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Agenda item 2

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

**The human rights situation in Afghanistan**

**Report of the Office of the United Nations High Commissioner for  
Human Rights\***

*Summary*

The present report is submitted pursuant to Human Rights Council resolution 60/2, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to present a comprehensive report, also reflecting victims' and survivors' perspectives on justice and redress for human rights violations and abuses in Afghanistan.

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\* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

## I. Introduction

1. The present report is prepared pursuant to Human Rights Council resolution 60/2, requesting the Office of the United Nations High Commissioner for Human Rights (OHCHR) to present a comprehensive report to the Council at its sixty first session. It provides an update for the period from 1 August 2025 to 31 January 2026, also reflecting victims' and survivors' perspectives on justice and redress for human rights violations and abuses in Afghanistan. Given the short timeframe between the sixtieth and sixty-first sessions, a comprehensive consultation seeking victims' and survivors' perspectives for the purpose of this report was not possible. It concludes with recommendations to the de facto authorities and international community.

2. This report was prepared by OHCHR, also drawing on the public reporting of the United Nations Assistance Mission in Afghanistan (UNAMA). The report was shared with the Permanent Mission of the Islamic Republic of Afghanistan to the United Nations in Geneva and with the de facto authorities in Kabul.

3. Afghanistan remains bound by its obligations under international human rights law, which the de facto authorities, having assumed effective control over Afghanistan, must also uphold.

## II. The human rights situation in Afghanistan

4. The people of Afghanistan continue to suffer from ongoing human rights challenges, with some linked to the humanitarian situation, including widespread and increasing poverty, persistent unemployment, limited access to basic services and the impacts of frequent natural disasters. Afghanistan's humanitarian crisis grew more acute in 2025, following large-scale cuts to humanitarian aid. These chronic stresses are now compounded by the systematic exclusion of women and girls from public life, large-scale cross-border returns, worsening food insecurity, climate change-driven drought, and recurrent natural hazards. In 2026, around 21.9 million people – approximately 45 per cent of the population – are projected to require humanitarian assistance, reflecting the combined impact of overlapping shocks and deep structural vulnerability.<sup>1</sup>

5. The continuing strict implementation of restrictive policies and practices by the de facto authorities, in particular the further implementation of the 2024 "Law on the Propagation of Virtue and the Prevention of Vice" (PVPV), continues to negatively impact the political, civil, economic, social, cultural rights of the Afghan population, especially women and girls. As documented in previous reports, the rule of law and institutional protection of human rights continue to fall far below international norms.<sup>2</sup> In January 2026 the de facto Supreme Court sent to all courts a newly-approved decree by the Taliban leader dated 5 January for implementation, which regulates one of three categories of crimes under Islamic law, namely the implementation of discretionary punishments by de facto primary court judges. The decree criminalizes numerous acts and provides for corresponding punishments, which do not comply with international human rights law.<sup>3</sup> For example, the text extends the offences to which the death penalty could be applied in Afghanistan,<sup>4</sup> provides for the use of corporal punishment for numerous offences, including in the home, legitimising violence against women and children, and contains provisions which violate freedom of religion, as well as freedom of expression by criminalizing criticism of the de facto leadership and its policies.

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<sup>1</sup> <https://www.unocha.org/afghanistan>.

<sup>2</sup> See for example UNAMA, *De Facto Authorities' Moral oversight in Afghanistan, Impacts on human rights*, July 2024.

<sup>3</sup> Islamic Emirate of Afghanistan Supreme Court, Office of Deputy for Judicial Affairs General Directorate of Secretariat, Decree number 12, published in Pashtu.

<sup>4</sup> For background about issues related to the death penalty in Afghanistan, see UNAMA, *Corporal punishment and the death penalty in Afghanistan*, May 2023, p. 9.

6. Decreasing international financial assistance in 2025, and the continued freeze on Afghan State assets, has exacerbated the dire economic situation of millions of Afghans and their families across the country pushing much of the population into deeper poverty and precarity.<sup>5</sup>

7. Since 7 September 2025, de facto security forces have prevented Afghan women, including United Nations staff, contractors and visitors, from entering United Nations premises across the country. At time of publication, this blatantly discriminatory ban remains in place (see section on the Rights of Women and Girls below).

8. Afghanistan also continues to experience significant returns, including forced returns, of Afghans from neighbouring countries, in particular Pakistan and the Islamic Republic of Iran, traditionally host countries for large numbers of displaced Afghans. Close to three million returns to Afghanistan were recorded in 2025,<sup>6</sup> placing further strain on humanitarian response and available resources. Most returnees arrive with no assets, limited access to services, and no job prospects.<sup>7</sup> Due to global funding shortfalls, support to returning families remains at significantly scaled down levels.<sup>8</sup> That a number of further States are considering the return of Afghans raises concerns over risks of persecution, torture, cruel, inhuman or degrading treatment or punishment or other irreparable harm, in breach of the core international law principle of non-refoulement.<sup>9</sup>

#### **A. De facto “law on the Propagation of Virtue and the Prevention of Vice”**

9. The de facto Ministry for the Propagation of Virtue and the Prevention of Vice, together with other de facto ministries, have been actively implementing the “Law on the Propagation of Virtue and the Prevention of Vice”, since its adoption in August 2024. On 21 September 2025, the de facto Ministry of Justice published the Procedure of the Enforcement Committees of the Law on the Propagation of Virtue and the Prevention of Vice, requiring provincial enforcement committees to promote the Law through meetings and seminars with key de facto authorities’ departments, as well as representatives from business, educational, sports and local communities.<sup>10</sup>

10. Across Afghanistan, inspectors from the provincial de facto Department for the Propagation of Virtue and the Prevention of Vice regularly visited different establishments, such as markets, businesses, health and educational facilities, as well as set up temporary checkpoints to provide advice on the Law and to monitor compliance with it. Their focus of inspection included the compliance of physical appearance and dress code for women and men, the adherence to the prohibition of music and images of living beings, ensuring residents attend congregational prayers, and preventing other activities perceived as “un-Islamic”.

11. Individuals accused of violating the provisions of the Law are subject to arbitrary arrest and detention, as well as ill-treatment. Such alleged violations primarily related to men having trimmed beards or Western-styled haircuts, playing or listening to music, and alleged violations of the hijab requirements. The punishments can vary, ranging from verbal reprimand, detention of several hours to up to several months, business suspension and destruction of properties. For example, on 12 September 2025, in Kunar province, Khas Kunar district, a public trial was held in the de facto district court against three barbershop owners who were charged with providing grooming services that were deemed contrary to the Law. Two of the barbershop owners were sentenced to three months imprisonment and one was sentenced to five months imprisonment. On 10 December 2025, the Nangarhar de

<sup>5</sup> Report of the Secretary-General, The situation in Afghanistan and its implications for international peace and security, 11 June 2025, paragraph 69.

<sup>6</sup> Total returns to Afghanistan in 2025: <https://data.unhcr.org/en/situations/afghanistan>.

<sup>7</sup> UNAMA Press Release, 26 June 2025, “International Community must act now: 1 million returning Afghans.”

<sup>8</sup> Ibid.

<sup>9</sup> OHCHR Press briefing note on Afghanistan, 19 July 2025. See also UNAMA, No safe haven: Human rights risks faced by persons involuntarily returned to Afghanistan, July 2025.

<sup>10</sup> UNAMA, Human Rights Situation in Afghanistan: October-December 2025 Update, 8 February 2026.

facto Department for the Propagation of Virtue and the Prevention of Vice reported that it had burnt hundreds of musical instruments that were confiscated during its enforcement of the prohibition of music.

12. The application of the prohibition of images of living beings under the Law continued to expand, particularly impacting the viability of television stations. This prohibition has been applied, in different level of severity, in most parts of Afghanistan. Measures include de facto authorities' officials refusing to give video interviews to media, closure of the visual broadcast in state broadcaster Radio and Television of Afghanistan (RTA), and a complete prohibition of creation, broadcasting or publication of any images of living beings in all private and public outlets.

13. The Law is particularly discriminatory in its application to and impacts on women. The mahram (male guardian) and dress code requirement continued to restrict women's access to public services and participation in public life (see section on the Rights of Women and Girls below).

## **B. The rights of women and girls**

14. The enjoyment by Afghan women and girls of their human rights remained severely restricted in the reporting period.

15. Women remained excluded from all education above sixth grade. On 14 November 2025, the de facto National Examination Authority organized the 2025 graduation examination for medical students, without the participation of women. In fact, no women took part in exit examinations for medical students for the second year in a row. Women have been banned from studying at medical institutes since December 2024 and from higher education more broadly since December 2022.

16. Further to a letter in August 2025 from the de facto Deputy Minister of Higher Education for Academic Affairs announcing the rejection by religious scholars of 679 books used in universities as resource – including approximately 140 authored by women - in Balkh and Faryab provinces, books written by women were removed from library shelves, regardless of the subject matter, content, or the author's nationality. The letter also explicitly prohibited the teaching of human rights, and of gender studies.

17. The de facto authorities continued enforcing the ban on beauty salons by closing those perceived as operating clandestinely. Under the "Law on the Propagation of Virtue and Prevention of Vice", women are required to be accompanied by a mahram when using a vehicle, even when travelling a distance under 78km. In some areas, the enforcement of the mahram rule was more stringent than the provision stipulated under the Law, for example, women were required to have a mahram even when entering health and other facilities irrespective of distance. This continued to prevent women not accompanied by mahrams from accessing essential services.

18. Enforcement of strict dress codes for women intensified in some provinces. In Herat city, wearing the chador (a full-body cloak covering the head) had become mandatory for women and non-compliance led to detention and restricted access to public transport and markets. In November 2025, this requirement changed to the mandatory wearing of the burqa (an enveloping, full-body garment covering the entire body and face, with a mesh screen over the eyes) in order to access public offices and services. On 9 November 2025, the Spokesperson of de facto Ministry for the Propagation of Virtue and the Prevention of Vice publicly denied that women were ordered to wear burqas. Since mid-November, the burqa requirement appeared to have been relaxed. However, women non-compliant with the chador requirement continued to be removed from public transport, including rickshaws, and denied access to public markets and services.

19. From 7 September 2025 onwards, de facto security forces prevented Afghan women (including United Nations staff, contractors and visitors) from entering United Nations compounds across the country, implementing a 5 April 2023 verbal notification to the United Nations that no Afghan women would be permitted to work for the United Nations in Afghanistan. As of 26 January 2026, the de facto authorities still have not permitted Afghan

women to return to United Nations premises, forcing them to work from home and significantly limiting OHCHR/UNAMA's ability to operate.

20. Women civil servants who were instructed since the Taliban takeover of Afghanistan in August 2021 to stay at home while remaining on the State payroll at the reduced monthly salary of AFN 5,000 per month were reportedly informed in January 2026 that they would no longer receive a salary and that their employment had effectively been terminated. This was carried out with minimal transparency, no due process, and no mitigation measures, contributing further to women's systematic exclusion from public sector employment.

### C. Freedom of expression

21. The de facto authorities continued to monitor and control different forms of expression. Journalists and media workers remained at risk of arbitrary arrest and detention due to disproportionate restrictions on the content they produced, and media outlets continued to face suspensions. For example, on 17 October 2025, in Kabul city, de facto General Directorate of Intelligence ordered a television station to halt all its television, radio and social media activities. Its operation resumed on 19 October 2025. No official reason for the suspension was given by the de facto authorities.

22. The media sector is under severe financial strain due to the restrictions imposed by the de facto authorities, withdrawal of donor funding and the general economic situation of the country. Media outlets are forbidden to broadcast and publish any content which the de facto authorities consider contrary to Afghan culture, their interpretation of Sharia law and national interest. Music and drama are prohibited. Live political talk shows have been prohibited since February 2025, and pre-recorded talk shows are required to be vetted and edited by the de facto Ministry of Information and Culture. These actions continued to contribute to the declining revenue of domestic media outlets and led to staff layoffs across the sector.

23. The de facto authorities strictly monitor social media. Since the May 2025 announcement by the de facto Ministry for the Propagation of Virtue and the Prevention of Vice regarding the extension of its role in social media monitoring, UNAMA has documented numerous arbitrary arrests and detention of individuals posting content on social media solely on the basis it was deemed contrary to Sharia law specifically, or to the de facto authorities more generally. Women in media are subject to additional restrictions and the few women journalists who continue to work face significant challenges. For example, on 26 August 2025, in Kabul city, during a press briefing, a woman journalist attempted to ask the spokesperson for the de facto authorities a question, but her microphone was intentionally turned off.

24. Between 29 September and 1 October 2025, a nationwide shutdown of the fiber optic network disrupted internet and mobile phone services. For 48 hours, across Afghanistan, people had no access to the internet and could not make mobile phone calls or send SMS messages. The complete shutdown of the telecommunications system had severe, and in some cases life-threatening, impacts on people in Afghanistan. It disrupted healthcare, emergency, public and other commercial services; halted the banking and aviation systems; and delayed humanitarian operations. While some television and radio stations continued to operate, they were unable to broadcast live programmes or news. As no official reason was given for the shutdown, misinformation and disinformation about the reasons for the shutdown caused widespread panic and chaos among the public. Since the resumption of services, users have experienced instances where certain social media platforms such as Facebook, Tiktok and Instagram became restricted. This was reportedly due to content filters installed by the de facto authorities on social media platforms. However, the de facto authorities did not publicly announce any official reasons for the telecommunication shutdown between 29 September and 1 October, nor of any subsequent content filters being installed.

25. In some provinces, the de facto Department of Information and Culture met with authors, publishers, printing presses and vendors of books to discuss issues of book publishing and sale. They were informed that prior to publishing a book, authors and publishers are required to submit their draft to the Book Evaluation Commission of the de

facto Ministry of Information and Culture for review. The Commission may ask the author to edit any content deemed non-compliant to the rules of the de facto authorities. No bookstore is allowed to import or sell books prohibited by the de facto authorities. Since late 2024, lists of prohibited books have been circulated by different de facto ministries to bookstores and libraries. They include a wide range of topics such as insurance, banking, government, human rights and democracy, constitutional law, investigative journalists, books authored by women, history of the Islamic Republic of Iran, as well as books published by Iranian publishers.

26. In September 2025, the de facto authorities reportedly further reviewed the education sector. Media reported that 51 topics, including human rights, civic values, Shia Islam and references to international institutions, were removed from school curricula for grades 1 to 12. In addition, 18 topics were eliminated from higher education programmes, including 6 topics related to women's studies, and 201 others were flagged for revision to align with the de facto authorities' interpretation of Islamic principles.

#### **D. The use of the death penalty and corporal punishment**

27. Since August 2021, the de facto authorities have carried out 12 public executions. All executions have been of individuals convicted of murder by all three judicial stages (de facto primary, appeal and supreme courts), with the application of the death penalty then subject to final approval by the Taliban leader. Stoning and public executions are among the methods of execution that are contrary to Article 7 of the International Covenant on Civil and Political Rights, rendering them arbitrary in nature and a violation of the right to life.<sup>11</sup>

28. Two public executions took place during the reporting period: on 16 October, in Badghis Province, Qala-e Naw city, in the sports stadium, the de facto authorities carried out a public execution of a man who had been convicted of murdering a woman and a man. A family member of the victim executed the man by gunshot. On 2 December, in Khost province, Khost city, in the sports stadium, a man who had been convicted of murdering 13 members of the same family was publicly executed by the de facto authorities. A family member of the victim, reportedly a boy (under the age of 18), executed the man by gunshot.

29. The executions were reported to be a Qisās punishment, carried out in accordance with the wishes of family members of the victims. In both instances, de facto officials reportedly attempted to encourage the victims' families to pardon the perpetrators to avoid implementation of the death penalty. Hundreds of local residents and numerous senior de facto officials attended the executions. The de facto authorities continue to implement judicial corporal punishment in public on a weekly basis, contrary to international human rights law. Prison terms are often imposed in addition to public floggings.<sup>12</sup>

#### **E. The administration of justice**

30. Regarding the domestic legal framework, on 14 August 2025, the de facto spokesperson Mujahid stated that there was no legal vacuum in Afghanistan, as an Islamic government was in place and Islamic Sharia was being applied. He further emphasized that the current priority was drafting laws for ministries and other institutions.<sup>13</sup> In a media-disseminated audio message on 15 November, the Taliban leader criticized the legal

<sup>11</sup> UN Human Rights Committee, General Comment No. 36: Article 6 (Right to life), 2019, para. 40. With regard to public executions, in resolution 2005/59, the Commission on Human Rights urged all States that still maintained the death penalty "to ensure that, where capital punishment still occurs, it shall be carried out so as to inflict the minimum possible suffering and shall not be carried out in public or in any other degrading manner (...)". UN Commission on Human Rights, Human Rights Resolution 2005/59: The Question of the Death Penalty, 20 April 2005, E/CN.4/RES/2005/59, para. 7 (i). The prohibition was reaffirmed by the UN Secretary-General, see Report of the Secretary-General, Question of the death penalty, 14 September 2018, A/HRC/39/19, para. 38.

<sup>12</sup> For further background, see also UNAMA, Corporal punishment and the death penalty in Afghanistan, 2023.

<sup>13</sup> BBC Pashto, YouTube, 14 August 2025, [https://youtu.be/Nc2MR1m\\_L60?si=dUQAww9jcwjUKvZg4](https://youtu.be/Nc2MR1m_L60?si=dUQAww9jcwjUKvZg4).

framework under the Islamic Republic of Afghanistan (2001-2021) and rejected democratic and non-Islamic systems, asserting that legislation must derive exclusively from the Quran and Hadiths.

31. In that respect, the *de facto* Ministry of Justice has continued announcing the publication of laws in Official Gazettes,<sup>14</sup> including: Law on Financial Accounting, Law on Pilgrims' Teachers, Law on Regulation of Poetry Gatherings,<sup>15</sup> Law on Contracts of Ministries and Emirati Administrations, the Decree on Preventing Improper Customs during Celebrations, Weddings, Funerals, and upon Return from Hajj and Umrah; and the Procedure of the Enforcement Committees of the Law on Propagation of Virtue and Prevention of Vice.<sup>16</sup> Further, the *de facto* Ministry of Justice website, which hosts the collection of laws of Afghanistan approved since 1964,<sup>17</sup> lists the status of all legal texts approved prior to the takeover by the *de facto* authorities in August 2021 as "annulled", and legal texts issued by the *de facto* authorities, including decrees, orders, edicts and other legislative actions, as "in effect".

32. On 9 November 2025, based on Afghanistan's Five-Year National Development Strategy announced in August 2025, the *de facto* Ministry of Justice announced it is developing a five-year strategic plan, aiming to strengthen the rule of law in light of Sharia by taking measures which include strengthening the legislative process, and increasing access of suspects and accused, including indigent persons, to free legal aid.<sup>18</sup> The plan is currently with other *de facto* Ministries and Departments for inputs.

33. As noted above, a circular dated 8 January 2026 was issued by the *de facto* Supreme Court to all courts, following the approval of a new decree on 5 January for implementation. The decree criminalizes numerous acts and provides for corresponding punishments. Many of the provisions do not comply with Afghanistan's international obligations, due to lack of clarity and unclear definitions of offences, the extension of death penalty or corporal punishment to a range of offences, lack of due process and fair trial guarantees, limits on freedom of expression and freedom of religion, and continued discrimination towards women and girls.

34. On 1 November, the *de facto* Ministry of Justice announced a new free telephone hotline 188, which reportedly allows citizens to access legal, Sharia, and judicial advice.<sup>19</sup> The Ministry's *de facto* Director of Legal Aid also visited numerous provinces to engage *de facto* provincial authorities, civilian and judicial, about its work providing legal aid for victims, accused and suspects, and seek cooperation on the referral of individuals in need.<sup>20</sup>

35. On 13 August 2025, the *de facto* Prime Minister's office announced that the situation of prisoners, the processing of their cases, and duration of sentences was discussed at a fourth *de facto* cabinet meeting in Kandahar.<sup>21</sup> Following a circular issued on 13 September 2025

<sup>14</sup> All texts are available on the *de facto* Ministry of Justice website: <http://laws.moj.gov.af/ShowLawPersian.aspx>.

<sup>15</sup> *De facto Ministry of Justice* <https://x.com/MojAfghanistan/status/1961663170856017980>

<sup>16</sup> *De facto Ministry of Justice* in OG # 1474 dated 27 August 2025, <https://x.com/MojAfghanistan/status/1969341544084779330>.

<sup>17</sup> See *de facto* Ministry of Justice website: <http://laws.moj.gov.af/ShowLawPersian.aspx>.

<sup>18</sup> X account of *de facto* Ministry of Justice, 9 November 2025 (<https://x.com/MojAfghanistan/status/1987462638159454686?s=20>).

<sup>19</sup> X account of *de facto* Ministry of Justice, 1 November 2025 (<https://x.com/MojAfghanistan/status/1984567359185830132>).

<sup>20</sup> *De facto* MoJ announcements: Paktia, 4 November <https://x.com/MojAfghanistan/status/1987824176842039372?s=20>; Khost on 5 November, <https://x.com/MojAfghanistan/status/1988546169748738322?s=20>; Baghlan, 29 December, <https://x.com/MojAfghanistan/status/2004857350310735880?s=20>; Kunduz, 30 December, <https://x.com/MojAfghanistan/status/2005582104156057680?s=20>; Badakhshan, 31 December, <https://x.com/MojAfghanistan/status/2006310629930639563?s=20>; Balkh, 4 January, <https://x.com/MojAfghanistan/status/2007758111055225080?s=20>; Takhar, 5 Jan, <https://x.com/MojAfghanistan/status/2008054563736269190?s=20>; Jawzjan, Samangan, and Sar-e-Pul, 11 January, <https://x.com/MojAfghanistan/status/2010254394890338644?s=20>.

<sup>21</sup> *De facto* Prime Minister's office, [https://x.com/ARG\\_1880/status/1955677887043891472](https://x.com/ARG_1880/status/1955677887043891472). See also ToloNews, Islamic Emirate Leader Orders Focus on Prisoners' Rights | TOLONews.

by de facto Supreme Court instructing all de facto courts to send delegations to prisons to identify prisoners for release or sentence reduction,<sup>22</sup> the Supreme Court announced on 25 November 2025, that 3,204 eligible prisoners had been granted amnesty and released, while 4,317 had received reductions in their prison terms.<sup>23</sup> This followed announcements in the same period by the de facto Office of Prison Administration of the pardon and release of over 2,260 prisoners, who had completed two-thirds of their sentences, as well as sentence reductions for almost 2,600 other prisoners who had completed one-third of their sentences. Despite these measures, the de facto Office of Prison Administration reported that, as of early November 2025, its prison population ranged between 30,000 and 32,000 individuals. Judicial efforts to assess prisoners' cases have not kept pace with arrest and detention rates. As of 31 January, the de facto Office of Prison Administration reported that its prison population comprised 16-17,000 individuals who are already convicted, with the remainder in pre-trial detention. It did not specify the number of detainees in pre-trial detention.

## F. Protection

### 1. Cross border incidents

36. In the last three months of 2025, UNAMA documented 70 civilian deaths and 478 injuries in Afghanistan<sup>24</sup> attributed to Pakistani military forces.<sup>25</sup> Most of these civilian casualties occurred between 10 and 17 October 2025, a period of escalated cross-border tensions between the de facto security forces of Afghanistan and Pakistani military forces, which resulted in over 500 civilian casualties in Afghanistan (47 killed, 456 injured). UNAMA has systematically documented civilian casualties in Afghanistan from cross-border clashes with Pakistani military forces since 2011.<sup>26</sup> Civilian casualties recorded between 1 October and 31 December 2025 far exceed civilian casualties recorded annually from cross-border clashes with Pakistan in previous years.

### 2. Former government officials and former Afghan security force members

37. Among those subject to extrajudicial killings and arbitrary arrests and detentions were former Government officials and former ANDSF members<sup>27</sup> who had recently returned to Afghanistan from the Islamic Republic of Iran and Pakistan. As highlighted in the UNAMA/OHCHR "No Safe Haven" report,<sup>28</sup> former Government officials and former ANDSF members are among those who face particular risks of human rights violations if returned to Afghanistan.

## III. Update on the establishment of a comprehensive mechanism

38. In resolution 60/2, the Human Rights Council established the Independent Investigative Mechanism for Afghanistan. The Mechanism is mandated to collect, consolidate, preserve and analyse evidence of international crimes and other serious violations of international law committed in Afghanistan, including those that may amount

<sup>22</sup> X account of *de facto* Supreme Court, [https://x.com/SupremeCourt\\_af/status/1966903657724866846](https://x.com/SupremeCourt_af/status/1966903657724866846).

<sup>23</sup> X account of *de facto* Supreme Court, 25 November 2025, [https://x.com/SupremeCourt\\_af/status/1993270980504903827?s=20](https://x.com/SupremeCourt_af/status/1993270980504903827?s=20).

<sup>24</sup> All references to civilian casualties in this report, unless otherwise stated, refer to civilian casualties in Afghanistan. UNAMA's mandate pertains only to the monitoring and documentation of civilian casualties which occur in Afghanistan. Therefore, any civilian casualties which may have occurred in Pakistan in the same period do not form part of this report.

<sup>25</sup> UNAMA, Cross-border civilian casualties in Afghanistan: October – December 2025, February 2026.

<sup>26</sup> From 2011 until the Taliban takeover on 15 August 2021, cross-border clashes involved Pakistani military forces and the security forces of the former government of the Islamic Republic of Afghanistan. Since 15 August 2021, cross-border clashes have involved Pakistani military forces and *de facto* security forces.

<sup>27</sup> See also UNAMA, A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan, 22 August 2023.

<sup>28</sup> UNAMA, No safe haven: Human rights risks faced by persons involuntarily returned to Afghanistan, July 2025.

to violations and abuses of international human rights law, particularly against women and girls. The Mechanism is also tasked with preparing case files to support fair and independent criminal proceedings before competent national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over such crimes, in accordance with international law. In accordance with paragraph 28 of the resolution, the Secretary-General will provide an update to the Human Rights Council on the establishment of the Independent Investigative Mechanism at its sixty-first session.

#### IV. Victims' and survivors' perspectives on justice and redress

39. After hearings held in Madrid, Spain, from 8 to 10 October 2025, on 11 December 2025, the "People's Tribunal for Women of Afghanistan" (the Tribunal), an independent civil society-led tribunal, delivered a symbolic judgment against ten de facto authorities and the "Taliban movement", finding them guilty of crimes against of humanity of gender persecution and other inhumane acts, as defined under the Articles 7(1)(h) and 7(1)(k) of the Rome Statute. The Tribunal found the Taliban responsible for gender apartheid, under "other inhumane acts", as well as torture, cruel, inhuman or degrading treatment, arbitrary detention, and the right to life. The Tribunal called on the United Nations and the international community to avoid normalisation of the Taliban's gender-based oppression; to codify gender apartheid as an international crime; and to support all accountability mechanisms for Afghanistan.

40. Given the short time frame between the sixtieth and sixty-first sessions of the Human Rights Council, a comprehensive new consultation process seeking victims' and survivors' perspectives for the purpose of this report was not possible. The information in this report will be complemented by further joint UNAMA and OHCHR public reporting in 2026 with the aim of providing further insights into victims' and survivors perspectives on justice and redress.

41. In line with its mandate, the UNAMA Human Rights Service has continuously advocated, since its establishment, with the Government of Afghanistan, international military forces and de facto authorities on the importance of ensuring accountability for human rights violations.<sup>29</sup> Since 2024, UNAMA has continued a process of initial consultation with victims of armed conflict to understand the gaps in fulfilling their rights under international law and seek their views on appropriate measures to fulfil their rights in the future. A report on this work is expected to be released in 2026.<sup>30</sup>

42. As outlined in the previous OHCHR report to the Council,<sup>31</sup> despite relatively limited consultation processes conducted with Afghan victims and survivors in the past 20 years, and their variations in approach, methodology and temporal scope, past consultations continue to provide important insights with respect to victims' needs and expectations regarding truth, justice and reparation.

43. Of note, the need for holistic and impartial justice that combines various measures, including acknowledgement of and compensation for harms caused, guarantees of non-recurrence, and criminal prosecutions, is a common thread among those consulted. While the primary duty to fulfil victims' right to truth, justice and reparation lies with the de facto authorities, without the necessary political will and domestic reforms, the pursuit of justice will inevitably require involvement by the international community, both inside and outside Afghanistan, to fulfil victims' rights to truth, justice and reparation. Victims and survivors have expressed their expectation that all parties and actors responsible for gross human rights violations and serious violations of international humanitarian law be held to account, and that international actors also continue to bear responsibilities towards victims in this regard, especially in the context of decades of conflict involving a multitude of actors.

44. In this context, inclusive consultation processes remain needed. These should ensure that all victims across Afghan society, including minorities and women, are fully represented,

<sup>29</sup> A/HRC/60/23.

<sup>30</sup> The report will be released in 2026 instead of late 2025, as mentioned in A/HRC/60/23.

<sup>31</sup> A/HRC/60/23, pages 11-12.

regarding justice and accountability for human rights violations. To date, the participation of women, in particular, in these processes remains inadequate. There are various reasons for this, including historical constraints and discrimination and past and current barriers to education for women and girls, resulting in disproportionately low literacy levels and general underreporting by women of gender-based crimes, including sexual violence, in Afghanistan.

45. It remains critical to ensure that the specific perspectives of women and girls on truth, justice and reparation can be collected, analysed and ultimately reflected in developing future options for gender-transformative redress, including with respect to allegations of recent and ongoing gross human rights violations and crimes under international law being committed against them.

46. Lastly, although many domestic and international actors have been involved in raising awareness about victims' rights<sup>32</sup>, additional work is needed to raise awareness around the various forms of redress that are – or could be – made available to victims, in order to ensure a fully informed consultation process.

## V. Conclusions and recommendations

47. Overall, the human rights situation in Afghanistan continues to deteriorate dramatically, in particular for women and girls. Afghans remain trapped in poverty and food insecurity. Civilian casualties resulting from cross-border incidents increased significantly during the reporting period. Ongoing mass returns from neighbouring countries have further exacerbated the situation. Restrictions on women have multiplied, and the ban prohibiting Afghan women from entering United Nations compounds remains in force. Media workers and those who express opinions perceived as critical of the de facto authorities continue to be arbitrarily arrested and detained. A widespread internet shutdown also took place in the reporting period. The death penalty continues to be applied, in public, as well as corporal punishment, in violation of Afghanistan's commitments under international law. New decrees that are not aligned with international human rights law and Afghanistan's international obligations are being promulgated and incrementally implemented.

48. The State of Afghanistan remains bound by its obligations under international law, including the human rights instruments to which it is a party. The de facto authorities remain accountable for violations, abuses and crimes committed on its territory. States involved in past international military interventions in Afghanistan also continue to bear responsibility to ensure accountability, justice, remedy and reparations for violations committed by their personnel in Afghanistan. The international community has a significant role to play in preventing the recurrence of violations in the future.

49. In seeking victims' views on human rights violations in Afghanistan, further initiatives need to be taken to consult with victims and survivors in a broad and inclusive manner, including women, girls and ethnic minorities. They should also involve effective capacity-building and sensitization among all stakeholders, especially in relation to the particular meanings of truth, justice and reparations in the context of Afghanistan. Lastly, the Independent Investigative Mechanism for Afghanistan, once established, will play a key role in advancing structured and sustained consultations with all Afghans in this process.<sup>33</sup>

### A. Recommendations to the de facto authorities

50. OHCHR renews its calls upon the de facto authorities to adhere fully to international standards and the human rights obligations binding Afghanistan under

<sup>32</sup> A/HRC/60/23

<sup>33</sup> See also Guidance Note of the Secretary-General on Transitional Justice: A strategic tool for people, prevention and peace, 2023.

relevant treaties and conventions, particularly those of women and girls. It further reiterates its previous recommendations and urges to take immediate and effective steps to ensure full compliance with Afghanistan's obligations under international human rights law.

51. OHCHR recommends that the *de facto* authorities:

(a) Promptly rescind all discriminatory decrees, edicts and policies that deny the human rights and fundamental freedoms of the Afghan population, in particular women and girls; ensure access for women and girls to secondary and tertiary education, healthcare, and employment; guarantee full participation for women and girls in civic and public life; respect freedom of movement for women and girls; and cease interference with other aspects of their daily lives.

(b) Establish a complete moratorium on executions, with a view to the abolition of the death penalty.

(c) End the application of corporal punishments.

(d) Ensure that all decrees and other instructions applicable in Afghanistan are in accordance with international human rights law.

(e) Permit resumption of the operation of a credible and independent national human rights institution, in line with the Paris Principles, with a mandate to support transitional justice initiatives and victim-centred redress.

(f) Respect and ensure everyone's right to freedom of expression and remove restrictions on the media sector that do not comply with international human rights law.

(g) Engage with victims and promote dialogue and consultation about accountability and all victims' rights to truth, justice, reparation and guarantees of non-recurrence, whether through traditional and/or criminal or quasi-judicial mechanisms.

## B. Recommendations to Member States and the international community

52. OHCHR recommends that Member States and the international community more broadly:

(a) Call for immediate respect for international human rights obligations by the *de facto* authorities, especially concerning the rights of women and girls.

(b) Support humanitarian assistance consistent with human rights principles, with safeguards to ensure aid reaches vulnerable populations.

(c) Bring to justice alleged perpetrators of gross human rights violations and abuses and serious violations of international humanitarian law and abuses, by applying accepted principles of extraterritorial or universal jurisdiction.

(d) Ensure the independent investigation and, as appropriate, prosecution before civilian and military courts of Member States, consistent with international standards, of violations of international human rights and humanitarian law alleged to have been committed by their respective personnel in Afghanistan.

(e) Provide continued support and platforms for victims and civil society representatives, particularly women in all their diversity and members of minority groups, to engage in consultations and advocate for truth, justice, reparation and guarantees of non-recurrence.

(f) Support broad-based sensitization of the meaning of victims' rights among all affected victims' groups.

(g) Immediately halt all forced returns of Afghans and ensure the protection of Afghan victims and witnesses through resettlement as appropriate and other measures, ensuring protection against refoulement to Afghanistan of any person at real risk of serious human rights violations, including based on gender.

(h) **Support initiatives through assistance programmes in Afghanistan to provide practical and material benefits to victims and their families.**

(i) **Support the establishment of the Independent Investigative Mechanism for Afghanistan, and provide voluntary contributions to the trust fund requested by the Human Rights Council for the Mechanism.**

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