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De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights

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About this report

This report is part of a series of thematic studies on current human rights issues of concern, carried out by the United Nations Assistance Mission in Afghanistan's (UNAMA) Human Rights Service in the framework of Security Council Resolution 2626 (2022), which was most recently extended by Resolution 2727 (2024). Resolution 2626 tasks UNAMA with engaging with "all stakeholders at the national and subnational levels and civil society and international non-governmental organizations (NGOs) in the protection and promotion of the human rights of all Afghans," and to "monitor, report and advocate with regard to the situation for civilians (and) the prevention and elimination of violence."¹ As part of this engagement, Afghanistan's *de facto* authorities were invited to provide factual comments on the content of the report. They responded in Pashto to UNAMA on 13 May 2024 and the response is included in full in the Annex. Their comments related to specific incidents and issues have been incorporated within the text of the report as appropriate and are italicized.

Executive summary

The Taliban took over Afghanistan on 15 August 2021, after which it assumed *de facto* responsibility for the governance of the country and compliance with its international human rights obligations. Following the takeover, it announced the establishment of the *de facto* authorities on 7 September 2021, including the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV). The decree on the Law on Propagation of Virtue and the Prevention of Vice (still unpublished), the decree on the Law on

Complaints Hearing and the Manuals of the *de facto* MPVPV are key documents to define its responsibilities and competence.

The *de facto* MPVPV, together with its provincial *de facto* Departments for the Propagation of Virtue and the Prevention of Vice (DPVPVs), engage in policy setting, advice, monitoring, complaint resolution and enforcement. Its mandate and vision are to reform society so that the public adheres to a set of normative values compatible with the Taliban's vision of the "Islamic Emirate" – to propagate virtue and prevent vice based on the *de facto* authorities' interpretation of Islamic law. This requires the *de facto* MPVPV to implement certain decrees issued by the Taliban leader, as well as to introduce other instructions on what is considered virtue or vice.

Since its establishment, the activities of the *de facto* MPVPV have already had negative impacts on the enjoyment of human rights and fundamental freedoms in various aspects of life for people living in Afghanistan, with a discriminatory and disproportionate impact on women.² The *de facto* MPVPV has issued instructions on obligations and prohibitions based on the *de facto* authorities' interpretation of Islamic law. The instructions are issued in a variety of formats and often only verbally, and in certain cases lack clarity, consistency and legal certainty. Failure to adhere to any of these instructions could at times lead to severe punishments. The ambiguities and inconsistencies surrounding the instructions issued, the unpredictability, severity and disproportionality of punishments associated with non-compliance, and restrictive measures to regulate activities of individuals in the private sphere all contribute to a climate of fear and

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

² Policies that apply to women and men may also impact girls and boys respectively since the *de facto* authorities are ambivalent on the age of majority. Article 70 of the Civil Code, Official Gazette No. 353, published 1977/01/05 (1355/10/15 A.P.) considers the age of marriage for a female to be 16, for a male 18. In Article 39 of the Civil Code, a person over 18 (both male and female) is recognized as full legal personality in business transactions. In Article 95 of the Penal Code, 15th May 2017, Issue No. (1260), a child is defined as a person who did not complete the age of 18. However, it is unclear whether these laws are still in force since the Taliban takeover. In practice, physical features such as beards are generally used to determine whether a person is an adult.

intimidation among segments of people living in Afghanistan.

Many of the instructions interfere with women's public and private lives. For example, the prohibition of women's beauty salons, of women appearing in movies, and the arbitrary closure of other women-led businesses limit their **right to work and to attain an adequate standard of living**. The requirement for women to travel with a *mahram* (male guardian) beyond 78 kilometers from their home limits their **right to freedom of movement** and creates financial and logistical barriers for them to access employment and healthcare. Women also have few options of recreation and to exercise. Prohibition of their access to parks, gyms and public baths further impacts their **right to the highest attainable standard of physical and mental health**. In some instances, public baths are the only way for women to access hot water for bathing in the winter. Additionally, the restriction to access contraception violated women's **right to sexual and reproductive health**.

The *de facto* MPVPV has issued various prohibitions aiming at preventing what it considered to be "un-Islamic" and inappropriate activities, such as music, the use of *hookah* smoking apparatus, the display of human and animal images, black magic, and celebrations of Nowruz (Persian New Year) and St. Valentine's Day. Measures such as the prohibition of celebrating Nowruz, music, photos, public statues, and other artistic expression with human and animal images interfere with an individual's **right to participate in cultural life**. The prohibition against exhibiting human images creates practical challenges to disseminate public information, particularly on public health and explosive ordnance awareness, to children and people who are illiterate.

Instructions on the acceptable physical appearance and attire require women to

observe the *hijab* decree and that men adhere to a prescribed beard length and hairstyle. Barbers are not allowed to trim beards or cut hair in "Western" style. These restrictions curtail their **freedom of expression**. Women's **freedom of movement** is further affected due to fear of arbitrary arrests and detentions resulting from the enforcement of the *hijab* decree.

Men have also been instructed to observe congregational prayers. In addition, instances were recorded where individuals were victims of ill-treatment by *de facto* DPVPVs because they followed beliefs other than those prescribed by the *de facto* authorities, impeding a person's **freedom of thought, conscience and religion**.

The *de facto* MPVPV reportedly has a broad mandate and various enforcement methods have been used, including verbal intimidation, arrests and detentions, ill-treatment and public lashing. People's **right to privacy** is violated through searches for prohibited items in their phone or cars, having their attendance at mosques recorded, or being required to show proof of family relationship in public places. The ill-treatments, arbitrary arrests and detentions associated with violating *de facto* MPVPV instructions are violations of the **liberty, and physical and mental integrity of person**. Corporal punishment is a violation of the **prohibition on torture and cruel, inhuman and degrading treatment or punishment**.³ Between 15 August 2021 and 31 March 2024, UNAMA HRS documented at least 1033 instances (205 on female, 828 on male) where *de facto* PVPV employees applied force during the implementation of instructions. In some cases, made public by the *de facto* MPVPV, it reported to have helped the public in meeting the standards prescribed by the decrees in other ways. In one instance, it prevented the sale of a girl by settling debts on behalf of the family owed to the buyer.

³ See UNAMA, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023, pp. 7-8 and pp. 19. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting-0> (accessed 19 March 2024).

The *de facto* MPVPV is also tasked to resolve complaints against officials of the *de facto* authorities. However, the absence of female complaint officers deters women from bringing forward their complaints since interaction between female complainants and male complaint officers is not widely accepted in Afghan culture. While the *de facto* MPVPV appeared to be taking steps to improve discipline among its own staff, the apparent lack of accountability of its staff committing misconduct has affected public trust towards this complaint hearing mechanism. Moreover, at times the lack of clarity of its role combined with the rapid expansion of its scope of work might have led to the arbitrariness of some of its actions, which further contributes to the human rights violations committed by its staff.

Since March 2023, the *de facto* Attorney General's Office was renamed and repurposed to become the *de facto* High Directorate of Supervision and Prosecution of Decrees and Edicts,⁴ which oversees all *de facto* entities on their implementation of decrees, edicts and instructions issued by the Taliban leader, including the *de facto* MPVPV. The impact of this on the mandate of *de facto* MPVPV remains to be seen.

Afghanistan as a state remains party to seven international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Therefore, the *de facto* authorities are legally obliged to do their utmost to protect and promote the

human rights of women, men, girls and boys living in the country.

Methodology

This report covers the period from 15 August 2021 to 31 March 2024 and is based on monitoring and documentation of human rights violations across the country. The data used in this report includes both publicly available information (e.g. public announcements, social media feeds of *de facto* officials, websites of the *de facto* authorities) and cases of human rights violations documented by the UNAMA Human Rights Service (HRS). Human rights violations included in this report have been confirmed by UNAMA HRS with sources with knowledge of the incident and have been determined to be credible on the basis of the totality of the information provided. UNAMA HRS did not include cases where it was not satisfied with their reliability and credibility. It acknowledges likely under-reporting given the constraints in accessing information. In some instances, identifying details of incidents have been removed to protect those who have reported violations.⁵

Background

The Taliban took over Afghanistan on 15 August 2021. Following the takeover, it announced the establishment of the *de facto* authorities on 7 September 2021, including the *de facto* Ministry of Promoting Virtue, Preventing Vice and Hearing Complaints (*Amr-bil-Ma'roof wa Nahi'anil Munkar*).⁶ This *de facto* ministry is known

⁴ Taliban leader, "Decree on Conversion of the Title of Attorney General Office to the High Directorate of Supervision and Prosecution of Decrees and Edicts", No. 35, 7 May 2023, published in Official Gazette, Issue No.1434 on 11 July 2023 (Pashto and Dari).

⁵ According to the report of the UN Secretary General, from the period of 1 May 2022 and 3 April 2023, UNAMA and other United Nations actors documented instances of reprisal by the *de facto* authorities against individuals, including women, for their cooperation with the United Nations in Afghanistan. "Two individuals were reportedly arbitrarily detained for three weeks and five days, respectively, and two were summoned for interrogation and either intimidated or ill-treated during the questioning and then released." See Report of the UN Secretary-General, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights* (21 August 2023), A/HRC/54/61, pp. 19. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F54%2F61&Language=E&DeviceType=Desktop&LangRequested=False> (accessed 19 March 2024).

⁶ *Amr-Bil-Ma'roof wa Nahi'anil Munkar* is a popular Quranic phrase meaning "promoting virtue and preventing vice". The *de facto* ministry's name refers to this Quranic phrase, with an addition of "Complaint Hearing" in its name reflecting its mandate on complaint hearing. Therefore, while the official name of the *de facto* ministry is Ministry of Promoting Virtue, Preventing Vice and

more commonly in English as the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV). The *de facto* MPVPV's mandate is based on the traditional obligation of all Muslims to hold each other accountable by "commanding right and forbidding wrong". "Commanding right" is an individual obligation for every Muslim, and a designated group of people is entrusted with the reciprocal obligation to demand proper behavior from all.⁷ The *de facto* MPVPV and its Departments at the local level took over the premises which belonged to the former Ministry of Women's Affairs after it was dismantled by the *de facto* authorities.⁸

A similar entity existed under the previous Taliban administration from 1996 to 2001. During this time, it imposed various restrictive measures, some of which were similar to those in place today. For example, women were discouraged from leaving their homes, and if they did so, they were required to be veiled and accompanied by a legally recognized close male relative. Men were required to grow beards and not to have "British and American hairstyles". Music, kite-flying, and pictures/portraits of human beings and animals were prohibited.⁹

The current *de facto* MPVPV and its Departments at local level seem to engage

in a mix of policy setting, advice, monitoring, complaints management, and enforcement authority.¹⁰ While its work is wide-ranging, its functions are centrally connected to the *de facto* authorities' interpretation of what constitutes virtue and vice and in reforming behavior accordingly. Its work affects various aspects of daily life for the people in Afghanistan, with a discriminatory and disproportionate impact on women.

Mandate of the *de facto* MPVPV

On 8 November 2023, a decree on Law on Complaints Hearing was approved to define its complaints hearing function and procedure.¹¹ In addition, two manuals were also issued in 2023 providing instructions to *de facto* MPVPV staff on how to conduct their work.¹² The decree on the Law on Propagation of Virtue and Prevention of Vice, reportedly approved by the Taliban leader in early 2024 (not published yet), defines the responsibilities and competence of the *de facto* MPVPV.¹³

The objective of the *de facto* MPVPV, as stated in its mission and vision, is to reform the society¹⁴ so that the public adheres to a

Hearing Complaints, it was generally referred to as *de facto* Ministry for the Propagation of Virtue and Prevention of Vice. See its official name at the *de facto* MPVPV website: <https://mopvpe.gov.af/dr> (Dari) (accessed 19 March 2024).

⁷ Clark B. Lombardi & Andrew F. March, *PEACEWORKS: Afghan Taliban Views on Legitimate Islamic Governance: Certainties, Ambiguities, and Areas for Compromise*, (2022), pp. 11.

Available at: https://www.usip.org/sites/default/files/2022-09/pw_182-afghan_taliban_views_on_legitimate_islamic_governance.pdf (accessed 19 March 2024).

⁸ UNAMA, *Human Rights in Afghanistan 15 August 2021 – 15 June 2022*, pp. 22. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting> (accessed 19 March 2024).

⁹ For more information on the directives issued by the Amr-bil-Ma'rof Wa Nahi'anil Munkar during this period, see *Final report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission on Human Rights resolution 1996/75, E/CN.4/1997/59, 20 February 1997*, pp. 32-36.

¹⁰ UNAMA, *Human Rights in Afghanistan 15 August 2021 – 15 June 2022*, pp. 22. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting> (accessed 19 March 2024).

¹¹ Taliban leader, "Decree of Law on Complaints Hearing", Official Gazette Issue No. 1444, March 2024. Available at: <https://mopvpe.gov.af/dr/media/16> (Pashto) and http://old.moj.gov.af/Content/files/OfficialGazette/01401/OG_01444.pdf (Pashto) (accessed 19 March 2024).

¹² "Manual of Ministry of Propagation of Virtue, Prevention of Vice and Complaints Hearing" and "Complaints Hearing Manual", 2023. Available at <https://mopvpe.gov.af/ps/%D9%84%D9%88%D8%A7%DB%8C%D8%AD> (Pashto) (accessed 19 March 2024).

¹³ The law has not been published through *de facto* authorities sources as of the publication of this report. UNAMA HRS was informed of its approval verbally by *de facto* officials.

¹⁴ This function was mentioned in the "Mission and Vision" section of the *de facto* MPVPV website. "Reforms in the society: For the implementation of the main objectives of the ministry, organize meetings with Ulema (religious elders), mosque preachers,

set of normative values compatible with the Taliban's vision of the "Islamic Emirate." In order to achieve this objective, it aims to propagate virtue and prevent vice based on the *de facto* authorities' interpretation of Islamic law by issuing instructions to the general public and enforcing these instructions through its provincial *de facto* Departments (DPVPVs). It also implements certain decrees of the Taliban leader within the *de facto* administration and among the general population. The *de facto* MPVPV is also entrusted with a complaint resolution function involving mediation, investigation and referral of complaints filed by the public against the *de facto* authorities.¹⁵

It should be noted that, since March 2023, the *de facto* Attorney General's Office was renamed and repurposed to become the *de facto* High Directorate of Supervision and Prosecution of Decrees and Edicts.¹⁶ This repurposed entity oversees all *de facto* ministries on their implementation of decrees, edicts and instructions issued by the Taliban leader, including the *de facto* MPVPV. The impact of this change on the mandate of *de facto* MPVPV remains to be seen.

Since its establishment, the *de facto* MPVPV's scope of responsibility continues to expand. In addition to intensifying monitoring of compliance with existing policies, it has introduced new instructions and expanded into new areas of enforcement.

Key instructions issued by *de facto* MPVPV and their implementation

The *de facto* MPVPV has issued instructions on obligations and prohibitions based on the *de facto* authorities' interpretation of Islamic law. These instructions are issued in a variety of formats, including written orders, announcements during media interviews, broadcasts in social media, messages or sermons made through imams or community elders during congregational prayers or community gatherings, or by mobile teams through loudspeakers on the street. In some instances, the provincial *de facto* Departments provided only verbal instructions to the public, which are limited in legal certainty and clarity, and can be interpreted differently between provinces or among *de facto* officials, making their implementation unpredictable.

Restrictions for media

One of the first restrictions imposed by the *de facto* MPVPV was a prohibition on women appearing in movies, as well as disallowing the broadcasting of movies reflecting foreign culture and containing humor considered offensive by the *de facto* authorities. The announcement was made during a press conference by the acting Minister of the *de facto* MPVPV on 21 November 2021. A written instruction was circulated by media outlets online.¹⁷ The instruction also required women journalists working in media to wear the Islamic *hijab*. It forbade movies that are against Sharia principles and Afghan values, as well as movies and videos where men expose their bodies. At the local level, *de facto* DPVPVs have imposed further restrictions on women in the media. In Kunar province, for

university professors, tribal elders, municipal representatives, businessmen, owners of hotels and parks, and influential foundations of the Afghan society." (Translation from Dari). For more information, see: <https://mopvpe.gov.af/dr/ماموریت-و-دیدگاه> (Dari) (accessed 19 March 2024).

¹⁵ *De facto* Ministry for the Propagation of Virtues and Prevention of Vice, "Mission & Vision". Available at: <https://www.mopvpe.gov.af/en/node/395> (Pashto) (accessed 19 March 2024).

¹⁶ Taliban leader, "Decree on Conversion of the Title of Attorney General Office to the High Directorate of Supervision and Prosecution of Decrees and Edicts", No. 35, 7 May 2023, published in Official Gazette, Issue No.1434 on 11 July 2023 (Pashto and Dari).

¹⁷ See report on the press conference and a copy of the instruction, available at: BBC, "دستور العمل تازه طالبان زنان را از حضور در فیلمها و", 21 November 2021. Available at: <https://www.bbc.com/persian/afghanistan-59365818> (Dari) (accessed 19 March 2024).

example, radio stations have been instructed by the *de facto* DPVPV not to feature women callers or to use female presenters on air.

According to the response provided by the de facto authorities, regarding restrictions for media, only music and vulgar films are forbidden. In Kunar province, there is no restriction for women to use the telephone; however, women calling into radio goes against Afghan and Islamic values (see Annex).

Mahram (Male guardian)

On 31 December 2021, the *de facto* MPVPV issued an instruction requiring women to have a *mahram* (male guardian) accompanying them when travelling distances over 78 kilometers from their home. This instruction was announced via social media.¹⁸ Only a woman's immediate male relatives are considered by the *de facto* authorities as a *mahram*; this mainly includes husband, father, grandfather, brother, grown son, uncle and nephew.

UNAMA HRS has documented instances when the *mahram* requirement was enforced for travel below 78 kilometers, contradicting the *de facto* MPVPV's official instruction. For example:

- On 12 November 2022, in Nangarhar province, the *de facto* DPVPV warned women that they could not attend a health clinic without a *mahram*. This requirement was subsequently lifted after one month.
- On 29 January 2023, in Kandahar province, the *de facto* DPVPV requested the *de facto* Department of Public Health to instruct all women health workers in the province to report for work only if they are accompanied by a *mahram*.

This is regardless of the distance they travel.

According to the response provided by the de facto authorities on this case, for travel under 78km, women do not need to be accompanied by a mahram. Drivers are urged not to carry women not wearing hijab (see Annex).

- On 10 April 2023, in Balkh province, the *de facto* DPVPV instructed taxi and rickshaw drivers not to transport women without a proper *hijab* or without a *mahram*, including within the city, below 78 kilometers.

According to the response provided by the de facto authorities on this case, drivers were not told that they cannot transport women without a mahram, but they were told to only transport women with hijab (see Annex).

- On 1 September 2023, in Khost province, Khost city, the *de facto* DPVPV announced through a mobile loudspeaker that women are not allowed to shop without a *mahram*.

According to the response provided by the de facto authorities on this case, women are not prohibited to go shopping, but men and women are prohibited from intermingling (see Annex).

Hijab

During a press conference on 7 May 2022, the *de facto* MPVPV announced an instruction regarding the observance of the Islamic *hijab* (as interpreted by the *de facto* authorities), with the regulation posted on the *de facto* MPVPV website and social

¹⁸ MPVPV [@MOPVPE], X (formerly Twitter), 31 December 2021, 4:45pm. Available at: <https://twitter.com/MOPVPE1/status/1476889768357150729?s=20&t=7TuX4pPt6QQEvsPvgZDDFA> (Pashto) (accessed 19 March 2024).

media.¹⁹ Billboards and banners were also put up to raise awareness of the new rule.²⁰ The regulation states that the *hijab* could be a *burqa* (*chadari*), a black *hijab* with face covering, or scarves which are used in rural areas.²¹ In fact, the instruction stated that the first and best way for a woman to observe the *hijab* rule is to not leave her house without reason. It further clarifies that if a woman violates the instruction, the *de facto* authorities would first inform her male guardian of the violation. For the second violation, the woman's male guardian would be summoned to the *de facto* DPVPV. For the third violation, the male guardian would face imprisonment of up to three days. For the fourth violation, the male guardian would be referred to *de facto* courts for punishment. The *de facto* DPVPVs frequently monitor compliance with the *hijab* instruction. This includes establishing checkpoints in cities. UNAMA HRS documented instances where enforcement diverges from the approach stated in the instruction, and involves physical punishment of women, who according to the *de facto* authorities, did not comply with the instruction.

Some examples include:

- On 22 July 2023, in Herat province, Herat city, the *de facto* DPVPV ordered women accused of not complying with the *hijab* decree to get off public transportation.

According to the response provided by the de facto authorities on this

case, women were not asked to get out of vehicles providing public transportation, but drivers were urged not to provide transportation to women without a hijab (see Annex).

- Between the end of December 2023 to the end of January 2024, in Kabul province, Kabul city, a series of enforcement campaigns by *de facto* DPVPV and *de facto* police were documented where a large number of women and girls were arrested for "not wearing a proper *hijab*". Most of the women were released after a few hours, upon their *mahram* signing a letter guaranteeing future compliance of the decree. In addition, UNAMA HRS also documented cases of ill-treatment against women and girls, detention that lasted for multiple days, incommunicado detentions and demands for payment from families in exchange for release of their female relatives. The *de facto* authorities Spokesperson called the ill-treatment of women regarding *hijab* compliance as baseless.²² The *de facto* MPVPV responded to media reports of women being put into *de facto* authorities vehicles, explaining that those were beggars being taken to receive biometric

¹⁹ *De facto* Ministry for the Propagation of Virtues and Prevention of Vice, "Procedure" [website] (Pashto).

Available at: <https://mopvpe.gov.af/ps/%DA%A9%DA%93%D9%86%D9%84%D8%A7%D8%B1%D9%87>. See also MPVPV [@MOPVPE], X (formerly Twitter), 7 May 2022, 2:43pm. Available at:

<https://twitter.com/MOPVPE1/status/1522882293718818816?s=20&t=sshqCD9cwGCRkJbt8HL3LQ> (Pashto) (accessed 19 March 2024).

²⁰ In one instance, a banner was erected by *de facto* DPVPV in Kandahar in June 2022 that reads "A Muslim woman who does not observe the full Islamic *hijab* makes herself look like an animal. Tight, short, and thin clothes mean not observing the *hijab*. Muslim sister, *hijab* is obligatory order of Allah on you, don't define it as a limitation or restriction." (Translation from Pashto). See reports of France 24, "Women not wearing hijab 'trying to look like animals', say Taliban posters" 16 June 2022. Available here: <https://www.france24.com/en/live-news/20220616-women-not-wearing-hijab-trying-to-look-like-animals-say-taliban-posters> (accessed 19 March 2024).

²¹ MPVPV [@MOPVPE], X (formerly Twitter), 10 May 2022, 7:12pm. Available at:

https://twitter.com/MOPVPE1/status/1524037222399369217?t=oMlxiPN_O-O-WOvYA0pBxA&s=19 (Pashto) (accessed 19 March 2024).

²² RTA Pashto [@rtapashto], X (formerly Twitter), 11 January 2024, 9:03pm. Available at:

<https://twitter.com/rtapashto/status/1745484067385057523> (Pashto) (accessed 19 March 2024).

registration and income assistance.²³

Prohibition of women in parks, gyms and public baths

On 9 November 2022, the *de facto* MPVPV spokesperson announced to media that women are no longer allowed to use parks, gyms and public baths, citing non-adherence to the *hijab* directive as the primary motivation for this measure.²⁴ This superseded the 27 March 2022 instruction which permitted men and women to use parks on different days of the week.²⁵ On 16 August 2023, the *de facto* MPVPV further announced that women are prohibited from visiting the Band-e-Amir National Park.²⁶

According to the response provided by the de facto authorities on this issue, women are not prohibited from parks (see Annex).

The prohibition on women's use of public baths particularly impacted the segment of the population that relies on public baths for hot water during winter. In January 2023, in Herat province, Herat city, the *de facto* DPVPV detained and fined the owner of a public bath for allowing women to use the facility. The public bath had only been opened upon the request of local residents who had no access to water due to frozen water pipes and water tanks as a result of the severe cold weather.

According to the response provided by the de facto authorities on this issue, owners of public baths were not fined, but they were advised to close their baths (see Annex).

Barriers for women-led businesses

Despite the *de facto* authorities' reiteration of their support of women in business,²⁷ since September 2022, UNAMA HRS has documented cases where *de facto* DPVPV officials arbitrarily ordered women-run businesses to close.

- In December 2022, in Kabul province, certain women-run bakeries received verbal orders from *de facto* DPVPV officials to close. Nonetheless, some continued to operate despite the order. During a meeting with UNAMA HRS on 11 January 2023, the *de facto* DPVPV for the Kabul urban area denied ordering women to close their shops.²⁸
- In December 2022, in Kandahar province, the floor dedicated to the women's market in a shopping center (where both shopkeepers and customers were mostly women) was closed by the *de facto* DPVPV. In January 2023, owners of women-led businesses in Kandahar city were verbally ordered by the *de facto* DPVPV and local imams to

²³ MPVPV [@MOPVPE], X (formerly Twitter), 8 January 2024, 12:09pm. Available at: <https://twitter.com/MOPVPE1/status/1744262587745718613> (Pashto) and <https://twitter.com/MOPVPE1/status/1744262785133896008> (Pashto) (accessed 19 March 2024).

²⁴ MPVPV [@MOPVPE], X (formerly Twitter), 10 November 2022, 10:40pm. Available at: <https://twitter.com/MOPVPE1/status/1590768823971368960> (Pashto) (accessed 19 March 2024). The prohibition of women using parks, gyms and public baths was also confirmed to UNAMA HRS by the *de facto* MPVPV Spokesperson during a meeting on 6 December 2022.

²⁵ MPVPV [@MOPVPE], X (formerly Twitter), 27 March 2022, 9:36am. Available at: <https://twitter.com/MOPVPE1/status/1507947182288220162> (Pashto) (accessed 19 March 2024).

²⁶ MPVPV [@MOPVPE], X (formerly Twitter), 27 August 2023, 9:15am. Available at: <https://twitter.com/MOPVPE1/status/1695658700755620006> (Pashto) (accessed 19 March 2024).

²⁷ Different *de facto* ministries have expressed support for women's businesses on different occasions. For example, on 5 November 2022, the *de facto* Ministry of Industry and Commerce expressed support of women's businesses and the establishment of the chamber of industry and commerce for women. Source:

Ministry of Industry & Commerce AFG [@MoICAfghanistan], X (formerly Twitter), 5 November 2022, 9:34pm. Available at: https://twitter.com/MoICAfghanistan/status/1588940308557205504?t=LDKBQC4IRcb_v9FLxuv0rQ&s=08 (Dari) (accessed 19 March 2024). On 27 July 2023, the *de facto* authorities Spokesperson stated that in 2023, out of 7,263 business licences issued, 1,000 of them were provided to women. Source: Zabihullah (ذبیح هلام) [@Zabehulah_M33], X (formerly Twitter), 27 July 2023, 12:10pm. Available at: https://twitter.com/Zabehulah_M33/status/1684468740392632320 (Pashto) (accessed 19 March 2024).

²⁸ In Kabul province, there are two *de facto* DPVPV entities, one responsible for the urban area, the other for rural area.

replace women shopkeepers with men or face closure, citing women are prohibited to serve male customers.

According to the response provided by the de facto authorities on this case, women-led businesses in Kandahar province were not closed (see Annex).

- A decree was issued on 25 June 2023, citing the verbal instruction of the Taliban leader, that all beauty salons must be closed by 25 July 2023. The reason provided by the *de facto* MPVPV for this instruction was to curb excessive wedding expenses by the groom's family. In addition, various beautification procedures are considered "un-Islamic" by the *de facto* authorities.²⁹ Beauty salons are mainly owned and run by women. Most of the beauty salons were reported closed as of the deadline. In Kabul and Bamyān provinces, several instances were recorded where beauty salons were forcibly closed by *de facto* DPVPV as they remained open or did not vacate the premises completely after the deadline.

In Baghlan and Paktya, while women-run shops were not ordered explicitly to close, they were warned that violations of the *hijab* and *mahram* rules could lead to closure. In January 2023, the *de facto* MPVPV stated publicly that the order to close women-run shops in Balkh and Baghlan was untrue.³⁰

In Balkh province, Mazar-i-Sharif city, after an initial order on 5 January 2023 instructing women shopkeepers to close

their shops at the City Walk shopping center, women shopkeepers were subsequently told to relocate to a new women's marketplace. On 14 March 2023, the new women's marketplace (Noor Market) was inaugurated by the *de facto* authorities, including the *de facto* DPVPV. It has 500 shops across six floors. The basement and first floor contain shops for men. The top three floors are shops for women, with some shops placing signage at their entrances prohibiting men from entering. About 120 women's shops were relocated from the City Walk Market. However, a few months after the relocation, eight of these women-led shops moved to a different location due to insufficient business at Noor Market. In October 2023, *de facto* DPVPV verbally notified the relocated women shopkeepers to close or to return to the Noor Market. In December 2023, the entire Noor Market (renamed as Khadijat-ul-Kubra Market) was closed due to taxes owed. It re-opened in January 2024, with only some of the relocated women-led shops returning and resuming their operations.

Access to contraception

UNAMA HRS documented contradictory instructions given by *de facto* DPVPV personnel regarding access to contraception. On 18 February 2023, the Spokesperson of the *de facto* Ministry of Public Health publicly stated that there has been no restriction on access to contraception.³¹ Nonetheless, between February and March 2023, in Balkh and Maidan Wardak provinces, UNAMA HRS recorded instances where local health centers were verbally instructed by the *de facto* DPVPV not to provide birth control to

²⁹ MPVPV [@MOPVPE], X (formerly Twitter), 6 July 2023, 3pm. Available at:

<https://twitter.com/MOPVPE1/status/1676901396594171904> (Pashto) (accessed 19 March 2024).

³⁰ The *de facto* MPVPV Spokesperson stated in a video posted on his X (formerly Twitter) account that the reports on *de facto* MPVPV ordering the closure of women's shops in Balkh and beauty salons in Baghlan are untrue. See M. Sadiq Akif [@SadiqAkif], X (formerly Twitter), 11 January 2023, 1:25pm. Available at: <https://twitter.com/SadiqAkif/status/1613097186689949697> (Pashto) (accessed 19 March 2024).

See also Tweet of *de facto* MPVPV Spokesperson on the same topic at M. Sadiq Akif [@SadiqAkif], X (formerly Twitter), 11 January 2023, 8:56am. Available at: <https://twitter.com/SadiqAkif/status/1613029656457781250> (English) (accessed 19 March 2024).

³¹ Spokesman of *de facto* Ministry of Public Health [@SharafatAmar], X (formerly Twitter), 18 February 2023, 10:26pm. Available at: <https://twitter.com/SharafatAmar/status/1627004114038099969?s=20> (Pashto) (accessed 19 March 2024).

women. This restriction was subsequently lifted a few months after, and contraceptives are reportedly prescribed and sold again at facilities in these provinces.

According to the response provided by de facto authorities on this issue, contraceptives in the two provinces were never prohibited (see Annex).

Restrictions on interpersonal relations

As part of its mandate to reform society, the *de facto* MPVPV has issued a variety of instructions that govern interpersonal relations between men and women. These include multiple measures to reduce intermingling between men and women in daily life. In fact, men and women intermingling was explicitly cited as the reason for some of the other restrictions for women, such as the prohibition of women to use parks, gyms and public baths, and the closure of women-led business.

For example:

- Between January and August 2023, in Balkh and Kabul provinces, UNAMA HRS documented several instances where couples were asked by *de facto* DPVPV officials at public places to show proof of their marriage or family relationship.

According to the response provided by de facto authorities, in Balkh province, the de facto DPVPV denied having asked couples for their marriage certificate (see Annex).

- In February 2023, in Bamyan city center, Bamyan province, *de facto* DPVPV temporarily closed three different private education centers due to male and female students

studying and attending events together.

- In March 2023, in Parwan province, male tailors were advised by *de facto* DPVPV that they are not allowed to take clothing measurements of women. Women were told that they should take their measurements at home and provide them to the tailor.

Regulations concerning men's appearance

De facto MPVPV has issued a number of instructions regarding the appropriate appearance of men. The *de facto* MPVPV instructed barbers not to trim the beards of men nor to cut their hair in "Western style" haircuts. In a recent instance, on 24 January 2024, in Herat province, the Head of the *de facto* DPVPV stated in a video clip that barbershops should not shave and trim the beard of clients shorter than the length of a fist and should not provide "Western hairstyle" to clients.³² While the *de facto* MPVPV has stated that this guidance is advisory in nature,³³ incidents of forceful enforcement have been recorded including arrests, detentions and ill-treatment of barbers who shaved their clients' beards, as well as of men who have allegedly failed to comply with instructions on appearance.

Some examples include:

- On 27 July 2023, in Badakhshan province, the *de facto* DPVPV detained several individuals for a few hours on allegations of having shaved their beards.
- On 7 December 2023, in Nangarhar province, *de facto* DPVPV closed 20 barbershops for one night and detained two barbers for two nights

³² Ariana News [@ArianaNews], X (formerly Twitter), 24 January 2024, 8:03pm. Available at:

<https://twitter.com/ArianaNews/status/1750180058562797680> (Pashto) (accessed 19 March 2024).

³³ In an interview posted on the X (formerly Twitter) account of the *de facto* MPVPV spokesperson, he stated that the policy of barber not shaving clients' beards or trimming their hair is of advisory nature and not a ban. See MPVPV [@MOPVPE], X (formerly Twitter), 10 November 2022, 10:40pm. Available at: <https://twitter.com/MOPVPE1/status/1590768823971368960> (Pashto) (accessed 19 March 2024).

on allegations of providing clean shave, trimmed beard, and “Western” style haircuts. They were released after providing a guarantee of not providing these services again.

According to the response provided by the de facto authorities: in Badakhshan province, barbers were not detained but were called in to be given advice; in Nangarhar province, no barber was detained but the barbershops were closed. Although UNAMA did not include an example of arrests in Herat province, the de facto authorities responded that barbers there were not arrested but were called in to be given advice (see Annex).

Regulations on religious practices

Men have been instructed to observe congregational prayers at mosques. Failure to do so has at times led to serious punishment, including fines, suspension of businesses and corporal punishment.

For example:

- On 25 July 2022, in Kunar province, *de facto* DPVPV personnel publicly flogged an individual. He was accused of not observing afternoon prayers at a mosque.

According to the response provided by de facto authorities, corporal punishments implemented were judicially sanctioned (see Annex).

- In May 2023, Baghlan province, Pul-e-Khumri city, the *de facto* DPVPV was observed to have kept attendance sheet at different mosques allegedly to record individuals who failed to attend prayers. Nonetheless, *de facto*

MPVPV refuted the practice of taking attendance at mosques.³⁴

- On 26 December 2023, in Balkh province, Dehdadi district, the *de facto* DPVPV and officials from the *de facto* District Governor’s office detained dozens of men for not attending congregational prayer at the mosque. They were released after three hours.

According to the response provided by de facto authorities on this incident, these individuals had not attended the mosque for two and a half years after being advised to do so, and as a result they were detained (see Annex).

Officials of the *de facto* DPVPVs were observed to enforce localized measures specific to the month of Ramadan in 2023. This included forbidding restaurants from selling food during the fasting period (in Daikundi province), ensuring shops were closed during prayer times (in Balkh and Kunduz provinces), and ordering residents to attend night prayers for Ramadan (*Tarawih* prayers) in mosques (in Badakhshan and Takhar provinces).

According to the response provided by de facto authorities, in Balkh province, shops were closed for several hours because shopkeepers had not attended congregational prayer after repeated advice. In Kunduz province, shops were closed for night prayers and Friday prayers (see Annex).

Some examples of this enforcement include:

- On 21 March 2023, in Herat province, Herat city, the *de facto* DPVPV prohibited women from dining in outdoor areas of restaurants during the month of Ramadan. This restriction was subsequently lifted on 26 April 2023.

³⁴ UNAMA, *Human Rights in Afghanistan 15 August 2021 – 15 June 2022*, under “Suggestions by the Ministry of Propagation of Virtue and Prevention of Vice (MPVPV),” pp. 53. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting> (accessed 19 March 2024).

- On 1 April 2023, in Takhar province, the *de facto* DPVPV forced approximately 10 men to attend the *Tarawih* prayer in a local mosque, and beat up one man because he was not praying at the mosque.

According to the response provided by de facto authorities on this incident, the person was not beaten (see Annex).

- On 6 April 2023, in Kunduz province, Kunduz city, the *de facto* DPVPV closed shops which were open during night prayer for Ramadan (*Tarawih* prayer).

According to the response provided by de facto authorities on this incident, shops were closed for night prayers and Friday prayers (see Annex).

Furthermore, instances were recorded by UNAMA HRS where individuals were physically assaulted by *de facto* DPVPVs because they followed beliefs other than those prescribed by the *de facto* authorities.

For example:

- In April 2023, in Badakhshan province, the *de facto* DPVPV beat several individuals for performing a *Tarawih* prayer according to Salafi belief.

According to the response provided by de facto authorities on this incident, no one was beaten for being a Salafi believer (see Annex).

- The *de facto* authorities declared 21 April 2023 as Eid al-Fitr although this day was considered as the last day of Ramadan according to the

Shia calendar, which is followed by most members of the Hazara community. On this day, in Daikundi province, Nili city, *de facto* police and *de facto* DPVPV officials ordered individuals from the Shia community to break their fast at various checkpoints by giving them food and drinks. At least 25 persons were beaten for refusing to break their fast on 21 April 2023.

According to the response provided by de facto authorities on this incident, no individual was beaten (see Annex).

More recently, on 12 March 2024, in Badakhshan province, the Office of the *de facto* Provincial Governor, in a letter, instructed the *de facto* Department of Hajj and Religious Affairs to identify individuals who perform eight *rakats* in *Tarawih* prayers (a practice adopted by Salafi followers) and refer them to *de facto* DPVPV and *de facto* General Directorate of Intelligence.³⁵

According to the response provided by de facto authorities on this issue, no one was referred to de facto GDI for praying eight rakats in Tarawih prayers (see Annex).

In addition, on 27 April 2023, in Kandahar, the *de facto* DPVPV verbally instructed *de facto* police that women were prohibited to visit cemeteries and shrines, as it had been deemed “un-Islamic”.³⁶ On 16 May 2023, in Kandahar, the *de facto* police prevented seven women and girls from visiting a cemetery. On 7 August 2023, the *de facto* MPVPV clarified publicly that *jadoo* (black magic/sorcery) and the misuse or sale of a *tawiz* (amulet) were strictly forbidden.³⁷ It also told UNAMA HRS that both men and women are forbidden to go to shrines for traditional rituals and that there is no restriction to visit cemeteries.³⁸

³⁵ Badakhshan Provincial Governor Office, “Subject matter: regarding the announcement of the decision of the security meeting of PGO, dated 10 March 2024” [letter] (Dari), 12 March 2024. Issue no. 442/142.

³⁶ Women were believed to follow “*ghairullah nazr*” at these locations, a custom of which requests were made and in return they perform charity in the name of a dead person. Hanafi scholars considered this tradition as un-Islamic.

³⁷ M. Sadiq Akif [@SadiqAkif], X (formerly Twitter), 7 August 2023, 7:59pm. Available at: <https://twitter.com/SadiqAkif/status/1688573140199170048> (Pashto) (accessed 19 March 2024).

³⁸ Meeting of UNAMA HRS and *de facto* MPVPV Spokesperson on 7 August 2023.

According to the response provided by de facto authorities, women are not prohibited completely from shrines, but they must wear a hijab and not perform acts against Sharia (see Annex).

Prevention of vices: music and hookah

The *de facto* MPVPV has enforced a range of orders regulating behaviors and activities that it has deemed “un-Islamic” or inappropriate, such as music and smoking of *hookah*.

The prohibition of music was manifested through various measures despite there being no decree issuing a general ban on music. On 27 February 2022, media circulated an instruction issued by the *de facto* MPVPV ordering drivers not to play music in their cars.³⁹ On 28 November 2022, in Kabul city, signs were put up at the entrance of wedding halls and hotels to urge people to refrain from playing music. A video posted on *de facto* MPVPV social media explained that music is forbidden as it promotes vice in society and “destroys the roots of Islam”.⁴⁰ In January 2023, *de facto* MPVPV Spokesperson confirmed an order circulated in the media which disallowed poetry with musical meter.⁴¹ On 11 June 2023, the *de facto* MPVPV instructed wedding halls to refrain from playing music in weddings and other celebrations.⁴² Instances of enforcement of the prohibition on music have been documented by UNAMA HRS, including ill-treatment, arbitrary arrests and detentions.

For example:

- On 8 February 2023, in Logar, 15 persons accused of possessing

music were arrested by the *de facto* DPVPV.

- On 26 July 2023, in Bamyan province, Bamyan city, the *de facto* DPVPV burnt a pile of musical instruments and *hookah* smoking accessories in front of the *de facto* DPVPV office.
- On 10 September 2023, in Faryab province, the *de facto* DPVPV arrested 29 students from Faryab university. They were accused of playing music in the dormitory during the engagement party of one of their classmates. Reportedly, officials of the *de facto* DPVPV slapped some of the students during the arrest and shaved their heads while in detention. They were released after 18 hours.

According to the response provided by de facto authorities on this incident, these individuals were not detained but were called to the de facto DPVPV to be given advice (see Annex).

Between September and October 2022, a number of coffee shops in Farah, Herat and Balkh were closed by the *de facto* DPVPV due to the use of *hookah* in their establishments. A few months prior, the *de facto* DPVPV had notified coffee shops of the prohibition of *hookah*. They were then given 20 days to implement the prohibition or face closure.

³⁹ BBC Pashto, «طالبان: ښځې له شرعي محرم او عام خلک له غږ پرته بهرنیو هیوادونو ته سفر نشي کولی», 22 February 2022. Available at: <https://www.bbc.com/pashto/afghanistan-60547620> (Pashto) (accessed 19 March 2024).

⁴⁰ MPVPV [@MOPVPE], X (formerly Twitter), 29 November 2022, 10:30am. Available at: <https://twitter.com/MOPVPE1/status/1597470802139807745> (Pashto) (accessed 19 March 2024).

⁴¹ The instruction prohibits poets singing poems that sound like a song or musical melodies. Source: Khaama Press News Agency, «امارت اسلامی: شاعران نباید شعرهای شبیه «ساز و سرود» بسرایند», 17 January 2023. Available at: https://www.khaama.com/persian/archives/109258?fbclid=IwAR2DhDZMvino-Hxu1HoV4cnH5R8bSqTfKu78QeQSo6T9pp1z7bBmHL91_nQ (Dari) (accessed 19 March 2024).

⁴² MPVPV [@MOPVPE], X (formerly Twitter), 11 June 2023, 3:11pm. Available at: <https://twitter.com/MOPVPE1/status/1667844597102567424> (Pashto) (accessed 19 March 2024).

Prohibition on display of human and animal images

The *de facto* authorities have deemed human and animal images to be “un-Islamic” and prohibited them. Instances of enforcement of this prohibition by the *de facto* DPVPV were recorded, including the removal of advertising signage and public statues and the covering of faces of shop mannequins. Some business owners told UNAMA HRS that they covered or defaced human and animal images displayed in their own shops due to fear of punishment by the *de facto* DPVPV. In addition, instances were documented where NGOs were told to remove human images from materials used in awareness raising campaigns designed for children and people with limited literacy, including on topics such as the risk of unexploded ordnance and public health.

For example:

- In January 2023, in Balkh province, in Mazar-i-Sharif, the *de facto* DPVPV removed a monument depicting horses and a rider at the Kaamgar Square roundabout, a monument of two doves symbolizing peace located in the Safar Bakhair area, and a statue of an eagle located on Massoud Road near the Blue Mosque. In February 2023, *de facto* municipal staff of Mazar-i-Sharif also removed the statue of a poet.

According to the response provided by de facto authorities, no measure was taken to destroy historical monuments. However, municipal officials took steps to construct new buildings in places without historical monuments and to pay special attention to preservation of historical monuments (see Annex).

- In January 2023, in Badakhshan and Kunduz provinces, the *de facto*

DPVPV removed or covered local business signage depicting humans and animals, including advertisements for passports and national ID photos.

According to the response provided by de facto authorities, in Badakhshan province, images were blacked out by spray paint and in Kunduz province, images of living things have been prohibited (see Annex).

- Between January and August 2023, in Helmand province, *de facto* DPVPV personnel on at least two instances instructed NGOs not to use information materials that contained cartoons, drawings or pictures of women, men and children in their explosive ordnance risk education and public health campaigns.

According to the response provided by de facto authorities, foreign NGOs were advised either to remove images and cartoons of living beings or to spray paint over them (see Annex).

The prohibition against displaying human and animal images was given verbally by the local *de facto* DPVPV. Enforcement was observed only in some provinces. The scope of application of this instruction is unclear as the photos of senior *de facto* officials continue to appear publicly, including in news reports and in their own social media accounts.

Prohibition of non-Islamic celebrations

On 21 March 2023, the *de facto* MPVPV announced the prohibition of Nowruz celebrations (Persian New Year) as it was considered “un-Islamic”.⁴³ *De facto* DPVPVs

⁴³ See two tweets (with video clips) broadcasted by *de facto* MPVPV: MPVPV [@MOPVPE], X (formerly Twitter), 21 March 2023 10:09AM. Available at: <https://twitter.com/MOPVPE1/status/1638052712079040519> and <https://twitter.com/MOPVPE1/status/1638052716525105152> (Pashto) (accessed 19 March 2024).

in Faryab and Herat provinces were observed to have set up vehicle checkpoints to search for food and items for the celebrations and in Parwan province, *de facto* DPVPV warned people against celebrating the occasion. On 24 December 2023, the *de facto* MPVPV also announced that the celebration of Yalda night (winter solstice) was prohibited as it was considered “un-Islamic” and led to wasteful extravagance.⁴⁴

On the afternoon of 14 February 2023, the *de facto* MPVPV announced on social media the prohibition against celebrating St. Valentine’s Day, as it is considered by the *de facto* authorities to be “un-Islamic”. In Kabul city, posters were put up on St. Valentine’s Day by the *de facto* DPVPV to inform the public of the ban. Enforcement of this prohibition occurred on the same day of the announcement, which did not provide sufficient notice to the public, including for merchants to withhold merchandise previously made for the occasion. Prior to the announcement of the prohibition on social media, an owner of a coffee shop was arrested for disobeying this order. This arrest was mentioned in a tweet by the *de facto* MPVPV together with the announcement of the prohibition on celebrating St. Valentine’s Day.⁴⁵

Methods of enforcement of Taliban leader’s decrees, edicts and instructions

A key function of the *de facto* MPVPV is to implement the decrees, edicts and instructions of the Taliban leader,

particularly decrees relating to the *de facto* authorities’ interpretation of Islamic law. In the Taliban leader’s congratulatory message for Eid al-Fitr issued on 18 April 2023, he emphasized the importance of the population’s full cooperation with the *de facto* MPVPV.⁴⁶

The *de facto* MPVPV implements the Taliban leader’s decrees, edicts, and instructions through different methods, which have also included verbal intimidation, arrests and detentions, ill-treatment and public lashing. According to the Manuals of *de facto* MPVPV, the *de facto* MPVPV may detain an individual for up to three days for the failure to perform a compulsory act or for having committed a forbidden act.⁴⁷

- On 8 May 2023, in Khost province, Khost city, four male journalists were arrested by the *de facto* DPVPV and taken into its custody. The journalists were instructed not to broadcast any negative reports against the *de facto* authorities, not to play music and not to publish propaganda against the rules and regulations of the *de facto* authorities. They were released on 11 May 2023.

According to the response provided by the de facto authorities on this incident, the journalists were not arrested, but were called to the de facto DPVPV to be given advice regarding music and prohibited behavior (see Annex).

⁴⁴ MPVPV [@MOPVPE], X (formerly Twitter), 24 December 2023, 10:30AM. Available at:

<https://twitter.com/MOPVPE1/status/1738801869202293029> (Dari) (accessed 19 March 2024).

⁴⁵ In the Tweet of *de facto* MPVPV, it was mentioned that the inspectors (Muhtasbeen) of the 6th district of Kabul, arrested the owner of one of the coffee shops who did not obey the instructions. See MPVPV [@MOPVPE], X (formerly Twitter), 14 February 2023, 4:35pm. Available at: <https://twitter.com/MOPVPE1/status/1625466209243131904?s=20> (Dari) (accessed 19 March 2024).

⁴⁶ In this message, the *de facto* MPVPV was mentioned: “Since the main goal of our Jihad and struggle was the implementation of Islamic law, welfare of the people and the religious and moral reform of the society, with the grace of Allah, significant measures have been taken in this regard. The Vice and Virtue as our highest duty is under implementation, everyone should fully cooperate with the concerned ministry helping its employees in commanding good and preventing inappropriate acts.” See Zabihullah (م. ذبیح) (@Zabehulah_M33), X (formerly Twitter), 18 April 2023, 10am. Available at: https://twitter.com/Zabehulah_M33/status/1648197169906606080 and https://aop.gov.af/en/news_details/1698 (accessed 19 March 2024).

⁴⁷ Article 107, “Manual of Ministry of Propagation of Virtue, Prevention of Vice and Complaints Hearing”, 2023. Available at: <https://mopvpe.gov.af/ps/%D9%84%D9%88%D8%A7%DB%8C%D8%AD> (accessed 19 March 2024).

The *de facto* DPVPVs have been involved in carrying out both judicial and *ad hoc* corporal punishment.⁴⁸ The *ad hoc* corporal punishment carried out by the *de facto* DPVPV is often against individuals accused of failing to observe edicts: for women, in relation to the failure to observe the *hijab* and *mahram* decrees; for men, in relation to barbers who have provided non-compliant beard trimming or haircuts to men, men who did not conform with the prescribed beard length or hair style, men who allowed women to shop at their stores without *mahram*, and men who failed to attend the mosque for prayers.⁴⁹

- On 16 May 2023, in Daikundi province, Nili city, at checkpoints set up by *de facto* police and *de facto* DPVPV, several incidents of beatings and verbal abuse were observed. *Mahram* whose female relatives were not dressed in accordance with the prescribed dress codes were beaten. In the main square of Nili city center, the *de facto* DPVPV insulted women publicly and said that they should not have left their homes, and they should have respected the *hijab*.

The *de facto* DPVPVs were observed to have carried out judicial corporal punishments in some instances, particularly on individuals who committed crimes in the category of immorality such as adultery or alcohol-related offences.

According to the response provided by the de facto authorities, these corporal punishments were judicially sanctioned (see Annex).

For example:

- On 22 December 2022, in the sports stadium of Faizabad city, Badakhshan province, *de facto* judges, *de facto* police and *de facto* DPVPV lashed 25 individuals (21 men and 4 women) convicted of crimes including adultery, as well as drugs and alcohol smuggling.

According to the response provided by de facto authorities on this incident, these corporal punishments were judicially sanctioned (see Annex).

- On 16 January 2023, in the compound of the Shohada District Governor's Office, Badakhshan province, *de facto* district judges, *de facto* DPVPV and *de facto* police publicly lashed one woman and one man who were found guilty of an extra-marital relationship.

According to the response provided by the de facto authorities, these individuals were not lashed (see Annex).

De facto DPVPV personnel have been conducting visits at educational institutions and NGOs to monitor compliance with decrees restricting women's education and employment in NGOs. On 20 December 2022, the *de facto* Ministry of Higher Education issued an order suspending women participating in higher education until further notice.⁵⁰ On 22 December 2022, a further order was issued by the *de facto* Ministry of Education suspending all girls' education above sixth grade (formalizing the closure of girls' schools above sixth grade that was already in place since

⁴⁸ Judicial corporal punishment are punishments carried out in accordance with a court decision. *Ad hoc* corporal punishments are punishments carried out by a non-judicial *de facto* authority member, in the absence of any formally announced decision. See UNAMA, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023, pp. 13.

⁴⁹ UNAMA, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023, pp. 15-16.

⁵⁰ شېخ الحديث نداء محمد نديم [@NedaMohammadNad], X (formerly Twitter) 20 December 2022, 9:36pm. Available at: <https://twitter.com/NedaMohammadNad/status/1605248197248811014> (Pashto) (accessed 10 September 2023. Account now suspended).

September 2021).⁵¹ On 24 December 2022, the *de facto* Ministry of Economy ordered women employees to stop working at both national and international NGOs.⁵²

There were instances where the *de facto* MPVPV reported to have helped the public meet the standards prescribed by some decrees, such as those intended to protect women and children. On 31 December 2021, a special decree on women's rights was issued by the Taliban leader. The decree forbids forced marriage as well as treating women as property in exchange to end animosity between the concerned parties (*baad*).⁵³ In implementing this decree, in January 2023, in Nangarhar province, the *de facto* MPVPV intervened on the sale of a girl by her father due to money owed to the buyer. The *de facto* MPVPV Spokesperson stated that the *de facto* MPVPV settled the debt on behalf of the father and stopped this transaction.⁵⁴ In February 2023, in Kunduz province, the *de facto* MPVPV stopped the forced marriage of a 12-year-old girl to a 50-year-old man. The *de facto* MPVPV Spokesperson stated publicly that the perpetrators of the case were arrested and warned of legal action against forced marriages.⁵⁵

Upholding standards within the *de facto* authorities with complaints hearing mechanism

The *de facto* MPVPV has established a complaint resolution mechanism whereby people in Afghanistan or abroad can bring forward their complaints against officials of the *de facto* authorities through a hotline or in writing.⁵⁶ Complaint boxes were installed at different locations to collect written complaints from citizens.⁵⁷

On 8 November 2023, a decree on Law on Complaints Hearing was approved to define the complaints hearing function of *de facto* MPVPV. Under this new law, the *de facto* MPVPV can refer serious complaints directly to the Taliban leader. It also has the power to make inquiry regarding the non-implementation of court decisions, as well as excessively lengthy legal proceedings.⁵⁸

Three *de facto* MPVPV directorates are responsible for handling citizens' complaints: (1) Complaints Hearing (2) Analysis and Investigation (3) Refer and Follow up.⁵⁹ Once a complaint is received, the Complaints Hearing Directorate first attempts to resolve the case, often through mediation. The Analysis and Investigation and Refer and Follow Up Directorates are responsible for further investigation and follow up on more complicated cases. Complaints which cannot be resolved by the three *de facto* MPVPV directorates are referred to the *de facto* Military Court for adjudication.

⁵¹ See official instruction circulated by media outlets as confirmed by the *de facto* acting Minister of Education. Radio Azadi د پلېلو نژده حکم؛ له شپږم ډلگي پورته نچو لپاره بنوونیز کورسونه منع اعلان شول. 22 December 2022. Available at: <https://pa.azadiradio.com/a/32189388.html> (Pashto) (accessed 30 May 2024).

⁵² See official instruction circulated by media outlets as issued by the *de facto* Ministry of Economy, issue number 4293, dated 24 December 2022.

⁵³ Zabihullah (زبېح هلا م.) [Zabehulah_M33], X (formerly Twitter), 31 December 2021, 11:26am. Available at: https://twitter.com/Zabehulah_M33/status/1466662484375326720 (Pashto) (accessed 19 March 2024).

⁵⁴ M.Sadiq Akif [SadiqAkif], X (formerly Twitter), 14 January 2023, 9:28pm. Available at: <https://twitter.com/SadiqAkif/status/1614305977251291139> (Pashto) (accessed 19 March 2024).

⁵⁵ M.Sadiq Akif [SadiqAkif], X (formerly Twitter), 15 February 2023, 7:47pm. Available at: <https://twitter.com/SadiqAkif/status/1625877060114698248> (Pashto) (accessed 19 March 2024).

⁵⁶ MPVPV [MOPVPE], X (formerly Twitter), 30 May 2024, 12:31pm. Available at: <https://twitter.com/MOPVPE1/status/1796089643852579132> (Pashto) (accessed 30 May 2024).

⁵⁷ MPVPV [MOPVPE], Twitter, 26 March 2023, 12:54pm. Available at: <https://twitter.com/SadiqAkif/status/1639906150505148416> (Pashto) (accessed 19 March 2024).

⁵⁸ Article 10, Taliban leader, "Decree of Law on Complaints Hearing", Official Gazette Issue No. 1444, March 2024. (Pashto and Dari).

⁵⁹ *De facto* Ministry for the Propagation of Virtue and the Prevention of Vice, "organizational diagram" [webpage]. Available at: <https://www.mopvpe.gov.af/dr/%D8%AF%DB%8C%D9%88%DA%AF%D8%B1%D8%A7%D9%85-%D8%AA%D8%B4%DA%A9%DB%8C%D9%84%D8%A7%D8%AA%DB%8C> (Dari) (accessed 19 March 2024).

During the *de facto* authorities' Accountability Forum on 14 August 2023, where different *de facto* ministries publicly reported their work of the previous year, the *de facto* MPVPV Spokesperson stated that a total of 10,875 complaints were received between August 2022 and August 2023 from across the country, of which the *de facto* MPVPV resolved 7,915.⁶⁰ For the period August 2021 and August 2022, 1,804 public complaints were received, of which 1,089 complaints were received in person or by phone and 715 received in writing.⁶¹ Nonetheless, the absence of women complaint officers deters women from bringing forward their complaints since interaction between female complainants and male complaint officers is not widely accepted in Afghan culture. While the new law provided some measures to protect complainants against reprisal (for instance, *de facto* MPVPV can initiate court procedure against any party threatening a complainant),⁶² the actions taken during enforcement activities carried out by *de facto* PVPV officials at both the central and provincial levels have contributed to undermining public trust of this complaints hearing mechanism.

As part of its mandate, the *de facto* MPVPV monitors adherence to decrees, edicts and instructions by members of the *de facto* authorities. For example, on 24 May 2022, in Badghis, the *de facto* DPVPV visited the *de facto* Department of Education and arrested 14 male staff for what was deemed to be incorrect beard length or for not wearing a hat or a turban.

According to the response provided by de facto authorities on this incident, these individuals were not detained but were

called to the de facto DPVPV to be given advice (see Annex).

In December 2022, media reported that the *de facto* MPVPV sent a letter instructing *de facto* provincial departments in all 34 provinces to provide a list of all polygamists among the *de facto* civil service as an effort to curb excessive wedding expenses among *de facto* officials. *De facto* MPVPV Spokesperson confirmed the letter with media.⁶³ In February 2023, *de facto* MPVPV ordered military commanders not to recruit men whose appearance and character are against the *Sunnah* (Islamic practices as interpreted by the *de facto* authorities).⁶⁴ On 9 April 2023, in Logar, the *de facto* DPVPV detained dozens of officials from various *de facto* departments for three days due to their failure to adhere to the instructions to wear hats or turbans and to have the prescribed beard length.

According to the response provided by de facto authorities on this incident, these individuals were not detained but were called to attend a seminar (see Annex).

The *de facto* MPVPV appeared to be taking steps to improve discipline among its own staff. On 2 April 2023, in Balkh province, Mazar-i-Sharif city, north of the Blue Mosque, a *de facto* DPVPV official stopped a taxi and slapped the driver for transporting a female passenger without a *mahram*. The video of the incident was widely circulated on social media. A tweet later issued by the *de facto* MPVPV Spokesperson stated that this *de facto* DPVPV official was arrested and handed over to the judicial organs.⁶⁵ On 24 April 2023, the *de facto* MPVPV Spokesperson stated that as a result of a complaint

⁶⁰ RTA Pashto, ملت ته د امریالمعروف، نهی عن المنکر او شکایتو اوریدلو وزارت د حساب ورکول پروگرام ژوندی بهیر [Video] YouTube, 14 August 2023. Available at: <https://www.youtube.com/watch?app=desktop&v=VkosWDEGu00> (Pashto) (accessed 19 March 2024).

⁶¹ RTA Pashto, ملت ته د امریالمعروف، نهی عن المنکر وزارت د حساب ورکولو کلنۍ راپور [Video] YouTube, 22 August 2022. Available at: https://youtu.be/RQ6NR_ETysg (Pashto) (accessed 19 March 2024).

⁶² Article 12, Taliban leader, "Decree of Law on Complaints Hearing", Official Gazette Issue No. 1444, March 2024. (Pashto and Dari).

⁶³ TOLONews [@TOLONews], X (formerly Twitter), 20 May 2022, 7:24 pm. Available at: <https://twitter.com/TOLONews/status/1527663962594152448> (Pashto) (accessed 19 March 2024).

⁶⁴ MPVPV [@MOPVPE], X (formerly Twitter), 7 February 2023, 3:26pm. Available at: <https://twitter.com/MOPVPE1/status/1622912279351009281?s=09> (Dari) (accessed 19 March 2024).

⁶⁵ M.Sadiq Akif [@SadiqAkif], X (formerly Twitter), 2 April 2023, 7:29pm. Available at: <https://twitter.com/SadiqAkif/status/1642542255134089218> (Pashto) (accessed 19 March 2024).

against a *de facto* DPVPV employee in Kabul acting against the policy of the *de facto* MPVPV, this *de facto* employee was dismissed and referred to the *de facto* court.⁶⁶ On 24 May 2023, in Kabul, the *de facto* MPVPV dismissed a *de facto* DPVPV inspector and referred him to court after a video was published showing him slapping a bus driver.⁶⁷

The expanding role of the *de facto* MPVPV

The role of *de facto* MPVPV continues to expand into further domains of public life and behavior.

Examples include:

- The *de facto* MPVPV is represented at the central level Media Violations Commission since the Commission resumed its activities on 23 August 2022. In at least ten provinces, *de facto* DPVPVs have been involved in the provincial level media violations committee which monitors the work of local media outlets in each province. While monitoring media actors is generally under the purview of the *de facto* Ministry of Information and Culture, instances were documented where the *de facto* MPVPV was involved in policing the conduct of journalists. In a tweet issued 2 April 2023, the *de facto* Ministry of Information and Culture requested other *de facto* ministries—possibly alluding to the *de facto* General Directorate of Intelligence and *de facto* MPVPV—

not to interfere in media affairs and to recognize the *de facto* Ministry of Information and Culture as the sole body to deal with such matters.⁶⁸

- On 2 March 2023, the *de facto* Minister of MPVPV announced during a three-day training seminar for 3,500 drug addicts that the *de facto* MPVPV is engaged in eradicating drug addiction.⁶⁹
- On 5 March 2023, the *de facto* MPVPV announced a prohibition against selling poor-quality gold, threatening legal action against non-compliant gold dealers.⁷⁰ In addition, the *de facto* MPVPV is responsible for regulating businesses to avoid unethical practices such as usury, hoarding, misrepresentation, selling of defective or prohibited goods or actions that do not conform to Islamic principles.⁷¹
- Instances were observed where *de facto* DPVPVs provided mediation assistance to resolve disputes between individuals. On 6 April 2023, the *de facto* DPVPV in Farah announced in local media that it had resolved a total of 73 disputes between individuals (out of a total of 217 cases registered) between October 2021 and April 2023.⁷²
- In at least 11 provinces, *de facto* DPVPVs informed UNAMA HRS that they conduct monitoring visits at facilities where individuals are detained.

⁶⁶ MPVPV [@MOPVPE1], X (formerly Twitter), 24 April 2023, 6:34pm. Available at: <https://twitter.com/MOPVPE1/status/1650501082278252548> (Pashto) (accessed 19 March 2024).

⁶⁷ MPVPV [@MOPVPE1], X (formerly Twitter), 24 May 2023, 10:32pm. Available at: <https://twitter.com/MOPVPE1/status/1661432377355255808> (Pashto) (accessed 19 March 2024).

⁶⁸ Ministry of Information and Culture-Afghanistan [@AfMoic], X (formerly Twitter), 2 April 2023, 4:06PM. Available at: <https://twitter.com/AfMoic/status/164249113779793920> (Pashto) (accessed 19 March 2024 account now suspended).

⁶⁹ Samoon [@Samoon222], X (formerly Twitter), 2 March 2023, 11:59PM. Available at: <https://twitter.com/Samoon222/status/1631376313742139399> (Pashto) (accessed 19 March 2024).

⁷⁰ MPVPV [@MOPVPE1], X (formerly Twitter), 5 March 2023, 10:17AM. Available at: <https://twitter.com/MOPVPE1/status/1632256405737463808> (Pashto) and <https://twitter.com/MOPVPE1/status/1632062737982390272> (Pashto) (accessed 19 March 2024).

⁷¹ Articles 143 and 145, "Manual of Ministry of Propagation of Virtue, Prevention of Vice and Complaints Hearing", 2023. Available at: <https://mopvpe.gov.af/ps/%D9%84%D9%88%D8%A7%DB%8C%D8%AD> (Pashto) (accessed 19 March 2024).

⁷² Watan24, "مورد د دشمنۍ ځینې جرړې دې خبره اړه حل--73 مور د دشمنۍ ځینې جرړې دې خبره اړه حل شوه است" (Dari) (accessed 19 March 2024).

Impacts on human rights and fundamental freedoms

Afghanistan is a State party to seven international human rights treaties and three corresponding optional protocols.⁷³ It continues to be bound by the obligations set out in these treaties⁷⁴ and has an obligation to ensure the equal rights of men and women to the enjoyment of the rights set out in the treaties.⁷⁵ At the time of ratification or accession, Afghanistan did not attach reservations on any provisions in the treaties.

Since its establishment, the work of the *de facto* MPVPV has already resulted in negative impacts on the enjoyment of human rights and fundamental freedoms in various aspects of life, with a discriminatory and disproportionate impact on women. Some of the *de facto* MPVPV's methods of enforcing instructions and edicts result in violations of human rights. The ambiguities and inconsistencies surrounding the instructions issued, combined with the arbitrariness, severity and disproportionality of punishments, and restrictive measures to regulate activities of individuals in both public and private spheres contribute to a climate of fear and intimidation among segments of the population.

The *de facto* MPVPV have highlighted that their instructions are recommendatory in nature, and that the implementation of punishments is not the duty of *de facto* MPVPV.⁷⁶ Nonetheless, between 15 August 2021 and 31 March 2024, UNAMA documented at least 1033 instances (205 on female, 828 on male) where *de facto* PVPV employees applied force during the implementation of instructions, resulting in violations of the **liberty, and physical and mental integrity of person**.⁷⁷ This includes the use of threats, arbitrary arrests and detentions, excessive use of force by *de facto* law enforcement officials and ill-treatment.⁷⁸ During the enforcement of these instructions, people's **right to privacy**⁷⁹ was violated through searches for prohibited items (such as music) in their phones or cars, their attendance at mosques being recorded, or being required to provide proof of family relationship at public places. This is despite *de facto* MPVPV explicitly prohibiting their inspectors to perform such searches or to record attendance at mosques.⁸⁰ In addition, the use of corporal punishment is a violation of the **prohibition on torture and cruel, inhuman and degrading treatment or punishment**.⁸¹

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

⁷⁴ See UN Security Council Resolution 2626, para 5(e) and UN Security Council Resolution 2727.

⁷⁵ ICCPR, art. 3; ICESCR, art. 2.2; CEDAW, art. 2; CRC, art. 2.

⁷⁶ UNAMA, *Human Rights in Afghanistan 15 August 2021 – 15 June 2022*, under "Suggestions by the Ministry of Propagation of Virtue and Prevention of Vice (MPVPV)," pp. 53. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting> (accessed 19 March 2023).

⁷⁷ ICCPR, art. 6 and art. 9.

⁷⁸ For definition of human rights violations concerning rights to life, liberty and physical and mental integrity, see UNAMA, *Human Rights in Afghanistan 15 August 2021 – 15 June 2022*, Annex I.

⁷⁹ ICCPR, art. 17.

⁸⁰ UNAMA, *Human Rights in Afghanistan 15 August 2021 – 15 June 2022*, under "Suggestions by the Ministry of Propagation of Virtue and Prevention of Vice (MPVPV)," pp. 53. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting> (accessed 19 March 2024).

⁸¹ UNAMA, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023, pp. 7-8 and pp. 19.

The *mahram* requirement creates a situation where women's freedom of movement is reliant on a male relative, which is incompatible with the **right to freedom of movement**.⁸² This also affects women's **right to work**⁸³ as the *mahram* requirement creates financial and logistical barriers for women to engage in occupations that require long-distance travel. It also impedes on women's access to healthcare and their **right to health**,⁸⁴ especially in remote areas without health facilities in close proximity. Women without a *mahram* or without the consent of a *mahram* are sometimes unable to access medical facilities, commute to their job or travel for any reason.

The prohibition of women to access parks, gyms and public baths impacts their **right to the highest attainable standard of physical and mental health**. In some instances, public baths are the only way for women to access hot water for bathing in the winter, impacting **their right to water and sanitation**. As women have few options of recreation and to exercise, prohibition of their access to parks and gyms further impacts their mental and physical health. Women tend to be the primary caregivers of children, the closure of parks for women also restrict their children's access to recreational activities. Park operators and merchants in the vicinity reportedly experience loss of revenues resulting from the reduction of park visits. These measures are characterized by a lack of proportionality: whereas the ostensible reason for adopting the ban was violations of the existing rules, few attempts were made to implement those rules and instead sweeping bans were adopted. Additionally, the restriction to access contraception violated the **right to sexual and reproductive health of women**.

Women have the **right to work** and the opportunity to gain their living by work which they freely choose or accept.⁸⁵ The *de facto* authorities have an obligation to take appropriate steps to safeguard this right and to refrain from denying or limiting equal access to decent work for all persons.⁸⁶ The prohibition against women working in national and international NGOs violates this right and has put many women in a dire financial situation. The decree to close beauty salons destroyed the investment and livelihood of many women, as well as those involved along the supply chain. Verbal orders of shop closure from *de facto* DPVPVs towards women-led shops are an interference to this right and contribute to a climate of intimidation and business uncertainty, and have led to women's withdrawal from the workforce. Restrictions for women-led shops further impede their **right to an adequate standard of living**,⁸⁷ particularly for households headed by women amidst an already difficult economic situation in Afghanistan.

The harsh enforcement of instructions on the physical appearance and attire of women and men, such as those on the *hijab*, beard length and hairstyle, curtail their **freedom of expression and right to privacy**.⁸⁸ Women's **freedom of movement** is further affected due to fear of arbitrary arrests and detentions resulting from the enforcement of the *hijab* decree. Restrictive measures such as prohibition of celebrating Nowruz, music, photos, public statues and other artistic items with human and animal images interfere with an individual's **right to participate in cultural life**.⁸⁹ The prohibition against exhibiting human images creates practical challenges in disseminating public information to children and people who are illiterate. This is particularly detrimental to

⁸² ICCPR, art. 12(1). See also Human Rights Committee, General Comment No. 27 (67), CCPR/C/21/Rev.1/Add.9.

⁸³ ICESCR, art. 6 laid down the right for every individual the opportunity to gain his living by work. CEDAW, art. 11 stated that States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment.

⁸⁴ ICESCR, art. 12.

⁸⁵ ICESCR, art. 6.

⁸⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 18 (2005) on the right to work (E/C.12/GC/18).

⁸⁷ ICESCR, art. 11.

⁸⁸ ICCPR, art. 19.

⁸⁹ ICCPR, art. 15(a).

public health, particularly in awareness raising campaigns about unexploded ordnance where instances were reported when posters depicting human images were disallowed, indirectly impeding the people's **right to information** on topics that impact their **right to health** and **right to life**.

The forcible imposition of religious practices by the *de facto* DPVPV officials, with instances of coercion and ill-treatment, violates the right to **freedom of thought, conscience and religion**.⁹⁰ This extends to manifesting one's religion in worship, observance, practice and teaching, including the observance of ritual, ceremonial acts, holidays and days of rest.⁹¹ No one shall be subject to coercion which would impair their freedom of religion.⁹²

Lastly, the lack of legal certainty of some of the instructions and the human rights violations associated with the *de facto* PVPV Department and Ministry officials affect public trust in the rule of law. While some efforts have been made to dismiss staff who committed misconduct during the performance of their duties, the overall lack of accountability of staff deters the general population being confident in voicing their concerns without fear.

Conclusion

As Afghanistan is a State party to and is bound by several international human rights instruments, the *de facto* authorities are obliged to do their utmost to protect and promote the human rights of all people living in Afghanistan and to ensure the equal enjoyment of human rights between men and women without any discrimination. The instructions issued by *de facto* MPVPV and its provincial *de facto* DPVPVs, as well as some of the methods used to enforce these instructions, constitute a violation of various human rights and fundamental freedoms. Moreover, the instructions at times contain ambiguities and inconsistencies that lead to lack of legal certainty, which has led to diverging interpretation and various forms of abuse by the *de facto* authorities. The punishments attached to non-compliance with instructions and decrees are often arbitrary, severe and disproportionate. Sweeping bans with a discriminatory effect on women have been introduced. Human rights violations committed by staff of the *de facto* Ministry and Departments of PVPV affected public confidence in their work, especially in relation to their complaints hearing mandate. Human rights violations by *de facto* MPVPV, as well as the unpredictability of enforcement measures, contribute to a climate of fear and intimidation among segments of the population.

⁹⁰ ICCPR, art. 18.

⁹¹ Office of the High Commissioner for Human Rights, CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), Adopted at the Forty-eighth Session of the Human Rights Committee, on 30 July 1993 CCPR/C/21/Rev.1/Add.4, General Comment No. 22. (General Comments), para. 4.

⁹² ICCPR, art.18(2).

In the name of Allah the most Merciful the most Compassionate

**Response to the draft report of UNAMA Human Rights Service (HRS) in Kabul regarding
“De Facto Authorities’ Moral Oversight in Afghanistan: Impacts on Human Rights” (May
2024)**

Hereby, the responses of the Islamic Emirate of Afghanistan Ministry for the Propagation of Virtue and the Prevention of Vice and Complaints Hearing regarding the allegations and incidents mentioned in the report of UNAMA HRS, are presented separately in two sections and eight pages:

First section: responses to the mentioned matters in the report:

A. Concerning restrictions on media:

Since the takeover by the Islamic Emirate of Afghanistan, media are free, and until now there have been no restrictions imposed on them. If any media channel faced reactions, it was due to their illegal activities.

In most cases, arrests of journalists had more to do with other offenses than their journalistic duties.

Governments are accountable for maintaining citizens' mental security in addition to their physical security. Due to the traditional and religious nature of Afghanistan's society, media that endangers people's mental security was banned. This also applied to publications that violate Afghan and religious laws and values. The public also responded to these publications, and repeatedly asked the government to halt them.

Telling the truth is provided by a definite order in the holy religion of Islam; nevertheless, one must also maintain social graces, human dignity, and chastity of speech. Since the operations of the Ministry for the Propagation of Virtue and the Prevention of Vice and Complaints Hearing are all founded on Islamic principles, the guidelines pertaining to the cases included in the report comply with Islamic law.

B. Concerning *Mahram* (male guardian):

The presence of *mahram* with a woman is not only an Islamic value; it is also a cultural value.

A woman encounters criticism from the general public when she travels without a *mahram*. It is frowned upon in Afghan society for women to travel without a *mahram*. Furthermore, the holy religion of Islam specifies a certain distance for a woman to be accompanied by a *mahram* when she travels. To this end, the *mahram*'s presence with a woman serves to safeguard her honor and chastity.

⁹³ This response from the *de facto* authorities was provided in Pashto to UNAMA HRS on 13 May 2024. Texts in square brackets are added by UNAMA HRS to provide clarity to specific points in the response. In case of discrepancies, the Pashto version of the response should be relied on.

C. Concerning *Hijab*:

Hijab is seen as a cultural value in addition to an Islamic one. In Afghan society, it is frowned upon for a woman to be seen without her *hijab* and she may face serious criticism by people; no one likes to see their women or other women walking around in public without *hijab*.

Also, *hijab* is a divine obligation, and it could be observed by practical wisdom and circumstances, and it could be considered a privilege for Muslims. In some locations where you have pointed out the arrests of women, most of them are beggars. The government, based on compassion, collected them from the streets and provided them with living facilities, vocational education, and, if anyone was extremely poor, provided them with a certain amount of salary at their homes. In the history of Afghanistan's governments, this action is unprecedented.

D. Concerning parks, gyms, and public baths:

Women are not prohibited from parks and public places. As you can see, women are seen shopping and conducting business in the markets these days. The Ministry of Labor and Social Affairs has issued almost 9000 work permits to women since the Islamic Emirate of Afghanistan takeover. Many women are busy doing business, and numerous more are employed in the public and government sectors, particularly in the organizational structures of the Ministries of Interior and Health.

Afghan women are employed in safe workplaces and other locations as needed.

Only locations where there is a mixed work environment are subject to restrictions. The Islamic Emirate of Afghanistan strives to create a secure environment for women in all sectors by upholding its religious and cultural values. This is demonstrated by the numerous practical initiatives it has undertaken.

E. Concerning barriers for women-led businesses:

We will reiterate that, following the Islamic Emirate of Afghanistan's takeover, safe working environments are offered wherever women are needed. In this short period of time, the Ministry of Labor and Social Affairs alone issued 9000 work permits to women, and many of them are employed in the health field in both the public and private sectors. In addition, a large number of women in a variety of industries own small businesses and are involved in commercial matters.

F. Concerning access to contraception:

All relevant entities of the Islamic Emirate of Afghanistan are fully committed to providing all health services and efforts that are not against Islamic orders to all individuals (men and women), and based on your contradictory documents, we can clearly say that your claim and example are contradictory.

G. Concerning restrictions on interpersonal relations:

No restrictions are imposed against those relations that are not against Islamic principles, laws of the Islamic Emirate of Afghanistan, or Afghan values, and no one can provide an example of such instances. In the event that relationships violate the aforementioned values, have an adverse effect on public opinion, or give rise to social unrest, the government is obliged to monitor illicit activities and take appropriate action for their prevention in favor of ensuring public security. The mandate, strategy, and basic objectives of the Ministry for the

Propagation of Virtue and the Prevention of Vice and Complaints Hearing are based on Islamic principles; the mentioned instances are clearly against the Islamic orders and the ministry's policy, and their prevention is a divine obligation and duty of inspectors.

H. Regulations concerning men's appearance:

There are now no restrictions on appearance yet; only a few individuals are courteously advised to make their appearance consistent with their Afghan and Islamic values. Human dignity and all other values have been taken very seriously in this regard.

I. Concerning regulations on religious practices:

Performing prayers in congregation is a significant order for Muslims to stay united and to know each other's situation. Furthermore, all actions that cause division amongst Muslims are prohibited, and based on a definite order, Muslims are obliged to maintain unity.

Preventing divides among the populace and upholding political unity is the fundamental goal of all political systems and the regimes' legal documents. In conclusion, we may say that each order of the Islamic Sharia system and politics is not devoid of wisdom; Muslims must carry them out, and the ruling regime must take all necessary steps to ensure that its performance is guaranteed.

J. Concerning prevention of vices: music and *hookah*:

As it is obvious from the title of the ministry, one of its main purposes and objectives is the prevention of vice, and in the Islamic dictionary, all vices are considered the red line of danger; committing them causes harm to human dignity, including individual, social, and economic harm. Vices could also be regarded as a detrimental consideration on the day of judgement. Therefore, the prevention of vices is the mandate and mission of the mentioned ministry, and its implementation is obligatory.

Furthermore, as we have previously mentioned, governments have an obligation to protect citizens' mental security in addition to their physical security and shall prevent those who disturb the mental security of people.

The two aforementioned cases do not align with the nature of Afghan society; therefore, the government must take action to prevent it in accordance with the people's request.

K. Concerning prohibition on display of human and animal images:

With the exception of necessary matters, the presence of all images has negative effects on people, especially children, and yields no positive results other than harm. All meaningless actions have no place in Islam and are forbidden. All people, especially women, have a special place in Islam, so using their images in commercial advertisements is a grave insult to human dignity.

L. Concerning prohibition of non-Islamic celebrations:

We previously also mentioned that any action that is not against Islamic principles, laws of the Islamic Emirate of Afghanistan, or Afghan values is not prevented, and if it is against the above principles, then the Islamic government is obliged to prevent it.

Islam is a complete and all-encompassing religion that offers guidelines and precepts for its followers to follow in every area of life. There are two Eids [that are allowed to be celebrated in Islam], and it is a violation of freedom [to celebrate other days]; therefore, we can say that

celebration of those matters that you have mentioned is prohibited; hence, its proposed aspects are also prohibited, and this is an accepted legal principle.

M. Concerning methods of enforcement of decrees, edicts, and instructions of his excellency Islamic Emirate of Afghanistan Supreme Leader (May Allah protect him):

The decrees of the Islamic Emirate of Afghanistan Supreme Leader (May Allah protect him) lay the foundation of the formal documents that are based on Islamic sources. It is a widely recognized principle in all common regimes that decrees and relevant legal documents are issued to reform society and should have their implementation ensured. Every special organization in its work has the duty to inform [others] and to implement them, and in the past, our actions have been based on this.

N. Concerning upholding standards within the *de facto* authorities with complaints hearing mechanism:

After thorough study, it has become clear that there is a mismatch between the title and the corresponding topic in the last part. Among Afghanistan's previous regimes, it is the first to establish a complaints hearing mechanism for officials of the Islamic Emirate, and the relevant legal documents make this mechanism very clear. Additionally, women's complaints are taken seriously and are systematically followed through to the end stage.

O. Concerning the expanding role of the Ministry for the Propagation of Virtue and the Prevention of Vice and Complaints Hearing:

The world's reality is that, if we pay attention to it, acts are seen as either legal or illegal. As a result, the Ministry for the Propagation of Virtue and the Prevention of Vice and Complaints Hearing, a significant organization within the Islamic Emirate of Afghanistan, is dedicated to promoting benefits and averting harm in all spheres of peoples' lives. Its official documents, as previously stated, draw from Sharia and Islamic law, and as a result, its role is growing as required by the situation.

Second Section: responses concerning to incidents in different areas:

Kandahar province

1. Concerning women's travel, the UNAMA administration should be informed that, for the lesser travel distances stipulated by Sharia, women do not need to be accompanied by a *mahram*; drivers are just urged not to carry women who are not wearing a *hijab*.
2. Women shops in Kandahar [being closed], it is a lie, and it is not true.
3. Women are not prohibited completely from shrines, but they are prohibited from wearing no *hijab* and carry out activities against Sharia.

Kunar province

1. In Kunar province, no ban was placed on women regarding telephone contacts. The first limitation on women's telephonic communication was placed on radios, which went against Afghan and Islamic values and had a detrimental effect on people's mentalities. Only music and vulgar films are forbidden.
2. Most of those individuals were publicly lashed for their crimes, which had been proven in court and entitled them to legal punishment. *Taziri* punishment was done with consideration for human dignity.

Herat province

1. Women were not taken off vehicles due to the lack of *hijab* adherence, but drivers are urged not to carry women without *hijab*.
2. The owners of the public baths were not fined, but they were advised to close their baths, and no one is fined in cases of violation.
3. The owners of barbershops were not arrested, but they were advised not to shave beards.

Nangarhar province

1. Barbershops were closed for providing shaves and Western-style haircuts, but barbers were not detained.

Mazar-e-Sharif province

1. In Balkh, drivers were not told that they cannot transport women without *mahram*, but they were told not to carry women without *hijab*.
2. In Balkh, the shops of women were not closed, but they were transferred from different parts of the city to two certain markets.
3. In Balkh, contraception is not prohibited, and we are not aware of it [the prohibition].
4. In Balkh, the Department for the Propagation of Virtue and the Prevention of Vice has not asked for the marriage certificates of the husband and wife.
5. In Dehdadi district, people had not attended the mosque for two and a half years, although they were advised to do so. We were obliged to detain them.
6. With repeated advice, shopkeepers were not attending congregational prayer; their shops were closed for several hours; and in the last year, no one's shop has been closed.
7. The Balkh Department for the Propagation of Virtue and the Prevention of Vice has not taken any measures to destroy historical monuments. The municipality took some steps to construct new buildings in places where there were no historical monuments, and it paid special attention to the preservation of historical monuments.

Badakhshan province

1. In Badakhshan province, barbers were called for advice but were not detained.
2. No one is beaten for being a Salafi believer, the report is wrong.
3. No one was introduced [referred] to the Intelligence [GDI] for praying 8 *rakat* of *Tarawih* prayer [Ramadan night prayer].
4. Faces and heads of images of living things on commercial billboards were sprayed painted over and were not torn.
5. In Badakhshan province, *Taziri* lashing on 25 persons was implemented by the court; these punishments were implemented after the court's decision, and all principles were observed.
6. A man and a woman were not lashed due to an extramarital relationship by the relevant ministry.

Khost province

1. Women are not prohibited from shopping, but intermingling of men and women is prohibited.
2. The arrest of journalists is a lie; the owners of media were called to the Department for the Propagation of Virtue and the Prevention of Vice in consultation with the

Provincial Governor's Office and they were advised regarding music and other prohibited vices.

Baghlan province

1. Men tailors are prohibited from taking measurements of women's clothes because this is against Islam, religion, and Afghan culture. Women shall take [clothing measurements] of women and men shall take [clothing measurements] of men.
2. Attendance sheet and taking record of attendance for prayer is not true, it is a lie.

Paktya province

1. Women shops are not closed in Paktya, it is a lie.

Maidan Wardak province

1. The Department for the Propagation of Virtue and the Prevention of Vice of Maidan Wardak has not ordered prohibition on contraception, it is not true.

Kunduz province

1. Shops were closed for Friday prayers and night prayers.
2. Image of living things on commercial billboards were prohibited.

Daikundi province

1. In Daikundi, due to no celebration of Eid by Shia, no one was beaten, it is a lie.

Takhar province

1. The person was not beaten for not attending Friday prayer, it is not true.

Logar province

1. Staff members of the Logar province were called for a seminar, but they were not detained for their appearance and character compliance with *Sunnah*.

Faryab province

1. In Faryab province, 29 people were called to the Department for the Propagation of Virtue and the Prevention of Vice for their repeated offences and were advised; they left the office with dignity and respect; no one was detained.

Helmand province

1. In Helmand province, foreign NGOs and their staff were advised to remove the images of living things and cartoons or to cover them with spray paint.

Badghis province

1. In Badghis province, 14 individuals were called to the Directorate [Department for the Propagation of Virtue and the Prevention of Vice] and were advised only for trimming their beards; no one was detained or summoned for not wearing a hat and turban.

The End