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Situation of human rights in Afghanistan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, in accordance with Human Rights Council resolution [51/20](#).

* [A/78/150](#)



**Report of the Special Rapporteur on the situation of human rights
in Afghanistan, Richard Bennett**

Summary

The present report, submitted by the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, builds on his previous report and covers developments, mainly from February to August 2023.

I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution [51/20](#), provides an outline of human rights developments in Afghanistan, mainly between February and August 2023. It builds on the report of the Special Rapporteur submitted to the General Assembly at its seventy-seventh session ([A/77/552](#)), as well as his reports to the Human Rights Council.
2. To date, the Special Rapporteur has undertaken three missions to Afghanistan since assuming the mandate in May 2022, including a joint mission with the Chair of the Working Group on discrimination against women and girls in April and May 2023.
3. During these missions, the Special Rapporteur visited Kabul, Mazar-e Sharif, Kandahar, Bamyan and Panjshir Provinces. He met with numerous stakeholders and was received by senior de facto officials, including the acting Deputy Prime Ministers, Ministers and senior officials at the provincial level. The Special Rapporteur appreciates the de facto authorities' cooperation with the mandate, including their written submissions to his communications and reports.
4. The Special Rapporteur also engaged in regular interactions with a broad range of stakeholders outside the country, by participating in in-person and online events.

II. Background

5. Since the Taliban seized power in August 2021, the human rights situation in Afghanistan has continued to deteriorate. While a broad spectrum of rights has been restricted or abused by the de facto authorities, the most prominent case is the extreme curtailment of the rights of women and girls. The de facto authorities have introduced numerous edicts and instructions that have deprived women and girls of their basic rights, including the rights to education, work, freedom of movement and participation in political and public life. These restrictions include bans on Afghan women from working for non-governmental organization (NGOs) in December 2022 and for the United Nations in April 2023, which have had a negative impact on humanitarian operations across the country. Other fundamental rights and freedoms, including the freedom of expression, opinion and assembly, the rights to life, physical integrity and access to justice, and the rights of minorities, have been systematically violated, affecting the entire community. Civic space continues to shrink and civil society activists, journalists and peaceful protesters continue to be subjected to arbitrary arrest and detention, and ill-treatment. On 13 November 2022, the de facto authorities announced the reintroduction of *qisas* (retribution in kind) and *hudud* (crimes against God) punishments, meaning that the application of the death penalty in public has resumed, alongside other inhuman and degrading punishments.¹ According to the United Nations Assistance Mission in Afghanistan (UNAMA), a significant number of individuals were subjected to public flogging, including 74 men, 58 women and 2 boys, between November 2022 and April 2023.²
6. The Taliban claims not only that their policies are necessary to comply with the sharia, but that they are also popular with Afghans living in the country. This is strongly contested by other Afghans who resist Taliban rule. The continued suppression of women's rights has undoubtedly had a negative impact on the

¹ Agence France-Presse in Kabul, "Afghan supreme leader orders full implementation of sharia law", *The Guardian*, 14 November 2022. Available at www.theguardian.com/world/2022/nov/14/afghanistan-supreme-leader-orders-full-implementation-of-sharia-law-taliban.

² See <https://unama.unmissions.org/corporal-punishment-and-death-penalty-afghanistan>.

popularity of the Taliban locally. It has also created major obstacles for any steps towards recognition by the international community.

7. The de facto authorities have failed to establish an administration that is inclusive of women and all ethnic and religious groups. Furthermore, the de facto administration continues to be composed entirely of men, predominantly of Pashtun ethnicity. The Taliban leader, Haibatullah Akhundzada, is apparently tightening his direct grip over State affairs, notably the security and intelligence sectors, and the reshuffling of judicial, security and civil officials, in particular at the subnational level, has become more frequent. He has also moved the spokesperson's office of the de facto authorities from Kabul to Kandahar and established religious councils with decision-making power in over 20 provinces.

8. An estimated 85 per cent of Afghans live below the poverty line and the provision of humanitarian assistance is under stress. More than halfway through the year, the 2023 Afghanistan Humanitarian Response Plan³ remains severely underfunded with only \$744 million received as at 31 July, which is less than half of the amount (\$1.49 billion) received as at the same time in 2022. Bans on Afghan female aid workers have also generated additional financial and operating costs that require greater donor flexibility and funding. The World Food Programme has warned that funding will run out by October 2023 as a result of reduced donor funding, which could further affect millions of Afghans.⁴

9. The Special Rapporteur has repeatedly heard from Afghan women and men that the distribution of assistance is frequently uneven and can be difficult to obtain, in particular for minority groups, older persons, female-headed households and persons with disabilities, and that distribution reportedly favours Taliban supporters. The ban on female staff affects the effectiveness of humanitarian actors in delivering services to women and girls, resulting in a narrow focus and reduced understanding of the needs of affected populations.

III. Human rights situation

A. Women and girls

10. On 19 June 2023, the Special Rapporteur and the Working Group on discrimination against women and girls presented a joint report on the situation of women and girls in Afghanistan to the Human Rights Council at its fifty-third session (see [A/HRC/53/21](#)). The present section provides an update on the situation of women and girls and underlines the potential impact of the severe and unparalleled attack on women's and girls' rights in the country and its implications for peace and security.

11. The joint report outlined the linkages between the worsening livelihood situation, lack of opportunities and deteriorating mental health among women and girls, as well as the significant increase in child and forced marriages. Concern was also expressed about reports of increased domestic violence and gender-related killings and the lack of access to legal remedies and justice, which have contributed to the perpetuation of violence against women and impunity for such crimes.

12. In July 2023, the de facto Minister for the Propagation of Virtue and the Prevention of Vice announced that any person who forced a woman or girl to marry would be prosecuted and, according to media reports, the Ministry instructed all its directorates to refer any cases to courts where men were not honouring the rights of

³ See <https://reliefweb.int/report/afghanistan/afghanistan-humanitarian-response-plan-2023-march-2023>.

⁴ See <https://www.reuters.com/world/asia-pacific/wfp-set-run-out-money-food-assistance-afghans-october-2023-06-30/>.

women, in accordance with the sharia. The de facto authorities had already issued an edict, in December 2021, concerning civil laws related to women, including a ban on forced marriages and women's rights to inherit. However, given the lack of rule of law and ban on women from working in the legal profession, despite many being qualified, there is, in practice, no recourse to justice for women and girls who are victims of forced marriage or any other form of violence.

13. Since June 2023, women have been further excluded from the workforce. For example, on 26 June, the Ministry for the Propagation of Virtue and the Prevention of Vice announced a ban on women's beauty salons and services from 25 July, affecting approximately 60,000 women-owned businesses. In late June, teacher training centres were given notice of their imminent closure, affecting approximately 4,000 instructors and staff, who will, according to the de facto Ministry of Education, be rehired. In July, 469 female kindergarten teachers, managers and staff were dismissed by the de facto Ministry of Labour and Social Affairs.

14. Women are also being prevented from engaging in unpaid professional activities such as speaking to the media. For example, since 27 May, women are banned from participating in radio and television broadcasts when the presenters are men. Furthermore, in July, de facto authorities in Helmand Province reportedly banned the use of women's voices from public broadcasts by local media.

15. Notwithstanding women continuing to protest for their right to work, as well as surveys indicating widespread support for women's right to work⁵ and de facto authorities' promise to create 1,000 employment opportunities for widows, the de facto Deputy Minister of Labour and Social Affairs reportedly claimed in July that 95 per cent of citizens did not want women to work in society and that those who supported women working were being instrumentalized by foreigners.

16. The recent further restrictions on women working outside the home, such as in the media and beauty sectors, combined with previous bans on women from working for NGOs and the United Nations, suggest a continued narrowing of the permitted economic activity of women outside the home.

17. Women in Afghanistan have repeatedly emphasized that their main priorities in the current context are education and employment. Work outside the home is essential for individual and familial financial sustainment and economic growth. According to a report by the United Nations Development Programme (UNDP) entitled *Afghanistan Socio-economic Outlook 2023*, estimates in 2022 indicate that if women in formal employment are prevented from working, on average, the per capita household income will be reduced by almost half. Working also provides opportunities for individuals to be recognized for their talents, insights and efforts, rendering their lives more fulfilling. Research also shows that women working outside the home has a positive impact on their children, as well as on women's physical and mental health.⁶ Without access to a regular income, women in Afghanistan and their families are increasingly reliant on humanitarian assistance. However, aid is, paradoxically, less likely to reach them as a result of women's exclusion from the workforce as aid deliverers. The cumulative restrictions and public statements on women's work send out the clear message that women should not be seen in public or be economically independent or financially responsible for their families, regardless of the toll this takes on them, their families and society.

⁵ See <https://asiapacific.unwomen.org/sites/default/files/2023-06/af-Consultation-report-UN-WomenIOMUNAMA-130623.pdf>.

⁶ See <https://hbswk.hbs.edu/item/kids-of-working-moms-grow-into-happy-adults> and www.news-medical.net/news/20191218/Working-women-have-better-physical-health-than-non-workers-later-in-life.aspx.

18. In May, the Ministry for the Propagation of Virtue and the Prevention of Vice in Kandahar prevented women from visiting gravesites, cemeteries and shrines. Furthermore, in August, women were banned from visiting the Band-e Amir National Park in Bamyan Province. As previously reported, women are banned from education beyond the primary level, public bath houses, gyms and parks. The Special Rapporteur is additionally concerned that the closure of women's beauty salons also deprives women and girls of one of their very few remaining safe social spaces. These vetoes, together with the mandatory "proper hijab" – requiring (a) *chadari* (a non-fitted black garment) (b) covering the face or (c) not leaving the home without necessity – and *mahram* (male family member chaperone) policies, pose challenges for working women to remain employed and limit the places where, and reasons for which, women and girls can legitimately be outside their homes.

19. This deliberate and systemic suffocation of the rights of women and girls is an affront to humanity. In their joint report, the Special Rapporteur and the Working Group on discrimination against women and girls concluded that the severe deprivation by the Taliban of the fundamental rights of Afghan women and girls "gives rise to a critical concern" that they are being "targeted for gender persecution". Similarly, they noted that the situation of women and girls has necessitated a legitimate discussion about the application of gender to the definition of the crime against humanity of apartheid and recommended the mandating of a specific report on the issue by the Human Rights Council.

20. The humanitarian crisis in Afghanistan continues unabated, which leads to increased vulnerability and exposure to exploitation, abuse and radicalization. The deteriorating human rights situation continues to drive the displacement of people seeking safety and protection, in particular women and girls. Afghanistan has already been a major source of refugees and the sustained attack on women's human rights, along with other human rights abuses, is triggering a substantial refugee outflow.

21. The Special Rapporteur notes that the repression of women, including through restrictions on education, hampers sustainable development in Afghanistan and hinders its ability to build resilient institutions and address the root causes of instability, which has implications for peace and security. The extreme repression of women in Afghanistan also undermines international norms and standards related to human rights, gender equality and women's empowerment. This can have far-reaching implications beyond Afghanistan, which could potentially lead to a broader weakening of standards globally. Some "copycat" examples of restrictions on the freedom of movement are already being seen in other countries. Addressing the repression of women in Afghanistan is therefore crucial, not only from a human rights perspective, but also for promoting stability, countering extremism and advancing global security.

B. Fundamental freedoms and civil and political rights

1. Freedom of expression and the press

22. A heightened crackdown on journalists and media workers by the Taliban has severely compromised press freedom in Afghanistan. Access to information has become increasingly challenging and journalists continue to face arrest, threats and detention. News and other content is screened before it is published. Women journalists face even greater restrictions than men, including removal from their jobs. As at April 2023, women journalists were present in just 15 of the 34 provinces. A journalist told the Special Rapporteur that in order to stay safe, she could only work under the pseudonym of a foreign journalist, saying "I can either leave the country or erase myself". Owing to the deteriorating environment for press freedom, Afghanistan

was ranked 152nd and 156th in the World Press Freedom Index in 2023 and 2022, respectively, which represents a large drop from 2021 when it was ranked 122nd.⁷

23. In 2023, two journalists were reportedly killed and dozens arbitrarily arrested. Those arrested include Mortaza Behboudi, a journalist with Afghan-French nationality who remains in detention since his arrest on 7 January 2023. On 6 February, the spokesperson for the de facto authorities confirmed the detention of Mr. Behboudi, but did not provide details of his case. Through a joint communication in March, the Special Rapporteur requested clarification from the de facto authorities, but they had not responded at the time of the drafting of the present report.⁸ In the first half of August, the Special Rapporteur received concerning reports of the arrest of journalists and media personnel in various provinces across Afghanistan, which has a further chilling effect on the country's media landscape. The Special Rapporteur was informed that the majority of the journalists were subsequently released after several weeks.

24. The de facto authorities have also demonstrated intolerance towards online critics. For instance, on 6 March 2023, Rasoul Abdi, a religious scholar and former university professor, was arrested in Kabul by individuals affiliated with the General Directorate of Intelligence for comments that were critical of the Taliban on his Facebook page. He remains in detention and it remains unclear whether charges have been brought against him.⁹

25. In addition to the mainstream media,¹⁰ the de facto authorities have also escalated crackdowns on social media. Last year, they banned TikTok and the online multiplayer game, PUBG. In March 2023, new guidelines for YouTube channel operators, requiring them to obtain a licence, were issued by the de facto authorities. They also imposed a business tax on channel owners. There have also been reports of the de facto authorities considering a ban on Facebook.

2. Freedom of peaceful assembly

26. The freedom of peaceful assembly has been suppressed, within the context of the wholesale repression of dissent. The de facto security forces have regularly resorted to the excessive use of force against, and arbitrary detention of, peaceful protesters, including women who have led most protests. In addition to protesters, journalists covering protests have also suffered violence, attacks and detention. The Special Rapporteur received information directly from some of those detained that they were subjected to torture and other forms of cruel, inhuman or degrading treatment, including sexual abuse, inside detention facilities. Ongoing impunity for perpetrators encourages further acts of this type and has instilled an atmosphere of fear and trauma.

27. The Special Rapporteur is also concerned about the use of firearms by Taliban members to disperse protests, including those led by women. The policing of protests should be aimed at facilitating peaceful assembly. De facto authorities should abstain from excessive use of force. In April 2023, during a protest by farmers and local residents in Nangarhar, de facto police opened fire at protesters, killing one person and injuring four others, including a boy.¹¹

⁷ See <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>.

⁸ See communication AL OTH 22/2023, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27964>.

⁹ Ibid.

¹⁰ The de facto authorities have banned BBC and Deutsche Welle television channels and FM broadcasts of Radio Azadi, Voice of America and on the Afghan news websites, Hasht-e Subh Daily and Zawia News.

¹¹ See <https://unama.unmissions.org/update-human-rights-situation-afghanistan-february-april-2023>.

28. The de facto authorities also continue to silence dissenting voices. They have targeted activists that advocate for girls' education in particular. For instance, on 27 March 2023, de facto authorities arrested Matiullah Wesa, the founder of PenPath, a local NGO that campaigns for education, in particular for girls. Two of Mr. Wesa's brothers were briefly detained and reportedly subjected to mistreatment, while other family members were subjected to physical and verbal abuse. The de facto authorities confirmed the arrest and detention of Mr. Wesa in a reply to a letter sent by the Special Rapporteur on 29 March 2023. On 12 April, the Taliban spokesperson noted that Mr. Wesa was interrogated for suspicious activities. He has reportedly been ill-treated while in detention and has not been granted access to a lawyer.

29. In July, Mr. Wesa was transferred from the General Directorate of Intelligence to Pul-e Charkhi prison. Similarly, Narges Sadat, a women's rights activist for the Powerful Women's Movement of Afghanistan, and Ismail Mashal, an academic and outspoken advocate for women's and girls' education, were arrested on separate occasions in early February 2023 for publicly advocating for women's and girls' rights. Mr. Mashal was released without charges after 30 days in detention. Ms. Sadat was released in April after two months in detention.

30. Notwithstanding the harsh crackdowns, women continue to protest the extremely restrictive environment for women and girls. The predominantly young women leading these protests have creatively adapted their methods of protesting to avoid detection, arrest and detention. Between March and June 2023, 95 protests led by women were documented across Afghanistan. Although street protests continue in smaller numbers and for shorter periods, the majority this year have been held in secure locations and broadcast online. The main theme of protests remains the violations of women's right to work, access to education and freedom of movement. On 18 July, women took to the streets in Kabul to protest the impending forced closure of beauty salons and were dispersed with water cannons and stun guns.

3. Freedom of association

31. Civic space is almost non-existent in Afghanistan today. According to the CIVICUS Monitor, which assigns ratings on the state of civic space, in March 2023, Afghanistan was downgraded from "repressed" to "closed", which is the lowest rating.¹² The Special Rapporteur is deeply concerned that civil society organizations, in particular those that have been instrumental in supporting human rights over the past two decades, have been increasingly targeted and forcibly closed or effectively dissolved as a result of the non-issuance of licences. Civil society actors continue to face violence and intimidation, in particular human rights defenders and those providing services to women. The Special Rapporteur has received reports of organizations that provide emergency shelter for women and protection from violence being forcibly closed and others put under surveillance. One report detailed the violent destruction of office spaces, theft of vehicles and other assets, and threats to staff, resulting in all staff of the organization going into hiding. Civil society organizations that continue to operate are perpetually under threat of closure. They are unable to conduct any form of advocacy or activities to promote social change. Nearly all NGO activity has shifted to the provision of humanitarian assistance as a result of intimidation and other overwhelming challenges, including the threat of closure for promoting human rights. The suppression of civic space also leads to self-censorship and disproportionately affects marginalized and vulnerable groups, including women and girls, lesbian, gay, bisexual, trans and other gender-diverse persons and intersex persons, ethnic and religious minorities, and human rights defenders.

¹² See <https://monitor.civicus.org/country-rating-changes/afghanistan/>.

4. Rule of law and administration of justice

32. On 25 June 2023, the Taliban leader's message for Eid-al-Adha emphasized the application of the sharia and purification of society. This statement followed on from his guidance to judges on the application of *qisas* and *hudud* punishments in November 2022. Since then, the de facto authorities have been issuing and implementing judicially sanctioned and ad hoc corporal punishments. On 4 May 2023, the de facto Deputy Chief Justice announced that courts across the country had sentenced 175 individuals to *qisas* punishments and 37 to stoning. Other sentences included knocking down walls on four individuals and condemning 103 individuals to *hudud* punishments, such as lashing. While the de facto Deputy Chief Justice did not specify a timeline for implementing these sentences, stoning people to death or burying them under a wall constitute torture or other cruel, inhuman or degrading treatment or punishment, which is contrary to international law.¹³

33. According to UNAMA, 274 men, 58 women and 2 boys were publicly flogged and one judicially sanctioned execution was carried out between November 2022 and May 2023. The second judicially sanctioned death penalty, a *qisas* punishment, was carried out in public on 20 June 2023. The individual was convicted of killing three children and a man. The implementation of his death sentence was approved by the Taliban leader, following confirmation by the city, appeal and supreme courts. Serious concerns exist about the fairness of trials preceding death sentences. There are no indications that these individuals had access to defence lawyers and if their due process rights were upheld during court proceedings.

34. In June 2023, Haibatullah Akhundzada pardoned over 2,000 prisoners and reduced the sentences of more than 400 others.¹⁴ Women were reportedly not among those released. The requirement that women prisoners must be handed over to *mahram* generally prevents the release of women and girls who have completed their sentences.

35. The prevalence of psychological and physical torture and ill-treatment in detention facilities, including sexual violence, remains a cause for serious concern. The Special Rapporteur has received numerous reports of individuals being subjected to torture and other cruel, inhuman or degrading treatment or punishment, including beatings, suffocating, sleep deprivation, electric shocks, being kept in dark and wet places and solitary confinement. If detainees refuse to confess to their alleged crimes, de facto authorities resort to psychological torture, including by subjecting them to mock executions and/or targeting their family members. These forms of inhuman treatment occur despite the code of conduct issued by Haibatullah Akhundzada in January 2022 on the reform of the prison system, which prohibits "bad treatment" of people throughout their arrest, transfer or detention and provides for the punishment of those who commit these acts. Both the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Afghanistan is a State party, prohibit torture and other cruel, inhuman or degrading punishment.

¹³ United Nations, "Afghanistan: UN experts appalled by Taliban announcement on capital punishment", press release, 11 May 2023. Available at www.ohchr.org/en/press-releases/2023/05/afghanistan-un-experts-appalled-taliban-announcement-capital-punishment.

¹⁴ UNAMA, "Human rights situation in Afghanistan: May–June 2023 update". Available at https://unama.unmissions.org/sites/default/files/human_rights_situation_in_afghanistan_may_-_june_2023_0.pdf and Muhammad Jawad, "Morteza Behbodi and Hamza Alfat remain in detention despite release of 2000 prisoners", *BNN Breaking*. Available at <https://bnn.network/world/afghanistan/morteza-behbodi-and-hamza-alfat-remain-in-detention-despite-release-of-2000-prisoners/>.

36. In July 2023, the de facto authorities abolished the Attorney General's Office, converting it into the Directorate of Supervision and Prosecution of Decrees and Orders. The newly established Directorate will monitor the implementation of orders of the Taliban leader in both public and private institutions. Some of the Attorney General's Office responsibilities, including investigation, have been delegated to courts and intelligence services and most of the prosecutors have been suspended indefinitely without pay.¹⁵ It is feared that the decision will result in significant delays and a lack of due process in the adjudication of cases.

5. Extrajudicial executions, arbitrary arrests and detentions, and torture and ill-treatment

37. The Special Rapporteur remains gravely concerned about the ongoing extrajudicial killings, enforced disappearances, arbitrary arrests and detentions, and torture and ill-treatment of former government officials and Afghan National Defence and Security Forces. UNAMA documented more than 800 human rights violations against these former officials, including around 424 arbitrary arrests and detentions, 218 extrajudicial killings and 144 instances of torture and ill-treatment across the country.¹⁶ Some of the extrajudicial killings occurred during detention. The lack of accountability for these serious crimes and the prevalence of impunity raise serious questions about the ability or intention of the de facto authorities to uphold the general amnesty declared following the takeover by the Taliban in August 2021. The Special Rapporteur is particularly concerned about the targeting of members of the National Directorate of Security. He has documented credible cases of violations against them in Panjshir, Khost, Kunar and Kandahar Provinces. In one case, a former National Directorate of Security officer committed suicide after being subjected to arbitrary arrest, torture and ill-treatment by the General Directorate of Intelligence during several months of detention in 2022. The officer was arrested in 2022 by the General Directorate of Intelligence and held in custody for several months before being released.

38. Members of the Afghan National Defence and Security Forces in the south of the country, in particular in Kandahar and Helmand Provinces, have suffered serious violations. In the first months after the takeover in 2021, the Taliban allegedly singled out members of the Achekzai tribe that had served with the Afghan national police and who were perceived as affiliated with the former Chief of Police in Kandahar, General Abdul Raziq. Their homes were regularly searched and their family members harassed, arrested and tortured. Individuals picked up by de facto forces for their perceived connection with the former Chief of Police were killed or disappeared, with no information about their whereabouts. Provincial authorities also allegedly dismissed civil servants from the Achekzai tribe. The Special Rapporteur is concerned that revenge killings are being committed in all provinces, against the spirit of amnesty, which was to promote reconciliation and lasting peace. Such killings will only promote animosity and increase the risk of armed violence, thereby underscoring the need for justice rather than revenge.

¹⁵ Banafsha Binesh, "Islamic Emirate abolishes Attorney General's Office", *TOLONews*, 18 July 2023. Available at <https://tolonews.com/afghanistan-184251>.

¹⁶ See <https://unama.unmissions.org/barrier-securing-peace-hr-violations-against-former-government-officials-former-armed-force-members>.

C. Children

39. Grave violations against children continue in Afghanistan. According to the International Committee of the Red Cross, between January 2022 and June 2023, 640 children were killed or injured by landmines and explosive remnants of war.¹⁷ As children gain access to areas that were previously inaccessible as a result of armed conflict and are increasingly engaged in child labour, such as collecting scrap metal, they face a greater risk of encountering landmines and explosive remnants of wars. The Special Rapporteur highlights the importance of de facto authorities' involvement in mine awareness campaigns and support for mine action within communities, and urges a concerted effort to reduce and ultimately eliminate child casualties. The Special Rapporteur also remains very concerned about sexual violence perpetrated against children, including *bacha bazi*, a harmful practice whereby boys are sexually exploited by powerful men for entertainment.

40. Children's access to early education in Afghanistan has been significantly affected by the above-mentioned dismissal in July 2023 of kindergarten teachers and employees of the Kindergarten Directorate of the de facto Ministry of Labour and Social Affairs. The Special Rapporteur notes that kindergarten enrolment had exponentially increased in recent years, as more women worked and studied and parents sought out the benefits of early education. Quality early childhood care and education provide children with social and cognitive skills that support them to reach their full potential. Moreover, early childhood care and education are a means of promoting equity, social justice and inclusive economic growth and advancing sustainable development.¹⁸

41. More than 3 million girls have been denied access to formal education for more than three years, owing to the coronavirus disease (COVID-19), followed by the Taliban's decision in September 2021 to ban girls from attending secondary school. The Special Rapporteur is deeply concerned by the de facto authorities' announcement on 8 June 2023 to ban international NGOs from providing educational programmes, including community-based education. The Special Rapporteur is concerned about the long-term impact, noting that more than 500,000 children, including over 300,000 girls, could lose out on quality learning through community-based education, which for many years has played a vital role in providing basic education to children. The decision also affects up to 17,000 teachers, including 5,000 women who are currently engaging in education activities organized by the United Nations Children's Fund. Closing community-based education centres has devastating consequences, as it removes the already scarce learning opportunities in underserved regions and hinders personal and community development, thereby perpetuating a cycle of severely limited opportunities for rural children.

42. The Special Rapporteur notes with concern actions taken by the de facto authorities towards limiting education to madrasas or a religion-only style education. The de facto Ministry for the Propagation of Virtue and the Prevention of Vice and the Ministry of Education have begun administering religious tests for teachers, which may be a method of removing experienced teachers and replacing them with madrasa only educated teachers. The Special Rapporteur notes that while religious studies are important, a wider array of subjects taught in accordance with international standards is crucial for children's future and the country's progress.¹⁹ Narrowing the scope of

¹⁷ See www.icrc.org/en/document/afghanistan-children-victims-unexploded-abandoned-weapons.

¹⁸ United Nations Educational, Scientific and Cultural Organization (UNESCO), "Why early childhood care and education matters", 20 November 2022. Available at www.unesco.org/en/articles/why-early-childhood-care-and-education-matters.

¹⁹ In accordance with article 13 of the International Covenant on Economic, Social and Cultural Rights and Sustainable Development Goal 4.

education to primarily religious studies and a few other subjects poses the risk of depriving Afghan children of essential knowledge and skills, which could have severe and lasting consequences, hindering the country's development and prosperity. The lack of access to quality education and heavy reliance on madrasas, coupled with unemployment and poverty, create fertile ground for radical ideologies to take root, thus posing severe security consequences, not only for Afghanistan, but also for the region and beyond. Lacking economic opportunities, children may be drawn towards radical groups that offer financial incentives and rewards for participating in acts of violence. The convergence of these factors amplifies the risk of homegrown terrorism as well as regional and global instability.

43. Depriving children of their right to education also imposes severe consequences on their mental health, with reports of self-harm and suicide increasing. Depriving girls of access to education undermines their personal growth, self-esteem and overall well-being. The Special Rapporteur expresses profound concern about the increased mental health challenges faced by children and young people, which are exacerbated by the limited availability of mental health experts and services. He also warns that the Taliban's failure to reverse the education ban will exacerbate the exploitation of children through child marriage and child labour. Systematically excluding half of the future generation from the workforce will force families further into poverty, deny women and girls life-saving medical and other services and have a devastating impact on the country's future.

44. The Special Rapporteur is seriously concerned that an estimated 16 million children in Afghanistan are not receiving basic food or health care, which are essential for their well-being and development. An estimated 2.3 million children are expected to face acute malnutrition in 2023, with 875,000 needing treatment for severe acute malnutrition.²⁰ One mother told the expert the following: "Every night I fear for the well-being of my children. They do not get enough food and nutrition. My youngest child is not growing as she should and I fear the winter months ahead, without food, heating or work".

45. The Special Rapporteur notes that economic pressure is driving harmful, discriminatory and violent practices, such as forced and child marriage, abuse and exploitation, the sale of children and body organs, child labour, including begging and smuggling, trafficking and unsafe migration. Between March and June 2023, the International Organization for Migration recorded 110 cases of forced marriages, including 75 among children who had recently returned. In 15 incidents, undocumented returnees had sold their children to maintain their livelihood or to pay for illegal migration to Iran (Islamic Republic of) and Pakistan. The Special Rapporteur notes with concern that child labour is steadily rising. More than one third of children work to help their parents to put food on their tables.²¹ One of the drivers of increasing child labour is the exclusion of women from the workforce, because they are substituted by children. Children in female-headed households are at increased risk, with, according to one report, at least 30 per cent of female-headed households having at least one child working outside the home. The failure of the de facto authorities to protect children from economic and sexual exploitation alarms the

²⁰ United Nations Children's Fund, "Afghanistan – a children's crisis: UNICEF Afghanistan representative Fran Equiza's remarks at the daily press briefing by the Office of the Spokesperson for the Secretary-General", press release, 18 May 2023. Available at www.unicef.org/press-releases/afghanistan-childrens-crisis-unicef-afghanistan-representative-fran-equizas-remarks.

²¹ Save the Children, "More than a third of children surveyed in Afghanistan pushed into child labour, as country marks two years of Taliban rule", news, 15 August 2023. Available at www.savethechildren.net/news/more-third-children-surveyed-afghanistan-pushed-child-labour-country-marks-two-years-taliban.

Special Rapporteur and he calls for a more comprehensive strategy to be developed with support from key child rights actors within the country.

D. Other groups of particular concern

1. Ethnic and religious minorities

46. The Taliban de facto authorities assert that they govern all Afghans fairly, irrespective of ethnic or religious background and that they are committed to inclusiveness. However, ethnic and religious minority communities consulted by the Special Rapporteur expressed concern about their situation, which they say has progressively worsened since the Taliban resumed power two years ago. They claim that ethnic groups such as Hazara, Uzbek, Turkmen and, more recently, Tajik communities, as well as religious minorities, including Shia, Sikhs, Hindus, Christians, Ahmadiyya and Ismaili, face marginalization, prejudice and discrimination. Many are afraid that this is setting back their ongoing historical struggle for equal rights and fair treatment and further intensifying socioeconomic inequalities.

47. Notwithstanding claims by the de facto authorities that they are ensuring security in the country for all Afghans, the Special Rapporteur regularly hears from members of minority groups that they do not feel safe in their own country. For instance, Hazaras have stated that they live in constant fear of attacks, in particular in Hazara-dominated areas. In June 2023, UNAMA reported that it had documented 95 persons killed and 250 wounded in attacks targeting Hazaras in 2022. The majority of the attacks were claimed by Islamic State in Iraq and the Levant-Khorasan, who also attacked other groups, including Sunni worshippers and the de facto authorities themselves. However, these attacks have subsided in 2023, perhaps owing to security measures taken by the de facto authorities. Nevertheless, the targeting of educational centres in Hazara-populated areas has instilled fear among parents, who are now reluctant to send their children to school. Furthermore, Hazaras of the Ja'fari faith face restrictions to practising their religion, such as being able to prostrate publicly. They fear repercussions if they openly display or express their religious beliefs. One interlocutor said “my friends, who are government employees, are told to pray with closed hands”, as opposed to their usual practice of praying with open hands.

48. In July 2023, Hazara Ja'faris and other Shia communities were restricted from fully celebrating Eid al-Adha, an important religious event, in some parts of the country. Further restrictions were imposed, on Muharram celebrations, which is another religious event widely celebrated by followers of the Ja'fari faith.²² By way of explanation for these restrictions, the de facto authorities' spokesperson declared that the measures taken were for security reasons, to prevent large crowds, and that religious freedom for minorities remains intact. The de facto authorities also closed two Shia Ijtihad centres, which are a place for independent reasoning by experts on Shia Islam, in Ghazni Province, further limiting religious freedom for the Hazara and Shia communities in the province.

49. Ongoing disputes between the Hazara and Kuchi people continue and, reportedly, de facto authorities routinely settle these disputes in favour of the Kuchi community in provinces such as Ghazni, Daykundi and Wardak. In addition, some Kuchi people continue to seek compensation from Hazara communities for livestock, such as sheep or cows, lost during the Republican era or relatives who died over the past 20 years or before then. One interlocutor said “nine people who took their

²² See www.rferl.org/a/afghan-shia-muharram-taliban-restrictions/32522069.html?utm_source=dldr.it&utm_medium=twitter.

complaint to the Taliban against Kuchis were imprisoned and only released after the intervention of village elders”. Since 2021, there have been consistent reports of Kuchi people launching attacks on villagers in Sar-e Pul, Daykundi, Ghazni and Uruzgan Provinces. These attacks have escalated to the extent that Kuchi people have begun using weapons to violently evict villagers from their habitations on multiple occasions. The Special Rapporteur has received reports of heightened ethnic tensions in Khas Uruzgan, which have reportedly led to the destruction of farms, the forced displacement of Hazara communities and violent deaths.

50. The Uzbek and Turkmen communities also feel suppressed and excluded. The Special Rapporteur has received reports that the forced eviction of Uzbek and Turkmen communities has been ongoing since 2021 in Faryab, Ghor, Jowzjan, Mazar-e Sharif, Kabul and Takhar. The forcible eviction of people from their homes or land is prohibited under international human rights law. Furthermore, a high number of former government officials from Uzbek communities are in exile and have no contact with their families for fear of doing so; their families are intimidated by the de facto authorities. One interlocutor told the Special Rapporteur that “some wives of officials left behind suicided due to the pressure and economic hardship”.

51. In December 2022, the de facto authorities announced the commencement of work on the Qosh Tepah Canal in northern Afghanistan, which will create more than 4,000 jobs in the area.²³ The Special Rapporteur heard from local community members that the workforce was brought from southern Afghanistan, mostly from the Pashtun ethnic group, disadvantaging local communities.

52. In addition, communities in northern Afghanistan, including Uzbeks and Tajiks, have expressed alarm over the escalating presence of members of Tehrik-e Taliban Pakistan, exacerbating displacement issues. Their presence not only seriously exacerbates tensions, but it also increases the demand on the existing limited resources, such as land and water, and the demand for the already scarce employment opportunities. Regrettably, this matter has the potential to escalate and actions should be taken to reverse policies and reduce tensions.

53. The Uzbek and Turkmen communities continue to assert that their languages are under attack as they have been removed as official languages from the curriculum. The de facto authorities reject this claim. The communities continue, however, to raise the issue, notably in a letter addressed to the Secretary-General on 22 June 2023.²⁴

54. The Baluchi people are another minority group that is of concern, with members reportedly been subjected to torture and forced disappearance.

2. Sexual orientation and gender identity

55. Lesbian, gay, bisexual, trans and other gender-diverse persons and intersex Afghans continue to be persecuted for not conforming to gender stereotypes and have no safe spaces. Prior to August 2021, gender and sexually diverse Afghans faced discrimination, often within their own families. They now live in constant fear given that the rhetoric against them has intensified and violence may be perpetrated with impunity. The Special Rapporteur has received reports of transgender Afghans being detained, with their loved ones being too terrified to request information about them

²³ Seamus Duffy, “What Afghanistan’s Qosh Tapa Canal means for Central Asia”, *The Diplomat*, 19 April 2023. Available at <https://thediplomat.com/2023/04/what-afghanistans-qosh-tepa-canal-means-for-central-asia/> and Imran Danish, “Officials: 25% of 1st phase of Qosh Tapa Canal construction completed”, *TOLONews*, 25 November 2022. Available at <https://tolonews.com/business-180913>.

²⁴ Aamaj News, “The Turk community of AFG wrote a letter to the UN Secretary in protest against the Taliban discriminative and usurpative policy”, 23 June 2023. Available at <https://aamajnews24.com/reactions-87/>.

from the de facto authorities. Lesbians and intersex Afghans who present themselves as women are at increased risk of forced marriage and family violence owing to their failure to adhere to expected feminine stereotypes. Gay, bisexual and transgender men face a heightened risk of violence in the public sphere, as well as the denial of critical services, such as medical care.

3. Persons with disabilities

56. Since August 2021 and as a result of the economic crisis, many entities supporting persons with disabilities have ceased or reduced their services, while persons with disabilities are more likely to face greater barriers in accessing humanitarian support.²⁵ According to the Office for the Coordination of Humanitarian Affairs, gaps in funding for health has resulted in 60,000 persons with disabilities having no or limited access to rehabilitative care. In addition, the Special Rapporteur received information about members of the Taliban with disabilities receiving more support than others, with many former members of the security forces afraid to access their benefits owing to concerns about retaliation. Women and girls with disabilities, and those from ethnic and religious minority groups, face multiple forms of discrimination, including the risks of early marriage and mental health challenges.

4. Refugees and migrants

57. According to the Office of the United Nations High Commissioner for Refugees, since August 2021, 1.6 million Afghans have fled to neighbouring countries, mostly Iran (Islamic Republic of) and Pakistan.²⁶ In total, Iran (Islamic Republic of) and Pakistan host about 5.2 million registered Afghan refugees and persons in refugee-like situations.²⁷ About 160,000 Afghan international protection holders and applicants are in Türkiye, as well as thousands of irregular migrants.²⁸ While the Special Rapporteur commends the States that host Afghan migrants, very often they remain without legal status and protection and have to undergo prolonged bureaucratic migration processes, making them vulnerable to abuse. The Special Rapporteur has received reports from refugees about their dire economic circumstances, living situations, harassment and detention. Some countries further from Afghanistan have also accepted significant numbers of Afghans. The Special Rapporteur calls upon them to accept even more responsibility for those who are subject to or at risk of persecution, particularly women, including human rights defenders.

5. Internally displaced persons

58. At the end of 2022, Afghanistan had the second highest number of internally displaced persons in the world, an estimated 6.6 million people. About 4.4 million people were displaced as the result of conflict and violence and 2.2 million were displaced by disasters.²⁹ In 2022, an estimated 220,000 displacements caused by disasters were documented, including 147,000 caused by earthquakes. Conflict and violence caused 32,000 displacements in 2022 compared with 723,000 in 2021.³⁰ While the Special Rapporteur welcomes the reduction in the number of persons

²⁵ See <https://reliefweb.int/report/afghanistan/model-disability-survey-afghanistan-2019> and Khaled Nikzad, "14% of Afghans live with disabilities: AIHRC", *TOLONews*, 28 March 2021. Available at <https://tolonews.com/afghanistan-171055>.

²⁶ See <https://data.unhcr.org/en/situations/afghanistan>.

²⁷ See <https://data.unhcr.org/en/documents/details/102779>.

²⁸ See <https://dtm.iom.int/republic-of-t%C3%BCrkiye>.

²⁹ See <https://www.internal-displacement.org/global-report/grid2023/>.

³⁰ Ibid.

displaced internally as a result of conflict, he reiterates his concern about the situation of Afghans in informal settlements and about reports of forced evictions.

E. Economic, social and cultural rights

59. Afghanistan continues to experience a severe humanitarian crisis, with more than two thirds of its population, which is approximately 29.2 million people, requiring humanitarian assistance.³¹ This crisis is driven by drought, climate change and seismic activity and it is intensified by poor governance, the suspension of direct development assistance and the almost total exclusion of half of the population in particular. Bans on Afghan women from working in many sectors, as well as for international NGOs and the United Nations, add another layer of complexity to an already dire situation. The Special Rapporteur reiterates that the de facto authorities bear the primary duty to respect and fulfil the economic, social and cultural rights of all Afghans. Without a significant shift in the Taliban's policies and practices, in particular in relation to the rights of women and girls, the people of Afghanistan will continue to suffer gravely.

60. Households in both rural and urban areas say that they are struggling to meet their basic needs, owing to the lack of job opportunities, in particular for women, and the reduced availability of cash in the economy, exacerbated by the lack of governance by the Taliban, the freezing of assets belonging to the Central Bank of Afghanistan, United Nations and the United States of America sanction regimes and reduced international donor funding. The Special Rapporteur calls upon Member States to take into consideration that the implementation of sanctions should not substantially impede the provision of essential public services, which are necessary for the enjoyment of human rights, in line with Security Council resolution [2664 \(2022\)](#).³²

61. Between May and October 2023, 15 million Afghans were projected to be acutely food insecure and households were estimated to spend more than 90 per cent of their available income on food. The economic and humanitarian crisis has forced many Afghan families to adopt coping strategies, such as delaying or deprioritizing medical treatment, which will have severe long-term impacts, in particular on their health. Many Afghans have already changed their diet as they are unable to afford meat and dairy products and, in some families, meals are regularly skipped. As one mother told the Special Rapporteur: "I know that reducing our costs on health and food and making our boys work instead of going to school will have an impact on their future, but we have no other choice. We need to survive".

62. The Special Rapporteur notes that, alongside ensuring access to food, strengthening the health system remains a critical priority. Notwithstanding significant support from the international community and humanitarian actors, the health system remains fragile as a result of inadequate infrastructure, too few health-care workers and the unpredictable operating environment.³³ The Special Rapporteur reiterates that it is the responsibility of the de facto authorities to ensure access to an

³¹ See <https://reliefweb.int/report/afghanistan/afghanistan-revised-humanitarian-response-plan-2023>.

³² Resolution [2664 \(2022\)](#) introduced humanitarian carveouts across the United Nations sanctions regimes, including the sanctions regime under resolution [1267 \(1999\)](#). Operations necessary for the delivery of humanitarian assistance or other activities to support basic human needs may not violate Security Council-mandated asset freezes, even if resources are incidentally made available to actors targeted by such measures in the process.

³³ As at 31 August 2023, 32 per cent of the requirements of the health cluster are funded, according to the Financial Tracking Service of the Office for the Coordination of Humanitarian Affairs.

adequate health system. International investment is needed in more long-term solutions, including improving the infrastructure of health facilities.

63. In addition to the inadequate health-care services available, Afghans also face other barriers to access to health care, chiefly as a result of the cost and challenges of physical access. The costs of health-care services have increased, while families are prioritizing their limited funds for other essentials, such as food and fuel. The Special Rapporteur is concerned about the tendency among families to seek health care faster for boys than for girls.³⁴ Climate shocks, such as droughts and floods, along with restrictive policies, such as the *mahram* requirement, affect the physical accessibility of medical services. Since 2021, many health professionals have left the country and the restrictions on girls' education beyond sixth grade will further decrease the availability of women doctors and other health-care workers. Over time, this will result in primary health care being wholly unavailable to women and girls. There will be preventable deaths and illnesses, which may amount to femicide and for which the de facto authorities will be responsible and should be held accountable.

64. The Special Rapporteur is concerned that the coming winter could be catastrophic for Afghans. According to the report entitled *Afghanistan Socio-economic Outlook 2023*, death from the cold is not uncommon in Afghanistan, in particular among the country's poorest, owing to the lack of basic services and the low quality of housing, with many living in tents, some of which as a result of evictions. The dire economic situation, combined with reduced humanitarian aid, inadequate governance and severe discrimination against women and girls, seriously exacerbates an already grave situation.

65. The Special Rapporteur notes that the restrictions imposed by the Taliban on women's education, employment and freedom of movement will have a severe impact on the current level of gross domestic product (GDP) and will impair future economic growth as household incomes plummet. As outlined by UNDP in *Afghanistan Socio-economic Outlook 2023*, United Nations Children's Fund estimates show that the economic loss as a result of girls missing just one year of education could translate to a loss of \$500 million in GDP and a lifetime of underinvestment in girls' education could amount to a loss of \$1.3 billion in GDP. The restrictions on women have already affected aid delivery and prompted a significant reduction in international funding. The 2023 Afghanistan Humanitarian Response Plan has received considerably less funding compared with the same time last year. The Special Rapporteur highlights the impact that the Taliban's approach to gender issues will have on trust and collaboration with the international community, noting that, according to the above-mentioned report, international assistance not only saves lives, but also helps to create jobs and livelihood opportunities that could benefit millions of Afghans each year.

66. World Bank data highlight a decline in inflation, appreciation of the afghani and improvements in food production. Revenue collection for the first part of the year reached 45 billion afghanis (approximately \$523 million), which is an estimated 8 per cent increase, mainly owing to the increase in border and businesses taxes.³⁵ The Special Rapporteur notes, however, that ordinary Afghans continue to struggle to put food on their tables as a result of the reduced availability of cash, mainly owing to the lack of employment, notwithstanding price stabilization. Afghans face daily problems, even with the easing of restrictions on the withdrawal limit in April 2023,

³⁴ Médecins sans frontières, "Persistent barriers to access healthcare in Afghanistan: an MSF report", 6 February 2023. Available at www.msf.org/persistent-barriers-access-healthcare-afghanistan-msf-report.

³⁵ World Bank, "Afghanistan economic monitor", No. 6/2023. Available at <https://thedocs.worldbank.org/en/doc/fa0c4e858c221e38c01d92fc2f0df7b3-0310012023/original/Afghanistan-Economic-Monitor-28-June-2023.pdf>.

including shortages of available funds in banks, poor quality banknotes and overcrowding in banks affecting accessibility. The Special Rapporteur notes that the Central Bank of Afghanistan has lost part of its ability to affect economic events, mainly as a result of its inability to print afghanis and the freezing of its foreign assets.

67. The Special Rapporteur warns of the high risk of millions of Afghans falling into a long-term poverty trap, given the fragile economic situation and high rate of poverty. The Taliban authorities are collecting tariffs from small businesses and are attempting to regulate the informal economy. Restrictions on the formal economy have resulted in businesses using the hawala money transfer system, which increases the lack of transparency and tax avoidance. There is, therefore, a need to urgently restore and support the formal banking and financial system. The ability of the de facto authorities to arrest the current economic decline lies in their willingness to shift their policies towards respecting the equal value of women and men and to invest in functioning institutions that could support long-term sustainable economic and social growth.

68. The Special Rapporteur notes the positive development of the establishment of the Fund for the Afghan People, which includes the reserves, amounting to \$3.5 billion, frozen by the United States, for targeted disbursements to help to stabilize the Afghan economy.³⁶ However, the Special Rapporteur is concerned about the delay in disbursing the funds and emphasizes the importance of doing so to strengthen the ability of the Central Bank of Afghanistan to conduct monetary policy. It is important for funds to be invested in the private sector in order to revive this part of the economy, given that the heavy reliance on humanitarian assistance is not sustainable.

69. The restrictions on women's access to work and employment are having a dire impact on local NGOs, in particular those led by women. Furthermore, female household members strongly prefer to interact with female humanitarian workers, which have for years provided services and support for women, children and marginalized groups, and the employment restrictions are negatively affecting millions of Afghans in need.

70. The Special Rapporteur has received allegations that community leaders are functioning as "intermediaries" and that aid is diverted from those most in need. It has also been noted that some groups, such as former government officials and military personnel, are afraid to provide personal details to receive aid, for fear of reprisals from local Taliban leaders. There are also reports of interference in the delivery of humanitarian assistance, including violence against humanitarian personnel, assets and facilities.

71. The Special Rapporteur notes efforts by the de facto authorities to reduce opium production. He has, however, received an increasing number of testimonies from Afghans that indicate that drug dependency continues to be a growing problem, owing to poverty, the lack of food, unemployment, mental health issues and easy access to narcotics. The de facto authorities' approach in response to this issue is harsh and often involves arbitrary arrest, isolation and limited treatment, leading to social stigma within the community. The de facto authorities must protect, respect and fulfil the right to health by committing maximum available resources to ensure access to affordable and quality health services, which includes access to comprehensive drug prevention and drug treatment.

72. The Special Rapporteur notes that any effort by Member States to counter terrorism within the country requires a thorough human rights analysis to address the complex crisis, an essential part of which is the impact on the enjoyment of economic,

³⁶ See <https://afghanfund.ch/files/af-press-release-june-23.pdf>.

social and cultural rights. The Special Rapporteur highlights the importance of preventing the conditions that give rise to violence and radicalization, which includes contributing to more long-term social and economic stability. It will be impossible to achieve global security objectives without concerted efforts, which include addressing issues such as the high level of poverty, socioeconomic marginalization and inequality in Afghanistan.

1. Cultural rights

73. Cultural rights are an integral part of human rights and their denial can lead to a loss of cultural heritage, as well as a loss of respect for diversity, social cohesion, access to knowledge and freedom of expression. After the fall of the Taliban in 2001, Afghan art and music, some of it centuries old, flourished in the country. Afghan musicians and singers also had opportunities to go on radio and television stations, with both male and female musicians participating in television shows such as “Afghan Star”. They held music concerts and played at wedding parties and other ceremonies. Those achievements have been curtailed since the Taliban took power again in August 2021.

74. The Taliban consider music to be contrary to Islam and believe that only the human voice should produce music, to praise Allah only. In June 2023, the Ministry for the Propagation of Virtue and the Prevention of Vice banned music at wedding parties in Kabul. The intolerance of de facto authorities towards music and art has left musicians and artists vulnerable to threats, attack, arrest and detention as a result of their public profile. In order to mitigate these risks, many artists and musicians have gone into hiding or have left the country. Artists, musicians and singers face financial, emotional and psychological problems. Many have been forced to resort to low-income jobs, such as carpentry, shoe repair, second-hand sales and day-wage jobs, such as painting, as a means of survival. A welcome exception is the National Academy of Music, which has relocated to Portugal and has resumed playing concerts abroad, including recently at the Human Rights Council in Geneva.

75. During its rule in the 1990s, the Taliban obliterated the Bamyān Buddhas, which they considered idolatrous, destroyed important pieces of cultural heritage in the national museum and banned cultural practices, including music. Since the Taliban regained control of the country in August 2021, radio and television stations have been restricted to broadcasting music that has been approved by the de facto authorities, effectively meaning playing religious chants and similar content. The group has physically destroyed artistic images and artifacts, including musical instruments, at the Afghanistan National Institute of Music. Moreover, possessing instruments is prohibited and musicians and artists who are found with instruments are regularly subjected to public shaming and penalties, including lashing, slapping and harassment. As a result, musicians have resorted to dismantling their instruments and hiding the parts. In late July 2023, the Taliban in Herat burned musical instruments worth thousands of dollars. The reason provided for this act was that these instruments were responsible for promoting what the Taliban deemed “moral corruption”.³⁷

76. The Special Rapporteur is also concerned about women painters and miniaturists, who have been facing threats, censorship, bans and restrictions. All women-led galleries and art schools in Kabul have been shut down, with the few remaining open catering to men. Galleries that are able to operate are visited by few people, as they fear Taliban crackdowns and lack the money to do so. The situation has affected not only the incomes and livelihoods of artists and musicians, but also

³⁷ Kelly Ng, “Afghanistan: Taliban burn ‘immoral’ musical instruments”, *BBC News*, 31 July 2023. Available at www.bbc.com/news/world-asia-66357611.

their freedom to express their artistic passion. Afghanistan is a party to international human rights treaties, notably the International Covenant on Civil and Political Rights, and the Special Rapporteur urges the de facto authorities to open space for the freedom to seek, receive and impart information and ideas of all kinds, including through the arts.

2. Sport

77. The right to play sport³⁸ protects every individual's right to engage in physical activity, recreation and competitive sports without discrimination. Since retaking power in Afghanistan, the Taliban have systematically denied women and girls the right to play sport, thus denying them the physical and mental health benefits of doing so. Only women with a medical certificate indicating that they have health issues that require exercise are allowed to go to the gym. Women are no longer free to run or jog and the requirement of being accompanied by a close male relative makes even going for a simple walk challenging.

78. Hundreds of female athletes have fled the country as a result of direct threats and fear that their public profiles make them targets for retribution; others remain desperate to leave. The Afghan women's football team has, in the same way as a few other sportswomen and sportsmen, been able to regroup in exile and continue playing. However, doing so has come at the heavy price of being separated from their families and unable to return to their homeland.

IV. Conclusion

79. Two years after the collapse of the Islamic Republic of Afghanistan, the denial of fundamental human rights and freedoms continues to intensify in Afghanistan as the Taliban de facto authorities deepen their efforts to "purify" society and govern according to their version of the sharia and Afghan tradition. The idea of a "reformed" Taliban has been exposed as mistaken. The rights of women and girls continue to be the hardest hit. The denial of education to girls above sixth grade and to women, which was introduced "temporarily", has now entered its third year and has effectively become permanent, along with other vetoes on, for example, access to public parks, gyms, bath houses and, more recently, beauty salons. Hazara Shias and other marginalized groups are increasingly sidelined and vulnerable. The Taliban's commitment to the "general amnesty" it announced has been seriously called into question given the magnitude of extrajudicial killings, arbitrary detentions, torture and ill-treatment. The crackdown on dissent has increased and civic and media space continues to shrink. The use of *qisas* and *hudud* punishments serves to reinforce rule by fear rather than rule of law. Checks and balances on the arbitrary abuse of power are scant; recourse to justice is very limited and, for women and girls who are increasingly victims of forced marriage and other forms of violence, it is non-existent. The consequences for the physical and mental health of much of the population, which has already been affected by over four decades of armed conflict, are severe.

80. Notwithstanding these challenges (and also because of them), the Special Rapporteur welcomes and appreciates access to the country, his ongoing engagement with the de facto authorities and their recognition of the international human rights treaties the State has ratified. It is important that the Taliban authorities are repeatedly made aware of their human rights responsibilities, as well as their shortcomings, and that they are provided with guidance on how to remedy these shortcomings and

³⁸ Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the right of everyone to take part in cultural life of the; General Conference of UNESCO, article 1 of the revised International Charter of Physical Education, Physical Activity and Sport.

reminded that they will be held accountable for abuses. The Special Rapporteur urges members of the international community to habitually raise human rights concerns and responsibilities when they meet the Taliban and to make it clear that progress on human rights is a precondition for discussing many other matters. However, the Special Rapporteur recalls that human rights are a fundamental set of principled standards, not a bargaining chip for international recognition. Any claims the de facto authorities make regarding their achievements in other areas such as security, countering corruption and narcotics, and managing the economy, are undermined by egregious human rights violations, notably the systematic discrimination of half of the Afghan population. In order to establish durable peace and security, a country as diverse as Afghanistan must be governed according to genuinely inclusive, participatory principles, grounded in respect for human rights and the equality and dignity of all its citizens.

V. Recommendations

81. The Special Rapporteur reiterates the recommendations made in his three previous reports.

82. The Special Rapporteur recommends that the de facto authorities:

(a) Urgently reverse the discriminatory policies and directives that restrict the rights and fundamental freedoms of women and girls and restore all fundamental human rights, while recognizing the equality between women and men, in line with international human rights instruments ratified by Afghanistan, including by:

(i) Immediately lifting the ban on education for women and girls above sixth grade and opening schools for all children, with a curriculum that meets international standards;

(ii) Immediately restoring the right of women to work for the United Nations, NGOs, the civil service, the judiciary and other organizations and businesses;

(iii) Ensuring the equal representation and meaningful participation of women and girls, from all religious and ethnic groups, in all decision-making processes affecting their lives;

(iv) Ensuring that all women and girls enjoy freedom of movement and the right to leisure, including the right to participate in sports and cultural activities;

(b) Take measures to prevent and investigate cases of violence against women, including women protesters and prisoners, and to bring perpetrators to justice and provide reparations;

(c) Restore the law on the elimination of violence against women;

(d) Ensure that women and girls across Afghanistan have access to quality health services, including mental, sexual and reproductive health services;

(e) Address the situation of children to prevent them from falling victim to forced labour, smuggling and trafficking and take effective measures to address harmful practices, such as child marriage and *bacha bazi*;

(f) Ensure the protection of children's lives, safety and integrity, including by immediately redoubling efforts to clear landmines and explosive remnants of war, through a targeted approach and an ambitious and

comprehensive strategy that is aimed at ending civilian casualties from landmines and explosive remnants of war, as well as educating children and communities on preventive measures;

(g) Protect and promote inclusiveness and non-discrimination towards communities and persons from ethnic and religious minority backgrounds, including by:

(i) Swiftly repealing any laws, policies or practices that discriminate against individuals and communities on the grounds of their ethnic identity and religious belief;

(ii) Ending and preventing discrimination and violence, such as forced evictions or the destruction of properties or farms, while also ensuring security in places of worship and educational institutions for these communities;

(iii) Guaranteeing the full and meaningful representation of ethnic and religious minority groups in all decision-making processes that have a direct impact on their lives;

(h) Take all measures necessary to guarantee freedom of expression and access to information, including by providing an enabling environment for civil society and the media to undertake their activities, without hindrance or fear of reprisal, and investigate cases of intimidation and attacks against them and hold perpetrators accountable, in accordance with international standards;

(i) Immediately and unconditionally release all individuals who have been arrested for exercising their rights to freedom of expression, association and peaceful assembly;

(j) Protect all Afghans from threats to life and security posed by any actors and undertake, in line with international standards, investigations and accountability measures for attacks, including on ethnic and religious communities, such as Hazara, Shia, Sufi and Sikh;

(k) Prevent and promptly and thoroughly investigate all cases of arbitrary arrest and detention, enforced disappearance, extrajudicial killing, torture and ill-treatment committed by officials or others acting on their behalf, and punish perpetrators, in line with international standards, after fair trials;

(l) Explicitly prohibit torture, in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(m) Abolish all unofficial detention centres and immediately release those detained therein;

(n) Fully respect the declared general amnesty and take measures to stop all reprisals against members of civil society and former government and security officials;

(o) Establish a gender, ethnically and religiously inclusive, and community-based intra-Afghan reconciliation process to determine the country's future, including a legal framework reflecting the aspirations of the people and their historical, social and cultural context, while protecting all their human rights, including those of women and girls, and ensuring accountability for serious human rights violations and crimes;

(p) Continue and strengthen cooperation with the Special Rapporteur on the situation of human rights in Afghanistan, the Office of the United Nations

High Commissioner for Human Rights, and with other human rights mechanisms, including treaty bodies and other special procedures of the Human Rights Council, as well as with UNAMA.

83. The Special Rapporteur recommends that the international community and Member States:

- (a) Ensure a united approach based on human rights and humanitarian principles in engaging with the de facto authorities;
- (b) Consult Afghan women inside the country and in the diaspora as partners to inform policy priorities and decision-making;
- (c) Ensure any delegations engaging with the de facto authorities or visiting Afghanistan are gender-balanced and integrate into all discussions an insistence on respect for human rights standards, including the equal rights of women and men;
- (d) Ensure that adequate resources are made available, by increasing contributions to the humanitarian response plan, with a view to promoting and protecting the human rights of Afghan people, which is central to the humanitarian response, in particular the right to adequate food and an adequate standard of living, health, work, education and legal protection;
- (e) Expand funding avenues beyond purely humanitarian funding lines, to include political and financial support for initiatives that promote respect for human rights, such as access to justice for women and girls, and for mine clearance awareness programmes, which protect children in particular, including through flexible multi-year grants to human rights defenders, especially those working for the rights of women and girls, and support for Afghan media and media advocacy organizations inside and outside the country;
- (f) Strengthen mechanisms to ensure the meaningful participation of all groups, including women, in the planning, decision-making, delivery and monitoring of humanitarian assistance, and ensure that it distributed equitably, including by women workers, giving priority to disadvantaged groups, and reinforce measures to prevent and detect aid diversion and increase the transparency of financial reporting;
- (g) Adopt measures that pave the way for the recovery of the economy, including the implementation of the humanitarian exemption to the international sanctions regime, to ensure compliance with international human rights and humanitarian law;
- (h) Ensure that any release of foreign reserves is subject to safeguards, ensuring funds are available for central banking and humanitarian actions that benefit all Afghan people;
- (i) Continue to facilitate the safe resettlement of Afghans at risk in other countries and increase acceptance of Afghan refugees, including on the basis of gender persecution, in line with the recommendation of the Special Rapporteur in his previous joint report;
- (j) Ensure that the human rights of Afghan refugees in host countries are protected and that they are provided with legal, physical and adequate economic security, have access to education and health services, and are treated with dignity, including by funding human rights organizations that support them;
- (k) Support international investigation and accountability mechanisms and initiate accountability processes in domestic jurisdictions, through the

exercise of universal jurisdiction, for past and current violations by all parties to the conflict in Afghanistan.

84. The Special Rapporteur recommends that the United Nations:

(a) Ensure that all engagements with Afghan interlocutors, including political, humanitarian and technical actors, manifest a human rights-centred and gender integrated approach;

(b) Maintain a commitment to securely employ Afghan women and ensure ethnic diversity among staff;

(c) Inform planning, programming, advocacy and policy priorities through the reinforced participation of women and an ethnically diverse array of Afghans and civil society organizations;

(d) Continue to collaborate with the special procedures mandate holders, treaty bodies, the Human Rights Service of UNAMA and the Office of the United Nations High Commissioner for Human Rights and promote collective efforts to address critical human rights issues in Afghanistan;

(e) Continue to support established international or domestic investigations into human rights violations and related accountability mechanisms when requested.
