

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1588
Land:	Afghanistan
Kilde:	Amnesty International
Titel:	The State of the World's Human Rights; Afghanistan 2023
Udgivet:	24. april 2024
Optaget på baggrundsmaterialet:	30. april 2024

The State of the World's Human Rights; Afghanistan 2023

Amid a deteriorating humanitarian crisis and economic upheavals, people in Afghanistan suffered extreme repression and human rights violations. The Taliban placed increasing restrictions on women and girls, apparently aimed at erasing them completely from public arenas. There were international calls to investigate this gender persecution as a crime against humanity. Freedom of expression was eroded, and those peacefully expressing views critical of the Taliban faced enforced disappearance, unlawful detention, arbitrary arrest, torture and other ill-treatment. The culture of impunity continued, including for war crimes and crimes against humanity. Freedom of religion shrank further under Taliban rule. Ethnic groups, including religious minorities, faced increasing marginalization, prejudice and forced evictions. The Taliban enforced public executions and corporal punishment such as stoning and flogging.

Economic, social and cultural rights

A devastating humanitarian crisis deepened during the year, exacerbated by the Taliban takeover in 2021, disasters such as earthquakes and floods, and consecutive years of drought. UN agencies estimated that the number of people in need of assistance increased from 18.4 million in 2022 to nearly 29 million by August 2023. The WHO warned that millions were at risk of malnutrition and disease with poor or no access to healthcare and food, including 2.3 million children at risk of acute malnutrition. In addition to international isolation and financial sanctions in response to the Taliban takeover, the country's UN humanitarian response programme had received only 34.8% of its funding as of November. Humanitarian challenges were set to increase amid Pakistan's mass deportation of Afghan refugees. Iran and Türkiye also continued to deport Afghan refugees.

The healthcare system continued to be dependent on international aid and remained fragile due to lack of adequate infrastructure and resources.

Women's and girls' rights

The Taliban's draconian restrictions on the rights of women and girls, together with the use of arbitrary arrest and detention, enforced disappearance and torture and other ill-treatment, were found by Amnesty International and the International Commission of Jurists (ICJ) possibly to amount to the crime against humanity of gender persecution.¹

In April, the Taliban extended the ban on women working outside the home to include jobs with the UN, creating additional challenges in delivering humanitarian assistance. Bans remained on women working in the public sector, except in areas such as healthcare, primary education, or specific security institutions such as airports or women's prisons. Women were banned from appearing in public alone or travelling for more than 72km without a male chaperone. Beauty salons were forcibly closed from July, impacting some 60,000 women-owned businesses, according to UN reports.

The ban on women participating in sports activities, or visiting public parks, continued. In some provinces, including Herat, the Taliban authorities reported introducing additional localized restrictions such as banning lone women from going to restaurants.

Restrictions on girls' education expanded. In addition to the ban on girls' enrolment in education beyond primary school, in June international NGOs, including programmes led by UNICEF, were banned from providing community-based education and were requested to transfer programmes to

local organizations. Nearly 4,500 women were reportedly dismissed from jobs in education in June and July.

Multiple UN agencies reported an increase in child and forced marriage, as well as gender-based violence and femicide with impunity. The Taliban progressively dissolved the institutional framework of support for survivors of gender-based violence that had operated under the former government, leaving survivors dependent on sharia law (Islamic law) and at risk of further abuse. There were widespread reports of women and girls suffering from depression, in some cases leading to suicide.

Discrimination

People from Hazara, Uzbek, Turkmen and Tajik ethnic groups faced growing marginalization and forced eviction from their homes and land. Members of the Baloch community were reportedly detained and forcibly disappeared.

The Taliban settled disputes over land and livestock in favour of Kuchi communities, who are ethnically Pashtun and move seasonally, and forced local Hazara communities to pay compensation for cases related to missing livestock dating back over 20 years. There were reportedly instances of Kuchi communities attacking Hazara residents.

In addition to beatings of Hazaras and destruction of their property, including vehicles, houses and crops, six Hazara men were killed between June and August in Khas Urozgan area, Urozgan province. Concerns around impunity for these crimes continued. In October, two Hazaras were reportedly killed at the border between Lal wa Srajangal and Dawlat Yar districts of Ghor province. Several killings of Hazara men, including religious leaders, were reported in Herat province in November and December.

Unlawful attacks and killings

Civilians continued to face attacks across the country despite a reduction in conflict-related violence following the Taliban takeover. The UN Assistance Mission in Afghanistan (UNAMA) recorded 3,774 civilian casualties between August 2021 and May 2023 (1,095 killed; 2,679 wounded), the majority of which were attributed to the armed group Islamic State of Khorasan Province (IS-KP). On 13 October, IS-KP claimed responsibility for an attack on a Shia/Hazara mosque in Baghlan province that left at least 20 people dead and more than 60 wounded.

In the context of fighting with the National Resistance Front (NRF), Amnesty International reported in June that the Taliban had enforced collective punishments on civilians in Panjshir province, including mass or village-wide arbitrary arrests. The report also verified that between 12 and 14 September 2022 alone, the Taliban had carried out at least 14 extrajudicial executions of NRF detainees in Khenj and Darah districts, with many more extrajudicial executions in Khenj, Darah and Rokha districts. The total number of people extrajudicially killed during this period is estimated at least 48, possibly many more.²

A pattern of mass extrajudicial executions of people associated with the former government and members of armed groups resisting the Taliban continued with impunity and constituted war crimes. UNAMA recorded at least 218 extrajudicial killings of members of the former government and security personnel between August 2021 and June 2023.

Death penalty, torture and other ill-treatment

People were subjected to arbitrary arrest and detention and enforced disappearance, and remained at risk of execution, death in custody and torture and other ill-treatment. UNAMA recorded 1,600 incidents of detention-related human rights violations between January 2022 and July 2023, half of them constituting torture and other cruel, inhuman or degrading treatment.

In June, Amnesty International found evidence that at least three civilians had been tortured to death by the Taliban after being accused of allegiance to the NRF in Panjshir province in 2022. No investigations into this or other cases of torture were reported.

In May, the UN expressed concern at the Taliban's continued use of public executions and corporal punishment. At least one public execution was reported as of June. The de facto Supreme Court in Afghanistan reported that hundreds of individuals had been sentenced to *qisas* (retribution in kind), including stoning. The use of public corporal punishment amounting to torture and other ill-treatment continued. UNAMA documented that 274 men, 58 women and two boys had been subjected to public flogging between November 2022 and April 2023, and 103 individuals had been sentenced to such punishments as of May.

Freedom of religion and belief

Religious minorities including Shia, Sikhs, Hindus, Christians, Ahmadiyya and Ismaili continued to face marginalization, prejudice and discrimination.

Restrictions on religious events and celebrations were imposed citing security reasons. These included restrictions on the Ashura commemoration in July, which is mainly observed by Shia Muslims. On 28 July, in Ghazni province, four Shia-Hazaras, including a child and a woman, were killed and six others were wounded by Taliban forces shooting to disperse Ashura commemorations.

The Taliban excluded Shia jurisprudence from the education system so that religious teaching was exclusively based on the Sunni sect of Islam.

Freedom of expression

The space for freedom of expression and media continued to shrink drastically. In March, at least two journalists were reportedly killed in a bomb attack. Dozens were arbitrarily arrested and harassed for reports critical of the Taliban or violating Taliban rules. At least 64 journalists were detained by the Taliban for varying periods between August 2021 and August 2023. Murtaza Behboodi, a Franco-Afghan journalist, was released after nine months' detention.

More than 80% of women journalists stopped working between August 2021 and August 2023 because of increasing restrictions. Other restrictions included women only appearing on television with their faces covered.

The Taliban forcibly closed the Hamisha Bahar radio and television station for 20 days in Nangarhar province for running mixed-gender classes in journalism.

Between the August 2021 Taliban takeover and August 2023, more than half of registered media outlets closed, and two thirds of all journalists left their jobs.

Repression of those who expressed views critical of the Taliban continued, including against people who expressed their criticisms via social media. Among them was Rasoul Parsi, a university professor arrested in March and who remained in detention at the end of the year.

Freedom of peaceful assembly

Unlawful and excessive force was used to attack peaceful protests, including many led by women. The UN reported that between March and June, 95 protests led by women had been documented across Afghanistan. The Taliban reportedly used firearms, water cannons and stun guns to disperse protests, including a women-led protest against the forced closure of beauty salons in the capital, Kabul, on 18 July.

Arbitrary arrests and enforced disappearances of protesters continued and many protests were moved to online platforms as a result.

Human rights defenders

Activists, human rights defenders, and members of civil society continued to face violence, intimidation, and surveillance, with many being subjected to arbitrary arrest, enforced disappearance and unlawful detention. Detainees suffered torture and other ill-treatment, including sexual abuse, according to UN reports.

Nida Parwani and Zhulia Parsi, two women human rights activists, were arrested on 19 and 27 September respectively, together with members of their family, and released in December. Matiullah Wesa, an education rights activist, was released in October after seven months' imprisonment. Nargis Sadat and Parisa Azada Mubariz were arbitrarily arrested by the Taliban, and released after a period of imprisonment, while many other activists and journalists remained imprisoned.

Refugees' rights

A pervasive fear of persecution by the Taliban led to thousands of people leaving the country. Many feared attacks by non-state actors such as IS-KP. More than 1.4 million Afghan refugees in Pakistan were at risk of forced return.³ More than 490,891 Afghan refugees were reported to have been returned to Afghanistan by the Pakistani government by December. Many others faced deportation or the threat of deportation from Iran and Türkiye.

Internally displaced people's rights

As a result of years of conflict, Afghanistan had one of the largest populations of internally displaced people in the world. People who had been returned from Pakistan and other states faced harsh winter conditions without adequate resources, including housing, access to work, healthcare and adequate livelihood.

LGBTI people's rights

Consensual same-sex relations remained illegal and punishable by death. LGBTI people continued to face a host of human rights violations perpetrated by the Taliban, including discrimination, targeted violence, threats and arbitrary detention. Many continued to live in hiding, fearing a risk to their lives, while some incidents of forced marriages of LGBTI people were also reported.

Impunity

A culture of impunity, particularly for crimes under international law, remained pervasive. The results of ongoing investigations by the ICC had not been made public by the end of the year.⁴ Amnesty International called on the UN Human Rights Council to establish an independent

international accountability mechanism to collect and preserve evidence for possible criminal proceedings, in addition to the mandate of the UN Special Rapporteur on the situation of human rights in Afghanistan. In July, the Special Rapporteur stated that the severe discrimination against women and girls amounted to the crime against humanity of gender persecution. He further stated that the Taliban's aim of total domination over women and girls by governing with systemic discrimination could be "characterized as gender apartheid".

Access to justice for the people of Afghanistan was severely curtailed as the Taliban suspended or abolished formerly existing laws, instead introducing a narrow interpretation of sharia law and replacing former judicial and legal professionals with their preferred candidates.

1. *Afghanistan: The Taliban's War on Women: The Crime against Humanity of Gender Persecution in Afghanistan*, 25 May
2. *Afghanistan: "Your sons are in the mountains": The collective punishment of civilians in Panjshir by the Taliban*, 7 June
3. "Pakistan: Halt mass detentions and deportations of Afghan refugees", 10 November
4. "Afghanistan: ICC justice should match victims' demands", 6 December