

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1361
Land:	Afghanistan
Kilde:	UN Assistance Mission in Afghanistan (UNAMA)
Titel:	Human rights in Afghanistan; 15 August 2021 – 15 June 2022
Udgivet:	31. juli 2022
Optaget på baggrundsmaterialet:	19. september 2022



HUMAN RIGHTS IN AFGHANISTAN

15 AUGUST 2021 — 15 JUNE 2022

JULY 2022
KABUL AFGHANISTAN



UNITED NATIONS
ASSISTANCE MISSION
IN AFGHANISTAN

Human Rights in Afghanistan: 15 August 2021 to 15 June 2022

UNAMA Human Rights Service

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Cover image: Hamid Karzai International Airport, Kabul, Afghanistan, 16 August 2021.

I. Introduction

This report of the United Nations Assistance Mission in Afghanistan's Human Rights Service (UNAMA HRS) covers the ten-month period since the Taliban takeover of Afghanistan from 15 August 2021 to 15 June 2022. The topics reflect the human rights priorities identified by UNAMA HRS over the past 10 months and align with UNAMA's mandate, which was recently extended by the UN Security Council on 17 March 2022.¹

Since 15 August 2021, there has been a significant reduction in civilian harm. UNAMA has, however, recorded casualties as a result of attacks targeting civilians, often claimed by the armed group² self-identified as "Islamic State in Iraq and the Levant – Khorasan Province" (hereafter referred to in this report as ISIL-KP).

The human rights of Afghans – in particular, access to an adequate standard of living – have been affected by the unprecedented economic, financial and humanitarian crisis which has faced the country since 15 August³ and left millions of Afghans in need of humanitarian assistance.⁴

It is noted that *de facto* authorities have taken some steps seemingly aimed at the protection and promotion of human rights, for example: a general amnesty for former government officials and members of the Afghan National Security and Defence Forces (ANDSF), the 3 December decree on women's rights, a Code of Conduct on system reform relating to prisoners, a directive on the use of force by *de facto* security officials. Monitoring by UNAMA HRS has revealed violations carried out by the *de facto* authorities, impacting the enjoyment of a broad range of human rights.

Since mid-August 2021, UNAMA HRS has documented persistent allegations of extrajudicial killings, arbitrary arrests and detentions, and torture and ill-treatment carried out by the *de facto* authorities. The human rights situation has been compounded by the measures taken by the *de facto* authorities to stifle debate, curb dissent and limit the fundamental rights and freedoms of Afghans. Women and girls in particular have been subjected to severe restrictions on their human rights, resulting in their exclusion from most aspects of everyday and public life. The recording of human rights violations in Afghanistan has been made more challenging by the *de facto* authorities' dissolution of reporting and justice mechanisms operating under the previous government to prevent and respond to these cases, such as the Afghanistan Independent Human Rights Commission and bodies dedicated to addressing violence against women.⁵ This has likely also increased the reluctance of victims to seek help or report human rights violations and violence.

¹ UN Security Council Resolution 2626 (2022), paras. (e)-(g). Available at: <http://unscr.com/en/resolutions/2626>.

² The term "armed group" is used in this report to refer to armed groups that are distinct from the *de facto* security forces and who have engaged in armed clashes with *de facto* security forces since 15 August 2021.

³ *Situation of human rights in Afghanistan, Report of the United Nations High Commissioner for Human Rights*, A/HRC/49/24, 4 March 2022, para. 6-7.

⁴ *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/862-S/2022/485, 15 June 2022, para. 52.

⁵ As of September 2020, Elimination of Violence Against Women (EVAW) prosecution offices and courts, at primary and appellate levels, and Afghan National Police Family Response Units, had been established in all provinces of Afghanistan.

UNAMA HRS has continued to gather credible and accurate reports regarding the human rights situation in Afghanistan. UNAMA HRS has continued its dialogue with the *de facto* authorities, advocating on reported violations and raising awareness on human rights standards.

Afghanistan as a state remains a party to a number of international human rights treaties.⁶ This report presents recommendations which aim to ensure that the obligations set out under these treaties – and the obligations owed by the *de facto* authorities to the Afghan population in respect of the protection and promotion of human rights – are upheld.

⁶ *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (ratified 1 April 1987), *Optional Protocol of the Convention against Torture* (accession by Afghanistan 17 April 2018), *International Covenant on Civil and Political Rights* (accession by Afghanistan 24 January 1983), *Convention on the Elimination of All Forms of Discrimination against Women* (ratified 5 March 2003), *International Convention on the Elimination of All Forms of Racial Discrimination* (accession by Afghanistan 6 July 1983), *International Covenant on Economic, Social and Cultural Rights* (accession by Afghanistan 24 January 1983), *Convention on the Rights of the Child* (ratified 28 March 1994), *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (accession by Afghanistan 24 September 2003), *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (accession by Afghanistan 19 September 2002), *Convention on the Rights of Persons with Disabilities* (accession by Afghanistan 18 September 2012).

II. Methodology

This report presents only data and information about human rights violations and civilian casualties, which have been determined by UNAMA HRS to be credible. In some instances, identifying details of incidents have been removed to protect those who have reported violations.

Human rights violations⁷ included in this report have been confirmed by UNAMA HRS with sources with knowledge of the incident and have been determined to be credible on the basis of the totality of the information provided. Where UNAMA HRS is not satisfied with the reliability and credibility of information, it has not been included in this report.

Where possible, this report indicates which specific body or bodies within the *de facto* authorities (for example, *de facto* General Directorate of Intelligence, or *de facto* Police) were identified by UNAMA HRS as being responsible for human rights violations. In instances where it was not possible to determine which body or bodies of the *de facto* authorities were responsible for violations, they are reported as being attributed to either the '*de facto* authorities' or '*de facto* security forces'.

Civilian casualties are reported as 'verified' where, based on the totality of the information reviewed by UNAMA HRS, it has determined that there is 'clear and convincing' information that civilians were killed or injured. In order to meet this standard, UNAMA HRS requires at least three different and independent types of sources, i.e., victim, witness, medical practitioner, local authorities, community leader or other sources. Wherever possible, information is obtained from the primary accounts of victims and/or witnesses of incidents and through onsite fact-finding.

UNAMA HRS does not claim that the data presented in this report – regarding either human rights violations or civilian casualties – are complete and acknowledges possible under-reporting of both given the limitations inherent in the operating environment.

⁷ Including extrajudicial killings, arbitrary arrests and detentions, excessive use of force, torture and ill-treatment, cruel and degrading treatment and/or punishments, enforced disappearances.

III. Engagement with *de facto* authorities

Since September 2021, UNAMA HRS has met with *de facto* authorities at central, provincial and district levels to advocate for the protection and promotion of human rights in Afghanistan. This has included bringing credible reports of human rights violations to the attention of relevant ministries and departments within the *de facto* authorities and raising awareness of human rights standards, instruments and mechanisms.

At the central level UNAMA HRS has engaged, among others, with the *de facto* Ministry of Foreign Affairs, Ministry of Interior, Ministry of Defence, General Directorate of Intelligence (*Istikhbarat*), Ministry for the Propagation of Virtue and the Prevention of Vice (*Amr-bil-Ma'roof wa Nahi 'anil Munkar*), Attorney General's Office, and the Office of Prison Administration. At provincial and district levels, UNAMA HRS has engaged with *de facto* provincial leadership, Directors of Departments, Police, General Directorate of Intelligence, penitentiary system officials and judicial actors.

As part of its regular engagement, UNAMA HRS brings to the attention of relevant *de facto* institutions, including the *de facto* Ministry of Interior, reports of human rights violations collected through its monitoring, advocating with them for accountability of perpetrators, protection of victims' rights and prevention of future violations.

UNAMA HRS has conducted awareness raising sessions on human rights with *de facto* interlocutors at the central, provincial and district levels. The sessions varied from presentations on international human rights instruments to thematic sessions on issues such the rights of detainees and conditions of detention. In some cases, they involved directors of *de facto* institutions and their staff, in others the *de facto* leadership of provincial capitals (Governors, Department directors, and Heads of security agencies); in others still, specific professional groups such as prison staff (for more details on the latter, see [Section IX – Justice, detentions and the penitentiary system](#)).

UNAMA HRS has appreciated the willingness of the *de facto* authorities to engage on various issues, including reports of human rights violations. The dialogue with the *de facto* institutions continues in order to further the promotion and protection of human rights for all in Afghanistan.

In addition to the ongoing engagement by UNAMA HRS, since September 2021, UNAMA more broadly has engaged with the *de facto* authorities on a variety of human right issues, including on girls' right to education and a broad range of women's rights.⁸

⁸ See for instance, UNAMA News [@UNAMAnews], Twitter, 27 September 2021, 7:57 pm (<https://twitter.com/UNAMAnews/status/1442511101099397128>); 6 February 2022, 7:23 pm (<https://twitter.com/UNAMAnews/status/1490337743225995268?s=20&t=V8baP9D-O0lUZmpjLtFVNA>) and 9 April 2022, 5:54 pm (<https://twitter.com/UNAMAnews/status/1512783407121678349>).

IV. Context

On 14 April 2021, the Government of the United States of America⁹, the Government of the United Kingdom¹⁰ and the North Atlantic Treaty Organisation Allies and partners¹¹ announced that they would commence the final withdrawal of their military personnel from Afghanistan on 1 May.¹² On 8 July, the Government of the United States confirmed that its ‘military mission’ in Afghanistan would conclude on 31 August.¹³ From May to August 2021, amid rising levels of insecurity, targeted killings and attacks targeting civilians, the Taliban seized effective control of Afghanistan through a military offensive that swept across the country, reaching the capital city Kabul on 15 August. Since the takeover, armed clashes between the *de facto* security forces and several armed groups have taken place, in particular ISIL-KP and the self-identified “National Resistance Front” (hereafter referred to in this report as the NRF). To date, these armed clashes have been largely localised to the eastern region of Afghanistan (ISIL-KP), and Panjshir and Baghlan provinces (NRF).¹⁴

International military forces occupied Kabul’s Hamid Karzai International Airport from 15 August until the departure of the last United States military personnel on 31 August. The situation at Kabul airport during this period was chaotic, with thousands of people gathering in its vicinity hoping to gain access to flights in order to leave Afghanistan. On 26 August, ISIL-KP carried out a suicide attack outside Kabul airport, killing at least 72 civilians and wounding at least 140 others. Three days later, on 29 August, US military forces conducted an airstrike – reportedly to prevent a further attack on the airport – killing 10 people, all of whom were civilians.

On 7 September, the Taliban announced a caretaker cabinet along with appointments to other key administrative positions at the national and provincial levels.¹⁵ The cabinet structure has remained similar to that of the former Islamic Republic of Afghanistan, with some notable exceptions, such as the establishment of a *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice (which took over the premises of the former Ministry for Women’s Affairs, the latter having been

⁹ President of the United States of America Joe Biden, ‘Remarks by President Biden on the Way Forward in Afghanistan’, Washington D.C., 14 April 2021. Available at: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/04/14/remarks-by-president-biden-on-the-way-forward-in-afghanistan>.

¹⁰ United Kingdom Defence Secretary Ben Wallace, ‘Defence Secretary statement on UK forces in Afghanistan’, 14 April 2021. Available at: <https://www.gov.uk/government/news/defence-secretary-statement-on-uk-forces-in-afghanistan>.

¹¹ North Atlantic Treaty Organization Ministerial Statement on Afghanistan, 14 April 2021. Available at: https://www.nato.int/cps/en/natohq/official_texts_183146.htm.

¹² On 15 April 2021, Germany’s Ministry of Defence also announced its intention to withdraw all remaining troops from Afghanistan. [Verteidigungsministerium \[BMVg Bundeswehr\], Twitter, 15 April 2021, 3:20pm](https://twitter.com/BMVg_Bundeswehr/status/1382647467569774594?form=MY01SV&OCID=MY01SV). Available at: https://twitter.com/BMVg_Bundeswehr/status/1382647467569774594?form=MY01SV&OCID=MY01SV.

¹³ President of the United States of America Joe Biden, ‘Remarks by President Biden on the Drawdown of U.S. Forces in Afghanistan’, Washington D.C., 8 July 2021. Available at: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/07/08/remarks-by-president-biden-on-the-drawdown-of-u-s-forces-in-afghanistan/>.

¹⁴ Regarding the presence of armed groups in Afghanistan, see *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/862-S/2022/485, 15 June 2022, para. 17.

¹⁵ AP Archive, “Taliban name cabinet that pays homage to old guard”, video, 12 September 2021. Available at: <https://www.youtube.com/watch?v=-XjgufmbMY> (Pashto).

abolished by the *de facto* authorities) and the more recent abolition in May of the Afghanistan Independent Human Rights Commission.¹⁶

Throughout the reporting period, the *de facto* Cabinet consisted of men only, predominantly Pashtuns stemming from the Taliban movement. No woman holds any high-level political appointment, nor are women allowed any active role in political life. On 3 December the *de facto* authorities issued a decree on women's rights, which was deemed positive and hopeful given its articulation of a woman's right to consent to marriage and widows' rights to inheritance and a dowry (*mahar*). It was followed, however, by a series of edicts that had the effect of excluding women and girls from many aspects of daily and public life by limiting their access to education, restricting their freedom of movement and requiring them to be fully covered in public.

The economy of Afghanistan – which was already in a precarious situation – severely contracted after 15 August 2021 due to the suspension of large-scale development funding, on which the Republic was heavily dependent, and the freezing of Afghan assets held in financial institutions abroad.¹⁷ As a result, the country was plunged into an economic, financial and humanitarian crisis of an unprecedented scale. Some 24.4 million people, or 59 per cent of the population, are in need of humanitarian assistance in 2022, up from 18.4 million at the beginning of 2021.¹⁸ With one winter having passed, during which the people of Afghanistan struggled, concerns are already mounting for the next as humanitarian needs continue to grow.

On 22 December, the United Nations Security Council adopted resolution 2615 (2021), in which it decided that 'humanitarian assistance and other activities that support basic human needs in Afghanistan' are not a violation of the financial sanctions set out in the 1988 sanctions regime, and that the processing and payment of funds, other financial assets or economic resources, and the provision of goods and services necessary to ensure the timely delivery of such assistance or to support such activities are permitted. The United Nations, working with the Central Bank of and other partners, took measures to inject liquidity into the economy, including the physical import of cash.¹⁹

¹⁶ The decree also abolished the Oversight of the Implementation of the Constitution Commission, the State Ministry of Peace and the Secretariats of the Upper and Lower House of the Parliament. On 24 December 2021, the State Ministry of Parliamentary Affairs, the Independent Election Commission and Independent Election Complaints Commission were also abolished.

¹⁷ See: *Situation of human rights in Afghanistan, Report of the United Nations High Commissioner for Human Rights*, A/HRC/49/24, 4 March 2022, para. 6-7; *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/667-S/2022/64, 28 January 2022, para. 58.

¹⁸ *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/862-S/2022/485, 15 June 2022, para. 52.

¹⁹ *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/862-S/2022/485, 15 June 2022, para. 47.

V. Protection of civilians

Prior to 15 August 2021, Afghan civilians paid a very high toll as a result of armed conflict. Between 1 December 2008 (when UNAMA HRS commenced its official recording of civilian casualties) and 15 August 2021, at least 118,443 people were killed and wounded as a result of armed conflict (40,696 civilians killed, 77,747 wounded). Among those killed and wounded were 68,173 men, 11,369 women, 20,072 boys and 8,005 girls.²⁰

The last months of conflict between the Taliban and Afghan National Security and Defence Forces (ANDSF) saw some of the highest civilian casualties recorded by UNAMA HRS in a single period, particularly among women and children.

Despite the vastly improved security situation, UNAMA HRS continues to record unacceptable levels of harm as a result of indiscriminate attacks targeting civilians, often ethnic and religious minorities, mostly claimed by ISIL-KP.

In addition, Afghans live with the long-term effects of 20 years of armed conflict, including the loss of loved ones, displacement, psychological trauma and financial loss related to the death or incapacitation of a breadwinner in the family or damage to property. Under the previous government, people affected by the armed conflict struggled to access financial, psychosocial and other necessary support.²¹ This continues to be the case both for those individuals and for those who experienced harm post 15 August.

1 January to 14 August 2021

Between 1 January and 14 August, UNAMA HRS recorded 7,400 civilian casualties (2,091 killed, 5,309 wounded). Women and children made up almost 40 per cent of this figure (247 women and 548 children killed; 621 women and 1,525 children wounded).

Ground engagements caused the largest number of civilian casualties during this period (42 per cent), followed by improvised explosive devices (29 per cent), targeted killings (11 per cent) and aerial attacks (7 per cent).²²

From 1 January to 14 August, anti-government elements,²³ predominantly the Taliban, were responsible for 51 per cent of civilian casualties; pro-government forces were responsible for 22 per cent; and 26 per cent of civilian casualties were jointly attributed to pro- and anti-government forces, largely due to ground engagements.

Almost one third (29 per cent) of civilian casualties recorded in this period occurred between 1 July and 14 August (422 killed, 1,743 wounded), with particularly high levels of violence occurring in the southern provinces of Kandahar and Helmand. For example:

²⁰ Note: Totals do not add up to 118,443, because the age and/or gender of remaining victims was unable to be established by UNAMA HRS.

²¹ See, for instance, UNAMA/OHCHR, Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2020, pp. 86-88. Available at:

https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_report_2020_revs3.pdf

²² The remainder of civilian casualties were due to other tactics.

²³ The term “anti-government elements” encompasses groups that took part in armed opposition against former Afghan government forces, namely the ANDSF, up until the Taliban takeover on 15 August 2021.

- On 7 July, in Baghdis province, Qala-i-Naw city, ground engagement between the Taliban and ANDSF in the centre of Qala-i-Naw killed at least one person and wounded 26 others.
- On 15 July, in Badakhshan province, Shuhada district, an aerial attack by Afghan military forces killed 9 civilians and wounded 12 others.
- On 30 July, in Khost province, Sabari district, an explosion occurred while local people were celebrating National Flag Day at the Afghan National Army base, killing two adult men and wounding 24 others.
- From 4 to 8 August, in Kandahar province, Kandahar city, one hospital reportedly receiving 12 killed civilians and 79 wounded.
- From 10 to 12 August, in Helmand province, Lashkar Gah city, two hospitals reported receiving a total of 12 killed civilians and 90 wounded.

15 August 2021 to 15 June 2022

Between 15 August 2021 and 15 June 2022, UNAMA HRS documented 2106 civilian casualties (700 killed, 1406 wounded) which predominantly occurred as a result of improvised explosive device (IED) attacks attributed to ISIL-KP and unexploded ordnance (UXO). Among these casualties were 88 women (37 killed, 51 wounded) and 441 children (159 killed, 282 wounded).

With the Taliban's takeover of Afghanistan on 15 August, armed hostilities between the Taliban and ANDSF forces ceased, leading to an immediate reduction in harm suffered by civilians. On 6 September, the *Taliban* formally announced the end of its military offensive against the ANDSF.²⁴ Despite this, in the period immediately following 15 August, two major incidents occurred:

- On 26 August, in Kabul, ISIL-KP launched an attack on Hamid Karzai International Airport, where thousands of Afghans had gathered to attempt to leave Afghanistan following the takeover. Two suicide attackers detonated body borne improvised explosive devices amongst the crowd, killing at least 72 civilians and wounding at least 140 others. Casualties were also inflicted to US Military Forces²⁵ and *de facto* security force members.
- On 29 August, also in Kabul, US Military Forces conducted a drone attack in a residential area, killing 10 civilians, among them seven children. On 17 September, Kenneth F. McKenzie Jr, Head of US Central Command, acknowledged the drone strike and the casualties it caused, admitting that the target was incorrect.²⁶

Between August 2021 and June 2022, the most significant contributors to civilian harm were IED attacks on 'soft' (non-military) targets such as mosques, public parks, schools, and public transportation, with the majority of incidents claimed by, or attributed to, ISIL-KP. In many

²⁴ *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/667-S/2022/64, 28 January 2022, para. 15. Available at: https://unama.unmissions.org/sites/default/files/sg_report_on_afghanistan_january_2022.pdf.

²⁵ President of the United States of America Joe Biden, 'Statement by President Joe Biden on the Evacuation Mission in Kabul', Washington D.C., 28 August 2021. Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/28/statement-by-president-joe-biden-on-the-evacuation-mission-in-kabul/>.

²⁶ General Kenneth F. McKenzie Jr. Commander of U.S. Central Command and Pentagon Press Secretary John F. Kirby Hold a Press Briefing, 17 September 2021. Available at: <https://www.centcom.mil/MEDIA/Transcripts/Article/2781320/general-kenneth-f-mckenzie-jr-commander-of-us-central-command-and-pentagon-pres/>.

instances, the target was ethnic and/or religious minorities – namely Hazara Shias, Shia Muslims generally and Sufi Muslims.

Around half of civilian casualties recorded occurred as a result of IED attacks attributed to ISIL-KP. For example, on 8 October, in Kunduz city, a suicide attack in the Sayed Abad Shia Mosque killed at least 80 people and wounded at least 150 others. On 15 October, in Kandahar city, a suicide attack in Imam Bargah Fatimeyah mosque – the largest Shia Mosque in the city – killed at least 41 people and wounded at least 70 others. ISIL-KP claimed responsibility for both attacks.

Between December and March, there was a period of relative calm – albeit with some attacks resulting in civilian harm.²⁷

In mid-April, attacks by Pakistani Military Forces into Khost and Kunar killed and wounded 59 people.²⁸ In Khost, 35 people (17 children, 11 women and seven men) were killed and 18 others (five children, four women and nine men) wounded, with the majority of victims belonging to three families. In Kunar, six people were killed.

In the second half of April, a series of IED attacks were carried out, mostly targeting religious and ethnic minorities:

- On 19 April, in Kabul, a series of three IED explosions in Dasht-e-Barchi area– a predominantly Hazara Shia neighbourhood – targeted a school and a private educational centre, wounding at least 50 people and killing at least 18 others. There was no claim of responsibility for the attacks.
- On 21 April, in Mazar-e-Sharif, inside Se-Dukan Shia Mosque, a suicide attacker killed at least 26 people and wounded at least 41 others. ISIL-KP claimed responsibility for the attack.
- Also on 21 April, in Kunduz, an IED targeted a minibus carrying mechanics who were returning from the airport where they had been repairing *de facto* military force aircraft. As a result, seven people were killed and 12 were wounded – including a woman and her two children who were walking past the bus when the incident occurred. ISIL-KP claimed responsibility for the attack.
- On 22 April, in Kunduz, a suicide attacker killed at least 50 people and wounded at least 55 others after detonating his vest inside Mawlawi Sekander Madrassa during a Sufi religious gathering. There was no claim of responsibility for the attack.
- On 28 April, in Mazar-e-Sharif, two IED explosions killed 11 people and wounded 19 others in a predominantly Hazara Shia area of the city. ISIL-KP claimed responsibility for the attack.
- On 29 April, in Kabul, inside Khalifa Sahib Mosque, an IED explosion during a Sufi religious gathering killed 33 people and wounded 101 others. There was no claim of responsibility for the attack.

²⁷ For example, on 22 January, in Herat city, an IED placed on a public minibus detonated, killing seven people and wounding nine others. The targets were Hazara Shias, ISIL-KP claimed responsibility for the attack.

²⁸ The attacks by Pakistani Military Forces were seemingly conducted in response to an attack from Tehrik-i-Taliban Pakistan militants operating from the area days earlier. See New York Times, “‘I Lost Everything’: Pakistani Airstrikes Escalate Conflict on Pakistani Border”, 30 April 2022. Available at:

<https://www.nytimes.com/2022/04/30/world/asia/pakistan-airstrikes-afghanistan-taliban.html>.

Explosive remnants of war are one of the lasting effects of the previous decades of armed conflict. Between 15 August 2021 and 15 June 2022, at least 80 people were killed and 183 wounded as a result of UXO. The majority of victims (71 per cent) were children. For example, on 1 April in Helmand, Marja district, five children were killed and two were wounded by an UXO. The children had found an unexploded mortar shell and were playing with it, when it detonated, killing five of them instantly.

VI. Rights to life, liberty and physical integrity

Since 15 August, UNAMA HRS has monitored and investigated reports of human rights violations – namely, extrajudicial killings, arbitrary arrest and detention, incommunicado detention, torture and ill-treatment, enforced disappearances, excessive use of force and cruel, inhuman and degrading punishments – carried out by the *de facto* authorities.²⁹

UNAMA HRS' monitoring has indicated a clear pattern with regards to the targeting of specific groups by the *de facto* authorities. Former ANDSF, former government officials, individuals accused of affiliation with armed groups, media workers and civil society have been particularly at risk of experiencing human rights violations (for more details on human rights violations experienced civil society and media, see [Section VII – Fundamental freedoms](#)).

With regard to arrests and detentions, many carried out in the current context may be considered to be arbitrary, due to a lack of clarity regarding the legal framework applied by the *de facto* authorities and, therefore, the legal basis justifying the deprivation of liberty, as well as the length of time for which people are kept in pre-trial detention and failures to observe other procedural rights of detainees, such as access to legal counsel.³⁰ For the purposes of this section, the focus is on arrests and detentions which appear to be motivated by an individual's role as, or connection to, a former ANDSF member or government official; suspected affiliation with armed groups; or their role with civil society or the media, in the absence of any other clear legal basis for the deprivation of liberty.

UNAMA HRS has also identified numerous instances of cruel, inhuman and degrading punishments and extrajudicial killings carried out by the *de facto* authorities against individuals accused of “moral crimes”.

Where possible, UNAMA HRS has indicated which specific agency or body within the *de facto* authorities was responsible for human rights violations. In many instances, this could be not determined, which poses challenges in terms of accountability for and investigation of incidents.

A. Former ANDSF and government officials

On 17 August, the *de facto* authorities announced a general amnesty for former ANDSF and government officials.³¹ Despite this, UNAMA HRS has recorded human rights violations, including extrajudicial killings, arbitrary arrests and detentions, incommunicado detentions and torture and ill-treatment, targeting these groups occurring across the 10 months since mid-August, with former ANDSF making up the majority of victims of violations.

Between 15 August 2021 and 15 June 2022, UNAMA HRS recorded 160 extrajudicial killings (including 10 women), 178 arbitrary arrests and detentions, 23 instances of incommunicado detention and 56 instances of torture and ill-treatment of former ANDSF and government officials carried out by the *de facto* authorities. These incidents occurred in almost all parts of the country and

²⁹ For the definitions of these human rights violations, see Annex I.

³⁰ See Annex I - Definitions of human rights violations concerning rights to life, liberty and physical integrity.

³¹ The Telegraph, “Taliban offers amnesty and pledges to protect women's rights in first press conference”, video, 17 August 2021. Available at: <https://www.youtube.com/watch?v=bDKQCwNQrQw>. The need to respect the amnesty was reiterated by various senior officials of the *de facto* authorities in the following months.

have affected a range of individuals with differing levels of affiliation to the former government: from senior officials to drivers, bodyguards and relatives of former government and ANDSF members.

In August and September, immediately following the Taliban takeover, UNAMA HRS received reports of extra-judicial executions of groups of former ANDSF and government officials by the *de facto* authorities, for example:

- Between 14 and 15 August, in Kandahar province, Kandahar city, *de facto* authorities allegedly executed 17 individuals due to their affiliation with the former government.
- On 31 August, in Daikundi province, Khider district, *de facto* authorities reportedly killed 14 former ANDSF who had surrendered.

From October onwards, reports of violations against former ANDSF and government officials have continued, but generally targeting individuals rather than groups. UNAMA HRS has observed that killings are often carried out execution-style – for example, when an individual is taken out of their house and shot almost immediately. One such case took place on 15 April in Samangan province, when *de facto* security forces took a former ANDSF officer who worked as a bodyguard for high-ranking officials out of his house and shot and killed him.

Some other instances of extrajudicial killing by *de facto* authorities have included:

- On 13 November, in Paktya province, Gardez city, the dead bodies of two former female ANP officers were found by the side of the road. They had reportedly been arrested in Kabul by members of the *de facto* authorities who later killed them and left their bodies by the side of the road.
- On 29 November, in Kunar province, Khas Kunar district, two men – reportedly affiliated with the *de facto* authorities – shot and killed a former District Court Judge as he was walking home from the mosque.
- On 12 December, in Nangarhar province, Jalalabad city, *de facto* security forces arrested the former Director of NDS in Urgan district, Paktika province. His dead body was found the following day.
- On 12 January, in Takhar province, Rustaq district, *de facto* security personnel arrested a former pro-government militia commander from his daughter's house and shot and killed him. His body was reportedly left in a cave.
- On 22 February, in Laghman province, Mihtarlam city, a former ALP officer was found dead in the area with bullet wounds. The victim had reportedly been arrested by the *de facto* authorities the previous evening while walking home.
- On 22 March, in Helmand province, Lashkar Gah city, a former ANP officer died in a hospital in Lashkar Gah city as a result of the torture inflicted on him by *de facto* security officers who had detained him 10 days earlier.

In addition, arbitrary arrests and detentions of individuals affiliated with the former government and ANDSF appear to be widespread. In many cases, individuals are reported to have been held incommunicado and tortured and/or ill-treated by the *de facto* authorities. For example:

- On 27 December in Faryab province, *de facto* General Directorate of Intelligence detained a former NDS officer on unknown charges. He was released on 30 December following

mediation by tribal elders. He was beaten and had electric shocks used against him while in detention.

- On 12 March in Paktya province, a former senior government official was detained by *de facto* Police. He was beaten with cables and pipes while he had his hands tied behind his back, had an AK-47 held to his head and was threatened with death if he did not confess to mistreating Taliban members in his role in the former government. He was released one day later.

It is evident that individuals who did not hold ‘official’ or senior roles within the former government and ANDSF – such as, former pro-government militia members, bodyguards to former government officials and relatives of former ANDSF and government officials – are also being targeted by the *de facto* authorities. For example:

- On 23 September, in Ghazni province, Gelan district, *de facto* authorities killed a former National Uprising Movement Commander.
- On 18 May, in Takhar province, Khwaja Ghar district, *de facto* authorities reportedly killed three local men who were working in the wheat field, all of whom had also served as bodyguards to the former District Governor.

B. Individuals accused of affiliation with armed groups

UNAMA HRS has received reports of human rights violations carried out by the *de facto* authorities against individuals accused of affiliation with armed groups, including extrajudicial killings, arbitrary arrests and detentions and torture and ill-treatment.

ISIL-KP

Since 15 August, UNAMA HRS has recorded 59 extrajudicial killings, 22 arbitrary arrests and detentions and 7 incidents of torture and ill-treatment by the *de facto* authorities of individuals accused of ISIL-KP affiliation. The majority of incidents to date have taken place in Nangarhar province – where ISIL-KP are known to be most active – with most killings occurring in Chaparhar district and Jalalabad city.

Extrajudicial killings of accused ISIL-KP members in this region reached a peak in October and November. The incidents followed a similar pattern – bodies, often dismembered and/or beheaded were found, sometimes hanging from trees. Often the victim had been arrested by *de facto* authorities one or two days prior to the discovery of their body. In some instances, the circumstances around the killing – including the perpetrator – remains unknown, with bodies being found accompanied by notes stating that the individual was killed because they were an ISIL-KP member. For example:

- On 16 October, in Nangarhar province, Jalalabad city, the dead bodies of five men were discovered in different parts of the city, with notes saying that they were killed because of suspected ISIL-KP affiliation.
- On 15 November, in Nangarhar province, Chaparhar district, the body of a tribal elder was discovered. He had been arrested by the *de facto* authorities from a mosque the day prior, and was allegedly targeted for suspected ISIL-KP affiliation. His body was dismembered, beheaded and his eyes had been gouged out. He reportedly also had bullet wounds.
- On 30 May in Kunar province, Shygal district, *de facto* security forces arrested an accused ISIL-KP member during a search operation. His disfigured dead body – with facial skin, lips

and nose removed and acid burns – was found the next day. He reportedly also had bullet wounds.

NRF

UNAMA HRS has recorded human rights violations targeting individuals suspected or accused of affiliation with the NRF, including 18 extrajudicial killings, 54 instances of torture and ill-treatment and 113 instances of arbitrary arrest and detention and 23 cases of incommunicado detention. The majority of incidents have occurred in Baghlan and Panjshir provinces, where the NRF are known to be most active. For example:

- On 20 January in Balkh province, Kisindeh district, *de facto* security forces entered a private home and shot and killed eight NRF fighters as well as four civilians (a woman, two men and one child) who were in the same house as the NRF fighters. They were all reportedly shot at close range.
- On 3 February, in Baghlan province, Tagab-e-Bazar area, in Khost district, a *de facto* Police commander stopped a civilian man, briefly interrogated and then shot and killed him on allegations of being affiliated to NRF.
- On 12 March, in Panjshir province, Anaba district, *de facto* authorities arrested a shopkeeper, accusing him of affiliation with NRF. His dead body was found the following day in front of his house; he had reportedly been tortured severely prior to his death. Footage of his execution circulated widely on social media and two days after the incident, *de facto* authorities in Panjshir announced that seven *de facto* military force members had been arrested in connection with the incident.
- On 7 June, in Baghlan province, Banu district, *de facto* authorities arrested four adult men accused of NRF affiliation. They were reportedly beaten with whips and sticks before being shot and killed.

UNAMA HRS has also recorded instances of arbitrary arrests of large groups of civilians by *de facto* authorities in Baghlan and Panjshir provinces, related to accusations of support for NRF. For example:

- On 9 April, in Baghlan province, Deh Salah district, *de facto* armed forces arrested 14 males – among them four boys – allegedly in an attempt to force their relatives in NRF to surrender. Seven were released the same day, through mediation by community elders, while the others remained in detention.
- On 16 April, in Baghlan province, Khost district, Suchi village, *de facto* armed forces conducted widespread house searches and arrested a number of male civilians, accusing them of NRF affiliation. In total, 40 males – among them four boys – were arrested. Ten were released the same day, while a further 20 detainees were released the following day, 17 April. The remaining 10 detainees were transferred to the *de facto* General Directorate of Intelligence (GDI), where they were reportedly beaten with guns, punched and kicks. Three of these detainees were released by *de facto* GDI, while the remaining seven were reportedly transferred to an unknown location.
- On 31 May, in Panjshir province, Hes-e-Awal/Khenj district, *de facto* security forces reportedly arrested 22 civilians accused of supporting NRF. Three were reportedly released

following mediation by community elders, while the remaining 19 were transferred to Dashtak prison and then to an unknown location.

C. Cruel, inhuman and degrading punishments and extrajudicial killings for alleged “moral” crimes

UNAMA has recorded 217 instances of cruel, inhuman and degrading punishments carried out by the *de facto* authorities since 15 August 2021. In many instances, these were physical punishments of individuals accused of violating religious and/or moral codes (see also [Section VII – Fundamental freedoms and the role of the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice](#)) for discussion of punishments carried out by officials of the *de facto* Ministry). For example:

- In April, in Helmand province, Lashkar Gah city, *de facto* security forces reportedly slapped and kicked shopkeepers because they had not gone to the mosque to pray.
- Also in April, in Badakhshan province, Faizabad city, *de facto* Police beat a group of university students, accusing them of not attending *Tarawih* prayers.

Cruel, inhuman and degrading punishments – in the form of corporal punishment – of individuals accused of *zina*³² (sexual intercourse outside of marriage) have also been reported. In some instances, such punishments were carried out following a judicial decision or other quasi-judicial process. For example, on 21 February in Uruzgan province, Tirin Kot, a man was publicly flogged, having been accused of adultery. He had reportedly been arrested earlier that morning and brought before a *de facto* “Commission for Hearing Complaints” – composed of representatives from *de facto* Department for the Propagation of Virtue and Prevention of Vice (DPVPV), Department of Information and Culture, Department of Justice and the judiciary, as well the Provincial Governor – who convicted him of the offence and supervised his public flogging. In another case from Badakhshan province, on 10 October, a woman who lodged a complaint of sexual assault, allegedly perpetrated by her brother-in-law, was arrested by the *de facto* Chief of Police, along with the accused perpetrator. On 20 January, they were both sentenced to lashing (39 lashes for the woman, 40 for the man) and the punishment was carried out that day. After being lashed, the *de facto* Court ordered them to get married.

UNAMA has also recorded instances where individuals accused of *zina* were extrajudicially killed by the *de facto* authorities:

- On 14 February in Badakhshan province, Nusay district, a woman and man were publicly stoned to death, accused of having an extramarital relationship. The decision to stone them was reportedly made by the District Governor.
- On 1 April in Mazar-e-Sharif, a woman and her male colleague were in a car together with the woman’s nephew when they were stopped reportedly by *de facto* PVPV personnel and *de facto* Police at a checkpoint. They were then interrogated by the *de facto* officials, who arrested them upon discovering they were not married or related. The next morning, the woman and man’s dead bodies, which appeared to have been mutilated, were handed over to their families by

³² *Zina* is an Arabic term used to describe the prohibition under Shari’a law of the act of fornication (engaging in sexual intercourse) outside of marriage. *Zina* is a Hudood crime under Shari’a law, or a crime regarded as being against God’s commands, for which punishment is obligatory.

the hospital in Mazar-e-Sharif. The woman's nephew was also handed back to his family on 2 April, unharmed.

D. Excessive use of force by *de facto* authorities

UNAMA HRS has recorded at least 118 instances of excessive use of force by the *de facto* authorities between 15 August 2021 and 15 June 2022. The majority of incidents involved the shooting of civilians at checkpoints, often because they allegedly failed to stop when signalled to do so by the *de facto* authorities. UNAMA HRS has also recorded instances where *de facto* authorities have fired indiscriminately in an attempt to control a crowd, wounding and killing people, or where they have accidentally shot people in the surrounding area when conducting law enforcement operations. For example:

- On 13 January, in Kabul, Dasht-e-Barchi area, a *de facto* official opened fire against a civilian vehicle which was passing through a checkpoint, killing a young woman who was returning home from a wedding with her family.
- On 19 February, in Kandahar city, *de facto* officials opened fire at a rickshaw that allegedly failed to stop at their checkpoint, killing one female passenger and wounding two others.

On 23 February, the *de facto* Ministry of Interior issued a directive to security forces instructing them to take certain precautions when dealing with the civilian population, including: "While patrolling, firing against anyone is not allowed unless you are attacked and need to defend yourselves."³³ Despite the issuance of the directive, UNAMA HRS has continued to receive reports of killing and injury of civilians as a result of excessive use of force.

E. *De facto* General Directorate of Intelligence (Istikhbarat)

UNAMA's monitoring over the past 10 months has revealed specific concerns with regards to human rights violations carried out by *de facto* General Directorate of Intelligence (GDI, also called *Istikhbarat*) officials in a number of provinces.

HRS has recorded instances of killings – both in the form of extrajudicial killings and as a result of severe torture while in detention – carried out by *de facto* GDI. For example:

- On 30 September, in Ghazni province, Ghazni city, *de facto* GDI shot and killed the former Chief of Police of PD1, Ghazni city, who had been detained for around 49 days, since surrendering after the fall of Ghazni to the Taliban.
- On 19 December, in Kunduz province, Dasht-e-Archi district, Miskin Abad village, a former Afghan Local Police officer was arrested by *de facto* GDI outside his house. On 22 December, *de facto* GDI summoned his relatives for a meeting where they handed over the man's dead body.

Arrests and detentions by *de facto* GDI often appear to be arbitrary. In reports received by UNAMA, individuals were not informed of the specific charges against them, family members were often unaware of their whereabouts or denied visitation. In some instances, detentions were based on an individual's role as a media worker or civil society activist. The individuals interviewed had not been

³³ Khalid Zadrán [@khalidzadrán01], Twitter, 22 February 2022, 7:31 pm. Available at: [https://twitter.com/khalidzadrán01/status/1496138106021498880?ctx=HHwWgMCyhcfrMMpAAAA \(Pashto\)](https://twitter.com/khalidzadrán01/status/1496138106021498880?ctx=HHwWgMCyhcfrMMpAAAA (Pashto)).

granted access to defense lawyers and the only mention of access to a physician was in cases where people were brought to see a doctor after having been tortured or ill-treated by *de facto* GDI officials.

The cases documented to date indicate a range of forms of torture and ill-treatment by *de facto* GDI against detainees. Kicking, punching and slapping, beatings with cables and pipes, and the use of mobile electric shock devices appear to be the most common methods. UNAMA interviewed a number of individuals who had been detained in the former NDS/Shash Darak detention facility in Kabul by *de facto* GDI. In addition to the forms of torture and ill-treatment mentioned above, these detainees reported:

- Being held in solitary confinement for extended periods of time;
- Verbal abuse/death threats;
- Beating/kicking by people whose faces were covered;
- Being denied food and water;
- Having their hands tied for extended periods of time;
- Being kept under bright, blinking lights for extended periods of time;
- Being blindfolded when being transferred to the detention centre, some also during interrogation.³⁴

³⁴ The Committee against Torture has found that questioning applying “hooding under special conditions” constitutes torture. See Committee against Torture, CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION – Special report of Israel (1997) (CAT/C/SR.297/Add.1), paras. 5 and 8(1). The United Nations Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) lists “deprivation of normal sensory stimulation, such as sound, light or sense of time” as a torture method. See UN Office of the High Commissioner for Human Rights, Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2004), para. 145(n). Available at: <https://www.un.org/ruleoflaw/files/training8Rev1en.pdf>.

VII. Fundamental freedoms

In late 2020 and at the beginning of 2021, the targeted killing of human rights defenders, journalists and media workers soared. In the months following the start of the Afghanistan peace negotiations on 12 September 2020, 11 human rights defenders and journalists were killed. In the majority of cases, UNAMA HRS was unable to identify the perpetrators of these attacks.³⁵ This had a chilling impact on civil society, resulting in many human rights defenders, journalists and media workers seeking to leave Afghanistan. Amid rising levels of insecurity following the announcement of the US military forces withdrawal in April, civil society actors found themselves in a vulnerable position and increasingly looked for safety in Kabul or abroad. From June to mid-August 2021, UNAMA supported the relocation within Afghanistan of 97 individuals (including 19 women) at risk for their human rights or media engagement. In addition, during the reporting period, UNAMA HRS issued 464 support letters to human rights defenders and journalists potentially at risk.

Since 15 August 2021, *de facto* authorities have increasingly limited the exercise of human rights such as freedom of peaceful assembly and freedom of opinion and expression, cracking down on dissent and restricting civic space in the country. The arbitrary arrests and detention of journalists, human rights defenders, protesters have had a chilling effect on freedom of the media and civic activism. The absence of due process in the arrests and detention carried out by the *de facto* GDI puts individuals outside the scope of judicial supervision and increases the risk of extended pre-trial detention periods. The increasingly intrusive role and activities of the *de facto* MPVPV have compounded such concerns.

Civil society actors and human rights defenders have largely stopped their activities in most provinces, fearful of repercussions and restrictions imposed by *de facto* authorities. Journalists and media workers have increasingly resorted to self-censorship to cope with the new media environment.

³⁵ See UNAMA Special Report: Killing of Human Rights Defenders, Journalists and Media Workers in Afghanistan - 2018-2021, 14 February 2021. Available at: https://unama.unmissions.org/sites/default/files/special_report_-_killing_of_human_rights_defenders_and_journalists_2018-2021_-_unama_-_14_february_2021_english_0.pdf



A man speaks with officials of the *de facto* Ministry of Propagation of Virtue and Prevention of Vice, Kabul, Afghanistan, 24 May 2022. Photo by Susannah George, The Washington Post via Getty Images

A. Fundamental freedoms and the role of the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice (*Amr-bil-Ma'roof wa Nahi 'anil Munkar*)

A *de facto* Ministry of Promoting Virtue, Preventing Vice and Hearing Complaints (*Amr-bil-Ma'roof wa Nahi 'anil Munkar*, known more commonly in English as the Ministry for the Propagation of Virtue and Prevention of Vice) was included in the interim government that the Taliban announced on 7 September. It took over the premises of the former Ministry of Women's Affairs, which was dismantled.

A similar entity was active during the period of Taliban rule from 1996 to 2001. The current mandate of the *de facto* MPVPV and of its Departments at local level seems to include a mix of policy setting, advice, monitoring, complaints management, and enforcement authority on a range of issues connected with the *de facto* authorities' interpretation of what is needed to ensure the propagation of virtue and prevention of vice. While the interpretation of such broad mandate at local level may vary greatly from province to province, over the past 10 months, UNAMA has noted increasing activity by this entity in instructing on prohibitions (e.g. on music, in public and private places; on the display of images of women, including mannequins in shops; on the use of cosmetics by women; on "western" dresses and hairstyles), obligations (e.g. the enforced use of face-covering "Islamic *hijab*" for women; a male guardian to accompany women in public; five daily prayers), and "advice" on a seemingly open-ended set of other issues (including but not limited to the length of hair and beards; restrictions on women's practicing sports, driving, access to public bathing establishments).³⁶ The scope of such instructions seems to be purposefully vague, which poses concerns in terms of compliance with the principle of legality, and the element of specificity. The *de facto* MPVPV also reportedly deals with complaints raised by citizens against state entities through a telephone hotline and a three-stage adjudication or referral decision-making process.

The instructions and guidance issued by the *de facto* MPVPV have a discriminatory and disproportionate impact on women and their enjoyment of human rights.

- On 26 December, the *de facto* MPVPV released guidance on the topic of travel. Drivers were instructed not to offer rides to women travelling further than 78 kilometres without a *mahram* (male guardian) or to women not wearing a face-covering "Islamic *hijab*". Vehicle owners were also ordered not to play music and to stop their vehicle for prayers at the right time and in an appropriate place.³⁷
- On 27 March, the *de facto* MPVPV issued directives to the owners of all Kabul entertainment parks, gardens, and picnic venues to arrange for separate times for male and female visitors to access these areas; and to travel agencies not to sell plane tickets to women without a guardian.³⁸

³⁶ For an overview of the mandate of the *Amr-bil-Ma'roof* in the 1990s, see *Final report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission on Human Rights resolution 1996/75, E/CN.4/1997/59, 20 February 1997*, pp. 32-36.

³⁷ MPVPV [@MOPVPE1], Twitter, 31 December 2021, 4:45pm. Available at: <https://twitter.com/MOPVPE1/status/1476889768357150729?s=20&t=7TuX4pPt6OQEvsPvgZDDFA>; Aljazeera, "No long-distance travel for women without male relative: Taliban", 26 December 2021. Available at: <https://www.aljazeera.com/news/2021/12/26/afghanistan-long-distance-travel-women-without-male-escort-taliban>.

³⁸ MPVPV [@MOPVPE1], Twitter, 27 March 2022, 9:36 am. Available at: <https://twitter.com/MOPVPE1/status/1507947182288220162?s=20&t=sshqCD9cwGCRkjb8HL3LQ> (Dari).

- On 7 May, in a press conference, the *de facto* MPVPV unveiled a new regulation on the observance of the Islamic *hijab*, outlining a two-stage approach (raising awareness followed by warning and disciplinary actions targeting the husbands, fathers and brothers of women deemed or found to be not in compliance)³⁹. The document also notes that failure to abide by the *hijab* regulation for female government employees may entail their immediate dismissal, and further recommends that women avoid leaving the house unless absolutely necessary.

Many of the instructions issued by *de facto* MPVPV involve curtailment of fundamental human rights such as freedom of movement, freedom of expression and right to privacy. In addition, the uncertain legal nature of such instructions, which are often simply announced by a spokesperson in a media interview or via Twitter, leave the system open for interpretation and abuse. For example, in late December, credible reports from several provinces indicated that the heads of the *de facto* Ministry's departments had issued instructions on their own initiative and proceeded to implement them. The decision-making process surrounding the issuance of such instructions by *de facto* MPVPV appears to lack clarity and sufficient internal consultation. *De facto* MPVPV has repeatedly highlighted that the guidance it issues is of a merely "recommendatory" character. This was contradicted by their May 2022 *hijab* directive, which outlines disciplinary actions for male relatives of women who fail to comply. However, even prior to this announcement, UNAMA documented cases where *de facto* MPVPV personnel were involved in the implementation of sanctions and punishments for alleged violations of its "advice", including fines and physical punishments.

The *mahram* "rule" mentioned above, which limits women's unaccompanied travel beyond 78 kilometres, is one instance where local *de facto* DPVPV officials appear to have proceeded with implementation on their own initiative and in some cases imposed a far stricter interpretation of the *mahram* requirement, even prior to the May "advice" from *de facto* MPVPV recommending that women avoid leaving the house. For example:

- In January, in Takhar province, Taloqan city, *de facto* DPVPV officials verbally abused a group of three women who were shopping in the bazar with their young children because they were out of the house without a *mahram*.
- In April, in Helmand province, Lashkar Gah city, *de facto* DPVPV officials verbally abused a group of women who were shopping in the bazar without *mahrams* and beat male shopkeepers for allowing the women to be in their stores unaccompanied. *De facto* Police subsequently arrested 12 male shopkeepers in connection with this issue, who were later released.

The monitoring of citizens' compliance with the *de facto* Ministry's guidance has reportedly involved invasive inspections, including checking of contents of mobile phones and the establishment of attendance sheets at mosques to be used for roll calls before prayers. Such inspections have, in some cases, reportedly resulted in punitive actions by *de facto* DPVPV officials. For example, in March, *de facto* DPVPV officials in Faizabad city, Badakhshan province threatened to cut a barber's hands off if he continued to trim men's beards and abused women in the bazar for not wearing a full Islamic *hijab* or burqa.

³⁹ MPVPV [@MOPVPE1], Twitter, 7 May 2022, 2:43 pm. Available at: <https://twitter.com/MOPVPE1/status/1522882293718818816?s=20&t=sshqCD9cwGCRkjbT8HL3LQ> (Pashto).

B. Freedom of peaceful assembly

From 6 to 8 September, several public protests took place across Afghanistan in support of various causes, sometimes cross-cutting, including to support women's right to education, work and participation in public life, as well as to demonstrate against alleged Pakistani interference in Afghan affairs or the military operations by the Taliban in Panjshir. The protests, involving from at times dozens to hundreds of participants (and notably many Afghan women), took place in several cities, such as Kabul, Herat, Balkh, Bamyan, Kapisa, Ghor, Baghlan, Badakhshan, Parwan, Kunduz, Takhar and Nimroz. UNAMA received credible reports indicating that *de facto* security forces used force against protesters and journalists in an attempt to disperse crowds and/or prevent media coverage (including by shooting in the air and arresting and/or beating those present at the protests, notably journalists).

On 8 September, the *de facto* Ministry of Interior informed that express permission must be granted for protests by the *de facto* Ministry of Justice and notice to be given by protest organizers to security agencies on the location, time, duration, purpose and slogans at least 24 hours in advance, warning that protests would not be authorized otherwise.⁴⁰ Concurrently, between 11 and 15 September, counter-demonstrations staged by women in support of the *de facto* authorities were reported in Balkh, Kunduz, Nangarhar, Kabul, Faryab and Nimroz. These protests, seemingly coordinated with the *de facto* authorities, did not face restrictions.⁴¹

From mid-September until October, protests largely abated, with those that did take place involving teachers, health and other workers protesting the non-payment of salaries since 15 August. In November, as winter approached and the humanitarian situation worsened, protests related to economic issues increased. Restrictions on women's freedom of movement and other fundamental rights introduced by the *de facto* MPVPV at the end of December (see also section [VIII Women's rights](#)) generated an increase in spontaneous protests on women's rights by small groups of women activists, especially in Kabul and the northern provinces.

In January and February, in addition to the reported using of pepper spray and electric devices to disperse protesters, the *de facto* security forces resorted to house searches, arbitrary arrests and incommunicado detention to curb dissent. Multiple emblematic cases of prolonged and unacknowledged⁴² incommunicado detention of several women activists were strongly condemned by UNAMA and the international community. On 10 February 2022, the United Nations Secretary-General expressed concerns about the well-being of these activists and urged the Taliban to ensure their safety and safe return home.⁴³ Parwana Ibrahimkhel was arrested by the *de facto* authorities on 19 January in

⁴⁰ [Zabihullah \(نبی ulla م.\) \[Zabehulah M33\]](#), Twitter, 8 September 2021, 10:07 pm. Available at: https://twitter.com/Zabehulah_M33/status/1435658652409647105?s=20&t=jHtAmznQ51R7zJQlCRyrUA (Dari).

⁴¹ For instance, on 11 September, around 200 female students of Professor Rabbani's educational university and religious schools wearing black *hijabs* completely covering their faces and gloves gathered in Kabul university to announce their support to the *de facto* authorities policies, and condemned the recent "violence" of women protesters at women's rights protests (media footage showed *de facto* authorities escorting the protesters along the road).

⁴² For example, on 23 January, the *de facto* Spokesperson and Deputy Minister of Information and Culture Zabihullah Mujahid reportedly informed that the *de facto* authorities "have the right to arrest and detain dissidents or those who break the law", falling short of expressly acknowledging the arrest and ongoing detention of the activists, see Hasht-e Subh Daily (*Eight in the morning*), [الطالبان: حق ولایم مانع از بازداشت و زندان کردن نیست](#). Available at: <https://8am.af/taliban-we-have-the-right-to-arrest-and-imprison-dissidents/> (Dari).

⁴³ [António Guterres \[antonioguterres\]](#), Twitter, 10 February 2022, 7:32 am. Available at: <https://twitter.com/antonioguterres/status/1491608359673368579>.

Kabul with her brother-in-law and released on 11 February; Tamana Paryani and her three sisters were arrested by the *de facto* authorities from a house in Kabul on 19 January and released on 12 February; Mursal Ayar was arrested from her house on 2 February and released on 11 February; Dr. Zahra Mohammadi was arrested from her medical clinic on 3 February and released on 11 February; on 11 February, the *de facto* authorities detained a group of at least 29 women and some of their relatives, including some protesters, releasing them on 28 February.⁴⁴ On 18 January, the *de facto* authorities detained activist Azeem Azeemi, who announced on twitter⁴⁵ the organization of a rally aimed at protesting against the visit a high-level official from Pakistan. At the time of reporting, his whereabouts remain unknown.

Following the arbitrary arrests and incommunicado detention of women protesters and fearing repercussions from the *de facto* authorities, women have increasingly resorted to creative ways of protesting, for instance inside private houses, wearing face masks, painting slogans on walls at night, also increasingly relying on social media for coverage. Following the decision by the *de facto* authorities on 23 March to reverse the expected opening of secondary schools for girls, small scale rallies, some led by women, took place in Kabul and other provinces.⁴⁶

In the same period, protests on issues deemed important by the *de facto* authorities or in support of their policies took place without any restriction by *de facto* law enforcement or security services. For instance, on 15 and 16 February, peaceful demonstrations took place in many provincial capitals involving hundreds of ordinary citizens, businessmen and money exchangers protesting a recent decision by the Government of the United States concerning Afghanistan's assets abroad. Then, from 19 to 22 February, peaceful demonstrations involving especially universities (students and lecturers) took place in many provincial capitals to protest the recent US decision on Afghanistan's assets. In mid-April, several protests took place to condemn reports of human rights abuses against Afghan citizens in Iran (some of them, for instance on 11 April, in Herat, turning violent) and to protest against Pakistan's air strikes in Khost and Kunar provinces. In May, in several provinces, university students gathered to express support to the hijab policy announced on 7 May.

On the other hand, protests against policies promoted by the *de facto* authorities, or on issues deemed controversial, were regularly restricted, including by preventing media to cover the events. For example, on 14 April, in Herat, the *de facto* General Directorate of Intelligence arrested and detained 26 individuals who were planning to hold a counter-demonstration in support of Iran. Also, on 22 April, in Kabul (PD13), the *de facto* authorities violently dispersed a peaceful protest calling for increased security for the Shi'a Hazara community following an ISIL-K attack to education centres in West Kabul on 19 April (reports of firing in the air, breaking of phones and two protesters injured emerged, as well as journalists reportedly prevented from covering the protest).

⁴⁴ On 20 February, the *de facto* Ministry of Interior released a video clip in which a number of women from this group were filmed, while in detention, saying that they were encouraged to protest by Afghan women's rights activists based overseas, as it would help them leave Afghanistan.

⁴⁵ [Azeem Azeemi \[@Azeemazeemi1\]](https://twitter.com/Azeemazeemi1/status/1483224448421572609), Twitter, 10 February 2022, 7:32am. Available at: <https://twitter.com/Azeemazeemi1/status/1483224448421572609> (Pashto).

⁴⁶ See, for example, Tolo News [@TOLONews], Twitter, 26 March 2022, 10:52 am. Available at: <https://mobile.twitter.com/TOLONews/status/1507603785996292097> (Dari).

C. Freedom of opinion and expression

On 17 August, the *de facto* authorities made generic public assurances that freedom of the media would be allowed if it “remains impartial” and “does not undermine national values and national unity” or “contradicts Islamic principles.”⁴⁷ In the following weeks and months, the *de facto* authorities issued additional instructions on what they consider permissible reporting and broadcasting, as well as new rules impacting on the role of women in the media sector.

On 19 September, the *de facto* Government Media and Information Centre circulated a set of guidelines on media operations to the attention of all print, audio and video media outlets, advising media: to avoid publishing content contrary to the Islamic religion and Sharia; to strictly avoid disrespecting national and influential figures, as well as national and personal privacy; to strictly avoid distortion of contents; and to maintain impartiality in preparing and publishing news and reports and publish only the truth.⁴⁸ On 21 November, the *de facto* MPVPV issued a new set of guidelines requiring, among other things, that media outlets avoid screening films or soap operas featuring women actors; foreign films that are contrary to “Afghan or Islamic values”; and requiring female journalists to observe the Islamic hijab.⁴⁹ On 19 May, the *de facto* MPVPV ordered female TV journalists to cover their faces while broadcasting.⁵⁰

The implementation of media-related guidance by *de facto* authorities, especially in the provinces, has considerably affected the once rich Afghan media landscape: arbitrary arrests, summons, threats and warnings to journalists have been regularly used to control media during the reporting period. This was complemented by prophylactic engagement by *de facto* Departments of Information and Culture, *de facto* GDI and other entities.

Since 15 August, six journalists (including two women) were killed (five by ISIL-KP, one could not be attributed) and four (all men) were injured by unknown armed men. Additionally, UNAMA HRS recorded violations affecting 173 journalists and media workers, of which 163 were attributed to the *de facto* authorities and 10 cases could not be attributed. These human rights violations include arbitrary arrests (122 cases, of which one concerning a woman), incommunicado detention (12, all men), torture and ill-treatment (58 cases, of which one concerning a woman) and threats or intimidation (33 cases, of which three concerning women)⁵¹. Kabul city appears overall as the epicentre of violations in the country, confirming its importance as a free media hub. In the month of September 2021, UNAMA HRS recorded a peak in the number of incidents during the reporting period, arguably in connection with several protests organized in the capital at the beginning of the month. Interlocutors have increasingly highlighted the role of the *de facto* GDI in exerting pressure on media entities and journalists through threats, arbitrary arrests, incommunicado detentions.

⁴⁷ See remarks by *de facto* Spokesperson Zabihullah Mujahid. Aljazeera, “Transcript of Taliban’s first news conference in Kabul”, 17 August 2021. Available at: <https://www.aljazeera.com/news/2021/8/17/transcript-of-talibans-first-press-conference-in-kabul>.

⁴⁸ 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.html>.

⁴⁹ See also Human Rights Watch, “Afghanistan: Taliban Crackdown on Media Worsens”, 22 November 2021. Available at: <https://www.hrw.org/news/2021/11/22/afghanistan-taliban-crackdown-media-worsens-0>.

⁵⁰ Tolo News [@TOLONews], Twitter, 19 May 2022, 11:20 am. Available at: <https://twitter.com/TOLONews/status/1527179889790558208> (Dari).

⁵¹ Since one individual may have suffered more than one violation (e.g., one person may have been arbitrarily arrested, held incommunicado, tortured and/or threatened), the number of violations is higher than the number of individuals affected.

The *de facto* authorities have so far failed to preserve or re-establish effective coordination mechanisms between the executive and the media. On 21 August, *de facto* Spokesperson Zabihullah Mujahid announced the establishment of a tripartite media commission involving the Cabinet, media federations and law enforcement entities in Kabul, amid rising concerns among journalists about their personal safety and working conditions (it remains unclear whether this Commission has ever met).⁵² On 19 May, the *de facto* Spokesperson reiterated the promise to establish a Commission to deal with media violations.⁵³ The commission had not yet been established at the time of writing.

The *de facto* authorities have consistently targeted journalists and media workers in their crackdown on peaceful assemblies. For example, on 30 September, photojournalist Morteza Samadi was released by the *de facto* authorities after being held by them for three weeks in incommunicado detention following his arbitrary arrest on 7 September due to his reporting on the protests against the *de facto* authorities in Herat. Also on 7 September, the *de facto* authorities arbitrarily arrested, detained and ill-treated Etilaat-e Roz journalists Taqi Daryabi and Nemat Naqdi, who had been covering protests by women in Kabul. They were released on 8 September; their bodies showed visible and severe injuries.

The above-mentioned cases are just emblematic examples of a trend that continued unabated throughout the reporting period, affecting dozens of media workers across Afghanistan. In addition to protests, the *de facto* authorities have repeatedly prevented journalists (including through arbitrary arrests, threats, and confiscation of equipment) from covering other types of events, such as mass casualty incidents targeting civilians.

Across the country, media owners also report that the lack of financial revenues from both private sector and international sources is forcing them to lay off staff and eventually close business. Journalists fear *de facto* authorities' reaction to reporting and exercise self-censorship. Access to information has also become more challenging for journalists, including by being prevented from covering protests, lacking information sharing or by not having access to the *de facto* authorities. Women's presence in media has sharply decreased since after the Taliban takeover.⁵⁴ In April, the *de facto* authorities indicated the intention to ban the operations of media outlets with expired licenses and unpaid tax arrears.⁵⁵ Many media workers that did not manage to leave the country by the end of August are reportedly considering doing so. Afghanistan's international media ratings have sharply fallen during the reporting period.⁵⁶

In addition to traditional media and journalism, the *de facto* authorities also actively targeted freedom of opinion. For example, on 8 January, in Kabul, Prof. Faizullah Jalal was arrested by the *de facto* authorities reportedly for making comments deemed controversial on social media; he was released on

⁵² Zabihullah (نبی‌جلا م.) [Zabehulah_M33], Twitter, 21 August, 3:53 pm. Available at:

https://twitter.com/Zabehulah_M33/status/1429041508213272582?s=20&t=sh9FGBnMMJCUU-wF9XR5jw (Pashto).

⁵³ Zabihullah (نبی‌جلا م.) [Zabehulah_M33], Twitter, 19 May 2022, 7:25 pm.

https://twitter.com/Zabehulah_M33/status/1527302013058330625?s=20&t=sh9FGBnMMJCUU-wF9XR5jw.

⁵⁴ On 21 December 2021, Reporters Without Borders (RSF) and the Afghan Independent Journalists Association (AIJA) informed that only 312 (out of 543 media outlets active until 15 August) were still operating; more than 6,400 journalists have lost their jobs. See RSF, "Since the Taliban takeover, 40% of Afghan media have closed, 80% of women journalists have lost their jobs", updated 21 December 2021. Available at: <https://rsf.org/en/news/taliban-takeover-40-afghan-media-have-closed-80-women-journalists-have-lost-their-jobs>.

⁵⁵ Tolo News, "ATRA: MoI Must Close Media Outlets with Invalid Licenses", 5 April 2022. Available at: <https://tolonews.com/afghanistan-177443>.

⁵⁶ On 3 May, in the 2022 RSF World Press Freedom Index, [Afghanistan](https://rsf.org/en/country/afghanistan) is positioned at 156 (score: 38.27), from its 2021 ranking at 122 (score: 59.81). Available at: <https://rsf.org/en/country/afghanistan>.

11 January following national and international criticism⁵⁷. On 4 March, in Kabul, political analyst Sayed Baqir Mohsini was arrested by *de facto* GDI and released after two days.⁵⁸ On 6 March, in Kabul, Afghan/Canadian comedian and activist Nadima Noor – also known as Patingara Kakai – was released by the *de facto* authorities after some three weeks in incommunicado detention following her arrest on 24 February.⁵⁹

In many other cases, individuals were arbitrarily arrested by *de facto* authorities for posts shared on social media deemed to have expressed unwelcome criticism. UNAMA HRS has received reports of threats and intimidation of such individuals, and while some were released after a few hours, in other cases, individuals were detained for much longer periods and ultimately convicted. For instance, on 27 April, in Herat, two civil society activists and one journalist, arbitrarily arrested by *de facto* GDI respectively on 1 February and 17 March, were reportedly convicted by a military court, for allegedly “spreading anti-regime propaganda and committing espionage for foreign media outlets”. The journalist, Khalid Qaderi, was reportedly sentenced to one year imprisonment, while the two civil society activists were sentenced to two years imprisonment. Qaderi’s case is the first known instance of a journalist being tried, convicted, and sentenced for his work since the Taliban takeover. He allegedly did not have access to a lawyer.⁶⁰

D. Civil society, human rights defenders and national human rights institutions

Civil society actors and human rights defenders have stopped their operations in most provinces, fearful of repercussions and restrictions imposed by *de facto* authorities. Lack of access to funding is another issue that prevents civil society organisations from being operational.

Human rights defenders continued to come under attack, face intimidation, harassment, arbitrary arrest, incommunicado detention, ill-treatment and killings. Since 15 August, 10 civil society activists (including two women) were killed (five attributed to the *de facto* authorities, three to ISIL-KP, two cases could not be attributed). Additionally, UNAMA HRS recorded violations affecting 65 human rights defenders, of which 64 were attributed to the *de facto* authorities and one case could not be attributed. These human rights violations include arbitrary arrests (47 cases, of which 11 concerning women), incommunicado detention (17 cases, of which 10 concerning women), torture and ill-treatment (ten cases, of which one concerning a woman⁶¹) and threats or intimidation (17 cases, of which six concerning women).⁶² Kabul city appears overall as the main centre of violations in the country, with the period

⁵⁷ Aljazeera, “Taliban releases prominent Afghan professor from custody: Family”, 11 January 2022. Available at: <https://www.aljazeera.com/news/2022/1/11/taliban-releases-afghan-professor-faizullah-jalal>.

⁵⁸ Tolo News, “Professor Missing Since Friday Evening”, 5 March 2022. Available at: <https://tolonews.com/afghanistan-176980>.

⁵⁹ Pajhwok Afghan News, “دې پښتانه کاکې پاتې شوه”, 9 March 2022. Available at: <https://pajhwok.com/ps/2022/03/09/social-activist-nadima-released/> (Pashto).

⁶⁰ Committee to Protect Journalists, “Afghan journalist Khalid Qaderi sentenced to 1 year in prison”, 5 May 2022. Available at: <https://cpj.org/2022/05/afghan-journalist-khalid-qaderi-sentenced-to-1-year-in-prison/>. See also RSF, “Afghanistan: Afghan journalist tried by military court, sentenced to one year in prison”, 11 May 2022. Available at: <https://rsf.org/en/afghanistan-afghan-journalist-tried-military-court-sentenced-one-year-prison>.

⁶¹ Two of the tortured individuals were subsequently killed and, accordingly, are also included in the list of killed presented earlier in the paragraph.

⁶² Since one individual may have suffered more than one violation (e.g., one person may have been arbitrarily arrested, held incommunicado, tortured and/or threatened), the number of violations is higher than the number of individuals affected.

January to February 2022, recording a peak of incidents during the reporting period, arguably in connection to increased protests by women's rights activists in the capital city at the beginning of the year.

The *de facto* authorities searched and seized the central and local offices of the Afghanistan Independent Human Rights Commission shortly after 15 August. In an official statement on 18 September, the Commission informed of its inability to operate since 15 August⁶³. Its leadership and some core staff have left Afghanistan. The *de facto* authorities abolished the Commission⁶⁴ through an administrative decree dated 4 May (effective 21 March). On 19 May, UN High Commissioner Bachelet expressed dismay "at the reported decision of the Taliban to dissolve the [Commission, which had] performed extraordinary work in extremely difficult conditions over many years, shining a spotlight on the human rights of all Afghans, including victims on all sides of the conflict" and stressing that "its loss will be a deeply retrograde step for all Afghans and Afghan civil society."⁶⁵

As mentioned above, the *de facto* MPVPV reportedly deals with complaints raised by citizens against *de facto* state entities through a telephone hotline and a three-stage adjudication or referral decision-making process. In addition to courts, within the *de facto* Ministry of Justice, the Legal (*huquq*) department at national and provincial level also continues to deal with civil and commercial disputes. Notwithstanding the existence of several avenues for citizens to submit complaints to several *de facto* governmental entities, the mandate of an independent national human rights institution would certainly enhance human rights accountability in Afghanistan, playing a bridging role between citizens and the *de facto* authorities.

⁶³ AIHRC [@AfghanistanIHRC], Twitter, 18 September 2021, 07:08 pm. Available at:

<https://twitter.com/AfghanistanIHRC/status/1439236862414098432?s=20&t=uAJVUWAZIIOHZMIJoi5hOA>

⁶⁴ The decree also abolished the Oversight of the Implementation of the Constitution Commission, the State Ministry of Peace and the Secretariats of the Upper and Lower House of the Republic era Parliament.

⁶⁵ Comment by Michelle Bachelet, UN High Commissioner for Human Rights, on the dissolution of Afghanistan's Independent Human Rights Commission, Press Release, 19 May 2022. Available at: <https://www.ohchr.org/en/press-releases/2022/05/comment-michelle-bachelet-un-high-commissioner-human-rights-dissolution#:~:text=The%20Afghanistan%20Independent%20Human%20Rights,the%20ground%20since%20August%202021.>

VIII. Women's rights



Protesters march through the Dashti-E-Barchi neighborhood, Kabul, Afghanistan, 8 September 2021.
Photo by Marcus Yam, Los Angeles Times.



Women at a pro-Taliban rally outside a university, Kabul, Afghanistan, 11 September 2021. Photo by Aamir Qureshi, AFP.

A. Situation of women and girls

Despite prior assurances during negotiations in Doha and at a 17 August 2021 press conference in Kabul that assured women of their rights “within the framework of Sharia law”, and that there will be “no violence (...) and no discrimination against women,”⁶⁶ Afghan women have been apprehensive following the return to power of the Taliban in August 2021 given the Taliban’s conservative theo-political position on the role of women. Such a position has manifested since in a progressive series of restrictions of Afghan women and girls’ enjoyment of their human rights and freedoms.

The first indication of the curtailment of women’s enjoyment of their rights was the 7 September 2021 establishment of an all-male caretaker Cabinet; there was, and remains, no room for any negotiation on gender inclusivity. By extension and through their actions thereafter, the *de facto* authorities have failed to include women in any decision-making forum at both national and sub-national levels. This was followed by the 18 September physical takeover and conversion of the premises of the former Ministry of Women’s Affairs to that of the now *de facto* Ministry for the Propagation of Virtue and Prevention of Vice (MPVPV). Together, the two actions effectively removed women’s right to political participation and representation in decision-making fora, including the loss of any opportunity to be consulted on matters that affect them and their families. On 19 September, through a guidance note to media outlets, the *de facto* authorities, among other things, regulated dress codes for female journalists and banned women from acting in films.

Between September and December 2021, further edicts by the *de facto* authorities directed the: discontinuance of girls’ education beyond the sixth grade, particularly in public schools, extended indefinitely on 23 March; imposition of the male family escort (*mahram*), further elaborated on 26 December; and obtrusion regarding women’s dress, further regulated on 7 May.

On 3 December, the Taliban leader issued a decree on the rights of women. Key issues prescribed in favour of women included that: women had the right to consent to marriage and could not be forced into marriage; widows have inheritance rights (*mirās*) in relation to the property of her husband, children, father, and relatives; widows have the right to be given a dowry (*mahar*) by the new husband; women in a polygamous marriage are afforded rights in accordance with *sharia*; and that the *de facto* Supreme Court is to ensure courts consider applications involving women.⁶⁷ While the decree was lauded in some quarters, Afghan women decried the decree as failing to address the wider spectrum of women’s rights.

Despite the issuance of the decree, UNAMA recorded instances where *de facto* authorities – including judges, provincial governors and others – have been involved in upholding forced marriages and/or denying women their choice of partner. For example:

- On 15 February, in Uruzgan province, Tarinkot district, a woman and her brother were summoned to court regarding an offer of marriage that had been made to her, which she had repeatedly refused. The judges of the *de facto* Primary Court tried to force the woman to accept, and when she refused they beat her and her brother severely. They were forced to flee their home,

⁶⁶ CNN, “Taliban pledge ‘no violence against women’ but say international community ‘should respect our core values’”, 17 August 2021 (12.13pm ET). Available at: <https://edition.cnn.com/world/live-news/afghanistan-taliban-us-news-08-17-21/index.html>.

⁶⁷ Zabihullah (زبهيullah) [Zabehulah_M33], Twitter, 3 December 2021, 11:31 am. Available at: https://twitter.com/Zabehulah_M33/status/1466663907750256642?s=20&t=OSIB1ZasfMSJXFjMESiE-A.

fearing further retribution, and her other brother who stayed behind was subsequently detained by the *de facto* authorities in an attempt to get the woman to accept the proposal.

- On 27 April, a 15-year-old girl told UNAMA she had been sold to an older man by her father. She did not want to marry the man and so she ran away with another man and got married to him. Her father subsequently filed a complaint against her with the *de facto* authorities. She was arrested by *de facto* Police and brought to the lock up, where she was told that she should listen to her father and divorce her current husband to marry the first man. She remained in the lockup for around 10 days and was then transferred to the provincial prison for further investigation. Her case was reportedly with the court.

On 26 December 2021, guidance released by the *de facto* MPVPV limited women's freedom of movement to no further than 78 kilometres, unless accompanied by a *mahram*, and prohibited vehicle owners from taking female passengers not wearing *hijab*.⁶⁸ UNAMA documented incidents of women being beaten by local *de facto* authorities for being without a *mahram* or not wearing a proper *hijab* (see also [Section VII – Fundamental freedoms and the role of the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice](#)).

Through a press conference on 27 February, the *de facto* spokesperson, Zabiullah Mujahid, informed of the ban on Afghans from leaving the country without “an excuse”, and that women would not be allowed to travel abroad unless accompanied by a *mahram*.⁶⁹ On 2 March, he clarified his statement saying that Afghans with “legal documents” would not be prohibited from travelling and women would not be allowed to travel abroad to study unless accompanied by a *mahram*.⁷⁰ The real clarification for women appeared in a 24 March official letter by the *de facto* authorities to travel agencies across Afghanistan ordering them not to sell plane/travel tickets to women without a *mahram*. Officials at the Kabul International Airport were also instructed through an official letter from the *de facto* authorities that women without a *mahram* must not be allowed to travel.

The focus on women's dress and physical gender segregation in public spaces began in earnest on 2 March when the *de facto* MPVPV issued a letter to all government departments instructing them that: all female government employees should wear the *hijab* in accordance with Islam and Sharia law; male and female government employees should be physically segregated; and women visiting government offices without a *hijab* should be prevented from entering the premises.

On 27 March, the same *de facto* ministry issued a directive to the owners of all Kabul entertainment parks, gardens, and picnic venues to ensure gender-segregated use of these areas by specific days, and for women patrons to strictly adhere to the *hijab* requirement when using these areas. On 7 May, in a press conference, the same *de facto* ministry unveiled a new regulation on the observance of the “Islamic *hijab*”, outlining a two-stage approach of raising awareness, followed by warning and disciplinary actions targeting the husbands, fathers and brothers of women deemed or found to be not in compliance. The

⁶⁸ MPVPV [[@MOPVPE1](#)], Twitter, 31 December 2021, 4.45pm. Available at: <https://twitter.com/MOPVPE1/status/1476889768357150729?s=20&t=7TuX4pPt6OOEvsPvgZDDFA>; Aljazeera, “No long-distance travel for women without male relative: Taliban”, 26 December 2021. Available at: <https://www.aljazeera.com/news/2021/12/26/afghanistan-long-distance-travel-women-without-male-escort-taliban>.

⁶⁹ i24News/AFP, “Taliban ban Afghans from evacuating amid massive security sweep”, 28 February 2022. Available at: <https://www.i24news.tv/en/news/middle-east/iran-eastern-states/1646033500-taliban-ban-afghans-from-evacuating-amid-massive-security-sweep>.

⁷⁰ Aljazeera, “Afghans with correct legal documents may travel abroad: Taliban”, 2 March 2022. Available at: <https://www.aljazeera.com/news/2022/3/2/afghans-with-correct-legal-documents-may-travel-abroad-taliban>.

directive also noted that female government employees' who do not abide by the regulation will be immediately dismissed; similarly, male government employees whose spouses and daughters were found to be non-compliant would be suspended. It further recommended that "the best form of observance of the Sharia *hijab*" was for women to avoid leaving the house altogether, unless absolutely necessary.

Edicts to the Afghan population by the *de facto* authorities, including by the *de facto* MPVPV, have a discriminatory and disproportionate impact on women and girls' and their enjoyment of human rights. In particular, the imposition on women and girls of the *mahram* and *hijab* have had a direct impact on their enjoyment of the right to freedom of movement as they cannot leave home without either. Doing so attracts potential harassment and abuse by local *de facto* authorities or they are unable to access services such as public transport, healthcare, and even humanitarian assistance. In this regard, women-headed households and widows are particularly disadvantaged where they do not have any living male relatives residing with them. Male family members/guardians are implied enforcers of the *hijab* directive or they will be punished for the non-compliance of female family members.

Girls' access to secondary education has been disallowed indefinitely by the *de facto* authorities so that allegedly they could review and align the school curriculum with Islamic values, organise segregated classrooms, and recruit more female teachers. Thus, a generation of secondary school-aged girls will not complete their full 12 years of basic education if they do not return to formal secondary school in the next three to 12 months. This has innumerable physical and psychosocial costs and risks including: suicides; early and child marriage; early child-bearing; poverty-related losses with regard to health, nutrition, well-being and wealth due to lower earnings; diminished agency, decision-making and related social capital; and increased risk of being a victim of domestic violence and/or sexual exploitation and abuse. In the meantime, boys continue to enjoy full access to primary and secondary education, and young men to tertiary education. Young women's access to quality tertiary education, however, has faced challenges given the *de facto* authorities' imposition of gender segregated classes by prescribed days and lack of female lecturers to teach female students. Whether all university courses offered to male students will be offered to female students remains to be seen. All these developments have transpired in a context in which religious subject-matters have been reportedly integrated in the curricula, at times to the detriment of other areas of study.

The steps taken by the *de facto* authorities to date, including asking the majority of female civil servants – with the notable exceptions of those working in the health and education sectors – to remain at home, have significantly restricted women's participation in the workforce. While women have been permitted to continue in some government roles, including at airports, passport offices and in women's prisons, a large number of professional and urban women, including former civil servants, have been relegated indefinitely to the home. In the informal sector, including agriculture and livestock, as well as arts and crafts, women are the backbone and unseen drivers of the informal economy but have faced challenges in bringing products to market given the employment ban. Straddling the formal and informal economies are small- and medium-sized women-owned and women-operated businesses, shops and eateries, but they have also suffered from the employment ban with the *de facto* authorities' closure of women's markets established by the former Ministry of Women's Affairs, such as in Mazar-e-Sharif and Herat. Without employment,⁷¹ women's financial independence – including that of women-headed

⁷¹ An economic modelling by UNDP-Afghanistan of Afghanistan's socio-economic outlook for 2021-2022 saw an immediate economic loss of between US\$600 million to US\$1 billion – or up to a five per cent of Afghanistan's gross domestic product – when women are restricted from working. United Nations Development Programme in Afghanistan, "Afghanistan: Socio-

households and widows – is affected, which in turn hinders their timely access to basic services, particularly healthcare.

B. Violence against women and girls

Since the Taliban takeover of the country in August 2021, UNAMA HRS received 87 reports of murder, rape, suicide, forced marriages including child marriage, assault and battery, as well as two cases of honour killing. None of the cases have been processed through the formal justice system given the variegated rule of law situation and the reported referral of many cases to traditional dispute resolution mechanisms. Specialised police and prosecution units, and courts, established by previous governments as part of the implementation of the 2009 Elimination of Violence Against Women Law were removed from the *de facto* authority's budget for 2022.

With the dissolution of dedicated mechanisms established to deal with cases of violence against women and girls, an important avenue for victims of gender-based violence to seek justice and support has been lost. This has likely to have caused underreporting of incidents of violence against women and girls. For instance, on 12 January, a large provincial hospital in Afghanistan informed that since the Taliban takeover of the country, in a 10-day period, they would register approximately 70 to 100 cases of injured female patients stemming from 'violence against women' incidents while pre-August 2021, the hospital was recording 150 to 200 such cases in the same period. The hospital posited that the under-reporting of cases may be due to women's limited movement outside the home, the general fragile security situation, the absence of protection mechanisms afforded by the *de facto* authorities to survivors, and the absence of formal mechanisms that addresses cases.

Female survivors of violence can access health, psychosocial and referral services at Family Protection Centres hosted in provincial and regional hospitals in 26 provinces.⁷² There is, however, a need to re-establish Women Protection Centres which provide shelter to women escaping situations of violence.

Economic Outlook 2021-2022 – Averting a Basic Needs Crisis”, 1 December 2021. Available at: <https://www.undp.org/publications/afghanistan-socio-economic-outlook-2021-2022-averting-basic-needs-crisis#:~:text=December%201%2C%202021&text=The%20report%20indicates%20that%20the,corrective%20action%20is%20not%20taken>.

⁷² The 26 provinces are: Badghis, Baghlan, Bamyan, Balkh, Daikundi, Farah, Faryab, Ghor, Jawzjan, Herat, Kabul, Kandahar, Kapisa, Khost, Kunar, Kunduz, Laghman, Nangahar, Nimroz, Paktia, Parwan, Samangan, Saripu, Takhar, Uruzgan and Helmand. Source: UNFPA-Afghanistan, December 2021.

IX. Justice, detentions and the penitentiary system

A. The justice system and courts

With the takeover in mid-August 2021, the previous court system and judicial structure came to a halt. However, the *de facto* authorities have since resumed the functioning of the justice system and courts across the country under Islamic law, starting with key appointments to lead the *de facto* Ministry of Justice, *de facto* Supreme Court, primary and appeal courts and the *de facto* Attorney General's Office, and introducing changes aimed at expediting the administration of justice. The three-tiered system under the former Government has been preserved, and appointments have been made countrywide to replace former judicial personnel across all provincial and district courts, with former judges excluded. Most newly appointed *de facto* judges have reportedly obtained their qualifications in religious rather than secular legal educational institutions. In provinces, *de facto* authorities administer justice in a decentralized manner, often in consultation with religious scholars, elders, and local communities. A military court has also been established, with jurisdiction over violations by *de facto* security personnel of the *de facto* Ministry of Defence, *de facto* Ministry of Interior and the *de facto* GDI.

In parallel, in November, *de facto* authorities initiated a review of all existing laws to assess their compliance with both Islamic Law and with the objectives and policies of the new *de facto* administration, which is still ongoing. At present, as the law review process continues, both pre-existing laws as well as Islamic law, and newly developed directives of the *de facto* authorities are being applied by justice sector actors, leading to a lack of clarity regarding the applicable legal framework on matters of both procedure and substance. For instance, as part of the *de facto* Supreme Court's priority to expedite the processing of cases, *de facto* judges have been empowered to lead their own investigations, without awaiting casefiles from Prosecution offices.

A lack of transparency and procedural irregularities continue reportedly undermining courts' compliance with due process and other fair trial standards. For instance, in November, the *de facto* Ministry of Justice seized authority from the Afghanistan Independent Bar Association to license lawyers and a process is underway to recertify them.⁷³ While the *de facto* Ministry of Justice and Supreme Court have instructed that newly certified lawyers authorized by the *de facto* Ministry of Justice can represent clients, and appear in courts on behalf of accused, numerous reports indicate that the right to a lawyer is frequently not respected by all *de facto* justice authorities: *de facto* security officials fail to inform suspects about their rights at time of initial detention or questioning in a timely manner; the *de facto* Ministry of Justice has resource constraints affecting its capacity to effectively meet the demand for legal-aid services for suspects who cannot afford to privately engage a lawyer; and *de facto* judges reportedly continue to deny lawyers standing to participate in cases before them in defense of their client.

B. Detainee population and prolonged pre-trial detention

Since 15 August, *de facto* authorities have taken over the administration of 41 prisons countrywide and faced ongoing challenges in this regard, which they seek to address. HRS has confirmed numerous provincial prisons are operational countrywide, with key challenges concerning overcrowding and

⁷³ Tolo News, "Independent Bar Association Office Taken Over by Islamic Emirate", 28 November 2021. Available at: <https://tolonews.com/afghanistan-175659>.

prolonged arbitrary pre-trial detention, as well as lack of resources, impacting detention conditions in many facilities.

Prisons had experienced significant overcrowding prior to 15 August 2021, falling short of international standards. In July and August, as Taliban progressively seized prisons in most parts of the country, they released prisoners and detainees including many who had been convicted under the former government of security or terrorism crimes, thus significantly reducing the overall prison population. According to UNAMA HRS remote monitoring in early August 2021, approximately 33,000 detainees and prisoners were held in provincial prisons around the country, Pul-e-Charkhi prison complex and the Afghan National Detention Facility in Parwan (Bagram).

The total detained population (including those in custody, pre-trial detention or prison) has since, however, progressively increased as *de facto* security authorities, exercising their functions, arrest individuals for crimes who are subsequently held pending investigation or trial; and as *de facto* authorities used some prisons to hold drug addicts, holding up to several hundred individuals at a time, for periods up to six months.

This led the *de facto* Cabinet, sitting on 23 November, to direct that the rights of detainees be regulated under Sharia, including the duration of their detention which must be limited, and that their cases be referred to the judiciary for determination.⁷⁴ In January, the Amir al-Muminin issued the “Code of Conduct on system reform relating to prisoners” which, inter alia, limited the initial detention of individuals by *de facto* security officials to three days, after which suspected individuals should be handed over to a court. However, security officials can detain suspects in criminal cases for up to one month if additional investigation is required, and beyond one month by order of a court.⁷⁵

Since January, the *de facto* authorities have undertaken a series of initiatives to implement the foregoing in an effort to decongest prisons. On 4 January, a high-level commission was established, headed by the Supreme Court, to inspect prisons and detention centres and decide on the release of “innocent prisoners”. This was followed by similar initiatives in provinces to review detainee casefiles. Further, the Amir al-Muminin issued a further decree on the occasion of Eid-ul-Fitr per which prisoners and detainees of little risk or with little time left to serve were also released. From January to May 2022, UNAMA HRS collected reports of approximately 2,383 prisoners and detainees released from provincial prisons in Badakhshan, Baghlan, Daikundi, Faryan, Ghazni, Ghor, Helmand, Herat, Jawzan, Kabul, Kandahar, Khost, Kunduz, Laghman, Logar, Maidan Wardak, Mazar, Nangarhar, Paktya, Samangan and Sar-i-Pul.

Despite the foregoing efforts, delays in processing the cases of pre-trial detainees continue to impact prison overcrowding. Accordingly, since mid-May the *de facto* Office of Prison Administration actively oversees that the total detained population in Afghanistan does not exceed approximately 10,000 people

⁷⁴ Zabihullah (زبىح الله) [Zabehulah_M33], Twitter, 23 November 2021, 1:17 pm. Available at: https://twitter.com/Zabehulah_M33/status/1463066662903685121?s=20&t=6phZvz2WuHAAOvZVQdxB5g (Pashto).

⁷⁵ Code of Conduct (unofficial translation). Article 31 provides: “In *Huquq-Allah* [Rights of Allah] (cases), posing a threat to security, security officials cannot detain common-law criminals for more than 3 days. Within three days they are to be handed over to the relevant authority (the court) and, if additional time is needed because of the investigation and in order to obtain testimony, circumstantial evidence or signs and indications for the accusation, they may be kept for up to one month. If a period of more than one month is required for the investigation, then a written order of extension is to be taken from the relevant court.” Article 32 provides: “If *Huquq al-‘Ibād* [Rights of Individuals] (cases), that is in disputes, if there is a need to keep a party or parties in detention for more than three days, they can be detained for more than three days upon the order of the court.”

countrywide. In early June, the *de facto* Office of Prison Administration requested the Supreme Court to expedite judicial consideration of cases (and release pre-trial detainees as appropriate), suggesting the deployment of court branches to prisons, or a new high-level commission to visit prisons as was done in January 2022. As at 19 June, of the overall prison population of 9,621 persons, 76 percent (7,354 persons; comprising over 6,500 men and over 500 women) are pre-trial detainees awaiting that their cases be processed.

C. Treatment of prisoners and conditions of detention

The January 2022 “Code of Conduct on system reform relating to prisoners” also outlines key standards and obligations relating to the treatment of detainees. Of note, the Code prohibits torture at any point throughout arrest, transfer or detention, and provides for punishment for those who commit it. The Code also specifically prohibits torture to extract confessions and states the inadmissibility in court of evidence so obtained. It also outlines obligations that align with minimum standards outlined in the Mandela Rules concerning accommodation, food, health, and procedural safeguards such as notifications to families and family visits.⁷⁶ In June 2022, the *de facto* Office of Prison Administration established a committee to monitor provincial prisons and ensure that prisons are managed in accordance with existing laws and procedures and that the rights of detainees/prisoners are protected.

Some prisons reportedly hold pre-trial detainees together with convicted individuals in the prison section of the facility, due to overcrowding in the former section, in contravention of the Mandela Rules. According to the Office of Prison Administration, all prisons ensure the access of legal counsel to detention facilities. UNAMA HRS has, however, received reports that in at least two provincial prisons, lawyers have been denied access.

Conditions of juveniles deprived of liberty also remain a key concern. Juvenile Rehabilitation Centres, along with provincial prisons, remain under the authority of the Office of Prison Administration in Kabul. With reduced donor funding that previously supported the running of separate facilities for the detention of juveniles, often in private rented houses, as well as educational needs, detained children and Juvenile Rehabilitation Centres’ personnel have also progressively been transferred to provincial prisons. In some instances, juveniles are held alongside adults in breach of the Beijing Rules,⁷⁷ though in many cases in a separate wing or portion of the Provincial Prison in an effort to maintain a minimum separation. As of May, juveniles are being held in provincial prisons in Balkh, Baghlan, Faryab, Jawzjan, Kandahar, Kunar, Kunduz, Laghman, Nangarhar, Paktya, Parwan, Sar-i-Pul, and Takhar provinces.

The most pressing challenges regularly reported by most prisons and Juvenile Rehabilitation Centres include lack of resources. This impacts the ability of *de facto* prison authorities to fulfil their obligations to detainees concerning the provision of adequate food, medical care, clothing, accommodation (such as heating materials in the winter), and hygiene materials, all critical aspects of the right to be treated humanely per the Nelson Mandela Rules. Access to health care is reportedly challenging in some Juvenile Rehabilitation Centres and provincial prisons including Zabul and Balkh; with health clinics in most prisons lacking an adequate number of health professionals and sufficient medical equipment. Health clinics are also unable to cater for the rehabilitation needs of drug-addicted inmates.

⁷⁶ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by General Assembly Resolution 70/175, 8 January 2016.

⁷⁷ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), General Assembly resolution 40/33.

Concerning the provision of food, some prisons, including in Kabul, rely on external support to provide prisoners and detainees with the means for an adequate diet. Furthermore, with the exception of religious education, with the halt to international donor funding, most prisons and Juvenile Rehabilitation Centres can no longer provide other educational or vocational trainings, particularly for vulnerable groups including women and juveniles. This is likely to put individuals subjected to prolonged pre-trial detention at a further socio-economic disadvantage and hinder their reintegration into society upon release.

Since January, HRS has constructively engaged with the *de facto* justice and detention actors in relation to international instruments and standards, including respect for procedural safeguards in the management of detention facilities, and to seek agreement on accessing detention facilities. In addition to meeting with senior *de facto* officials in Kabul and the provinces, at the latter's request, HRS has delivered awareness raising sessions for representatives from facilities including but not limited to the Office of Prison Administration in Kabul, Pul-e-Charkhi complex in Kabul, and provincial prisons in Bamyan, Daikundi, Kandahar, Kunduz, Logar, Nangarhar, and Herat.

The Office of Prison Administration in Kabul has also granted UNAMA HRS access to visit Pul-e-Charkhi and several other facilities at provincial level for the purpose of assessing general conditions. UNAMA HRS will continue engaging with authorities in this regard to encourage continued cooperation and compliance with international human rights instruments and principles for fair treatment of detainees and prisoners.

x. Conclusions and recommendations



Morning of 23 March 2022, in a girls' high school, before the *de facto* authorities announced the extension of the closure of girls' high schools, Kabul, Afghanistan, 23 March 2022. Photo by Ahmad Sahel Arman, AFP

A. Conclusions

Afghan civilians continue to be harmed as a result of indiscriminate IED attacks on civilian objects and areas as well as UXO. IED attacks were the major contributor to civilian harm between August and June, predominantly claimed by ISIL-KP and targeting ethnic and/or religious minorities. In addition, Afghans continue to deal with the aftermath of decades of armed conflict, exacerbated by the economic and humanitarian crisis and without sufficient access to financial, medical and psychosocial support.

The impunity with which members of the *de facto* authorities appear to have carried out human rights violations during the reporting period is of serious concern.

The general amnesty announced by the *de facto* authorities for former government officials and ANDSF has not been consistently upheld across the country, given the extent and continuing nature of violations recorded by UNAMA HRS.

Irrespective of any violence occurring between the *de facto* authorities and armed groups, including ISIL-KP and the NRF, the extrajudicial killing, torture and ill-treatment and arbitrary arrest and detention of individuals affiliated – or accused of affiliation – with these groups are human rights violations.

Individuals accused of “moral crimes” have been subjected to cruel, inhuman and degrading punishments, and even extrajudicially killed, by members of the *de facto* authorities. These punishments and extra-judicial killings are in clear contravention of international human rights law pertaining to the rights to life and physical integrity. Incidents of excessive use of force are preventable. Steps need to be taken to ensure that *de facto* personnel are trained in appropriate use of force when engaging with members of the civilian population.

The human rights violations reported to UNAMA HRS regarding *de facto* GDI are particularly concerning. Violations have been confirmed in a range of provinces, and there appears to be an acceptance – if not explicit endorsement – by the *de facto* authorities of arbitrary arrest and detention, torture and ill-treatment and even killing of individuals detained by *de facto* GDI.

Freedom of opinion and expression, freedom of peaceful assembly, freedom of association are cornerstones of any flourishing society. Afghan women and men, and human rights defenders and journalists in particular, have the right to participate in public life, work, study and be heard. Ensuring the safety of journalists and the survival of the Afghan media sector is also essential for the purposes of addressing the unprecedented humanitarian crisis faced by the country. Reports of unnecessary and disproportionate restrictions to these human rights and fundamental freedoms have emerged since 15 August. Such limitations are at odds with international human rights obligations binding Afghanistan, and in the long term are likely to have counterproductive effects on the stability of the country.

Many of the directives issued by the *de facto* MPVPV appear to constitute limitations on Afghans’ fundamental human rights of freedom of movement (*mahram* rule and recommendation not to leave the house unless absolutely necessary), freedom of expression (dress codes) and right to privacy (requirement to sign prayer attendance sheets). In addition, the uncertain legal nature of instructions issued by the *de facto* MPVPV, leave the system open for interpretation and abuse, and it is evident that implementation is at times centrally controlled, and at others not.

Rule of law requires a system of certain and foreseeable law, where citizens are able to regulate their conduct in conformity to legislation that is formulated with sufficient precision and clarity. Citizens also have the right to be treated by decision-makers with dignity and equality, and to have the opportunity to challenge decisions before independent and impartial courts through fair procedures.

The abolishment of the Afghanistan Independent Human Rights Commission, an A-status national human rights institution under the Paris Principles⁷⁸, leaves a void that will be difficult to fill. Notwithstanding the establishment of some avenues for citizens to submit complaints to various *de facto* governmental entities, the absence of an independent national human rights institution will inevitably affect human rights accountability in Afghanistan.

Women and girls comprise half the population of Afghanistan. The *de facto* authorities' continued restriction of their enjoyment of their rights and freedoms has effectively marginalized and rendered Afghan women voiceless and unseen. Harnessing their potential – by allowing them to enjoy their rights and freedoms, including *inter alia* civic and political participation, as well as in the workforce, and having access to education (primary, secondary and tertiary) and livelihood opportunities – is critical if the *de facto* authorities are to move Afghanistan out of the ongoing economic and humanitarian crises and commence nation-building. Integral to this, however, is the impact of directives issued by the *de facto* authorities affecting the rights of women and girls.

The justice system, including the *de facto* courts, remain challenged by resource and capacity constraints, that result in prolonged and often arbitrary pre-trial detention, that in turn impact compliance with procedural safeguards and due process rights essential to ensuring fair trials. With the January 2022 guidance issued by Amir-al-Muminin, *de facto* authorities are seeking to fulfil their obligations in relation to the treatment of detainees held in prison and detention facilities, although hindered by financial constraints, as well as issues that fall under the authority of other ministries such as the Supreme Court, responsible for the administration of the court system, and the Ministry of Justice, which faces similar budgetary constraints impacting the delivery and reach of legal aid, and relating to the licensing and standing of lawyers. Awareness-raising concerning the obligations of authorities vis-à-vis respecting detainee rights must continue, including with the *de facto* Police and security authorities, and with *de facto* judicial authorities on the handling of cases.

Ten months after the Taliban takeover, Afghanistan still faces uncertainty over its political, security and socio-economic future. The economic, financial and humanitarian crisis, exacerbated by the sanctions and suspension of non-humanitarian aid flows, continues to negatively affect Afghans' human rights, including to an adequate standard of living.⁷⁹

Afghan women and men legitimately expect from the *de facto* authorities an inclusive governing vision that fosters peace, social cohesion and economic development. It is imperative that such a vision is based on fundamental human rights, as without them people's participation in public affairs is limited, security is ephemeral, and development is not sustainable. Human rights are not only about complaints being

⁷⁸ Principles relating to the Status of National Institutions (The Paris Principles), General Assembly resolution 48/134, 20 December 1993.

⁷⁹ *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/76/862-S/2022/485, 15 June 2022, para. 66.

heard, but also about different voices being able to be expressed without fear and being valued as enriching social life.

Afghanistan as a State is, and will remain, bound by the existing international human rights obligations stemming from the treaties to which it is a State Party. The international human rights framework provides a robust foundation for Afghanistan to overcome its legacy of conflict and support the development of an inclusive Afghanistan.

B. Recommendations

- (a) Indiscriminate attacks targeting civilians are expressly prohibited and must stop immediately. Such attacks are unspeakably cruel and may amount to crimes against humanity.
- (b) Victims of armed conflict and their families must be provided with adequate levels of assistance (financial, medical, psychosocial). Former parties to armed conflict in Afghanistan – including international military forces – have obligations in this regard.
- (c) Mine clearance and awareness raising activities to address the risk posed by UXO must be undertaken as a priority to ensure that civilians– especially children – are no longer harmed by explosive remnants of war. Former parties to armed conflict in Afghanistan – including international military forces – continue to bear obligations under international humanitarian law in this regard.

To the *de facto* authorities

- (a) Take steps to engage with representatives of ethnic and religious minority communities to provide security in and around places of worship, educational institutions, bazaars and other densely occupied civilian areas, particularly in respect of Hazara Shia communities and the areas where they reside and/or congregate.
- (b) Fully uphold the amnesty in respect of former government and security personnel, by holding accountable those responsible for violating it, through impartial and independent investigations, and prevention of further violations.
- (c) Take immediate action to prevent and investigate extrajudicial killings, torture and ill-treatment, arbitrary arrests and detentions affecting individuals accused of affiliation with armed groups, including ISIL-KP and NRF.
- (d) Take immediate action to prevent and investigate extrajudicial killings and cruel, inhuman and degrading punishments against individuals accused of “moral” crimes.
- (e) Ensure that independent and impartial investigations are carried out on threats, torture and ill-treatment, violence and arbitrary arrests targeting media workers, protesters, human rights defenders.
- (f) Train all *de facto* law enforcement personnel in appropriate use of force when engaging with members of the civilian population.

- (g) Replace restrictive policies on media freedoms and freedom of peaceful assembly with human right compliant ones.
- (h) Ensure that journalists, human rights defenders and civil society actors enjoy their legitimate rights to freedom of expression and have access to information, without fear of reprisal or attack.
- (i) Protect and promote civic space, including by refraining from adopting and /or implementing restrictive laws or policies on social matters, fundamental freedoms, the equality between women and men.
- (j) Consider establishing a national human rights institution in line with the UN Paris Principles, independent of government, with a broad mandate to protect and promote all human rights at the national level, pluralistic, with adequate resources and financial autonomy.
- (k) Ensure that victims, their families and representatives can safely advocate for accountability and can have access to effective remedies, including gender-sensitive and inclusive reparations.
- (l) Review the *mahram* and Islamic *hijab* directives and clarify their recommendatory, non-mandatory nature in order to facilitate women and girl's participation in education, employment and all other areas of daily life.
- (m) Facilitate and advance women and girls' access to quality education, similar to that offered to men and boys, so Afghanistan's female population are not left behind.
- (n) Ensure that the formal justice system fully addresses women's complaints of gender-based violence and harmful practices, and on civil law matters, including remedies.
- (o) Actively engage with UNAMA HRS in relation to granting full access to their detention facilities.
- (p) Recruit and train dedicated human rights officers mandated with monitoring, verifying and reporting incidents of torture and ill-treatment; and raising detainees/prisoners' awareness about their rights and duties.
- (q) Guarantee detainees and prisoners' access to legal representation, from the time of arrest until released.
- (r) Take immediate measures to end ill-treatment and torture and to set up an independent mechanism to monitor conditions of those deprived of their liberty.⁸⁰

⁸⁰ Art. 17, *Optional Protocol of the Convention against Torture* (accession by Afghanistan 17 April 2018) requires States Parties to establish an independent national preventative mechanism for the prevention of torture at the domestic level.

To the international community

- (a) Facilitate financial measures and assistance to support urgent humanitarian needs and basic services.
- (b) Ensure, if sanctions are maintained, that their implementation does not affect the enjoyment of human rights, in particular the right to an adequate standard of living.
- (c) Support the continuation of the human rights mandate of UNAMA and ensure that adequate resources are provided for the necessary human rights monitoring, documentation, reporting and advocacy through the in-country presence.
- (d) Maintain concerted dialogue and advocacy with the *de facto* authorities regarding their obligation to protect and fulfil the rights of all Afghans, including women and girls.
- (e) Support Afghan women to directly engage with the *de facto* authorities on issues of concern.
- (f) Fund initiatives that directly empower Afghan women to claim their civil, political, economic, social and cultural rights.
- (g) Provide technical and financial support to the *de facto* Office of Prison Administration to continue work on the establishment and implementation of a standardized and electronic case management system, in the capital and provincial levels.
- (h) Scale up financial support for the recruitment and deployment of health and education personnel in detention facilities.
- (i) Scale up material support for the provision of food, medical and clothing needs in detention facilities.

Annex I - Definitions of human rights violations concerning rights to life, liberty and physical integrity

For the purposes of this report, violations of the rights to life, liberty and physical integrity are defined as follows:

Arbitrary arrest and detention: Arrests and detentions are considered to be arbitrary where they are:

- a) not in accordance with national laws, because they are not properly based on grounds established by law or not in accordance with procedures established by law;⁸¹ or
- b) otherwise arbitrary in the sense of being inappropriate, unjust, unreasonable, or unnecessary in the circumstances.⁸²

The arbitrariness of an arrest or detention is based on an individual assessment of the circumstances.⁸³ For example, if a person is detained with the goal of denying their human rights (such as expression of political opinions or peaceful demonstration) or it is based on discriminatory grounds.

Enforced disappearance: An enforced disappearance occurs where:

- a) a person is detained or otherwise deprived of liberty; and
- b) the deprivation of liberty is carried out by State agents, or by persons or groups of persons acting with their support or acquiescence; and
- c) those responsible refuse to acknowledge the detention, or conceal the concerned person's fate or whereabouts, which places the person outside the protection of the law.⁸⁴

Excessive use of force: The use of force is excessive or disproportionate if:

- a) force is not used for the legitimate purpose of law enforcement and maintaining public order (such as to carry out lawful arrests or to police gatherings)⁸⁵; or
- b) it is not strictly necessary, i.e., if other means could be used to address the situation⁸⁶; or

⁸¹ ICCPR, art. 9(1); Communication Nos. 623/1995, 624/1995, 626/1995 and 627/1995, Domukovsky et al v Georgia, Views adopted by the Human Rights Committee on 6 April 1998, para. 18.2.

⁸² Since there is no exhaustive list of criteria of arbitrariness, in the view of the Working Group on Arbitrary Detention "arbitrariness must be assessed in the light of all the relevant circumstances of a given detention." See Working Group on Arbitrary Detention, deliberation No. 7, para. 54(b).

⁸³ *Ibid.*

⁸⁴ International Convention for the Protection of All Persons from Enforced Disappearance (2010), art. 2; Declaration on the Protection of all Persons from Enforced Disappearances (1992), preamble.

⁸⁵ Per ICCPR, art. 9(1); Communication Nos. 623/1995, 624/1995, 626/1995 and 627/1995, Domukovsky et al v Georgia, Views adopted by the Human Rights Committee on 6 April 1998, para. 18.2.

⁸⁶ Basic Principles on the Use of Force and Firearms, principles 4 and 5; Code of Conduct for Law Enforcement Officials, art. 3.

- c) the extent to which force is used is not proportional to the seriousness of the offence and the legitimate purpose to be achieved.⁸⁷

Extrajudicial killing: An extrajudicial killing⁸⁸ is an arbitrary deprivation of life⁸⁹ carried out by or on behalf of a State, or with its complicity or tolerance or acquiescence and without any judicial or legal process.⁹⁰ Extrajudicial killings are distinct from situations where the use of lethal force was “strictly unavoidable in order to protect life”⁹¹ and from acts carried out in conformity with international humanitarian law.⁹² Death sentences carried out in violation of international law and standards and deaths in custody may constitute extrajudicial killings.⁹³

Torture and cruel, inhuman and degrading treatment or punishment

Torture: As defined under the Convention against Torture:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”⁹⁴

⁸⁷ Basic Principles on the Use of Force and Firearms, principle 5 (a) and (b); Code of Conduct for Law Enforcement Officials, art. 3. See also Communication No. 687/1996, *Rojas García v. Colombia*, Views adopted by the Human Rights Committee on 3 April 2001, paras. 2.1 and 10.5; and Communication No. 731/1996, *Robinson v. Jamaica*, Views adopted by the Human Rights Committee on 29 March 2000, para. 10.3

⁸⁸ According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the terms “extrajudicial”, “summary” and “arbitrary” cannot be meaningfully distinguished. In his view, rather than seeking to categorize incidents according to these individual terms, the focus should be on the contravention of international law. See Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2005/7, para. 6. See also The Minnesota Protocol on the Investigation of Potentially Unlawful Death (Minnesota Protocol) (2016), ‘Aims and scope’, para. 2.

⁸⁹ International Covenant on Civil and Political Rights (1966) (‘ICCPR’), Article 6(1) guarantees the right to life and the right of everyone not to be arbitrarily deprived of his/her life.

⁹⁰ Report - Summary or Arbitrary Executions, UN Doc. E/EC.4/1983/16, para. 66. See Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B, resolution 5.

⁹¹ Per Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), principle 9. The only other situations in which State agents may use lethal force are to execute capital punishment in accordance with international law and standards and in an armed conflict situation in accordance with the requirements of international humanitarian law.

⁹² Rodley, N. 1999, *The Treatment of Prisoners under International Law*, 2nd ed., Clarendon Press, Oxford, p. 182.

⁹³ Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Ecosoc res. 1989/65, para. 1.

⁹⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), art. 1.

This definition includes four elements:

1. infliction of severe pain or suffering;
2. intention;
3. purpose (such as obtaining information or a confession, punishment, intimidation; coercion or discrimination);⁹⁵ and
4. involvement of a public official or other person acting in an official capacity.

Treatment which falls short of this definition may still constitute cruel, inhuman or degrading treatment or punishment (also collectively called ill-treatment).

Cruel, inhuman or degrading treatment or punishment (“ill-treatment”): Cruel, inhuman or degrading treatment or punishment (generally referred to as “ill-treatment”) refers to treatment causing varying degrees of physical and/or mental suffering that does not have to be inflicted for a specific purpose.⁹⁶ Like torture, ill-treatment directly or indirectly involves a public official.⁹⁷

Cruel or inhuman treatment or punishment: Cruel or inhuman treatment or punishment may cause less severe pain and suffering than torture and does not have to be inflicted for a specific purpose.⁹⁸

Degrading treatment or punishment: Treatment or punishment must exceed a particular level of humiliation or debasement in order to be classified as ‘degrading’ or ‘inhuman’.⁹⁹ The assessment of whether treatment is ‘degrading’ or ‘inhuman’ is based on an assessment of all the circumstances of a case, including the duration and manner of the treatment, its physical and/or mental effects, and the sex, age and state of health of the victim.¹⁰⁰ For example, the embarrassment inherent in being deprived of one’s liberty as a disciplinary measure does not amount to degrading treatment or punishment.¹⁰¹ Corporal punishment¹⁰² is a form of degrading treatment or punishment.¹⁰³

⁹⁵ The Committee against Torture elaborated that the “elements of intent and purpose [...] do not involve a subjective inquiry into the motivations of the perpetrators, but rather must be objective determinations under the circumstances”; Committee against Torture, General Comment No. 2 (‘Implementation of article 2 by States parties’), CAT/C/GC/2 of 24 January 2008, para 9.

⁹⁶ Tepina, Polona, *The Torture Reporting Handbook*, second edition, Human Rights Centre, University of Essex, 2015, p. 23.

⁹⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), art. 16(1); see also Communication No. 261/2005, *Osmani v Serbia*, Decision adopted by the Committee against Torture on 8 May 2009, para. 10.5. Note that the ICCPR does not expressly restrict the definition of torture to acts involving public officials, see art. 7 and Human Rights Committee, General Comment No. 20, para. 2.

⁹⁸ This view has been taken by the Committee Against Torture. The Committee has not, however, provided criteria with regard to the threshold of pain or suffering which has to be met in order to classify a particular treatment as torture; see General Comment No. 2: Implementation of Article 2 by States Parties (2008), para. 10.

⁹⁹ Communication No. 265/1987, *Vuolanne v Finland*, Views adopted by the Human Rights Committee on 7 April 1989, para. 9.2.

¹⁰⁰ Communication No. 265/1987, *Vuolanne v Finland*, Views adopted by the Human Rights Committee on 7 April 1989, para. 9.2.

¹⁰¹ Communication No. 265/1987, *Vuolanne v Finland*, Views adopted by the Human Rights Committee on 7 April 1989, para. 9.2.

¹⁰² Defined as ‘any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light’. See General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006), para. 11.

¹⁰³ General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006), para. 11.

Annex II – List of acronyms

ANDSF	Afghan National Defence and Security Forces
GDI	General Directorate of Intelligence
IED	Improvised Explosive Device
ISIL-KP	Self-identified “Islamic State in Iraq and the Levant – Khorasan Province”
MPVPV/DPVPV	Ministry for the Propagation of Virtue and the Prevention of Vice /Department for the Propagation of Virtue and the Prevention of Vice
NRF	Self-identified “National Resistance Front”
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMA HRS	UNAMA Human Rights Service
UXO	Unexploded Ordnance

Annex III – Comments provided by the *de facto* authorities

Unofficial UNAMA translation of the comments provided by the *de facto* authorities

**Islamic Emirate of Afghanistan
Ministry of Foreign Affairs**

Directorate of Human Rights and Women's Affairs

Serial number: 1094

Date: 7 July 2022

Subject: Provision of suggestions and comments regarding UNAMA's draft Human Rights Report

Pages: 8

Note

The Ministry of Foreign Affairs of the Islamic Emirate of Afghanistan (IEA) expresses its compliments to the Office of UNAMA.

The suggestions and comments from the Ministries of Interior, PVPV, Office of the Prisons Administration and Attorney General Office of the IEA, consolidated in eight (8) pages, are hereby attached and presented to your Office.

We will be grateful if the suggestions and findings of the afore-mentioned ministries and offices of the IEA are incorporated in the final version of the report.

Taking this opportunity, the Ministry of Foreign Affairs of IEA renews its sincere regards.

To the Human Rights Service of UNAMA

Islamic Emirate of Afghanistan
Ministry of Foreign Affairs
Directorate of Human Rights and Women's Affairs
Attachment to Letter No. 1094

Suggestions by the Office of Prisons Administration regarding the conditions of prisons:

The Office of Prisons Administration (OPA) appreciates the cooperation and sharing of the draft report on the conditions of prisons from August 2021 to May 2022 by the respected Office of UNAMA and calls for the continuation of cooperation and support to the OPA's reform programs in order to ensure the human rights of prisoners in accordance with national and international laws.

OPA has carefully read and evaluated the report on the conditions of prisons and hereby provides its suggestions related to this issue:

Follow up on the issue of extended pre-trial detention

Under Part B, Recommendation no. 17 UNAMA asked for a mechanism to monitor prisons to be established. OPA considers its prisons' affairs in line with applicable laws including "Mandela Rules", and the prisons actively coordinate with judicial organs and regularly follow up the on prisoners' cases with them. In order to address complaints regarding pending cases, OPA identified these cases through its monitoring programs, reported them to senior authorities and addressed them.

It is worth noting that one of the reasons for delays in the processing of prisoners' cases was the overcrowding of prisons and the closure of all judicial organs over the past months. Luckily, the Islamic Emirate of Afghanistan (IEA) has succeeded in reactivating the judicial sector since conquering and continues to increase and enhance its activities.

To address the uncertain situation of prisoners, OPA has so far carried out the following:

Based on the request of the OPA, judicial delegations from Supreme Court were assigned to places of deprivation of liberty and have taken urgent action to address extended pre-trial detention, which can also be seen in your report.

The courts and the Office of the Attorney General are now active and judicial hearings and the issuance of legal and *Sharia* based verdicts are regularly taking place.

OPA is frequently in contact with the Supreme Court and other judicial organs with regards to pending cases, and frequent coordination meetings have been held to take necessary actions to avoid prisoners being held in extended pre-trial detention to the extent possible.

While courts have resumed trials for the prosecution of the accused persons, OPA has also formally requested that the Supreme Court appoint new delegations (as were appointed in the past) in Kabul and in the provinces to end uncertainty of the fate of the accused in the prisons. Fortunately, at the time of drafting this note, judicial delegations are present in places of detention and are taking steps to resolve the concerns of the OPA with regards to pending.

OPA does not impose any restrictions on accused person's access to legal representation. OPA has been in contact with the Ministry of Justice and had frequent meetings regarding the issue of legal representation, as a result of which the Ministry has officially announced its cooperation in this regard. Recently, the Ministry has sent a list of people providing legal aid in the capital which has been shared with the relevant departments.

Treatment of prisoners (Ensuring the rights of prisoners)

UNAMA's report also referred to problems in providing adequate food for prisoners, medical care and hygiene issues and holding juveniles alongside adults.

The OPA has active monitoring mechanisms to address the problems of prisoners in the delivery of services (subsistence, health care and hygiene) and ensuring other rights of prisoners.

In another part of the report, UNAMA referred to the provision of food to the prisoners by their families. The OPA disagrees with this part of the report. The OPA has submitted a request to the Office of the Prime Minister for an increase in the daily budget from 85 Afghanis per prisoner to 130 Afghanis per prisoner, and we also plan to have a new food menu for prisoners and juveniles. In addition, the OPA, with the support of various sources, has been providing sufficient food items including meat, various dishes, fruit and powder milk to prisoners. Both prisoners and juveniles are satisfied with this arrangement.

The OPA rejects the allegation that juveniles are held in the same place with adults or close to each other, however, it accepts the existence of juveniles in some provincial prisons, due to financial problems, in areas from which adults have been removed.

In addition, with regards to the rehabilitation programs, the OPA accepts that, due to financial problems, it cannot organize educational and vocational programs for juveniles and adults. In order to reopen schools and launch educational and vocational training programs for juveniles and prisoners, the OPA has repeatedly requested UN Agencies and other stakeholders for their cooperation and participation in the reactivation of these departments but has not received any positive feedback yet.

The OPA will be grateful if UNAMA revises the section on the prisons in its report based on the aforementioned issues. In addition, the OPA can share with UNAMA any necessary supporting documents.

Suggestions by the Ministry of Interior Affairs:

As you are aware, in the year 2021, major developments took place in the country which led to the fall of the Republic and the establishment of the Islamic Emirate, resulting in a series of problems and challenges in the security, social and economic spheres, to which human rights violations were not an exception.

Following the victory of the Islamic Emirate, the Directorate of Human Rights of the Ministry of Interior Affairs developed and implemented plans in order to protect civilians, individuals at risk of violence and prevent violation of human rights.

Based on the plans prepared, a delegation led by Brigadier General Ali Akbar Parwana, the Head of the Human Rights, has been assigned to assess and review the human rights situation at central level and will share its report and findings with senior authorities.

In order to support female personnel and their families, the Ministry of Interior Affairs disbursed their salaries and benefits without them being present in their duties. Around 1,650 female personnel are active under the Ministry's structure.

Addressing cases of violence:

Call Center 119 has resumed its operations in order to timely address cases of rape, forced marriages, suicide and violence. Since the establishment of the IEA, a total of 76 cases have been addressed and this program continues.

Treatment of prisoners:

The Directorate of Human Rights of the Interior Ministry, in line with the decrees, orders, policies and procedures, has assigned Human Rights Departments in 34 Police Headquarters, Police Districts, and Districts who from time to time visit and monitor prisons. The Ministry of Interior has also prepared policies and procedures for police on how to treat prisoners, and all personnel are expected to act in accordance with such policies and procedures.

Suggestions by the Attorney-General's Office (AGO):

Some of the cases referred to in the draft report were already shared with us through an email by UNAMA Human Rights Service (HRS). In response to that email, the AGO requested documents and evidence related to the cases, however, UNAMA HRS, based on its policies, has not yet shared the requested information. If sufficient supporting documents related to the aforementioned cases are shared with the AGO, appropriate actions will be taken in regards to compliance with relevant laws.

Suggestions by the Ministry of Propagation of Virtue and Prevention of Vice (MPVPV):

The role of the MPVPV is to reform society and has not yet, in the last ten months, beaten anyone, harmed or forced anyone to do anything, in addition to the rumors of killings which are far from reality.

First: So far, the MPVPV has not said anything to women about dress code or the use of cosmetics. MPVPV has advised the shopkeepers on the use of mannequins for women dresses but has not banned it. Women leaving the house without a male guardian beyond a distance of 78 kilometers or not observing *hijab* are against the principles of *Sharia*, however, no one is beaten in relation to that.

With regards to the designation of separate of male and female times in parks, it should be mentioned that our society is a traditional Islamic society, and this is what the society wants. In this way, women will be able to freely and safely entertain themselves and that is why we made this announcement. In relation to *hijab*, the first two stages of the directive are recommendatory in nature, while the third and fourth stages include a three-day imprisonment and punishment under the authority of the court. However, in the last two months, we have not been forced to implement the last two stages since our sisters are voluntarily observing *hijab* and you may have seen women gatherings in support of *hijab* in majority of the provinces.

There is a reference to the uncertain legal nature of the MPVPV instructions, which is not true at all. We have our own special procedures and law based on which all our employees perform their duties.

The report also refers to contradictions in the directives of the MPVPV, stating that MPVPV issue guidance of a recommendatory nature but acts strictly in some cases. It is true and Islamic rules are clear, some issues require flexibility and other issues that are forbidden require seriousness. We reiterate that the

implementation of punishment is not our duty but that of the court which deals with such matters according to *Sharia* law.

As mentioned above, MPVPV personnel are not allowed to act arbitrarily. Likewise, if officials from other parts of the government oppress the people or violate their rights and the victims complain to us, we will stop the perpetrators and bring them to justice.

With regards to women traveling without a male guardian, as also mentioned above, Sharia law has specified a limit for that which is 78 kilometres. In a distance less than that, no one, including MPVPV personnel and others, has the right to stop women from travelling. Neither the cases of Takhar nor Helmand or any other province are true.

In relation to checking the contents of mobile phones, our decree is very clear, giving no one the right to check mobile phones. If anyone does so, they will face legal action. Likewise, we have made and continue to make recommendations to barber shops, but no one has been forced. Also, in cases where *hijab* is not observed, women have not been beaten, nor have they been arrested. The use of attendance sheets at mosques is beyond imagination, everything in this relation to this is untrue.

No one will be beaten for not going to the mosque. The perpetrators involved in the university case in Badakhshan were arrested and imprisoned, then released after having been pardoned by the victims.

Giving punishment is not the duty of the MPVPV. If someone gives punishments of their own accord and the victims complain about the perpetrators, the MPVPV has the right to stop the perpetrators. In places where punishment is reported, the presence of our personnel has not been confirmed. However, there were cases where personnel of the perpetrating authorities were suspended or imprisoned.

With regards to the incident in Balkh province, it is not true that the MPVPV inspectors were present at the time of arrest of the woman, neither has the MPVPV received any complaint in this regard so it could investigate the case.

End of the report