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Human rights situation in Afghanistan

OCTOBER - DECEMBER 2023 UPDATE



United Nations
Assistance Mission in Afghanistan

This update on the human rights situation in Afghanistan covering the period from October to December 2023¹ is based on monitoring undertaken by UNAMA's Human Rights Service in accordance with its mandate from the UN Security Council.²

Gender-based violence against women and girls

On 14 December, UNAMA released its latest thematic report entitled [*"Divergence of practice: The handling of complaints of gender-based violence against women and girls by Afghanistan's de facto authorities."*](#) The report is the culmination of interviews conducted by UNAMA with 71 *de facto* officials, including four women, and 87 civil society actors, including 30 women. UNAMA did not conduct interviews with survivors for ethical and safety considerations.

UNAMA found that there is a lack of clarity regarding the legal framework applicable to complaints of gender-based violence against women and girls in Afghanistan, including which *de facto* justice actor is responsible for each action along the justice chain regarding such complaints. Many survivors reportedly prefer to seek redress through traditional dispute resolution mechanisms because of fear of the *de facto* authorities.³ Complaints that are referred to *de facto* law enforcement and justice institutions are predominantly handled by men. The *de facto* police, courts and Departments of Justice appear to prioritise mediation of complaints of gender-based violence over prosecution and trial through the *de facto* courts⁴

Rights of women and girls

The *de facto* authorities continue to enforce and promulgate restrictions on women's rights to work, education and freedom of movement. In particular, the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice, and its respective departments at provincial level, take on this enforcement role with regards to hijab, mahram and other requirements imposed on women by visiting public places, offices and educational institutes, as well as establishing checkpoints, and monitoring compliance. For example, on 26 December in Kandahar, *de facto* Department of Propagation of Virtue and Prevention of Vice officials visited a bus terminal to ensure that women were not travelling long distances without mahrams and instructed bus drivers that they were not to permit women to board without a mahram.

Instances of officials of the *de facto* Department for the Propagation of Virtue and Prevention of Vice impeding women from working or accessing services because they were unmarried or did not have a mahram, were recorded by UNAMA between October and December. For example, on 1 October, three female health workers were detained because they were going to work without a mahram. The women were released after their families signed a written guarantee that they would not repeat the act.⁵ Since 02 December, in Paktya province, women without mahrams were prevented by *de facto* Department for the Propagation of Virtue and the Prevention of Vice officials from accessing health facilities.

[1] All dates specified in this update are presumed to refer to 2023, unless otherwise specified.

[2] United Nations Security Council Resolution 2626 (2022), extended by Resolution 2678 (2023).

[3] Based on interviews with 39 civil society actors.

[4] The use of mediation in the resolution of gender-based violence against women and girls was already a concern prior to the *de facto* authorities taking control of Afghanistan. See, for example, UNAMA/OHCHR, In Search of Justice for Crimes of Violence Against Women and Girls, December 2020, Page 11. Available at https://www.ohchr.org/sites/default/files/Documents/Countries/AF/UNAMA_OHCHR_Violence_Women.pdf.

[5] Location withheld for protection reasons.

The *de facto* Department for the Propagation of Virtue and Prevention of Vice continues visiting health facilities in the province for compliance. On 22 October, in Nangarhar province, the *de facto* Department for the Propagation of Virtue and Prevention of Vice banned approximately 400 women from working in a pine nut processing plant while men were allowed to continue to work. No reasons for the ban were provided. Similarly, on 22 November, in Balkh province, a *de facto* authorities run power plant dismissed 200 women allegedly due to financial reasons, yet no male employees faced the same action. In early December, *de facto* Department for the Propagation of Virtue and Prevention of Vice officials advised an unmarried female staff at a healthcare facility⁶ to get married or risk losing her job stating that it was inappropriate for an unmarried woman to work.

The enforcement activities of the *de facto* Ministry for the Propagation of Virtue and Prevention of Vice often involve arbitrary arrests and detention. On 27 November, *de facto* Department for the Propagation of Virtue and Prevention of Vice officials⁷ arrested two women for purchasing contraceptives. The women were released after their families signed a guarantee that they would not repeat the act in future.

The intersection of different decrees has the effect of limiting the rights of women and girls, sometimes without an express ban having been imposed. For example, there is no general ban on women's work, however, as evidenced by the above examples, the mahram requirement has the effect of limiting women's right to work if they do not have a male relative who can accompany them.

Enforcement of the hijab decree

On 31 December, in certain areas of Kabul city, officials of the *de facto* Department for the Propagation of Virtue and the Prevention of Vice, in cooperation with *de facto* Police, began to take measures to enforce the 25 April 2022 hijab decree,⁸ involving arbitrary arrests and detentions and verbal warnings of a substantial number of women and girls accused of "not wearing proper hijab."

The *de facto* authorities have arrested women and girls predominantly in West Kabul/Dasht e-Barchi, a Hazara-dominated area, with some also taking place in Khair Khana, which is mainly populated by people of Tajik ethnicity and communities from Panjshir. To date, most of the women detained were released after several hours and upon their mahram signing a guarantee that the female relative will adhere to the hijab decree in future. UNAMA is looking into allegations of instances of ill-treatment, longer periods of detention, incommunicado detention and demands for payment of money in exchange for release. Enforcement measures involving physical violence are especially demeaning and dangerous for Afghan women and girls, carrying a stigma that places them at even greater risk.

The measures taken by the *de facto* authorities contradicts the hijab decree itself, which sets out the following steps for its enforcement: for a first violation of the decree, a warning is to be issued to individual's mahram (at the place of residence); for a second violation, the individual's mahram is to be summoned; for a third violation, the individual's mahram may be imprisoned for up to three days; and for a fourth violation, the individual's mahram is to be brought before the *de facto* court for further action.

The aforementioned measures taken by the *de facto* authorities remain ongoing at the time of publication.

[6] Location withheld for protection reasons.

[7] Location withheld for protection reasons.

[8] Available at: <https://mopvpe.gov.af/ps/%DA%A9%DA%93%D9%86%D9%84%D8%A7%D8%B1%D9%87>.

Targeted attacks against Hazaras

Three improvised explosive device attacks in October and November targeted members of the – predominantly Shi'a – Hazara community. On 13 October, in Pul-e-Khumri city, a suicide bomber detonated his vest among Shi'a worshippers in a mosque, killing 21 people and wounding 30 others. On 26 October, an IED explosion inside a sports club in Dasht-e-Barchi,⁹ West Kabul, killed eight people and wounded 35 others. On 7 November, an explosion targeted a commuter bus, again in Dasht-e-Barchi area of Kabul, killing 11 people and wounding 21 others. ISKP claimed responsibility for all three incidents, stating that members of the Shi'a community were the targets.

In addition, in October, November and December, a series of targeted killings of Shi'a clerics were carried out in Jibriel area of Herat city. On 22 October, one Shi'a cleric was shot and killed; on 23 November, two Shi'a clerics were shot and killed; and on 1 December, six people were killed (including two Shi'a clerics) and two wounded when unknown armed individuals opened fire on a rickshaw in which the clerics were travelling. There has been no claim of responsibility for any of these incidents and the perpetrators remain unknown.

Unexploded ordnance

Unexploded ordnance killed at least 11 people and wounded at least 51 others between October and December. Among the victims were 13 adults (three men, ten women) and 49 children (41 boys, eight girls).

In one incident, on 22 December, in Kunar province, Dara-e-Pech district, seven members of one family (three adults, four children) were wounded after an unexploded ordnance the children had found, and were playing with, detonated. The youngest victim was a seven-year-old boy.

Forced expulsion of Afghans from Pakistan

On 3 October, Pakistan's Interior Ministry announced that all migrants living without legal status in Pakistan had 28 days to leave the country voluntarily, or face deportation. While not explicitly mentioned in this announcement, it primarily impacts Afghans. Between 15 September and 31 December, 490,891 Afghans arrived from Pakistan. The numbers of Afghans crossing into Afghanistan significantly decreased by the end of the year.¹⁰ On 15 November, the UN High Commissioner for Human Rights released a statement expressing concern at reports of arbitrary expulsion of Afghan nationals from Pakistan accompanied by instances of abuse, including ill-treatment, arbitrary arrests and detention, destruction of property and personal belongings, and extortion.¹¹ The *de facto* authorities have repeatedly called on Pakistani authorities not to forcibly deport or ill-treat Afghan migrants.¹² On 25 November, Taliban spokesperson, Zabihullah Mujahid, announced the establishment of a committee at the national level to facilitate the transfer of property of Afghan refugees being deported by Pakistan, which is replicated at the Provincial level.¹³ A consortium of humanitarian actors and the *de facto* authorities are cooperating effectively to provide assistance.

[9] Dasht-e-Barchi is a predominantly Hazara area of Kabul.

[10] UNHCR/IOM Flash Update #12: Arrest and Detention/Flow Monitoring (15 September – 31 December 2023). Available at: <https://reliefweb.int/report/pakistan/unhcr-iom-pakistan-flash-update-12-arrest-and-detentionflow-monitoring-15-september-31-december-2023>.

[11] OHCHR, 'Türk alarmed by reports of human rights abuses against Afghans forced to leave Pakistan, 15 November 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/11/turk-alarmed-reports-human-rights-abuses-against-afghans-forced-leave#:~:text=The%20UN%20High%20Commissioner%20for,abuse%20by%20law%20enforcement%20officers>

[12] See, for example: <https://x.com/MoRRAf/status/1729505839164043529?s=20>;

<https://x.com/TOLONews/status/1736668098139242761?s=20>;

https://x.com/aamajnews_24/status/1719438467665453147?s=20.

[13] [Committee to Transfer Property of Afghans Deported From Pakistan Formed | TOLONews](#)

The *de facto* authorities have responded to the arrival of the large numbers of Afghans, with professionalism despite lacking resources, both at the point of crossing and in districts and provinces that are the final destination for the newly arrived Afghans.

Some Afghans forced to return may be at risk of persecution, arbitrary arrest and detention and/or torture or ill-treatment, in particular media workers, civil society activists, women human rights defenders and former government officials and ANDSF members. On 10 December, in Takhar province, a former NDS officer and his wife were shot and killed in their house, reportedly by relatives of an individual who was killed by the former NDS officer prior to the Taliban takeover of the country. The victim had fled to Pakistan following the takeover but had been forced to return to Afghanistan following Pakistan's announcement regarding the expulsion of undocumented Afghans. He was killed two days after returning to his village in Takhar.

Former government officials and ANDSF members

UNAMA Human Rights continues to record extrajudicial killings, arbitrary arrests and detentions, and torture and ill-treatment of former government officials and ANDSF members. These incidents are occurring despite the general amnesty announced by the *de facto* authorities at the time of their takeover of Afghanistan.¹⁴ For example, on 20 October in Badakhshan, unknown armed gunmen shot and killed a former ALP officer and his son. On 21 November in Jalalabad, a former prosecutor and his sister were found dead on the road between Jalalabad and Kabul.

The *de facto* authorities continue to reiterate their commitment to the amnesty. On 31 December, the *de facto* Ministry of Defence held a press conference in which they stated

the “full commitment” of the *de facto* security and defense forces to the Taliban leader's General Amnesty Decree.

They stated: “In the last 12 months, we have not had any incidents of violation of the amnesty. What is propagated in this regard, is not true. This is only to create mistrust in our society and mislead the youth. These cases are mostly investigated [and] as the result of personal enmity and the cases are under investigation in the courts.”¹⁵

Arbitrary arrests and detentions of human rights defenders and media workers

Arbitrary arrests and detentions, sentencing, and some releases of human rights defenders and media workers took place during the reporting period.

Between September and November, *de facto* General Directorate of Intelligence arrested four women's rights activists: Neda Parwani (arrested 19 September, released 13 December), Zholya Parsi (arrested 27 September, released 18 December), Munizha Sediqi (arrested 8 October) and Parisa Azada (arrested 15 November, released 25 December). Two of the women, Neda Parwani and Zholya Parsi, were arrested and detained with a male relative. At time of writing, Ms. Sediqi remained in detention in Kabul.

On 7 October, in Daikundi province, *de facto* General Directorate of Intelligence arrested three media workers of Radio Nasim accused of producing a report concerning the *de facto* Provincial Governor of Daikundi's involvement in the diversion humanitarian aid. On 17 October, two of the three detained were released without charge. On 11 December, the *de facto* Primary Court in Daikundi sentenced the radio station's Director to one years' imprisonment on charges of engaging in activities against the *de facto* authorities.

[14] For further information on the general amnesty, see UNAMA Human Rights report: A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan. Available at: <https://unama.unmissions.org/file/21263/download?token=5d994Qe>.

[15] *De facto* Security and Purification Commission press conference (comments made by *de facto* Minister of Defence), 31 December 2023. https://www.youtube.com/watch?v=xzX_sZTk0Gg.

On 18 October, journalist Mortaza Behboudi was released from Pul-e-Charkhi prison, having been arrested by *de facto* General Directorate of Intelligence officials on 7 January. On 26 October, Matiullah Wesa, a high-profile advocate for girls' education and head of PenPath NGO, was also released from Pul-e-Charkhi (arrested by *de facto* General Directorate of Intelligence officials on 27 March). On 30 October, in Kabul, the *de facto* Supreme Court sentenced university professor and social activist, Rasool Parsi, to 16 months of imprisonment on accusation of "insulting the holy principles of Islam and its values." Mr Parsi was arrested by *de facto* General Directorate of Intelligence officials on 6 March.

Freedom of expression

The *de facto* authorities continue to infringe the right to freedom of expression by limiting the public's opportunity to seek, receive and impart information and ideas. On 14 December, the *de facto* Ministry of Higher Education issued a letter instructing all universities and private education institutions to remove books which are considered against the Hanafi jurisprudence from their libraries. This includes books relating to Shi'a belief, political parties, and materials authored by individuals associated with the previous regime.

Activities of the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice

In addition to the activities noted in the section on "Rights of women and girls", the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice continues to monitor compliance with and enforce

other instructions (such as men's beard length, the prohibition of music, and the segregation of men and women in the workplace) by conducting monitoring visits and establishing checkpoints. In addition, on 24 December, it announced that the celebration of Yalda (winter solstice) is prohibited¹⁶ as it is considered to be unislamic.

On 8 November, the Law on Complaints Hearing was approved by the Taliban leader.¹⁷ This new law defines the duties and responsibilities of the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice regarding complaints against members of the *de facto* authorities. The law states that all entities within the *de facto* authorities, including courts, are required to respond to inquiries from the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice regarding complaints.¹⁸ The law further provides that the *de facto* Ministry could report directly to the Taliban leader regarding complaints of serious nature or those which it is unable to resolve.¹⁹

A draft law on the Propagation of Virtue and Prevention of Vice has been sent to the Taliban leader for approval. If approved, the law would define the detention power (of up to three days) by the *de facto* Ministry and its provincial and district inspectors. The draft law also establishes the *de facto* Ministry's powers to monitor a wide variety of issues, including making inquiries regarding the non-implementation of court decisions, complaints against the independence of the judiciary and legal proceedings that are not resolved within the timelines outlined by the Taliban leader.

[16] <https://twitter.com/MOPVPE1/status/1738801869202293029>.

[17] Law on Complaints Hearing (8 November 2023). <https://mopvpe.gov.af/dr/media/16>

[18] Article 4, Law on Complaints Hearing (8 November 2023).

[19] Article 10(2), 11(2), 14(3), 17, 18, Law on Complaints Hearing (8 November 2023).

Corporal punishment

The *de facto* authorities continue to implement corporal punishment in public places, usually announcing the punishments, and the crimes for which they were implemented, on social media. Despite this, spectators are generally prohibited from recording or photographing punishments. For example, on 10 November, in Nimroz province, Zaranj city, 25 men were publicly flogged at the Central Sports Stadium. They had been convicted of various crimes by the *de facto* City Court, including robbery and adultery, and were each lashed between one and 50 times. Around a dozen male spectators were detected recording and/or photographing the punishment. They were also flogged.

Administration of justice

Throughout October, November and December, various *de facto* ministries made announcements regarding the administration of justice:

- On 22 October, the *de facto* Ministry of Interior reported publicly that in the previous six months, its Internal Security Police had arrested 449 *de facto* police personnel in connection with crimes such as accepting bribes, abusing their positions of authority, carrying illegal weapons, and embezzling government equipment.²⁰
- The *de facto* Ministry of Justice reported efforts by its *de facto* Legal Aid Departments in Kapisa and Parwan Provinces to raise awareness on

detainees' rights, the role of lawyers and police responsibilities with *de facto* police, security and penitentiary personnel, as well as a secondary school.²¹

- On 27 December, the *de facto* Ministry of Justice Leadership Council approved a revised Legal Aid Directorate Procedure with some amendments.²² While the availability of free legal aid for individuals in detention remains limited countrywide, on 17 December, Baghlan's *de facto* Department of Justice and Department of Labor and Social Affairs officials reported the appointment of a defense lawyer for Baghlan Juvenile Rehabilitation Centre to enhance children's access to legal assistance as well as a commission comprising *de facto* Department of Labor and Social Affairs representatives to regularly follow-up the cases of juveniles with police departments and court offices and ensure coordination among relevant *de facto* authorities and NGOs.
- UNAMA documented at least two courts are reviewing new applications challenging divorces granted by Republic-era courts. In two cases, *de facto* courts reportedly confirmed the validity of previously granted divorces but ordered women to pay the complainant (ex-husband) compensation.
- The *de facto* Supreme Court continued highlighting publicly its efforts to process pending cases of detainees, with *de facto* Supreme Court and Appeal Court delegations regularly visiting provincial prisons to discuss with detainees, review their case files, and liaise with *de facto* prison authorities.

[20] <https://x.com/mojafghanistan/status/1716047998772302324?s=20>.

[21] For example, see: <https://x.com/MojAfghanistan/status/1718930379543916679?s=20>;

<https://x.com/MojAfghanistan/status/1723644354441437359?s=20>;

<https://x.com/MojAfghanistan/status/1739949262895472997?s=20>.

[22] <https://twitter.com/MojAfghanistan/status/1739961815532978509?s=20>.

- At a press conference on 31 December, the de facto Ministry of Defence reiterated their commitment to the Taliban leader's decrees, stating that: "there are no illegal arrests and no illegal prison, [...] torture and torment of suspects, and keeping them in custody for more than the specified period without a court order is absolutely prohibited." They also stated that "dozens" of offenders who had violated this decree had been arrested over the past year and that special bodies, such as the Military Courts and the High Directorate of Supervision and Prosecution of Decrees and Edicts have been established to investigate such cases and punish perpetrators. It also reported that in the last 12 months, courts have resolved 4,261 cases involving de facto military personnel.²³ No information is available as to the alleged crimes or judicial outcomes in the cases involving de facto military personnel.

[23] De facto Security and Purification Commission press conference (comments made by de facto Minister of Defence), 31 December 2023. Available at: https://www.youtube.com/watch?v=xzX_sZTk0Gg.