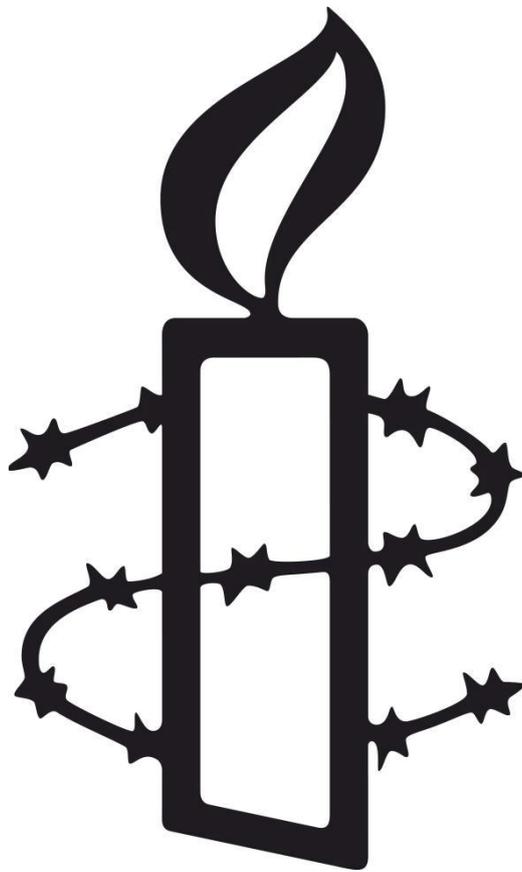


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SUBMISSION TO THE UN COMMITTEE ON
ELIMINATION OF DISCRIMINATION AGAINST
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Under the Taliban's de facto rule since August 2021, women and girls in Afghanistan have endured some of the worst human rights violations, without any avenue for justice, truth, and reparation. Prior to the Taliban takeover, although women continued to face numerous challenges in realizing their rights at the community and state level, institutional and legal reforms were under way. These progresses and reforms have been abruptly dismantled by the Taliban de facto rule. The Taliban have deemed formerly existing laws void and dismantled institutions that were providing protection and legal and public services to women and girls in Afghanistan,¹ issuing decrees, policies, and decisions arguably based on an interpretation of sharia (Islamic law), imposing severe restrictions on women and girls in all aspects of their lives.

1. INTRODUCTION

Under the Taliban's de facto rule since August 2021, women and girls in Afghanistan have endured some of the worst human rights violations, without any avenue for justice, truth, and reparation. Prior to the Taliban takeover, although women continued to face numerous challenges in realizing their rights at the community and state level,¹ institutional and legal reforms were under way. These progress and reforms have been abruptly dismantled by the Taliban. The Taliban have deemed formerly existing laws void and dismantled institutions that were providing protection and legal and public services to women and girls in Afghanistan.² They have also issued decrees, policies, and decisions arguably based on an interpretation of sharia (Islamic law), imposing severe restrictions on women and girls in all aspects of their lives.

2. DESTRUCTION OF AVENUES FOR ACCESS TO FAIR TRIAL AND DISMANTLING OF PROTECTION MECHANISMS FOR WOMEN AND GIRLS FACING GENDER BASED VIOLENCE (ARTICLES 2, 16, GR35)

Legal and institutional protection for women have been dismantled. Afghanistan's Constitution³ which stated that women and men have equal rights and duties has been abolished.⁴ So have other legislations including the 2009 Elimination of Violence against Women Law (EVAW Law), which introduced 22 specific sexual and gender-based crimes, including, among others, rape,⁵ beating⁶ and forced and underage marriage⁷ and criminalized specific violations of women's rights, such as violations of the right to education, work and access to health services;⁸ as well as the revised penal code of 2017 which criminalized kidnapping and murder as falling within the remit of gender-based violence in Afghanistan.⁹

Like many other reforms and action plans on women rights, the country's National Action Plan on UN Security Council Resolution 1325¹⁰ has also been abandoned after the Taliban's return to power.

The mechanisms established by the EVAW law for investigating sexual and gender-based violence, as well as for submitting and processing criminal complaints through government bodies – including relevant ministries and departments, the police and specialized investigative units within the local prosecutor's office¹¹ – have been progressively dismantled.¹² Services for survivors of violence, including free healthcare, legal aid, and access to shelters, mandated by the EVAW Law¹³ were also discontinued. In 2021, the Ministry of Women's Affairs, which, together with its provincial offices, played a key role in the implementation of the EVAW Law, was dismantled, and its premises were repurposed for the Taliban's Ministry of Propagation of Virtue and Prevention of Vice.¹⁴ The Afghanistan Independent Human Rights Commission (AIHRC), another critical body for documenting, reporting, and supporting victims of gender-

¹ Radio Azadi, "Nearly 6,500 Incidents of Violence Against Women Recorded in Past Year", 25 November 2019.

² Amnesty International and International Commission of Jurists (ICJ), *The Taliban's War on Women: ...*, 25 May 2023.

³ Afghanistan Legal Document Exchange Center, 19 July 2024.

⁴ Islamic Republic of Afghanistan, 2004-Constitution, article 22.

⁵ Law on Elimination of Violence against Women (EVAW Law), 1 August 2009, Official Gazette No. 989, Article 17 (Sexual assault).

⁶ EVAW Law (previously cited).

⁷ EVAW Law (previously cited), Articles 24-26, 28.

⁸ EVAW Law (previously cited), Article 33-35.

⁹ UNAMA, *Divergence of Practice:...*, December 2023, p.7.

¹⁰ Afghanistan National Action Plan on Women Peace and Security 1325, 2015.

¹¹ EVAW Law (previously cited), Article 7; The New Yorker, "The Afghan Women Left Behind", 24 August 2022

¹² Amnesty International and ICJ, *The Taliban's War on Women* (previously cited), pp. 16-17.

¹³ EVAW Law (previously cited), Article 6.

¹⁴ Reuters, *Taliban replaces women's ministry with ministry of virtue and vice*, 17 September 2021.

based violence, has also been dismantled.¹⁵ Additionally, women from the justice sector, including women judges, prosecutors and lawyers have been excluded by the Taliban.¹⁶

State sponsored protection centres/shelters previously run by NGOs for women and girls facing violence have shut down.¹⁷ Amnesty International documented the closing down of shelters for women and girls, in some cases before the Taliban takeover in August 2021, out of fear for how the Taliban would treat staff and residents. As shelters closed, staff were forced to send many survivors back to their families, despite potential risks of harassment and abuses.¹⁸ Other survivors were forced to live with shelter staff members, on the street or in other unsustainable and potentially unsafe situations. Many survivors provided direct evidence to Amnesty International that, soon after they left a shelter, they were hunted by their abusers and other family members and/or were at risk of abuse, killing or having their children forcibly taken away. Additionally, in 2022, Amnesty International's research found that women who had faced gender-based violence and continued staying in shelters ahead of the Taliban takeover were arbitrarily arrested and detained by the Taliban.¹⁹ In 2023, the UN Assistance Mission in Afghanistan (UNAMA) reported that the Taliban authorities confirmed that, in cases of safety concerns for survivors of gender-based violence, the individuals in question would be sent to a women's prison.²⁰

With agencies responsible for documenting and investigating cases of violence against women no longer functioning and the Taliban severely restricting women's rights, reports of the sharp increase in gender-based violence, including forced and early marriage, continue to surface.²¹ Women facing gender-based violence are now left with no alternative but to seek support through the Taliban run legal and justice institutions or resort to traditional dispute resolution mechanisms which have raised human rights concerns even before the Taliban takeover.²² Additionally, despite the 3 December 2021 Special Decree of the de facto authorities banning forced marriages, Amnesty International, as well as the UN and civil society actors, have documented instances in which Taliban members have directly forced women and girls into marrying them,²³ or have actively enforced forced marriage.²⁴

In 2022, Amnesty International documented the arrest and detention of women on ambiguous charges such as 'moral corruption/crimes' for not complying with the Taliban's discriminatory policies, including the requirement of having a male guardian or *mahram* when appearing in public, as well as women and girls fleeing violence.²⁵ In some cases, detainees were not only denied access to a defence lawyer but also subjected to torture and other ill-treatment whilst in custody. The Taliban also continue to carry out corporal punishment, amounting to torture, including public executions and flogging of those accused of committing adultery, running away from home, and robbery.²⁶ In August 2024, the UN Special Rapporteur on the situation of human rights in Afghanistan (Special Rapporteur on Afghanistan) reported having received credible cases of women detainees being sexually abused and raped by the Taliban.²⁷

¹⁵ The Guardian, [Taliban dissolves Afghanistan's human rights commission as 'unnecessary'](#), 17 May 2022.

¹⁶ Office of the High Commissioner for Human Rights, [Situation of human rights in Afghanistan](#), September 2023, p.6.

¹⁷ UNAMA, [Divergence of Practice](#) (previously cited), p.16

¹⁸ Amnesty International and ICJ, [The Taliban's War on Women](#) (previously cited), pp 16-17

¹⁹ Amnesty International, ["Death in Slow Motion: ..."](#), 27 July 2022, pp. 42-44, 48-49, 97-98: The Netherlands, [General Country of Origin Information Report Afghanistan, March 2022 | Report | Government.nl](#), March 2022, pp. 97-98.

²⁰ UNAMA, [Divergence of Practice](#) (previously cited), p.16

²¹ General Assembly, ["Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan and the Working Group on Discrimination Against Women and Girls"](#), 15 June 2024, p.13.

²² UNAMA, [Divergence of Practice](#) (previously cited), p.7

²³ Amnesty International and ICJ, [The Taliban's War on Women](#) (previously cited), (section IV E)

²⁴ UNAMA, ["https://unama.unmissions.org/sites/default/files/unama_update_on_human_rights_in_afghanistan_january-march_2025.pdf"](https://unama.unmissions.org/sites/default/files/unama_update_on_human_rights_in_afghanistan_january-march_2025.pdf), p.3.

²⁵ Amnesty International, ["Death in Slow Motion"](#) (previously cited), p.48-52.

²⁶ UNAMA, [Corporal Punishment and Death Penalty in Afghanistan](#), 8 May 2023, Amnesty International, [New UN Report stresses urgent need for Taliban to roll back on moral policing](#), 10 July 2024.

²⁷ General Assembly, ["Situation of Human Rights in Afghanistan"](#), 30 August 2024, p.6.

RECOMMENDATIONS TO THE DE FACTO AUTHORITIES: GENDER-BASED VIOLENCE (GBV)

- Immediately implement the provisions of the 2009 Law on the Elimination of Violence Against Women and other related laws, including reinstating the prosecutorial and justice institutions existed before their return to power.
- Immediately develop a comprehensive strategy, with the support of the relevant UN agencies and civil society organizations, to address gender-based violence against women and girls, in line with Afghanistan's obligations under human rights law and standards for prevention, protection, punishment and redress of GBV against women and girls, which is based on a survivor-centric approach and respects the agency and autonomy of women and girls.
- Immediately ensure that safe shelters for survivors of GBV are available across the country, including by allowing shelters that have been closed to reopen, and ensure access to other protection services for survivors of GBV, including legal aid, medical care, psycho-social counselling services and childcare.
- Take immediate steps to encourage reporting on GBV by women and girls, without fear of retaliation, and ensure that all reported cases of GBV against women and girls are thoroughly, promptly and impartially investigated, and that those suspected of criminal responsibility are prosecuted in accordance with international standards.
- Immediately ensure that survivors of GBV are provided with timely, effective and holistic reparations.
- Immediately end the unlawful and arbitrary detention of GBV survivors.
- Reinstatement of the Ministry of Women's Affairs and the Afghanistan Independent Human Rights Commission.

CHILD, EARLY AND FORCED MARRIAGE

- Take immediate concrete measures to prevent child, early, and forced marriage in line with the country's international obligations
- Immediately investigate and prosecute, in accordance with international law and standards, any allegations of child, early and forced marriage by Taliban members or others, including instances where members of the Taliban have enforced such offences.
- In line with the recommendation of the UN Committee on the Rights of the Child, Afghanistan should adopt the age of 18 as the minimum age for marriage for girls and boys.
- Take immediate steps to ensure access to effective remedies, restitution and reintegration of women and girls in child, early and forced marriages as well as those who have left such marriages, including access to legal remedies, counselling support, and education and employment opportunities.
- Put in place national systems that are compulsory, accessible and free for birth registration and marriage registration to effectively track and prevent child and early marriages.
- Provide and support public awareness campaigns on child, early and forced marriage, including coverage of domestic and international law.
- Develop a plan, in consultation with UN agencies and international and national NGOs, to address and prevent child, early and forced marriage.

3. TALIBAN'S WAR ON WOMEN: BAN ON EDUCATION, EMPLOYMENT AND PARTICIPATION IN PUBLIC LIFE (ARTICLES 2,10, 11, 13, 15)

Since 2021, the Taliban have increasingly enforced decrees, directives, and decisions severely curtailing women's rights in social, political, public, and economic life, institutionalizing the severe denial of women's and girls' rights and prohibiting them from accessing remedies and redress. By 2023, the Taliban had issued around 70 rulings restricting women's rights, with many more issued since then.²⁸ One of their most recent draconian measures is the promulgation of the decree on 'propagation of virtue and prevention of vice'

²⁸ UNAMA, IOM, and UNWOMEN, "Situation of Afghan Women – Summary Report Country-wide Women's Consultation", December 2023, p.1.

which bans women's voices from being heard in public and prohibits them from using public transport without a *mahram* (chaperone).²⁹ Other discriminatory policies include banning women and girls from education beyond primary school, travelling more than 72 kilometres without a *mahram*, working with non-government organizations and state institutions, going to parks, and playing sports.³⁰

Since 2021, the Taliban steadily intensified their ban on education for women and girls, initially banning girls from attending school beyond the age of 12.³¹ At the time, the Taliban argued that they would be working on an educational framework in line with their policies for girls, but the situation remains unchanged to date.³² Women were allowed to attend university until December 2022 when the Taliban banned them from attending tertiary education.³³ Medical education, which had exceptionally remained open for women, was reported to have been banned in December 2024.³⁴ Afghanistan is now globally the only country where education for girls beyond primary school is banned.

Additionally, women's participation in the workforce has been severely curtailed by the Taliban's draconian rules, such as requiring a *mahram* for travel, enforcing a strict dress code, and imposing particular work-related restrictions. After their takeover in 2021, the Taliban initially imposed direct restrictions for women working in state agencies, including by calling for some of these women workers to be replaced by men in the family.³⁵ By December 2022, women were also banned from working with NGOs. In April 2023, the Taliban banned women from working with UN agencies.³⁶ Women's permission to work is now limited to specific sectors – including the health sector and primary education, some segments of the manufacturing sector, as well as other specific functions in airport security or with the de facto police.³⁷ Women's participation in business is not only severely limited, specific businesses – such as beauty salons – are also banned.³⁸ Women in the media have suffered from similar restrictive policies and their appearance on media is conditional on them covering their faces.³⁹ The Taliban's multifaceted attacks on the rights of women and girls amounting to crimes under international law have had far-reaching consequences for women, including the inability to access essential services such as healthcare. Work related bans have had a devastating economic impact on women-headed households, and the latest ban on medical education for women, in effect, deprives women and girls of avenues to seek medical assistance, in an already crippled healthcare system.

The Taliban have attacked those who protested against their discriminatory policies against women, including beatings with pipes, whips or stocks of their weapons, administering shocks with electroshock weapons; and directing tear gas and other chemical sprays at protestors.⁴⁰ Protestors have also been subjected to enforced disappearances, torture, and incommunicado detention.⁴¹ In some cases, the Taliban have even targeted family members of the protestors, including through arbitrary arrests and unlawful detention.⁴²

²⁹ "The propagation of virtue and Prevention of Vince", (Office Gazeta, S.N. 1452), August 2024, article 13 (3), 20 (5), (ANN translation).

³⁰ Amnesty International and ICJ, *The Taliban's War on Women* (previously cited), pp. 9-16.

³¹ Amnesty International, *Taliban's War on Women* (previously cited), p.12.

³² Amnesty International, *Death in Slow Motion* (previously cited), p. 19; Afghan Analysts Network, *The Ban on Older Girls Education...*, 29 March 2022.

³³ CCN, *"Taliban Suspended University Education for Women in Afghanistan"*, 20 December 2022.

³⁴ UN, *UN Condemns Taliban Ban on Women Attending Medical Classes*, 5 December 2024.

³⁵ Human Rights Council, "... Report of the Special Rapporteur on the situation of human rights in Afghanistan", 9 September 2022, para. 39.

³⁶ UN, *"Taliban order bars Afghan women from working with UN,"*

³⁷ UNAMA, *Divergence of Practice* (previously cited), p.3.

³⁸ Aljazeera, *"Beauty Salons in Afghanistan Are Closing – on Taliban Orders"*, 26 July 2023.

³⁹ Aljazeera, *"Taliban Enforces Order for Women TV Anchors to Cover Faces"*, 22 May 2022.

⁴⁰ Amnesty International, *"The Denial of Human Rights to Women and Girls by the Taliban is an Attempt to Erase Them from Afghan Society"*, 05 October 2022, p. 4; Amnesty International, *Death in Slow Motion* (previously cited), pp. 70, 72; UNAMA, *Human Rights in Afghanistan: 15 August 2021 to 15 June 2022*, p. 24; Human Rights Watch, *Taliban Use Harsh Tactics to Crush Afghan Women's Rights Protest*, 18 January 2022; UN News, *Taliban response to protests increasingly violent*.

⁴¹ Amnesty International, *Women Human Rights Defenders Arrested by the Taliban Must be Immediately Released*, 14 November 2022, OHCHR, *"Afghanistan: NGO arrests"*, 4 November 2022.

⁴² Amnesty International, *"Taliban Must Immediately Stop Arbitrary Arrest of Journalists, Civil Society Activist, Former government Officials and Those Who Dissent"*, 21 March 2022, p.2.

RECOMMENDATIONS TO THE DE FACTO AUTHORITIES:

- Immediately reverse all discriminatory decrees, laws, directives, decisions, and policies against women's rights such as those banning women and girls' access to education, jobs, business, or any other economic opportunities, freedom of movement, and freedom of expression.

4. DESTROYING WOMEN'S RIGHT TO POLITICAL PARTICIPATION – (ARTICLES 2,7, 8 AND GR 40)

Prior to August 2021, women held political offices such as ministers, deputy-ministers, ambassadors, governors, head of the Afghan Independent Commissions, commissioners as well as parliamentary seats.⁴³ Since the Taliban's return, they have dismantled the parliament and provincial councils.⁴⁴ Their de facto cabinet does not include any women, nor are women allowed to work in the civil service sector besides a few areas such as health and primary education.

RECOMMENDATIONS TO THE DE FACTO AUTHORITIES:

- Immediately reverse restrictions on peaceful demonstrations and end the harassment, abuse, arbitrary arrest and detention of all protesters, including women and girls and their family members.
- Investigate and prosecute in accordance with international law and standards incidents of violence against peaceful protestors by Taliban members or others.
- Immediately reverse all de facto and de jure restrictions preventing women from political participation.

5. PERPETUAL IMPUNITY FOR INTERNATIONAL CRIMES - THE NEED FOR ACTION BY THE INTERNATIONAL COMMUNITY (GR30)

Since their return to power, the Taliban have not only enforced laws inherently discriminatory but also destroyed avenues to access justice. This has deepened the culture of impunity, and left victims with little to no avenue for redress. As Amnesty International and others have documented, the Taliban's rampant, systematic, and widespread attacks on women's rights and fundamental freedoms, together with their use of torture, imprisonment, and enforced disappearance, could amount to the crime against humanity of gender persecution.⁴⁵ In January 2025, the International Criminal Court Prosecutor filed an arrest warrant request against the Taliban leader and their Chief Justice on charges of committing crime against humanity of gender persecution.⁴⁶

However, Afghan women, the Special Rapporteur on Afghanistan and several UN officials and mechanisms, including this Committee have described the situation of Afghan women and girls as "gender apartheid".⁴⁷ Amnesty International has called for the codification of gender apartheid under international law.

The deepening human rights crisis in Afghanistan requires international action to address the cycle of impunity in the country. There is an urgent need for the UN to establish an independent international

⁴³ Amnesty International, "Afghan Women's Rights on the Verge of Roll Back as International Forces Withdraw and Peace Talks in Stalemate", 24 May 2021.

⁴⁴ Aljazeera, "No Need: Taliban Dissolves Afghanistan Election Commission", 25 December 2021.

⁴⁵ Amnesty International and ICJ, "The Taliban's War on Women:", previously cited.

⁴⁶ ICC, Statement of ICC Prosecutor Karim A.A. Khan KC: , 23 January 2025.

⁴⁷ Special Rapporteur on the situation of human rights in Afghanistan, Report , 13 May 2024, UN Doc. A/HRC/56/25, pp. 13-14, Special Rapporteur on the Situation of Human Rights In Afghanistan previously cited) , 15 June 2023. ; Ms. Sima Bahous, UN Women Executive Director (15 August 2023) - Afghanistan , 12 January 2023, UN Special Procedures, Afghanistan: UN human rights experts denounce idea of "reformed" Taliban,

accountability mechanism for Afghanistan, with the mandate to, collect, consolidate, and preserve evidence as well as investigate and identify perpetrators of past and ongoing crimes under international law and other serious human rights violations, including but not exclusively, against women and girls.⁴⁸

RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY:

- Together with relevant UN bodies, support and cooperate with the Office of the Prosecutor of the International Criminal Court in investigating international crimes under the Rome Statute committed by all parties since 2003.
- In the absence of the possibility of domestic remedies in Afghanistan, States should support the exercise of universal or other extraterritorial jurisdiction at the national level aimed at investigating and prosecuting members of the Taliban and others who are suspected of criminal responsibility for crimes under international law committed, including but not exclusively, the crime against of humanity of gender persecution.
- Take immediate concrete steps to further recognize the crime of ‘gender apartheid’ under international law, including in the crimes against humanity convention being negotiated by states.
- Without further delay, UN member states must establish an independent international accountability mechanism, with adequate resources, to collect, consolidate, preserve, and analyse evidence for ongoing and past crimes under international law and other serious human rights violations. The mandate must have a broad timeline and be focused on all victims, including women and girls, given the long and continuous cycle of impunity and multiple perpetrators.
- Allocate adequate resources to the Special Rapporteur on Afghanistan.

⁴⁸ Amnesty International, “[Amnesty International Calls for the Urgent Establishment of an Independent International Accountability Mechanism for Afghanistan](#)”, 18 September 2024.

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