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Media Freedom in Afghanistan

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About this report

This report is part of a series of thematic studies on current human rights issues of concern to the people of Afghanistan, carried out by the United Nations Assistance Mission in Afghanistan's (UNAMA) Human Rights Service (HRS) in the framework of Security Council Resolution 2626 (2022), which was most recently extended by Resolution 2727 (2024). Resolution 2626 tasks UNAMA with engaging with "all stakeholders at the national and subnational levels and civil society and international non-governmental organizations in the protection and promotion of the human rights of all Afghans," and to "monitor, report and advocate with regard to the situation for civilians (and) the prevention and elimination of violence."¹ As part of this engagement, *de facto* authorities in Afghanistan were invited to provide factual comments on the content of the report and their response is annexed.

¹ UN Security Council Resolution 2626, para 5(e).

Executive summary

A free media is essential for the right to freedom of expression as it allows the timely dissemination of information, facilitates public debate, and strengthens accountability.² The right to freedom of expression is guaranteed under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). As a State Party to ICCPR, Afghanistan has the responsibility to promote, protect and fulfil human rights and to ensure all individuals, including journalists, can exercise their right to freedom of expression. This includes providing an enabling environment where the media sector can operate safely and independently, as well as holding perpetrators of attacks on media workers accountable. This report examines the state of media freedom in Afghanistan for the period from 15 August 2021 to 30 September 2024.

Under the government of the Islamic Republic of Afghanistan, the media sector grew exponentially in the country, leading to the broadening of media platforms and greater access to more diverse domestic sources of news and information. However, after 15 August 2021, a large number of media outlets ceased their operations. This has been attributed to different factors, including loss of revenue stemming from the overall economic difficulties of the country, the withdrawal of donor support after the Taliban takeover, an exodus of journalists, as well as various restrictions imposed by the *de facto* authorities. The *de facto* authorities continue to create an extremely challenging operating environment for media, including but not limited to censorship and difficulties in accessing information. Additionally, journalists and media workers are subjected to intimidation, arbitrary arrest and detention, ill-treatment, court proceedings and imprisonment for performing their functions.

The *de facto* authorities' measures interfering with editorial content and internal operation of media outlets have substantially diminished media freedom. Between 15 August 2021 to 30 September 2024, UNAMA HRS documented instances of human rights violations affecting 336 journalists and media workers – 256 instances of arbitrary arrest and detention (249 men, 7 women), 130 torture and ill-treatment (122 men, 8 women) and 75 threats or intimidation (66 men, 9 women). The lack of transparent procedures in determining violations and the use of intimidation, arbitrary arrests and detentions on those who criticize the *de facto* authorities create a culture of self-censorship and negatively impact freedom of expression.

On 19 September 2021, the *de facto* authorities' "Government Media and Information Centre" issued an 11-Point Guidance to media, forbidding the publication of content deemed contrary to Islam and Afghan culture, or more broadly deemed to be against national interests. Media are often required to co-ordinate and seek approval from the *de facto* authorities prior to publishing a report, while news agendas are subjected to pre-vetting, which is tantamount to censorship. What constitutes content in violation of the guidance on editorial content is subject to broad and uncertain interpretation. Nonetheless, the fact that violations, or perceived violations, can lead to severe punishment creates a pervasive culture of self-censorship among journalists. As these instructions aim at limiting the range of permissible topics for public discourse and in penalizing media outlets being critical of the *de facto* authorities, they are incompatible with the conditions needed to limit freedom of expression under the ICCPR.

² United Nations Guidance Note, "Protection and Promotion of Civic Space", September 2020, p.11. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf. (accessed 17 October 2024)

Media outlets are subject to a range of restrictions on their operations. They include a prohibition on broadcasting music or movies deemed against Sharia (including those showing women). At offices of media outlets, men and women must work in segregated workspaces, and male and female broadcasters must not appear in a programme together. In some provinces, women are not allowed to call into radio programmes, with an exception for those on health or religious issues concerning women.

The publication of the Law on Promotion of Virtue and Prevention of Vice on 21 August 2024 has codified restrictions already in place, expanded on existing ones and added new restrictions. New restrictions that particularly concern the media sectors include the prohibition to create or display images of living beings, the voice of women is now considered private and should be concealed outside of a woman's home, and drivers are not allowed to provide transportation to women without a *mahram* (male guardian). In addition, Article 17 of this Law extended power to *de facto* MPVPV inspectors to ensure contents of publication or public information are in compliance with Sharia as prescribed by the *de facto* authorities.

Some Afghan media outlets, while relocating their operations to outside Afghanistan after 15 August 2021, continue to produce media content for an audience inside Afghanistan. These "media-in-exile" or "diaspora media" are considered by the *de facto* authorities to be operating illegally, which makes journalists working in country for these outlets particularly vulnerable to arbitrary arrests and detentions. Nonetheless, given these are media outlets legally registered in countries outside of Afghanistan, their operations continue.

In addition to instructions that apply to all media workers, female journalists are subjected to additional restrictions on women in general, such as the *hijab* decree, and they are required to be accompanied by a *mahram* for travel over 78km. In some provinces, the voice of women is not allowed in radio broadcasts. In various instances, women are required to obtain an additional permission letter to access reporting sites, a procedure which is not always required for male journalists. UNAMA HRS noted instances when female journalists were not invited or not allowed to attend press conferences. Officials of the *de facto* authorities regularly refuse to be interviewed by a woman. The Law on Promotion of Virtue and Prevention of Vice creates further challenges for women in the media sector and the full scope of its impact on the sector remains to be seen.

The *de facto* Ministry of Information and Culture is the main entity overseeing media issues in Afghanistan. However, the *de facto* General Directorate of Intelligence and the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice are frequently observed to be involved in media related matters. The *de facto* authorities reportedly initiated a "Sharia compliance review" of all laws passed under the former Islamic Republic of Afghanistan in 2022. As of the time of writing, the laws on media and access to information are reportedly under Sharia compliance review. The Media Violations Commission, which existed prior to the Taliban takeover as per the Media Law,³ resumed its functions in 2022, serving as a platform of discussion between media representatives and the *de facto* authorities on different media issues, including the suspension of media outlets and cases of detained journalists. The Commission is designated to handle both violations by media and against media. On the other hand, the former, independent, Access to Information Commission has become a directorate under the *de facto* Ministry of Information and Culture.

³ Articles 42-44, Amendment and Addition to Mass Media Law, Published on Official Gazette, Issue No: 986, 6 July 2009, Official Gazette, Issue No: 1167.

Reportedly, in 2023, the number of male media workers increased by 10% and female media workers by 17%, as compared to 2022. Radio stations managed and staffed by women continue to operate in some provinces. A number of new media outlets have also become operational since 2023. This reflects the constant efforts by the media sector in negotiating its operating space with the *de facto* authorities and how it has become more adapted to its current complex operating environment. In addition, access to information has reportedly improved as a result of spokespersons being appointed in *de facto* line ministries and departments and the distribution of journalists' identification cards. Nonetheless, access to information remains challenging. The various restrictions imposed on women limit female journalists and media workers to fully perform their functions and are incompatible with the principle of non-discrimination provided for under international human rights law.

“We have lost a part of our audience because of the ongoing censorship (...) eroding our credibility. People perceive us as a pro-Taliban media now.”

- A radio manager

Background

During the Taliban rule from 1996 to 2001, there was only one domestic radio station, broadcasting Taliban messaging and religious programming.⁴ During the subsequent years under the Islamic Republic of Afghanistan, the media sector grew exponentially. The people in Afghanistan became more accustomed to a pluralistic media landscape and increased their consumption of media content. Access to internet and smartphones has become prevalent. Freedom of expression was deemed inviolable in Afghanistan’s 2004 Constitution.⁵ During this period, however, journalists and media workers faced high levels of conflict-related violence⁶ as well as instances of intimidation, arbitrary detention and ill-treatment.⁷

Shortly before the Taliban takeover on 15 August 2021, Afghanistan had approximately 543 media outlets employing approximately 10,790 media workers. However, by November 2021, 43% of these outlets were closed, with only 4,360 media workers remaining. Reportedly, more than 84% of female media workers lost their jobs in the media sector soon after the takeover.⁸ This rapid reduction of media outlets was due to various factors, including loss of revenue stemming from the overall economic difficulties of the country and the withdrawal of donor support after the Taliban takeover. In addition, various restrictions imposed by the *de facto* authorities created an extremely challenging operating environment for the media. Nevertheless, despite the challenges, by the end of 2023, the number of male journalists increased by 10% and female journalists by 17% as compared to 2022. A number of new media outlets have also become operational since 2023.⁹ This reflects the constant efforts by the media sector in negotiating its

⁴ Peter Cary, “An Explosion of News: The State of Media in Afghanistan: A Report to the Center for International Media Assistance”, 23 February 2021, Center for International Media Assistance and National Endowment for Democracy; pp. 8.

⁵ Article 34, “The Constitution of Afghanistan”, Islamic Republic of Afghanistan, 26 January 2004.

⁶ See Report of the Secretary-General, “The situation in Afghanistan and its implications for international peace and security” (28 February 2019), A/73/777–S/2019/193, pp. 10/34. Available at: https://unama.unmissions.org/sites/default/files/sg_report_on_afghanistan_28_february_2019.pdf (accessed 17 October 2024).

⁷ Report of the United Nations High Commissioner for Human Rights to the Human Rights Council Forty-third session 24 February–20 March 2020, “Situation of human rights in Afghanistan, and technical assistance achievements in the field of human rights” (16 January 2020), A/HRC/43/74, pp.11. Available at: <https://documents.un.org/doc/undoc/gen/g20/010/02/pdf/g2001002.pdf> (accessed 17 October 2024).

⁸ Reporters Without Borders, “Since the Taliban takeover, 40% of Afghan media have closed, 80% of women journalists have lost their jobs”, 20 December 2021. Available at: <https://rsf.org/en/taliban-takeover-40-afghan-media-have-closed-80-women-journalists-have-lost-their-jobs> (accessed 17 October 2024).

⁹ Afghanistan Journalist Safety Committee, “AJSC Press Release on Commemoration of the 3rd May World Press Freedom Day”, 2 May 2024. Available at: <https://safety-committee.org/971/en-press-release-world-press-freedom-day> (accessed 17 October 2024). See also Salam Watandar, “Media boom: 27 new outlets begin operating” (30 November 2023). Available at: <https://swn.af/en/2023/11/media-boom-27-new-outlets-begin-operations/> (accessed 17 October 2024).

operating space with the *de facto* authorities and how it has become more adapted to the current fluid and complex operating environment.¹⁰

According to Reporters Without Borders' Press Freedom Index, Afghanistan's press freedom has dropped sharply in recent years, falling from 118th place (out of 180) in 2018 to 178th place in 2024.¹¹ On 18 November 2022, Afghanistan's membership in the Media Freedom Coalition was revoked as the country had not met the Global Pledge on Media Freedom that the Government of the Islamic Republic of Afghanistan had signed in 2020.¹²

Methodology

This report examines the state of media and media freedom in Afghanistan for the period between 15 August 2021 and 30 September 2024. Human rights violations included in this report have been confirmed by UNAMA HRS through sources with knowledge of the incident and who have been determined to be credible on the basis of the totality of the information provided. UNAMA HRS did not include cases where it could not positively assess the reliability and credibility of the sources. It acknowledges likely under-reporting given the constraints in accessing information.¹³ In some instances, identifying details of incidents have been removed to protect those who reported the violations.¹⁴

International human rights law

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights and reiterated in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). It sets out three interlinked tenets: the right to hold opinions without interference (freedom of opinion); the right to seek and receive information (access to information); and the right to impart information (freedom of expression).¹⁵

¹⁰ See article by Saad Mohseni, Chair of Moby Group, Afghanistan's largest media company, "Opinion: Working with the Taliban would not legitimate its rule," Washington Post, 30 August 2024. Available at: <https://www.washingtonpost.com/opinions/2024/08/30/afghanistan-women-rights-taliban-engagement/> (accessed 17 October 2024).

¹¹ The World Press Freedom Index is an annual index published by the Reporters Without Border comparing the level of freedom enjoyed by journalists and media in 180 countries and territories. It is available here: <https://rsf.org/en/country/afghanistan> (accessed 17 October 2024).

¹² Media Freedom Coalition, "Media Freedom Coalition's Co-Chairs' Statement on the membership of Afghanistan" [media statement], 18 November 2022. Available at: <https://mediafreedomcoalition.org/statements/2022/media-freedom-coalitions-co-chairs-statement-on-the-membership-of-afghanistan/> (accessed 17 October 2024).

¹³ On the methodology used by UNAMA HRS, see Methodology, UNAMA, "Human Rights in Afghanistan 15 August 2021 – 15 June 2022", pp. 5. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting> (accessed 17 October 2024).

¹⁴ According to the report of the UN Secretary General, from the period of 1 May 2023 to 30 April 2024, UNAMA and other United Nations actors documented instances of reprisal by the *de facto* authorities against individuals for their cooperation with the United Nations in Afghanistan. "The climate of fear and intimidation created by the *de facto* authorities has also posed challenges for UNAMA's engagement with civil society actors, witnesses, and victims of human rights abuses. Interlocutors regularly report fears for their safety if they discuss human rights issues with UNAMA and request confidentiality." See Report of the UN Secretary-General, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights" (20 August 2024), A/HRC/57/60, pp. 18. Available at: <https://documents.un.org/doc/undoc/gen/g24/140/78/pdf/g2414078.pdf> (access 17 October 2024).

¹⁵ The Universal Declaration of Human Rights (UDHR)(1948), art. 19 and ICCPR (1966), art. 19.

Afghanistan is a State Party to seven international human rights treaties and three corresponding optional protocols.¹⁶ As a State Party to the ICCPR, Afghanistan has the responsibility to put in place protective mechanisms for individuals and journalists exercising their right to freedom of expression. This includes providing an enabling environment where the media sector can operate safely and independently, as well as holding perpetrators of attacks on media workers accountable.

While the right to freedom of expression is not absolute, it can only be limited in exceptional circumstances that are “provided by law and are necessary (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (*ordre public*), or of public health or morals.”¹⁷ In addition, the restriction must pass the strict tests of necessity and proportionality.¹⁸ The law providing for the restriction must be formulated with sufficient precision to enable an individual to regulate their conduct accordingly, and the law must be accessible to the public.¹⁹ Restrictions are to be “necessary” for a legitimate purpose and conform to the principle of “proportionality” to be the least intrusive possible.²⁰

Domestic legal framework

After the Taliban took over the country on 15 August 2021, it announced a caretaker cabinet on 7 September 2021, along with its own appointments to key administrative positions at the national and provincial level.²¹ It also announced the suspension of the 2004 Constitution which had guaranteed the right to freedom of expression and other rights.²² The *de facto* authorities also reportedly initiated a review of all laws passed under the former Republic to assess their compliance with Sharia.²³ There has been a general lack of clarity on the legal framework applicable to media since the takeover. A review of the Media Law and the Law on Access to Information is reportedly ongoing, however, media outlets or media support organizations have

¹⁶

1. International Covenant on Economic, Social and Cultural Rights (1966) (“ICESCR”)
2. ICCPR (1966)
3. Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1984)
 - a. Optional Protocol of the Convention against Torture (2002)
4. Convention on the Elimination of All Forms of Discrimination against Women (1979) (“CEDAW”)
5. International Convention on the Elimination of All Forms of Racial Discrimination (1965) (“ICERD”)
6. Convention on the Rights of the Child (1989) (“CRC”)
 - a. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
 - b. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
7. Convention on the Rights of Persons with Disabilities (2006)

¹⁷ ICCPR, art. 19(3).

¹⁸ Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and expression, CCPR/C/GC/34, para 22.

¹⁹ CCPR/C/GC/34, para 25.

²⁰ CCPR/C/GC/34, para 33 and 34.

²¹ AP, “Taliban form all-male Afghan government of old guard members”, 8 September 2021. Available at : <https://apnews.com/article/middle-east-pakistan-afghanistan-arrests-islamabad-d50b1b490d27d32eb20cc11b77c12c87>. (accessed 17 October 2024).

²² During the 2023 Accountability Session, the *de facto* Minister of Justice stated that all previous constitutions not in conformity with Sharia were not acceptable. See TOLO News [@TOLONews], X (formerly Twitter), 16 August 2023, 2:36 PM. Available at: <https://twitter.com/TOLONews/status/1691753165584998665> (accessed 17 October 2024). The *de facto* Spokesperson during a media interview stated that the drafting of a constitution is ongoing. See TOLO news, “Mujahid: Writing of Constitution Ongoing”, 25 April 2023. Available at: <https://tolonews.com/afghanistan-183102> (accessed 17 October 2024).

²³ Zabihullah Mujahid, the *de facto* authorities spokesperson [@Zabehulah_M33], X (formerly Twitter), 13 October 2022, 7:40 PM. Available at: https://twitter.com/Zabehulah_M33/status/1580576718691086339 (Pashto) (accessed 17 October 2024).

not been consulted in the process. In February 2022, the *de facto* Spokesperson and the Head of Media Monitoring of the *de facto* Ministry of Information and Culture (MoIC) stated that the Media Law enacted in 2009 (amended in 2015) was still in force.²⁴ However, on 12 April 2024, the *de facto* Ministry of Justice asserted that laws of the previous government had been annulled.²⁵

Media institutions under the *de facto* authorities

De facto ministries

Despite the *de facto* MoIC being the main entity dealing with media issues in Afghanistan, various actors are also involved in media affairs. In December 2022, the former independent Access to Information Commission was incorporated into *de facto* MoIC.²⁶ The *de facto* General Directorate of Intelligence (GDI) and the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV) are also involved in media related matters: *de facto* GDI conducts arrests and detentions; *de facto* MPVPV enforces rules related to overseeing morality in the day-to-day operation of media outlets, such as physical appearance, segregation of men and women in the workplace, and women being accompanied by a *mahram* for travel over 78km. On 21 August 2024, the Law on Promotion of Virtue and Prevention of Vice was published in the official Gazette.²⁷ Article 17 of this Law provided power to *de facto* MPVPV inspectors to ensure contents of publication or public information do not contradict Sharia as prescribed by the *de facto* authorities, does not insult Muslims and do not contain images of living beings.

In a 2 April 2023 tweet, the *de facto* MoIC requested that other *de facto* authority actors not to interfere in media affairs as it should be considered the sole body responsible for such matters.²⁸ It reiterated the same message again on 27 March 2024, when the *de facto* Deputy Minister stated that, regarding media violations, only the *de facto* MoIC had the authority to intervene, and other organs should not interfere directly.²⁹

Media violations commission

Prior to the Taliban takeover, a Media Violations Commission existed as set out in the Media Law. Its role was to address media complaints and violations.³⁰ On 23 August 2022, the *de facto* MoIC

²⁴ Reporter Without Borders, "Legal Framework: Afghanistan". Available at: <https://rsf.org/en/country/afghanistan> (accessed 17 October 2024). See also Afghan Journalist Safety Committee, "Mass Media Law of Afghanistan is Still Enforceable", 2 February 2022. Available at: <https://safety-committee.org/396/Mass+Media+Law+of+Afghanistan+is+Still+Enforceable> (accessed 17 October 2024).

²⁵ Tolo News, "Islamic Emirate Leader Ratifies Seven New Laws", 12 April 2024. Available at: <https://tolonews.com/afghanistan-188271#:~:text=The%20Islamic%20Emirate%27s%20leader%20has,laws%20based%20on%20Islamic%20Sharia.> (accessed 17 October 2024).

²⁶ TOLONews, "آغاز فعالیت ریاست دسترسی به اطلاعات به جای کمیسیون دسترسی به اطلاعات", 15 December 2022. Available at: <https://tolonews.com/fa/afghanistan-181197> (Dari) (accessed 17 October 2024).

²⁷ Ministry of Justice [@MojAfghanistan], X (formerly Twitter), 21 August 2024. Available at: <https://x.com/mojafghanistan/status/1826221822846591036?s=46> (Pashto) (accessed 17 October 2024).

²⁸ Ministry of Information and Culture [@AfMoic], X (formerly Twitter), 2 April 2023, 4:06 PM. Available at: <https://twitter.com/AfMoic/status/164249113779793920> (Pashto) (accessed 19 February 2024. Account suspended).

²⁹ Ministry of Information and Culture [@AfMoic], X (formerly Twitter), 27 March 2024, 11:05AM. Available at: <https://twitter.com/AfMoic/status/1772875024547840324> (Pashto) (accessed 28 March 2024. Account suspended).

³⁰ Articles 44, Amendment and addition to Mass Media Law, published on 11 March 2015. Official Gazette, Issue No: 1167.

called the first meeting of the Media Violations Commission since the Taliban takeover.³¹ The membership of the Commission consisted mainly of members of the *de facto* authorities, including the *de facto* GDI and *de facto* MPVPV, as well as two representatives of media support organizations, and one from academia. There are no women members of the Media Violations Commission. On 29 October 2022, the *de facto* Deputy Minister of Information and Culture, during a media interview, stated that there was no need to have women representatives in the Media Violations Commission.³²

Since its 12 August 2023 meeting, the membership of the Media Violations Commission has expanded and currently includes four representatives from media support organizations, three representatives of media outlets, one from academia, in addition to six members from the *de facto* authorities. The Media Violations Commission has served as a platform of discussion between media representatives and the *de facto* authorities on different media issues, including the suspension of media outlets and cases of detained journalists. While the influence of the Media Violations Commission is unclear, cases of several journalists were discussed during the Media Violations Commission meetings, and these journalists were subsequently released from detention.³³

Provincial committees

Since May 2023, provincial *de facto* Departments of Information and Culture (DoICs) have taken the lead in establishing provincial level committees to monitor media activities in at least 12 provinces.³⁴ The composition of these committees varied between provinces, but primarily consisted of provincial *de facto* GDI and *de facto* Departments for the Propagation of Virtue and the Prevention of Vice (DPVPVs). In addition to monitoring media, these provincial committees have also made decisions on actions against media outlets. For example, on 1 August 2023, in Nangarhar province, Jalalabad city, based on the decision of one of the provincial media committees, the operation of the Hamisha Bahar Radio and Television was suspended for 20 days after being accused of operating a mixed-gender journalism workshop.

Support to media outlets

The *de facto* authorities have formally reiterated their support to media on several occasions. In light of the financial difficulties faced by media outlets, the *de facto* authorities have also initiated financial incentives to assist them. For example, on 16 January 2023, the *de facto* MoIC announced that it was giving media outlets three years to pay their taxes and that overdue tax penalties and fines are written off.³⁵ However, due to the severe economic situation faced by

³¹ Since its re-establishment, the Media Violations Commission met on several occasions: 23 August 2022, 26 September 2022, 12 October 2022, 22 January 2023, 12 August 2023, 19 September 2023, 24 January 2024, 5 March 2024, 8 May 2024, 21 July 2024 and 25 September 2024.

³² Previously, there were two women members on the Commission, representing the Ministry of Women Affairs and the Afghanistan Independent Human Rights Commission. These two institutions no longer exist under the current structure of the *de facto* authorities. See also Khaama Press, “حذف زنان از رسانه‌ها؛ نماینده زن در کمیسیون رسیدگی به تخطی‌های رسانه‌ها برکنار شد”, 29 October 2022. Available at: <https://www.khaama.com/persian/archives/105269> (Dari) (accessed on 17 October 2024).

³³ For example, during the 27 September 2022 Media Violations Commission meeting, the Afghan Journalist Safety Committee called for the release of Abdul Hanan Mohammadi and Mirza Hassani. They were later released— Abdul Hanan Mohammadi on 30 September 2022, and Mirza Hassani on 9 October 2022. See Afghan Journalist Safety Committee, “AJSC Welcomes the Release of Journalist Abdul Hanan Mohammadi” [press release], 30 September 2022. Available at : <https://safety-committee.org/462/ajsc-welcomes-the-release-of-journalist-abdul-hanan-mohammadi> (accessed 17 October 2024).

³⁴ This includes Bamyān, Farah, Faryab, Khost, Kunduz, Logar, Maidan Wardak, Nangarhar, Nimroz, Paktya, Parwan and Zabul.

³⁵ Abdul Haq Hammad عبدالحق حماد, [@AbdulHaqHammad2], X (formerly Twitter), 16 January 2023, 10:11AM. Available at: <https://twitter.com/AbdulHaqHammad2/status/1614860488801943560> (Pashto) (accessed 17 October 2024).

media outlets, for example, in August 2024, in Nangarhar province, at least 16 media outlets lost their licence as they were unable to pay outstanding fees.

On 3 May 2023, the *de facto* DoICs in at least 11 provinces organized events to mark World Press Freedom Day, emphasizing their stated commitment to preserving the rights of the media and access to information. On 20 December 2023, the spokesperson of the *de facto* authorities Zabihullah Mujahid announced during a media interview that all media in Afghanistan were operating freely and no journalist had been mistreated in the country.³⁶ On 11 January 2024, during a seminar, the *de facto* Minister of Interior Sirajuddin Haqqani said that all spokespersons of the *de facto* authorities must share information with media on time.³⁷ On 19 March 2024, on the occasion of National Journalists Day, the *de facto* MoIC expressed its appreciation to journalists in Afghanistan.³⁸ Nonetheless, the actions of the *de facto* authorities repeatedly diverge from these public pronouncements.

³⁶ Radio Television Afghanistan, [@rtaradio1], X (formerly Twitter), 20 December 2023, 3:08PM. Available at: <https://twitter.com/rtaradio1/status/1737422324289225148> (Pashto) (accessed 17 October 2024).

³⁷ Bakhtar News Agency, [@bnapashto], X (formerly Twitter), 11 January 2024, 8:52 PM. Available at: <https://twitter.com/bnapashto/status/1745481269121614147> (Pashto)(accessed 17 October 2024).

³⁸ Bakhtar News Agency, "اعلامیې وزارت اطلاعات و فرهنگ به مناسبت روز جهانی آزادی مطبوعات و خبرنگاران", 18 March 2024. Available at: <https://www.bakhtarnews.af/dr/%D8%A7%D8%B9%D9%84%D8%A7%D9%85%DB%8C%D9%87%D8%A7%DB%8C-%D9%88%D8%B2%D8%A7%D8%B1%D8%AA-%D8%A7%D8%B7%D9%84%D8%A7%D8%B9%D8%A7%D8%AA-%D9%88-%D9%81%D8%B1%D9%87%D9%86%DA%AF-%D8%A8%D9%87-%D9%85/> (Dari) (accessed 17 October 2024).

The right to seek, receive and impart information

Media censorship and self-censorship

A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other human rights.³⁹ Since 15 August 2021, the *de facto* authorities have introduced a series of instructions which interfere substantially with media content and are tantamount to undue influence and censorship of media.

On 19 September 2021, the *de facto* authorities' "Government Media and Information Centre" (GMIC) issued an 11-Point Guidance to media, forbidding the publication of content considered against Islam and Sharia or those which would have a negative impact on public opinion.⁴⁰ In practice, journalists are required to obtain approval from the *de facto* DoIC before publishing journalistic reports.

Media's 11-Point Guidance

- (1) Topics at odds with Islam and Sharia must not be published.
- (2) Media activities insulting national and prominent figures must be strictly avoided.
- (3) Affront to nationally recognized values and personal privacy in media activities must be strictly avoided.
- (4) Media and reporters must not distort news contents.
- (5) Journalists should consider journalistic principles in their writing.
- (6) The media should consider balance in their publications.
- (7) Be careful in publishing topics of which authenticity is unknown or complete information is not available.
- (8) Be careful in publishing topics that have a negative impact on public opinion or could weaken people's morale.
- (9) The media should maintain their neutrality in publishing news and publish whatever is true.
- (10) The Government Media and Information Centre of Islamic Emirate of Afghanistan, as a supportive organization, tries to provide facilities to media in preparing news and reports. Any journalist who wants to prepare a detailed report must coordinate with Government Media and Information Centre of Islamic Emirate of Afghanistan.
- (11) Government Media and Information Centre of Islamic Emirate of Afghanistan has prepared a specific form for the convenience of journalists, which helps them to provide necessary reports.

On 21 September 2024, during a meeting between *de facto* MoIC and media outlets, the *de facto* MoIC instructed media outlets to cease broadcasting live political talk shows. Instead, they must pre-record programmes in order to edit out any content deemed sensitive or critical of *de facto* authorities' policies and decisions. Talk show panelists must be chosen from a designated list

³⁹ Human Rights Committee, CCPR/C/GC/34, para 13.

⁴⁰ See International Federation of Journalists, "Afghanistan: Draconian media rules set to further strangle media", 28 September 2021. Available at: <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/afghanistan-draconian-media-rules-set-to-further-strangle-media> (accessed 17 October 2024). A copy of the 11 points is available here: <https://didpress.com/%D9%88%D8%B6%D8%B9-%D9%85%D9%82%D8%B1%D8%B1%D8%A7%D8%AA-%D8%AC%D8%AF%DB%8C%D8%AF-%D8%A8%D8%B1%D8%A7%DB%8C-%D8%B1%D8%B3%D8%A7%D9%86%D9%87%E2%80%8C%D9%87%D8%A7-%D8%A7%D8%B2-%D8%B3%D9%88%DB%8C-%D8%B7/> (Dari) (accessed 17 October 2024).

agreed upon by the *de facto* authorities. Should TV stations wish to invite anyone outside of the list to a talk show, they must first seek approval from the *de facto* authorities. The topic of discussion during the talk show must also be pre-approved by *de facto* MoIC.

The establishment of these “red lines” on reporting has been a central feature of the *de facto* authorities’ approach to media. These “red lines”, which constitute no-go areas for editorial content, are broadly but informally defined. “Red lines” refer to any content deemed contrary to Islamic law, Afghan culture and the national interest, as defined exclusively by the *de facto* authorities. The definition of these “red lines” is subject to ongoing interpretation and may vary between *de facto* entities, any of which may choose to intervene.

According to multiple media interlocutors, the ambiguity and uncertainty in the procedures for determining violations have led to pervasive self-censorship due to fear of violating these unwritten rules. Journalists continue to be arrested for reporting on topics that were not normally considered as having crossed “red lines”, for example:

- On 31 July 2023, in Balkh province, several journalists were briefly detained by *de facto* police and were prevented from reporting on a fire incident.
- On 10 February 2024, in Samangan Province, the *de facto* Provincial Governor’s office detained a journalist allegedly due to a request to interview a *de facto* official regarding the protest of restaurant and hotel owners over a tax increase. The journalist was detained despite the *de facto* official declined to be interviewed.

As political parties have been prohibited in Afghanistan by the *de facto* authorities,⁴¹ media outlets with alleged political affiliation have been suspended.

- On 16 April 2024, the *de facto* MoIC and the Media Violations Commission decided to suspend the activities of Barya and Noor TV Channels for allegedly violating national and Islamic values. The two stations were affiliated with political parties.
- On 7 June 2024, the *de facto* Ministry of Justice announced that Tamadon TV would be suspended due to its alleged affiliation with a political party and its premises being located on land claimed as belonging to the *de facto* authorities.⁴²

The aforementioned restrictions are overly broad. They aim at limiting the range of permissible topics for public discourse and penalizing media outlets being critical of the *de facto* authorities (or perceived to be critical as in the case of a general ban of media outlets with alleged political party affiliation). While ICCPR Article 19(3) stated that the protection of the rights or reputations of others and the protection of national security and public morals are legitimate grounds for limiting freedom of expression,⁴³ the intrusiveness and disproportionality of these instructions are incompatible with the conditions needed to limit freedom of expression.⁴⁴

⁴¹ During a press conference, the *de facto* Minister of Justice stated that the Directorate of political parties was abolished from the *de facto* Ministry of Justice the year prior and political parties are illegal. Source: TOLONews, [@TOLONews], X (formerly Twitter), 30 March 2024, 3:15PM. Available at: <https://twitter.com/TOLONews/status/1774034330727096571> (Pashto) (accessed 17 October 2024).

⁴² RTA Dari, [@rtadari1], X (formerly Twitter), 7 June 2024, 9:36AM. Available at:

<https://x.com/rtadari1/status/1798944626210140360?s=12> (Dari) (accessed 17 October 2024). As of the publication of this report, Tamadon TV is in operation.

⁴³ CCPR/C/GC/34, para 29.

⁴⁴ CCPR/C/GC/34, para 34.

Threats, arbitrary arrests and detentions of journalists and media workers

Beyond the “red lines” not being formally defined, perceived violations of media guidance can lead to threats or intimidation, arbitrary arrests and detentions, ill-treatment, court proceedings and imprisonment. Detentions can range from several hours to multiple months, without due process, as well as conviction and imprisonment by a *de facto* court.

Between 15 August 2021 to 30 September 2024, UNAMA HRS documented instances of human rights violations affecting 336 journalists and media workers – 256 instances of arbitrary arrest and detention (249 men, 7 women), 130 torture and ill-treatment (122 men, 8 women) and 75 threats or intimidation (66 men, 9 women). Reportedly, journalists are sometimes replaced by their employers during detention and lose their jobs afterwards as media outlets consider the relationship between the journalists and the *de facto* authorities damaged.

Some examples include:

- On 29 May 2022, in Kabul province, several media workers were detained for seven hours as they were going to cover a women's protest at the Haji Yaqub Square in Kabul.
- On 10 September 2022, in Paktya province, five journalists were taken to *de facto* GDI and their phones and media equipment were searched for photos and videos concerning a rally for re-opening girls' schools in Gardez. They were released on the same day.
- Between 6 and 19 August 2023, at least seven journalists (from six provinces and one from abroad) were arrested by the *de facto* GDI. Some of them were accused of providing information to “diaspora media” (media outlets operating outside of Afghanistan for an audience inside of Afghanistan) or spreading propaganda against the *de facto* authorities, while the charges against some of the journalists were unknown. These journalists were released after being detained between six and 22 days.
- On 7 October 2023, in Daikundi province, *de facto* GDI arrested three media workers of Radio Nasim accused of producing a report concerning the *de facto* Provincial Governor of Daikundi's alleged involvement in the diversion of humanitarian aid. On 17 October 2023, two of the three detained were released without charge. On 11 December 2023, the *de facto* Primary Court in Daikundi sentenced the radio station's Director to one year of imprisonment. However, he received an early release on 6 April 2024, on the occasion of Eid al-Fitr.

Security incidents continued to put journalists at risk, further exacerbating their already difficult working conditions. For example, on 11 March 2023, in Balkh province, at the Tabiyan Cultural and Religious Center in Mazar-e-Sharif city, an improvised explosive device detonated during a Journalist Day celebration, targeting members of the Shia community. At least one journalist was killed and 15 injured (in total, six individuals were killed and 30 were injured). Islamic State in Iraq and the Levant-Khorasan (ISIL-K) claimed responsibility.

Interference in operation of media outlets

Since 15 August 2021, many media outlets ceased their operations as a result of various factors including the country's general economic decline and the withdrawal of donor funding. The prohibition on broadcasting music and dramas, combined with easy access to programmes abroad via internet and satellite, have led to decline in viewership and reduction in advertising revenues for domestic media outlets. Many experienced media professionals have left the country, creating a talent gap in the media sector. Restrictions issued by the *de facto* authorities exacerbate the already difficult operating environment for media outlets.

On 21 November 2021, an instruction was issued by *de facto* MPVPV requiring female journalists who work in media to wear the Islamic *hijab* including a face cover. It forbade movies deemed against Sharia and Afghan values, prohibited women from appearing in movies, as well as prohibiting movies and videos where men exposed their bodies.⁴⁵

Since 2022, further instructions have been announced verbally by *de facto* GDI during meetings with media outlets in different provinces. These instructions include the prohibition on media outlets broadcasting music, including background music. Men and women must work in separate workspaces and male and female broadcasters must not appear in programmes together. Women are prohibited from calling into radio programmes, with the exception for shows concerning women's health or religious issues. Women working in the media (similar to women working in other offices) must comply with the *hijab* decree while at work. Their *mahram* can enter into the workplace. Programmes and opinions considered contrary to national interests or those criticizing the *de facto* authorities are not allowed. Media outlets are obliged to use the term "Islamic Emirate" when referring to the Taliban.

On 17 February 2024, in Kandahar province, the *de facto* Provincial Governor of Kandahar province issued a written instruction stating that taking pictures of living beings during official and non-official meetings was prohibited. The Law on Promotion of Virtue and Prevention of Vice reiterated this instruction, and made it applicable country-wide, by forbidding the creation and watching of images and videos of living beings on computers, mobile phones and other devices. It has also listed music as a vice to be prohibited.⁴⁶

Media outlets which have failed to adhere to these rules have been suspended and some forced to close.

For example:

- On 23 April 2024, in Khost province, three journalists (from three different radio stations) were summoned to the *de facto* DPVPV and were arbitrarily detained for five days. They were accused of broadcasting music and receiving calls from female listeners during live radio shows.

⁴⁵ See report on the press conference and a copy of the instruction, available at: BBC, "دستور العمل تازه طالبان زنان را از حضور در فيلمها و "تمایشنامه های تلویزیونی منع کرد", 21 November 2021, available at: <https://www.bbc.com/persian/afghanistan-59365818> (Dari) (accessed 17 October 2024).

⁴⁶ Article 22(9) and (10), the Law on Promotion of Virtue and Prevention of Vice. Available at: <https://x.com/mojafghanistan/status/1826221822846591036?s=46> (Pashto) (accessed 17 October 2024).

Instructions also apply to social media platforms. On 21 April 2022, the *de facto* authorities announced the prohibition of Tiktok and multi-player game PUBG in Afghanistan.⁴⁷ In 2022, the *de facto* MoIc introduced a licensing procedure for YouTube content creators. YouTube creators are required to pay a licensing fee of 4,000AFN (approximately \$61USD) for three years and to provide 10,000AFN (approximately \$152USD) as warranty.

Media operating outside of Afghanistan

After 15 August 2021, some Afghan media outlets relocated their operations outside of Afghanistan and continue to produce media content for Afghan audiences. These so-called “media-in-exile” or “diaspora media” outlets are considered to be operating in violation of the rules of the *de facto* authorities. They cannot be legally licensed in Afghanistan with their management residing outside of the country while their journalists work under low profile in country. The *de facto* GDI have warned journalists verbally on multiple occasions that working for “diaspora media” is prohibited. As a result, these media outlets have been constantly subject to interference and suspension. Journalists who worked for “diaspora media” have heightened risks and are particularly vulnerable to arbitrary arrests and detentions as their work is considered illegal. Nonetheless, given these are media outlets legally registered in countries other than Afghanistan, their operations have continued.

For example:

- On 3 October 2022, the .af domains of two news outlets operating outside of Afghanistan – Zawia News⁴⁸ and Hasht-e-Subh⁴⁹ - were suspended by the *de facto* authorities. These media outlets transferred their website to a different domain to continue operations.
- On 5 January 2023, ten media outlets⁵⁰ operating from abroad were accused of reporting against national interests. Court proceedings were initiated to revoke their licenses. As these media outlets are licensed outside of Afghanistan, their operations continue.
- On 8 May 2024, the Media Violations Commission accused Afghanistan International Radio and Television of violating professional conducts and urged journalists to refrain from co-operating with them.⁵¹ Afghanistan International stated in a public statement that the *de facto* authorities blocked its satellite frequency on 5 September 2024, and called it “a direct assault on press freedom.”⁵²

Moreover, the *de facto* authorities reportedly interfered and closely scrutinized the work of foreign journalists working for international media. Some have reportedly been required to first present

⁴⁷ Bakhtar News Agency, [@bnapashto], X (formerly Twitter), 21 April 2022, 1 PM (Pashto). Available at: <https://twitter.com/bnapashto/status/1517058116017401865> (Pashto) (accessed 17 October 2024).

⁴⁸ Zawia News, [@ZawiaNews], X (formerly Twitter), 3 October 2022, 4:25PM. Available at: <https://twitter.com/ZawiaNews/status/1576903820646285312> (Pashto) (accessed 17 October 2024).

⁴⁹ Hasht-e Subh, “Hasht-e Subh Daily Newspaper Statement on Domain Suspension by the Taliban’s Ministry of Telecommunication”, 4 October 2022. Available here : <https://8am.media/eng/hasht-e-subh-daily-newspaper-statement-on-domain-suspension-by-the-talibans-ministry-of-telecommunication/> (accessed 17 October 2024).

⁵⁰ The ten media outlets in question are: Hasht-e-Subh newspaper, Sobh Kabul newspaper, Etilaatroz newspaper, Amaj News newspaper, Afghan News Agency, Reha news agency, Ofuq news agency, Nimrokh site, Rah-e-Madaniat newspaper and Pishgo news agency.

⁵¹ Bakhtar News, [@bnapashto], X (formerly Twitter), · May 8, 2024, 7:44 PM. Available at: <https://x.com/bnapashto/status/1788225954831122649> (Pashto) (accessed 17 October 2024).

⁵² Afghanistan International, “Taliban’s Move To Jam Satellite Frequency Assault on Free Press: Afghanistan International”, 12 September 2024 (website). Available at: <https://www.afintl.com/en/202409126098> (accessed 17 October 2024).

their story idea to the *de facto* authorities for review and approval. During their in-country reporting missions, they were closely supervised by *de facto* officials, for the ostensible reason of ensuring security of visiting journalists. Some officials of the *de facto* authorities have made clear to foreign journalists that the issuance of future visas would depend on their compliance with media guidance, including the respect of the “red lines” of the *de facto* authorities. The *de facto* authorities have objected to reporting which they considered as inappropriate focus on the restrictions for women and girls, coverage of ISIL-K attacks, and references to the presence of armed groups in Afghanistan such as Al-Qaeda and Tehrik-e Taliban Pakistan (TTP). The *de facto* authorities also designated the use of certain terms in media reports. For example, they insisted on the use of “Islamic Emirate of Afghanistan,” objected to being referred to as “the Taliban” or other terms that indicate their non-recognized status.

While some international media outlets have experienced lengthy accreditation and visa processes, as well as costly administration fees, others have described the process as quick, especially in the wake of disasters from natural hazards, notably after the 2023 earthquake in Herat province and the 2024 flooding in Baghlan province. Some said the restrictive operating environment had contributed to a sharp decline in international media coverage of Afghanistan, already suffering due to competing global crises and an overall decline in interest on Afghanistan.

Some examples of *de facto* authorities’ interference on foreign media include:

- On 1 December 2022, the *de facto* MoIC announced that Voice of America and Radio Free Europe/Radio Liberty (also known as Radio Azadi) were no longer allowed to broadcast in FM frequency in Afghanistan due to alleged violation of journalistic principles.⁵³
- In 2022, the *de facto* authorities banned one international freelance journalist from returning to Afghanistan.⁵⁴

Access to information

On 28 September 2024, in recognition of the International Day for Universal Access to Information, the Deputy Minister for Publication of *de facto* MoIC reiterated the duty of *de facto* authorities spokespersons to ensure that information and data are made available to the public promptly and accurately.⁵⁵ Since 15 August 2021, the *de facto* authorities have suspended the Law on Access to Information (last amended on 2018), which previously guaranteed the public’s right to access information of public institutions. The formerly independent Access to Information Commission has been incorporated into *de facto* MoIC and become one of its directorates. The restrictive media landscape and the difficulties in accessing information have an impact on the accuracy in media reporting, allowing some space for disinformation to flourish.

⁵³ Abdul Haq Hammad عبدالحق حماد, [@AbdulHaqHammad2], X (formerly Twitter), 1 December 2022, 6:50AM. Available at: <https://twitter.com/AbdulHaqHammad2/status/1598140045604818944> (Pashto) (accessed 17 October 2024). See also BBC Dari [@bbcafghanistan], X (formerly Twitter), 1 December 2022, 6:18PM. Available at: <https://twitter.com/bbcafghanistan/status/1598313124746219521> (Dari) (accessed 17 October 2024).

⁵⁴ International Federation of Journalists, “Afghanistan: Taliban ban and harass foreign journalist” (19 October 2022). Available at: <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/afghanistan-taliban-ban-and-harass-foreign-journalist> (accessed 17 October 2024).

⁵⁵ *De facto* MoIC, [@MoICAfghanistan], X (formerly Twitter), 29 September 2024, 3:22PM. Available at: <https://x.com/moicafghanistan/status/1840343964202754061?s=46> (accessed 17 October 2024).

According to a survey conducted by Afghanistan National Journalists Union (ANJU) in September 2023, only 1% of the 433 journalists surveyed found information access in Afghanistan to be good.⁵⁶ The *de facto* authorities have taken steps to appoint spokesperson in *de facto* ministries and provincial departments and the issuance of press identification cards. As a result of these measures, journalists in some provinces reported a gradual improvement of access to information. However, accessing information remain challenging, particularly on issues considered sensitive to the *de facto* authorities such as security incidents, protests, or access to education as well as other human rights for women and girls.

For example:

- On 11 October 2022, in Khost province, the media were prevented from interviewing, taking photos or videos of girls participating in the university entrance exam.
- On 21 March 2024, in Kandahar province, Kandahar city, a suicide attack at the New Kabul Bank killed at least 25 individuals and injured at least 50 others. Journalists were prevented by officials of the *de facto* authorities from interviewing eyewitnesses and victims of the suicide attack.

Situation of women working in the media sector

In addition to the instructions applying to all media workers, women in media are subject to additional restrictions imposed on Afghan women which restrict their freedom of movement and expression, and in turn their participation in the workplace. This includes the requirement to adhere to the *hijab* decree where women should wear a burqa (*chadari*) or a black *hijab* with face covering.⁵⁷ This dress code also applies to women appearing on television programmes.

Women are required to be accompanied by a *mahram* (male guardian) for travel over 78 km,⁵⁸ making it almost impossible for female journalists to be involved in field work. In fact, in some instances, women were required to be accompanied by a *mahram* for travelling in distance under 78km.⁵⁹ Since the publication of the Law on Promotion of Virtue and Prevention of Vice on 21 August 2024, drivers can no longer offer transportation to women unaccompanied by a *mahram*.⁶⁰ This is limiting women's freedom of movement even within short travel distance.

⁵⁶ Afghanistan National Journalists Union (ANJU), "Unveiling the Shadows: An In-depth Analysis into the Barriers and Breakthroughs of Information Access In Afghanistan," 10 September 2023. Available at: https://www.ifj.org/fileadmin/user_upload/Survey_ANJU_Afghanistan_28092023.pdf (accessed 17 October 2024).

⁵⁷ MPVPV [@MOPVPE], X (formerly Twitter), 7 May 2022, 2:43pm. Available at: <https://twitter.com/MOPVPE1/status/1522882293718818816?s=20&t=sshqCD9cwGCRk.Jbt8HL3LQ> (Pashto) (accessed 17 October 2024). See further clarification of the *hijab* decree where women are also allowed to wear scarves used in rural areas: MPVPV [@MOPVPE], X (formerly Twitter), 10 May 2022, 7:12pm. Available at: https://twitter.com/MOPVPE1/status/152403722399369217?t=oMlxjPN_O-O-WOvYA0pBxA&s=19 (Pashto) (accessed 17 October 2024). See also Article 13 of the Law on Promotion of Virtue and Prevention of Vice. Available at: <https://x.com/mojafghanistan/status/1826221822846591036?s=46> (Pashto) (accessed 17 October 2024).

⁵⁸ MPVPV [@MOPVPE], X (formerly Twitter), 31 December 2021, 4:45pm. Available at: <https://twitter.com/MOPVPE1/status/1476889768357150729?s=20&t=7TuX4pPt6OQEvPvgZDDFA> (Pashto) (accessed 17 October 2024).

⁵⁹ For more information on examples of the *mahram* rule being applied for travel under 78km, see UNAMA report "Moral Oversight in Afghanistan: Impacts on Human Rights". Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting-0> (accessed 17 October 2024).

⁶⁰ Article 20, the Law on Promotion of Virtue and Prevention of Vice. Available at: <https://x.com/mojafghanistan/status/1826221822846591036?s=46> (accessed 17 October 2024).

Specific restrictions have been imposed on women working in the media sector. In August 2023, in Helmand province, journalists were verbally instructed by the *de facto* DoIC that the voice of women is prohibited in all broadcasts, including in advertisement. The Law on Promotion of Virtue and Prevention of Vice stated that a woman's voice is considered private and should be concealed outside of her home.⁶¹ It remains to be seen how this provision would be implemented and how it impacts women in the media sector. Radio stations managed and staffed by women continue to operate in some provinces.

Female journalists have had more difficulties in accessing information. For example, they have been asked to show a permission letter issued by the *de facto* DoIC in order to access reporting sites, a step that is cumbersome and not always required for their male counterparts. Reportedly, some *de facto* authorities officials refused to be interviewed or speak to a woman. *De facto* authorities have favoured the attendance of male journalists at press conferences, while female journalists were either not invited, barred from entering the events upon arrival, or asked to move to the back of the room. For example, on 3 May 2023, in Daikundi province, Nili city, the *de facto* authorities commemorated the World Press Freedom Day where female journalists were reportedly not invited to the event. On 19 March 2024, the *de facto* Ministry of Education invited journalists to attend an event marking the start of the new academic school year. However, no women were invited, due to alleged lack of space.⁶² As these restrictions have confined female journalists to mainly duties at the office, preventing them from fully performing their functions, some media owners reportedly have favoured the hiring of men instead of women due to perceived business necessity.

Since the 15 August 2021, many experienced journalists, both men and women, have left Afghanistan. After the 22 December 2022 decree by the *de facto* Ministry of Education to suspend all education above the sixth grade for women,⁶³ women can no longer receive higher education in journalism. Due to the limited opportunities for women to be qualified in journalism, the number of experienced women in media sector has decreased. This also impacted reporting of issues relating to women and girls. For example, in April 2023, in Helmand province, local media were verbally informed by *de facto* DoIC and *de facto* DPVPV that only female journalists, properly observing the *hijab* requirement, could interview women and girls. However, there were no female journalists working in the province at the time.

Women journalists have also been more likely to be subjected to harassment due to traditional prejudice among certain segments of the population against women in the public sphere. UNAMA HRS has documented cases where female journalists received unknown threatening phone calls or messages or physical abuse warning them to stop working.

⁶¹ Article 13(3), 13(8) and 22(10), the Law on Promotion of Virtue and Prevention of Vice. Available at: <https://x.com/mojafghanistan/status/1826221822846591036?s=46> (accessed 17 October 2024).

⁶² The invitation was posted on the *de facto* Ministry of Education webpage. Available here: <https://moe.gov.af/dr/%D8%AF%D8%B9%D9%88%D8%AA-%D9%86%D8%A7%D9%85%D9%87-%D8%B1%D8%B3%D8%A7%D9%86%D9%87-%DB%8C%DB%8C-0> (accessed 17 October 2024). See also Amu TV, @AmuTelevision], X (formerly Twitter), 19 March 2024, 6:38pm. Available at: <https://twitter.com/AmuTelevision/status/1770089985342902511> (accessed 17 October 2024).

⁶³ Radio Azadi, "د طالبانو تازه حکم؛ له شپږم ټولګي پورته نجونو لپاره ښوونیز کورسونه منع اعلان شول", 22 December 2022. Available at: <https://pa.azadiradio.com/a/32189388.html> (Pashto)(accessed 17 October 2024).

Conclusion

Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability, which are essential for the promotion, protection and fulfilment of human rights.⁶⁴ A free media contributes to freedom of expression in a society. Afghanistan as a State Party to the ICCPR, has the obligation to ensure everyone has the freedom to “seek, receive and impart information and ideas of all kind,”⁶⁵ as well as to take all necessary measures to ensure media can operate safely and freely.

While the *de facto* authorities have reiterated their commitment for media to operate freely, UNAMA HRS has documented measures and incidents since 15 August 2021 that are contrary to Afghanistan’s human rights obligations. A free media is one which can comment on public issues without censorship or restraint and can inform public opinion.⁶⁶ The *de facto* authorities’ measures in interfering with media content and internal operation of media outlets have diminished media freedom.

The right to freedom of expression may be restricted when it is provided by law and is necessary.⁶⁷ Such restrictions must not be overbroad, and the restriction must be proportional to the protective function it tries to achieve.⁶⁸ Public debates and dissenting opinions promote accountability and inform policy decisions. The penalization of media outlets, publishers or journalists solely for being critical of the governing entity or system can never be considered to be a necessary restriction of freedom of expression.⁶⁹ The opacity and arbitrariness in determining violations by the *de facto* authorities and the use of intimidation, arbitrary arrests and detentions, court proceedings and imprisonment of those who criticize the *de facto* authorities constitute violations of this right and the overall enjoyment of human rights.

Everyone has the right to access to information held by public bodies and the public has the right to receive media output.⁷⁰ The *de facto* authorities have the obligation to proactively share in the public domain information relating to its function and issues of public interest. It should provide reasons for any refusal to provide information. While the dissemination of information has reportedly improved as a result of media spokespersons being appointed and the issuance of press identification card, access to information remains at times challenging, especially for women journalists.

In this regard, Afghanistan has the obligation to ensure to all individuals subject to its jurisdiction the right to freedom of expression without distinction of any kind, including gender.⁷¹ The various restrictions imposed on women impede female journalists and media workers to fully perform their functions in comparison to their male counterparts, which is incompatible with the principle of non-discrimination provided in international human rights law. This also impacted reporting of issues relating to women and girls and their human rights, which in turn reduces the effectiveness of public policy decisions.

⁶⁴ CCPR/C/GC/34, para 3.

⁶⁵ Art. 19 (2), ICCPR.

⁶⁶ CCPR/C/GC/34, para 13.

⁶⁷ Art. 19 (3), ICCPR.

⁶⁸ CCPR/C/GC/34, para 34.

⁶⁹ CCPR/C/GC/34, para 42.

⁷⁰ CCPR/C/GC/34, para 18.

⁷¹ Art. 2, ICCPR.

Recommendations

To the *de facto* authorities

1. Ensure the laws on media and access to information, as well as measures against defamation and misinformation, meet international human rights standards on protecting the right of freedom of expression, with guarantee of an independent media sector. Experts, media outlets, media support organizations and other relevant stakeholders should be consulted and involved in the drafting of laws affecting the media sector.
2. Refrain from the use of threats and intimidation, arbitrary arrests and detentions as well as court proceedings and imprisonment as a means to influence the independence of media outlets and their editorial content.
3. Rescind and replace policies that restrict freedom of expression and instruct accordingly those that interfere with an independent media.
4. Fully recognize the importance of women working in the media sector and ensure the views and situation of women and girls are reflected in media reports. Lift restrictive and discriminatory measures against female journalists and media workers.
5. Take steps to improve safety and security of journalists and media workers in performing their work, and to ensure they have access to information without fear of reprisal or attack.
6. Raise awareness within *de facto* authorities of the value of freedom of expression, media independence and access to information, which are key elements for accountability and good governance.

To the international community

1. Continue advocacy with the *de facto* authorities on the importance of freedom of expression which is instrumental to the widening of civic space and public debate.
2. Provide technical and financial support to the media sector in Afghanistan, possibly in areas that constitute a safe media space in the current context, as well as capacity building for journalists.
3. Provide protection for journalists threatened in the course of their work.
4. Support women to continue working in the media sector. This may entail financial support and capacity building programmes.

Annex: comments provided by the *de facto* authorities⁷²

**Islamic Emirate of Afghanistan
Ministry of Foreign Affairs
Directorate of Human Rights and Women's International Affairs**

**Response to the thematic report of the United Nations Assistance Mission in Afghanistan
(UNAMA) (on Media Freedom in Afghanistan - November 2024)**

The Ministry of Foreign Affairs of the Islamic Emirate of Afghanistan hereby submits its responses on the draft report titled Media Freedom in Afghanistan - November 2024 as follows:

The Islamic Emirate of Afghanistan, after a thorough review and assessment of this report, finds it far from the actual realities, contrary to the efforts made by the Islamic Emirate of Afghanistan in support of media, and is rejecting its findings. The Islamic Emirate of Afghanistan makes the following observations on various issues related to the report.

A- Background:

Regarding the comparison between the previous administration and current media, which the comparisons are indicated in this report, it should be noted that during the previous administration, most media outlets were engaged in propaganda for the occupying forces, and they never published unbiased reports about the Afghan people or the ongoing war. Therefore, the growth of media at that time was not a natural development; rather, it was a result of the extensive foreign resources provided by occupying forces, leading the media to focus on diversionary activities.

Regarding freedom of the press, we would like to point out that during the time of foreign occupation, various channels and media outlets were given editorial agenda in exchange for financial support, with topics being assigned to them and even programmes being designed that they were expected to implement. The Islamic Emirate of Afghanistan, in line with the values of the Afghan people, has never interfered in media affairs in such a manner, nor has it intervened to this extent in the operations of the media. Media outlets continue to broadcast their programmes and have freedom in line with related regulations and principles.

Similarly, members of most international media are present in Afghanistan, regularly sending reports from here and enjoying the freedom to travel in various cities. Their security has been ensured, and no danger has been posed to them; this in itself is a major achievement, and there are no restrictions on their operations, however, nothing has been reported about this major achievement in UNAMA's report.

⁷² This response from the *de facto* authorities was provided in Pashto to UNAMA HRS on 14 November 2024. Texts in square brackets are added by UNAMA HRS to provide clarity to specific points in the response. In case of discrepancies, the Pashto version of the response should be relied on.

B- Media support:

The relevant institutions of the Islamic Emirate of Afghanistan have carried out the following activities to organize media operations and support media outlets, which have contributed to strengthening and developing media and journalistic activities. However, these activities are not mentioned in this report and have been overlooked:

1- The Government Information and Media Center's actions on media support and information dissemination:

The Islamic Emirate of Afghanistan supports journalists and freedom of expression within the framework of Islamic principles to strengthen media activities in the country and ensure that facts reach the people.

To achieve this goal, in the past three years, the Government Information and Media Center has implemented annual achievement programmes for various government institutions, in which the leadership of around 45 government institutions has actively participated each year. Reports on the actions and achievements of the relevant institutions have been shared with media outlets, and through these media to the public and to internationals.

The aforementioned programmes resulted in the annual report of each institution being consistently reflected. Media outlets and the public gained access to accurate information easily. Citizens became informed about the activities of each institution. The environment for interaction and cooperation between media and government institutions was strengthened. In addition, media activities became more robust and effective.

Additionally, 123 media conferences have been organized over the past three years for the purpose of presenting the annual reports of government institutions.

In collaboration with the Government Information and Media Center, a total of 246 press conferences have been organized for all government institutions over the past three years.

The way has been paved for the central spokesperson and the spokespersons of government institutions to record and broadcast a total of 512 media clips.

Through the Government Information and Media Center, 42 special interviews on key and fundamental issues of the governmental system have been organized for both domestic and international media.

2- Legislative documents on journalism and media activities:

The Law on Mass Media and the Procedure on the Establishment of Private Media is currently under review to ensure it aligns with Islamic values and Afghan tradition. It has been sent to the leadership of the Islamic Emirate of Afghanistan for approval.

3- The Ministry of Information and Culture, from its relevant areas, has developed four procedural guidelines to strengthen media and journalistic activities, which are currently enforce as follows:

- Procedure on mass media
- Procedure on YouTube channels
- Procedure on billboard and advertising signage
- Procedure on ID card for journalistic work
- Procedure on book evaluation

All activities related to media and advertising are drafted, and related services are being provided to the public in accordance with the mentioned procedures at the central level and in provinces.

4- Intellectual and financial support for journalists and media by the Ministry of Information and Culture:

The Ministry of Information and Culture has a Media Complaints and Violations Investigation Commission, under the supervision of the Ministry's leadership, to address media complaints through a decision-making process.

5- Financial Support:

- Media outlets with debts have been granted exemptions.
- The frequency fees for audio and video outlets have been considered at a standardized level and equally, and media outlets in the provinces and districts of the country have been offered fee payments in installments.
- Cash assistance has been provided to those media outlets across the country that were facing economic difficulties.
- Journalists who were detained by the security forces of the Islamic Emirate of Afghanistan have had their issues addressed through the mediation of the Ministry of Information and Culture.

The Islamic Emirate of Afghanistan is constantly trying to support media and journalists in accordance with Islamic values and Afghan culture in the country.

The officials of the Islamic Emirate of Afghanistan are committed to fulfil each of their promises regarding the media and journalists and will strongly support Islamic morals and Afghan culture.

C- Arbitrary arrests, detention and threats:

In the preface and original text of the report all arrests of the journalists are called "arbitrary", while the Islamic Emirate of Afghanistan as a government has judicial power, it has laws and has complete and sufficient executive authority [for these arrests]. During the past three years, UNAMA and other international organizations have not called any arrest of the Islamic Emirate of Afghanistan's institutions as legal arrest and called them arbitrary. The arrests by security organs are based on principles of the sacred religion of Islam and the laws of the Islamic Emirate of Afghanistan. No one is arrested arbitrarily, those who were relevant to media, their crimes are: encouraging people to act against the system, defaming the government, providing false and baseless report, cooperation with the enemies of the system in the media sector, and providing

materials to media outlets against the system. Therefore, no journalist is arrested without a crime and offence.

The report states that during the past three years, 256 journalists and media workers were arrested, this figure would be an exaggeration, the Islamic Emirate of Afghanistan has not arrested that many media workers.

The report discussed security of journalists and stated that journalists are not safe. In this regard, it should be said that the targeting of journalists does not mean that security forces of the Islamic Emirate of Afghanistan have not tried to protect them. Security and intelligence forces of the Islamic Emirate of Afghanistan tried their best to secure the safety of journalists. If the Afghan security forces failed in this regard, we request United Nations Administration to share some examples [of such instances] with the Ministry of Foreign Affairs.

The number and form of these incidents are related to the fact that journalists themselves make fake plans and then publicize them to get asylum in foreign countries.

Using the term arbitrary to refer to the arrests made by government organs is unnecessary. Arbitrary arrest is taking place either by a group or a person who does not have legal authority; Islamic Emirate is a system and government, its laws and procedures of arrest are completely in compliance with Sharia laws.

D- Active media outside of Afghanistan:

The report states that in 2023, ten Afghan media outlets were being accused of publications against national interest and provided the example of Afghanistan International Radio and Television that the Islamic Emirate of Afghanistan halted its satellite frequency. Without any doubt these media outlets publish baseless reports and lies. For example, Afghanistan International published a report regarding a woman in Balkh, who was encouraged by foreigners to make baseless claims of arrest and sexual assault by the forces of the Islamic Emirate of Afghanistan; after that the woman confessed her crime.

Without any doubt, media broadcasts from outside of the country for the people in Afghanistan must be legal. Most media outlets which currently broadcast from outside are not licensed by the Ministry of Information and Culture of Afghanistan. They are determined as unauthorized media, and their activities are prohibited. This action is done not just by Afghanistan, but by all countries.

E- Situation of women working in media sector:

The report claims that UNAMA Human Rights Service documented cases where female journalists received unknown threatening phone calls or messages or physical abuse warning them to stop working. In this regard, it must be said that no threatening phone calls have been made to anyone from any specific address of the Islamic Emirate of Afghanistan. If this happened, they can refer the case to security organs and register their complaint.

F- Interference in the operation of media outlets:

The report mentioned that since 2022, during meetings with media in various provinces, representatives of government institutions provided verbal instructions to media. The instructions include the prohibition to play music (including background music), also there must be no intermingling of men and women, women cannot call into media programmes except for asking questions on health or religious issues, women working in media must observe the *hijab*. Regarding the above, we must say that providing such advice is among the core duties of the Ministry for the Propagation of Virtue and the Prevention of Vice; it is its responsibility to prevent people from vices in light of the law and make necessary recommendations to them.

Separation of workspace for male and female in media outlets, the matter of *hijab*, prohibited publications in accordance with Islamic Sharia are all the matters of the current system's laws. If the United Nations recognizes Afghanistan as a country and recognizes the laws of its government as its law, then [these measures] would be correct; but if the United Nations criticizes the Islamic system and its laws, then this matter is beyond the matter of media, and it is necessary to raise basic awareness in this regard.

Every ruling system in the world implements policies and strategies within its political geography [territory], which are the basic goals of the ruling system and the demand of the relevant system. In case of a violation, offenders will be convicted of political crimes. As the structures of political systems are different; therefore, their policies will be different, because we say that demands of the Islamic system form the core of our goals. For this reason, the political geography [territory] of Afghanistan, which is dominated by the Islamic system, will only be affected by the actions that are required by the Islamic system and Islamic rules.

The decision to ban TikTok and PUBG game [PlayerUnknown's Battlegrounds] was made because TikTok is a dangerous and deadly phenomenon, which causes deviation of young people from the right way, squanders and harms their health, and wastes time. Islamic rites are insulted in the PUBG game. The Islamic Emirate of Afghanistan is obliged to prohibit them [PUBG and TikTok] based on Sharia and the legal perspective. One of the main goals of the Islamic Emirate of Afghanistan is to train young people with the Islamic spirit and these games are robust obstacles in achieving the goals of the ruling system.

End