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Report on the Implementation, Enforcement and Impact of the Law on the Propagation of Virtue and Prevention of Vice in Afghanistan

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About this Report and Methodology

This report provides an overview of the implementation, enforcement and impact in Afghanistan of the “law on the propagation of virtue and prevention of vice” (“PVPV law”) from its promulgation on 21 August 2024 by Afghanistan’s *de facto* authorities to 31 March 2025. The report is mainly based on impartial daily monitoring and observations of the United Nations Assistance Mission in Afghanistan (UNAMA) carried out across Afghanistan in accordance with UNAMA’s mandate from the United Nations Security Council to monitor and report on political, security, human rights, social and economic developments.¹

The information in the report is compiled from multiple sources, including regular UNAMA Field Office reporting, meetings with Afghanistan’s *de facto* authorities, official statements of the *de facto* authorities, statements and press releases of other stakeholders, media reports, as well as information and reports from UN Agencies, Funds and Programmes and entities such as the World Bank and surveys by the Gender in Humanitarian Action and the Humanitarian Action Working Group in Afghanistan.

Executive Summary

Six months into implementation of the PVPV law, UNAMA observed a determination by Afghanistan’s *de facto* authorities to ensure their vision of a pure Islamic system is implemented nationwide. The *de facto* authorities have stated they view the PVPV law as a component of measures aimed at reshaping Afghan society in line with their vision by creating a culture of self-perpetuating social and individual conduct and values they assert will result in a nationwide return to a pure Islamic system in Afghanistan.

The PVPV law codifies many of the *de facto* authorities’ existing directives and restrictions issued as decrees, edicts and instructions, broadening some and adding new ones. These include a requirement for women to wear a *hijab* (with face covering) outside of the home; for men to have a physical appearance considered Islamic and to attend congregational prayers; prohibition of certain celebrations, items and activities deemed un-Islamic; prohibition of unrelated men and women from looking at each other requiring the separation of men and women; drivers prohibited from transporting women unaccompanied by a *mahram* (male guardian) with women banned from using public transport without a *mahram*; and ensuring publications and media content do not contradict Sharia, insult Muslims or contain images of living beings.

The PVPV law articulates a robust enforcement framework. It can also be viewed as additional to previous decrees and efforts of the *de facto* authorities including conversion of the public education system into a madrassa system, the gradual replacement of educated technocrats in line ministries with religiously educated clerics loyal to the Taliban movement, and a reported gradual exclusion from power and economic opportunities of ethnic and religious minorities.

Increased nationwide enforcement of the PVPV law was evident within weeks of the law’s promulgation which varied depending on the region, province and district. UNAMA observed an initial wave of advocacy efforts by the *de facto* authorities, with a particular focus on northern provinces where greater resistance may have been expected for social, cultural, and religious reasons. Three key themes were conveyed through this advocacy: that all Afghans have an obligation to obey the Taliban leader; that the *de facto* authorities would not bow to

¹ United Nations Security Council Resolution 2626 (2022), last extended by Resolution 2777 (2025).

any internal or external pressure in their pursuit of their version of Sharia; and that Afghanistan is the only nation in the world living under pure Sharia.

Across Afghanistan, men, women, minorities, and youth have been impacted to varying degrees by enforcement of the PVPV law often marked by violations of personal and private spaces, public areas, economic activities, and, in the case of non-Sunnis, religious spaces. Thousands of predominately male PVPV inspectors are conducting enforcement operations, equipped with broad discretionary powers, including of arbitrary detention and confiscation.

UNAMA observed overall more systematic and consistent efforts in the *de facto* authorities' enforcement of the PVPV law led by the *de facto* Ministry of the Propagation of Virtue and Prevention of Vice and Hearing of Complaints compared to the *de facto* authorities' enforcement of earlier decrees. To support the law's enforcement, the *de facto* authorities established provincial implementation committees in 28 of Afghanistan's 34 provinces chaired by the *de facto* Provincial Governor. The provincial committees supplement the efforts of several thousand mostly male PVPV inspectors in the *de facto* Ministry of the Propagation of Virtue and Prevention of Vice who have been trained and are conducting enforcement operations around the country, equipped with broad discretionary powers, including of arbitrary detention and confiscation.

Across Afghanistan, men, women, minorities, and youth have been impacted to varying degrees by enforcement of the PVPV law often marked by infringements of personal and private spaces, public areas, economic activities, and, in the case of non-Sunnis, religious spaces. UNAMA observed that enforcement of the law has increased restrictions on women and girls, including on access to public spaces, dress code and travel without a *mahram* (male guardian). Female access to healthcare, already constrained, has been further restricted by women's inability to travel alone for short distances and female health care professionals in several areas described their inability to report to duty because they do not have a *mahram*. These restrictions have also created a culture of uncertainty and fear. Many women reported that enforcement responsibilities have been increasingly taken up by local community and family members, reshaping social and family dynamics.

Enforcement of the PVPV law has also affected men facing stipulations on hairstyle and beard length, attendance at prayers and from other provisions of the law. UNAMA observed that in the first six months of implementation of the PVPV law, over half of the PVPV law-related arbitrary detentions concerned men's appearance—either men not having the compliant beard length or hairstyle, or barbers providing non-compliant beard trimming or haircuts. During the month of Ramadan (1 to 29 March 2025) compliance with attending mandated congregational prayers was closely monitored, leading at times to arbitrary detention of persons who failed to attend prayers.

The education sector has experienced active PVPV inspections to enforce compliance, including on the appearance of staff and measures to enforce segregation of men and women. Books not aligned with Hanafi jurisprudence have been ordered to be removed.

The PVPV law has further impacted the ability of UN Agencies, Funds and Programmes and national and international NGOs to deliver humanitarian assistance, with aid organizations already experiencing restrictions on Afghan women working in the assistance sector. While previous decrees have not been fully enforced, or exemptions negotiated, surveys conducted by the Humanitarian Access Working Group have highlighted increased staff anxiety with almost half of national female staff not able to travel to their offices or field locations following promulgation of the PVPV law. The surveys also noted that nearly half of the affected organizations surveyed could no longer engage with women beneficiaries and had their offices subjected to PVPV compliance visits.

The direct and indirect socio-economic effects of PVPV implementation are likely to compound Afghanistan's dire economic situation. A World Bank study has assessed that the *de facto* authorities' ban on women from education and work could cost the country over USD 1.4 billion per year.² This loss is likely to ripple through the economy with decelerated economic activity, including through restrictions on businesses that provide a range of services. UNAMA observed that while the law's implementation disproportionately affected women and girls, both men and women were negatively affected particularly small businesses such as private education centres, barbers and hairdressers, tailors, wedding caterers and restaurants, leading to a reduction or total loss of income and employment opportunities. UNAMA received reports from men and women across Afghanistan expressing their concerns on the exclusion of females from work and education, which they said deprived families of their incomes, exacerbated poverty and forced families to consider migration.

Afghanistan's media sector, already impacted by pervasive intimidation, censorship and self-censorship, faces an additional challenge under the PVPV law related to uncertainty around the scope of the prohibition of images of living beings and music, ultimately harming the public information space and freedom of expression.

The PVPV law and institutions created to implement and enforce the law suggest the *de facto* authorities are continuing to pursue a path that distances Afghanistan from its international obligations. Six months on from the law's promulgation, the PVPV institutional infrastructure, informational apparatus and personnel implementing the law have contributed to making the goal of reintegrating Afghanistan into the international community harder to reach. In this regard, the United Nations Security Council reaffirmed in Resolution 2777 of 17 March 2025 "its call for the Taliban to swiftly reverse these policies and practices, including the 'vice and virtue' directive".³

Political Context

The PVPV law is the most formal expression of a series of decrees and decisions that have gradually limited and controlled the personal and public lives of Afghans over the past three-and-a-half years. The law codifies existing restrictions – decrees and orders - for both men and women and adds new restrictions.

The law also empowers the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV) to oversee the law's enforcement. The *de facto* MPVPV, which existed during the Taliban's first time in power (1996-2001), was created on 7 September 2021 when the Taliban announced the formation of their "caretaker administration". The *de facto* MPVPV is housed in premises of the former Ministry of Women's Affairs.⁴ Its stated purpose is to reform

² In September 2024 the World Bank issued a Policy Research Working Paper that used existing data to estimate the return on education for men and women to further estimate the economic cost of the ban on girls' schooling after sixth grade. The paper concluded the ban would cost the Afghan economy \$1.4 billion per year. Potential economic costs of implementation of the PVPV law would likely add to this cost. See Rafiuddin Najam, Harry Anthony Patrinos, and Raja Bentaouet Kattan, "The Miseducation of Women in Afghanistan: From Wage Premiums to Economic Losses", World Bank Group, September 2024.

³ In United Nations Security Council Resolution 2777 (2025) extending the mandate of UNAMA in Afghanistan, the Security Council "[expresses] its serious concern about the increasing erosion of respect for human rights and fundamental freedoms, in particular for women and girls and their lack of equal access to education, employment, justice, economic opportunities, full, equal and meaningful participation in public life, freedom of movement, and enjoyment of basic services, the absence of which make peace, stability, and prosperity in the country unattainable, and in this regard [reaffirms] its call for the Taliban to swiftly reverse these policies and practices, including the "vice and virtue" directive and the decision to suspend women's and girls' access to education in private and public medical institutions, as well as the ban on Afghan women working for the United Nations and non-governmental organizations in Afghanistan, while reaffirming the indispensable role of women in Afghan society and the need to increase their roles and participation in decision-making".

⁴ In July 2024, prior to promulgation of the PVPV law, UNAMA released a report on the *de facto* authorities' moral oversight, focusing on the mandate and functions of the PVPV ministry. The report described how numerous existing restrictions, in addition to those regarding women, were announced and enforced, including restrictions on media, interpersonal relations, appearances, non-Islamic celebrations, and other issues. See UNAMA/OHCHR report, *De Facto Authorities' Moral Oversight in*

society so that Afghans adhere to a set of values and behaviours compatible with the Taliban's vision of a pure Islamic system.

The trajectory of decision-making by the *de facto* authorities on social and political rights and activities of Afghans under their authority was, prior to the adoption of the PVPV law, trending in a direction that prioritized ideological conformity around the Taliban's notion of a pure Islamic system over international norms and standards, and the full diversity of Afghanistan's regions and communities. This process started soon after the Taliban takeover including with the *de facto* authorities' announcement on 28 September 2021 to suspend the 2004 constitution and that all existing laws would undergo a Sharia compliance review.⁵ To date, the country lacks a constitution and ambiguities over the parameters of the political and legal system remain.⁶

The PVPV law embodies the Taliban leader's emphasis on unity and obedience from within the *de facto* authorities, religious scholars and the wider population, while stressing adherence to Sharia.⁷ Its focus is on the authority of the *de facto* state institutions and allows little room for dissent and contestation. It treats the Afghan people like subjects rather than citizens, with ambiguities and methods of interpretation that are unclear, often resulting in arbitrary and unpredictable implementation.

Content of the PVPV Law (See Annex for more details)

The PVPV law received the Taliban leader's approval on 10 July 2024, and was published in the Official Gazette on 21 August 2024.⁸ It contains four chapters and 35 articles, including references and explanations derived from verses of the Quran, Hadiths and Hanafi jurisprudence which are in Arabic.⁹ The PVPV law designates Hanafi jurisprudence as the interpretative source for defining virtue and vice, banning publications, symbols, practices and celebrations that are considered "un-Islamic". It designates the *de facto* MPVPV as the executive authority for implementing the law.

Most of the provisions were already in place, either country-wide or in some provinces, prior to the publication of the PVPV law,¹⁰ such as the requirement for women to wear a *hijab* (with face covering) outside of the home; for men to have a physical appearance considered "Islamic" (e.g. fist-length beard, non-"Western style" haircuts) and to attend congregational prayers; prohibition on certain celebrations (e.g. Nawroz, Yalda), items (e.g. music, images of human and animals, narcotics, alcohol, the cross, necktie) and activities (e.g. gambling, prostitution, adultery, homosexuality, sodomy, *bacha bazi*), as they are deemed "un-Islamic".¹¹ Under the PVPV law, these restrictions and prohibitions are codified, and a range of punishments for non-compliance are clearly stated.

New measures introduced by the PVPV law include:

Afghanistan: Impacts on Human Rights, July 2024. Available at: <https://unama.unmissions.org/human-rights-monitoring-and-reporting-0>.

⁵ Report of the Secretary-General, "The situation in Afghanistan and its implications for international peace and security", 28 January 2022, para 6.

⁶ Report of the Secretary-General, "The situation in Afghanistan and its implications for international peace and security", 7 December 2022, para 4.

⁷ Report of the Secretary-General, "The situation in Afghanistan and its implications for international peace and security", 6 December 2024, para 3.

⁸ Source: <https://x.com/mojafghanistan/status/1826221822846591036?s=46>.

⁹ References and explanations of the Arabic sections of the law do not form part of this analysis.

¹⁰ Many of these provisions and practices were already presented in detail in the UNAMA/OHCHR report "De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights," July 2024.

¹¹ These are presented in detail in the UNAMA/OHCHR report "De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights" issued on 9 July 2024. Available at https://unama.unmissions.org/sites/default/files/moral_oversight_report_english_final.pdf.

- Drivers should not provide transport to women unaccompanied by a *mahram*. This expanded the previous instruction issued on 31 December 2021 requiring women to be accompanied by a *mahram* for travelling a distance over 78 km from their home.¹²
- A woman's voice is considered *awrah* (something that is intimate and should be concealed, particularly in public). When a woman leaves her home "for a necessary reason", she is required to conceal her voice, face and body. It is also forbidden for unrelated men to look at the body and face of a woman and for an adult woman to look at an unrelated man. On 3 October 2024, in an interview with BBC Persian, the Deputy Minister of the *de facto* MPVPV clarified that the PVPV law did not prohibit the voice of women "when it is necessary for them to speak" such as during shopping.¹³
- Befriending non-Muslims and assisting them is not allowed¹⁴ and Muslim tourists visiting recreational and sightseeing locations must observe congregational prayers.¹⁵
- Inspectors of *de facto* MPVPV and its provincial departments are responsible for ensuring publications and media content do not contradict Sharia, insult Muslims or contain images of living beings.
- The PVPV law confers broad powers on inspectors, including detention power of up to three days, the power to destroy property belonging to the perpetrator of vice, and the power to implement discretionary punishments. If the behaviour in question is not rectified after the incremental steps of punishments, an inspector may also refer a case to a *de facto* authority court.

Advocacy, Implementation and Enforcement of the PVPV Law

Nationwide MPVPV advocacy

Immediately following promulgation of the PVPV law, senior members of the *de facto* authorities, particularly the *de facto* Minister for the Propagation of Virtue and the Prevention of Vice, visited several provinces to explain the law and urge compliance with its provisions.¹⁶ Meetings were held with civil and military officials, religious clerics, and influential community leaders. These visits were initially to Afghanistan's northern provinces where it may have been assumed the law's strict social provisions might face greater resistance.¹⁷ The messages conveyed were consistent. They stressed that full obedience to the Taliban leader's decrees was an obligation for all Afghans, noting the Taliban leader's superior religious qualifications to make such decisions. They also stressed that implementing Sharia was a "red line" for the *de facto* authorities and they would not give in to any pressures, sanctions or criticism of their decisions, particularly from outside the country. The discourse also stressed that Afghanistan was now the only country in the world where Sharia was fully enforced.

¹² Source: <https://x.com/MOPVPE1/status/1476889768357150729?s=20&t=7TuX4pPt6QQEvsPvgZDDFA>.

¹³ Source: <https://www.bbc.com/persian/articles/c77xe8yv7o>.

¹⁴ Article 22(20).

¹⁵ Article 19(2).

¹⁶ Report of the Secretary-General, "The situation in Afghanistan and its implications for international peace and security", 6 December 2024, para 6.

¹⁷ From 17 to 26 August 2024, the *de facto* Minister for the Propagation of Virtue and the Prevention of Vice, Mohammad Khalid Hanafi, conducted visits to Sar-e Pul, Faryab, Jowzjan, Balkh, Samangan, Baghlan, Kunduz, Takhar and Badakhshan Provinces, from 7 to 9 September 2024 to Zabul, Ghazni and Maidan Wardak Provinces and from 20 to 23 October 2024 to Nangarhar, Laghman and Logar Provinces. See Report of the Secretary-General, "The situation in Afghanistan and its implications for international peace and security", 6 December 2024, para 6. During this period, UNAMA received numerous reports of dissatisfaction with the PVPV law in southern provinces. These included an increase in domestic violence and drug use, difficulties in accessing health care due to the *mahram* requirement, increase in child marriages and greater difficulties in running businesses.

From early September 2024, stepped-up enforcement of the law became more evident across the country while it remained inconsistent from region to region. UNAMA observed overall more systematic and consistent efforts in enforcement of the new PVPV law-led approach compared to enforcement of earlier decrees. Enforcement affected men, women, minorities, and youth involving alleged violations of PVPV law provisions on private space, public domains, economic activities, and in the case of non-Sunnis, religious spaces. PVPV implementation also began to affect media spaces with enforcement in some areas of the prohibition of airing images of living beings and music.

Provincial implementation committees

The PVPV law asserts that the primary responsibility for implementation and enforcement of the law resides with the *de facto* MPVPV and its cadre of inspectors. In addition, on 2 October, the Taliban leader instructed all *de facto* Provincial Governors to implement the PVPV law and called for the establishment of provincial committees led by *de facto* Provincial Governors tasked with implementing the law.¹⁸ Such committees have been established in at least 28 of Afghanistan's 34 provinces.¹⁹ The inter-institutional implementation and enforcement infrastructure, and reach into society the law allows is indicative of the law's importance and the philosophy behind it, to the *de facto* authorities' governing vision.

Most provincial committees were established in October (18) and September (8) 2024, chaired by the respective *de facto* Provincial Governor. The Director of the *de facto* PVPV Provincial Department chairs the committee only in Helmand, Herat, and Badghis provinces. The committees are generally consistent across the country on number of participants and their titles. Twenty-two committees have between 10 and 15 members, which occupy different posts in the *de facto* authorities' provincial structure. The majority of members hold positions in the provincial line departments, i.e. *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice, *de facto* Ministry of Education, *de facto* Ministry of Higher Education, *de facto* Ministry of Information and Culture, *de facto* Ministry of Hajj and Religious Affairs, the *de facto* High Directorate of Supervision and Prosecution of Decrees and Edicts; the local justice institutions, e.g. *de facto* Appellate Court; the *de facto* security forces, mainly *de facto* Police, *de facto* Army, and *de facto* General Directorate of Intelligence; the Ulema Shura and the Jihadi Madrassa.

All provincial committees have a similar mandate, which is to ensure the implementation and monitoring of the PVPV law throughout the province and address any problems related to its enforcement. Several committees have included an educational role, extending the committee's role to raising awareness of the law among the population, including through ulema, tribal leaders and imams of local mosques. Several provincial committees informed UNAMA that committees meet every two weeks and report on a bi-monthly basis to the Taliban leader.

UNAMA also received reports of provincial PVPV committees establishing additional committees or sub-committees. In Parwan, a committee was established at the university to supervise implementation among students, lecturers and staff. In Baghlan, in Pul e Khumri city, the *de facto* DPVPV established a five-member committee in each city mosque to monitor compliance with the law, mostly related to prayer attendance, and report monthly to the provincial committee. In Zabul, three sub-committees were established to monitor and

¹⁸ Report of the Secretary-General, "The situation in Afghanistan and its implications for international peace and security", 6 December 2024, para 31.

¹⁹ According to reports received by UNAMA, provincial committees have been established in Samangan, Faryab, Nangarhar, Laghman, Kunar, Farah, and Ghor. In some areas, committees have not been established (committees have been announced and the chair nominated but the committee has not been established). In Helmand, district-level sub-committees have been established, replicating the structure of the provincial committee.

facilitate the law's enforcement: one committee led by PVPV, a second by the ulema shura and a third by the *de facto* Department for Supervision and Prosecution of Decrees and Edicts, tasked with promoting the law and encouraging public compliance.

UNAMA observed that *de facto* Provincial Governors and *de facto* DPVPV, as part of the provincial committees primarily oversee the extent to which the law is implemented. For example, in certain provinces, the *de facto* Governor "reins in" the *de facto* DPVPV. Changes of *de facto* Provincial Governors have also been observed to lead to stricter or more flexible PVPV implementation in the province.

The common composition and mandates of the several institutions established to report to the Taliban leader and implement the PVPV law is a clear indication of the Taliban leader's determination to ensure the law is implemented and enforced across the country. The provincial committees also now oversee the law's enforcement in addition to the numerous existing institutions at the provincial level created since the Taliban took power, including the Provincial Ulema Shuras²⁰ and the provincial offices of the *de facto* High Directorate of Supervision and Prosecution of Decrees and Edicts.²¹

Three thousand three hundred (3,300) PVPV inspectors in 28 provinces: enforcement through awareness raising, compliance monitoring, detention and outreach

The PVPV law confers broad powers on *de facto* PVPV inspectors. Based on information UNAMA gathered, approximately 3,300 male inspectors are employed throughout the country, in 28 out of 34 provinces²², with an average of 118 inspectors per province. This number changes according to the size of the province, its population, and number of districts (e.g. in Paktya and Paktika provinces there are 14 male inspectors respectively and in Kabul province approximately 540 inspectors).

UNAMA's observations indicate that female inspectors are operational only in Baghlan province in the provincial capital. In other provinces, either no women were appointed as inspectors, or UNAMA was unable to gather the relevant information. In some areas, local interlocutors confirmed an intention to hire female inspectors and that female volunteers, mostly students and teachers from local madrassas, or female police staff, were reported to be supporting local efforts to enforce the PVPV law. In a few provinces, the *de facto* DPVPV was reported to unofficially pay women to monitor and report on compliance with the PVPV law.

Training of PVPV Inspectors

Article 9 of the PVPV law sets out the qualifications required of an inspector, which include belonging to the Islamic faith; having knowledge on Sharia; must be righteous, honest, kind and patient; and observing virtue and avoiding vices personally.²³

²⁰ The first Provincial Ulema Shuras were created in December 2021, starting with Kandahar on 12 December 2021, followed by Zabul, Nimroz and Helmand on 15 December 2021. Bamiyan and Daikundi were among the last provinces to have Provincial Ulema Shuras appointed, on 17 September 2023.

²¹ In March 2023, the *de facto* Attorney General's Office was renamed and repurposed as the High Directorate of Supervision and Prosecution of Decrees and Edicts.

²² As of January 2025.

²³ A person is fit to be appointed as an inspector if he fulfils the following conditions under Article 9 of the PVPV law:

- (1) A person could be appointed as an inspector who has the following requirements:
 1. Islam.
 2. Should be capable (should be sane and adult²³).
 3. Should know orders of the Islamic Sharia, to which he dictate or prohibit their doing.

In most areas, where inspectors have been appointed, local *de facto* DPVPV have carried out specific training sessions that in some areas included members of the ulema shura. For example, in December 2024, the *de facto* MPVPV organized a three-month training on the PVPV law for inspectors in Kabul city.²⁴

Monitoring Compliance

Inspectors are tasked to raise awareness of the PVPV law and to enforce compliance of its provisions through general monitoring. UNAMA has observed that awareness raising and compliance monitoring are conducted through regular visits to different establishments, including offices of *de facto* authorities, NGOs, educational institutions, health facilities, markets, mosques, wedding halls, restaurants, parks, and sport fields. Announcements concerning the PVPV law are sometimes made by inspectors or through imams or community elders during congregational prayers or community gatherings.

PVPV inspectors also undertake monitoring at checkpoints at entrances of cities, along highways or main roads, and during foot patrols on the street, where inspectors examine individuals' appearance, whether they play music inside their vehicles, if their phones have "immoral" contents and other contraventions of the PVPV law. In most areas, such as Uruzgan province, inspectors were observed conducting regular visits to health facilities to ensure men and women work in separate spaces, they are adhering to the mandated physical appearance, and that female staff and female patients are accompanied by a *mahram*.

Between 1-29 March 2025, PVPV inspectors were observed to be implementing specific measures relating to the month of Ramadan. The level of monitoring and enforcement varied among provinces. Inspectors were regularly reminding the public, either on an individual basis or with the use of a loudspeaker in public places, to attend mandated congregational prayers, particularly night prayers for Ramadan (Tarawih). Local religious leaders were instructed by inspectors to identify individuals who failed to attend prayers. Businesses were instructed to close during prayer times and eateries not to cook or serve food during fasting period. In some cases, individuals who failed to attend mandated prayers in the mosques and those who continued to operate their businesses during prayer times were arbitrarily detained by inspectors, with some ill-treated.

Detention

Under articles 24 and 25 of the PVPV law, inspectors are given the power to assign different discretionary punishments for enforcement purposes. They can provide advice and guidance to individuals accused of violating the PVPV law, destroy properties belonging to them (e.g. musical instruments), or detain people for up to three days. They can also refer a case to the *de facto* authority court if the alleged contravention was not rectified after applying other punishments. UNAMA observed inspectors regularly providing advice and guidance to the public on the PVPV law in many provinces.

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4. Should have a level of certainty that changing the vice results in its elimination and ordering to virtue causes good effects.
 5. Should be righteous.
 6. Should be able to propagate and prevent.
 - (2) A person could be appointed as an inspector who has the following qualifications:
 1. Observe the virtues and avoid vices.
 2. Should be honest (all he does is not for his own interest, or to bring him respect, or be hypocritical).
 3. Should be kind.
 4. Should have patience.

²⁴ Source: <https://x.com/MOPVPE1/status/1868244529503158411>.

UNAMA also documented instances where inspectors arbitrarily detained individuals for alleged contravention of the PVPV law. UNAMA observed that in the first six months of implementation of the PVPV law,²⁵ over half of the PVPV law-related arbitrary detentions concerned men's appearance—either men not having the compliant beard length or hairstyle, or barbers providing non-compliant beard trimming or haircut.

Other common alleged reasons for detentions are the failure to attend congregational prayer and conducting activities prohibited by the PVPV law, such as playing music, taking photos or making videos. In most cases observed, individuals were detained at a *de facto* DPVPV facility, which include *de facto* DPVPV offices and containers (used as an extension of the office premises) for between several hours to three days. In some instances, individuals were held at *de facto* police lockups and prison facilities.

In districts, individuals accused of contravening the PVPV law were held at the nearby District Administration Centre where *de facto* DPVPV shares the facility with other *de facto* entities, such as *de facto* Police and *de facto* General Directorate of Intelligence (GDI). Individuals were sometimes held at checkpoints by *de facto* PVPV inspectors during compliance monitoring. Some checkpoints were mobile in nature, others had a more permanent structure. In some instances, *de facto* PVPV inspectors were observed to use prison facilities to detain individuals for up to three days²⁶.

Outreach activities to propagate the PVPV law

According to information received by UNAMA, *de facto* DPVPVs have regularly conducted outreach activities on the PVPV law in provincial capitals and in several smaller districts including in those provinces where committees have not been established yet. These activities focus on informing local *de facto* authorities about the provisions of the law (e.g. the *de facto* Provincial Governor held daily half-an-hour sessions for local administration staff), as well as community members and business owners. In some instances, *de facto* DPVPV has also drafted speeches to be preached after prayers, distributed informative letters to shops (often barbers, a category heavily targeted also before the promulgation of the law), advised media and journalists, and visited wedding halls, and other places.

In some provinces (Parwan, Baghlan, Farah and Helmand) specific campaigns took place, mainly "mosque-to-mosque" and visits to barber shops, wedding halls, universities and schools, and media outlets. These campaigns focused on the provisions of the PVPV law and Sharia, with emphasis on segregation of women and men, and the appearance of men (traditional clothes and beards) and women (*hijab* and *mahram*) in the public space.

The preferred method of awareness campaigns remains the participation of *de facto* DPVPV personnel at gatherings at the local mosques and *ad hoc* gatherings and meetings, often targeting a specific group such as employees of the *de facto* authorities, business owners, and students. Billboards and flyers at local markets, prayer booklets, and radio messages have also been used.

²⁵ UNAMA has documented PVPV law-related arbitrary detentions since the law's publication on 21 August 2024 up to 22 January 2025.

²⁶ Article 24 PVPV law.

Arbitrary Enforcement and Enforcement by Community and Family Members - a source of Self-Regulation

Prior to the publication of the PVPV law, many of its provisions were issued verbally and lacked certainty. This uncertainty remains for some provisions of the PVPV law as they are ambiguously worded and open to interpretation, including how they are implemented and enforced by the *de facto* authorities.

The notion of PVPV law enforcers and their responsibilities has also expanded. UNAMA has observed that enforcement of restrictions targeting women and girls has increasingly expanded from *de facto* authorities to local community and family members, building on previous restrictions. For example, the *hijab* decree of 2022²⁷ stated that if a woman did not comply with the dress code a male family member would be punished. Similarly, release of individuals from detention requires guarantees of future good behaviour from family members or community elders, indicating that families and communities have incentives to ensure that none of their members are found committing offenses.

United Nations quarterly women's surveys observed that between August and October 2024, the perception of enforcement by male family members doubled from 22 per cent to 44 per cent. Respondents noted that religious leaders' enforcement increased from 26 per cent to 45 per cent and community leaders from 18 per cent to 33 per cent. Based on this data, it can be expected that continued enforcement of the law is likely contributing to reshaping social and familial dynamics by strengthening or embedding the enforcement of restrictive norms within families and communities, effectively shifting the enforcement burden to community and household members. This shift risks normalizing restrictions over time with the internalization of expected behaviour.²⁸

In this context, it can be observed that arbitrary enforcement of the PVPV law including enforcement by community and family members has contributed to many Afghans regulating their and their family's personal and professional behaviour in line with the law's provisions.

Impact of the PVPV law

Impact on Humanitarian Operations

The participation of Afghan women in the delivery of humanitarian and basic human needs assistance was previously affected by the December 2022 *de facto* authorities' ban in December on Afghan women working for national and international non-governmental organizations, extended to Afghan women working for the United Nations in April 2023. As highlighted in other reports, workarounds to these restrictions were identified through local arrangements which enabled Afghan women to continue working or restrictions were not always strictly enforced.

Following the promulgation of the PVPV law, the Gender in Humanitarian Action and Humanitarian Access Working Groups' sought to understand what additional impact – if any – the law had on the ability of Afghan women to continue engaging in humanitarian or basic human needs action and whether they faced new or specific impediments, such as

²⁷ Source: <https://mopvpe.gov.af/sites/default/files/2022-08/%D8%AD%D8%AC%D8%A7%D8%A8.pdf>.

²⁸ Between 13-23 October 2024, UN Women, IOM and UNAMA conducted in-person and online group consultations as well as tele-survey interviews across Afghanistan, reaching 774 women across 34 provinces²⁸, as well as 76 men across 12 provinces. The respondents were selected through a purposive, snowballing methodology, to mitigate security risks and foster open discussions on sensitive issues.²⁸ These discussions covered topics around the implementation, enforcement and impact of the PVPV law, made public on 21 August 2024. In contrast to previous quarterly consultations, these focused almost exclusively on in-depth qualitative discussions, rather than a mixture of quantitative and qualitative methods.

prohibitions on taxi drivers providing rides to unaccompanied women or from PVPV inspectors' broad discretionary powers.

The Gender in Humanitarian Action and Humanitarian Access Working Groups have tracked operational trends since the December 2022 ban on Afghan women working for international and national NGOs. Additional questions on the impact of the PVPV Law were included in the September and December 2024 versions of the survey. Comparison of data between the surveys indicate a general increase in the enforcement of decrees, such as the *mahram* requirement, which have negatively impacted Afghan women's ability to safely, meaningfully, and comprehensively engage in the humanitarian response:

- 54 per cent of respondent organizations in December 2024 mentioned staff anxiety on movement and dress code, an increase of 18 per cent from the September 2024 survey.
- 46 per cent of respondent organizations surveyed in December 2024 reported that Afghan women could no longer go to the office, an increase of 25 per cent from the September 2024 survey.
- 43 per cent of respondent organizations reported in the December survey that women could no longer report to field locations, compared to 20 per cent in the September survey.
- 46 per cent of respondent organizations in December 2024 reported that *de facto* PVPV personnel had visited their offices to ensure compliance with the law.
- 49 per cent of respondents in December 2024 said they could no longer hold meetings with Afghan women.
- 26 per cent of respondents in December 2024 mentioned harassment from men and communities sometimes enforcing the law themselves, an increase from 10 per cent in September.
- 60 per cent of respondents in December 2024 said they could no longer obtain consent to take photographs of people during humanitarian activities.

Socio-Economic Impact of the PVPV Law on Specific Sectors

UNAMA has observed that implementation of the PVPV law has direct and indirect economic and social impacts on Afghan people, communities, and the country.

Examples of direct effects include the suspension or limitation of business activities deemed in contravention of the law, such as barbers' providing non-compliant beard trims and haircuts or taxi drivers no longer able to drive women passengers without a *mahram*. Women-led medium and small enterprises are reported to face the constant risk of closure due to female employees being prevented from working and decisions to avoid interactions with PVPV inspectors.

UNAMA observed that indirect effects include people reporting they are afraid to leave their homes and, as such, no longer contributing to the local economy, with people with economic means leaving the country or sending family members abroad out of concern they may be detained or harassed by PVPV inspectors. This impact of the PVPV law further exacerbates the socio-economic impact of the March 2022 ban on girls' education beyond the sixth grade. UNAMA received many reports of Afghan families sending their daughters abroad to study due to the ban on girls' education. This potentially represents a significant outflow of financial resources that might otherwise be spent inside Afghanistan. An example shared with UNAMA was of 500 business owners in a major city each sending between USD 10,000-15,000 per month to their families residing outside Afghanistan where their daughters receive education above sixth grade with the result those substantial funds are not contributing to the economy in the city and Afghanistan.

The direct and indirect effects of the PVPV law are likely to intensify in the short and long term. For example, a World Bank study has calculated that the ban on girls' and women's education beyond the sixth grade will cost the Afghan economy USD 1.4 billion per year.²⁹ This loss may be expected to ripple through the economic system in addition to decelerated economic activity due to restrictions on a range of services.

UNAMA also received reports from Afghan and international business sectors of a loss or reluctance to potentially invest in various sectors in Afghanistan due to uncertainty and/or reputational risk. Information has been received of potential investors shying away from projects in Afghanistan because they consider the economy might not sustain their investments due to the negative economic effects of the PVPV law, their business may not be implementable (for example, projects that rely on female labour), or reputational risk of investing under norms most of the international community and its purchasing population do not accept. It was further reported to UNAMA that arbitrary formulation and enforcement of laws by the *de facto* authorities, as exemplified by the PVPV law, contributed to the current climate of political risk and business uncertainty in Afghanistan.

Pending further detailed assessments of how implementation of the PVPV law has affected Afghanistan's macro-economy, the following are general observations of how the PVPV law is impacting specific microeconomic sectors in Afghanistan.

Impact on Health Sector

Women's access to healthcare and other public services, which were already extremely constrained by previous decrees and decisions, is further affected by the PVPV law. Article 20(5) instructs drivers to refrain from transporting women travelling without a *mahram*, forbidding women from travelling alone by transportation even for a short distance. UNAMA documented numerous incidents of drivers refusing to provide transport to women not accompanied by a *mahram* including to clinics and hospitals.

For example, in Kandahar province, the *de facto* Ministry of Public Health issued a letter (dated 1 September 2024) instructing female staff of public hospitals to be accompanied by a *mahram* when commuting to and from work at the hospital. Some female health workers informed UNAMA they had difficulties in continuing in their jobs due to the lack of *mahram*. In Helmand province, a similar letter was issued to an INGO-run hospital; it included an additional provision that female patients must be accompanied by a *mahram* to enter the hospital. Similar reports were received in parts of Ghor and Kandahar provinces, where female patients were required to have a *mahram* when entering hospitals.

The PVPV law has also interfered with healthcare service providers, with *de facto* DPVPV inspectors conducting regular visits to hospital and healthcare facilities to inspect compliance with the PVPV law, including men's hairstyle and beard length, women's adherence to the *hijab* provision, and spatial segregation between men and women. UNAMA received reports of PVPV inspectors regularly questioning female health workers. UNAMA has observed that these measures further burden already over-stretched health facilities and personnel, rendering health service delivery more difficult, particularly for women.

²⁹ In September 2024, the World Bank issued a Policy Research Working Paper that used existing data to estimate the return on education for men and women and then determine the economic cost of the Taliban's ban on girls' schooling. The paper concluded that the ban would cost the Afghan economy \$1.4 billion per year. See Rafiuddin Najam, Harry Anthony Patrinos, and Raja Bentaouet Kattan, "The Miseducation of Women in Afghanistan: From Wage Premiums to Economic Losses", World Bank Group, September 2024.

Impacts on Education – PVPV Inspectors Enforce PVPV Law and Girls' Education Bans

The education sector has been significantly impacted by a series of bans that have affected women and girls since September 2021 as well as by the expansion of madrassas. The *de facto* authorities have officially presented the bans as “suspensions” without a clear specification of conditions or timeframe for lifting the bans. On 23 March 2022, the *de facto* Ministry of Education issued a decree suspending all girls' education above sixth grade (formalizing the closure of girls' schools above sixth grade in place since September 2021). On 20 December 2022, the *de facto* Ministry of Higher Education issued a further decree suspending women from participating in higher education until further notice. On 2 December 2024, women were barred from attending medical and semi-professional institutes.

De facto DPVPV personnel have been conducting regular visits to educational institutions, including madrassas, to monitor compliance with these decrees and the PVPV law. UNAMA received many reports of frequent visits of PVPV inspectors to schools disrupting the learning environment, and affecting the morale of students, teachers and staff. UNAMA received reports that during their visits, inspectors also advised male teachers to have a physical appearance in compliance with the PVPV law (e.g. fist-length beard, traditional attire and haircut), and female teachers to wear “proper” *hijab*. Inspectors were reported to also have monitored compliance with the ban on girls above sixth grade or girls who look older in schools and that classrooms and offices for female and male teachers and staff are segregated. UNAMA observed that in some instances the PVPV law was applied arbitrarily, for example, when girls at school were instructed to wear gloves (not a requirement under the PVPV law).

The PVPV law designates Hanafi jurisprudence as the interpretative source for defining virtue and vice, banning publications, symbols, practices and celebrations that are considered “un-Islamic”. On 9 September 2024, the *de facto* Minister of Education instructed its provincial departments to remove books in educational institutions that are in contradiction with Hanafi jurisprudence. Instances were also documented where *de facto* Departments of Information and Culture instructed book publishers not to print or sell prohibited books, which include those on Salafi and Shia beliefs, politics, Pashtoon Tahafuz Movement, certain novels, and some books on arts and poetry. The *de facto* Departments of Information and Culture were reported to have frequently confiscated prohibited books in libraries and bookshops.

Impacts on Women-owned businesses

In November 2024, UNDP Afghanistan carried out a survey of 610 Micro, Small and Medium sized Enterprises (MSMEs) across the country, to understand how the PVPV law is impacting businesses, and women-owned businesses.³⁰ The survey was conducted in 29 provinces across Afghanistan's eight regions with 83 percent of business owners being women and 17 per cent men; 74 per cent of businesses employed only women (including women sole business operators). Awareness of the law was reported as high among business operators, with 71 percent indicating awareness. Only 19 per cent said they were aware of any kind of complaint process operating regarding violations or abuses of the law.

Thirty per cent of business owners reported having received a visit from PVPV inspectors to monitor implementation of the law, with inspectors most interested in women's adherence to dress code restrictions. The officials also monitored workplace separation between men and women, and whether gender segregated interactions were taking place with clients and suppliers. Men's appearance was also monitored, including advising men not to shave beards. Inspectors also issued advice to perform prayers regularly, and not to listen to music.

³⁰ UNDP internal analytical briefing note based on a survey in 29 provinces across eight regions of Afghanistan (January 2025).

Almost half of all business owners (49 per cent) reported that the PVPV law had resulted in restricted marketing opportunities for their businesses. This is closely related to women being unable to travel on work related business (35 per cent) and increased business costs, for example for *mahram* requirements which increases women's travel costs (18 per cent). Forty five percent (45 per cent) of respondents also recorded reduced access to finance as a significant impact, likely in terms of finance providers unwilling to lend money to women-owned businesses because of the PVPV law. Overall, more than a quarter of business owners reported having faced increased discrimination, primarily from buyers/clients, and suppliers because of the PVPV law, with forty five percent (45 per cent) estimating a resulting decrease in revenue.

Despite the *de facto* authorities regularly highlighting their support for women-led businesses, this was observed as not always the case. For example, from 15 to 17 October 2024, in Khost province and 4 to 6 January 2025 in Kandahar province, women were not allowed to attend a national exhibition as vendors or visitors. Products of female entrepreneurs were allowed to be showcased only by men. Generally, women's markets can be visited only by women, which limits the customers of women-led businesses.

UNAMA also received numerous reports of the *mahram* requirement restricting women's freedom of movement and creating financial and logistical barriers for women in the public sphere, including in business. Other reports of the law's impact included women prohibited from going to work, not wanting to go to work, or choosing to quit work because of the restrictions. Other impacts reported included loss of clients and buyers and the need to reorganize the business to ensure segregation of women and men.

Broader Socio-Economic Impacts – barbers, photographers, tailors, weddings, recreation

The requirement for men to keep a fist-length beard and not to have haircuts considered against Sharia are now codified in the PVPV law. Barbers are regularly punished for providing non-compliant beard trimmings/shavings and haircuts to their clients and men for having a non-compliant physical appearance. Their punishments have included arbitrary arrests and detentions of a few hours to a few days, ill-treatment, shop closure and fines. Barbers have reported to UNAMA decreases in their income due to more regular and stringent enforcement of these measures since publication of the PVPV law.

The strict enforcement on the prohibition of music and images of living beings was observed to have negatively impacted various professions such as photographers, videographers, musicians and artists. Weddings celebrations are regularly disrupted due to wedding hall managers, photographers, musicians or wedding participants being arrested for playing music or creating images of living beings through photos or videos. In some cases, sellers and manufacturers of children's toys and other items bearing images of living beings (e.g. books, advertising and information materials, posters) were instructed by the *de facto* DPVPV to discontinue their activities, or to have their merchandise confiscated or defaced by inspectors, causing business losses or disruption in business operation.

As part of *de facto* MPVPV's mandate to reform society and prior to the publication of the prior to the PVPV law, the *de facto authorities* had issued instructions that sought to reduce intermingling of men and women. Intermingling of men and women was explicitly cited as the reason for several restrictions for women only such as the prohibition of women to use parks, gyms and public baths, and the closure of certain women-led businesses.

These provisions governing interpersonal relationships are now stipulated in the PVPV law, such as the prohibition of unrelated adults of the opposite gender from looking at each other [Article 13(7)]. In practice, this provision requires the separation of men and women, including

separate office spaces and markets, incurring costs and other operational challenges to businesses that often are already struggling. For example, instances were reported to UNAMA of *de facto* DPVPV forbidding male tailors to take measurements from or to make clothes for women. Women also tend to be the primary caregivers of children and families tend to go to parks together; the prohibition of women from using parks has reduced the use of parks. Park operators and merchants in the vicinity of parks have reported loss of revenues as a result.

The PVPV law also includes measures that regulate good business practices such as forbidding hoarding for the purpose of increasing prices, fraud, misrepresentation and deceit [Article 18(4)] and explicitly prohibiting the sale of human organs [Article 18(7)].³¹

Impact on Situation of Women and Girls: Observations from UN quarterly women's surveys

Since August 2022, UN Women, the International Organization for Migration (IOM) and UNAMA have conducted quarterly consultations,³² to gather countrywide information on the effects of the *de facto* authorities' gender policies on women and men. Consultations in October 2024 observed that enforcement of the PVPV law had further constrained the daily lives and activities of women and girls. The consultations observed that significant outreach efforts by PVPV inspectors have translated generally into stricter enforcement across all restrictions measured. While regional variance was observed, the data also points to increasing uniformity in restriction enforcement, including between the two data collection periods (August and October/November 2024), which highlights that entry points in areas with historically more permissive environments for women's rights and participation in public life appear to be diminishing. It is also worth noting that services affected by the PVPV law were unevenly operating prior to the law's enactment, leading to uneven reports of enforcement.

The consultations observed that overall reports of restrictions on access to public space surged from 38 per cent to 76 per cent, while restrictions on education for girls above grade six increased from 79 per cent to 98 per cent. Enforcement of wearing a "proper *hijab*" rose from 13 per cent to 70 per cent. Implementation efforts and restrictions were most felt in Western, Central Highland north, and Northeastern region which tracks with the initial emphasis on PVPV ministry outreach in these areas. Restrictions to accessing public space was highest in the Western (79 per cent), Central (78 per cent), and Southeastern (75 per cent) regions.

Across the regions, almost half (44 per cent) of female tele-survey respondents in the Northeast region reported the PVPV law negatively impacted their employment opportunities, meaning they could no longer seek employment. The Southern region had the lowest proportion of women who reported they could no longer seek employment opportunities (26 per cent). Forty-two per cent of the women consulted in this region reported there had been no change, aligning with focus group discussions held as part of the quarterly consultations which showed there may have already been limited opportunities in this conservative region for women to seek work, and pre-existing *hijab* and *mahram* requirements.

³¹ On 25 December 2024, the *de facto* Ministry of Justice also published a decree approved by the Taliban leader on prevention of human trafficking. See: <https://x.com/MojAfghanistan/status/1871784514655252674>.

³² Between 13-23 October, UN Women, IOM and UNAMA conducted in-person and online group consultations as well as tele-survey interviews across the country, reaching **774 women across 34 provinces**³², as well as **76 men across 12 provinces**.³² The respondents are selected through a purposive, snowballing methodology, to mitigate security risks and foster open discussions on sensitive issues.³² These discussions covered topics around the implementation, enforcement and impact of the PVPV law, made public on 21 August 2024. In contrast to previous quarterly consultations, these focused almost exclusively on in-depth qualitative discussions, rather than a mixture of quantitative and qualitative methods.

Impact of PVPV Law on the Media

After the Taliban takeover in August 2021, the *de facto* MPVPV instructed media outlets not to broadcast movies reflecting foreign culture or containing humour considered offensive. It forbade women to appear in movies, required women media workers to wear a *hijab* and prohibited men to expose their bodies. It also prohibited movies deemed against Sharia principles and Afghan values. The *de facto* Departments of Information and Culture has regularly required journalists to obtain its approval before publishing journalistic reports, which is a form of censorship.³³

The PVPV law codified these restrictions. Article 17 of the PVPV law mandates inspectors to ensure media content complies with Sharia, does not insult Muslims and does not contain images of living beings. Media outlets reported frequent visits of *de facto* DPVPV personnel to monitor compliance of the PVPV law. UNAMA has observed that what types of content are considered in compliance with Sharia can be subject to broad interpretation and may lead to further self-censorship among journalists as well as use of the PVPV law as a basis for arbitrary arrests and detentions.

While the prohibition of images of living beings was in place in some areas prior to the publication of the PVPV law,³⁴ it was not strictly enforced in the media sector. Since September 2024, however, this prohibition has been implemented in some parts of the country with negative impacts on media outlets, journalists and media workers. In some provinces such as Uruzgan, Helmand, Badghis and Maidan Wardak, the director of the *de facto* Department of Information and Culture verbally instructed journalists not to create, broadcast or publish images of living beings. In September and October 2024, in Badghis, Helmand, Takhar³⁵, and Kandahar provinces, some television stations either ceased operation entirely or stopped broadcasting images of living beings due to the prohibition.

Under Article 13(3) and (8) of the PVPV law, women's voices are considered private and should be concealed. This provision could severely impact women working in the media and other sectors. On 26 October 2024, *de facto* MPVPV stated that women's voices are only forbidden in reciting the Quran and singing loudly.³⁶ In some provinces, women's voices continue to be heard in radio programmes and women-run radio stations remain in operation.

The full impact of the PVPV law on the media sector, already heavily shaped by pervasive intimidation, censorship and self-censorship,³⁷ remains to be seen. However, the prohibition of images of living beings and music, combined with the general control on media contents\ and easy access to television programmers abroad via internet and satellite, have impacted viewership and advertising revenue of television stations.

³³ For more information regarding restrictions and challenges media in Afghanistan are facing, see UNAMA/OHCHR report "Media Freedom in Afghanistan," November 2024. Available at <https://unama.unmissions.org/human-rights-monitoring-and-reporting-0>.

³⁴ Previously, UNAMA documented instances in several provinces where *de facto* DPVPV removed public monuments, removed or covered advertising signage or asked NGOs to withhold information materials which depicted images of humans and animals. See UNAMA/OHCHR report "De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights," 9 July 2024, p.15.

³⁵ In Takhar province, television stations resumed broadcasting images of living beings in December 2024.

³⁶ Source: <https://x.com/MOPVPE1/status/1850065214445691021> (accessed 4 December 2024).

³⁷ See UNAMA/OHCHR report "Media Freedom in Afghanistan", November 2024 available at <https://unama.unmissions.org/human-rights-monitoring-and-reporting-0>.

LEGAL ANNEX

How Afghanistan's De Facto Authorities Make Laws and Decrees

While Afghanistan is a state party to seven international human rights instruments,³⁸ including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, and obliged to protect and promote the rights enumerated in these instruments, the *de facto* authorities have conditioned their state obligations on compliance with their definition of Sharia.

In most countries, a constitution clarifies powers of decision making, enforcement, implementation, and adjudication of laws. The lack of a constitution in Afghanistan has rendered opaque the way in which laws and decrees are made by the *de facto* authorities. There are no formal methods of popular consultation or input, as can be provided by a legislature, and few transparent and impartial means of registering complaints³⁹ or dissent. In the case of the PVPV law, as with other decrees, the Afghan people, and parts of the leadership of the *de facto* authorities, were presented with the law in the absence of any consultation and following a closed deliberation process.⁴⁰

On 12 September, the *de facto* Ministry of Justice (MoJ) issued a public statement defending its legislative process, explaining that the legislative procedure follows a decree⁴¹ issued by the Taliban leader in October 2022, and is based on Islamic Sharia. According to the statement, the legislative procedure starts at the level of an individual *de facto* entity, such as a *de facto* ministry, with the help of a committee of scholars, legal and subject matter experts. The draft legislative document is then forwarded to the *de facto* MoJ for further scrutiny by a committee of religious scholars who carry out research to verify that accurate references based on Quran, Hadiths and “reliable books of the Hanafi Jurisprudence” to support each article. Wherever a draft legislative document originates, it must pass through the *de facto* MoJ review process.

An Independent Commission for Final Revision of Legislative Documents—an eight-member *de facto* commission chaired by the *de facto* Chief Justice Sheikh Mawlawi Hakeem Haqqani, with its membership drawn from officials of the *de facto* Supreme Court—is the final authority

³⁸ The seven human rights treaties to which Afghanistan is a party are:

- 1) International Covenant on Economic, Social and Cultural Rights (1966)
- 2) International Covenant on Civil and Political Rights (1966)
- 3) Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1984)
 - a. Optional Protocol of the Convention against Torture (2002)
- 4) Convention on the Elimination of All Forms of Discrimination against Women (1979)
- 5) International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- 6) Convention on the Rights of the Child (1989)
 - 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)

³⁹ Note that one of the functions of the *de facto* Ministry for the Propagation of Virtue and Prevention of Vice is to hear complaints against officials of the *de facto* authorities through a hotline or in writing via complaint boxes. See UNAMA/OHCHR report “De Facto Authorities’ Moral Oversight in Afghanistan: Impacts on Human Rights”, July 2024.

⁴⁰ On 23 October, in Faizabad, during a meeting, *de facto* Department for the Propagation of Virtue and Prevention of Vice (DPVPV) and *de facto* Department of Economy informed UN Agencies, Funds and Programmes and international and national/NGOs participants that a draft law on PVPV had been sent to the Taliban leader for approval since March 2023. A copy of the draft law was provided to the participants.

⁴¹ Decree No. 9, of 24 October 2022.

that reviews legal instruments for submission to the Taliban leader for approval.⁴² The *de facto* Ministry of Justice statement warned that criticizing *de facto* legislative documents in media and in public were unacceptable and those who did so would be deemed to be criticizing Sharia and face legal action. The statement invited people seeking clarification on the *de facto* legislative proceedings to visit the *de facto* Ministry of Justice offices.⁴³

Structure and Content of the PVPV Law

The following is an overview of the four chapters of the PVPV law:

- The Preface outlines the law's objectives, terminology, scope of application, the *de facto* MPVPV as the executive authority mandated to implement the law.
- Chapter one deals with the requirements and qualification of inspectors, conditions necessary for the intervention of inspectors, women's *hijab*, requirement on men's physical appearance.
- Chapter two deals with responsibilities of inspectors in their various areas of activities: media and publications; merchants, businesspeople and farmers; tourism and recreational places; transport and passengers; public baths; various prohibitions (of which 26 are listed, starting with adultery and ending with the unpleasant treatment of orphans and the oppressed); *dhimmis*,⁴⁴ non-Muslims, children and persons with mental disabilities. Chapter three deals with discretionary punishments that inspectors can administer; the introduction of violators to the courts; and prisoners.
- Chapter four contains miscellaneous provisions, also including oversight of activities of inspectors, preparation of procedures and manuals by the *de facto* MPVPV which require the Taliban leader's approval.

⁴² Decree Number 43 of 31 May 2023.

⁴³ The full statement of the *de facto* Ministry of Justice is available here:

<https://moj.gov.af/dr/%D8%A7%D8%B9%D9%84%D8%A7%D9%85%DB%8C%D9%87-%D9%88%D8%B2%D8%A7%D8%B1%D8%AA-%D8%B9%D8%AF%D9%84%DB%8C%D9%87-%D8%AF%D8%B1%D8%A8%D8%A7%D8%B1%D9%87-%D8%A7%D8%B3%D9%86%D8%A7%D8%AF-%D8%AA%D9%82%D9%86%DB%8C%D9%86%DB%8C-%D8%AA%D9%88%D8%B4%D9%8A%D8%AD-%D8%B4%D8%AF%D9%87>

⁴⁴ A term for non-Muslims who are living in an Islamic state with legal protection in return for specific taxes.