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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Situation of human rights in Afghanistan

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, in accordance with Human Rights Council resolution [54/1](#).

* [A/79/150](#).

** The present report was submitted for processing after the deadline for reasons beyond the control of the submitting office.



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

Summary

The present report, submitted by the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, builds on his previous reports, with a focus on developments from January through August 2024.

I. Introduction

1. Three years after the Taliban seized power, the people Afghanistan continue to suffer a deepening human rights, humanitarian and political crisis. The de facto authorities have further entrenched and intensified their institutionalized system of gender oppression and exclusion of women and girls, have repressed civil society and the media and have disregarded principles of justice, non-discrimination, equality and the rule of law.

2. Despite this, the people of Afghanistan continue to demonstrate enormous courage and determination. The Special Rapporteur has spoken with girls and young women living in Afghanistan who are defying the Taliban to access education, journalists who are risking their safety and security to report on human rights violations, women's rights advocates who are documenting sexual and gender-based violence and humanitarian workers who are working tirelessly to provide assistance amid dwindling international funding. Their bravery and perseverance must be met with increased protection, solidarity and support.

3. As noted in previous reports, Afghanistan has committed to specific obligations as a party to key international human rights treaties. The de facto authorities maintain effective control over the country and are therefore responsible for fulfilling these obligations, regardless of whether there is recognition of a formal change of government. The Special Rapporteur reminds the de facto authorities that upholding these obligations entails not only refraining from violations, but also creating an environment where human rights are respected. This includes establishing and maintaining institutions, laws and policies that ensure the rule of law and promote accountability.

4. There are some positive developments. Since the Taliban took power, there has been a significant reduction in conflict, which has led to improvements in humanitarian and other access, in particular to remote and rural areas. Afghanistan under the Taliban has also seen a marked reduction in corruption, as the de facto authorities have instituted and enforced strict anti-graft measures. In addition, there has been a considerable drop in narcotics production as the Taliban have enforced their ban on opium cultivation and processing. However, counter-narcotics efforts are adversely affecting farmers and farm labourers who lack access to alternative livelihoods.

5. These modest improvements, however, are significantly undermined by the Taliban's ongoing evisceration of the rights of women and girls, repression of civil society and discrimination against minority and marginalized communities, which are incompatible with the international obligations and commitments of Afghanistan. Any way forward for the country must integrate human rights through a principled, inclusive and coordinated approach, with demonstrated, measurable and independently verified improvements.

II. Working methods

6. The present report, submitted pursuant to Human Rights Council resolution [54/1](#), provides an outline of human rights developments in Afghanistan, with a focus on developments between January and August 2024. It builds on the report of the Special Rapporteur submitted to the General Assembly at its seventy-eighth session ([A/78/338](#)), as well as his mandated reports to the Council on the situation of human rights in Afghanistan ([A/HRC/55/80](#)) and on the phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls ([A/HRC/56/25](#)).

7. In discharging his mandate, the Special Rapporteur has continued to communicate with representatives of the de facto authorities. This includes sharing draft reports and statements, submitting allegation letters on individual cases and seeking human rights-related information. The Special Rapporteur regrets that the de facto authorities have stated that he will not be granted a visa to visit Afghanistan and urges them to reconsider this position, noting that successive resolutions call on all relevant parties to cooperate fully with the Special Rapporteur. Denying the Special Rapporteur access to the country is not in the best interest of the people of Afghanistan, nor does it help the de facto authorities to build bridges in their engagement with the international community.

8. Although the Special Rapporteur did not undertake country visits during the reporting period, he has engaged intensively in person or online with a wide range of stakeholders, both inside and outside of Afghanistan. They include victims, witnesses and human rights defenders, including many women, representatives of national and international organizations, journalists, diplomats, academics and others. He also collaborates closely with other United Nations experts, including special procedures mandate holders and United Nations agencies. Since his last report to the General Assembly, he has travelled on official visits to Qatar and Türkiye and has also met with Afghans in numerous other countries. He expresses his sincere appreciation to the Governments of these States for their support and cooperation.

9. The ongoing United Nations liquidity crisis has had an impact on the Special Rapporteur's ability to discharge his mandate in full. Key staff posts remained vacant, while delays in the disbursement of funds affected travel and documentation activities.

10. The Special Rapporteur continues to exercise his mandate with utmost respect for the principles of independence, impartiality and accuracy. This includes international best practices on the documentation and verification of information, in particular guidelines and methodologies developed by the Office of the United Nations High Commissioner for Human Rights. Information that could identify individuals has been omitted in this report. As part of his mandate to document and preserve information relating to human rights violations and abuses, the Special Rapporteur has operationalized a secure digital repository.

III. The human rights situation of groups of particular concern

A. Women and girls

11. The Taliban continue to impose and enforce an institutionalized system of gender discrimination, oppression, disrespect for human dignity and exclusion of women and girls, in violation of the international obligations of Afghanistan. International law requires that human rights and fundamental freedoms be promoted and protected regardless of economic, political or cultural systems.

12. As highlighted in the Special Rapporteur's previous reports, the Taliban have imposed a litany of edicts, rules and policies that restrict virtually every aspect of women's and girls' lives, preventing them from exercising their fundamental rights, including to freedom of movement, education, work, health care, freedom of expression and access to justice. While women and girls bear the brunt of these oppressive policies, Afghans of all genders are being deprived of their rights, causing devastating and long-lasting harm.

13. New discriminatory measures on women and girls are further entrenching previously announced edicts. In July, the Supreme Leader of the Taliban, Hibatullah Akhundzada, approved the Law on the Promotion of Virtue and the Prevention of Vice,

which further institutionalizes the Taliban's persecution of women and girls. The Law further institutionalizes previously imposed restrictions, including the *mahram* requirement, mandatory dress codes and the segregation of women and men in public spaces. Other provisions further cement Taliban control over the lives, bodies and behaviour of women and girls. Women can be punished for singing or speaking outside their homes, while Muslim women are instructed to cover themselves in front of "non-believing" women. Adult women and men who are not related are forbidden from looking at each other's bodies and faces. (For further information on the Law, see sect. IV.A.)

14. In addition to issuing new laws and edicts, the de facto authorities continue to enforce their system of gender discrimination and oppression, including through attacks on those resisting, through arrest and detention and by coercing men and boys into complicity using surveillance and physical violence. In January, the de facto authorities detained and ill-treated scores of women and girls for allegedly violating Taliban dress codes. Men, boys and persons of diverse gender identities are also detained and ill-treated for failure to adhere to Taliban-imposed dress codes.

15. The intensifying restrictions on the rights of women and girls are having a profound and mounting impact on their physical and mental well-being. Afghan women and girls describe feelings of stress, isolation and anxiety, even as they strive to resist. There are increasing reports of depression, suicide and suicidal ideation among women and girls.

16. The Special Rapporteur is increasingly alarmed about the long-term impacts of the Taliban's policies and practices, not just on women and girls, but also on boys, men and persons of diverse gender identities. Left unchecked, new generations will be raised in a society that normalizes the dehumanization and subjugation of women and girls, leading to transgenerational harm and indoctrination. One Afghan woman warned: "We need to push back on the mentality that says women and girls don't need to go to school, that they shouldn't be able to work or have rights. It can't be normalized."

17. The Special Rapporteur has previously warned that entrenchment of the Taliban's gender oppression and dehumanization of women and girls is likely to seed a dangerous ideology among generations of Afghans, particularly boys and young men, which may create future security risks in the region and beyond.

18. The Special Rapporteur has concluded that the Taliban's institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion is pervasive, methodical and imposed through edicts, policies and enforcement. He has further concluded that this system of gender oppression may amount to crimes against humanity, including gender persecution.

19. Afghans, in particular women, who meet with the Special Rapporteur consistently emphasize that the term "gender apartheid" most accurately describes the totality of the distinct and transgenerational harms committed against them. The Special Rapporteur also considers that the term encapsulates the institutionalized and ideological nature of the Taliban's abuses. He believes that the situation in Afghanistan should propel discussion on the codification of gender apartheid, defined in a gender-inclusive way, as a crime against humanity.

20. The Taliban's multifaceted and institutionalized system of gender oppression and discrimination requires strong and effective international action. The Special Rapporteur has called for the adoption of an "all tools approach" that combines accountability and increased documentation with greater support, participation and protection for the people of Afghanistan, including women and girls, human rights defenders and ethnic and religious minorities, as well as with incentives for

improvements. He encourages efforts to identify and strengthen pathways to survivor-centred justice processes and to hold Afghanistan to account for violations of its international obligations.

Sexual and gender-based violence

21. The Special Rapporteur is extremely disturbed by multiple reports of sexual violence against women in detention. He has documented sexual violence committed against women during the Taliban crackdown in January 2024 on women wearing “inappropriate” or “incorrect” hijabs. Survivors described being taken to police stations where they were beaten and verbally abused and, in some cases, sexually assaulted. One survivor recalled: “They beat me as they asked questions, hitting my head on the wall One of them tore my hijab and then touched my private parts.”

22. Information from other credible sources further indicates that women were raped or sexually assaulted during the crackdown. Some former detainees told the Special Rapporteur that, although they were not subjected to sexual violence in detention, they still suffered stigma and ostracization within their families and communities, who did not believe that they had not been assaulted.

23. The culture of silence that surrounds rape and other crimes of sexual violence, stemming from harmful gender stereotypes, social stigma and, in particular, victim-blaming, means that it is very likely that many cases remain unreported. Restrictions on women’s movement mean that survivors of sexual violence struggle to access medical, psychological and reproductive health services.

24. The Special Rapporteur is deeply concerned about high levels of violence against women and girls, including domestic or intimate partner violence. High levels of gender-based violence were already prevalent during the Republic era. However, they have worsened under Taliban rule and are linked to discriminatory policies and practices asserting male control over women; the loss of women’s autonomy, including economic independence; and the dismantling of crucial legal, protection and support mechanisms. Access to justice for women and girls is further undermined by restrictions on their freedom of movement and the barring of female lawyers and judges.

Protection and participation of women and girls

25. Efforts to advance the women and peace and security agenda in Afghanistan have been severely disrupted following the Taliban’s seizure of power. The systematic erasure of the rights of women and girls has necessitated a strong emphasis on the protection pillar of that agenda, with a focus on protecting women human rights defenders, preventing and addressing violence against women and ensuring gender-responsive humanitarian action. Such efforts remain much-needed and should be supported.

26. The exclusion of women and girls from public life has meant that women have effectively been shut out of political and decision-making processes in Afghanistan. In response, many activists in the diaspora, in particular women, are actively mobilizing to ensure continued international attention on the human rights situation. Afghan women both inside and outside of the country have consistently called for women’s and girls’ rights and voices to be placed at the centre of political and decision-making processes, a call supported by the Special Rapporteur.

27. The Special Rapporteur recalls States’ obligations under the women and peace and security agenda to ensure women’s equal participation and to promote gender equality in peace and security decision-making processes. He notes that the Taliban’s takeover followed peace negotiations that had largely sidelined women’s rights and

voices. Greater efforts are needed to find pathways to ensure women's equal, consistent, safe and meaningful participation in discussions about Afghanistan. The Special Rapporteur stresses that incremental and delayed inclusion during political processes is unlikely to deliver substantive change for women and others marginalized due to ethnicity, religion, gender, sexuality, age or other identities.

B. Children and young people

28. Since his previous report to the General Assembly, the Special Rapporteur has received information pertaining to grave violations against children, namely killing and maiming, use and recruitment as child soldiers, rape and other forms of sexual violence, abduction, attacks on schools and hospitals and denial of humanitarian assistance.

29. Despite the significant reduction in active hostilities since 2021, there remains an alarmingly high incidence of children being killed or suffering serious, life-altering injuries as a result of explosive remnants of war. Although there has been a notable reduction in improvised explosive device-related casualties since August 2021, after more than 40 years of conflict, Afghanistan has a high contamination of explosive remnants of war affecting all 34 provinces. According to the Mine Action Service, between January and July 2024, 108 people were killed by explosive remnants of war, 91 of them – a staggering 84 per cent – children (19 girls, 72 boys), while 247 people, 203 of them children (30 girls, 173 boys), were injured. The majority of casualties were boys engaged in scrap metal collection or play. On 31 March 2024, nine children, five boys and four girls, were killed after one picked up unexploded ordnance, believed to be decades old, in Ghazni Province. On 5 June 2024, three girls and one boy were injured when explosive ordnance detonated in Kabul Province.

30. Credible reports indicate that the de facto authorities and other armed groups continue to recruit children into both combat and support roles, including their deployment at de facto authority checkpoints. Prior to the Taliban takeover, multiple parties to the conflict, including the former government security forces, recruited children, and there are continuing needs for reintegration programmes, including reunification, education and vocational training.

31. As highlighted in previous reports, the Special Rapporteur remains deeply concerned about a pattern of sexual violence against children. This includes the practice known as *bacha bazi*, a severe form of child abuse and exploitation that pre-dates rule by the Taliban. The Special Rapporteur notes that *bacha bazi* is prohibited in the Law on the Promotion of Virtue and the Prevention of Vice. However, there remains a disturbing lack of child protection mechanisms, in particular after the Taliban dismantled key legal and policy frameworks and specialized institutions, leaving child victims without adequate support, services or access to justice.

32. There are ongoing and credible allegations of attacks on education, including reports of physical attacks on schools by unidentified men and the arrest and detention of educators. The Special Rapporteur also received reports of schools in some areas being used as Taliban military bases, as well as reports of attacks by armed groups in close proximity to education facilities. The use of schools for military purposes can have the effect of turning schools into a military target. It also has an impact on children's access to their right to education, in violation of the obligations of Afghanistan under the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.

Access to education

33. For three years, Afghan girls have been barred from attending school beyond sixth grade. When the Taliban first took power, leaders said that secondary and tertiary education for girls would be suspended until conditions were suitable under Islamic rules; they now say that education is an “internal matter”, and it remains unclear when – or if – schools will reopen to girls. As well as being a human right in itself, education is an indispensable means of realizing other human rights. The denial of girls’ and women’s right to education is therefore resulting in a cascade of profound and gendered harms, which will only increase the longer it is allowed to continue.

34. Deprived of education opportunities, girls and young women have significantly reduced future prospects and are at greater risk of child, early and forced marriage; physical and mental health problems, including anxiety and depression; and gender-based violence. Child and early marriages not only violate sexual and reproductive rights, but also place girls and young women at increased risk of early pregnancy and pregnancy-related complications. The exclusion of girls from education is not only exacerbating the humanitarian crisis, but will also significantly affect the long-term development of Afghanistan.

35. In spite of the ban, girls and young women are finding alternative, creative and sometime clandestine ways to continue their studies. The Special Rapporteur met with young women who were attending online classes, including post-graduate classes, and using online platforms to continue their education. While he commends their dedication and perseverance, he notes that such opportunities are often limited to those with the financial, technological and other means to access them.

36. While much attention has understandably focused on the deprivation of girls’ and women’s right to education, boys and young men are also experiencing a deterioration in their access to and quality of education under the Taliban. Female teachers dismissed from boys’ schools have often been replaced by unqualified or underqualified male teachers, while there are reports that corporal punishment – a longstanding problem in Afghanistan schools – is increasingly common. Amid growing economic pressures, many boys leave education to find work and support their families.

37. The Special Rapporteur has observed an increase in the use and promotion of madrasa education. Under the Republic, the Government sought to regulate madrasas in order to standardize religious education and counter the spread of extremist ideology. Since seizing power, the Taliban have heavily promoted religious education. According to the de facto Deputy Minister of Education, as at August 2023, there were 339,959 students enrolled in state madrasas across Afghanistan, 95,662 of them girls.

38. There are concerns about the content of education in madrasas. The Special Rapporteur is concerned about reports that, in some cases, these institutions are being used to promote the Taliban’s ideology, including its institutionalized discrimination and oppression of women and girls. Further research is required, including into the potential of those institutions to sow the seeds of destabilization within Afghanistan and beyond its borders.

39. Excluded from secondary and higher education, girls are increasingly turning to madrasas, where the quality of education is mixed. While some provide only basic learning opportunities, others offer more advanced lessons, incorporating subjects such as English and information technology. The Special Rapporteur stresses that religious education in madrasas should be complementary to, and not a replacement for, fundamental education “directed to the full development of the human personality”.¹

¹ International Covenant on Economic, Social and Cultural Rights, art. 13 (1).

C. Minorities

40. Afghanistan is home to some 41 million people of diverse ethnic, religious and linguistic backgrounds. This rich diversity means that no one group can claim to represent the country or what it means to be Afghan.²

41. Despite this, the Taliban have imposed a form of governance that is neither inclusive nor representative of the population. The de facto authorities are dominated by predominantly Sunni ethnic Pashtun men, in particular at senior levels. While the Taliban claim to place a strong emphasis on increased unity, non-Taliban ethnic, religious and linguistic groups continue to face discrimination, exclusion and marginalization. Women and girls from these groups face heightened and intersecting forms of discrimination.

42. Prejudice and stereotyping based on ethnicity and religion pre-dates the de facto authorities, and there are credible and long-standing allegations of serious crimes committed against protected groups on the basis of ethnicity and/or religion, especially against ethnic Hazara. The Special Rapporteur remains deeply concerned about ongoing patterns of violations and abuses against minority and marginalized communities, which are often linked to perceptions of certain groups being pro- or anti-Taliban. He is further concerned about the prevalence of anti-Pashtun sentiment, as well as increasing intercommunal tensions and mistrust.

43. The Special Rapporteur emphasizes the importance of non-discrimination and the protection and promotion of the rights of minorities, including freedom of religion or belief and cultural rights. He is disturbed by Taliban actions that continue to undermine these rights, for example the banning of religious celebrations, the removal of Shi'a-related books from libraries and the banning of the translation of scientific works into the Uzbek and Turkish languages.

Violence and threats against religious minorities

44. Religious minorities, including Shi'a Muslims, predominantly Shi'a ethnic Hazara and Sufi groups, face ongoing violence and threats.

45. Shi'a communities, in particular Shi'a Hazara, continue to be targeted in attacks by Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP). On 6 January 2024, an ISIL-KP improvised explosive device targeted a public bus in a predominantly Shi'a Hazara area of Kabul, killing 6 civilians and injuring 20 others, mostly men. Claiming the attack, ISIL-KP stated that it was targeting "the infidels". On 11 August, an improvised explosive device targeted a bus in the same neighbourhood, killing 2 people and injuring 13 others (8 men, 4 women and 1 boy). According to media reports, ISIL-KP claimed responsibility for the attack. Continuing a pattern of attacks on Shi'a places of worship, on 29 April, an ISIL-KP gunman opened fire on worshippers inside the Sahib-u-Zaman Mosque in Herat Province. Six people (four men, one woman and one boy) were killed in the attack.

46. ISIL-KP members have also claimed attacks involving members of other religious minorities. For example, on 17 May, a gunman opened fire on Christians and Shi'as at a market in Bamiyan Province, killing two Afghan and three Spanish nationals and wounding six others. According to the de facto authorities, seven people were arrested in connection with the incident.

² The term "minorities" is sometimes contested in Afghanistan. For the purpose of the present report, minorities are described in accordance with the definition used by the Special Rapporteur on minority issues (see [A/75/211](#), para. 20).

47. ISIL-KP attacks against religious minorities, and failures of the de facto authorities to protect these groups, have heightened fear and mistrust. As noted in previous reports, Sikh and Hindu communities, which have been targeted by ISIL-KP in the past, have almost entirely left Afghanistan. The Special Rapporteur notes reports that the Taliban have set up a commission to restore property that was seized from Sikh and Hindu persons under the former Government and have made efforts to encourage individuals from these communities to return to Afghanistan.

48. Violence and threats against members of religious minorities also emanate from the de facto authorities. The Special Rapporteur documented violence against Shi'a persons by de facto security force officials during arbitrary house searches in July 2024, at the beginning of Muharram (the first month of the Islamic calendar). This included beatings and destruction of property and, in some cases, unlawful killings. These require further investigation. At times, house searches were accompanied by verbal abuse and derogatory language.

49. The house searches came amid tightened security as Shi'a communities marked Ashura'. Ahead of the commemoration, the Taliban issued strict guidelines for Shi'as, which included limiting the display of flags, banners and symbols in public places and orders not to organize public gatherings. The restrictions were justified on security grounds.

50. The Special Rapporteur continued to receive information about land disputes from provinces across Afghanistan. Many have ethnic and tribal dimensions, as well as political, economic and climate-related elements. He is alarmed about reports of violence in these contexts and reiterates the de facto authorities' responsibility to investigate allegations of threats and violence and to hold those responsible to account.

51. In interviews with members of religious minority communities, the Special Rapporteur documented the frequent use of the word "kafir" ("unbeliever"), in particular by officials of the de facto authorities. The term was prevalent in cases where individuals were associated with non-Taliban activities. A Shi'a Hazara man described the impact of such rhetoric: "They say, 'You are unholy and you don't belong in this country'. It makes me feel that we don't have a place in this society or country anymore."

52. The Special Rapporteur stresses that exclusory language and its normalization has the effect of "othering" affected communities and often results in further discrimination and marginalization.

D. Sexual orientation and gender identity

53. Lesbian, gay, bisexual, transgender and other gender-diverse Afghans continue to be persecuted and criminalized on the basis of their sexual orientation and/or gender identity. The Special Rapporteur met with lesbian, gay, bisexual, transgender and other gender-diverse Afghans who were subject to sexual violence, torture and other forms of cruel, inhuman or degrading treatment or punishment while detained by Taliban authorities and is alarmed by multiple reports of lesbian, gay, bisexual, transgender and other gender-diverse persons being subjected to public floggings. On 12 August 2024, the de facto Supreme Court announced that two men in Jalrez district, Wardak Province, had each been sentenced to 39 lashes and 13 years' imprisonment on charges of "sodomy".

54. Lesbian, bisexual and intersex Afghans presenting as women are at increased risk of forced marriage and family violence. Gay and transgender men are especially at risk of criminalization and public violence, in particular flogging. The Special Rapporteur

also received information that transgender women struggle to access education due to threats, violence and harassment. A gay man explained that “if they know your gender identity, or your gender identity is seen to be different, you will be a target”.

55. Many lesbian, gay, bisexual, transgender and other gender-diverse Afghans struggle to access adequate support and services, and there is a lack of programmes that are tailored to their specific needs and unique vulnerabilities. The situation is compounded by preexisting discrimination, abuse and the threat of further violence. Those who choose to migrate from the country face continued challenges in accessing support and experience fear of discrimination and violence in some host countries.

E. Persons with disabilities

56. Afghanistan has one of the world’s largest populations of persons with disabilities. Decades of conflict and poverty have resulted in a situation in which more than 1 million Afghans live with some form of physical disability, often affecting their mobility, sight or hearing.

57. Persons with disabilities are disproportionately affected by the country’s economic and humanitarian crisis, which has been compounded by the withdrawal of international and national organizations providing rehabilitation services, vocational training, employment opportunities, social initiatives, leadership training and microfinancing, among other services. Disability rights activists told the Special Rapporteur that humanitarian aid often does not fully reach persons with disabilities. Those living in remote or hard-to-reach areas face heightened vulnerability.

58. The Taliban’s gender oppression and persecution mean that women and girls with disabilities face multiple and intersecting forms of discrimination, placing them at higher risk of violations and abuse. Severe restrictions on women’s movement and right to work have an adverse impact, not only on women and adolescent girls with disabilities, but also on women who support others with disabilities. One woman explained: “envision being a woman in rural Afghanistan and being a mother of a child with a disability. What does she feel? Fear, abandonment and exclusion.”

59. Accessing social protection programmes is challenging. Some Afghans with disabilities report not receiving any financial support since the Taliban took power. Those who complain have at times been subjected to violence. The Special Rapporteur remains concerned about the inconsistent and biased provision of disability assistance payments by the de facto Ministry of Martyrs and Disabled Affairs. He received information that Taliban-affiliated individuals with disabilities receive roughly double the amount given to non-Taliban individuals with conflict-related disabilities.

IV. Civil and political rights

A. Rule of law and administration of justice

60. After taking power, the Taliban suspended the 2004 Constitution and announced that all laws passed under the Islamic Republic of Afghanistan would be assessed for compliance with sharia law and Afghan traditions. To date, there remains little clarity about the status of legislation and other sources of law, leading to a lack of consistency and legal certainty. The Taliban continue to govern by issuing edicts and instructions that adhere to their interpretation of sharia law. Many of these edicts and orders are unpublished or issued verbally, creating further legal uncertainty. Despite the lack of

legal certainty, Taliban spokesperson Zabihullah Mujahid insists that there is no legal vacuum in the country.

61. The newly enacted Law on the Promotion of Virtue and the Prevention of Vice imposes significant constraints on the public and private spheres of peoples' lives. In addition to reaffirming and expanding the restrictions on women and girls, the Law imposes mandatory dress codes on men and boys, dictating, for example, the permitted length of their hair and beards. It also affirms the criminalization of same-sex consensual sexual relations and forbids befriending or helping "non-believers". Other provisions infringe upon the rights of religious minorities, impose severe restrictions on freedom of expression (which will affect media freedom in particular) and ban "non-Islamic" ceremonies and celebrations. The Law grants the de facto morality police broad and sweeping powers and encourages the population to contribute to its implementation. According to the Law, its provisions apply to all institutions, public places and individuals residing in the territory of Afghanistan, raising serious concern about the impact on United Nations and humanitarian operations in the country.

62. Courts continue to operate with irregular procedures and without clear legal authorities. Republic-era judges have been systematically removed and replaced by Taliban members who are advised by muftis who do not have adequate legal training. All are men. While the de facto authorities claim that Taliban judges possess a strong understanding of sharia law and proficiency in Arabic, practising lawyers indicate that this is not always the case. Lawyers also told the Special Rapporteur that the de facto authorities have instructed that sharia sources be invoked that are not available in the national languages of Dari and Pashto, making it difficult for legal professionals and ordinary people without proficiency in Arabic to understand the origins or meaning of the law. This results in a lack of clarity and an often arbitrary application of the law.

63. The de facto Ministry of Justice is continuing with the process of relicensing lawyers, issuing some 1,430 licenses since August 2021, all of them to men. For the third consecutive year, women were prohibited from taking the bar exam, and women judges and lawyers remain excluded from practising law. The situation further undermines women's and girls' access to justice.

64. Despite those efforts to relicense lawyers, the Special Rapporteur continued to receive reports of a shortage of defence lawyers, in particular for cases requiring legal aid. Organizations providing legal aid also report difficulties in renewing their licences, with some even receiving warnings to cease their activities. A lack of staff and a backlog of cases mean that individuals are often held in prolonged pretrial detention.

65. In April 2024, a letter circulated by the de facto Supreme Court instructed defence lawyers to charge a maximum of 5,000 Afghanis (approximately \$70) per case. Lawyers found to overcharge could have their licences revoked. In theory, the move provides greater protection for people from poor socioeconomic backgrounds. However, civil society groups have raised concerns that the capped fee could make lawyers reluctant to take on political or other sensitive cases.

66. In January 2024, the de facto Supreme Court issued a circular regarding family cases adjudicated during the Republic era. The circular recognizes the validity of divorces and/or legal separations of women from their spouses, provided that they are compatible with at least one of the four Sunni schools of jurisprudence. Individuals must present an official court document, which, in practice, many are unable to do. Divorces and legal separations that are deemed incompatible are considered invalid, with the result that some women are forced to return to dangerous situations. Women from religious minorities are disproportionately affected, including Shi'a Muslims, as the circular excludes the Ja'fari school of jurisprudence.

B. Violations of the right to life, liberty and security of the person

67. The de facto authorities continue to carry out extrajudicial killings. Despite the Taliban's announcement of a general amnesty in August 2021, former government officials and members of the security forces continued to be targeted during the reporting period. There are also ongoing and credible reports of killing of members of the National Resistance Front and ISIL-KP.

68. De facto authorities continue to suppress dissent through arbitrary arrest and detention. The Special Rapporteur has documented and received allegations of the arrest and detention of journalists, human rights defenders and others critical of the Taliban. Some detentions were followed by acts tantamount to enforced disappearance. There are consistent and disturbing reports that Taliban officials, in particular those from the de facto General Directorate of Intelligence and the de facto police, torture or otherwise ill-treat people during arrest, detention and interrogation. A media worker who was detained by officials of the General Directorate of Intelligence in early 2024 after being accused of criticizing the Taliban described his ordeal: "they blindfolded me and tied my hands, put me in a car and detained me in a dark cellar. I was subjected to physical torture and sexual violence, including severe beatings and threats with firearms."

69. The situation is compounded by the lack of legal safeguards, including access to lawyers and the denial of other due process rights. There are credible reports of courts in several provinces denying defendants, including children, access to their lawyers.

70. The Taliban continue to use public corporal punishment amounting to torture and other ill-treatment. Since the beginning of 2024, there appears to have been an alarming increase in the number of punishments meted out for *hudud*, *qisas* and *ta'zir* crimes. According to official announcements by the de facto Supreme Court, between January and August 2024, some 276 individuals (230 men and 46 women) were punished for such crimes. While the vast majority reported in the 80 official announcements were for crimes such as theft and adultery, individuals were also punished for "crimes" such as sodomy, homosexuality, running away from home and aiding a woman's escape from home – underscoring the specific risks faced by lesbian, gay, bisexual, transgender and other gender-diverse persons and cisgender women.

71. There was a marked increase in the number of punishments in May and June, not long after the Supreme Leader of the Taliban reaffirmed the group's commitment to public floggings and stoning, including of women accused of adultery, in an audio message broadcast in March 2024. De facto authorities publicly flogged 63 people (48 men and 15 women) in Sar-e Pul on 4 June 2024. Each person was lashed between 15 and 39 times.

C. Violations of the rights to freedom of expression, association and peaceful assembly

72. The space for the freedoms of expression, association and peaceful assembly has decreased further during the reporting period. Human rights defenders, lawyers, journalists and members of civil society face ongoing threats, intimidation and harassment, including arrest and detention, in connection with their work. Local non-governmental organizations (NGOs) and civil society groups face a range of challenges, including the cancellation or non-renewal of licences. The Special Rapporteur is especially troubled by information received in August 2024 that the de facto Ministry of Economy is refusing to issue new licenses to some organizations

unless they remove words such as “women”, “democracy” and “justice” from their names and pay a financial penalty.

73. Journalists and media workers operate in a challenging environment and face a range of restrictions imposed by the de facto authorities in addition to threats, harassment, intimidation and detention. Journalists detained in connection with their work are often accused of collaborating with foreign media or of publishing information critical of the de facto authorities. Those who report on sensitive topics, including human rights and violations against women and girls, are especially at risk. The situation is exacerbated for female journalists, in particular due to Taliban restrictions on women’s freedom of movement and right to work.

74. Media workers also reported surveillance and verbal threats aimed at stopping them from working. Such threats, coupled with the risk of arrest and detention, are obvious triggers for self-censorship and contribute to feelings of insecurity. As one female journalist explained: “they want to silence me. They want to stop people speaking out, especially journalists reporting about women’s rights.”

75. Security and safety concerns are not limited to journalists, but also extend to their sources and the people they interview. The Special Rapporteur received worrying reports that victims and their relatives faced threats, surveillance and, in some cases, detention after speaking to media outlets about human rights violations.

76. Threats, intimidation and the detention of journalists occur within a wider context of intensifying suppression of press freedom, including through the closure of media outlets and censorship. On 8 May 2024, the Media Complaints and Rights Violations Commission banned Afghan journalists from working with a television news channel, Afghanistan International, that is based in the United Kingdom of Great Britain and Northern Ireland. The Taliban authorities also banned the screening of the channel in public places and warned journalists and experts against cooperating with the outlet. A month earlier, in April, the Commission had suspended Noor Television and Barya Television, two local privately owned television stations, citing the owners’ repeated violation of “national and Islamic values”. A Commission spokesperson said that neither outlet would be able to operate until an investigation had been completed.

77. The Taliban are censoring printed publications, limiting access to and dissemination of diverse ideas. In January, the de facto authorities seized thousands of books from bookstores and publishing houses in Kabul after they were banned for “violating national and Islamic values” or promoting disunity among Afghans. Many of the books were written in or translated into Dari and Pashto by Afghan authors and focus specifically on the Taliban. Public and privately owned libraries have been subject to inspection to ensure that they do not stock banned books. The Special Rapporteur received further information that the Taliban have demanded written commitments from printing houses not to produce materials contrary to their policies.

78. The right to freedom of peaceful assembly is also curtailed. Women continued to protest against the Taliban’s draconian restrictions on their lives and rights, increasingly doing so behind closed doors to avoid the risk of violence and repression. In March 2024, women protesters held a series of gatherings in private spaces around International Women’s Day, holding up signs with slogans such as “Rights, Justice, Freedom”. In August 2024, days before Afghanistan marked three years under renewed Taliban rule, women took to the streets in Takhar Province to protest against their policies.

79. In a welcome move, on 7 April 2024, the human rights defender and protester Manizha Seddiqi was released after being arbitrarily detained for more than six months in connection with her advocacy for women’s rights. Also in April, education activist Siddiqullah Afghan was released after being arbitrarily detained in October 2023 in

connection with his work. However, his colleague Ahmad Fahim Azimi remains in detention after being sentenced to one year in prison. The Special Rapporteur calls for his immediate and unconditional release.

80. There were also disturbing reports of violent crackdowns against protesters. Between May and July, a series of protests took place in Badakhshan after de facto authorities began destroying crops. Protesters also accused de facto authorities of harassing and intimidating people during the eradication campaign. In early May, two men were killed during clashes between de facto security forces and protesters in Darayim and Argo districts, prompting further protests. While the de facto authorities announced that a committee would be formed to investigate the incident, no progress was reported.

V. Economic and social rights and the humanitarian situation

81. A deepening economic and humanitarian crisis is gripping every corner of Afghanistan, fuelled by the deteriorating economic situation, dwindling humanitarian assistance, the ongoing impact of past conflicts and climate-induced crises. These crises are connected with and exacerbated by the Taliban's institutionalized and systematic policies of gender oppression.

A. Poverty, unemployment and the right to work

82. Over the fiscal years 2021 and 2022, real gross domestic product contracted by 26 per cent. In 2023, economic activity stagnated, and experts agree that the situation will not improve in the short term. Population growth means that per capita income will likely decrease, with no improvements expected in poverty reduction, food insecurity and unemployment.

83. There is a lack of transparency regarding budget and expenditure. The de facto authorities did not communicate publicly about 2023 expenditures, nor have they provided public details about their 2024/25 budget. According to the World Bank, in the 2022 fiscal year, the de facto authorities allocated about half of the budget to security spending. Unofficial sources suggest that a similar portion was allocated to security for the 2023 fiscal year.

84. The Special Rapporteur reminds the de facto authorities of their obligation to take steps to the maximum of their available resources to achieve progressively the full realization of economic, social and cultural rights. The de facto authorities have the obligation to, at the very least, satisfy minimum essential levels of each of the economic, social and cultural rights.

85. In April 2022, the de facto authorities announced a comprehensive ban on the cultivation, production, processing and trade of opium. Since then, the de facto security forces have engaged in an aggressive enforcement campaign aimed at deterring farmers from planting opium poppies and undertaking crop eradication activities. The result has been a significant reduction in opium cultivation. The United Nations Office on Drugs and Crime estimates that overall cultivation dropped by 95 per cent in 2023, although Badakhshan Province was a notable exception. Indications are that the overall pattern of reduction will continue in 2024. Meanwhile, production of other illicit drugs, such as methamphetamine, has continued.

86. While the reduction in opium cultivation is a positive development, the ban and its enforcement are having significant and wide-ranging economic impacts on small-scale poppy farmers and rural households that lack alternative livelihood strategies. At the same time, there has been no action taken against existing stockpiles, the value

of which has increased following the ban. The result is that landed farmers and traders with significant opium reserves, including senior Taliban officials, are benefiting from increased profits and purchasing power, while small-scale farmers are struggling economically. As noted above, the opium cultivation ban and its economic impact has been met with resistance from farmers and farm labourers in some areas.

87. Women's right to work remains extremely constrained, and the de facto authorities have set limits for the areas and type of work women can do. Adding to the long list of restrictions on women's employment, in October 2023, women were prohibited from holding directorships within NGOs, while in May 2024, a Taliban decree reduced the monthly salary of female civil servants who had been forced to work from home to 5,000 afghanis (approximately \$70), irrespective of their qualifications or experience. According to the United Nations Development Programme, the proportion of female workers in Afghanistan decreased from 11 per cent in 2022 to 6 per cent in 2023. Without the benefit of women's income, families are at risk of plunging deeper into poverty.

88. Although the Taliban allow women to work in the private sector, women entrepreneurs and women-led businesses face a range of obstacles to engaging in business, including a lack of access to public spaces and markets, as well as the *mahram* requirement. Systematic gender oppression also means that male suppliers, shopkeepers, large traders and wholesalers are often reluctant to engage with women, fearing Taliban reprisals.

89. While there have been internationally led efforts to support female entrepreneurs and businesses, for example, through microfinance initiatives, women face significant obstacles accessing these. Challenges include difficulties in meeting documentation requirements, (including registration requirements), gender-related mobility restrictions and a lack of sharia-compliant financial products.

90. The Special Rapporteur stresses that efforts to support the country's economic recovery that fail to address systematic and institutionalized gender discrimination are likely to be ineffective in the long term.

91. In the face of chronic and growing poverty and increasing humanitarian needs, communities are forced to adopt negative coping strategies. These include borrowing money, selling assets and reducing food intake. The Special Rapporteur is especially concerned about the impacts on children and, in particular, continuing reports of increasing child marriage (especially forced marriages of girls), child labour, domestic servitude, trafficking and sexual exploitation.

92. It is essential that social protection mechanisms are in place for the most vulnerable and at-risk. In this regard, the Special Rapporteur is concerned that older people, including retired civil servants, have not received pensions since August 2021. Prior to the Taliban takeover, an estimated 150,000 pensioners received monthly pensions. In April 2024, following a directive by the Supreme Leader of the Taliban, the de facto Ministry of Finance announced that the State pension system had been abolished. It remains unclear what support – if any – will be available for retirees.

93. Given the serious economic and humanitarian situation, the Special Rapporteur has called for support measures that go beyond humanitarian assistance and that do not benefit the de facto authorities. An underutilized funding source is the Fund for the Afghan People, with assets totalling approximately \$3.8 billion, as well as a further \$3.5 billion that remains in the United States of America pending domestic legal challenges. Despite having the potential to help to address the acute effects of the humanitarian and economic crises in Afghanistan, the Fund has not yet made any money available for the benefit of the Afghan people. The lack of independence of

the Da Afghanistan Bank, the central bank of Afghanistan, from the Taliban, as well as weaknesses in its enforcement of anti-money-laundering and counter-terrorism financing measures, are among the reasons for delays in the disbursement of funds.

94. The Special Rapporteur supports the continuation of Security Council sanctions against certain members of the Taliban and associated persons and entities, while also noting the important exemption in Security Council resolution 2664 (2022), which allows for humanitarian assistance and other activities that support basic human needs. He reiterates the risk of overcompliance with sanctions regimes and stresses that such regimes should not create adverse socioeconomic consequences for the civilian population.

95. While the Special Rapporteur supports socioeconomic progress for the people of Afghanistan, he notes that this should occur in a human-rights responsible manner. With the Taliban actively looking for foreign investments and an increase in trade volume, it is critical that businesses apply the Guiding Principles on Business and Human Rights. Companies have a responsibility to seek to prevent or mitigate adverse human rights impacts by conducting human rights due diligence before engaging with the de facto authorities.

B. Displacement, natural disasters and the environment

96. Although conflict-related displacement has decreased significantly since 2021, some 3.2 million people remain internally displaced in Afghanistan. A further 5.8 million people are registered as refugees in neighbouring countries, in particular in the Islamic Republic of Iran and Pakistan and, to a lesser extent, Tajikistan, Turkmenistan and Uzbekistan, as well as in Türkiye.

97. Since September 2023, there has been a surge in the number of returnees to Afghanistan. Between September 2023 and July 2024, more than 645,000 people returned from neighbouring Pakistan after the Government of Pakistan began implementing its “illegal foreigners repatriation plan”. Under the plan, foreigners without valid identity documents – a significant proportion of whom are Afghans – were given 28 days to “voluntarily” leave the country, or face deportation. The Special Rapporteur welcomes the recent decision by the Government of Pakistan to extend the validity of proof of registration cards for one year, until 30 June 2025. Senior officials of the Islamic Republic of Iran have also announced that undocumented foreigners should leave the country by the end of 2024, a move that will again disproportionately affect Afghans. The Special Rapporteur reminds all States of their obligation under customary international law to respect the principle of non-refoulement.

98. Those who return to Afghanistan face a range of challenges, including lack of shelter and housing, limited livelihood opportunities and restricted access to basic services, including education and health care. However, the Special Rapporteur acknowledges efforts by the de facto authorities, supported by international humanitarian agencies, to assist individuals returning from Pakistan amid challenging conditions.

99. There are ongoing reports of forced evictions, which have led to further displacement. The Special Rapporteur received credible information about the destruction and demolition of residential and commercial properties in Kabul between January and June 2024, with existing occupants allegedly evicted from the land. The demolitions appeared to target informal settlements, whose residents included vulnerable families and individuals already internally displaced. It is unclear what, if any, support or compensation has been offered.

100. The Special Rapporteur is also concerned about the economic and humanitarian impacts of natural disasters. Afghanistan regularly experiences natural disasters, including floods and earthquakes, which have led to displacement of the population, destruction of homes and property and devastation of the natural environment. In May, severe flooding caused by heavy rains led to significant destruction in Badakhshan, Baghlan, Faryab, Ghor and Takhar Provinces, resulting in death and displacement of the civilian population. Thousands of houses and businesses were damaged or destroyed, in addition to critical infrastructure. The resulting loss of livelihoods has added further economic hardships for already struggling communities.

101. The situation highlights the risks Afghanistan faces amid a growing climate crisis. The Special Rapporteur notes that Afghanistan is among the States that are most vulnerable to climate change and requires assistance to cope with and adapt to its impacts.

102. Over the course of more than four decades of conflict, all parties have used methods and weapons that have caused immense environmental damage, rendering Afghanistan far less liveable, with health implications for children and for future generations. The Special Rapporteur highlights the need to prevent, mitigate and remediate harm to the environment before, during and after armed conflict. He encourages parties to the conflict to fund remedial measures so that current and future generations in Afghanistan have the chance to live and thrive on their own land in health and with dignity.

C. Humanitarian situation and response

103. In 2024, an estimated 23.7 million people – more than half of the population – require humanitarian assistance. The situation is compounded by deteriorating civilian infrastructure, including hospitals and health facilities, water and sanitation systems and transport networks. Despite the immense needs, as at May 2024, only 28 per cent of those requiring humanitarian assistance had been reached. This is in large part due to significant shortfalls in humanitarian funding. As at August 2024, only 25 per cent of the humanitarian response budget had been funded. The result is that humanitarian actors have been forced to prioritize support for the most vulnerable and, in some cases, are being compelled to suspend or even close humanitarian projects.

104. The already stretched humanitarian response is being further challenged by constraints on humanitarian access and operations, in particular bureaucratic and administrative impediments imposed by the de facto authorities and their armed forces. While the significant reduction in conflict since 2021 has meant increased humanitarian access to all parts of the country, aid organizations continue to experience interference in the implementation of their activities. This includes requests for sensitive staff information, attempts to interfere with beneficiary selection and registration or documentation approval delays.

105. Another significant barrier to full and effective humanitarian assistance is the continuing ban on female humanitarian workers and its enforcement. Humanitarian organizations report that restrictions related to female participation, including restrictions on women's presence at distribution sites, their participation in assessments and detention and threats against female aid workers, affect their operations. The continuing ban on female humanitarian workers is significantly and adversely affecting the ability of humanitarian actors to reach women and girls. It also seriously affects their ability to provide gender-based violence programmes, including for survivors of sexual and other gender-based violence.

106. As noted, the Special Rapporteur remains concerned about the prevalence of landmines and explosive remnants of war in Afghanistan. An estimated 1.2 million square metres of land is contaminated by mines, improvised explosive devices and explosive remnants of war. The presence of explosive remnants of war has a significant impact on access to education and health facilities and livelihoods. They also pose a threat to civilians returning to their homes and communities after earlier displacement as well as to humanitarian workers. A shortage of health-care facilities, in particular in rural and remote areas, makes it difficult for injured individuals to receive timely medical care. United Nations agencies and humanitarian organizations continue to undertake important work in mine clearance, risk reduction education and provision of assistance to survivors. However, this work has been significantly affected by the humanitarian funding crisis, with some projects already forced to stop and others facing closure in 2024.

VI. Cultural rights

107. The rich historical, artistic and cultural heritage of Afghanistan continues to be eroded under Taliban rule. Traditional celebrations such as Nowruz (the first day of the solar calendar) and Yalda (celebrated on the winter solstice), both of which are registered as intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization, are now banned by law. Instead of being allowed to come together to celebrate, communities are forced to mark such occasions privately or amid tight security. This reinforces perceptions of exclusion and discrimination.

108. The Taliban maintain their ban on listening to or playing music, which is deemed to be “un-Islamic”. Those found with instruments face violence, ill-treatment and harassment. In July 2024, the de facto departments of the Promotion of Virtue and the Prevention of Vice in Badakhshan and Sar-e Pul Provinces confirmed the destruction of scores of musical instruments, images of which have been seen by the Special Rapporteur, many of which had been collected from wedding halls, hotels, restaurants and people’s homes.

Sport

109. In this year of the thirty-third Olympiad, women and girls in Afghanistan remain barred from exercising their right to participate in sport. The Taliban have banned them from parks and gyms, while the *mahram* requirement means that outdoor exercise is extremely challenging. The ban on women’s and girls’ participation in sport, in addition to excluding them from an essential component of social and cultural life, has significant and detrimental impacts on their physical and mental health and well-being.

110. Despite the ban, Afghan women athletes living in exile were able to compete in the 2024 Olympic and Paralympic Games in Paris, either as part of the official Afghanistan team or as part of the refugee team. The Afghanistan team consisted of three Afghan women and three Afghan men; however, the de facto authorities did not recognize the women team members.

111. Afghan women athletes who fled the country have criticized the lack of support from national and international sports bodies. The Special Rapporteur has raised concerns that some sports bodies appear unable or unwilling to uphold their organizational obligations regarding the participation of women and girls and has called on national and international sporting bodies to consult with and take decisive action to support female Afghan athletes.

VII. International response

112. In December 2023, the Security Council adopted resolution [2721 \(2023\)](#), in which it highlighted the human rights and humanitarian challenges facing Afghanistan, especially the rights of women and girls, and emphasized the indispensable role of women in Afghan society and the importance of their full, equal, meaningful and safe participation. In the resolution, Member States and relevant stakeholders were encouraged to consider the United Nations-mandated independent assessment and the implementation of its recommendations, especially the recommendation to increase international engagement in a more coherent, coordinated and structured manner. The resolution further contained a request that the Secretary-General, in consultation with others, appoint a special envoy for Afghanistan. To date, no special envoy has been appointed.

113. Two major meetings were convened by the United Nations, on 18 and 19 February and on 30 June and 1 July 2024, in Doha, to chart a political path forward for Afghanistan. The first meeting was attended by international special envoys, United Nations officials and representatives of civil society. The Taliban did not attend. However, they did send representatives to the second meeting, in June and July, which was focused on private sector business and counter-narcotics. The second meeting was widely criticized for failing to include human rights, in particular the rights of women and girls, on the official agenda. In addition, Afghan women and non-Taliban Afghans were excluded from the official meeting. However, a small number were invited to brief the special envoys on 2 July.

VIII. Conclusions

114. It has now been more than three years since the Taliban seized power in Afghanistan. Since then, despite initial claims to respect international human rights treaties, the de facto authorities have incrementally increased their repression and violations of human rights. This is most clearly seen in their policies that oppress and persecute women and girls, which are being actively enforced and entrenched. It is increasingly clear that the de facto authorities have little or no intention of reopening schools for girls above sixth grade or universities for women. Failure to hold the de facto authorities to account will not only reinforce impunity, but will likely further embolden them.

115. To date, the international community has failed to find effective ways to counter the Taliban's behaviour or to articulate a coherent and coordinated strategy to improve the situation. These failures are having devastating consequences on the lives of the people of Afghanistan, who are suffering profound and mounting harms. Member States are also falling short of their own human rights commitments and obligations, including under the women and peace and security agenda.

116. The Special Rapporteur has consistently stressed the importance of a principled, human rights-centred approach to engagement on Afghanistan. Any normalization of engagement with the de facto authorities should be based on demonstrated, measurable and independently verified improvements on human rights. Where there are improvements, these should be acknowledged and supported. Member States must also take consequential action if there are no meaningful improvements in the human rights situation, in particular for women and girls.

117. Left unchecked, the Taliban's institutionalized system of gender oppression and persecution will have profound and transgenerational harms, the impacts of which will be immense and enduring. It also has the potential to create future security risks that extend well beyond the country's borders. It is unparalleled globally, and

normalization of the Taliban and their policies of gender persecution will also have global implications. Further, it will likely accentuate the global roll-back of the rights of women and girls, setting an example to other regimes and emboldening misogynists around the world.

118. The possibility of durable peace in Afghanistan and with its neighbours will be enhanced by an inclusive, human rights-based approach and diminished by governance that fails to embrace full respect for human rights. It is crucial that any political process concerning the future of Afghanistan place human rights at its centre. Failure to do so would not only be unconscionable, but it could also jeopardize the possibility of a stable, inclusive and prosperous Afghanistan.

IX. Recommendations

119. **The Special Rapporteur reiterates the recommendations made in his earlier reports, many of which have either not been implemented or have been only partially implemented.**

120. **The Special Rapporteur recommends that the de facto authorities:**

(a) **Fulfil their responsibilities in accordance with international human rights treaties ratified by Afghanistan, including by reversing policies and practices that violate these international obligations;**

(b) **Take immediate steps to dismantle their institutionalized system of gender oppression that deprives women and girls of their rights and fundamental freedoms, including by:**

(i) **Immediately revoking all discriminatory laws, edicts and decrees, including the Law on the Promotion of Virtue and the Prevention of Vice;**

(ii) **Re-establishing equal, inclusive and equitable access to quality and comprehensive education for women and girls at all levels and across all subjects;**

(iii) **Lifting restrictions on the freedom of movement of women and girls;**

(iv) **Ensuring that women and girls have access to quality health services, including physical, psychosocial and reproductive health services;**

(v) **Immediately restoring the right of women to work in all sectors, including for the United Nations and humanitarian agencies;**

(c) **Take effective measures to protect all children from harmful practices, including grave violations against children in armed conflict, sexual violence and exploitation, forced marriage, enslavement and trafficking;**

(d) **Promote inclusiveness and refrain from discrimination towards persons from ethnic, religious and other minority or marginalized backgrounds, taking effective measures to protect their security and investigating and bringing to justice those who are responsible for violence against them;**

(e) **Immediately establish a moratorium on the death penalty and corporal and other punishments that constitute torture or ill-treatment;**

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

(g) Immediately and unconditionally release all individuals detained for exercising their human rights and guarantee the rights of detainees, ensuring that trials adhere to international standards;

(h) Ensure the provision of basic services to all Afghans, with special attention to disadvantaged and marginalized groups, including women, children, persons belonging to minority or marginalized groups, older people, and persons with disabilities;

(i) Reverse the decision to deny the Special Rapporteur access to the country and engage constructively and facilitate visits to the country by the Special Rapporteur and other United Nations human rights mechanisms.

121. The Special Rapporteur recommends that Member States:

(a) Urgently adopt a comprehensive action plan to address the human rights, humanitarian and political crisis in Afghanistan. The plan should include clearly defined human rights benchmarks for the Taliban, timelines for implementation and the bodies responsible for monitoring and reporting on progress. Specific efforts should be made to consult with women, children and young people, ethnic and religious minorities and other minority or marginalized groups;

(b) Ensure that any normalization of engagement with the de facto authorities is based on demonstrated, measurable and independently verified improvements in human rights, in particular for women and girls, assessed against clearly established human rights benchmarks;

(c) Ensure the representative, equal, meaningful and safe participation of Afghan women in all deliberations concerning the country's future, including while defining the international community's policies towards the de facto authorities;

(d) Take proactive steps to keep the situation in Afghanistan meaningfully on the international agenda, in particular in international and multilateral forums and institutions, including those dedicated to women and peace and security and to children in armed conflict;

(e) Ensure sustained funding for the humanitarian and human rights crisis in Afghanistan, including by increasing funding to Afghan civil society organizations, especially women-led and women's rights organizations;

(f) Release assets belonging to the people of Afghanistan, subject to strict safeguards, to make funds for central banking and humanitarian actions that benefit all Afghan people;

(g) Identify and strengthen survivor-centred pathways for accountability, including but not limited to:

(i) Ensuring that the International Criminal Court has the resources and cooperation needed to investigate and prosecute those responsible for international crimes;

(ii) Supporting efforts to bring Afghanistan before the International Court of Justice for violations of international human rights treaties to which it is a party;

(iii) Supporting the codification of gender apartheid as a crime against humanity;

(h) Explore all avenues to exert pressure on the Taliban, including the imposition of additional targeted sanctions.

122. The Special Rapporteur recommends that the United Nations adopt and ensure a common, principled, human rights-centred and gender-responsive strategy to guide all United Nations operations relating to Afghanistan and ensure that all United Nations engagement with the de facto authorities takes into account and addresses human rights.
