



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Fourth periodic report submitted by Afghanistan under  
article 18 of the Convention, due in 2024\***

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\* The present document is being issued without formal editing.



## I. Introduction

1. Afghanistan ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on 05 March 2003 without reservations, marking a significant step forward for women's rights in the country.<sup>1</sup> Afghanistan submitted its first combined initial and second periodic report, according to article 18 of CEDAW, to the Committee on the Elimination of Discrimination against Women (hereinafter The Committee) in December 2011. The Committee considered the third periodic report of Afghanistan on 18 February 2020.

2. The Permanent Mission of I.R of Afghanistan to the United Nations Office and other international organizations in Geneva has been requested by the Committee to prepare a fourth periodic report for consideration at the Committee's ninety-first session. The Permanent Mission of Afghanistan expresses its appreciation for the Committee's continued commitment to monitoring the situation of women and girls in Afghanistan and full respect for their rights under the Convention in coordination with other international human rights mechanisms.

3. Soon after the military takeover of Afghanistan in August 2021, the Committee, along with the Committee on the Rights of the Child emphasised that the Taliban *de facto* authorities "must respect, and ensure to all persons under their jurisdiction or effective control, including women and girls, the human rights set forth in the Conventions and in all other human rights treaties to which Afghanistan is a party".<sup>2</sup> The Taliban *de facto* authorities "pledged to respect and protect human rights".<sup>3</sup> Spokespersons of the Taliban *de facto* authorities have also "made specific commitments to respect women's right to work and girls' right to attend school, within the Taliban's interpretation of Islamic law".<sup>4</sup> Yet, "the *de facto* authorities remain far from complying with those international obligations, in both policy and practice, to respect and protect the rights of women and girls," as stated by the most recent former High Commissioner for Human Rights.<sup>5</sup> Though the Taliban are still not recognised internationally, they are still obligated to fulfill their obligations under CEDAW.<sup>6</sup> They may also not denounce or withdraw from CEDAW, nor ratify or accede to new treaties on behalf of Afghanistan.<sup>7</sup>

4. This report addresses, *inter alia*, the recommendations made by the Committee in its concluding observations on the third periodic report of Afghanistan adopted in February 2020,<sup>8</sup> the issues raised in the Committee's letter dated 27 January 2022 addressed to the Taliban *de facto* authorities,<sup>9</sup> as well as the response received on 30 January 2023.<sup>10</sup> The concluding observations reflected a foundation through which change could occur at a deeper level. However, the response by the Taliban *de facto* authorities failed to include the realities of the lived experiences and perspectives of Afghanistan's women. It must also be noted that this report includes information after the date when the response was received and demonstrates a further deterioration of

<sup>1</sup> Ratification Status for Afghanistan.

<sup>2</sup> *Treaty Bodies*.

<sup>3</sup> *Michelle Bachelet*.

<sup>4</sup> *Id.*; *Financial Times*; *OHCHR*.

<sup>5</sup> *Michelle Bachelet*.

<sup>6</sup> *Crisis Group*; *Geneva Academy of International Humanitarian Law and Human Rights*.

<sup>7</sup> Vienna Convention on the Law of Treaties.

<sup>8</sup> Concluding observations on the third periodic report of Afghanistan.

<sup>9</sup> Letter to Amir Khan Mottaqi, from Gladys Acosta Vargas Chair, CEDAW Committee, [hereinafter Letter].

<sup>10</sup> Information received by the CEDAW Committee, (For direct access to response, see [www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/received-info/information-from-the-de-facto-authorities-of-Afghanistan.pdf](http://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/received-info/information-from-the-de-facto-authorities-of-Afghanistan.pdf) [hereinafter Information received]).

the situation, as reflected in depth below. Since the military takeover, Afghanistan holds the worst ranking in the world in terms of the status of women according to the Women, Peace and Security (WPS) Index.<sup>11</sup> During a joint mission by the Special Rapporteur on the situation of human rights in Afghanistan and Working Group on discrimination against women and girls in 2023, they “documented how women and girls’ lives in Afghanistan are being devastated by the crackdown on their human rights,” and as one of the woman interlocutors said, “We are alive, but not living”.<sup>12</sup>

5. Despite challenges in the preparation of this report, it aims to provide a comprehensive and accurate account of the situation on the ground since 15 August 2021, adopting an inclusive and participatory approach. As the review will assess the progress made, challenges encountered, and setbacks faced in implementing CEDAW in Afghanistan since the last review in February 2020, the report systematically analyses the first 16 articles of CEDAW. Finally, the report strives to ensure the international community takes effective action based on verified information by proposing concrete recommendations for the path forward. These recommendations aim to offer hope, a vision, and a roadmap for the transformation of the society through practical pathways for change in the lives of women and girls at a time when “Taliban officials have insisted the situation of women and girls is an ‘internal’ matter”.<sup>13</sup> As the High Commissioner for Human Rights stated: “Afghanistan has enormous development potential. It can achieve prosperity, security and justice for all. It can contribute productively to the international community. It can deliver on the hopes and rights of its people”.<sup>14</sup> As the most recent former High Commissioner has remarked: “The responsibility is on all of us” and Afghanistan’s women and girls “deserve no less than our determined and immediate action”.<sup>15</sup>

6. In preparation of this periodic report, the Permanent Mission established a Steering Committee, a Drafting Committee and an Advisory Committee. Working Groups were divided according to thematic issues. The Steering Committee held several meetings to coordinate efforts with women human rights defenders and civil society organisations, including women’s groups, for information collection. The Drafting Committee analysed human rights reports, and other sources including, media, academic and policy institutions, and information produced by the Taliban *de facto* authorities. In addition, a survey was conducted to reflect on-the-ground realities and perspectives of the first 16 articles of CEDAW since the 15 August 2021 in Persian (Dari), Pashto, and English, reaching women proportionally across all provinces as well as in the diaspora, and then carefully translated to English. The sense of complete defeat that pervaded each response was palpable, making the realisation of this report’s recommendations urgent and essential. Finally, experts in Afghanistan, gender, international human rights law and practice, as well as related fields were consulted to review the draft.

## **II. Articles 1–16 of the Convention on the Elimination of All Forms of Discrimination against Women**

### **A. Article 1: Discrimination Against Women**

7. The 2004 Constitution was suspended after the military takeover by the Taliban *de facto* authorities. They have since established and institutionalised a “system of

<sup>11</sup> Women Peace and Security Index.

<sup>12</sup> *Special Procedures*.

<sup>13</sup> *UN Experts*.

<sup>14</sup> *Volker Türk*.

<sup>15</sup> *Michelle Bachelet*.

discrimination, segregation, disrespect for human dignity and exclusion,” which is “pervasive and methodical”.<sup>16</sup> The institutionalised system of oppression is “underpinned and sustained through the choreographed deprivation of human rights”.<sup>17</sup> These include: “the right to life, liberty and security of person; the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; the right not to be subjected to arbitrary arrest or detention; the right not to be held in slavery; the right not to be subjected to arbitrary interference with privacy and family; the right to the highest attainable standard of physical and mental health; the right to adequate food; the right to water and sanitation; the right to education; the right to take part in cultural life; the right to equality before the law; and the right to equal protection against discrimination,” resulting in a situation where, today in Afghanistan, as a survey respondent expressed: “*a woman is someone who has no rights*”.<sup>18</sup> According to the Special Rapporteur: “Each deprivation systematically informs and interacts with others, creating a mutually reinforcing architecture of oppression”.<sup>19</sup> It is “so severe and extensive...that they appear to form a widespread and systematic attack which may amount to crimes against humanity”.<sup>20</sup> The “attack is not only ongoing, it is intensifying”.<sup>21</sup> As asserted by the High Commissioner for Human Rights: the “level of oppression...is immeasurably cruel”.<sup>22</sup> According to a survey respondent: “*We are facing a crisis in all respects*”.<sup>23</sup>

8. The Working Group on discrimination against women and girl asserted that the “pattern of large-scale systematic violations of [Afghanistan’s] women’s and girls’ fundamental rights by the discriminatory and misogynistic edicts, policies and harsh enforcement methods of the Taliban, constitutes an institutionalised framework of apartheid based on gender, and merits an unequivocal response”.<sup>24</sup> The UN Secretary-General Antonio Guterres also underlined that: “...unprecedented, systemic attacks on women’s and girls’ rights are creating gender-based apartheid”.<sup>25</sup> The Special Rapporteur “is firmly of the view that gender apartheid most fully encapsulates the institutionalized and ideological nature of the abuses in question”.<sup>26</sup> As one respondent described, “*gender apartheid has reached its peak, and the discrimination women face in Afghanistan is unparalleled globally*”.<sup>27</sup> According to the Working Group, “Gender apartheid is not merely a theoretical possibility or legal construct, but a real threat and lived reality”.<sup>28</sup> Calling for the inclusion of gender apartheid as a crime against humanity under Article 2 of the draft articles on the prevention and punishment of crimes against humanity, the Working Group emphasised that the “Taliban’s rule makes codifying gender apartheid in international law particularly urgent, as it would allow the international community to better identify and address

<sup>16</sup> [A/HRC/56/25](#), The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls – Report of the Special Rapporteur on the situation of human rights in Afghanistan, para. 14 [hereinafter [A/HRC/56/25](#)].

<sup>17</sup> [A/HRC/56/25](#), para. 20.

<sup>18</sup> [A/HRC/56/25](#), para. 63; Survey.

<sup>19</sup> [A/HRC/56/25](#), para. 14.

<sup>20</sup> *UN News*; See also, *UN Experts*; *International Commission of Jurists*, *Amnesty International* (“As this report explains, the weight of evidence suggests that these egregious human rights violations may amount to the crime against humanity of gender persecution.”) [hereinafter ICJ Amnesty].

<sup>21</sup> *Special Procedures*.

<sup>22</sup> *Volker Türk*.

<sup>23</sup> Survey.

<sup>24</sup> *WG on discrimination against women and girls*.

<sup>25</sup> *Secretary-General’s remarks*; See also, Karima Bennouna, *Columbia Human Rights Law Review*, P. 85.

<sup>26</sup> [A/HRC/56/25](#), para. 94.

<sup>27</sup> Survey.

<sup>28</sup> *WG on discrimination against women and girls*.

the regime's attacks on [Afghanistan's] women and girls for what they are".<sup>29</sup> The High Commissioner expressed his "support for efforts to codify gender apartheid as a crime against humanity, to broaden individual accountability for the full range of gender-based violations we are witnessing today".<sup>30</sup>

9. The impact of this systematic, institutionalised discrimination is "a profound rejection of the full humanity of women and girls".<sup>31</sup> According to the High Commissioner: "This repressive control over half the population in the country...is a fundamental rupture of the social contract".<sup>32</sup> The High Commissioner said: "This is self-harm on a national scale, which will have a catastrophic and inter-generational impact on the country's prospects for peace and sustainable development".<sup>33</sup> Moreover, the "most profound harms may be transgenerational," as new generations will be "severely affected".<sup>34</sup> If it remains unaddressed, it will become "more robust,...creating risks that the international community has not yet fully grasped".<sup>35</sup> UN Experts have called for "a robust and coordinated effort to challenge and dismantle the Taliban's institutionalised system of gender oppression and dehumanisation of women and girls," emphasizing that "UN Member States must not allow the ongoing situation to become a 'new normal'".<sup>36</sup> According to the Special Rapporteur, women "have shown tremendous bravery and determination in the face of Taliban oppression. The international community must match this with protection and solidarity, including decisive and principled action, which places human rights front and centre".<sup>37</sup> The High Commissioner has emphasised that in the international response, "Victims and survivors must be at the centre, particularly women, girls, but also members of vulnerable and marginalized groups".<sup>38</sup>

10. The Special Rapporteur urged "an 'all tools' approach to challenge and dismantle the Taliban's institutionalised system of gender oppression and to hold those responsible to account," which "includes the use of international accountability mechanisms such as the International Criminal Court and the International Court of Justice, as well as pursuing cases at the national level under the principle of universal jurisdiction".<sup>39</sup> According to the High Commissioner, "Such a tyranny must not escape accountability".<sup>40</sup> The Special Rapporteur and Working Group on discrimination against women and girls considered "on the basis of information received, including first-hand accounts, that women and girls are being targeted because of their sex and due to the social constructs used to define gender roles, behaviour, activities, and attributes".<sup>41</sup> International human rights experts "welcomed the decision by the Prosecutor of the International Criminal Court (ICC) to issue arrest warrants for senior Taliban leaders Haibatullah Akhundzada and Abdul Hakim Haqqani for the crime against humanity of persecution on gender grounds in Afghanistan".<sup>42</sup> They underlined that the Prosecutor is "sending a clear message to the rest of the world that

<sup>29</sup> *Id.*; See also, [A/HRC/WG.11/40/1](#): *WG on discrimination against women and girls*.

<sup>30</sup> *Volker Türk*.

<sup>31</sup> [A/HRC/56/25](#), para. 14.

<sup>32</sup> *Volker Türk*.

<sup>33</sup> *Volker Türk*.

<sup>34</sup> [A/HRC/56/25](#), para. 50.

<sup>35</sup> [A/HRC/56/25](#), para. 19.

<sup>36</sup> *UN Experts*.

<sup>37</sup> *Special Procedures*.

<sup>38</sup> *Volker Türk*.

<sup>39</sup> *Special Procedures*.

<sup>40</sup> *Volker Türk*.

<sup>41</sup> *Special Procedures*.

<sup>42</sup> *Human Rights Experts*.

the discriminatory and misogynistic policies being enforced in Afghanistan are not only unacceptable but may constitute serious crimes under international law”.<sup>43</sup>

11. With their gender-based differential treatment of women and men; patterns of belief and systematic practices which deny and constrain women’s opportunities and possibilities to realize fully their potential; and the nullification of women’s enjoyment and exercise of the fullest extent of their human rights, culminating in “an institutionalized regime of systematic oppression and domination of women, committed with the intention of maintaining a regime,” or gender apartheid,<sup>44</sup> the Taliban *de facto* authorities have contravened article 1, alongside every subsequent article in the Convention.<sup>45</sup>

## B. Article 2: Policy measures

12. Article 7 of the 2004 Constitution enshrined Afghanistan’s obligation to observe CEDAW.<sup>46</sup> In article 22 of the Constitution, “women and men were guaranteed equal rights”.<sup>47</sup> Women’s rights were also reflected in the Law on the Elimination of Violence against Women (EVAW).<sup>48</sup>

13. In their letter to the Taliban *de facto* authorities, the Committee requested information since 15 August 2021 on the progress of the following issues:

(a) “(a) The measures taken to rehabilitate and provide redress to women and girls who are survivors of gender-based violence”;

(b) “(c) The remedies available to women and girls to claim violations of their rights”; and

(c) “(e) The number of investigations, arrests, prosecutions and convictions of, as well as the sentences or disciplinary measures imposed on, perpetrators, including members of the Taliban, of attacks on women and girls, including women academics, health workers, human rights defenders, judges, media workers and civil servants”.<sup>49</sup>

14. In their response to the letter from the Committee, the Taliban *de facto* authorities stated: “Islamic Emirate is committed and accountable towards everyone’s life, property, honor, and dignity”.<sup>50</sup>

15. However, the Taliban *de facto* authorities have “dismantled the legal and institutional framework and have been ruling through the most extreme forms of misogyny, destroying the relative progress towards gender equality achieved in the past two decades”.<sup>51</sup> They “suspended the 2004 Constitution,” its “equality provision,” and “all domestic legislation,” including abolishing the Law on the Elimination of Violence against Women, “related specialized courts and family response units of the national police,” “*leaving women with no legal recourse*,”

<sup>43</sup> *Id.*

<sup>44</sup> CEDAW General recommendation No. 40, para. 11.

<sup>45</sup> *See also, CEDAW Committee.*

<sup>46</sup> 2004 Constitution.

<sup>47</sup> 2004 Constitution.

<sup>48</sup> Islamic Republic of Afghanistan, Ministry of Justice, Official Gazette, *Law on Elimination of Violence against Women*, Issue No. 989.

<sup>49</sup> Letter.

<sup>50</sup> Information received.

<sup>51</sup> *Special Procedures.*

according to a survey respondent.<sup>52</sup> This includes women with cases before and after 15 August 2021. EVAW units “were mandated to investigate sexual and gender-related crimes,” and “the provincial offices of the Ministry of Women’s Affairs were required to maintain contact with the survivor and the relevant prosecuting authority”.<sup>53</sup> The Ministry of Women’s Affairs, according to a respondent, was “*the main...body supporting women’s rights and gender equality*”.<sup>54</sup> However, the Taliban *de facto* authorities have dismantled the “infrastructure to support survivors, including women’s protection centres, legal assistance, the Ministry of Women’s Affairs, and the Afghanistan Independent Human Rights Commission”.<sup>55</sup>

16. The Taliban *de facto* authorities “have stated on numerous occasions that *Sharia* law is the applicable legal framework in Afghanistan”.<sup>56</sup> They have claimed, “their policies are necessary to comply with the *Sharia*”.<sup>57</sup> Moreover, the “annulment of substantive and procedural legal frameworks lays the groundwork for a broad interpretation of *Sharia* regulations by the Taliban authorities”.<sup>58</sup> According to a survey respondent, implementation is based on “*self-interpreted Sharia*”.<sup>59</sup> According to another: “*There are...no laws ensuring human rights in the country*”.<sup>60</sup> As other respondents have underlined: “*Equality does not exist*”; “*all forms of equality have been eliminated*”; and the “*principle of equality has been abolished*”.<sup>61</sup> According to one respondent, “*women have been left to view these values as...unattainable*”.<sup>62</sup> According to the Committee: “Limiting women and girls’ rights not only hinders their empowerment and contribution towards society, but it is also antithetical to the overall progress, stability and sustainable development of Afghanistan”.<sup>63</sup>

17. The Deputy High Commissioner for Human Rights emphasized the “absence of a justice system that is gender-responsive and accessible to women”.<sup>64</sup> The Taliban *de facto* authorities have “effectively curtailed women’s ability to seek justice, escape abuse and hold perpetrators of violence accountable”.<sup>65</sup> The “lack of a clear and uniform, coherent and predictable legal system...contributes to the perpetuation of violence against women and an absence of accountability for perpetrators”.<sup>66</sup> The Taliban *de facto* authorities have removed all women judges from the bench “(approximately 250, namely, 10 per cent of all judges), replacing them with non-legally qualified mullahs, and have effectively suspended the legal practice licences of all women lawyers after issuing a directive for lawyers to renew their licences but opening the process only to men”.<sup>67</sup> According to a survey respondent: “*no female lawyer appears among the...listed lawyers*”.<sup>68</sup> These measures “exacerbate the legal

<sup>52</sup> [A/HRC/53/21](#), paras. 14 and 80; Presentation in Geneva at the Justice and Accountability Conference in Geneva, Professor Rangita de Silva de Alwis, [hereinafter Presentation]; EVAW Law, Article 7; Survey.

<sup>53</sup> ICJ Amnesty, P. 17.

<sup>54</sup> Survey.

<sup>55</sup> [A/HRC/56/25](#), para. 48; *See also*, EVAW Law, Article 6.

<sup>56</sup> *UNAMA*.

<sup>57</sup> [A/78/338](#), para. 6.

<sup>58</sup> *Kutafin Law Review*.

<sup>59</sup> Survey.

<sup>60</sup> Survey.

<sup>61</sup> Survey.

<sup>62</sup> Survey.

<sup>63</sup> *CEDAW Committee*.

<sup>64</sup> *Deputy High Commissioner*.

<sup>65</sup> [A/HRC/56/25](#), para. 46; *Stories*.

<sup>66</sup> [A/HRC/53/21](#), Situation of women and girls in Afghanistan Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls\*, para. 79 [hereinafter [A/HRC/53/21](#)].

<sup>67</sup> [A/HRC/53/21](#), para. 80.

<sup>68</sup> Survey.

disenfranchisement of women, effectively denying them remedies for violations of their rights”.<sup>69</sup> Women “also face considerable challenges to legal representation and defence before the courts”.<sup>70</sup> As a result, women do not have “any possibility...to seek justice through the judicial system, especially for victims of domestic and family violence”.<sup>71</sup> Women from rural areas have been most affected.<sup>72</sup> Many women lawyers and judges have fled or live in hiding.<sup>73</sup> Not only are “courts and lawyers’ offices physically inaccessible in most of the country,” women lawyers who “continue to provide legal services from their homes” are “prohibited from entering courtrooms in most locations, and are generally afraid for their safety if they do so”.<sup>74</sup> While cases are attempted to be resolved “privately or at the community level,” these “informal justice systems give little space for women’s voice and choice and often result in the revictimization of female victims” and exacerbates “women’s lack of access to justice”.<sup>75</sup> Moreover, the “institutionalization of gender oppression has further legitimized misogynistic attitudes, including in all-male power structures that comprise the informal justice system”.<sup>76</sup>

18. Article 2 is the heart of CEDAW and essential to the full implementation of the Convention. However, with the suspension of the 2004 Constitution and “erasure of both *de facto* and *de jure* equality,” as well as “formal and substantive equality,” the Taliban *de facto* authorities have contravened article 2.<sup>77</sup> The decrees by the Taliban *de facto* authorities constitute a violation of article 2. Furthermore, women’s absence from the legal system and legal profession and “that courts do not function independently and equitably,” not only negatively impacts equality under the law, access to justice, and rule of law, but is also a violation of article 2.<sup>78</sup>

### C. Article 3: Guarantee of basic human rights and fundamental freedoms

19. Before the military takeover of Afghanistan, the Ministry of Women’s Affairs, Afghanistan Independent Human Rights Commission, and “specialized victim support services and accountability mechanisms for gender-based violence” were established.<sup>79</sup>

20. However, the Taliban *de facto* authorities “abolished institutions and mechanisms that promoted gender equality and provided protection against gender-based violence, such as the Afghanistan Independent Human Rights Commission and the Ministry of Women’s Affairs”.<sup>80</sup> Its premises was “taken over by a Ministry for the propagation of Virtue and the prevention of Vice – an all-male office” that restricts women’s rights and fundamental freedoms.<sup>81</sup> They have dismantled “Departments of Women’s Affairs across Afghanistan, gaining access to sensitive files and threatening their personnel”.<sup>82</sup> According to a survey respondent: “*Numerous institutions and projects*

<sup>69</sup> *Yale Journal of International Law*.

<sup>70</sup> *ASG Ilze Brands Kehris*.

<sup>71</sup> [A/HRC/53/21](#), para. 80.

<sup>72</sup> [A/HRC/56/25](#), para. 47.

<sup>73</sup> [A/HRC/53/21](#), para. 85.

<sup>74</sup> [A/HRC/53/21](#), para. 81.

<sup>75</sup> [A/HRC/53/21](#), para. 84.

<sup>76</sup> [A/HRC/56/25](#), para. 47.

<sup>77</sup> Presentation.

<sup>78</sup> Presentation.

<sup>79</sup> [A/HRC/53/21](#), para. 8.

<sup>80</sup> [A/HRC/53/21](#), para. 14.

<sup>81</sup> *Michelle Bachelet*.

<sup>82</sup> *Michelle Bachelet*.



supporting gender equality have ceased operations”.<sup>83</sup> As another respondent said: “all gender-related offices have been eliminated”.<sup>84</sup>

21. Since August 2021, the Taliban *de facto* authorities have issued over 100 decrees that, according to the Committee, have had the effect of “segregating and oppressing women and girls based on misogynistic attitudes, practices and policies, and marginalizing and excluding them from society”.<sup>85</sup> As one respondent said, they are: “effectively erasing women’s rights” and according to another, they have “significantly impacted daily life”.<sup>86</sup> Another described: “after the Taliban’s takeover, ...the Taliban began implementing restrictions on women...They do not consider these restrictions discriminatory but claim them to be part of Islamic law (Sharia)”.<sup>87</sup> According to another: “every new decree attempts to further oppress women”.<sup>88</sup> One “decree is often used to justify the adoption or expansion of another”.<sup>89</sup>

22. The edicts, decrees, declarations and directives have been “announced to the public in a multitude of ways: in official instructions issued by central and provincial authorities, in speeches by officials and via social and mainstream media”.<sup>90</sup> However, they “often lack specifics, such as definitions or details about implementation and punishment for contraventions, leading to a climate of legal uncertainty and fear”.<sup>91</sup> The so-called ‘Attorney General’s Office’ and the so-called ‘Ministry for the Propagation of Virtue and Prevention of Vice’ are responsible for monitoring “the implementation of the edicts”.<sup>92</sup> The so-called ‘General Directorate of Intelligence’ enforces them by “arresting, detaining, interrogating and...reportedly torturing individuals suspected of contravening the edicts”.<sup>93</sup> According to a respondent: “Sadeq Akif Mohajer, the spokesperson for this ministry, said in an interview...that the Ministry for Promotion of Virtue and Prevention of Vice is the ‘most important’ ministry and holds a higher status than the Ministry of Interior and Defense”.<sup>94</sup> Individuals also “self-censor to avoid punishment by individual Taliban officers who have their own understanding of the restrictions and punishments for perceived transgression”.<sup>95</sup>

23. The Taliban *de facto* authorities “perpetuate the most extreme forms of gender-based discrimination...through restrictive edicts targeting women and girls, the abolition of legal protections and accountability mechanisms for gender-based violence, and the ongoing denial of rights”.<sup>96</sup> Taken together, “the edicts significantly limit women’s and girls’ ability to engage in society”.<sup>97</sup>

24. Article 3 links the full development and advancement of women with the exercise and enjoyment of their human rights, providing a basis for structural, transformative change in women’s lives. Yet, the Taliban *de facto* authorities have completely contravened article 3 with the issuance of over 100 edicts across all fields. In addition, “the totality of the chilling edicts...targeting women and girls...rises to

<sup>83</sup> Survey.

<sup>84</sup> Survey.

<sup>85</sup> *USIP; CEDAW Committee.*

<sup>86</sup> Survey; *See also, Deputy High Commissioner.*

<sup>87</sup> Survey.

<sup>88</sup> Survey.

<sup>89</sup> UN Women, P. 02.

<sup>90</sup> [A/HRC/53/21](#), para. 19.

<sup>91</sup> [A/HRC/53/21](#), para. 23.

<sup>92</sup> [A/HRC/53/21](#), para. 19.

<sup>93</sup> [A/HRC/53/21](#), para. 19.

<sup>94</sup> Survey.

<sup>95</sup> [A/HRC/53/21](#), para. 23.

<sup>96</sup> [A/HRC/53/21](#), para. 16.

<sup>97</sup> [A/HRC/53/21](#), para. 22.

the level of Gender Apartheid. On an infinitely larger scale than gender persecution – this is an institutionalized regime of oppression”.<sup>98</sup>

#### D. Article 4: Temporary special measures

25. According to a survey respondent: “Since August 15, 2021, the Taliban have dismantled all measures and programs aimed at eliminating gender-based prejudices and promoting equality”.<sup>99</sup> According to another: “the Taliban abolished temporary special measures previously adopted to accelerate gender equality in Afghanistan. These measures included gender quotas in education and employment, support for women in leadership positions, and laws promoting women’s rights”.<sup>100</sup> According to another: “many temporary special measures aimed at achieving gender equality were abolished or rendered ineffective”.<sup>101</sup>

26. Article 4 “goes to the heart of substantive equality and calls for temporary special measures or affirmative action quotas to address a legacy of discrimination against women and equalize the political playing field for women”.<sup>102</sup> However, the “roll back of the parliamentary quota” reflected in article 83 the 2004 Constitution is a violation of article 4 of the Convention.<sup>103</sup>

#### E. Article 5: Stereotypes and cultural practices

27. In their response to the request from the Committee for information on the situation of women and girls in Afghanistan since 15 August 2021, the Taliban *de facto* authorities wrote: “Amir-ul-Mominin [Haibatullah Akhundzada] issued a special decree one women on 28/1/1443 which protects all the rights of women and girls which will be in line with Islamic *Sharia* and Afghan society”.<sup>104</sup>

28. However, the Taliban *de facto* “impose certain interpretations of religion that appear not to be shared by the vast majority” of the people of Afghanistan.<sup>105</sup> Members of the Taliban *de facto* authorities themselves appear to be divided.<sup>106</sup> In addition, “some scholars have questioned whether the type of gender discriminatory segregation policies at issue in Taliban Afghanistan are truly religious in origin”.<sup>107</sup> According to one survey respondent: it “has no real connection to Islam”.<sup>108</sup> According to another: “The Taliban’s specific interpretation of *Sharia* law has restricted women’s access to equal rights”.<sup>109</sup> Another described that: “books on women’s rights in Islam were confiscated”.<sup>110</sup> Moreover, there are “interpretations of Islam and of *Sharia* that differ dramatically from that of the Taliban, in that they recognize and support women and girls’ rights, and prominent Muslim entities,

<sup>98</sup> Presentation; *See also*, Rangita de Silva de Alwis, *Cambridge University Press on behalf of the German Law Journal*.

<sup>99</sup> Survey.

<sup>100</sup> Survey.

<sup>101</sup> Survey.

<sup>102</sup> Presentation.

<sup>103</sup> Presentation.

<sup>104</sup> Information received.

<sup>105</sup> *Special Procedures*.

<sup>106</sup> *The Telegraph*.

<sup>107</sup> Karima Bennoune, *Columbia Human Rights Law Review*; *See also*, *Islamabad Declaration on Girls’ Education in Muslim Communities*.

<sup>108</sup> Survey.

<sup>109</sup> Survey.

<sup>110</sup> Survey.

including the multilateral Organization for Islamic Cooperation have condemned Taliban policies”.<sup>111</sup>

29. Fundamentalist religious beliefs have damaging effects and the Taliban *de facto* authorities often invoke “[f]allacious interpretations of religion” to “justify discrimination and violent practices against women and girls”.<sup>112</sup> The Chair of the UN Working Group on discrimination against women and girls has expressed concern “about the invocation of culture and religion to justify discrimination and violent practices against women and girls and deny them access to education”.<sup>113</sup>

30. Women are “not viewed as equal with men in the interpretation of cultural values”.<sup>114</sup> According to UN experts “every aspect” of the lives of Afghanistan’s women “is being restricted under the guise of morality and through the instrumentalization of religion”.<sup>115</sup> According to a survey respondent: “*Currently, women lack ownership over any aspect of life*”.<sup>116</sup>

31. The core of the systematic discrimination and denial of rights lies “in misogyny that forms an undercurrent in most, if not all, societies, but which is radicalized and institutionalized in a governance project that the Taliban claims to be the unfolding of *sharia* but is unparalleled in other Muslim-majority countries”.<sup>117</sup> Women are being relegated into “increasingly narrow roles where the deep-rooted patriarchy, bolstered and legitimized by Taliban ideology, deems them to belong: as bearers and rearers of children, and as objects available for exploitation, including debt bondage, domestic servitude, sexual exploitation and other forms of unremunerated or poorly remunerated labour”.<sup>118</sup> As one survey respondent said: “*The Taliban view women merely as objects*”.<sup>119</sup> According to another: “*Women are viewed solely as reproductive tools*”.<sup>120</sup> Another respondent conveyed: “*They...say women are not human beings*”.<sup>121</sup> Another respondent revealed: “*All previous efforts to combat discriminatory attitudes, such as educational programs and awareness campaigns, have been terminated*”.<sup>122</sup>

32. Spokesmen of the Taliban *de facto* authorities “have made clear that they are enforcing their interpretation of Islam through the dress regulations”.<sup>123</sup> A spokesman tweeted in response to the arrests of women they were detaining and torturing following a protest against dress-related requirements, that “insulting the religious and national values...is not tolerated anymore”.<sup>124</sup>

33. The Taliban *de facto* authorities have also prevented women “from leaving their home unless accompanied by a *maharam*” and “there are growing indications that the rule effectively restricts any movement of women, regardless of the distance from their household”.<sup>125</sup> The Deputy High Commissioner has deemed the restrictions on movement “excessive and unjustifiable”.<sup>126</sup> A survey respondent said: “*Women and*

<sup>111</sup> MADRE Report, footnote 114.

<sup>112</sup> [A/HRC/53/21](#), para. 68.

<sup>113</sup> *WG on discrimination against women and girls*.

<sup>114</sup> [A/HRC/53/21](#), para. 68.

<sup>115</sup> *Special Procedures*.

<sup>116</sup> Survey.

<sup>117</sup> [A/HRC/56/25](#), para. 17.

<sup>118</sup> [A/HRC/56/25](#), para. 16.

<sup>119</sup> Survey.

<sup>120</sup> Survey.

<sup>121</sup> Survey.

<sup>122</sup> Survey.

<sup>123</sup> MADRE Report, P. 40.

<sup>124</sup> MADRE Report, P. 47.

<sup>125</sup> [A/HRC/53/21](#), para. 54; *UN Women*; *UNAMA*, P. 32; ICJ Amnesty.

<sup>126</sup> *Deputy High Commissioner*.

girls are confined within the four walls of their homes”.<sup>127</sup> Another respondent said: “Afghanistan has become a prison for its women”; according to another “both mentally and physically”.<sup>128</sup> Across Afghanistan, “women report feeling invisible, isolated, suffocated”.<sup>129</sup> UN experts have said: “Confining women to their homes is tantamount to imprisonment”.<sup>130</sup>

34. Relevant decrees include:

(a) “Instructing drivers (men) not to accept to drive women without “proper *hijab*” or to women without a *maharam* for travel more than 72 kilometres”;<sup>131</sup>

(b) “Banning women from boarding domestic and international flights without a *maharam*”<sup>132</sup>; and

(c) “Requiring women to observe “proper *hijab*”, preferably by wearing a *chadari* (a non-fitted black garment with face covering) or not leaving the home without a reason (“the first and best form of observing *hijab*”)”.<sup>133</sup>

35. These decrees “prescribed criminal punishments, including for male family members of women found without *hijabs* in public, reflecting a diminished view of women and girls’ agency and encouraging male relatives’ control over them”.<sup>134</sup> Men who are traveling with women “are required to prove that they are related to the woman by showing the couple’s marriage certificate, or an identification card if the man and woman are otherwise related”.<sup>135</sup> The risk of “enforcement of punishment on men for the conduct of women and girls” has resulted in the normalisation of “discrimination and violence against women and girls”.<sup>136</sup>

36. Evidence reveals “any public appearance without a *mahram* exposes women to the risk of punishment”.<sup>137</sup> According to a survey respondent: “Women who violate these rules face physical punishments”.<sup>138</sup> Women have also been “threatened with imprisonment if they left their home without a *maharam*,” which is “enforced at checkpoints,” with women denied passage if they are without a *maharam*.<sup>139</sup> UNAMA has “reported incidents of torture and other ill-treatment and arbitrary arrest or detention related to women’s failure to comply with dress codes”.<sup>140</sup> Moreover, “[overenforcement]...has led to arrest and detention of women and girls”.<sup>141</sup> The human rights of detainees “must be respected, in particular the right to be informed of the reason for their arrest at the time of their arrest, the right to be promptly informed of any charges against them, as well as the right of access to family members and to legal representation”.<sup>142</sup> However, women were “reportedly held in overcrowded spaces in police stations, received only one meal a day, with some of them being subjected to physical violence, threats and intimidation” and legal “representation and access to justice or reparation was not availed to them”.<sup>143</sup> It is “not known how many

<sup>127</sup> Survey.

<sup>128</sup> Survey.

<sup>129</sup> UN Experts.

<sup>130</sup> *Special Procedures*.

<sup>131</sup> [A/HRC/53/21](#), para. 17; *Republic Media Network*.

<sup>132</sup> [A/HRC/53/21](#), para. 17.

<sup>133</sup> [A/HRC/53/21](#), para. 17; Ministry of Virtue and Vice, Decree of 7 May 2022.

<sup>134</sup> *MADRE Report*, P. 47.

<sup>135</sup> [A/HRC/53/21](#), para. 54.

<sup>136</sup> [A/HRC/53/21](#), para. 20.

<sup>137</sup> ICJ Amnesty.

<sup>138</sup> Survey.

<sup>139</sup> [A/HRC/53/21](#), para. 54.

<sup>140</sup> *Report of the Secretary-General*, para. 40.

<sup>141</sup> [A/HRC/56/25](#), para. 36.

<sup>142</sup> *OHCHR*.

<sup>143</sup> *UN Experts*.

are still detained”.<sup>144</sup> According to international human rights experts, the enforcement “perpetuates an institutionalised system of discrimination, control of women and girls, and further diminishes their place in society”.<sup>145</sup>

37. A survey respondent said: “*Women fear leaving their homes as they are subjected to beatings in public spaces*”.<sup>146</sup> Some families have restricted movement or women and girls stay indoors “to reduce the risk of contact with the Taliban and its supporters”.<sup>147</sup>

38. Unfortunately, “[many] women do not have a *maharam* who can accompany them,” as a result of a history of war and conflict, which has had the effect of “hindering their access to essential services”.<sup>148</sup> The “ban on travel without a close male family member (a *mahram*) severely hinders women from accessing healthcare, particularly sexual and reproductive health care, livelihood and humanitarian aid, and their ability to seek protection and justice or escape from abusive relationships”.<sup>149</sup>

39. The *maharam* and “proper *hijab*” requirements violate the rights to “freedom of expression,” freedom of association and “freedom of movement” and “are inherently discriminatory, humiliating and derogatory”.<sup>150</sup> These requirements “rob women of their bodily autonomy” and ensure male control over their agency, which impacts every article of the Convention.<sup>151</sup> They are “manifestations of stereotypical notions of men’s superiority and are a blatant violation of women’s and girls’ right to equality”.<sup>152</sup> One respondent underlined the “*superiority-based ideologies*” of the Taliban *de facto* authorities, which another said, “*perpetuates male dominance*”.<sup>153</sup> According to another: “*These practices reinforce...structural inequalities*”.<sup>154</sup>

40. UN human rights experts have also expressed “profound concern...over the Taliban’s...enactment of the “Law on the Promotion of Virtue and Prevention of Vice” (PVPV law) (published on 21 August 2024) stating it “institutionalises a system of discrimination and oppression amounting to crimes against humanity, including gender persecution”.<sup>155</sup> The law attempts to codify and consolidate several of the prior discriminatory decrees, edicts, and policies, deepening the commitment of the Taliban *de facto* authorities to solidify their intentional institutionalisation.<sup>156</sup> A respondent said: the Taliban *de facto* authorities are “*institutionalizing gender discrimination as official policy*”.<sup>157</sup>

41. Among others in the “long list of repressive provisions that this law imposes on women reinforces a number of existing restrictions that violate their fundamental human rights,” women can be “punished for singing or speaking outside their homes”.<sup>158</sup> Now, according to a survey respondent, “*singing is considered forbidden for women, and their voices are labeled as inappropriate*”.<sup>159</sup> Following this restriction, a 16 year-old girl wrote: “The Taliban has taken away our right to speak.

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> Survey.

<sup>147</sup> [A/HRC/56/25](#), para. 36.

<sup>148</sup> [A/HRC/53/21](#), para. 54; [A/HRC/56/25](#), para. 35.

<sup>149</sup> *ASG Ilze Brands Kehris*.

<sup>150</sup> [A/HRC/53/21](#), para. 52; Presentation.

<sup>151</sup> Presentation.

<sup>152</sup> [A/HRC/53/21](#), para. 53.

<sup>153</sup> Survey.

<sup>154</sup> Survey.

<sup>155</sup> *UN Human Rights Experts*; See Translation of PVPV Law.

<sup>156</sup> *UN Women*.

<sup>157</sup> Survey.

<sup>158</sup> *UN Human Rights Experts*; *OHCHR*; See Article 13, PVPV Law.

<sup>159</sup> Survey.

They have taken our right to be heard...But they cannot take our pens...With my pen...I will tell the world: I am here, we are here. Our voice, the voice of hope, the voice of freedom, the voice of peace, will not be silenced”.<sup>160</sup>

42. The law also “includes the requirement to wear clothes that completely cover their bodies from head to toe, including their faces” and “a ban for transport providers on transporting women unless they are accompanied by a male relative”.<sup>161</sup>

43. Some restrictions in the PVPV law “are vaguely defined” and “affect other human rights, such as the right to freely practice one’s religion”.<sup>162</sup> This can result in an arbitrary application of the law. Additionally, the law “further tightens the grip on the media sector, with a ban on publishing images of human beings”.<sup>163</sup>

44. The law “cements policies that completely erase women’s presence in public – silencing their voices, and depriving them of their individual autonomy, effectively attempting to render them into faceless, voiceless shadows”.<sup>164</sup> A recent survey of over 7,000 women by Bishnaw reveals the significant negative impact of the law on women and their communities.<sup>165</sup> According to responses to a question by DROPS of the impact of the law “This law...is suffocating for us”; “our biggest concern is...losing our freedom”.<sup>166</sup>

45. The effect of the PVPV law is that “the Taliban’s morality inspectors have extensive authority to arbitrarily detain and punish individuals, including physically, for so-called moral crimes, based on suspicion, without any requirement for evidence or due process, with ordinary citizens encouraged to report transgressions”.<sup>167</sup> According to Rawadari, since the announcement of the law, “there is increased fear and compliance with the Taliban’s repressive restrictions”.<sup>168</sup> There have also been credible reports of more severe enforcement of the law than prior restrictive measures by the Taliban *de facto* authorities. According to the Special Rapporteur, the law “reinforces the Taliban’s institutionalised system of sex and gender discrimination, segregation, and oppression – in short, gender persecution, a crime against humanity - and impacts almost the entire population. Unaddressed, the repercussions will shape future generations”.<sup>169</sup> He urged “Member States to identify survivor-centred and gender-responsive pathways to justice in addition to strengthening existing mechanisms so that the situation in the country receives a response that is proportionate to its gravity”.<sup>170</sup>

46. Because of the reliance on culture and religion by the Taliban *de facto* authorities to “justify different forms of discrimination against women, women are seen not as victims or survivors, but as persons who ‘violate’ cultural rules and norms”.<sup>171</sup> Crucially, “cultural or religious customs and traditions cannot...justify violations of human rights...discrimination or violence, and cannot be used to legitimize exclusion”.<sup>172</sup> In particular, “gender stereotypes cannot be used as justification or rationalisation for direct discrimination against women,” and hinder

<sup>160</sup> *Rukshana Media*.

<sup>161</sup> *OHCHR*; See Article 13 and Article 20, PVPV Law.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*; See Article 17, PVPV Law.

<sup>164</sup> *Id.*

<sup>165</sup> *Bishnaw*.

<sup>166</sup> *DROPS*.

<sup>167</sup> *UN Human Rights Experts*.

<sup>168</sup> *Rawadari*.

<sup>169</sup> *Special Procedures*.

<sup>170</sup> *Id.*

<sup>171</sup> *A/HRC/53/21*, para. 68.

<sup>172</sup> *A/HRC/56/25*, para. 18; See also, Declaration on the Elimination of Violence against Women, art. 4.

women's equality and dignity.<sup>173</sup> In addition, the freedom of religion or belief “should never be misused to discriminate against women and girls”.<sup>174</sup> As the Assistant Secretary-General for Human Rights has asserted: “We cannot stand by in the face of this misuse of religion, instrumentalized by the Taliban to systematically oppress and discriminate against women and girls”.<sup>175</sup>

47. Additionally, “traditional, historical, religious or cultural attitudes are not to be used to justify violations of the right to equality before the law and to equal enjoyment of all human rights”.<sup>176</sup> Furthermore, the importance of “national and regional particularities and various historical, cultural and religious backgrounds” does not diminish the duty to “promote and protect all human rights and fundamental freedoms,” which was emphasised during the 51st Regular Session of the Human Rights Council, despite efforts by China and other States to propose amendments to Resolution 51/20.<sup>177</sup>

48. The “principles of equality and nondiscrimination and respect for women's dignity clearly prevail over claims about the values, culture, or tradition”.<sup>178</sup> The Committee itself has argued that “cultural characteristics could not be allowed to undermine the principle of the universality of human rights, which remained inalienable and non-negotiable, nor to prevent the adoption of appropriate measures in favor of women”.<sup>179</sup> Furthermore, “‘cultural rights are not a justification for violations of human rights or attacks on universality,’ and are to be respected within the broader human rights framework”.<sup>180</sup> Cultural rights, are rather, “‘transformative rights’ which can help secure other human rights”.<sup>181</sup> Culture can serve as a “positive vehicle for influencing the advancement of women...and to promote respect for women”.<sup>182</sup> The Chair of the UN Working Group on discrimination against women and girls also emphasised that: “Recognition of the universality, interdependence, and indivisibility of women's and girls' human rights in all spheres is key to achieving full and lasting equality, justice, and peace”.<sup>183</sup>

49. Article 5 calls for “deep-rooted change” to overcome “[culturally] inscribed ideas about the inferiority of women, gender stereotypes, and traditional gender roles” that “lie at the root of many forms of exclusion, oppression, and violence against women”.<sup>184</sup> The “harmful traditional practices, including the mahram law, the guardianship edicts, the husband obedience edicts have the impact of reproducing

<sup>173</sup> Commentary, PP. 231, P. 236.

<sup>174</sup> [A/HRC/53/21](#), para. 69.

<sup>175</sup> *ASG Ilze Brands Kehris*.

<sup>176</sup> [A/HRC/56/25](#), para. 18.

<sup>177</sup> [A/HRC/53/21](#), para. 69; *See also*, Vienna Declaration and Programme of Action (“While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms...The human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.”); Extranet, 51st Session of the HRC.

<sup>178</sup> The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol A Commentary, Second Edition, (Edited by Patricia Schulz, Ruth Halperin-Kaddari, Beate Rudolf, and Marsha A. Freeman) (Oxford University Press), P. 237 [hereinafter, Commentary].

<sup>179</sup> Commentary, PP. 141, 159.

<sup>180</sup> Karima Bennoune, *Columbia Human Rights Law Review*.

<sup>181</sup> *Id.*

<sup>182</sup> Commentary, P. 236.

<sup>183</sup> *WG on discrimination against women and girls*.

<sup>184</sup> Commentary, P. 222.

women's second-class citizenship" and the edict, "which represent women's voices as sinful, is a grave violation of the CEDAW's Article 5".<sup>185</sup> The structural, systematic patriarchal attitudes, entrenched cultural stereotypes and prejudice that subordinate women, creating challenges to the elimination of discrimination and violence against women across Afghanistan, must be addressed through what the Committee has called "a transformative approach, promoting gender equality and the empowerment of women".<sup>186</sup>

## F. Article 6: Trafficking and exploitation

50. The worsening economic crisis, climate crisis, and increasing poverty and food insecurity combined with the environment of growing restrictions on women, has led to "economic pressures" which are "driving harmful, discriminatory and/or violent practices, such as...sale of children and body organs, child labour (including begging), [and] trafficking".<sup>187</sup> Additionally, "indicators suggest significant risks, particularly regarding trafficking for the purposes of forced marriage, domestic servitude and sexual exploitation, and the recruitment and use of children as a form of trafficking".<sup>188</sup> Factors contributing to increased risks of trafficking in children include "the denial of access to education" and "limited capacity for child protection".<sup>189</sup> Moreover, "[women-headed] households and widows are also at risk".<sup>190</sup>

51. Women continue to face intensified vulnerabilities to exploitation, without support networks, with IDPs, returnees, undocumented migrants, and refugees remaining at the highest risk. States that have announced that gender alone would be considered sufficient for granting refugee status to Afghanistan's women should also create and facilitate safe pathways and disseminate information about each process to help prevent a worse proliferation of harmful practices.<sup>191</sup>

52. With the rise in trafficking, article 6 has therefore been violated.

## G. Article 7: Political and public life

53. Before the military takeover, women could hold "parliamentary seats, ministerial and diplomatic posts and senior offices, including as judges and chairs of independent commissions" and "women comprised 27 per cent of members in the lower house of parliament, 22 per cent in the upper house, and 30 per cent in the civil service".<sup>192</sup> Women had "accounted for more than 30 per cent of voters between 2004 and 2019".<sup>193</sup> Afghanistan had adopted Security Council Resolution 1325 (2000) on women, peace and security and developed a relevant national action plan in 2015 and a second national action plan in 2019.<sup>194</sup>

54. In their letter to the Taliban *de facto* authorities, the Committee requested information since 15 August 2021 on the following issues:

<sup>185</sup> Presentation.

<sup>186</sup> CEDAW General recommendation No.38, para. 49.

<sup>187</sup> A/HRC/53/21, para. 72; Presentation.

<sup>188</sup> A/HRC/56/25, para. 96.

<sup>189</sup> A/HRC/56/25, para. 96.

<sup>190</sup> A/HRC/56/25, para. 96.

<sup>191</sup> *Al Jazeera*.

<sup>192</sup> A/HRC/53/21, paras. 8 and 25.

<sup>193</sup> A/HRC/53/21, para. 28; WILPF.

<sup>194</sup> A/HRC/53/21, para. 9; *Treaty Bodies*.



(a) “(d) The measures taken to lift the restrictions on women’s and girls’ rights to freedom of movement, peaceful assembly and expression...and their right to participate in political and public life”;

(b) “(f) The steps taken to include women in the governance structures at the national and provincial levels in line with United Nations Security Council resolutions 2593 (2021) and 2596 (2021), emphasizing the importance of the establishment of an inclusive and representative government and women’s full, equal and meaningful participation in political and public life, and upholding human rights, including for women, children and minorities”.<sup>195</sup>

55. In their response, the Taliban *de facto* authorities asserted the following:

(a) “The presence of Westerners and the destruction of women’s rights: Western countries repeatedly stated that they came here to support Afghan women, but slowly and gradually this issue disappeared. The international community thought that they had two or three women representatives in the cabinet, but they took everything away from Afghan women. Their situation in all areas such as health, education and training, employment, freedom from violence, legal equality and political participation was very heartwarming/encouraging and many women lost their civil and status rights to find a job”;

(b) “All ministries and government directorates’ female workers are receiving their salaries at home from relevant ministries on monthly basis. Those ministries and organizations female workers start working like before from their duty station/ministries who has number of female clients visiting those organizations”;

(c) “Ministry of Labor and Social Affairs reported that for now, 2,022 women employees in different departments of the Ministry of Interior are actively performing duties and are enjoying all the privileges that are given to an employee by the government”.<sup>196</sup>

56. However, on the third year anniversary of the military takeover, UN experts reported that, “women and girls, have been subjected to an appalling and intensifying attack on their rights and freedoms by a regime that lacks legitimacy and inclusivity, quashes all forms of dissent, represses civil society and the media, and has shown a flagrant disregard for the principles of justice, non-discrimination, equality, and the rule of law”.<sup>197</sup> The objective of violence against women in politics is “to discourage and restrict their political participation as individual women and as a group and to prevent them from exercising their human rights”.<sup>198</sup> According to the Deputy High Commissioner, the “removal of women from public office further impacts the ability of women and girls to be seen and heard, and to participate in decision making processes that directly impact their lives”.<sup>199</sup>

57. On 31 August 2021, the so-called ‘Deputy Minister of Foreign Affairs’ announced that “no women would occupy top leadership positions in a Taliban government”.<sup>200</sup> The “so-called caretaker cabinet” included “no women”.<sup>201</sup> Sayed Zekrullah Hashimi, a spokesperson said: “There is no need for women to be in the cabinet... You are burdening her with something that she is unable to carry out, she is not capable. What useful thing can come out of that?”.<sup>202</sup> While female government

<sup>195</sup> Letter.

<sup>196</sup> Information received.

<sup>197</sup> *UN Experts*.

<sup>198</sup> *UN Human Rights Experts*.

<sup>199</sup> *Deputy High Commissioner*.

<sup>200</sup> *A/HRC/53/21*, para. 24.

<sup>201</sup> *Michelle Bachelet; UNAMA*, p. 31.

<sup>202</sup> *MADRE Report*, P. 19; *CNN*.

employees were directed to stay at home (with a few exceptions), many former female government officials have fled the country or continue to live in fear.<sup>203</sup> According to one survey respondent: “*we have been dismissed from our positions*”.<sup>204</sup> Another respondent said: “*At present, there are no women in any significant or senior decision-making positions*”.<sup>205</sup> No women currently hold “public or political office”.<sup>206</sup>

58. The “abolition of legislative bodies and the Ministry for Women’s Affairs eliminated women’s representation and their access to decision-making, and effectively their right to political participation”.<sup>207</sup> According to a survey respondent: “*governance has become...gender-exclusive*”.<sup>208</sup> According to the results of country-wide consultations by UN Women and IOM, “the exclusively male *de facto* authorities continue to ignore women’s needs and perspectives in decision-making”.<sup>209</sup>

59. Women are now fully “excluded from political and public life”.<sup>210</sup> A survey respondent said: “*There is no...political life*” and another said: “*Women have been completely removed from the political sphere*”.<sup>211</sup> According to more respondents: “*Women are absent from all parts of society*”; “*women have been completely excluded from society*”; “*women have been completely marginalized*”.<sup>212</sup>

60. According to UN Experts: “In the absence of an inclusive and representative government, the prospects for long-lasting peace, reconciliation and stability will remain minimal”.<sup>213</sup> A government in Afghanistan “must remain inclusive – with meaningful participation of women, and representation of Afghanistan’s diverse communities – to help in beginning to build confidence, and ensure a future in which all have an equal stake”.<sup>214</sup>

61. Soon after the military takeover, in August and September 2021, “women and girls in Afghanistan carried out several protests to defend their rights”.<sup>215</sup> Across Afghanistan, women continue to bravely lead countless peaceful demonstrations in response to restrictions on their rights, their rights to education, work, participation in public life and freedom of movement and expression.<sup>216</sup>

62. After the military takeover by the Taliban *de facto* authorities, its so-called “Interior Ministry’s first official decree targeted women’s protests”.<sup>217</sup> The relevant decree banned: “unapproved demonstrations and requiring prior authorization for protests’ slogans and chants”.<sup>218</sup> The Taliban *de facto* authorities warned that anyone who did not comply with this restriction would face “severe legal consequences”.<sup>219</sup> Moreover, “they have refused to grant any permits for women-led protests,” making it “clear that the decree is aimed in significant part at preventing women’s rights protests”.<sup>220</sup>

<sup>203</sup> A/HRC/53/21, para. 25; A/HRC/57/22, para. 7.

<sup>204</sup> Survey.

<sup>205</sup> Survey.

<sup>206</sup> A/HRC/53/21, para. 24.

<sup>207</sup> A/HRC/53/21, para. 26.

<sup>208</sup> Survey.

<sup>209</sup> UN Women, IOM, UNAMA, P. 4.

<sup>210</sup> A/HRC/53/21, para. 24.

<sup>211</sup> Survey.

<sup>212</sup> Survey; *See also, Security Council.*

<sup>213</sup> *Special Procedures.*

<sup>214</sup> *Michelle Bachelet.*

<sup>215</sup> *Amnesty International*, p. 3.

<sup>216</sup> MADRE Report, P. 25; A/HRC/53/21, para. 29; *Freedom Now.*

<sup>217</sup> MADRE Report, P. 24.

<sup>218</sup> MADRE Report, P. 24; A/HRC/53/21, para. 29; UNAMA, p. 24 (*referring to X Post*).

<sup>219</sup> MADRE Report, P. 24.

<sup>220</sup> MADRE Report, P. 25; *OHCHR.*

63. Women “have the equal right to demonstrate peacefully without fear of reprisal, to speak openly about the problems in society, and to have a genuine, meaningful seat at the table to craft solutions that reflect and respond also to their realities and demands”.<sup>221</sup> According to the most recent former High Commissioner: “Women’s participation in public life, decision-making and the civic space must be meaningful and equal to that of men”.<sup>222</sup> Yet despite that “the role of women journalists and women human rights defenders have become even more crucial,” the edicts by the Taliban *de facto* authorities have had the most chilling effect on women human rights defenders and women journalists.<sup>223</sup> According to one survey respondent: “*The right to protest and demonstrate, mentioned in Article 36 of the previous constitution, is now prohibited*”.<sup>224</sup> According to another: “*women...have no right to...speak up*”.<sup>225</sup> According to another respondent: “*they are not only ignored but also suppressed by the Taliban*”.<sup>226</sup>

64. No individual “should be detained for speaking out in defence of their fundamental rights and the rights of others”.<sup>227</sup> Moreover, arrest or detention “as punishment for the legitimate exercise of fundamental rights, such as the rights to freedom of opinion and expression, is arbitrary under international human rights law”.<sup>228</sup> Yet, according to a survey respondent, “*Female protesters face arrest, torture, and even death*”.<sup>229</sup> Protests were often responded to “with excessive use of force, intimidation, arrest, arbitrary detention...ill-treatment,” and “enforced disappearance”.<sup>230</sup> Women protestors interviewed by Amnesty International revealed: “Violent methods used against women during protests include beating with pipes, whips or stocks of weapons; shocks with electroshock weapons; and directing tear gas and other chemical sprays at protesters”.<sup>231</sup> International human rights experts have “received numerous credible reports of Taliban officers brutally beating, arbitrarily arresting and detaining women protesters, many of whom have been later released upon guarantees to cease their activism and remain silent about their treatment, as well as payments”.<sup>232</sup> In detention, women protestors experienced “additional rights violations ranging from inadequate access to food, water, ventilation, sanitary products, and medical care to severe beatings and physical and psychological torture”.<sup>233</sup> Several had been “held incommunicado, and denied multiple due process rights”.<sup>234</sup> In one instance, involving the detention of women human rights defenders, they were not “charged with a crime or brought before a court,” nor had they “been granted access to legal representation”.<sup>235</sup> Some women “were beaten so hard in detention they continued to suffer health complications after release”.<sup>236</sup> The Special Rapporteur has also “received information regarding torture and sexual

<sup>221</sup> Michelle Bachelet.

<sup>222</sup> Michelle Bachelet.

<sup>223</sup> ASG Ilze Brands Kehris.

<sup>224</sup> Survey.

<sup>225</sup> Survey.

<sup>226</sup> Survey.

<sup>227</sup> OHCHR.

<sup>228</sup> OHCHR.

<sup>229</sup> Survey.

<sup>230</sup> A/HRC/53/21, para. 29; A/HRC/56/25, para. 42; UNAMA, p. 24; *Report of the Secretary-General*, para. 37.

<sup>231</sup> ICJ Amnesty; *Amnesty International Report*, PP. 70, 72; *Amnesty International*, p. 4; *See also, Human Rights Watch; Human Rights Watch*.

<sup>232</sup> A/HRC/53/21, para. 30; *Amnesty International Report*, PP. 77; *Amnesty International*, pp. 31-32; *Human Rights Watch*.

<sup>233</sup> MADRE Report, P. 32; *Amnesty International Report*, PP. 8 and 75-77.

<sup>234</sup> MADRE Report, P. 32; *Amnesty International Report*, PP. 8, 69 and 75-77.

<sup>235</sup> *Special Procedures*.

<sup>236</sup> MADRE Report, P. 33; *Amnesty International Report*, PP. 8 and 75-77.

violence directed against women held in detention, including those arrested while demonstrating”.<sup>237</sup> The Assistant Secretary-General for Human Rights emphasised: “We are not aware of any investigations being initiated on such cases, and no one responsible for such crimes have been brought to justice”.<sup>238</sup> The Taliban *de facto* authorities “have also carried out campaigns of infiltration and intimidation against women organizers of peaceful protests”.<sup>239</sup> A survey respondent said: “*Silencing women is a slow death*”.<sup>240</sup>

65. Women’s voices have not only been silenced, but the civic space has narrowed because of the erasure of women from public life. The impact of the “decrees and violent enforcement” had a “chilling effect on women’s right to assembly, undermining bedrock foundational rights essential to governance grounded in democracy and human rights”.<sup>241</sup> In addition, by denying the right to assembly, the Taliban *de facto* authorities deny additional human rights.<sup>242</sup>

66. Even in the face of threats, intimidation, and risk of arrest, detention or worse, women continued to transform their advocacy in “adaptive, creative and courageous ways”.<sup>243</sup> For example, they continued “protesting indoors or by relying on social media”.<sup>244</sup> They have “courageously continued to carry out their work both inside and outside the country – speaking up and reporting on the institutionalized and widespread oppression of women and girls by the Taliban”.<sup>245</sup> The struggle of Afghanistan’s women “is a struggle amidst unimaginable challenges, yet they are still bravely calling for their right to be heard”.<sup>246</sup>

67. Article 7(b) requires that States Parties “ensure to women, on equal terms with men, the right...to participate in the formulation of government policy...and to hold public office...at all levels of government,” thus the exclusion of women from all aspects of political life constitutes a violation of article 7.<sup>247</sup> The enforcement of “institutionalized gender oppression” by the Taliban *de facto* authorities “is most vividly seen in attacks on women protesters”.<sup>248</sup> The “deliberate elimination of women in public life,” including the “disappearance and erasure of women in public” is a “gross violation” of the Convention.<sup>249</sup> Moreover, the “forced invisibility of women in every facet of public [life] pierces the very heart of the CEDAW’ guarantees under Article 7”.<sup>250</sup> According to international human rights experts: “Such backsliding is not only in total contradiction to the country’s international commitments and in direct contravention of the country’s international legal obligations, it is also unsustainable and harmful to the overall peace-building and development process of the country”.<sup>251</sup> According to the High Commissioner, “Any prospect of a stable, prosperous future for Afghanistan rests on the participation of half of the population”.<sup>252</sup>

<sup>237</sup> [A/HRC/56/25](#), para. 42; *See also*, Rawadari; *The Guardian*.

<sup>238</sup> *ASG Ilze Brands Kehris*.

<sup>239</sup> MADRE Report, P. 25.

<sup>240</sup> Survey.

<sup>241</sup> MADRE Report, P. 28.

<sup>242</sup> MADRE Report, P. 28.

<sup>243</sup> [A/HRC/53/21](#), para. 31.

<sup>244</sup> ICJ Amnesty.

<sup>245</sup> *ASG Ilze Brands Kehris*.

<sup>246</sup> *Michelle Bachelet*.

<sup>247</sup> CEDAW, article 7.

<sup>248</sup> [A/HRC/56/25](#), para. 42.

<sup>249</sup> Presentation.

<sup>250</sup> Presentation.

<sup>251</sup> *Special Procedures*.

<sup>252</sup> *Volker Türk*.

## H. Article 8: Participation at the international level

68. Before the military takeover, according to a survey respondent, “*women previously worked in national and international institutions and served as ambassadors abroad*”.<sup>253</sup> However, since August 2021, “while [Afghanistan’s] women have been able periodically to address the Human Rights Council and the Security Council, they have been excluded from important international meetings deliberating on the situation in Afghanistan”.<sup>254</sup> This exclusion has also been reinforced at times by United Nations entities. One survey respondent expressed that: “*women have been excluded from international participation*”.<sup>255</sup> For example, the absence of women “from the recent Doha talks has...grave consequences on any meaningful peacebuilding in Afghanistan”.<sup>256</sup> According to the Committee: “Failure to ensure participation will only further silence [Afghanistan’s] women and girls already facing escalating violations of their rights as prescribed by the Convention”.<sup>257</sup>

69. As the Special Rapporteur and Working Group on discrimination against women and girls emphasised, the “issue of women’s and girls’ rights in Afghanistan and their meaningful involvement in any discussion should remain a top priority on the international agenda”.<sup>258</sup> According to the remarks by the Deputy High Commissioner at the UN Human Rights Council, “it was critical to ensure their voices remained at the centre of the Council’s discussions and across all other international fora”.<sup>259</sup> The High Commissioner underlined: “In this extremely difficult context, it is really important to amplify the voices of [Afghanistan’s] women and girls by every means possible”.<sup>260</sup> The most recent former High Commissioner highlighted the critical role of representation “in policy and decision-making processes,” which “includes listening to the voices of women and girls,” because these “inclusive alliances – where the most vulnerable participate in decisions that affect them – have the power to prevent future conflict, and to promote stability both in Afghanistan and beyond its borders”.<sup>261</sup> For the realisation of durable peace in Afghanistan, “women should be active agents for change and be given the space to lead peacebuilding, humanitarian and development processes”.<sup>262</sup> The international community “must listen to the voices of [Afghanistan’s] women who are rightfully demanding a safe and secure environment for their full and equal participation in the country’s public and political life and a role in shaping its future”.<sup>263</sup> According to one survey respondent: “*The world witnesses the discrimination against women but remains silent*”.<sup>264</sup> According to another: “*the international community should redirect its attention and resources to women who remain...oppressed inside Afghanistan, ensuring their voices are heard*”.<sup>265</sup>

70. The “invisibility” of Afghanistan’s women as international representatives of the country, either in diplomatic service or “serving in international development

<sup>253</sup> Survey.

<sup>254</sup> [A/HRC/53/21](#), para. 32.

<sup>255</sup> Survey.

<sup>256</sup> Presentation.

<sup>257</sup> *CEDAW Committee*.

<sup>258</sup> *Special Procedures*.

<sup>259</sup> *Human Rights Council*.

<sup>260</sup> *Volker Türk*.

<sup>261</sup> *Michelle Bachelet*.

<sup>262</sup> *Michelle Bachelet*.

<sup>263</sup> *UN Human Rights Experts*.

<sup>264</sup> Survey.

<sup>265</sup> Survey.

cooperation or any international body” is a violation of article 8.<sup>266</sup> This is also “contrary to the spirit” of the women, peace and security framework.<sup>267</sup>

## I. Article 9: Nationality

71. Nationality was regulated by the 2004 Constitution. Furthermore, the ID card, or “Tazkira,” was “vital to women’s economic participation” and an essential achievement of women.<sup>268</sup> Women “need access to their legal identity to unlock all other rights” and to access essential services and humanitarian assistance.<sup>269</sup> However, now, according to a survey respondent: “*all matters, including citizenship, are controlled by men*”.<sup>270</sup> According to another: “*women’s rights to transfer nationality to their children are often denied in practice*”.<sup>271</sup> Another described that: “*These restrictions strip women of full...agency*”.<sup>272</sup> The lack of civil registration effectively renders women non-existent.

72. Following the suspension of the Constitution, nationality rights have been “abrogated” and constitute a violation of article 9.<sup>273</sup>

## J. Article 10: Education

73. Education was enshrined in article 43 of the 2004 Constitution: “Education is the right of *all* citizens of Afghanistan”.<sup>274</sup> Article 44, called for the implementation of “effective programs to create and foster balanced education for women”.<sup>275</sup> The denial of the right to education was also defined as a form of violence against women in the 2009 Elimination of Violence Against Women Act. In addition, the “literacy rate among women increased from 17 per cent in 2011 to 30 per cent in 2018; according to the World Bank, by 2020, 6 per cent of tertiary-age women were enrolled in tertiary education”.<sup>276</sup> In Afghanistan, “[a]ccess to education...had improved notably before the military takeover”.<sup>277</sup> In addition, “Afghanistan had embarked on a comprehensive review of national education curricula to ensure that human rights values were being taught to children in schools. The last national education strategic plan, for the period 2017–2021, had contained new indicators to monitor progress in the development of the education system”.<sup>278</sup> As of 2021, “3.5 million girls were attending schools”.<sup>279</sup> The High Commissioner also underlined “the vital contribution [Afghanistan’s] women have made in so many professional and vocational areas over the years”.<sup>280</sup>

74. In their letter to the Taliban *de facto* authorities, the Committee requested information since 15 August 2021 on the following applicable issues:<sup>281</sup>

<sup>266</sup> Presentation.

<sup>267</sup> A/HRC/53/21, para. 32.

<sup>268</sup> Presentation.

<sup>269</sup> *Medium; IOM, Samuel Hall; UNHCR.*

<sup>270</sup> Survey.

<sup>271</sup> Survey.

<sup>272</sup> Survey.

<sup>273</sup> Presentation.

<sup>274</sup> 2004 Constitution, *emphasis added*.

<sup>275</sup> 2004 Constitution.

<sup>276</sup> A/HRC/53/21, para. 37; UNESCO.

<sup>277</sup> Report of the Working Group on the UPR\*, para. 14.

<sup>278</sup> Report of the Working Group on the UPR\*, para. 14.

<sup>279</sup> *Michelle Bachelet.*

<sup>280</sup> *OHCHR.*

<sup>281</sup> Letter.

(a) “(d) The measures taken to lift the restrictions on women’s and girls’ [right] to...education.”

75. In their response, the Taliban *de facto* authorities asserted the following:

(a) “Recently, girls’ education for a short period of time has been suspended for an interim time, in this short time of suspension we are working on a comprehensive plan to provide better conditions for girls. After drafting a plan, girls’ higher education will resume. In the field of education, there are 92,000 female teachers working and receiving salaries, and on country level total 250,000 teachers are working and receiving salaries”;

(b) “And for the first time, a substantial support center has been established on country level for vulnerable, lost, abandoned, mentally retarded and disabled and young girls. Which has all humanitarian and educational services and accountable for all 34 provinces of Afghanistan”.<sup>282</sup>

76. However, immediately after the military takeover by the Taliban *de facto* authorities, they “swiftly acted to deny girls’ access to education across the country” as “incremental temporary bans began to be announced”.<sup>283</sup> They “imposed a ban on secondary education for girls, subsequently expanding this restriction to encompass universities and, more recently, private learning centres”.<sup>284</sup> Women “have also been prevented from leaving Afghanistan to pursue tertiary education”.<sup>285</sup> Out of over 15 decrees, key restrictions on women’s education include:

(a) “Education restricted for girls beyond grade six”;<sup>286</sup>

(b) “All girls in fourth to sixth grades required to cover face while commuting to school”;<sup>287</sup>

(c) “Right of women to attend university ‘suspended’”;<sup>288</sup>

(d) “All forms of education beyond grade 6 banned for girls”;<sup>289</sup> and

(e) “Foreign non-governmental organizations were banned from providing educational programmes, including community-based education”.<sup>290</sup>

77. In their latest move, the ban on education for women and girls in Afghanistan has expanded to “barring female students from education at medical institutions,” the grave impacts of which are discussed in-depth below in the section for *Article 12: Health*.<sup>291</sup>

78. The bans on girls’ education make “Afghanistan the only country in the world where girls and young women are forbidden from attending secondary school and higher education institutions”.<sup>292</sup> According to one survey respondent: “*These actions clearly violate previous measures promoting women’s development and advancement*”.<sup>293</sup> The so-called *de facto* ‘Minister of Education,’ “Nida Mohammad Nadim said the ban...was necessary to prevent the mixing of genders in universities and because he believes some subjects being taught violated the principles of

<sup>282</sup> Information received.

<sup>283</sup> MADRE Report, P. 13; *Amnesty International*, p. 8; [A/HRC/53/21](#), para. 36.

<sup>284</sup> [A/HRC/56/25](#), para. 22.

<sup>285</sup> [A/HRC/56/25](#), para. 22.

<sup>286</sup> [A/HRC/53/21](#), para. 17.

<sup>287</sup> [A/HRC/53/21](#), para. 17.

<sup>288</sup> [A/HRC/53/21](#), para. 17; *BBC*.

<sup>289</sup> [A/HRC/53/21](#), para. 17.

<sup>290</sup> [A/HRC/56/25](#), para. 15(a)(i).

<sup>291</sup> *Special Procedures*.

<sup>292</sup> [A/HRC/53/21](#), para. 33; *UNICEF*; *ICJ Amnesty*, P. 12-14.

<sup>293</sup> Survey.

Islam”.<sup>294</sup> Though, “other Islamic scholars say there is no religious or cultural justification for it”.<sup>295</sup>

79. In order to “enforce these bans,” members of the Taliban *de facto* authorities “have killed and beaten teachers and school officials, sprayed students and teachers with acid, and committed torture, inhumane acts, enforced disappearance, and unlawful imprisonment against those who demonstrate in support of girls’ education”.<sup>296</sup> As a result of the impact on women teachers, “who previously made up 82 per cent of the Ministry of Education staff,” “children’s learning will suffer”.<sup>297</sup> According to the Assistant Secretary-General for Human Rights, there is “no clear indication of when or if, girls will be allowed to continue their education”.<sup>298</sup> According to a survey respondent: “*The education of women is in a state of crisis*”.<sup>299</sup>

80. According to Afghan Witness, (a project that uses open source intelligence to independently collect, preserve and verify information on the human rights, security and political situation in Afghanistan), as of 15 August 2024, 80% of school-aged girls and young women were not in school.<sup>300</sup> According to multiple respondents: “*millions of girls have been deprived of education*”.<sup>301</sup> In a survey conducted by the Special Rapporteur and the Working Group in March 2023, “Many women and girls” further “expressed serious concerns about significant changes to the curriculum”.<sup>302</sup>

81. According to the Committee, the education bans are “creating one of the world’s biggest gender gaps”.<sup>303</sup> The “denial of a secondary school education and of access to university is manifestly discriminatory, profoundly distressing for girls and women”.<sup>304</sup> The impacts of the deprivation of the right to education are “lasting” and “harmful” on “health, well-being, and development”.<sup>305</sup> It “can make children more vulnerable to exploitation and abuse, lower their future earnings, and reduce their access to healthcare, amongst other harms”.<sup>306</sup> It can lead to “early and forced marriage and the resulting dangers of early childbearing”.<sup>307</sup> Since the bans, “rates of child marriage and child labour have increased, as have reports of children being medicated to overcome hunger, and even dying from malnutrition”.<sup>308</sup> As a result of the restrictions on education, many women and girls have also been “driven to psychological distress, including suicidal thoughts and actions”.<sup>309</sup> According to a survey respondent: “*they are living in uncertainty*”.<sup>310</sup>

82. According to the findings of the consultations by UN Women and IOM, Afghanistan’s “women have a deep desire for themselves and their daughters to reach their full potential and contribute to...society over the long term”.<sup>311</sup> According to one survey respondent: “*We are not allowed to...achieve our goals*”.<sup>312</sup> Denial of

<sup>294</sup> *PBS News*; See also, RTA Pashto.

<sup>295</sup> *Special Procedures*.

<sup>296</sup> MADRE Report, P. 14.

<sup>297</sup> *Special Procedures*.

<sup>298</sup> *ASG Ilze Brands Kehris*.

<sup>299</sup> Survey.

<sup>300</sup> *Afghan Witness*, P. 3; *UNESCO*.

<sup>301</sup> Survey.

<sup>302</sup> [A/HRC/53/21](#), para. 43.

<sup>303</sup> *CEDAW Committee*.

<sup>304</sup> *OHCHR*.

<sup>305</sup> MADRE Report, P. 16, PP. 967-974.

<sup>306</sup> MADRE Report, P. 17; *World Bank*, PP. 4-5; *TOLO News*.

<sup>307</sup> MADRE Report, P. 17; *World Bank*, PP. 4-5.

<sup>308</sup> *Special Procedures*.

<sup>309</sup> [A/HRC/56/25](#), para. 24.

<sup>310</sup> Survey.

<sup>311</sup> *UN Women, IOM, UNAMA*, P. 5.

<sup>312</sup> Survey.



education impacts “earning power, which is key to women’s personal empowerment, their independence within their families and their very survival”.<sup>313</sup> The inability to “have access to quality education will have lifelong consequences regarding...employment opportunities,” which “will have an adverse impact on their families, communities and the nation as a whole”.<sup>314</sup> In the absence of “educated women, there will be fewer professionals to serve the population and take Afghanistan forward to prosperity”.<sup>315</sup> According to the High Commissioner: “No country can develop - indeed survive - socially and economically with half its population excluded”.<sup>316</sup>

83. Moreover, denial of access to education “is causing transgenerational disempowerment that will increasingly ingrain the debased socioeconomic status of [Afghanistan’s] women and girls”.<sup>317</sup> The “transgenerational impact” will be “immense and enduring” and “recovery will take decades”.<sup>318</sup>

84. Gender equal education is “the foundation of peace building,” yet the Taliban *de facto* authorities “have also set back the opportunity to ensure that Afghanistan is on the path to an equal, just, peaceful and prosperous country”.<sup>319</sup> UN experts underlined that “severe consequences on peace and security beyond Afghanistan” and “is also a serious challenge to the United Nations’ women, peace and security agenda and to women’s rights and gender equality globally”.<sup>320</sup> According to the High Commissioner, “Afghanistan has set a devastating precedent”.<sup>321</sup>

85. Despite efforts towards “adaptive and creative methods” that “have been implemented to support girls and young women in continuing their studies, including online, they are not equally accessible or sustainable”.<sup>322</sup>

86. According to international human rights experts: “The right of girls, irrespective of age, to enjoy access to education is an inalienable and non-negotiable right that must be protected”.<sup>323</sup> The term “ensure” in article 10 requires not only the elimination of discrimination, but also ensuring equal rights with men in the field of education. However, the Taliban *de facto* authorities are “denying girls and women their right to education beyond primary level...in contravention of their obligations...under...article 10”.<sup>324</sup> In addition, changes to the curriculum “would not fulfil the right to education, which includes quality and comprehensive education, and respects fundamental rights and gender equality”.<sup>325</sup>

87. Denying women education is “not only a violation of the fundamental right to education, it is also a deprivation of the fundamental right to be free from discrimination”.<sup>326</sup> Additional rights are “further deprived when such a policy is enforced through murder, torture, or inhuman treatment”.<sup>327</sup> Moreover, education is “an enabling right, which is crucial in and of itself and for realising other human rights such as the rights to work, to an adequate standard of living, to health, to

<sup>313</sup> A/HRC/56/25, para. 24.

<sup>314</sup> A/HRC/53/21, para. 41; *Special Procedures*.

<sup>315</sup> *Special Procedures*.

<sup>316</sup> OHCHR.

<sup>317</sup> A/HRC/56/25, para. 24.

<sup>318</sup> A/HRC/56/25, para. 26; *See also, CEDAW Committee; Special Procedures*.

<sup>319</sup> Presentation; *ASG Ilze Brands Kehris*.

<sup>320</sup> *Special Procedures*.

<sup>321</sup> *Volker Türk*.

<sup>322</sup> A/HRC/53/21, para. 41.

<sup>323</sup> *UN Human Rights Experts*.

<sup>324</sup> A/HRC/53/21, para. 33.

<sup>325</sup> A/HRC/53/21, para. 43.

<sup>326</sup> MADRE Report, PP. 16, 17.

<sup>327</sup> MADRE Report, P. 16.

participate in society and communities, to equality before the law and to fundamental freedoms”.<sup>328</sup> Its denial to “half the population” thus “effectively denies women and girls most other human rights”.<sup>329</sup> The denial of access to education forms an essential part of the “institutionalized discrimination against women and girls”.<sup>330</sup> All structures impeding the realisation of outcomes for women’s education at all levels in all forms, must be completely removed, and a transformation of opportunities, institutions and systems would enable the meaningful fulfilment of article 10.

88. According to the Committee’s General Recommendation 36, “The potential for education, as it presently exists, to shift the overall balance of power in the economic, political and social spheres and to make a strategic difference in terms of the empowerment of women, has not been achieved, owing to cultural beliefs and practices that reproduce entrenched gendered ideologies, structures and systems,” as is the case for Afghanistan.<sup>331</sup> The Taliban *de facto* authorities “have no justification to deny the right to education, on any grounds, including religion or tradition”.<sup>332</sup> Prominent religious scholars from Afghanistan and some members of the Taliban *de facto* authorities “have spoken in support of girls’ right to education, underscoring the absence of religious or cultural justification for the ban”.<sup>333</sup> The Committee reaffirmed the right of “all human beings to live according to cultural traditions and a right to practice one’s beliefs. These rights exist under the condition that the human rights of others, including women, are not in any way restricted or violated”.<sup>334</sup>

89. The education of “women and girls...is fundamental to achieving gender equality”.<sup>335</sup> According to the Committee, the “full realisation of [women’s] right to education and the right to participate freely and safely in the development of [Afghanistan’s] society are interlinked”.<sup>336</sup> Education of girls should “provide an environment where they can develop positive self-esteem, awareness of their rights, negotiation and problem-solving skills”.<sup>337</sup> Education is the basis for the empowerment of women.<sup>338</sup> Yet, the bans constitute the most disempowering steps taken by the Taliban *de facto* authorities in the realisation of women’s full development, freedom and advancement in society as well as progress towards peace and development of the society, which is “counterproductive and unjust”.<sup>339</sup> According to international human rights experts, “They amount to abuse that not only harm women and girls, but are also seriously damaging the country and its future. We urge the international community to do everything in its power to have these policies reversed”.<sup>340</sup>

## K. Article 11: Employment

90. In their letter to the Taliban *de facto* authorities, the Committee requested information since 15 August 2021 on the following issue:<sup>341</sup>

<sup>328</sup> *Special Procedures*.

<sup>329</sup> MADRE Report, P. 16; *Special Procedures*.

<sup>330</sup> [A/HRC/56/25](#), para. 22.

<sup>331</sup> CEDAW General Recommendation No. 36, para. 38.

<sup>332</sup> *Special Procedures*.

<sup>333</sup> [A/HRC/56/25](#), para. 22.

<sup>334</sup> Commentary.

<sup>335</sup> *Special Procedures*.

<sup>336</sup> *CEDAW Committee*.

<sup>337</sup> Commentary, P. 378.

<sup>338</sup> CEDAW General recommendation No. 36, para. 78.

<sup>339</sup> *OHCHR*.

<sup>340</sup> *Special Procedures*.

<sup>341</sup> Letter.

(a) “(d) The measures taken to lift the restrictions on women’s and girls’ [right] to...work”; and

91. In their response, the Taliban *de facto* authorities claimed:

(a) “From the time when Islamic Emirate came into power, female workers are still working like before in the Ministry of Health, Ministry of Higher Education, Ministry of Education, Ministry of Interior, airports, attorney, and Courts. In other agencies and ministries, female personnel/workers are receiving their salaries at their home, and we are working on a comprehensive plan or work modality for those women to resume commuting to their offices”;

(b) “Islamic Emirate of Afghanistan and the Ministry of Labor and Social Affairs is trying to provide equal employment opportunities and facilities to all Afghan citizens, including men and women by creating new laws/policies and regulations which will guarantee their rights by those laws. Islamic Emirate of Afghanistan and the Ministry of Labor and Social Affairs has signed several agreements worth of millions of dollars with some partner institutions to provide aid and economic empowerment for women. As part of these agreements, WASA Institute has built two bakery centers in Herat and Farah provinces for 100 women with 127,310 dollars. Similarly, Daris Institute [unclear on name of organization] also trained many citizens in the fields of jewelry, English language, marketing, accounting, and jewelry designing in Kabul. Niday-e- Zan Institute (Voice of Women Organisation has built tailoring, embroidery, and midwifery four centers in Helmand, Nimroz, Zabul and Uruzgan provinces with the cost of (44,022,902) Afghani”;

(c) “Similarly, the Chamber of Commerce and Investment has organized number of exhibitions inside the country and abroad to attract market for handicrafts which are mostly made by women in the country, this brought a very positive change in the economic status of women. The Islamic Emirate has tried to facilitate the trade of domestic products with other countries. For example, China has exempted tax over some of Afghan local products, and the Islamic Emirate is trying to expand economic transactions between Afghanistan and other countries by the removal of international sanctions”;

(d) “Facilitating Vocational tailoring training for women: In coordination with the *de facto* authorities of Kunduz province, a donor organization has provided 400 poor women tailoring training facilitation in Kunduz province. The officials of this province stated that the purpose of this tailoring program is to help and support poor and vulnerable families. A six-month training program has been launched for hundreds of unemployed men and women in Herat province to increase their professional capacity building skills. After training, these trained men and women will be provided with job opportunities in the industrial city of Herat and other institutions. In each period of this program, eight hundred people, most of them are women, will receive technical and vocational education. Handicrafts work is very traditional and cultural in Afghanistan which is mostly run by women. Since then it has been gone down from previous generations to the present generations. Afghan women those who make handicrafts solve many of their financial problems, and Afghanistan’s handicrafts are among the highest handmade products in the world. But unfortunately, in the past few decades of war, the industry of Afghanistan has fallen from development and some Afghan women have kept the rest of their business and products for their self-sufficiency. Carpets and rugs weaving, Glam weaving, bags weaving, semi weaving wool weaving, garment weaving, hat weaving, pearl weaving and silk weaving and dozens of other arts that are among the famous handicrafts of Afghanistan, traditionally made by Afghan women. For this purpose, a two-day exhibition of women’s handicrafts from Balkh, Jawzjan, Samangan, Faryab, and Sar-e-pul provinces was organized by the local authorities and UNDP in Mazar-e-Sharif

city. On the other hand, all the sectoral organizations have provided employment to hundreds of people by signing resolutions with national and international organizations. Among 50 projects, 2,441,668 people benefited with employment opportunities and most of them are women and they directly benefit from their services”.<sup>342</sup>

92. The right to work was enshrined in article 48 of the 2004 Constitution.<sup>343</sup> However, the Taliban *de facto* authorities imposed “bans on women registering organizations, working in non-governmental and foreign organizations (such as in embassies and with the United Nations), instructing women civil servants in most sectors not to report to work, restricting physical access to employment sites without a *maharam*, and preventing women from pursuing professional training”.<sup>344</sup>

93. Women who worked in “journalism and the media were subjected to one of the first restrictions on women’s right to work”.<sup>345</sup> Most of “the working population of women is now excluded from income-generating activities”.<sup>346</sup> The numbers of “employed women have fallen dramatically,” with a most “visible impact on women civil servants, judges, prosecutors and journalists”.<sup>347</sup> For instance, “[women’s] employment dropped 25 per cent between the second quarter of 2021 and the fourth quarter of 2022”.<sup>348</sup> By “March 2022, 61% of women had lost their jobs, resulting in an economic loss for the country estimated between \$600 million and \$1 billion”.<sup>349</sup>

94. On 24 December 2022, the so-called *de facto* ‘Minister for the Economy’ “issued a letter barring women from working in international and national NGOs, seriously affecting their ability to deliver vital services, including non-humanitarian services, such as disability rehabilitation services and legal aid”.<sup>350</sup> According to the High Commissioner: “Banning women from working in NGOS will deprive them and their families of their incomes, and of their right to contribute positively to the development of their country and to the well-being of their fellow citizens”.<sup>351</sup> “NGOs and humanitarian organisations provide critical life-saving services for many people in Afghanistan, providing food, water, shelter and healthcare, and some critical programmes, such as pre- and post-natal and infant care, are only provided by women. Many staff working for these NGOs are female and many of the organisations have women in leadership roles. They are essential partners for the UN and other agencies in the delivery of their humanitarian and development programmes throughout the country”.<sup>352</sup> Women’ ability to access “food, education, child protection, gender-responsive legal aid, livelihoods support and essential healthcare services” have been affected.<sup>353</sup> The bans not only impacted “the delivery of vital life-saving services” but denied “many women of their livelihood”.<sup>354</sup> In addition, “major humanitarian organizations subsequently suspended or reduced their operations, as their services depend on their female workers, and as a principle of human rights”.<sup>355</sup> The “gender equality and women’s empowerment (GEWE) stakeholders still operating in

<sup>342</sup> Information received.

<sup>343</sup> 2004 Constitution.

<sup>344</sup> [A/HRC/53/21](#), para. 44; [A/HRC/56/25](#), para. 27.

<sup>345</sup> [A/HRC/53/21](#), para. 46.

<sup>346</sup> ICJ Amnesty, P. 16.

<sup>347</sup> [A/HRC/56/25](#), para. 28.

<sup>348</sup> [A/HRC/53/21](#), para. 45; *ILO*, para. 11.

<sup>349</sup> ICJ Amnesty; *See also* UNDP, P.27. (The move to restrict women from work was estimated to cost Afghanistan’s economy up to \$1 billion, or 5% of its GDP).

<sup>350</sup> [A/HRC/53/21](#), para. 47.

<sup>351</sup> *OHCHR*.

<sup>352</sup> *Id.*

<sup>353</sup> *Special Procedures*.

<sup>354</sup> *Id.*

<sup>355</sup> [A/HRC/53/21](#), para. 47.

Afghanistan must navigate a complex and hostile environment in attempting to preserve access to services and life-saving programming for women and girls, as well as advance prospects for members of these groups to once again enjoy the full spectrum of their rights”.<sup>356</sup> The greatest impact has been on “women, children and marginalized groups” who relied on NGOs.<sup>357</sup> According to international human rights experts, “they are instrumentalising and victimising women and the recipients of critical aid”.<sup>358</sup> In Afghanistan, in a “deeply conservative and patriarchal society, the role of women aid workers is critical in the delivery of humanitarian assistance”.<sup>359</sup> Thus, the harms resulting from the “ban on women working in most roles in aid agencies” by “complicating the delivery of humanitarian assistance to women and girls,” include impacts on “the rights to adequate food and to the highest attainable standard of health”.<sup>360</sup> The ban only serves to “significantly impair, if not destroy, the capacity of these NGOs to deliver the essential services on which so many vulnerable [people of Afghanistan] depend”.<sup>361</sup>

95. The Taliban *de facto* authorities also “issued a countrywide ban on [Afghanistan’s] women working in the United Nations”.<sup>362</sup> According to UN experts: “The latest ban is unlawful discrimination against and a direct attack on women, and wholly against the core values and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the international human rights treaties to which Afghanistan is a party and humanitarian principles”.<sup>363</sup> The impact of this ban, according to consultations by UN Women and IOM was, “an increase in poverty in their communities”.<sup>364</sup> Furthermore, in response to widespread condemnation of these decisions to the adoption of Security Council resolution [2681 \(2023\)](#), “the Taliban leadership stated that ‘this is an internal social matter of Afghanistan that does not affect outside States’”.<sup>365</sup>

96. In terms of the private sector, the Taliban *de facto* authorities have ordered “the closure of beauty salons, a source of employment and social support”.<sup>366</sup> Because of the *maharam* requirement, “women entrepreneurs, including those running home-based businesses,” as well as their employees “have been impacted”.<sup>367</sup>

97. Despite the restrictions they face, some women “continue to find ways to sustain themselves and their families,” exemplifying resilience and resourcefulness in the face of their dire circumstances.<sup>368</sup>

98. A non-exhaustive list of restrictions include:

- (a) “Women government workers asked to stay home from work”;<sup>369</sup>
- (b) “Right of women to work with national and international nongovernment organizations “suspended””;<sup>370</sup>

<sup>356</sup> UN Women, P. 02.

<sup>357</sup> *Special Procedures*.

<sup>358</sup> *Id.*

<sup>359</sup> [A/HRC/53/21](#), para. 47.

<sup>360</sup> [A/HRC/56/25](#), para. 30.

<sup>361</sup> *OHCHR*.

<sup>362</sup> [A/HRC/53/21](#), para. 48; *UNAMA*.

<sup>363</sup> *Special Procedures*.

<sup>364</sup> *UN Women, IOM, UNAMA*, P. 3.

<sup>365</sup> [A/HRC/53/21](#), para. 48.

<sup>366</sup> [A/HRC/56/25](#), para. 29.

<sup>367</sup> [A/HRC/56/25](#), para. 29; [A/HRC/53/21](#), para. 49.

<sup>368</sup> [A/HRC/56/25](#), para. 29; *UN News*.

<sup>369</sup> [A/HRC/53/21](#), para. 16.

<sup>370</sup> [A/HRC/53/21](#), para. 16.

- (c) “[Afghanistan’s] women banned from working in the United Nations”;<sup>371</sup>
- (d) “Female television presenters required to cover their face”;<sup>372</sup>
- (e) “Women were banned from participating in radio and television shows alongside male presenters”;<sup>373</sup>
- (f) “Female beauty salons were forced to close”;<sup>374</sup>
- (g) “Women were prohibited from holding directorships within non-governmental organizations”;<sup>375</sup>
- (h) “Women on television were required to wear a black hijab, with their faces covered, leaving only their eyes visible”.<sup>376</sup>

99. Restrictions on women’s employment “are designed to decimate women’s financial autonomy and independence”.<sup>377</sup> As one respondent said: “*Numerous decrees have barred women from working..., stating that according to tradition and custom, women must remain at home and fulfill their roles as mothers and child-bearers*”.<sup>378</sup> Another respondent expressed: “*I lost everything. I am constantly worried and do not have a job*”.<sup>379</sup> According to another: “*Women face economic hardships and family violence due to unemployment*”.<sup>380</sup> According to consultations by UN Women and IOM, women agreed that their loss of employment “has had alarming consequences, exacerbating their situation in households, including by diminishing their influence in decision-making, worsening relationships with male family members and increasing the likelihood of domestic violence”.<sup>381</sup> Women are left “vulnerable to abuse, exploitation and abandonment”.<sup>382</sup> Trapped in “violent and abusive households,” they do not have access to “avenues of redress and escape”.<sup>383</sup> The impacts of “dependence on male relatives” are most severely felt by “unmarried and separated women and girls, widows and women-headed households”.<sup>384</sup>

100. Without the income of women, poverty and “life-threatening food insecurity” has increased and families have been impacted, particularly in households where women are the primary or only earners,” resulting in risks of “child labour and forced marriage of girls and women”.<sup>385</sup> The economy of Afghanistan has been greatly impacted as a result of restrictions on women’s right to work in a way that risks a situation where it “could not be reignited”.<sup>386</sup>

101. Under article 11(a), “the right to work” is an “inalienable right of all human beings”.<sup>387</sup> As women are unable to fully enjoy their right to work in Afghanistan, the Taliban *de facto* authorities have contravened article 11.<sup>388</sup>

<sup>371</sup> A/HRC/53/21, para. 16.

<sup>372</sup> A/HRC/53/21, para. 17.

<sup>373</sup> A/HRC/56/25, para. 15(a)(2).

<sup>374</sup> A/HRC/56/25, para. 15(b).

<sup>375</sup> A/HRC/56/25, para. 15(d).

<sup>376</sup> A/HRC/56/25, para. 15(e).

<sup>377</sup> A/HRC/56/25, para. 28.

<sup>378</sup> Survey.

<sup>379</sup> Survey.

<sup>380</sup> Survey.

<sup>381</sup> *UN Women, IOM, UNAMA*, P. 3.

<sup>382</sup> A/HRC/56/25, para. 32.

<sup>383</sup> A/HRC/56/25, para. 33.

<sup>384</sup> A/HRC/56/25, para. 32.

<sup>385</sup> A/HRC/56/25, paras. 31 and 32; *MADRE*, P. 3.

<sup>386</sup> A/HRC/53/21, para. 50; *UNDP*.

<sup>387</sup> CEDAW, article 11.

<sup>388</sup> A/HRC/53/21, footnote 10.

## L. Article 12: Health

102. In their response to the Committee’s request for information, the Taliban *de facto* authorities focused on the topic of mental health, and asserted:

(a) “In the last 20 years, there were many case of women committing suicide, but by the grace of Allah, we do not have such cases now. This itself shows a clear decrease in the percentage of violence against Afghan women cases and their better mental condition. Since the establishment of the Islamic Emirate, 28,000 drug addicts have been treated, among whom many were women. Only in the last 11 months, 500 female drug addicts have been treated”.<sup>389</sup>

103. Contrary the claims by the Taliban *de facto* authorities that “suicides have decreased and mental health have improved since August 2021,” reports of “depression and suicide are widespread, especially among adolescent girls prevented from pursuing education”<sup>390</sup> According to a survey respondent: “*Psychologically, we are in a state of despair*”<sup>391</sup> Another shared her story: “*I attempted suicide several times because I had lost all hope in life...But I kept enduring*”.<sup>392</sup> Data collected by Bishnaw, has revealed that 48 per cent of the over 2,000 women surveyed, reported that they knew someone who had suffered depression or anxiety.<sup>393</sup> A mental health practitioner underlined “the restrictive environment limited her ability to support...since she did not have a *maharam*”.<sup>394</sup> According to the findings of consultations by UN Women and IOM, “Mental health support is unavailable to women and informal community support no longer exists as restrictions on movement and an atmosphere of insecurity and mistrust have eroded social relationships”.<sup>395</sup>

104. After the military takeover, the collapsed health system, combined with the increasing restrictions on women’s movement and on “male health-care professionals treating women and girls,” has also impacted access to healthcare for women and girls.<sup>396</sup> According to a survey respondent, restrictions are “*creating significant barriers for widowed, unmarried, or unsupported women*”.<sup>397</sup> According to another: “*Women lack access to basic healthcare, especially in remote areas of Afghanistan*”.<sup>398</sup> Another described: “*Restrictions have worsened access to healthcare services, sometimes resulting in fatalities among women unable to access timely medical care*”.<sup>399</sup> Women cannot afford private healthcare, while government and NGO options have also been impacted.<sup>400</sup> The Taliban *de facto* authorities not only restricted health-care professionals from seeing patients of the opposite gender, but also “women’s ability to work in the health sector,” despite efforts by many international organisations on the ground.<sup>401</sup> As a result, the ability of women to access medical treatment has been “severely constrained,” with rural areas most affected where there are less clinics and female health-care workers.<sup>402</sup> According to the UN Secretary-General, “[g]ender segregation of health workers in medical

<sup>389</sup> Information received.

<sup>390</sup> [A/HRC/53/21](#), para. 63; *The Guardian*; *The Guardian*; *BBC*.

<sup>391</sup> Survey.

<sup>392</sup> Survey.

<sup>393</sup> Bishnaw.

<sup>394</sup> [A/HRC/53/21](#), para. 63.

<sup>395</sup> *UN Women, IOM, UNAMA*, P. 4; *See also, IOM and Samuel Hall*, (2022).

<sup>396</sup> [A/HRC/53/21](#), para. 57.

<sup>397</sup> Survey.

<sup>398</sup> Survey.

<sup>399</sup> Survey.

<sup>400</sup> [A/HRC/53/21](#), para. 59.

<sup>401</sup> [A/HRC/53/21](#), para. 59.

<sup>402</sup> [A/HRC/56/25](#), para. 40.

facilities is now institutionalized”.<sup>403</sup> Women have faced significant challenges in delivering their babies because of the costs, leading in some cases to debt, or “insufficient resources in the clinics”.<sup>404</sup> For rural women, according to a survey respondent: “*many die during childbirth due to a lack of resources*”.<sup>405</sup>

105. The impacts of education bans on the health-care sector will result in long-term harms for women’s health care. It would not only “further deepen systematic discrimination against women and girls,” but also “further weaken an already fragile healthcare system amid an ongoing humanitarian crisis”.<sup>406</sup> According to UN Experts: “Maternal and paediatric healthcare in Afghanistan is already in crisis, with high levels of maternal and infant mortality. If implemented the ban would compound this crisis, with profound and long-lasting effects”.<sup>407</sup> The closing of the midwifery schools could mean that in 10 years there will be no trained midwives, and women and their newborns will face higher mortality rates as a result.<sup>408</sup> The ban would be “another inexplicable, totally unjustifiable blow to the health, dignity, and futures of [Afghanistan’s] women and girls”.<sup>409</sup> According to a respondent: “*This means no girls will graduate from schools or medical programs*”.<sup>410</sup> It will “decimate the already inadequate supply of female midwives, nurses and doctors”.<sup>411</sup> On the one hand, if women can only be “provided care by female doctors,” but women are unable to become medical professionals, “there is a real risk of multiple preventable deaths, which could amount to femicide”.<sup>412</sup>

106. The bans on “access to hammams, parks and gyms is a serious health concern for many, including women and girls who do not have access to adequate bathing facilities, which also has a negative impact on their menstrual hygiene and health”.<sup>413</sup> Moreover, banning women from “participating in sports” along with removing their “access to parks and gyms,” which is “necessary for physical exercise and mental health” violates the rights to health, recreation and leisure”.<sup>414</sup> Relevant restrictions include:

- (a) “Limiting access of women and girls to parks”;<sup>415</sup>
- (b) “Women prohibited from using gyms”;<sup>416</sup>
- (c) “Women prohibited from entering parks in Kabul; a written announcement later published in Faryab banned access of women to public baths, gyms, sports clubs and amusement parks”; and<sup>417</sup>
- (d) “Women were banned from entering Band-e Amir national park”.<sup>418</sup>

<sup>403</sup> *Report of the Secretary-General*, para. 41.

<sup>404</sup> [A/HRC/53/21](#), para. 61.

<sup>405</sup> Survey.

<sup>406</sup> *Special Procedures*.

<sup>407</sup> *Afghanistan: UN experts reject ‘totally unjustifiable’ ban on medical training for women*, (09 December 2024).

<sup>408</sup> *UNFPA; NPR*, (The United Nations Population Fund “reports that the country needs at least 18,000 more trained midwives to ensure basic maternal care to Afghan women”).

<sup>409</sup> *Special Procedures*.

<sup>410</sup> Survey.

<sup>411</sup> *OHCHR*.

<sup>412</sup> [A/HRC/53/21](#), para. 62.

<sup>413</sup> [A/HRC/53/21](#), para. 55.

<sup>414</sup> [A/HRC/53/21](#), para. 55; [A/HRC/56/25](#), para. 34.

<sup>415</sup> [A/HRC/53/21](#), para. 17; *Report of the Secretary-General*, para. 40; *UNAMA*, p. 32.

<sup>416</sup> [A/HRC/53/21](#), para. 17.

<sup>417</sup> *Report of the Secretary-General*, para. 40.

<sup>418</sup> [A/HRC/56/25](#), para. 15(c).



107. In itself, life “under an institutionalized system of gender-based oppression is inherently dehumanizing and causes physical and psychological harm,” including “killings, physical, sexual and reproductive violence leading to death, injuries, chronic health conditions, depression and suicide”.<sup>419</sup>

108. The denial of “access to health facilities, goods and services for individuals or groups, on the basis of discrimination, violates the right to health”.<sup>420</sup> Restrictions on the right to health, including reproductive health, violate article 12 of the Convention. In addition, “[p]sychological trauma and the mental health impacts of women” since the military takeover “will have intergenerational impact and violate article 12 guarantees under CEDAW in a continuum”.<sup>421</sup>

## M. Article 13: Economic and social life

109. In their response to the Committee’s request for information on the situation of women and girls since 2021, the Taliban *de facto* authorities asserted:

(a) “A commission for the “underprivileged and beggars”” has been established, this commission collected more than 26,000 poor and beggars, majority of these poor and beggars are women, the Islamic Emirate is providing cash and food items to all 26,000 people. The Islamic Emirate is also providing support/sponsoring the orphans and victims of last 20 years war of both sides (Islamic Emirate and former regime), whose number reached to 100,000 people. Trading opportunities and facilities has been opened in Kabul, Mazar-e-Sharif, Herat and some other provinces for women, also manufactures/production exhibitions have been opened for women traders, even a major contract for the supply of petroleum products by the Ministry of Interior was received by a female trader, Dr. Aziza Afzali. During current year due to natural disasters many people especially women and children were affected in most provinces, Islamic Emirate provided food items to those people and rescued them from the natural disasters”;

(b) “By a committee, led by Minister of State the Deputy Minister of Economy, Mullah Abdul Ghani Baradar, Ministry of Labor and Social Affairs and the membership of the Afghan Red Crescent, with the aim of strengthening the economy and eradicating poverty in the country, had many positive achievements in the past years. One of the big achievements is that gathering more than 26,000 charity collectors in Kabul, more than half of them were women and young girls”.<sup>422</sup>

110. According to consultations by UN Women and IOM, “restrictions by the *de facto* authorities on women’s and girls rights, particularly on their access to education and employment, have led to an economic and social catastrophe, according to 99 per cent of [Afghanistan’s] women”.<sup>423</sup> According to one survey respondent: “*They have been excluded, especially...socially, and economically*”.<sup>424</sup> It remains crucial for the international community to help “to prevent complete breakdown of the economy and public services, to enable continued access of the population to social and economic rights”.<sup>425</sup> As more “struggle to meet their basic needs, people in vulnerable situations – notably women-headed households and children – are being pushed to take desperate measures, including child labour, the marriage of children to ensure their survival, and –

<sup>419</sup> A/HRC/56/25, para. 37.

<sup>420</sup> A/HRC/56/25, para. 40.

<sup>421</sup> Presentation.

<sup>422</sup> Information received.

<sup>423</sup> UN Women, IOM, UNAMA, P. 3.

<sup>424</sup> Survey.

<sup>425</sup> Statement delivered on behalf of Michelle Bachelet.

according to some reports – even the sale of children”.<sup>426</sup> Those most affected by poverty face increased “vulnerability to forced and child marriage and to experiencing malnutrition and the intergenerational impact of conflict”.<sup>427</sup> It remains essential that “the international community support humanitarian assistance to the people of Afghanistan, while rooting such a system in the respect and promotion of human rights”.<sup>428</sup>

111. Recreational activities and sports are “part of social and cultural life to be enjoyed on an equal basis with men and help to preserve physical and mental health as a basis for the enjoyment of all other rights”.<sup>429</sup> Before August 2021, “women were able to participate in individual and team sports, including at the international level, such as the Olympics” and were notable “artists and members of the national orchestra and music academy”.<sup>430</sup> However, since the military takeover, “women have been deprived of their right to participate in cultural life and sports”.<sup>431</sup> The so-called *de facto* ‘deputy head of the Taliban’s cultural commission’ said in an interview that “women’s sport was considered neither appropriate nor necessary”.<sup>432</sup> According to a survey respondent: “*Social and cultural discrimination against women has intensified*”.<sup>433</sup> According to another: “*They are excluded from cultural participation entirely*”.<sup>434</sup> According to another: “*they have no right to participate in cultural or social activities*”.<sup>435</sup> For another respondent: “*Cultural programs...celebrations, concerts, exhibitions, cinema, theater, and music, were shut down or destroyed. Books...were banned,...language signs were removed, and the names of...poets were erased from streets and universities*”.<sup>436</sup> As a result, “[many] women involved in sports, art and music have fled to exile”.<sup>437</sup>

112. According to UN Experts: “Culture should not be used as a pretext to violate human rights, including cultural rights such as the right to participate in sports”.<sup>438</sup> Moreover, they emphasised, “International sports bodies have a responsibility to challenge the Taliban’s oppressive policies and support female...athletes wherever they are. They must refrain from any actions that could be interpreted as complicity with these discriminatory and illegal policies”.<sup>439</sup>

113. Both economic empowerment and the full participation of women in social and cultural life remain at the centre of article 13, which requires ensuring women’s equality in these areas. Cultural life is an essential “component of human dignity because it relates to the development and expression of an individual’s world view and thus to identity”.<sup>440</sup> Culture must be shaped by “women on an equal basis with men”.<sup>441</sup> Article 13 also acknowledged the need for “social interaction and its importance for the free and full development of one’s personality”.<sup>442</sup> The bans on participation in recreational activities, sports and cultural life, are a violation of article 13.

<sup>426</sup> Deputy High Commissioner.

<sup>427</sup> A/HRC/53/21, para. 89.

<sup>428</sup> Statement delivered on behalf of Michelle Bachelet.

<sup>429</sup> Commentary, P. 512.

<sup>430</sup> A/HRC/53/21, para. 70.

<sup>431</sup> A/HRC/53/21, para. 70.

<sup>432</sup> Special Procedures.

<sup>433</sup> Survey.

<sup>434</sup> Survey.

<sup>435</sup> Survey.

<sup>436</sup> Survey.

<sup>437</sup> A/HRC/53/21, para. 70.

<sup>438</sup> Special Procedures.

<sup>439</sup> *Id.*; Human Rights Watch.

<sup>440</sup> Commentary, P. 512.

<sup>441</sup> Commentary, P. 514; See also, UN Human Rights Experts.

<sup>442</sup> Commentary, P. 488.

## N. Article 14: Rural women

114. Since August 2021, women are experiencing “multiple and intersecting forms of discrimination that reinforce and sustain each other”.<sup>443</sup> As discrimination is inextricably linked to other factors that have affected their lives, women who are experiencing intersecting forms of discrimination, experience aggravated negative impacts. Women are affected by “gender-based discrimination with differing levels of intensity and disparate consequences”.<sup>444</sup> For example, according to a survey respondent: “*In rural areas, oppression against women is even more severe*”.<sup>445</sup> According to another: “*Women in rural Afghanistan face compounded discrimination*”.<sup>446</sup> According to additional respondents: “*Women and girls in rural areas live in dire conditions with very limited access to healthcare and other essential services*”; “*Humanitarian aid often fails to reach them*”; “*Economic conditions are dire*”.<sup>447</sup> According to another, the situation of rural women is “*compounded by...lack of support structures for women in these areas*”.<sup>448</sup> According to consultations by UN Women and IOM, there is a “dramatic difference between rural women...and urban women...” in terms of their ability to have “almost no influence” or “no influence” in their household.<sup>449</sup>

115. For “undocumented returnee and migrant women,” a “lack of documents compounds the impact of the economic crisis,” resulting in “significant barriers to sustaining themselves on return,” and dire consequences.<sup>450</sup> Undocumented women lack “access to basic services” and face reduced “employment options” because of restrictions by the Taliban *de facto* authorities.<sup>451</sup>

116. Many women human rights defenders are targeted because they are standing for their rights and the rights of others in the face of oppression.<sup>452</sup>

117. According to a survey respondent: “*women with disabilities, experience even greater discrimination*”.<sup>453</sup> Women with disabilities experience additional barriers “in their access to services, have no legal protection from discrimination, and limited viable alternatives to classroom education, employment and support services”.<sup>454</sup> They have been impacted by the ban on women working in NGOs, which “has drastically reduced the capacity of women-led organizations providing rehabilitation and disability support services to continue to provide them”.<sup>455</sup> They “continue to face gender-specific intersecting forms of systematic exclusion”.<sup>456</sup> Before August 2021, based on the Constitution and national legislation, students with disabilities could “attend mainstream schools,” however, now with restrictions on education, there is no opportunity for inclusive education.<sup>457</sup> They are “at an increased risk of violence both in and outside the home,” as well as to “abuse and exploitation,” which “is

<sup>443</sup> A/HRC/53/21, para. 86.

<sup>444</sup> A/HRC/53/21, para. 86.

<sup>445</sup> Survey.

<sup>446</sup> Survey.

<sup>447</sup> Survey.

<sup>448</sup> Survey.

<sup>449</sup> *UN Women, IOM, UNAMA*, P. 3.

<sup>450</sup> A/HRC/53/21, para. 90.

<sup>451</sup> A/HRC/53/21, para. 90.

<sup>452</sup> A/HRC/53/21, para. 87.

<sup>453</sup> Survey.

<sup>454</sup> A/HRC/53/21, para. 88.

<sup>455</sup> A/HRC/53/21, para. 88.

<sup>456</sup> A/HRC/56/25, para. 52.

<sup>457</sup> A/HRC/53/21, para. 88.

exacerbated by the denial of access to justice inherent in the Taliban’s system of gender-based discrimination”.<sup>458</sup>

118. The Special Rapporteur has also “received reports from survivors” who had been “attacked or threatened” because of “their sexual orientation or gender identity,” which included “attempted murder, rape and beatings”.<sup>459</sup>

119. As Afghanistan continues to face a climate emergency, as one of the most at-risk countries, combined with its insufficient capacity of the Taliban *de facto* authorities to respond to natural disasters, including floods, droughts and earthquakes, women remain disproportionately affected.<sup>460</sup>

120. As article 14 covers “a constellation of guarantees,” including, the rights of “rural women, women with disabilities and women affected by climate change,” it has been violated.<sup>461</sup>

## O. Article 15: Equality before the law

121. Equal legal standing and legal capacity are significant to the realisation of other rights, including health, housing and economic independence.<sup>462</sup> Yet, according to a survey respondent: “*The right to equality before the law...mentioned in Article 22 of the previous constitution*” has been “*completely revoked or restricted since August 15, 2021*”.<sup>463</sup> Referring to the Taliban *de facto* authorities, another revealed: “*In their perspective, a woman has no legal status*”.<sup>464</sup> Another respondent underlined: “*Women face systemic inequality under the law*”.<sup>465</sup> Women’s “inequality before the law intersects with all other prohibited grounds of discrimination and contributes to the perpetuation of all forms of historical inequality that constitute the root causes of violent conflicts”.<sup>466</sup>

122. The “arbitrary and extra judicial arrest and detention of [Afghanistan’s] women activists, journalists and human rights defenders without access to justice, fair trial and due process under law constitute a violation of equality under law” in article 15.<sup>467</sup> In addition, the “male control of women’s freedom of movement and association undermines” article 15.<sup>468</sup>

## P. Article 16: Marriage and family

123. In their response to the Committee requested information on the situation of women and girls since 15 August 2021, the Taliban *de facto* authorities asserted the following:

(a) “Afghan and Muslim women access to their basic and Islamic rights is one of the most important achievements of the Islamic Emirate, these are the rights given them by holy Quran and Sunnah. A decree of six articles/points from Amir

<sup>458</sup> A/HRC/56/25, para. 54.

<sup>459</sup> A/HRC/56/25, para. 55.

<sup>460</sup> Afghanistan, OCHA; *Zan Times*.

<sup>461</sup> Presentation.

<sup>462</sup> Commentary, P. 574.

<sup>463</sup> Survey.

<sup>464</sup> Survey.

<sup>465</sup> Survey.

<sup>466</sup> *UN Human Rights Experts*.

<sup>467</sup> Presentation.

<sup>468</sup> Presentation.

al-Mu'minin Mullah [Haibatullah Akhundzada] has been issued and published to protect women's rights as per Sharia. The brief articles of the decree are as following:

- i. 1: Girl's consent is compulsory for their Nikah, and no one has the right to force them for marital contracts;
- ii. 2: No one can do bad marriage (marry women and girls for the sake of getting rid of enmity between both/their families);
- iii. 3: After the death of the husband, the rights of the woman in his inheritance/legacy have been emphasized and it has been made clear that the widow has the power to determine her own destiny, and no one can force her for marriage;
- iv. 4: According to the articles 4, 5, and 6 of this decree, women Sharia-based rights such as the right of inheritance, the right of dowry, and the rights to be feed is the responsibility of husband. It is clarified that husband should provide above mentioned rights to his woman.

(b) The said decree is the first decree of Islamic Emirate regarding the protection of women's rights, if we pay close attention to the details of the decree, all aspects of women's lives and rights are included in it, such as:

- i. Rights of a widow: A harmful tradition and belief was that if a woman became a widow and her Idah (in Islam Idah means, a widow must remain at home and unmarried for 410 days) period was completed, her inlaws and relatives would not allow her to get married of her own choice and outside of in-laws' family. As the family members inherited her deceased husband's property like any other property. But according to the decree of Amir al-Mu'minin [Haibatullah Akhundzada], now the widow has the right to marry with her own choice and outside of the in-laws' family;
- ii. Right of women in dowry: The Islamic Emirate has announced that who he wants to marry a girl or a widow, he must pay a dowry to the woman. And she has the right to choose the amount of dowry (the amount of dowry is not at the discretion of the government or the family, but it can be done with the consent of both the wife and the husband);
- iii. Women marriage right: Islam has given the adult woman the right to marry of her own choice. A father or a guardian cannot force a woman to marry a certain person. Instead, it is the right of a girl or woman to marry whomever she wants, and the Islamic Emirate has also emphasized this right of women and girls;
- iv. The right of inheritance: The right of inheritance is also considered one of the main and important rights of women that was revived by Islamic Emirate. Every Afghan woman has full right of legacy/inheritance all over the country".<sup>469</sup>

124. However, according to one respondent, after the military takeover: "*systematic and widespread discrimination against women in matters related to marriage and family relations has been implemented*".<sup>470</sup> Another has said: "*Discrimination against women in family and marriage matters has intensified*".<sup>471</sup> Despite efforts by the Taliban *de facto* authorities to issue edicts that may be construed to have a positive intent in the areas of marriage and family, they remain insufficient in light of article 16.<sup>472</sup> Women "do not enjoy equal rights within the family," and "forced and/or child

<sup>469</sup> Information received.

<sup>470</sup> Survey.

<sup>471</sup> Survey.

<sup>472</sup> A/HRC/53/21, para. 67.

marriage, polygamy, dowry obligations, discriminatory requirements for guardianship and custody of children, legal and practical inequalities in divorce and division of matrimonial assets, lack of access to the right to remarry following dissolution of marriage or death of the husband, and the unequal status of widows and of women and girls in relation to inheritance” persist and increase.<sup>473</sup> According to one respondent: the Taliban *de facto* authorities are “*applying discriminatory practices based on strict interpretations of religious laws*”.<sup>474</sup> Women have also not experienced equal treatment “in relation to the division of rights and responsibilities” within families.<sup>475</sup> Ultimately, discrimination against women “in the family, including in marriage, affects all aspects of their lives”.<sup>476</sup> The ideology of the Taliban *de facto* authorities “posits women as second-class citizens who are the property of their husbands, raised to be married, to serve their husband, to bear children and to raise them to follow the same ideology”.<sup>477</sup>

125. There has been a significant rise in child and forced marriages, including as revealed by almost all survey respondents,<sup>478</sup> especially as a means to “cope with the worsening livelihood situation” and as a result of the denial of access to education.<sup>479</sup> From December 2022 to February 2023, “the International Organization for Migration (IOM) received 578 separate reports of forced marriage, of which 361 were child marriages”.<sup>480</sup> The decree by Haibatullah Akhundzada, which barred forced marriage, noted women should not be considered “property” and must consent to marriage “has not been fully respected by Taliban members”.<sup>481</sup> The situation in rural and remote areas remains particularly concerning, where forced and child marriages are taking place with no legal consequences.<sup>482</sup>

126. According to a survey respondent: “*Families, fearing Taliban abductions, marry off young daughters to avoid forced unions*”.<sup>483</sup> According to another: “*Women have been forced into marriages and compelled to flee their homes. I am one of them*”.<sup>484</sup> According to another: “*Even self-sufficient women were forced to marry...including myself*”.<sup>485</sup> Another described: “*a 13-year-old girl was forced into marriage...which I personally witnessed*”.<sup>486</sup> Another respondent emphasised: forced marriages are “*leading to psychological and social harm*”.<sup>487</sup> Another conveyed: “*One of my students...was forcibly married...She committed suicide and ended her life*”.<sup>488</sup>

127. Forced marriage is an “attack on victims’ health, constituting denial of relational, sexual and bodily autonomy,” with “particularly egregious physical, psychological and social consequences”.<sup>489</sup> It has “devastating physical and psychological effects and may entail routine rape and heightened risk of victims’ murder”.<sup>490</sup> According to a survey respondent: “*Forced marriages have disrupted*

<sup>473</sup> A/HRC/53/21, para. 66.

<sup>474</sup> Survey.

<sup>475</sup> A/HRC/53/21, para. 66.

<sup>476</sup> A/HRC/53/21, para. 66.

<sup>477</sup> A/HRC/53/21, para. 67.

<sup>478</sup> Survey.

<sup>479</sup> A/HRC/53/21, para. 73; *See e.g., Zan Times*.

<sup>480</sup> A/HRC/53/21, para. 73.

<sup>481</sup> A/HRC/56/25, para. 39; Special Decree issued by Amir-Al-Momenin on Women’s Rights.

<sup>482</sup> A/HRC/56/25, para. 25.

<sup>483</sup> Survey; *See also, Radio Free Eur./Radio Liberty*.

<sup>484</sup> Survey.

<sup>485</sup> Survey.

<sup>486</sup> Survey.

<sup>487</sup> Survey.

<sup>488</sup> Survey.

<sup>489</sup> A/HRC/56/25, para. 39.

<sup>490</sup> A/HRC/56/25, para. 39.

*family structures, leading to increasing incidents of domestic violence and murders*".<sup>491</sup> Protection against forced marriage or violence within marriages does not exist.<sup>492</sup> Moreover according to one respondent: "*women lack any platform for...complaints*".<sup>493</sup> Another respondent said: "*access to justice and the absence of women's support institutions have exacerbated the issue*".<sup>494</sup>

128. The unequal women's status in the family, combined with the prevalence of child and forced marriages, among other harmful practices, constitute a violation of article 16.

## **Q. Violence against women**

129. Before August 2021, the Ministry of Women's Affairs, Afghanistan Independent Human Rights Commission, and "specialized victim support services and accountability mechanisms for gender-based violence" were established.<sup>495</sup> The EVAW Law "criminalised 22 acts that constitute gender-based violence against women and girls".<sup>496</sup>

130. In their letter to the Taliban *de facto* authorities, the Committee requested information since 15 August 2021 on the following issues:

(a) "(a) The measures taken to rehabilitate and provide redress to women and girls who are survivors of gender-based violence"; and

(b) "(b) The steps taken to prevent the recurrence of such acts and protect women and girls from gender-based violence and discrimination".<sup>497</sup>

131. In their response, the Taliban *de facto* authorities asserted the following:

(a) "Since the Islamic Emirate came into power, not a single incident/case has been recorded in which a women maltreated and immorally. But we must mention that even in during the west created government, the women of those who sacrificed their lives for that the government were maltreat and immorally behaved with";

(b) "It is very clear that Islamic Emirate gives the priority to the principles of Islamic Sharia in all its decisions, and Islamic sharia gives the importance and most value to women, therefore, violence against women is an act against Islamic sharia and its principles. Some incidents may have happened on very low level, but it does not mean that the Islamic Emirate did not pay attention on them, rather, the Islamic Emirate fully implemented the decree of Amir-ul-Mominin [Haibatullah Akhundzada] to prevent such incidents and do not repeat again. It is not fair and good that in spite of number of achievements Islamic Emirate is challenging or blaming/claiming for doing nothing in this regard";

(c) "Rape and sexual assault and sexual harassment was another one of those cases which the previous government, dealing with perpetrators of sexual harassment and assault had turned into a culture of immunity and liberty. The previous government did not want to weaken the unity of its allies by implementing Sharia laws. Therefore, women's rights were one of the first things that were neglected".<sup>498</sup>

<sup>491</sup> Survey.

<sup>492</sup> [A/HRC/56/25](#), para. 25.

<sup>493</sup> Survey.

<sup>494</sup> Survey.

<sup>495</sup> [A/HRC/53/21](#), para. 8.

<sup>496</sup> *UNAMA*.

<sup>497</sup> Letter.

<sup>498</sup> Information received.

132. However, since the military takeover, the Committee underlined the “appalling levels of gender-based violence against women committed by both public and private actors,” which continues to increase—the full extent of which remains largely under-reported and undocumented.<sup>499</sup> Moreover, women’s diverse situations and identities across Afghanistan means that violence is experienced in various ways and forms. There is no “adequate legal framework,” and thus, “there can be no prevention of, protection against or prosecution for gender-based violence”.<sup>500</sup> The absence of services to detect and respond to gender-based violence has led to its increase.<sup>501</sup> Women who sought a divorce or fled domestic situations of abuse have been most severely affected, as “they are routinely forced to return to violent relationships”.<sup>502</sup> The restrictive environment combined with the economic pressures has led to a spike in domestic violence.<sup>503</sup> The consequences are not merely immediate physical and mental harms, but impact dignity, physical and moral integrity.

133. The situation is worsened by a lack of “protective, preventative and support services for women” or “accessibility of safe spaces or shelters for them to escape violence”.<sup>504</sup> According to UN Experts, many are unable to “access to medical healthcare and psychological support in particular for victims of violence, including sexual violence”.<sup>505</sup> Evidence reveals that some women who left shelters were found by their abusers and at risk of abuse or killing.<sup>506</sup> Those attempting to continue to provide services and safe spaces have had to “consistently adapt to local challenges and suspicion of Taliban officials about the services they provide” or face worse consequences.<sup>507</sup> At the same time, because the Taliban *de facto* authorities “released detainees from prisons,” perpetrators of gender-based violence were freed, “many of whom targeted their former victims with threats, harassment, and abuses”.<sup>508</sup> Staff members “employed in the institutional framework established by the EVAW Law” have “also reported receiving threats from and being harassed by Taliban members, family members of survivors and others”.<sup>509</sup>

134. International human rights experts have expressed concern that the “systematic discrimination against women...is normalizing gender-based violence against them.”<sup>510</sup> At this stage, each moment of “the conduct and choices of every woman and girl in Afghanistan” is policed.<sup>511</sup> The Taliban *de facto* authorities have “delegated enforcement to masculinist power structures...implicating and instrumentalizing men” in enforcement of their “system of gender-based domination”.<sup>512</sup> The Taliban *de facto* authorities are “instrumentalising one gender against another by encouraging men and boys to control the behaviour, attire and movement of women”.<sup>513</sup> The consequence of “anyone who seeks to challenge the system” is “suffering any number of inhumane acts”.<sup>514</sup> The aim of such acts “is to protect and maintain the

<sup>499</sup> See also, CEDAW Committee; Deputy High Commissioner.

<sup>500</sup> A/HRC/53/21, para. 79; *Zan Times*.

<sup>501</sup> A/HRC/53/21, para. 75.

<sup>502</sup> A/HRC/53/21, para. 83.

<sup>503</sup> A/HRC/53/21, para. 76.

<sup>504</sup> A/HRC/53/21, para. 76; *Radio free Europe/Radio Liberty*; Fereshta Abbasi, *Human Rights Watch*; *Amnesty International*; *Interactive dialogue on the High Commissioner’s report*.

<sup>505</sup> *UN Experts*.

<sup>506</sup> *Amnesty International Report*, PP. 43-44.

<sup>507</sup> A/HRC/53/21, 15 June 2023, para. 76.

<sup>508</sup> ICJ Amnesty.

<sup>509</sup> ICJ Amnesty.

<sup>510</sup> A/HRC/53/21, para. 76.

<sup>511</sup> A/HRC/56/25, para. 44.

<sup>512</sup> A/HRC/56/25, para. 44.

<sup>513</sup> *Special Procedures*.

<sup>514</sup> A/HRC/56/25, para. 43.



institutionalized system of oppression”.<sup>515</sup> There have been credible reports of “gender-related killings, or femicide, stemming from the systematic enforcement of discriminatory gender roles and punishments for what the *de facto* authorities deem as inappropriate female behaviour”.<sup>516</sup>

135. Women are “more likely to be sentenced to death by stoning, due to deeply entrenched discrimination and stereotypes against them, including deep-rooted stereotypes held by the exclusively male judiciary – a manifestation of the gender-based persecution that women...endure in Afghanistan”.<sup>517</sup> According to a survey respondent: “*they have punished individuals publicly in stadiums without any judicial process. This includes flogging and whipping*”.<sup>518</sup> Another described: “*In our province, we witnessed young girls being flogged*”.<sup>519</sup> According to another respondent: “*women are stoned...for unknown crimes*”.<sup>520</sup> Women “publicly punished for *zina* and other so-called moral crimes are also at increased risk of violence from their families and communities after infliction of these prohibited forms of punishment”.<sup>521</sup> According to UN experts: “Stoning people to death...constitutes torture or other cruel, inhuman, or degrading treatment or punishment” these “cruel punishments are contrary to international law”.<sup>522</sup> Moreover, they said: “International human rights law prohibits such cruel sentences – in particular the death penalty – following trials without requisite fair trial guarantees”.<sup>523</sup>

136. There are no prompt, independent, impartial, gender-sensitive, meaningful investigations taking place, let alone investigation into systematic failures to prevent violence. Impunity persists for “unlawful deaths of women,” including “in their own homes, in public spaces or in Taliban-run detention facilities”.<sup>524</sup>

137. The “root causes” of the “gender-related motivation” of these acts include “stereotyped gender roles, discrimination against women...and inequality and unequal power relations between women and men in society”.<sup>525</sup> According to the Deputy High Commissioner: “We cannot allow such extreme discrimination and violence against women and girls [to] be accepted”.<sup>526</sup>

138. The “definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately”.<sup>527</sup> It constitutes “a critical obstacle to achieving substantive equality between men and women as well as to women’s enjoyment of human rights and fundamental freedoms enshrined in the Convention”.<sup>528</sup> It “takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty”.<sup>529</sup> In Afghanistan, these acts, including by members of the Taliban *de facto* authorities themselves or as a result of the system they have created, persist with impunity. The

<sup>515</sup> [A/HRC/56/25](#), para. 43.

<sup>516</sup> [A/HRC/53/21](#), para. 77.

<sup>517</sup> *Special Procedures*.

<sup>518</sup> Survey; *See also, VOA; NPR; See also, OHCHR*.

<sup>519</sup> Survey.

<sup>520</sup> Survey.

<sup>521</sup> *OHCHR*.

<sup>522</sup> *Special Procedures*.

<sup>523</sup> *Id.*

<sup>524</sup> [A/HRC/53/21](#), para. 77.

<sup>525</sup> [A/HRC/53/21](#), para. 78.

<sup>526</sup> *Deputy High Commissioner*.

<sup>527</sup> CEDAW General Recommendation No. 19.

<sup>528</sup> CEDAW General recommendation No. 35, para. 10.

<sup>529</sup> *Id.*, para. 14.

Taliban *de facto* authorities have further failed to prevent, investigate, prosecute, punish, and provide reparation for victims and survivors of gender-based violence, to provide an effective legal framework or adopt policies to combat violence against women with the aim of its elimination, in contravention to the Convention. Moreover, according to the U.N. General Assembly's 1993 Declaration on the Elimination of Violence against Women: "any custom, tradition or religious consideration" should not be "invoke[d]" by the Taliban *de facto* authorities "to avoid" Afghanistan's "obligations with respect to its elimination".<sup>530</sup> A comprehensive, transformative, preventive response remains essential to address the various forms of gender-based violence and its structural nature.

### III. Recommendations

139. For States and members of the international community:

(a) Refrain from any normalisation or legitimisation of the Taliban *de facto* authorities and their institutionalised system of oppression, including ensuring actions taken do not inadvertently do so;

(b) Ensure any engagement with the Taliban *de facto* authorities is contingent on respect for the human rights of all and is with a view to facilitating the establishment of an inclusive representative, government, including about gender and all ethnic and religious minorities, ensuring the full, equal, and meaningful participation of women and youth in decision-making positions, that is committed to promoting and protecting human rights for all, including by ensuring full respect for the principles and obligations under the Charter of the United Nations and all the other international treaties on human rights ratified by Afghanistan, including the Convention on the Elimination of All Forms of Discrimination against Women;

(c) Ensure that women and civil society, inside Afghanistan and within the diaspora, are able to participate in the development, implementation and monitoring of the policies and strategies conducive to the implementation of CEDAW, taking into account the particular situation of women affected by intersecting forms of discrimination;

(d) Recognise and codify gender apartheid as an international crime, and take concrete steps towards bringing an end to gender apartheid and preventing worse, including by ensuring the systematic, institutionalized oppression of women is discussed and urgently acted upon in international, regional and national forums, including *inter alia*, working towards an end, without delay, of all violations and abuses against women, including violence, a rescinding of all discriminatory edicts, restoration of the Constitution or adoption of a new legitimate constitution through an inclusive and consultative process, Ministry of Women's Affairs, Afghanistan Independent Human Rights Commission, and additional relevant institutions and legislation, and ensuring of the participation of women in all aspects of political, social, economic, cultural, and public life, equality before the law and access to justice, while also considering the global and regional implications of failing to protect the human rights of women in Afghanistan;

(e) Establish a gender-response international investigative and accountability mechanism;

(f) Ensure adequate resources, cooperation and support for to advance accountability, address impunity, provide redress for survivors and victims, and bring perpetrators to justice, including the International Criminal Court, the International

<sup>530</sup> Declaration on the Elimination of Violence against Women, art. 4.

Court of Justice, national courts, relevant human rights mechanisms, including the Special Rapporteur on the situation of human rights in Afghanistan, and future justice efforts, ensuring that victims and survivors remain at the centre;

(g) Provide support and platforms for victims, survivors, family members, and civil society representatives, particularly women, to advocate for truth, justice, holistic and proportionate reparation and guarantees of non-recurrence, with the aim to adopt a societal transformation;

(h) Impose additional targeted sanctions on members of the Taliban *de facto* authorities;

(i) Strengthen support for UNAMA, in particular its Human Rights Service, as well as other mandated entities working on GEWE;

(j) Ensure improved coordination across the entire United Nations system, civil society organizations, judicial mechanisms and relevant authorities, with a view to promoting and protecting human rights, adopting a consistent, coherent, collective, effective, principled, united, human rights-centred and gender integrated approach forward;

(k) For the Committee on the Elimination of Discrimination against Women, adopt or expand its procedures in response to the critical situation of women in Afghanistan, including, *inter alia*, through cooperation and coordination with the Committee on the Rights of Persons with Disabilities, which allows for individual complaints and the inquiry procedure;

(l) Ensure adequate resources, cooperation and support for coordinated disaggregated data collection and shared platforms related to continuing issues surrounding the status of women in Afghanistan to make substantive and ongoing assessments to better identify trends that indicate progress or deterioration of the situation in order to shape future strategies and for accountability;

(m) Create initiatives in collaboration with women and civil society to raise awareness about the Convention, disseminate the Convention, and improve access to information about rights under CEDAW, including through awareness campaigns, public information programmes, communication strategies, training, art and education initiatives to help prevent discrimination and violence, strengthen understanding of equality of men and women, and eliminate prejudices and stereotypes that hinder women's equality;

(n) Create practical ways forward to enable the full, inclusive, representative, equal and meaningful participation of women in all deliberations concerning Afghanistan's future, ensuring they are consulted and their perspectives are reflected and human rights for all individuals remain the centre of any discussions or decisions;

(o) Take proactive steps to keep the situation in Afghanistan meaningfully on the international agenda and create more opportunities for women of Afghanistan to participate on the international level;

(p) Innovate solutions to improve access to education for all women and girls at all levels and disciplines, and ensure that equal, inclusive, equitable, and quality education is provided, including, *inter alia*, through the provision of scholarships, partnerships with civil society organisations, the private sector, the media, and UN bodies, and support for female teachers;

(q) Increase efforts to support medical, psychosocial, and counselling services, creation of safe spaces, shelters and support centres, including at the community-level and for those in exile;

(r) Take steps to ensure that humanitarian aid is distributed equitably, especially to vulnerable and marginalised groups, reinforcing measures to prevent and detect aid diversion, increase the transparency of financial reporting, and enhance independent monitoring and evaluation of service delivery;

(s) Support organisations, grass-roots and community initiatives working on women's rights and gender equality, including *inter alia*, by making efforts to strengthen the capacity of civil society organizations to protect and promote human rights, especially women-led organizations, and expanding funding avenues to support initiatives that promote respect for human rights, such as access to justice for women, support for survivors of gender-based violence, and combating of harmful practices, including early and forced marriage; and

(t) Increase efforts for safety and protection of women at risk, including, *inter alia*, granting them refugee, protective or regular status, including on the basis of gender, and facilitating their safe resettlement and ensure that the human rights of Afghanistan's refugees in host countries are protected they are provided with legal, physical and adequate economic security, have access to education and health services, and are treated with dignity.

#### IV. Conclusion

140. This report can effectively contribute to realising the recommendations outlined in the Special Rapporteur's most recent report to the UN General Assembly, including progress in processes of the International Criminal Court and a potential case before the International Court of Justice.

141. It is a critical opportunity to highlight the realities of the devastating impacts women continue to experience since 15 August 2021. This submission serves as a foundational document to advocate for international support and intervention to restore and protect the human rights of Afghanistan's women.

142. The systematic, institutionalised oppression of women by the Taliban *de facto* authorities in Afghanistan calls for a coordinated, credible, urgent and effective response. The Convention and its ratification by Afghanistan created critical openings for change in the lives of women. However, the vision offered by the Convention requires a sustainable, enduring societal transformation. It is up to all members of the international community to pave the way towards its realisation. The fight Afghanistan's women and girls "are in right now is a fight for the rights of women and girls everywhere".<sup>531</sup>

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<sup>531</sup> Heather Barr, *Georgetown Journal of International Affairs*.