisions directly and indirectly affected healthcare access for women
 - six decisions targeted freedom of the press and of speech and restricted information access through media and social media censorship
 - ten decisions introduced further social control measures, including the enforcement of dress codes, regulating behaviour at weddings, prescriptions for public prayers, and population surveillance
 - two decrees concerned rights and responsibilities relating to public and state land
 - one decree related to the governance of the aid sector.
- As a whole, the ITA's decrees and directives had two main effects.
 - Many ITA policy decisions further restricted employment access for both women and men, reducing the income available to many Afghan households, affecting an already difficult economic situation.
 - The policy decisions created additional anxiety and hopelessness about the future among many Afghans, driving potentially harmful coping mechanisms and adaptive strategies, including forced migration, and potentially increasing the demand for mental health and psychosocial support.
- Some policy decisions further restricted women's access to NGO employment. Although there were exemptions, women continued to be banned from employment with NGOs. One province (Uruzgan) further banned women from doing remote NGO work, while

a national-level decision banned Afghan NGOs from having female directors. These measures potentially deny the humanitarian response employees and leadership well placed to understand the needs of Afghan women and girls. They may also lead to the lack of representation and prioritisation of the perspectives and issues relevant to women and girls in organisational decision-making processes. Without female Afghan staff and decision makers, even though the humanitarian programme design may be gender-sensitive, its implementation may not be. This may affect the effectiveness and inclusivity of NGO initiatives and result in inadvertent harm.

- One additional national-level decree added to the existing regulation of the international aid sector as outlined in the ITA's Procedure for Coordinating and Regulating the Activities of Domestic and International Non-Governmental Organisations. The decree comprised two main points: the dissolution of all Community Development Councils (CDCs), which the former Republic Government (2001–2021) set up as part of the National Solidarity Programme, and the integration of religious councils in decision-making processes relating to aid projects. The decree appears to aim at strengthening religious aspects in the governance of aid projects.
- A range of ITA policy decisions during the period that this report covers sought to ban imagery (e.g. photos and drawings) containing human faces from public space. This arguably reflects an incremental process moving towards the same policies initiated under the first Islamic Emirate (1996–2001), when the Taliban banned any kind of photography, film, or image displaying human faces and animals.
- Two new land use decrees provided a basis for the state's reclamation and lease of public land, which had appropriated and resold during the Republic government (2001–2021). The measures could affect households, including IDPs, living in informal settlements on land affected by the decrees, as it would require them to pay rent (tax) for living on public land. This also puts them at increased risk of forced eviction. On the positive side, paying rent should, in theory, provide occupants with greater tenure security.
- The introduction of restrictive ITA measures is likely to continue in 2024, with an incremental approach towards the policies of the first Islamic Emirate.

PURPOSE OF THE REPORT

Since the production of ACAPS' [first update report on ITA decrees and directives](#), which covered the April–September 2023 period, the ITA has made additional policy decisions affecting the humanitarian response in Afghanistan and Afghans' everyday lives and access to humanitarian aid. This second update report analyses and contextualises the ITA decrees and directives communicated between September 2023 and June 2024 within the broader context of the ITA's history and international diplomacy. The update seeks to contribute to a better contextual knowledge and understanding of ITA policy decisions and their effects.

Methodology

This report analyses a dataset of 28 national- and provincial-level ITA decrees and directives that different ITA institutions communicated between September 2023 and June 2024. ACAPS identified these decrees and directives through the few reports and websites that have produced a systematic mapping of ITA decisions affecting women's rights in Afghanistan (e.g. [United States Institute of Peace](#)), scans of the [Official Gazette](#) (Jarida Rasmai), the [ITA website](#) and social media (X and Facebook), and news agencies, such as [Hasht-e Subh](#), [TOLONews](#), [ZAWIA News](#), [Radio Azadi](#), [Pajhwok](#), and [KabulNow](#). We also cross-checked the data with information from OCHA. The study does not provide a comprehensive analysis of all ITA policy decisions, such as the enforcement of corporal punishment. Our analysis focuses on policy decisions that can be found in the public domain and, for ethical and safety reasons, excludes those aimed at specific humanitarian organisations or NGOs operating in Afghanistan.

Limitations

The report relies exclusively on secondary research, drawing on a narrow range of publicly available sources (as listed in the Methodology). Considering that many more ITA policy decisions are circulated through WhatsApp channels or communicated verbally, there likely exist other provincial-level directives of which we are unaware. Because of data lacking from secondary research, the analysis also lacks a comprehensive exploration of the impact of policy decisions through an intersectional lens, which would allow for a more nuanced understanding of how the ITA's decrees and directives affect women and men from different social classes and in different locations.

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ANALYSIS OF ITA DECREES AND DIRECTIVES (SEPTEMBER 2023 TO JUNE 2024)

This section provides an analysis of the 28 national- and provincial-level ITA decrees and directives communicated between September 2023 and June 2024. The complete list of decrees and directives can be found in Annex 1.

This report groups the decrees and directives thematically, as in the previous update, with one new category added relating to land decrees. Each section provides an overview of the relevant ITA decrees and directives and a brief analysis and discussion of the impact of each directive. The five themes are:

- access to employment and income, including seven policy decisions primarily but not exclusively targeting women
- health access, including two decisions targeting women
- media and social media, including six decisions
- social control measures, including ten decisions on dress codes, regulating wedding behaviours, and prescriptions concerning public prayers
- land rights, including two decrees that could have effects on IDPs and humanitarian programming
- the governance of the international aid sector, including one decree that dissolves CDCs and integrates religious councils in decision-making processes relating to aid projects.

No policy decision relating to education access was mapped in this reporting period. That said, commentators on social media point to the ITA Ministry of Higher Education spokesperson sharing an old audio clip arguing for the prohibition of education for women and girls. This suggests that the authorities do not intend to retract past decisions blocking women's access to post-primary and higher education (*Afghan Analyst X 14/06/2024*).

Most decrees and directives (22) were communicated verbally or in the form of written rulings and instructions at the subnational/provincial level. This study assumes that most of these subnational directives enforce prior national-level directives.

In terms of the issuing authority, the respective Department for the Propagation of Virtue and the Prevention of Vice (DV&V) was the institution most frequently involved in communicating new policy decisions: limiting access to employment (two decisions), health (one), media (two), and measures of social control (five). Amir Haibatullah, at the highest executive level, directly issued two decrees regarding land transfer rights and responsibilities.



Access to employment and income

Of the 28 ITA decrees and directives that this report covers, seven policy decisions pertained to employment access. These measures primarily but not exclusively targeted women, and some further enforced the ITA's prior policy decisions banning women from working in NGOs, INGOs, and the UN (ACAPS 21/04/2023). Three of the seven measures were national-level, while five were provincial.

Table 1. Overview of decrees and directives relating to access to employment and income

#	DATE	HEADLINE	LEVEL	SOURCE
1	17 September 2023	Women banned from remote NGO work in Uruzgan province	Uruzgan province	USIP 08/12/2022
2	22 October 2023	Women banned from national NGO directorship positions	National	USIP 08/12/2022
3	25 October 2023	Private photography companies prohibited from employing female staff at weddings in Faryab	Faryab province	USIP 08/12/2022
4	11 November 2023	Male tailors prohibited from producing women's clothes in Herat	Herat province	Rukhshana 11/11/2023
5	19 November 2023	Private photography companies prohibited at weddings in Samangan	Samangan province	USIP 08/12/2022
6	3 June 2024	Salary cap set at AFN 5,000 (USD 69.65 on July 16) for all female government employees	National	Hasht-e Subh 03/06/2024
7	24 June 2024	Private photography companies prohibited at weddings in Ghazni	Ghazni province	KabulNow 26/06/2024

Employment access and income restrictions

Five decrees and directives restricted employment access and income; four directly targeted women, and four were provincial in scope. These included:

- the prohibition of private photography companies from employing female staff at weddings in Faryab, Samangan, and Ghazni respectively issued on 25 October 2023, 19 November 2023, and 26 June 2024 (USIP 08/12/2022 ; KabulNow 26/06/2024)
- the AFN 5,000 (USD 70 on July 16) salary cap for all female government employees
- the prohibition of male tailors from producing women's clothes in Herat.

The ITA justified the prohibition of private photography companies from employing female staff at weddings by saying that photography and filming would lead to the destruction of society and, by extension, to moral decay (USIP 08/12/2022; Rukhshana 11/11/2023). Although the sources do not clearly establish a link, the three directives likely enforce the same verbal instruction from the Ministry for the Propagation of Virtue and the Prevention of Vice.

The ITA's general directorate of administrative affairs announced the national AFN 5,000 (USD 70) salary cap for female government employees on 3 June 2024. The directorate justified the measure by saying that the salaries that the Republic Government paid were too high, at the same time arguing that the new salary level was still high and would not affect livelihoods (Hasht-e Subh 03/06/2024). A direct comparison with previous salaries or men's salaries was not possible since there existed different pay grades according to specific functions (Hasht-e Subh 02/12/2021). On 30 June 2024, the ITA suspended the salaries of female Ministry of Education employees altogether (Bilal Sarwary X 30/06/2024).

One directive that ITA officials from Herat's provincial DV&V communicated on 11 November 2023 prohibited male tailors from producing women's clothes. The order was maintained despite protests from tailors. Most tailors were men, and there were only a few women-run tailor shops in Herat's women-only market, with some doing home-based tailoring and dressmaking (Rukhshana 11/11/2023).

Analysis and impact of decrees and directives

The decrees and directives had an economic impact at different levels. They affected men and women differently, with women increasingly seeing entire job sectors closed off to them.

The ban on female photographers at weddings and the salary cap for female government employees reduced disposable income for women and their families, with particularly strong negative impacts on female single household heads (e.g. widows and female heads of households whose male members work abroad) who had become dependent (and a burden) on other family and community members to support them. The measures put additional

pressure on Afghan households, many of which already faced a dire economic situation. The salary cap had the additional effect of limiting government spending on employees' salaries. Considering that there were far fewer female than male government employees, however, the directive was probably less of a serious attempt to cut the government's deficit than evidence of the systemic discrimination and oppression of women, likely intended to discourage them from working (JURISTnews 05/07/2024).

The prohibition of male tailors from producing women's clothes affected the available income of tailors and, by extension, their households. The reduced supply of women's clothes also led to price increases. The long-term effect of the directive will depend on the ability of tailors to recover lost revenue by shifting to other activities and products. It is not clear if the directive has led to an increase in the import of foreign-made women's clothes and customs taxes levied on such imports.

Taken together, these decrees and directives reduced household incomes, implying less spending on other goods and a likely ripple effect that could further lower the GDP.

Beyond the financial impact, the enforcement of such restrictive policies demonstrates the ITA's wider ambition of pushing women out of public space in an incremental process. This process reduces women's role in the household as during the first Islamic Emirate and as outlined in the book *The Islamic Emirate and Its System*, authored by the ITA Chief Justice of the Supreme Court and which some consider as the Taliban's political manifesto (IESS 11/07/2022). The book argues that women should be restricted to reproductive roles in society, including birthing and raising children, and other domestic tasks, such as cooking, cleaning, and looking after older people and those who are sick.

The ban on photography was also enforced under the first Islamic Emirate (Deseret News 06/10/1997; The Guardian 18/11/2001). These provincial-level bans could indicate a return towards greater restrictions on the use and generation of imagery in Afghan society.

Policy decisions banning women's employment with NGOs

Two policy decisions, one provincial and one national in scope, limited women's access to NGO employment. On 17 September 2023, the provincial governor of Uruzgan banned women from working remotely with NGOs (USIP 08/12/2022). This announcement made through an audio message followed an earlier WhatsApp communication by the governor from August, wherein he ordered women to stop working for NGOs (ACAPS 01/12/2023). The follow-up can be understood as a way of closing the loophole that allowed women to continue working from home.

On 22 October, the Ministry of Economy instructed Afghan NGOs in Kabul to ban women from holding directorial positions (USIP 08/12/2022). This nationwide directive targeted all national NGOs but not INGOs and the UN; it also affected Afghan dual citizens and foreign passport holders working in Afghan NGOs in leadership functions. The new directive expanded the prior prohibition for Afghan female citizens to work with NGOs (both national and international). Although the justification for the measure was not made explicit, the order echoes the book *The Islamic Emirate and Its System* referred to above, according to which women did not have the right to leadership as it would expose them to the public (IESS 11/07/2022). Other explanations for the decree focus on the Taliban's general attempts to block women from what they argue are foreign values and sources of moral corruption.

These directives and decrees affected men and women differently, with women increasingly seeing the entire NGO job sector closed off to them. As for the other decrees and directives, the measures blocking women's employment at NGOs reduced much-needed income for related Afghan households and compounded an already difficult economic situation, producing anxiety and potentially driving forced migration. They also had a direct impact on the humanitarian response. Not all shortcomings in the humanitarian response can be attributed to ITA policies, but the ITA's directives to ban women from working with NGOs (even just remotely in Uruzgan) and the nationwide ban on women from becoming directors of Afghan NGOs denied NGOs of capable female employees and leadership, who would be well placed to understand the needs of women and access this population group. A lack of diverse perspectives and experiences in leadership is likely to compromise gender-sensitive programming, potentially affecting the effectiveness and inclusivity of NGO initiatives. Without women in active positions in NGOs, the perspectives and issues relevant to women may also not be adequately represented or prioritised in decision-making processes. Without female staff, even if the humanitarian programme design may be gender-sensitive, its implementation may not be.

Health access

Of the 28 ITA decrees and directives covered in this report, two decisions directly and indirectly affected health access primarily for women. Both were issued in specific provinces, and it is not clear if they enforce nationwide ITA decisions.

Table 2. Overview of health-related directives

#	DATE	SHORT TEXT	LEVEL	SOURCE
1	3 December 2023	Hospitals and health clinics in Takhar and Parwan provinces ordered to remove posters with images of human beings	Takhar and Parwan provinces	USIP 08/12/2022
2	5 December 2023	Suspension of nursing and midwifery education for female students in Kandahar	Kandahar province	USIP 08/12/2022

Hospitals and health clinics in Takhar and Parwan provinces ordered to remove posters containing images of human beings

On 3 December 2023, officials from the public health departments in Takhar and Parwan provinces ordered hospitals and health clinics to remove posters containing drawings and pictures of human beings, particularly women (USIP 08/12/2022). The scope of the directive was provincial, but it appeared to be part of the wider trend of reducing the use of human images discussed above (cf. the ban on female photographers at weddings). As such, it seemed part of an incremental approach to introducing directives leading towards a total ban of images from Afghan society, as was the case in the first Islamic Emirate (Deseret News 06/10/1997; The Guardian 18/11/2001).

The directive was primarily concerned with the placing of human images in public space, but it had effects on healthcare insofar as the images served to support written communication on health issues or advice on health-related behaviour, which were particularly useful for people with lower literacy levels and children.

Suspension of nursing and midwifery education for female students in Kandahar

On 5 December 2023, the Kandahar DV&V, referring to a verbal order by Amir Haibatullah, communicated the suspension of nursing and midwifery education for female students in Kandahar (USIP 08/12/2022).

The scope of the directive was provincial, but it is unclear whether the reference to the amir's verbal order implied the existence of a more general nationwide decree or whether Kandahar

province was a testing ground. The communication lacked any accompanying justification, keeping it unclear if the directive was the product of particularly misogynist thinking or faith in doctors alone or if the suspension was temporary until other modalities for organising such education were found. Training men as nurses is not a problem, but men cannot give health services to female patients. This means that this directive could directly and substantially affect women's healthcare access and the wellbeing of women, including expectant mothers, and newborn babies. It also had a substantial psychological impact on expectant mothers, who may not be able to count on the support of midwives during childbirth.

Access to media and information

Since the regime change (August 2021), the ITA has targeted local media with measures of explicit censorship and control, as well as soft pressure to induce self-censorship. The goal appears to be to dissuade local media sources from publishing content critical of the ITA. 6 of the 28 ITA decrees and directives that this report covers directly and indirectly restricted media or included the monitoring of media content; one of the six policy decisions regulated how women appeared in media. All six decrees and directives were provincial in scope.

Table 3. Overview of directives targeting the media and social media

#	DATE	SHORT TEXT	LEVEL	SOURCE
1	September 2023	Helmand Department of Information and Culture ordering media outlets to not feature women in their programmes without prior approval	Helmand province	USIP 08/12/2022
2	14 October 2023	Media in Kunduz province ordered to share broadcast content before publication	Kunduz province	Rukhshana 14/10/2023
3	19 October 2023	Prohibition of employees in government offices, education centres, and hospitals from using smartphones in Helmand and Paktia provinces	Helmand and Paktia provinces	USIP 08/12/2022
4	15 November 2023	Prohibition of social media users in Khost from publishing critical or satirical material on the ITA	Khost province	Hasht-e Subh 15/11/2023
5	13 November 2023	Requirement to cover books depicting pictures of human faces on the outer sleeve with paper at the Herat book fair	Herat province	Rukhshana 15/11/2023
6	18 February 2024	Ban on filming of meetings with government officials in Kandahar	Kandahar province	KabulNow 20/02/2024

Increased restrictions on women's media engagement and access

Two decrees and directives increased restrictions related to media access. On 1 September 2023, the Helmand Department of Information and Culture ordered media outlets not to feature women in their programmes without prior approval from the department. The department also warned women against using social media platforms such as Facebook, TikTok, X (formerly known as Twitter), and other similar tools. These messages were delivered through mosques on behalf of the governor and the department (USIP 08/12/2022). While there is no additional information on the provincial-level directives, they are indicative of the ITA's broader approach to controlling and limiting how women appear in public, in this case, through media and social media.

Increased control over media and freedom of speech

Four directives highlighted the ITA's approach to reducing freedom of the press and of speech since their takeover in August 2021.

- On 14 October 2023, the Kunduz DV&V ordered media to share their broadcasting content before publication (Rukhshana 14/10/2023).
- On 20 October 2023, ITA officials from an unknown department sent a letter to government offices, educational centres, and hospitals in Helmand and Paktia provinces announcing a ban on the use of smartphones. The directive emphasised that individuals caught using smartphones on the job would face termination (USIP 08/12/2022).
- On 15 November 2023, the Khost DV&V, along with a crime-fighting management unit, issued warnings to social media users in the province against publishing and disseminating critical or satirical ITA content. The warning included threats for non-compliance (Hasht-e Subh 15/11/2023).
- On 18 February 2024, the provincial governor of Kandahar province banned filming and photography in meetings with government officials (Kabul Now 20/02/2024).

Two of the four directives directly intervened in the freedom of the press and of speech by censoring specific content in media and social media. The measures were justified with the need to ensure compatibility with Shari'a and the need to curb the influence of Western culture. The latter, it was argued, would lead to deviant behaviour among the Afghan youth. ITA officials added that the media should refrain from publishing programmes and films "against the Islamic Shari'a" (Rukhshana 14/10/2023).

Concerning social media, the measure can be understood as a provincial-level enforcement of the ITA's broader surveillance approach, which is increasingly focusing on social media. Such restrictions are not a recent development but have been implemented since August 2021 and demonstrate the ITA's authoritarian approach to governance and keen interest to

control the internal and external narrative about Afghanistan. Rumours also circulated that the ITA would go even further and ban Facebook and X (Twitter) in Afghanistan. Although this has not yet happened, the ITA has increased measures to monitor social media and threaten anyone publishing content not to their liking. Reflecting its focus on social media, earlier in November 2023, the ITA detained a well-known TikTok user from Tanai district in Khost despite the user operating their account from abroad. The ITA only released the user after they provided a written statement in which they agreed to stop their TikTok activities (Hasht-e Subh 15/11/2023).

The justification for the ban on smartphones in government offices, educational centres, and hospitals in Helmand and Paktia provinces is unclear (USIP 08/12/2022). It could be a way of ensuring that employees are not distracted at work.

The provincial-level ban on filming and photography in meetings with government officials in Kandahar is arguably part of the ITA's efforts to restrict freedom of the press (KabulNow 20/02/2024). As in the case of social media restrictions, this measure could be an attempt to control the narrative about the ITA.

Social control measures

The ITA issued ten decrees or directives introducing or increasing social control measures on a range of topics, including access to public parks, religious observances, the regulation of women's appearance (dress codes), and weddings (ACAPS 21/04/2023 and 01/12/2023). All policy decisions were provincial in scope.

Table 4. Overview of social control measures

#	DATE	SHORT TEXT	LEVEL	SOURCE
1	11 September 2023	Shopkeepers ordered not to import and sell “short and tight” women’s clothing in Bamyan	Bamyan province	Rukhshana 16/09/2023
2	13 September 2023	Restriction of women to certain areas of Band-e-Amir park in Bamyan	Bamyan province	TOLOnews X 13/09/2023
3	19 October 2023	Imams in Helmand instructed to compile detailed lists of residents and monitor daily public prayers	Helmand province	USIP 08/12/2022
4	23 October 2023	Letter sent to Kandahar elementary schools and women’s madrasas (religious schools) specifying the burqa as the only permitted form of the hijab	Kandahar province	USIP 08/12/2022
5	19 December 2023	Obligatory background checks introduced by the General Directorate of Intelligence for new NGO employees in Helmand	Helmand province	USIP 08/12/2022
6-8	1 January 2024	Various orders relating to women’s dress codes in Farah, Logar, and Paktia provinces	Farah, Logar, and Paktia provinces	USIP 08/12/2022
9	1 January 2024	The ban on singing, dancing, and clapping during weddings in Nangarhar province	Nangarhar province	USIP 08/12/2022
10	12 March 2024	The surveillance of people praying according to the Salafist religious observance in Badakhshan	Badakhshan province	Afghan Analyst X 13/03/2024

Increased surveillance of Afghan citizens

Two provincial-level social control measures increased the surveillance of Afghan citizens in Helmand and Badakhshan provinces. In October 2023, the General Directorate of Intelligence (GDI) in Helmand issued a directive to imams and neighbourhood representatives (wakeels and arbabs) instructing them to compile a detailed list of residents, including copies of their national IDs, full addresses, and phone numbers. The imams were further tasked to monitor individuals participating in the five daily prayers and report those missing prayers for three consecutive days (USIP 08/12/2022). On 12 March 2024, the provincial governor of Badakhshan province also ordered the provincial directorate of hajj and religious affairs to identify and

report to the GDI any prayer leaders performing the special Ramadan prayer Tarawih with eight rak’at, a religious observance commonly associated with Salafi Muslims (Afghan Analyst X 13/03/2024).

In both cases, the justification of the measure was not explicit. Relating to the second measure, the directive could be indicative of an attempt to surveil Afghan Salafists because they share a similar creed as members of the Islamic State – Khorasan Province, one of the major armed groups operating against the ITA. In the first case, the monitoring of attendance at public prayers is reminiscent of similar policies during the first Islamic Emirate. Both measures can be understood as part of the ITA’s policy of surveilling the Afghan population, which it has adopted since the August 2021 regime change. Such directives worsen the relation between the ITA and those parts of Afghan society that are already critical of the ITA.

Increased dress code restrictions for women and girls and constraints on their behaviour and access to parks

Seven of the ten social control measures restricted women’s and girls’ access to parks and their forms of clothing, with several provincial-level measures relating to the hijab.

- On 11 September 2023, the Bamyan province DV&V ordered shopkeepers in the provincial capital’s markets to stop importing and selling “short and tight” women’s clothes, under threat of punishment in case of non-compliance.
- On 23 October, the Kandahar DV&V stated in a letter to elementary schools and women’s madrasas that, moving forward, the only accepted form of the hijab was the burqa (USIP 08/12/2022).
- On 1 January 2024, similar directives were issued in other provinces but not with exactly the same content. In Logar, the provincial DV&V verbally announced in mosques and other public places that women and girls should not wear white pants or shoes when going out; those ignoring the order would have no right to complain about the consequences. In Farah, the provincial governor made a verbal order for women to wear only a black hijab, face mask, and gloves. In Paktia, the DV&V announced through mosques the ban on women from wearing black Arabic hijabs, which revealed the eyes, instead mandating them to wear the burqa (USIP 08/12/2022).
- On 13 September 2023, the provincial governor of Bamyan province stated that starting in 2024, women would be restricted to specific areas of the Band-e-Amir park. The justification offered was that some women visiting the area for sightseeing had not been observing the orders concerning the wearing of the hijab. The directive is one of the many provincial-level enforcements of the ITA’s broader approach to controlling how women appear in public and restricting their access to parks, such as in Kabul (ACAPS 21/04/2023 and ACAPS 01/12/2023).

- On 1 January 2024, the Nangarhar DV&V issued a directive prohibiting the tradition of singing, dancing, and clapping during weddings. Both women and their Mahrams found to be engaging in such activities face the threat of punishment (USIP 08/12/2022). This is not the first such directive, as similar communications were already made in July 2023 (BBC 31/07/2023).

The justification provided for the measures restricting certain types of clothing or behaviour (weddings) was that they were against Shari'a and Afghan culture. These measures appeared to be part of the ITA's larger policy of controlling women's appearance. In some cases, the directives also had a short-term financial impact – for example, by reducing shopkeepers' income from selling certain clothes until they were able to shift to selling other types of garments. This amplified the already difficult economic situation for many shopkeepers confronted with a sluggish economy, with many Afghans battling economic hardship and having little income at their disposal.

Increased NGO restrictions

One provincial-level social control measure exemplified the ITA's policy of tightly controlling NGOs operating in Afghanistan since August 2021. On 19 December 2023, the ITA's provincial department of economy in Helmand issued a directive for NGOs to require new local employees to obtain approval letters from the GDI before offering them employment contracts. The ITA also ordered NGOs to submit the names of existing employees for a background check and GDI approval (USIP 08/12/2022).

Arguably, such measures contribute to mistrust between the ITA and NGOs, further straining working relations. Potentially, performing obligatory background checks on new NGO employees in Helmand could also cause delays in hiring staff as NGOs submit the lists and wait for approval, impeding aid delivery. Considering the lack of data, it is difficult to confirm if this potential hindrance has materialised, making the significance of the directive on efficient aid delivery challenging to assess at this time.

Land access

Two decrees issued by the amir, respectively published in the Ministry of Justice's official gazette on 17 September 2023 and 2 April 2024, deal with rights and responsibilities pertaining to the transfer of state and public land (MOJ 17/09/2023 and 02/04/2024). The two decrees contained different articles regulating rights pertaining to land transfers, including how to deal with cases of (usurped) public and waqf land. The decrees appear to have two purposes: to prevent the grabbing of public lands and for the state to reclaim grabbed public land.

The grabbing of public and even private land is a large and unresolved problem in Afghanistan. Over the past four decades, thousands of hectares of land have been occupied, confiscated, and redistributed in situations when a functional government was either absent or too weak to oppose the interests of powerful networks. Another problem is that much public land in Afghanistan is not registered, and many property deeds have never been formalised. As a result, disputes over private and public land are frequent (ACAPS 26/07/2023 and 27/02/2023; AREU 05/03/2013).

According to the above-mentioned document, either the ITA would retake previously grabbed land or it would be leased to the people living on it; the latter would allow the government to generate income from rent. For those with lower incomes, including IDPs, the rent might be unaffordable. In other cases, land reclamation is likely to affect people who had purchased land in good faith during the former Republic but face the possibility of eviction during the current regime. On the positive side, paying rent could, in theory, lead to greater tenancy security.

Aid sector governance

On 23 May 2024, the Ministry of Rural Rehabilitation and Development instructed all its central and provincial offices to dissolve the CDCs, which the former Republic Government had set up as part of the National Solidarity Programme (Hasht-e Subh 26/05/2024). Maybe more importantly, since the CDCs had been largely defunct since August 2021, the letter of instruction also specified an addition to the Procedure for Coordinating and Regulating the Activities of Domestic and International Non-Governmental Organisations, the ITA's policy document regulating NGOs (AAN 27/06/2024; ACAPS 31/07/2023). This addition called on the Ministry of Economy to consider the opinion of the ulema councils in deciding on projects to be implemented (AAN 27/06/2024).

The instruction letter referred to verbal advice from Amir Haibatullah but did not provide any further justification. The inclusion of the ulema councils, which are bodies of religious scholars, in the decision-making process relating to aid projects indicates the intent of the ITA leadership to rebuild the structure of governance in Afghanistan on all levels. A key aspect of this process is to empower councils of religious scholars.

IMPACT OF POLICY DECISIONS ON INTERNAL DYNAMICS AND INTERNATIONAL RELATIONS

The ITA's national-level policy decisions should be contextualised in two ways: in reference to their internal political ambition and within international relations and diplomacy, as previously argued (ACAPS 21/04/2023).

The goal of the many ITA decrees and directives discussed in this report is to reshape Afghan society, particularly the role women can play outside their homes. They also appear to signal the movement towards the first Islamic Emirate. Besides the examples provided above, in late March 2024, the ITA amir announced the reintroduction of the public flogging and stoning of women for adultery, which was practised during the first Islamic Emirate (The Telegraph 25/03/2024). The reshaping of Afghan society may find resonance with some conservative segments of Afghan society and demonstrates the ITA's attempt to expand control over all aspects of Afghan's lives with a certain style of governance (Sakhi 24/11/2022; ifimes 11/02/2024).

Restrictive ITA policymaking can also be understood as a reaction to unsuccessful diplomatic efforts in achieving formal recognition. No country has formally recognised the ITA, and a representative from the former Republic Government, which was in power until August 2021, continues to fill Afghanistan's UN seat (AI 24/04/2024). Given the lack of recognition, the ITA may not feel compelled to change any of its restrictive policies. This uncompromising approach has not significantly hindered the ITA's opportunities to build strategic relationships with some international stakeholders. Countries such as Russia and China ostensibly pursue a transactional approach in their relations with the ITA, prioritising counterterrorism and business rather than calling for the protection of human rights and gender equality.

Although the ITA has not made any concessions, some entities within the UN system appear to pursue a trust-building approach, in the hope that continued interaction with the ITA would eventually deliver fewer restrictions on the Afghan population and more inclusive forms of governance (Stimson 08/03/2023). For the time being, the ITA has not changed its approach to further curtailing the rights of the Afghan population. There are concerns that the ITA appears to assume that humanitarian principles will compel humanitarian organisations and donors to continue to provide assistance, regardless of the ITA's increased humanitarian access restrictions and curtailment of women's and girls' rights (AAN 16/04/2023). At the same time, formal recognition does not guarantee that the ITA would retract prior decrees and directives, particularly those affecting women's access to education and employment.

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ANNEX 1. LIST OF DECREES AND DIRECTIVES

#	DATE	SHORT TEXT	LEVEL	SOURCE
1	September 2023	Helmand Department of Information and Culture ordering media outlets not to feature women in their programmes without prior approval	Helmand province	USIP 08/12/2022
2	11 September 2023	Shopkeepers in Bamyan ordered not to import and sell “short and tight” women’s clothes	Bamyan province	Rukhshana 16/09/2023
3	13 September 2023	Restriction of women to certain areas of Band-e-Amir park in Bamyan	Bamyan province	TOLOnews X 13/09/2023
4	17 September 2023	Women banned from remote NGO work in Uruzgan province	Uruzgan province	USIP 08/12/2022
5	17 September 2023	First land decree	National	MOJ 17/09/2023
6	14 October 2023	Media in Kunduz province ordered to share broadcast content before publication	Kunduz province	Rukhshana 14/10/2023
7	19 October 2023	Imams in Helmand instructed to compile detailed lists of residents and monitor daily public prayers	Helmand province	USIP 08/12/2022
8	19 October 2023	Prohibition of employees in government offices, education centres, and hospitals from using smartphones in Helmand and Paktia provinces	Helmand and Paktia provinces	USIP 08/12/2022
9	22 October 2023	Women banned from national NGO directorship positions	National	USIP 08/12/2022
10	23 October 2023	Letter sent to Kandahar elementary schools and women’s madrasas specifying the burqa as the only permitted form of the hijab	Kandahar province	USIP 08/12/2022
11	25 October 2023	Private photography companies prohibited from employing women staff at weddings in Faryab	Faryab province	USIP 08/12/2022
12	11 November 2023	Male tailors prohibited from producing women’s clothes in Herat	Herat province	Rukhshana 11/11/2023
13	13 November 2023	Obligation to cover books depicting pictures of human faces on the outer sleeve with paper at the Herat book fair	Herat province	Rukhshana 15/11/2023
14	15 November 2023	Prohibition for social media users in Khost from publishing critical or satirical material on the ITA	Khost province	Hasht-e Subh 15/11/2023
15	19 November 2023	Private photography companies prohibited at weddings in Samangan	Samangan province	USIP 08/12/2022
16	3 December 2023	Hospitals and health clinics in Takhar and Parwan provinces ordered to remove posters with images of human beings	Takhar and Parwan provinces	USIP 08/12/2022
17	5 December 2023	Suspension of nursing and midwifery education for female students in Kandahar	Kandahar province	USIP 05/12/2023
18	19 December 2023	Obligatory background checks by the GDI in Helmand for new NGO employees	National	USIP 08/12/2022
19	1 January 2023	Various orders on women’s dress code in Farah, Logar, and Paktia	Farah, Logar, and Paktia provinces	USIP 08/12/2022
20-22	1 January 2024	Order banning singing, dancing, and clapping during weddings in Nangarhar province	Nangarhar province	USIP 08/12/2022
23	18 February 2024	Filming banned in meetings with government officials in Kandahar	Kandahar province	KabulNow 20/02/2024
24	12 March 2024	Surveillance of people praying according to Salafist religious observance in Badakhshan	Badakhshan province	Afghan Analyst X 13/03/2024
25	2 April 2024	Second land decree	National	MOJ 02/04/2024
26	23 May 2024	Ministry of Rural Rehabilitation and Development dissolving CDCs and integrating religious scholars in aid governance	National	Hasht-e Subh 26/05/2024
27	3 June 2024	AFN 5,000 (USD 70 on July 16) salary cap for all female government employees	National	Hasht-e Subh 03/06/2024
28	24 June 2024	Private photography companies prohibited at weddings in Ghazni	Ghazni province	KabulNow 26/06/2024