



General Assembly

Distr.: General
16 May 2022

Original: English

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda items 2 and 10

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Situation of human rights in Afghanistan

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution S-31/1, in which the Council requested the United Nations High Commissioner for Human Rights to submit a comprehensive report to the Council at its forty-ninth session on the human rights situation in Afghanistan focusing on, inter alia, accountability of all perpetrators of human rights violations and abuses in the conflict. The report should be read in conjunction with the report of the High Commissioner on the situation of human rights in Afghanistan, and technical assistance achievements in the field of human rights ([A/HRC/49/90](#)).

* The present report was submitted after the deadline so as to include the most recent information.



I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council resolution S-31/1, in which the Council requested the United Nations High Commissioner for Human Rights to submit a comprehensive report to the Council at its forty-ninth session on the human rights situation in Afghanistan focusing on, inter alia, accountability of all perpetrators of human rights violations and abuses in the conflict.
2. The present report is focused mainly on the period from the adoption of Human Rights Council resolution S-31/1 on 24 August 2021 until the end of February 2022. It provides an overview of the human rights situation in Afghanistan and highlights issues of concern, including violations of the right to life and physical integrity, gender-based discrimination and violence against women and girls, violations of the rights to freedom of opinion and expression and to peaceful assembly, undue restrictions on freedom of movement, accountability and the administration of justice. Special attention is paid to issues relating to economic, social and cultural rights and the situation of women and girls.
3. While the domestic legal framework of Afghanistan evolves, the seven core United Nations human rights treaties to which Afghanistan remains a State party and by which it continues to be bound are used as the benchmark for the present report.¹

Context

4. On 15 August 2021, following a rapid military advance, the Taliban took control of the capital, Kabul. International military forces completed their withdrawal from Afghanistan on 30 August 2021. By 6 September 2021, the Taliban had captured Panjshir Province, the last pocket of armed resistance.² The sudden and unexpected collapse of the Afghan National Defence and Security Forces, and with it the effective control of the Government, caused unprecedented chaos and fear throughout many parts of the country, especially in Kabul. Since 15 August 2021, there has been a significant decrease in armed hostilities in Afghanistan with a drastic reduction in civilian casualties. While sporadic violence remains, civilians can now live in relative peace.
5. On 7 September 2021, the Taliban announced a caretaker cabinet along with appointments to other key administrative positions at the national and provincial levels. At the time of writing of the present report, all members of the de facto administration were men and predominantly Pashtun, therefore lacking representation of the diverse ethnic, religious, political and geographic groups in Afghanistan. Women are neither included in this de facto administration nor currently allowed any active role in political life.

II. Economic, social and cultural rights

6. Prior to the Taliban takeover, Afghanistan was already in a precarious economic situation due to severe droughts over several seasons, limited foreign trade, the socioeconomic impact of the coronavirus disease (COVID-19) pandemic and insecurity in the context of the ongoing armed conflict. Following the Taliban takeover, the economy spiralled downwards, sparking an unprecedented crisis that has affected the full range of economic, social and cultural rights of the vast majority of people in Afghanistan. The situation was exacerbated by the fact that the sanctions regime that the Security Council had been applying to the Taliban since 2015³ now applied to the de facto authorities of the

¹ International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities.

² See [A/76/667-S/2022/64](#).

³ Security Council resolution 2255 (2015) reaffirmed the asset freeze, travel ban and arms embargo on individuals, groups, undertakings and entities associated with the Taliban, in constituting a threat to

country. In addition, authorities of the United States of America froze the \$9.5 billion in assets of the Central Bank of Afghanistan that are held by the Federal Reserve Bank of the United States and that underpin the stability of domestic banks. By September 2021, many commercial banks, which had already been under severe pressure from a high volume of cash withdrawals and currency conversion, stopped operating, resulting in many people losing access to their savings or being forced to find alternatives.

7. As of 15 August 2021, the international community also suspended non-humanitarian aid to Afghanistan, on which almost every essential State function had been dependent prior to the Taliban takeover. On 22 December, the Security Council adopted resolution 2615 (2021) modifying the sanctions regime, which had applied to the Taliban since 2015, to permit the provision of humanitarian assistance and other related activities. On 23 December, a group of 11 special procedure mandate holders warned that the current sanctions regime was impeding the functioning and maintenance of infrastructure that was essential to ensure the population's survival. On 2 February 2022, United States authorities announced that international banks would be permitted to transfer money to Afghanistan for humanitarian purposes, thus enabling aid agencies to pay teachers and health-care personnel without fear of violating international sanctions.⁴

A. Right to an adequate standard of living, including the right to food

8. The economic crisis has had a profound impact on the right to an adequate standard of living, including the right to food. According to the World Food Programme, the estimated number of people unable to adequately feed themselves and their families had increased dramatically, reaching 22.8 million – an increase of 37 per cent in the number of Afghans facing acute hunger. Among them, approximately 8.7 million people were assessed as experiencing critical levels of acute food insecurity.⁵

9. Contributing to food insecurity, throughout 2021, Afghanistan suffered its second drought in four years, affecting 25 of the country's 34 provinces.⁶ Because 80 per cent of the population depends directly on agriculture, this significantly undermined livelihoods and access to food.⁷

10. The impact of this decrease in domestic production has also been exacerbated by disruptions to international trade, as well as the brief and partial closure of borders after 15 August 2021, which have further reduced the amount of food available in markets and driven up prices of essential goods.⁸ Owing to the ongoing liquidity crisis, it is becoming increasingly difficult for individuals and market vendors to be able to purchase essential goods and services, including food and medicines.

11. The World Bank has estimated that Afghanistan currently has a year-on-year inflation rate of almost 41.9 per cent.⁹ Given the country's dependence on imports, the depreciation in the currency has also driven up prices. The World Food Programme recorded significant price increases from June to October 2021 for basic items, such as wheat, rice, cooking oil, diesel and other essentials.¹⁰

the peace, stability and security of Afghanistan as designated by the Committee on the List established pursuant to Security Council resolution 1988 (2011). See <https://www.un.org/press/en/2021/sc14750.doc.htm>.

⁴ See <https://home.treasury.gov/policy-issues/financial-sanctions/faq/added/2022-02-02>.

⁵ See <https://www.wfp.org/countries/afghanistan>.

⁶ See

https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Afghanistan_AcuteFoodInsec_2021_Oct2022Mar_snapshot.pdf.

⁷ See <https://news.un.org/en/story/2021/10/1103932>.

⁸ See <https://www.worldbank.org/en/country/afghanistan/overview#1>.

⁹ See <https://thedocs.worldbank.org/en/doc/0fa267944e2b004e4dba35e9b014bd89-0310062021/related/Afghanistan-Economic-Monitor-15-February-2022.pdf>.

¹⁰ See <https://docs.wfp.org/api/documents/WFP-0000133104/download/>.

12. As a result of this crisis, people are resorting to harmful coping mechanisms, including incurring unsustainable debt burdens.¹¹ The United Nations Children's Fund (UNICEF) has observed an increase in child labour, child marriage and the sale of children,¹² disproportionately affecting girls. For example, in November 2021, UNICEF received credible reports of families offering their daughters as young as 20 days old for future marriage in return for a dowry.¹³

13. During the 20 years prior to the Taliban takeover, access to health facilities had improved in many parts of the country, mostly due to national and international non-governmental organizations being contracted to provide basic health services at the provincial and district levels.¹⁴ Government spending on health remained low, at approximately \$8 per person per month. As such, the health sector was heavily dependent on donors and non-governmental organization partners,¹⁵ raising questions over its long-term sustainability.

14. Following the Taliban takeover, most donors suspended their support for the health sector beyond the provision of basic humanitarian needs. In particular, the World Bank withdrew funding for the Sehatmandi Project,¹⁶ which had financially supported health packages and hospital services in 31 of the 34 provinces in the country (more than 2,300 out of 3,500 health facilities). In addition, there are more than 1,200 health facilities outside the scope of World Bank funding and therefore remain out of the scope of the Sehatmandi Project. The banking and liquidity crisis has had adverse impacts on the health system, with multiple facilities unable to pay salaries or purchase fuel to run their generators. Ambulances cannot operate, food supplies are running short for patients and there is a lack of adequate medicine.¹⁷ Over the past months, funding for the health sector has slowly but gradually been improving with the resumption of funding through the Afghanistan Reconstruction Trust Fund (managed by the World Bank) and facilitated by policy provisions (including Security Council resolution 2615 (2021) and general licences 19 and 20 of the Office of Foreign Assets Control of the United States Department of the Treasury) that allow funding for basic human needs.

15. Another challenge affecting the health sector is cross-border supply, as border closures have slowed the flow of medicines and other related goods to pharmacies. Health facilities have been at risk of electrical blackouts because of disruptions and reductions in supply, owing to the fact that more than 80 per cent of the country's electricity is imported from abroad.

16. This decrease in access to and the provision of health-care services is taking place against the backdrop of increasing outbreaks of measles, acute watery diarrhoea and other preventable diseases in part due to such underlying problems as a lack of access to clean water and sanitation and adequate food.¹⁸ Between 3 January 2020 and 24 February 2022, the World Health Organization recorded 172,924 reported and confirmed cases of COVID-19 in Afghanistan, with 7,575 deaths. As at 19 February, a total of 5,412,309 vaccine doses had been administered, covering approximately 9 per cent of the population.¹⁹

¹¹ See <https://reliefweb.int/report/afghanistan/afghanistan-humanitarian-response-plan-2022-january-2022>.

¹² See <https://news.un.org/en/story/2021/12/1107902>.

¹³ See <https://www.unicef.org/afghanistan/press-releases/girls-increasingly-risk-child-marriage-afghanistan>.

¹⁴ See <https://www.usip.org/publications/2020/04/service-delivery-taliban-influenced-areas-afghanistan>.

¹⁵ See <https://www.worldbank.org/en/country/afghanistan/publication/afghanistan-public-expenditure-update>.

¹⁶ See <https://www.worldbank.org/en/results/2020/10/23/delivering-strong-and-sustained-health-gains-in-afghanistan-the-sehatmandi-project>.

¹⁷ See <https://www.icrc.org/en/document/icrc-scales-support-health-care>.

¹⁸ See

<https://www.unicef.org/media/113496/file/Afghanistan%20Humanitarian%20Situation%20Report%20November%202021.pdf>.

¹⁹ See <https://covid19.who.int/region/emro/country/af>.

B. Right to education

17. During the 20 years prior to the Taliban takeover, significant advances had been made in education, especially for girls.²⁰ Before August 2021, 9.2 million children (38 per cent of whom were girls) were in school – an eightfold increase from the early 2000s.²¹ Of the 4 million children not enrolled in school, approximately 60 per cent were girls.²² Due to a shortage of women teachers, the ongoing conflict and limited investment, however, the education system had limited reach, particularly in remote areas. The education sector, as with the health sector, has been heavily dependent on donors and outsourcing to non-governmental organizations. Furthermore, education infrastructure remains poor, with most schools, particularly those located in remote areas, in need of refurbishment.

18. Since August 2021, the de facto authorities have repeatedly given public assurances that girls' education would continue, particularly beyond the sixth grade, but on the basis of an Islamic framework. On 18 November, the de facto authorities announced that schools would reopen in March 2022, including for girls beyond the sixth grade, pending the development of a new education policy. There has been no confirmation from the de facto authorities as to the curriculum that will be taught or whether it will be the same for boys and girls.

19. On 12 January 2022, the de facto minister of higher education announced that the country's 40 public universities would resume operation. On 2 February, the de facto authorities opened public universities for both men and women students in warm climate areas of the country.²³ Universities in cold climate provinces opened on 26 February. While the de facto authorities have given assurances that women could continue to enrol in higher education, they stressed that women would only be allowed in gender-segregated classrooms and Islamic dress would be compulsory. These policies were already in application in various parts of the country prior to the Taliban takeover. Concerns remain that rigid gender segregation at universities will severely curtail women's access to higher education and the quality of teaching and learning. Similarly, as with primary and secondary schools, it is uncertain whether all courses will be open equally to women and men.

20. The funding crisis has also meant that public-school teachers, particularly contract teachers, have not been receiving their monthly salaries on a regular basis and are unsure when or whether they will be paid again. In addition, no funds are available to provide key inputs to education, such as funding to keep schools operational and the provision of teaching and learning materials, including textbooks, or teacher training support, thereby putting children in public schools at risk of dropping out. Even where girls have been allowed to attend school, instruction has been constrained due to the absence of women teachers.²⁴ According to UNICEF, "female teachers and education administration workers have continued to remain at home with exceptions being reported in some provinces across the country".²⁵ Due to the ongoing restrictions, UNICEF has also suspended the Girls' Access to Teacher Education classes, which had provided much needed teacher training for women teachers.²⁶

²⁰ See [CEDAW/C/AFG/CO/3](#).

²¹ See <https://www.unwomen.org/sites/default/files/2021-12/Gender-alert-Womens-rights-in-Afghanistan-en.pdf>.

²² See <https://news.un.org/en/story/2018/06/1011211>.

²³ Universities were opened only in Kandahar, Helmand, Nimruz, Nangarhar, Khost, Paktiya, Laghman and Paktika provinces.

²⁴ See <https://news.un.org/en/story/2021/12/1107902>.

²⁵ See <https://www.unicef.org/media/110331/file/Afghanistan-Humanitarian-SitRep-October-2021.pdf>.

²⁶ *Ibid.*

III. Right to life and physical integrity

A. Protection of civilians

21. The months of hostilities between the Taliban and pro-government forces took a heavy toll on civilians in Afghanistan. From 1 July to 15 August 2021, the United Nations Assistance Mission in Afghanistan (UNAMA), in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), recorded 2,192 civilian casualties (423 killed and 1,769 injured). Among these casualties were 371 children (77 killed and 294 wounded) and 136 women (27 killed and 109 wounded). Almost two thirds (62 per cent) of civilian casualties during this period were caused by ground engagements.

22. While there has been a significant reduction in civilian casualties since the seizure of power by the Taliban on 15 August 2021, the protection of civilians remains a cause for concern. In the period between 15 August 2021 and 15 February 2022, UNAMA/OHCHR documented at least 1,153 civilian casualties (at least 397 killed and 756 wounded), including 173 child casualties (55 killed and 118 wounded) and 25 civilian casualties among women (11 killed and 14 wounded).

23. Suicide and non-suicide improvised explosive devices were the leading cause of civilian harm. Almost 80 per cent of all civilian casualties during this period were caused by Islamic State of Iraq and the Levant-Khorasan (ISIL-K), with four suicide attacks carried out by the group accounting for the majority of civilian casualties, killing 264 people and wounding 533 others. These attacks were on Hamid Karzai International Airport in Kabul on 26 August 2021, an attack on a hospital in Kabul on 2 November and two suicide attacks targeting Shia places of worship. On 8 October, a suicide attack, attributed to ISIL-K, during Friday prayers on a Shia mosque in Kunduz killed at least 140 civilians and wounded at least 290 others, among them at least 38 boys (13 killed and 25 wounded). UNAMA/OHCHR has recorded instances of non-suicide improvised explosive devices, planted by ISIL-K and targeting the de facto authorities, killing and maiming civilians.

24. Leftover pressure-plate improvised explosive devices and other explosive remnants of war have been the other main cause of harm to civilians since 15 August 2021, with 61 incidents causing at least 154 civilian casualties, among them 105 children (29 killed (27 boys and 2 girls) and 76 wounded (55 boys and 21 girls)). On 10 January 2022, eight children were killed and four others wounded when an explosive remnant of war detonated near a school in Nangarhar Province.

B. Killings, including extrajudicial killings

25. Since 15 August 2021, the Taliban leadership has repeatedly announced guarantees of protection (referred to as a “general amnesty”) for former government officials and members of the Afghan National Defence and Security Forces, notwithstanding the length of the conflict, the multiple layers of grievances and the recent history of the country. The Taliban’s Supreme Leader, the de facto prime minister, the de facto minister of defence, the de facto minister of the interior and other senior officials and local officials have, on several occasions, called on Taliban fighters to honour the general amnesty and refrain from harming former government officials. Despite these commitments, UNAMA/OHCHR has received credible allegations regarding the killing of more than 130 former Afghan National Defence and Security Forces and government personnel or their family members. Of those killings, about 100 were extrajudicial killings attributed to the de facto authorities or their affiliates. For instance, on 4 November, in Balkh Province, seven personnel of the de facto authorities entered a private residence and shot and killed two women and two men. Both women and one of the men were former Afghan National Defence and Security Forces employees.

26. Since August 2021, UNAMA/OHCHR has received credible allegations of the killing of more than 50 persons suspected of ISIL-K affiliation, of which about 35 were extrajudicial killings attributed to the de facto authorities. While the vast majority of these incidents occurred in Nangarhar Province in October and November 2021, with a period of no incidents in January 2022, in the second week of February 2022 there were three extrajudicial killings

of persons suspected of ISIL-K affiliation recorded in the province. Many of those killed had also been subjected to enforced disappearance, torture and other ill-treatment by the de facto authorities. In a number of cases, dismembered bodies were found by the roadside.

27. The unnecessary or disproportionate use of force by the de facto authorities during protests and search operations and at checkpoints also resulted in deaths and injuries. On 13 January 2022, the de facto security forces shot dead a young woman returning from a wedding party at a security checkpoint in Kabul. In late February 2022, the de facto ministry of the interior reportedly issued a directive instructing the de facto security forces to refrain from firing at civilians at checkpoints. The directive reportedly also instructs the de facto security forces to refrain from harassing, insulting and beating suspects and states that the de facto security forces have no right to conduct a house search without a court order or under the pretext of monitoring an accused person's residence. Furthermore, it reportedly instructs the de facto security forces to perform their duties in the presence of lawyers and in broad daylight.

28. UNAMA/OHCHR has established a mechanism to share documented cases of human rights violations with the de facto ministry of the interior. This is alongside dialogue that is aimed at establishing the facts, with the de facto authorities undertaking investigations and ensuring accountability.

C. Detention and prison conditions

29. Conditions in prisons in Afghanistan were already below international standards before 15 August 2021, with serious overcrowding that was only partially relieved in 2020 through a series of releases partly in response to the COVID-19 pandemic. Since August 2021, however, the general lack of funds has further adversely impacted detention conditions, resulting in further scarcity of food, medical care, clothing and heating materials. The limited functioning of the judicial system, especially in the first few months following the takeover in August, has resulted in prolonged pretrial detention.

30. In January 2022, the de facto authorities issued guidance requiring that detainees be treated in accordance with Islamic law. On 4 January, the de facto cabinet established a high-level commission, headed by the de facto supreme court, to inspect the prisons and detention centres and make an urgent decision regarding the release of innocent prisoners. Since then, a number of detainees have been released in various locations across Afghanistan, some seemingly upon the recommendations of this commission and others on the decision of local authorities.

31. Concerns also remain about the continuing practices of arrest, incommunicado detention and alleged torture and other ill-treatment of individuals suspected of being affiliated with the former Government, Afghan National Defence and Security Forces or ISIL-K. For example, on 15 November 2021, the remains of a tribal elder were discovered in Chaparhar District in Nangarhar Province. He had reportedly been previously arrested by the de facto security forces on suspicion of affiliation with ISIL-K.

IV. Discrimination and violence against women

32. Gender inequality, discrimination and gender-based violence remained deeply entrenched in Afghanistan even prior to 15 August 2021. Despite this, women had been active in all three branches of the Government, namely the executive, judiciary and legislative, while also playing a growing role in the private sector. Women held 27 per cent of seats in Parliament and 22 per cent in the upper house.²⁷ One fifth of civil servants were women, including in the judiciary. More than 1,700 women media workers were active in the country.²⁸ Women assumed leadership positions in civil society, including as human rights defenders, and contributed to the political, economic and social progress of the country. Some

²⁷ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27406&LangID=E>.

²⁸ See <https://en.unesco.org/news/afghanistan-unesco-highlights-key-challenges-education-science-and-culture-country>.

3.5 million girls were attending schools.²⁹ Women also represented Afghanistan in sports at the international level³⁰ and were active in cultural life, including singing and playing musical instruments.

33. Since 15 August 2021, women have been excluded from political life, as well as the workforce more broadly. They are absent from the all-men de facto administration and occupy a limited number of civil service positions. On 18 September, the de facto authorities disbanded the Ministry of Women's Affairs, which had been established in 2001 to lead government efforts to promote gender equality. The premises of the Ministry were taken over by the de facto ministry for the propagation of virtue and the prevention of vice. This triggered protests in Kabul by women who had formerly worked at the Ministry of Women's Affairs, who urged the Taliban to let them return to their work.³¹

34. The de facto authorities have repeatedly asserted their commitments to uphold women's rights within the framework of Islamic law. On 17 August 2021, in a press conference, the de facto authorities' spokesperson, Zabihullah Mujahid, stressed: "We are going to allow women to work and study. ... Women are going to be very active in the society but within the framework of Islam."³² In a letter to the United Nations dated 10 September, the de facto authorities affirmed their commitments to all rights of women in the context of religion and culture and vowed to gradually take concrete steps with the help of the international community. On 3 December, the de facto authorities issued a decree on women's rights, setting out rules governing marriage and property. The decree bans forced marriage of women, prohibits the practice of *baad*³³ and grants inheritance rights to widows, although it falls short of setting a minimum age for marriage or referring to wider rights of women and girls, inter alia, their rights to education, to work, to freedom of movement or to participation in public life.

35. On 17 January 2022, a group of United Nations human rights experts expressed serious concerns over the institutionalization of large-scale and systematic gender-based discrimination and violence against women and girls.

36. The de facto authorities have imposed restrictions limiting women's freedom of movement. On 26 December 2021, the de facto ministry for the propagation of virtue and the prevention of vice issued new guidance to transport operators across the country limiting women's freedom of movement to no further than 72 km unless accompanied by a *mahram* (a close male relative).³⁴ The guidance also prohibits taxi drivers from taking women passengers if they are not wearing a hijab. There are reports of further restrictions on women's freedom of movement being applied at the provincial level; for instance, in Balkh Province, women were reportedly banned from bathhouses by the de facto ministry for the propagation of virtue and the prevention of vice in late December and, in some provinces, the de facto authorities have reportedly detained women who were found without a *mahram*.

37. On 27 February 2022, the de facto authorities' spokesperson, Mr. Mujahid, told a press conference that the de facto authorities would ban Afghans from leaving the country without "an excuse" and that women would not be able to fly abroad unless accompanied by a *mahram*. On 2 March, Mr. Mujahid clarified these comments, saying that Afghans with "legal documents" would not be prohibited from travelling. No further clarification on the requirement for women travelling overseas to have a *mahram* has been issued.

38. Limitations on freedom of movement negatively affect other aspects of women's lives, such as access to health services and employment. In some provinces, women have

²⁹ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27406&LangID=E>.

³⁰ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27454&LangID=E>.

³¹ See <https://www.aljazeera.com/news/2021/9/18/taliban-replace-ministry-for-women-with-guidance-ministry>.

³² See <https://www.aljazeera.com/news/2021/8/17/taliban-says-will-respect-womens-rights-press-freedom>.

³³ The practice of *baad*, or giving away girls to settle disputes, is used to end conflicts over serious crimes. See

https://unama.unmissions.org/sites/default/files/harmful_traditional_practices_english.pdf.

³⁴ See <https://5pillarsuk.com/2021/12/28/afghanistan-bans-women-from-travelling-long-road-distances-without-mahram/>.

reportedly been prevented from accessing medical care because they were not accompanied by a *marham*. Women-headed households have also been assessed as being at increased risk of poverty due to restrictions imposed on the freedom of movement and ability to work.³⁵

39. The change in effective authority has also had adverse impacts on access to justice, protection and support for women experiencing gender-based violence. The closure of various service providers working on gender-based violence, such as women's shelters, has left a large institutional gap in assisting and protecting women and girls at risk. Most shelters have been shut down due to fear of reprisals, threats or financial constraints, forcing women and girls experiencing violence to return to or remain in situations where they are at serious risk. Women's economic security and financial independence have also been affected by restrictions on women's rights to work and freedom of movement, creating further barriers to escaping violence. In addition to the abolition of the Ministry of Women's Affairs, specialized courts and prosecution offices addressing the elimination of violence against women have been removed from the de facto authorities' administrative plan for 2022, leaving women without recourse to protection within the formal justice system. These restrictions also leave in limbo cases relating to child custody and divorce that were in court proceedings prior to 15 August 2021.

V. Fundamental freedoms

A. Freedom of opinion and expression

40. Freedom of opinion and expression had greatly expanded in Afghanistan before the Taliban takeover. Afghanistan enjoyed a dynamic media landscape, with 1,879 active media outlets, 203 television channels, 349 radio stations and 1,327 print outlets. The media sector employed thousands of media professionals, including 1,741 women, of whom 1,139 were journalists.³⁶ Television channels hosted live debates, music shows, and cultural and educational programmes, among others. While the media enjoyed unprecedented freedom to operate, journalists and other media workers were subjected to violence, threats, intimidation, harassment, arrests and killings.³⁷

41. The space for independent media and civil society has changed since 15 August 2021. On 19 September, the de facto authorities announced a set of 11 guidelines on media operations for all print, audio and video media outlets. These include advice to the media to: not report on issues contrary to Islam and sharia; strictly avoid disrespecting national and influential figures, as well as national and personal privacy; strictly avoid distorting contents; and maintain impartiality in preparing and publishing news and reports and publish only the truth. These rules are being enforced to varying degrees across the country, especially at the provincial level, which further affects the media landscape and the enjoyment of the right to freedom of opinion and expression.

42. The de facto authorities have subjected journalists to imprisonment, physical attack, intimidation and harassment. Since 15 August 2021, UNAMA has documented two journalists being killed and two sustaining injuries from attacks. It documented 44 cases of journalists and media workers being arbitrarily detained and beaten or suffering threats or intimidation. Of these, 42 cases were attributed to the de facto authorities and 2 cases could not be attributed to anyone. On 11 December, a senior official of the de facto authorities and his bodyguards detained and beat Sayed Rashed Kashefi, a journalist who was reportedly filming the mistreatment of women by bodyguards at an aid distribution site in Kabul. On 31

³⁵ See <https://news.un.org/en/story/2021/12/1107902>.

³⁶ See <https://en.unesco.org/news/afghanistan-unesco-highlights-key-challenges-education-science-and-culture-country>.

³⁷ According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), 81 journalists were killed between 2006 and 2021. See <https://en.unesco.org/news/afghanistan-unesco-highlights-key-challenges-education-science-and-culture-country>. See also https://unama.unmissions.org/sites/default/files/special_report_-_killing_of_human_rights_defenders_and_journalists_2018-2021_-_unama_-_14_february_2021_english_0.pdf.

January 2022, in Kabul, the de facto authorities arrested Alman Ejab and Wares Hasrat, journalists at the Ariana television network, and released them on 2 February.

43. On 20 December 2021, the Afghan Independent Journalists Association, together with Reporters sans frontières international/Reporters without Borders International, released findings of a survey that found that only 312 out of 543 media outlets were still operating and more than 6,400 journalists had lost their jobs since 15 August 2021, 80 per cent of whom were women.³⁸ This was in part due to reduced funding and revenue.

44. The de facto authorities continue to arrest and detain individuals for peaceful expression of opinion or dissent. On 8 January 2022, Faizullah Jalal, a university professor, was arrested by the de facto authorities for reportedly making allegations on social media against the de facto authorities. He was released on 11 January.

45. Journalists and media workers have been targeted by the de facto authorities while reporting on peaceful assemblies. For example, on 30 September 2021, Morteza Samadi, a photojournalist, was released by the de facto authorities after three weeks in incommunicado detention following his arrest on 7 September as he reported on protests against the de facto authorities in Herat. On the same day, the de facto authorities detained Taqi Daryabi and Nemat Naqdi, journalists from Etilaat-e Roz who had been covering protests by women in Kabul. They were reportedly taken to a police station in Kabul and severely flogged before being released on 8 September with severe injuries. The de facto authorities also detained and later released at least 14 journalists covering protests in Kabul on 7 September (6 of these journalists were reportedly ill-treated during their arrests or detention). On 21 October, the de facto security forces attacked three journalists who were covering women's protest in Kabul, beating journalists as they tried to scatter the protesters.

46. OHCHR/UNAMA shares documented cases with the de facto authorities to establish facts and continues to call on the de facto authorities to investigate the incidents and hold perpetrators responsible.

47. The de facto authorities have demonstrated intolerance of music and art, and an atmosphere of fear, intimidation, violence and threats against musicians and artists has forced many to go into hiding or to flee the country. A number of musicians and artists have informed OHCHR that they felt vulnerable to attack, arrest and detention due to their public profile. To mitigate these risks, many of those still in Afghanistan have gone into hiding.

48. The spokesperson for the de facto authorities was quoted by media asserting that music in public was forbidden by Islam but that the ban would not be imposed by force.³⁹ On 26 December 2021, the de facto authorities issued instructions to taxi drivers urging them to refrain from playing music. Some radio stations are reported to have ceased broadcasting after the de facto authorities ordered the replacement of news and music with exclusively religious programmes.

B. Right to peaceful assembly

49. With the deepening of the political, economic and social crisis since 15 August 2021, peaceful protests have taken place across the country. The protests have focused on various issues, including women's rights (particularly women's rights to education, work, participation in public life and freedom of movement), the lifting of economic sanctions, the settlement of unpaid salaries and the distribution of humanitarian assistance. Some of these peaceful protests, especially those focusing on women's rights, have been met with violence or intimidation by the de facto authorities. Some demonstrators were arbitrarily detained and subjected to torture and other ill-treatment. To disperse protesters, the Taliban have resorted to the use of force, including by using live ammunition, batons, whips, pepper spray and tear gas. For instance, on 7 September, in Herat, the de facto authorities reportedly shot and killed

³⁸ See <https://rsf.org/en/news/taliban-takeover-40-afghan-media-have-closed-80-women-journalists-have-lost-their-jobs>.

³⁹ See <https://www.theguardian.com/world/2021/sep/05/afghan-musicians-silently-await-their-fate-as-talibans-ban-looms>.

two men and wounded several others at a protest. On the same day, in Kabul, the de facto authorities reportedly beat and detained protesters, including women and up to 15 journalists covering the demonstration. On 16 January 2022, the de facto authorities reportedly used pepper spray and electric devices against protesters in Kabul. In contrast, protests seemingly coordinated with the de facto authorities on issues supported by the Taliban did not face restrictions. For example, on 21 December 2021, in Kabul (police district 9), some 600 protesters calling for the release of frozen Afghan assets did not face restrictions by the de facto authorities. On 15 February 2022, peaceful demonstrations took place in many provincial capitals, where hundreds of ordinary citizens, businesspersons and money exchangers protested a recent decision by the United States affecting assets of Afghanistan.

50. The suppression of peaceful assemblies was coupled with the official restrictions imposed on 8 September 2021 by the de facto ministry of the interior, which ban any demonstrations that do not have official approval. These restrictions, together with the de facto authorities' heavy-handed approach to protests, have heightened people's fear of reprisals for publicly expressed dissent. Women have increasingly resorted to creative ways of protesting, for instance, by doing so inside private houses, wearing face masks, painting slogans on walls at night and increasingly relying on social media for coverage.

51. Reports of the de facto authorities conducting illegal house raids to target protesters are deeply concerning. On 18 January 2022, the Taliban allegedly detained Azeem Azeemi, who had announced the organization of a rally on Twitter aimed at protesting against the visit of a high-level official from Pakistan. His whereabouts remain unknown. Women activists have also been targeted. On 19 January, Parwana Ibrahimkhel and her brother-in-law were abducted while travelling in Kabul. On the same day, Tamana Paryani and her three sisters were taken from a house in Kabul. While denying the arrest of the activists, the de facto authorities' spokesperson said that they had the right to arrest and detain those who broke the law.⁴⁰ Other reports allege that Mursal Ayar was taken from her house on 2 February and that Zahra Mohammadi was taken from her medical clinic on 3 February. These women had attended a peaceful protest a few weeks earlier. On 10 February, the Secretary-General expressed concerns about the well-being of these activists and urged the Taliban to ensure their safety and safe return home. On 11 February, the de facto authorities released Ms. Ibrahimkhel, Ms. Ayar and Ms. Mohammadi, and the following day they released Ms. Paryani and her sisters. Also on 11 February, the de facto authorities detained a group of at least 29 women and their relatives, among them some protesters. On 20 February, the de facto ministry of the interior released a video clip in which a number of women from the group were filmed while in detention saying that they had been encouraged to protest by Afghan women's rights activists based overseas, as it would help them leave Afghanistan. As at 28 February, many of the group had reportedly been released. It is difficult, however, to verify this information and the conditions of their release due to reported restrictions on their ability to speak publicly about their experiences.

C. Erosion of civic space

52. Despite the de facto authorities' repeated public commitments to respect human rights within the framework of sharia, civic space has shrunk rapidly and dramatically since their return to power. Civil society actors, including women's rights activists and human rights defenders, have been subjected to killings, enforced disappearances, incommunicado detention, attacks, harassment, threats and arrests by the de facto authorities.

53. Since 15 August 2021, 10 civil society activists have been killed, 5 of whose deaths have been attributed to the Taliban. Another 36 have been arrested, beaten or threatened by the de facto authorities. For example, on 25 November, in Lashkar Gah, civil society activist Mohammad Nawid was reportedly arrested by the de facto authorities in his home and his body was found on 28 November with signs of ill-treatment. In other cases, the perpetrators were not known: on 27 October, the body of Forouzan Safi, a 30-year-old women's rights activist, was found on the outskirts of Mazar-e Sharif. There were no reports to suggest that

⁴⁰ See <https://8am.af/taliban-we-have-the-right-to-arrest-and-imprison-dissidents/> (in Arabic).

the de facto authorities have investigated these incidents and taken action against the perpetrators.

54. Human rights non-governmental organizations have become largely non-operational in most provinces because staff are fearful of repercussions and due to the restrictions imposed by the de facto authorities that require them to engage solely on humanitarian issues. A lack of access to funding is another challenge preventing civil society organizations from continuing to operate.⁴¹

55. The de facto authorities have dissolved and occupied the premises of the Afghanistan Independent Human Rights Commission, with its staff being unable to exercise their duties. The de facto authorities have not issued any specific policy concerning the future status or mandate of the Commission.

VI. Forced evictions

56. Conflicts relating to land and property are not a new phenomenon in Afghanistan; they regularly surfaced in several provinces in the past. Since 15 August 2021, UNAMA/OHCHR have received reports about several such instances, in some cases affecting ethnic minority communities, including forced evictions of settled populations in the provinces of Daykundi, Helmand, Balkh, Sari Pul, Jowzjan and Takhar, seemingly facilitated or tolerated by the de facto authorities. For instance, in September, in Khadir and Tagabdar districts in Daykundi Province, at least 400 Hazara families were forcibly evicted and displaced. As at February 2022, most of the families had reportedly been allowed to return to their properties. In October 2021, some 200 families had been forcefully evicted in Nawmesh District in Helmand Province. In the period from September to November 2021, in the city of Kandahar, 3,500 families were subjected to forced eviction.

VII. Accountability and administration of justice

57. The negative impact of the protracted conflict and widespread corruption, as well as the tensions between statutory, customary and Islamic laws, has consistently undermined the functioning and effectiveness of the State's justice system. Equally, domestic attempts made by a specialized directorate established in February 2018 within the former Office of the Attorney General to investigate allegations of violations of human rights law and international humanitarian law committed during the conflict, including international crimes, have largely failed to ensure accountability and redress for victims of the most serious crimes.

58. On 5 March 2020, the Appeals Chamber of the International Criminal Court authorized the Prosecutor of the Court to investigate alleged crimes under the Court's jurisdiction committed in Afghanistan since 1 May 2003 and in other State parties but sufficiently linked to the situation in Afghanistan since 1 July 2002.⁴² On 26 March 2020, the Government of Afghanistan requested, pursuant to article 18 (2) of the Rome Statute of the International Criminal Court, that the Prosecutor defer the investigation into the Afghanistan situation to the Afghan national authorities, following which the Prosecutor deferred its investigation as required by the Statute while considering the request. On 27 September 2021, the Prosecutor sought authorization from the Pre-Trial Chamber to resume an investigation into the situation in Afghanistan,⁴³ after concluding that there was no longer the prospect of a genuine and effective domestic investigation within Afghanistan into the crimes in question. The matter remains pending.

59. In October 2021, the de facto authorities created a "commission for the purification of the ranks" composed of senior figures of the de facto security ministries, inter alia, to address complaints of abuse of authority by Taliban members. As at 21 February 2022, it was

⁴¹ Information based on interviews with human rights defenders.

⁴² See <https://www.icc-cpi.int/Pages/item.aspx?name=pr1516>.

⁴³ See <https://www.icc-cpi.int/Pages/item.aspx?name=2021-09-27-otp-statement-afghanistan>.

reported that the commission had expelled over 4,000 members, although specific details on the violations or crimes committed by these people are not known.⁴⁴

60. After the takeover in mid-August 2021, the previously operating legal and justice systems became dysfunctional, with little clarity as to applicable laws and the side lining of justice sector personnel. Since then, the de facto authorities have gradually sought to resume the functioning of a countrywide justice system and courts under Islamic law with numerous appointments to the de facto ministry of justice, the de facto supreme, primary and appeals courts and the de facto office of the attorney general and the initiation of an ongoing review of formal laws' compliance with both Islamic law and with the objectives and policies of the new de facto administration. In the meantime, the de facto authorities continued administering justice in lieu of the former judiciary in a decentralized manner in consultation with religious scholars, elders and local communities.

61. Former judges, prosecutors and defence lawyers have remained mostly excluded from the de facto justice system and remain in limbo regarding their return to work. Some, fearing retribution by the Taliban or by former prisoners whose cases they presided over, have either fled the country or are in hiding. UNAMA/OHCHR has received reports of threats and intimidation being made against judges and prosecutors. Alongside this, in November, the de facto ministry of justice seized authority from the Afghanistan Independent Bar Association to issue licences to lawyers and a process is under way to recertify them.

VIII. Conclusions and recommendations

A. Conclusions

62. **Afghanistan is at a critical juncture that will have a profound impact on the future trajectory of the country and the rights of the Afghan people, especially women. The economic system is near a state of complete collapse with profound impacts on economic, social and cultural rights.**

63. **The ravaged economy has strained the coping mechanisms of families, giving rise to critical concerns over the protection of many individuals, in particular women and children.**

64. **Since 15 August 2021, there has been a significant decline in armed hostilities in Afghanistan with a drastic reduction in civilian casualties. At the same time, the full range of civil, political, economic, social and cultural rights of the people of Afghanistan has regressed.**

65. **While the Afghan people are at least spared the former intensity of armed conflict, targeted killings and summary executions of former government officials and security forces personnel have continued, and civilians continue to be killed in attacks by armed groups.**

66. **The imposition of restrictive gender norms and practices and formal limitations has had serious adverse impacts on the rights of women and girls, including the freedom of movement and access to health, education, adequate standards of living and social protection. Former laws and institutions for the advancement of gender equality and women's rights have been dismantled, leaving women and in particular girls more vulnerable. The participation of women in political and economic life has been largely curtailed.**

67. **Restrictions on the rights to freedom of opinion and expression and freedom of peaceful assembly, on the right to participate in public affairs and on civic space have had a substantial chilling effect on individuals and communities.**

⁴⁴ See

https://pajhwok.com/2022/02/21/4350-undesired-persons-expelled-from-forces-ranks-mufti-hakimi/?rcp_action=lostpassword.

68. While the de facto authorities have repeatedly asserted commitments to respect human rights in accordance with sharia, they have yet to clarify the constitutional and legal frameworks that will apply to effectively protect people's rights in line with the State's international obligations. Meanwhile, many of the institutions established over the past decades with the aim of protecting human rights or providing protection and assistance to victims of violence, in particular women, have been dismantled.

69. The United Nations High Commissioner for Human Rights believes that engagement with the de facto authorities is of key importance to encourage respect for fundamental human rights and freedoms, particularly the rights of women and girls. Respect for and protection of the human rights, freedoms and well-being of all who live in Afghanistan, regardless of gender, age or ethnicity, and their capacity to fully and equally participate in all aspects of the economic, social and political life of the country are essential elements of an inclusive, stable and prosperous society. The High Commissioner stresses the importance of having a strengthened and active human rights component within the United Nations presence in Afghanistan to monitor the human rights situation, advocate with all relevant duty bearers and provide technical assistance to uphold respect for and protection of human rights without discrimination.

B. Recommendations

70. The High Commissioner recommends that the de facto authorities:

(a) Fully comply with the State's obligations under international human rights law;

(b) Respect and protect the right to life and ensure that incidents involving loss of life are promptly, effectively and independently investigated and perpetrators are held accountable under fair processes in accordance with the law;

(c) Ensure that personnel enforcing the law are trained in lawful and proportionate use of force in accordance with relevant international standards;

(d) Ensure that girls and women have opportunities and access to quality education equal to those afforded to men and boys and, as promised, open schools for girls of all ages on 23 March 2022;

(e) Respect the rights of women to actively participate in all aspects of civic, political, public and economic life;

(f) Ensure that victims of gender-based violence have access to justice and remedy and measures to guarantee their protection;

(g) Immediately end killings of former members of the Afghan National Defence and Security Forces and government personnel and ensure their protection;

(h) Take immediate legal, policy and practical measures to end torture and other ill-treatment and to establish a systematic and independent mechanism to monitor the conditions of those deprived of their liberty, including providing access to complaint mechanisms and effective remedies;

(i) Take steps to reinstate a credible and independent national human rights complaint mechanism that is compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(j) Revoke overly restrictive policies on rights to freedoms of expression and peaceful assembly, ensure any new policies are in line with the State's obligations under international human rights law and provide an enabling environment for civil society, media professionals, artists and cultural workers;

(k) Immediately stop all acts of intimidation against journalists, media workers and civil society and ensure that prompt, effective and independent

investigations are carried out into threats, ill-treatment, violence and arbitrary arrests targeting media workers, protesters and human rights defenders;

(l) Engage constructively with UNAMA/OHCHR on human rights, including resolving cases and addressing individual concerns.

71. The High Commissioner recommends that the international community:

(a) Maintain concerted efforts to advocate with the de facto authorities regarding their obligation to protect and respect the rights of all Afghans, including women and girls;

(b) Scale up humanitarian operations to meet immediate basic needs, particularly for food security and the right to health for children and women, and suspend the rules and conditions that constrict life-saving humanitarian operations;

(c) Ensure that the implementation of applicable sanctions does not substantially impede the provision of essential public services, accessible to all, that are necessary for the enjoyment of human rights;

(d) Provide safe pathways and protection to Afghans leaving the country and avoid any refoulement risking serious human rights violations;

(e) Ensure investigations of and accountability for violations committed in the course of the armed conflict and appropriate redress for victims;

(f) Ensure the continuation of a strengthened and active human rights component within the United Nations presence in Afghanistan.
