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Annex: Report on the situation of human rights in Afghanistan

Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett

Summary

This Annex accompanies the report of the Special Rapporteur on the situation of human rights in Afghanistan submitted pursuant to Human Rights Council resolution 60/2.

A. Glossary

1. Baad marriage

1. Marrying a woman or girl to someone as blood price or to achieve peace with another family

2. bacha bazi

2. Exploitation, including sexual, of boys by powerful men

3. chadari

3. A non-fitted garment with face covering

4. hijab

4. Cloth that should cover head and upper body for modesty.

5. hudud

5. Under Sharia, *Hadd* (singular) or *Hudud* (plural) refers to a class of punishments for specific, serious crimes deemed to be "against God" or "limits of God" (hududullah). These punishments are considered divinely ordained, meaning they are fixed in the Quran or Hadith and cannot be added to, subtracted from, or pardoned by individuals or the state.

6. madrasas

6. Religious educational institutions.

7. mahram

7. Adult male relative with whom marriage is not allowed under Islam and is eligible to accompany the woman.

8. muhtasibs

8. Religious inspectors; staff of the Ministry of Promotion of Virtue and Prevention of Vice; sometimes known as morality police.

9. tazir

9. Under Sharia, refers to discretionary punishment for offenses not defined or having fixed penalties in the Qur'an or Hadith. It is one of the three main categories of sharia punishment – distinct from *hudud*.

10. zina

10. Sexual relation outside of marriage

B. The policy measures taken by the de facto authorities between August 2021 and October 2025

1. Gender discriminatory policy

1. Since assuming power, the de facto authorities have asserted that they will uphold women's rights in accordance with their view of Islam and Afghan culture.[1] However, as documented by the Special Rapporteur and other human rights bodies, and, most importantly,

[1] For example, on 17 August 2021, in a press conference, the Taliban spokesperson, Zabihullah Mujahid, stressed "We are going to allow women to work and study[.] Women will be very active in society, but within the framework of Islam". On 10 September 2021, in a letter to the United Nations, the de facto authorities reiterated this commitment and vowed to gradually take concrete steps with the help of the international community. A/HRC/52/21, para. 11; A/HRC/49/24, para. 34.

as described by Afghan women as their lived experience, they have been incrementally introducing and enforcing discriminatory policy measures, based on gender, with such serious implications for the rights and freedoms of women and girls, that they have been described as erasing them from almost all aspects of public life. The codification of such discriminatory policies has been even more pronounced in the past two years with the adoption of key policy measures, such as the 2024 so-called law on promotion of virtue and prevention of vice (PVPV law), the 2026 decree on the criminal rules on court and the 2026 decree on separation of spouses. While the implementation of these measures appears inconsistent across provinces, the 2024 PVPV law in particular entailed more systematic implementation aimed at controlling most fundamental aspects of Afghans lives.

2. Stock take of policies to restrict women's rights

2. Over the five-year period, policy measures adopted by the de facto authorities have come to dictate fundamental aspects of the lives of women and girls, including their freedom of movement, access to education, employment, expression and participation in public life.

3. To begin with, on 31 August 2021, the acting deputy Minister of Foreign Affairs announced that no women would occupy top leadership positions in the government, limiting women's participation in the public life.[2] To restrict freedom of movement of women and girls, in December 2021, the de facto authorities issued an instruction to male drivers not to accept to drive women without "proper *hijab*" or without a *mahram* for travel of more than 72 kilometres. In March 2022, the de facto authorities banned women from boarding flights, both domestic and international, without a *mahram*. In May 2023, the de facto authorities required that woman not leave home without a reason, while also requiring them to observe "proper *hijab*" preferably by wearing a *chadari*. These measures were announced along with restrictions on entering parks, public baths, gymnasiums, sports clubs and amusement parks.[3] These restrictions on freedom of movement have far reaching consequences on almost all aspects of women's lives, and even place their lives at risk, limiting for example, their access to health care.

4. Education has been a sphere of girls and women's lives seriously curtailed by the de facto authorities' policy measures. On 29 August 2021, the de facto Minister for Higher Education announced a ban on co-education at universities. On 12 September, he confirmed that women and girls, and men, were to be segregated, and women must observe hijab. Shortly after, the de facto Ministry of Education announced that only boys' secondary schools would be reopened from 18 September 2021, and only male teachers could teach. Girls' secondary schools were not reopened – supposedly temporarily – until that pledge was broken in March 2022, leaving girls beyond Grade six trapped at home with secondary schools for girls still shuttered. They have not opened since then. On 20 December 2022, the de facto authorities "suspended" the right of women to attend university, also barring the female faculty. In late June 2023, teacher training centres were given notice of their imminent closure. And on 2 December 2024, the *de facto* Ministry of Public Health issued a directive to ban women from medical and health training institutions which had been exceptions to the ban on education for women and girls. The directive effectively halted the supply of new female health professionals, including nurses, midwives and laboratory technicians - a serious blow to the already struggling health sector.

5. Similarly, the de facto authorities have gradually adopted policy measures that seriously reduce the space for women to work. In August 2022, women civil servants were requested to stay home, except for those in "essential" roles. In July 2023, the de facto Ministry of Labour and Social Affairs reportedly dismissed 469 female kindergarten teachers, managers and staff. And in May 2024, the de facto authorities issued a decree reducing the monthly salary of women civil servants who were forced to stay home to 5,000 afghanis (approximately $70), irrespective of their qualifications or experience, later terminating their contracts in 2026. Meanwhile, in the non-profit sector, in December 2022, the de facto authorities suspended the right of women to work with national and international non-governmental organizations. In April 2023, the de facto authorities informed the UN that woman would not be allowed to report to UN exceptions. Starting in September 2025, authorities have been actively prevented Afghan women from entering UN premises

[2] A/HRC/53/21, para. 24.
[3] A/HRC/53/21, para. 17; HRC/56/25, para. 15.

nationwide.4 In October 2023, the de facto authorities prohibited women from holding directorships within non-governmental organizations. While there has been no outright ban on women working in the private sector (although such women still must meet mounting restrictions, including on their movements), on 26 June 2023, the Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV) announced a ban on women's beauty salons and services from 25 July, reportedly affecting approximately 12,000 businesses causing 60,000 women to lose jobs.5

6. The de facto authorities consolidated restrictions introduced by many of these decrees in the so-called Law on the Promotion of Virtue and Prevention of Vice, published on 21 August 2024. While no one is spared, with restrictions on various aspects of lives that impact men, boys, gender-diverse persons, ethnic and religious minorities, marginalized communities and the independent media, the law predominantly restricts the lives of women and girls. The law institutionalizes previously imposed restrictions, including the *mahram* requirement for their movement, mandatory dress codes and the segregation of women and men in public spaces. Women can be punished for singing or "raising their voices" outside their homes, while Muslim women are instructed to cover themselves in front of "non-believing" women. Adult women and men who are unrelated are forbidden from looking at each other's bodies and faces. Compared to earlier decrees, the de facto authorities reportedly took more systematic measures to implement the law nationwide with the creation of provincial implementation departments, with discretionary enforcement authority, along with the MPVPV.[6]

7. In the last five years the de facto authorities have also adopted some measures seemingly intended to protect women and girls, however realization of such protection remains questionable. For example, in December 2021, the de facto authorities issued a decree to guarantee six rights of women according to *sharia* law ("decree on women's rights").[7] Among others, the decree bans forced and child marriage, by requiring a consent of a woman for a marriage.[8] The decree further prohibits *baad* marriages,[9] stipulates widows' inheritance rights and freedom of choice on remarriage under sharia law,[10] and wives' right to be supported by their husbands.[11] The decree has reportedly led to an increase in women seeking their inheritance rights from de facto courts, which reportedly increasingly accept and process women's claims. In July 2023, the de facto MPVPV announced that any person who forced a woman or girl to marry would be prosecuted. In January 2024, the de facto Supreme Court issued a circular regarding family cases adjudicated during the Islamic Republic era, recognizing the validity of divorces and/or legal separations of women from their spouses, if they are compatible with at least one of the four Sunni schools of jurisprudence.

8. While suspending the constitution and legislation from the Islamic Republic era, the de facto authorities have dismantled institutions that were providing critical protection for human rights, especially for women and girls.[12] The de facto authorities abolished key legislation protecting women' and girls, namely the 2009 Law on the Elimination of Violence against Women. They have also disbanded the institutions which implemented the law, including specialized courts, prosecution offices and the police family response units. Most critically, nearly all shelters to protect women and girls in abusive situation have been closed, with many forced to return to abusive environments or face homelessness.

[4] https://unama.unmissions.org/sites/default/files/2026-05/English%20-%20UNAMA%20HRS%20Update%20on%20human%20rights%20in%20Afghanistan%20Jan-Mar%202026.pdf

[5] See: https://www.crisisgroup.org/rpt/asia-pacific/afghanistan/352-precarious-lifeline-women-led-business-afghanistan.

[6] pvpv_report_final_10_aprill_2025.pdf.

[7] Decree concerning women's rights issued on 2 December 2021.

[8] Article 1(1).

[9] Article 1(2).

[10] Article 1(3).

[11] Article 1(6).

[12] A/HRC/59/25.

3. Lesbian, gay, bisexual, trans and other gender-diverse (LGBT) individuals

9. The de facto authorities' policies, grounded in their strictly binary definition of gender, have discriminatory consequences for LGBT persons. The de facto authorities reaffirmed the Islamic Republic's criminalization of same-sex relations, regarding them as being against *sharia* law. A 2022 manual issued by the MPVPV reportedly states that religious leaders must prohibit same-sex relations and that "strong allegations" of homosexuality are to be referred to the Ministry's district manager for adjudication and punishment.[13] The PVPV law affirms the criminalization of same-sex relationships.[14] In August 2022, the de facto Minister of Public Health also declared sex reassignment surgeries forbidden (*haram*).

C. Measures related to due process and the rule of law

1. Legal and judicial system

10. In the last five years, the de facto authorities dissolved or upended legislative and judicial structures under the Islamic Republic which were crucial for protecting human rights and preventing violations. Upon taking the power, they suspended the 2004 Constitution and announced that all Islamic Republic era laws would be assessed for their compliance with sharia law. Key laws relating to the administration of justice such as the Penal Code, the Civil Code, the Criminal Procedure Code, and the Civil Procedure Code are no longer in effect, although some other Republic era laws appear to still be in effect. In July 2023, the de facto authorities abolished the Attorney General's Office, converting it into the Directorate of Supervision and Prosecution of Decrees and Orders tasked to monitor the implementation of the Taliban leader's orders. Some of the Attorney General's Office responsibilities, including investigation, have been transferred to courts and intelligence officials. Concerning the judiciary, the de facto authorities have removed most Republic-era judges, including all women judges (approximately 250, which made up around 10 per cent of all judges) from the bench.[15] In November 2021, the de facto authorities assumed control of the Afghanistan Independent Bar Association, abolishing its ability to certify lawyers and advocate on their behalf. While the de facto Ministry of Justice reportedly continues to issue licenses, they have not allowed women to participate in the qualification exercise, with the role of defence lawyers heavily curtailed, to the detriment of due process. In September 2021, the Ministry of Women's Affairs was replaced by the Ministry of Promotion of Virtue and Prevention of Vice. In May 2022, the de facto authorities abolished the Afghanistan Independent Human Rights Commission which had a critical role in seeking accountability for human rights violations and advocating for victims and survivors under the Islamic Republic.

11. Notably, in January 2022, the de facto authorities had issued a decree on reform of prison systems.[16] The decree prohibits torturing, "tormenting", or punishing detainees[17], including during arrest and transfer.[18] Critically, the code prohibits obtaining confessions through force or duress,[19] noting that such confessions would not fall within the orbit of the court's judgement.[20] However, as also reported under the Islamic Republic, allegations of torture in detention continue to be widely reported under the Taliban.

2. Death penalties and corporal punishments

12. Since August 2021, the de facto authorities have reinstated public executions and corporal punishment, including flogging in public. At least 12 people have been executed in Afghanistan in the last five years. Corporal punishment, such as lashing, has been imposed

[13] A/HRC/55/6, para. 76; Human Rights Watch, "Afghanistan: Taliban target LGBT Afghans", 26 January 2022.
[14] Article 22 (3) and (4).
[15] A/HRC/53/21, para. 80; A/HRC/78/338, para. 36.
[16] UNAMA, *The Treatment of Detainees in Afghanistan: Respecting Human Rights – A Factor for Trust* (September 2023), pp.14-15, available at UNAMA report page
[17] UNAMA, citing article 33.
[18] UNAMA, citing articles 3, 5 and 36.
[19] UNAMA, citing article 36.
[20] UNAMA, citing article 39.

not only for crimes such as murder and theft, but also for so-called "moral" offenses, including adultery and same-sex relations, in contravention of the ICCPR.[21] These punishments surged in recent years, with the number of such sentences in 2025 surpassing the total from the previous four years.[22] While the majority of those flogged are reportedly men, women and girls are disproportionally affected by the criminalization of adultery as they are much more likely to be accused of *zina*, often based on little or no evidence, as was the case also under the Islamic Republic. Individuals were also punished for "crimes" such as homosexuality, running away from home and aiding a woman's escape from home – underscoring the specific risks faced by lesbian, gay, bisexual, transgender and other gender-diverse persons and cisgender women.

13. The de facto authorities have not issued any written instrument to grant a "general amnesty" to former members of the Afghan National Defense and Security Forces (ANDFS) members and other officials of the Islamic Republic. However, senior members of the de facto authorities, including the spokesperson, have repeatedly referred to such an amnesty. Despite this, according to UNAMA, between August 2021 and September 2025, at least 261 former ANDFS members were killed, with the majority allegedly in the first two years and with most victims being former army, police and intelligence.[23]

D. Restrictions on freedom of religion

14. By reiterating the Hanafi school of Sunni jurisprudence as all basis for all law, the de facto authorities have erased spaces for religious minorities to live according to their religious and traditions.

15. In January 2024, the de facto Supreme Court issued a circular regarding family cases adjudicated during the Republic era, recognizing the validity of divorces and/or legal separation of women from their spouses, provided that they are compatible with at least one of the four Sunni schools of jurisprudence.[24] Concerningly, however, the circular excludes other religious jurisprudence, including the Ja'fari school of Shi'a jurisprudence, affecting women from religious minorities especially Shi'a Muslims.[25]

16. Reaffirming the principle of upholding freedom of religion or belief as a human right to be protected, the Special Rapporteur reiterates that freedom of religion or belief should never be used to discriminate against certain groups of the population, including women and girls.

E. Restrictions on freedom of expression and assembly

17. The de facto authorities have instituted various measures to control speech and social narratives since August 2021. In September 2021, they announced "11 journalism rules" which contained provisions to require adherence to journalistic principles but also banned publishing of stories contrary to Islam or insulting the national figures or authorities, without specifically defining these terms.[26] The PVPV law also heavily curtailed freedom of expression, particularly freedom to share and receive information. Among others, the law forbids media and news organizations to publish any reports that the de facto authorities deem to contradict Islamic law and religion or to "belittle" or "humiliate" Muslims.[27] The law also reiterated a ban on images of living beings, forcing media outlets to avoid broadcasting or publishing such images.

[21] https://www.ohchr.org/en/press-releases/2026/03/afghanistan-un-experts-condemn-talibans-surging-use-corporal-punishment

[22] https://www.ohchr.org/en/press-releases/2026/03/afghanistan-un-experts-condemn-talibans-surging-use-corporal-punishment

[23] *See* UNAMA HUMAN RIGHTS MONITORING AND REPORTING | UNAMA

[24] A/HRC/79/330, para. 66.

[25] A/HRC/79/330, para. 66.

[26] A/HRC/52/84, para. 71; https://rsf.org/en/afghanistan-11-journalism-rules-imposed-taliban-open-way-censorship-and-arbitrary-decisions-rsf; https://www.ifj.org/media-centre/news/detail/article/afghanistan-draconian-media-rules-set-to-further-strangle-media

[27] Article 17.

18. In September 2024, the de facto authorities reportedly banned live political programmes and required media outlets to air only pre-recorded and pre-approved programmes. In June 2025, another policy announced by the de facto Ministry of Information and Culture imposed various restrictions on content with an oversight committee for pre-approval of political content, including for online media. The de facto authorities have also adopted measures to gradually restrict the space of women in the media. In addition to the restrictions applicable to all women, woman journalists must navigate additional measures in carrying out their professional responsibilities, including restrictions on participation in a programme when other presenters are men and additional dress code, including covering their faces.[28]

F. Restrictions on the right to culture

19. Measures have also been introduced by the de facto authorities to suppress Afghanistan's rich cultural diversity and traditions. For example, the PVPV law, traditional celebrations such as *Nowruz* (the first day of the solar calendar) and *Yalda* (celebrated on the winter solstice), both of which are registered as intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization, are now banned by law.[29]

20. They have reinstituted a ban on music, seeking to prevent the playing and broadcasting of most music - banning singing, the playing of instruments and public musical performances, except for religious purposes. In June 2023, the MPVPV banned music at wedding parties in Kabul. The 2024 Law on PVPV codified these restrictions. The law requires *muhtasibs* to prevent the sound of music from emanating from gatherings or homes,[30] while staff and drivers of commercial vehicles are prohibited from playing music on devices in their vehicles.[31] Reportedly some radio stations were forced to close after airing music, including three stations in Khost province reportedly shut in 2024[32] The de facto authorities have also restricted other forms of arts, by actively suppressing or controlling artists, actors, and some poets.

21. Prior to 2021, women and girls played a wide range of sports, some professionally.[33] In September 2021, a senior official of the de facto authorities said in an interview that women would not be allowed to participate in sport since their participation was considered neither appropriate nor necessary. Since then, prohibition of women to use parks and gymnasiums, as well as restrictions on freedom of movement, have rendered it almost impossible for women to participate in sports or undertake physical exercise, in breach of their right to participate in sports as part of culture,[34] as well as the right to health. Community-led activities by women to address this has also been suppressed. Many women athletes were forced to flee Afghanistan because of fear of persecution and to continue their careers, facing lack of funding and barriers preventing them from representing Afghanistan internationally. In August 2024, Special Procedures mandate holders sent a letter to the International Olympic Committee, raising concerns that some members of the Olympic movement appear unable or unwilling to uphold their own organisational obligations regarding the right to equal and non-discriminatory participation of women and girls, despite the de facto authorities' systematic denial of their ability to participate in sports.[35] The Committee responded that it initiated dialogue with the de facto sports authorities, and the Special Rapportuer notes, that the IOC enabled the participating of a Refugee Olympic team in the Olympic Games Paris 2024 with female and male Afghan athletes competing under the Afghan flag.[36]

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[28] A/HRC/78/338, para. 14; A/HRC/56/25, para. 15.

[29] A/HRC/79/330.

[30] Article 22 (10).

[31] Article 20 (1).

32 https://rsf.org/en/afghanistan-three-radio-stations-khost-targeted-local-authorities-persecution-journalism

[33] Afghanistan's Undercover Athletes: Sportswomen Pose For Portraits Amid Taliban Threats

[34] A/HRC/79/299.

[35] https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=29236

[36] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=38784