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AN INTERNATIONAL LAW INQUIRY

INTO THE

TALIBAN'S EDICTS

AND OTHER DIRECTIVES

Targeting Women
and Girls

Ham Diley  **همدلی**
Campaign

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An International Law Inquiry into the Taliban's Edicts and Other Directives Targeting Women and Girls



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The Clinic and Campaign also want to thank Ms Šejla Bratić and her team at Studio NOT YOUR CHIBI, whose work on the layout and design ensured that the Inquiry's findings are presented with clarity, accessibility, and professionalism.

In addition to these individual contributions, the Clinic and Campaign wish to highlight the importance of the "Afghanistan Justice Archive", a database launched during the completion of this Inquiry, which provides an essential resource for tracking the regime's edicts and other forms of directives.¹

This report is intended to serve as a pragmatic resource for policymakers, legal practitioners and human rights advocates pursuing an "all tools" response to the situation in Afghanistan.² By applying an intersectional and transgenerational lens, the authors have sought to document the institutionalised and systematic nature of gendered oppression. Our work aims to galvanise the international community to end the historical invisibility of gender-based atrocities and support the growing call for the recognition of gender apartheid.

Finally, the authors remain profoundly indebted to the women and girls of Afghanistan. Their resilience in the face of a regime that seeks to render them "faceless, voiceless shadows" is the ultimate inspiration for this Inquiry.³ It is their voices, and their unwavering pursuit of dignity, autonomy, and identity, that this work seeks to amplify.

1 'Afghanistan Justice Archive' (Web Page) <<https://afghanistanjustice.org/>>.

2 See, eg, Richard Bennett, UNSR Afghanistan, *The Phenomenon of an Institutionalised System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, UN Doc A/HRC/56/25, 56th sess, Agenda Item 2 (Report, 13 May 2024) 14[97].

3 Ravina Shamdasani, Spokesperson for the UN High Commissioner for Human Rights, 'Afghanistan: Repressive Law Must be Immediately Repealed' (Press Briefing, 27 August 2024) <<https://www.ohchr.org/en/press-briefing-notes/2024/08/afghanistan-repressive-law-must-be-immediately-repealed>>.



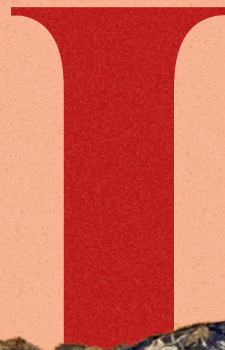
Bamiyan, Afghanistan, ©Sulaiman Ahmadi

A C R O N Y M S

CADE	Convention Against Discrimination in Education
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW Cttee	Committee on the Elimination of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CRC Cttee	Committee on the Rights of the Child
HRCttee	Human Rights Committee
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICJ	International Court of Justice
ICL	International Criminal Law
ISIL	Islamic State of Iraq and the Levant
IHRL	International Human Rights Law
NGO	Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
OTP	Office of the Prosecutor
PVPV	Promotion of Virtue and the Prevention of Vice
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children’s Fund
UNSR Afghanistan	United Nations Special Rapporteur on the Situation of Human Rights in Afghanistan
USIP	United States Institute of Peace

AN INTERNATIONAL LAW INQUIRY INTO
THE TALIBAN'S EDICTS AND OTHER DIRECTIVES
TARGETING WOMEN AND GIRLS

S E C T I O N



INTRODUCTION

1. INTRODUCTION

The situation of women and girls in Afghanistan is unacceptable. Since August 2021, the Taliban's violent return to power has been accompanied by a deliberate and comprehensive transformation of Afghanistan into an institutionalised regime of systematic oppression and domination of women and girls, which ought to be recognised and punished as such.¹

The restrictions imposed now are reminiscent of how the Taliban imposed restrictions during their first reign of terror in the 1990s, through direct and unmediated enforcement, disregarding constitutions or formal codified laws. Instead, divine injunctions from Islamic sources, based on their own interpretation, were applied as absolute. This approach was accompanied by the public imposition of severe corporal punishments, such as lashings, amputations, stoning, and executions, which the Taliban justified as fulfilling *hudud*; the fixed penalties prescribed in the Quran.² While historical precedents from the Taliban's first reign of terror in the 1990s provide a grim backdrop, the group's current measures are uniquely expansive, rigorously enforced, and

designed to permanently erase women and girls from economic, social, cultural, political and public life.³ It extends, for example, to the banning of women's voices in public,⁴ as well as imposing their own interpretation of Sharia on Kabul's construction laws, which prohibit windows from facing neighbouring homes. These rules originally aimed to protect residents' privacy, but the Taliban has reframed both the measure and its enforcement, including instructing people to paint over their windows, as actions taken to "protect" women's privacy.⁵

By denying women and girls (including those who do not conform with the Taliban's idea of gender) fundamental rights and opportunities, these policies not only damage the prospects of those living under the current regime but also jeopardise the lives and freedoms of women and girls of generations to come.⁶ It also risks setting a dangerous precedent among men and boys as to the treatment of women and girls.⁷ This enduring cycle of disempowerment, segregation, discrimination and other forms of violence undermines the social, educational, and economic development of entire communities, of an entire country — a consequence that runs contrary to the growing recognition of the need to protect rights of future generations.⁸

1 See, eg, Ham Diley Campaign, *Handbook on Universal Jurisdiction: Holding the Taliban Accountable for International Crimes* (Report, 2024) <www.hamdiley.org/handbook/> ch VI; Amnesty International and the International Commission of Jurists, *The Taliban's War on Women: The Crime Against Humanity of Gender Persecution in Afghanistan* (Report, 2023) <www.amnesty.org.au/wp-content/uploads/2023/05/Taliban-War-On-Women_ICJ-AI-Afghanistan-Report.pdf>; Richard Bennett, United Nations Special Rapporteur on the Situation on Human Rights in Afghanistan ('UNSR Afghanistan'), *The Situation of Women and Girls in Afghanistan*, UN Doc A/HRC/53/21, 53rd sess, Agenda Item 3 (Report, 15 June 2023); Richard Bennett, UNSR Afghanistan, *The Phenomenon of an Institutionalised System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, UN Doc A/HRC/56/25, 56th sess, Agenda Item 2 (Report, 13 May 2024); Sareta Ashraph et al, 'Amending the Crime Against Humanity of Apartheid to Recognize and Encompass Gender Apartheid', *End Gender Apartheid Campaign* (Legal Brief, 5 October 2023) <<https://endgenderapartheid.today/download/2025/EGA%20Legal%20Brief.pdf>>.

2 Ibid 24–25.

3 See, eg, Bennett, UN Doc A/HRC/56/25 (n 1) 2 [4].

4 Annex Edicts 176 (April 2024), 191 (31 July 2024) and 230 (18 March 2025). See also the so-called 'Law on the Promotion of Virtue and the Prevention of Vice' (the 'PVPV' law) discussed further under sub-s 1.1 below.

5 Annex Edict 221 (28 December 2024).

6 Bennett, UN Doc A/HRC/56/25 (n 1) 8 [50], 5 [24], [26].

7 Ibid 4 [19], 19 [125].

8 On the protection of the rights of future generations, see *Maastricht Principles on the Human Rights of Future Generations* (July 2023) <www.rightsoffuturegenerations.org/the-principles> ('Maastricht Principles').

1.1 OVERVIEW OF THE TALIBAN'S RESTRICTIONS

To fully grasp the scope of the Taliban's oppressive rule designed to permanently erase women and girls from economic, social, cultural, political and public life, it is essential to contextualise the historical trajectory of women's fundamental rights in Afghanistan.

Prior to the rise of the Taliban, women achieved gradual, albeit uneven, advancements in public life and the exercise of their fundamental rights. Women gained the right to vote already in 1919, a year prior to women's suffrage in the United States.⁹ In the 1950s, women were allowed to attend higher education and to enter the workforce.¹⁰ Under the rule of Mohammed Daoud Khan in the 70s, reforms were introduced that aimed to further expand women's access to education and their public visibility to facilitate their entry into key sectors, allowing women to participate in education, healthcare, and government service.¹¹ This was a period of increasing civic and professional participation and visibility of women,¹² including female ministers and ambassadors.

Despite these advances, women's workforce participation was often limited by social norms, particularly outside urban centres.¹³ Decades of conflict, including the Soviet occupation (1979–1989) and subsequent civil war, severely disrupted economic development and further complicated women's access to, inter alia, formal employment opportunities.¹⁴

Further, the rise of the Taliban in 1996 marked a dramatic reversal of these rights, which as noted above, are reminiscent of the restrictions imposed during the second reign of terror since August

2021. Under a strict interpretation of Sharia law, the Taliban imposed comprehensive prohibitions that severely restricted women's freedoms outside the home. The right to work, for example, saw a near-total prohibition, with limited exceptions in women-only healthcare settings.¹⁵ Furthermore, girls were forbidden from attending school, including elementary education, which curtailed their future labour participation and established transgenerational effects of exclusion.¹⁶ This had a profound economic impact for Afghanistan society, as the exclusion of half the population from economic activity contributed to widespread poverty.¹⁷

Following the removal of the Taliban in 2001, Afghanistan saw a resurgence in efforts to reintegrate women into the workforce and public life.¹⁸ These efforts were supported by frameworks such as Afghanistan's *National Action Plan on United Nations Security Council Resolution 1325* which became a foundational framework promoting women's participation in peacebuilding and governance, further legitimising female employment in formerly male-dominated sectors.¹⁹ During this period, pathways re-opened for women in professions traditionally closed to them, including the judiciary, education, and civil service.²⁰ Despite women still being subjected to discrimination, these developments marked significant progress. Women could even legally run for the presidency, symbolising their enhanced civic and professional status.²¹

9 'Unveiled: A History of Afghan Women's Rights', UN (Photo Essay) <<https://media.un.org/photo/en/photo-essays/unveiled-history-afghan-womens-rights>>.

10 Ibid.

11 'Women's Rights in Afghanistan: An Ongoing Battle', European Parliament (Briefing, 11 October 2023) <[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747084/EPRS_BRI\(2023\)747084_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747084/EPRS_BRI(2023)747084_EN.pdf)> 3.

12 Ibid.

13 Ibid.

14 'Country Factsheets: Afghanistan', UN Women (online, March 2025) <https://asiapacific.unwomen.org/sites/default/files/2025-03/250320_country_factsheets_afghanistan_v3_-_final_comments_1.1.pdf> 3.

15 Explored in detail in pt I s 4 ('Work') below.

16 UNESCO, 'Afghanistan: 1.4 Million Girls Still Banned from School by De Facto Authorities' (Press Release, 24 September 2024) <<https://www.unesco.org/en/articles/afghanistan-14-million-girls-still-banned-school-de-facto-authorities>>.

17 UNDP, *Afghanistan: Socio-Economic Outlook 2021–2022* (Report, 2021) 4.

18 Rina Amiri, Swanee Hunt and Jennifer Sova, 'Transition Within Tradition: Women's Participation in Restoring Afghanistan' (2004) 51(5/6) *Sex Roles* 283, 283; Shanthie Mariet D'Souza, 'Women's Rights under the Taliban: The Socio-economic Consequences of Political Exclusion' *Middle East Institute* (online, 7 March 2024) <<https://news.un.org/en/story/2025/06/1164476>>.

19 Islamic Republic of Afghanistan, *National Action Plan on UNSCR 1325 – Women, Peace and Security* (Afghanistan), UNAMA (online, June 2015) <https://unama.unmissions.org/sites/default/files/wps-afghanistan_national_action_plan_1325_0.pdf> 6.

20 UNDP, *Afghanistan: Socio-Economic Outlook 2021–2022* (n 17) 4.

21 Dianne Penn, 'Afghanistan: Taliban Rule has Erased Women from Public Life, Sparked Mental Health Crisis', *UN News* (online, 13 August 2024) <<https://news.un.org/en/story/2024/08/1153151>>.

Since their return to power, the Taliban has dismantled the rule of law by curtailing independent judicial oversight and consolidating power within its leadership. In this new governance system, edicts issued by the so-called “supreme leader” are commonly used by the Taliban to impose its ideological and social mandates upon the people of Afghanistan.²² Alongside these edicts, a range of other informal administrative orders and directives are employed to govern every facet of society.²³ Some of the edicts have been collated in the so-called “Law on the Promotion of Virtue and the Prevention of Vice” (the ‘PVPV’ law).²⁴ Together, these elements make up a regime of commands that erode justice and systematically undermine the rights of the people of Afghanistan, notably women and girls. They serve political objectives, such as the suppression of dissent, control of women’s presence in public life, and the broader consolidation of Taliban power through moral policing.²⁵

One element upon which this oppressive framework relies is the institutionalisation of the so-called “mahram” rule. While the enforcement of this rule and many other Taliban restrictions is inconsistent across the country, women and girls of Afghanistan are legally required to be accompanied in public (and their faces can only be seen) by a designated male guardian – typically a father, brother, husband, or another close relative.²⁶ This requirement, inconsistently enforced across different areas of Afghanistan, is far from a benign cultural norm; it is a coercive mechanism that severely restricts female autonomy. By binding women and girls to a perpetual state of male oversight, the mahram rule enforces the regime of social isolation and economic exclusion outlined above. Moreover, this arrangement essentially means that private actors (the designated mahrams) are, whether they like it or

not, increasingly incorporated into the enforcement of the Taliban’s edicts and other directives.²⁷ This method of enforcement is complemented by the Taliban’s brutal violence against women, including public stoning as announced by the Taliban leader in March 2024.²⁸

1.2 IMPORTANCE OF CONTINUOUS MONITORING AND ANALYSIS

As the Taliban seeks international recognition as Afghanistan’s governing authority,²⁹ the international community must intensify its monitoring of the Taliban’s so-called “governance” measures. The gravity of the situation, particularly when it comes to the lives of women and girls, demands that every advocate for human rights recognise and respond to this injustice. As the United Nations Special Rapporteur on the Situation of Human Rights in Afghanistan (‘UNSR Afghanistan’) has underlined, the response should be multifaceted, employing every available pathway and tool at our disposal, to address and counter these systemic violations.³⁰ This includes examining the events unfolding, including the continuing issuance of edicts and other forms of directives, against relevant international standards.

Afghanistan as a country is a state party to most of the core international human rights treaties.³¹ This includes, notably, the *Convention on the Elimination of All Forms of Discrimination Against Women* (‘CEDAW’) which Afghanistan ratified on 5 March 2003 without reservations.³² However, numerous

22 Bennett, UN Doc A/HRC/53/21 (n 1) 5 [19].

23 Ibid 4–5 [17].

24 For an unofficial translation, see Afghanistan Analysts Network, ‘The Propagation of Virtue and Prevention of Vice Law’ (Web Page) <www.afghanistan-analysts.org/en/Reports/political-landscape/the-propagation-of-virtue-and-prevention-of-vice-law-translated-into-english/>. For a detailed analysis of the law see: Richard Bennett, UNSR Afghanistan, *Study on the So-Called Law on the Promotion of Virtue and the Prevention of Vice*, UN Doc A/HRC/58/74, 58th sess, Agenda Item 2 (Report, 12 March 2025) 2 [1].

25 Edict 56

26 Bennett, UN Doc A/HRC/58/74 (n 24) 8 [42], 9 [51].

27 See, eg, Zahra Joya and Annie Kelly, ‘How Ordinary Men became Unpaid Taliban Enforcers in their Own Homes’ (online, 9 June 2025) <www.theguardian.com/global-development/ng-interactive/2025/jun/09/ordinary-men-unpaid-taliban-enforcers-homes-afghani-stan-women>.

28 Annex Edict 173 (24 March 2024).

29 See, eg, Asfandyar Mir, Richard Olson and Andrew Watkins, ‘Taliban Seek Recognition, But Offer Few Concessions to International Concerns’, *United States Institute of Peace* (Analysis, 28 September 2021) <www.usip.org/publications/2021/09/taliban-seek-recognition-offer-few-concessions-international-concerns>.

30 See, eg, Bennett, UN Doc A/HRC/56/25 (n 1) 14 [97].

31 ‘United Nations Human Rights Treaty Bodies: Ratification Status for Afghanistan’, *Office of the United Nations High Commissioner for Human Rights* (‘OHCHR’) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en>.

32 ‘8. Convention on the Elimination of All Forms of Discrimination Against Women’, *United Nations Treaty Collection* (Web Page) <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-8.en.pdf>> 1.

other treaties and instruments will also be referred to in this Inquiry to outline the meaning and scope of relevant human rights against which we consider the Taliban's measures. While the Taliban is not the Government of Afghanistan, they nevertheless have obligations as de facto authorities to uphold all human rights obligations to which Afghanistan, the state, is a party.

The Inquiry will also consider the edicts and directives against international criminal law ('ICL'), notably the crime against humanity of gender-based persecution,³³ as well as calls for the recognition under international law of a crime of gender apartheid to fully reflect the Taliban's treatment of women and girls.³⁴

1.3 SCOPE AND OBJECTIVES OF THE INQUIRY

The Inquiry provides a comprehensive international human rights law ('IHRL') analysis of the Taliban's edicts and directives, focusing on seven critical areas: movement; education; work; health; expression; religion; and culture.

In addition, each section will incorporate the various elements of key rights affected by restrictions in that sector. As human rights are "indivisible, interdependent and interrelated", the Inquiry presents a holistic analysis that captures the full scope of the interwoven violations and their cumulative impact within and across the sectors covered.³⁵ Further, the Inquiry illustrates the real-world impacts of these edicts and directives by reviewing credible reports on how they affect the lives of women and girls.

Through systematic analysis, the Inquiry aims to demonstrate how these measures collectively contribute to an environment of gender-based persecution; a crime against humanity.³⁶ It further situates these measures within the conceptual framework of gender apartheid, and the ongoing advocacy for its recognition as a crime under

international law to adequately reflect the institutionalised and systematic nature of the Taliban's oppression of women and girls.³⁷

The Inquiry is envisaged as a resource for policymakers, legal practitioners and human rights advocates pursuing various pathways for accountability (an "all tools" response recommended by the UNSR Afghanistan).³⁸ This includes, for example, the potential proceedings before the International Court of Justice ('ICJ') regarding violations under CEDAW,³⁹ as well as investigations by the International Criminal Court ('ICC'), including two recent arrest warrants for gender-based persecution,⁴⁰ and work for the recognition of gender apartheid as an international crime.⁴¹

1.4 METHODOLOGY

The analytical framework for this Inquiry builds upon the assessment of a list of edicts and directives compiled by the United States Institute of Peace ('USIP'), covering the period from August 2021 to the end of December 2024.⁴² The Annex to this Inquiry includes this list as compiled and updated by former USIP staff member, now an independent researcher, Ms Belquis Ahmadi until the end of November 2025.⁴³

The Inquiry does not engage with all edicts, orders and other forms of directives (referred to collectively as 'edicts') in the list but focuses upon those deemed to be directly or indirectly targeting women and girls. Every effort has been made to be as comprehensive as possible. However, there may still be other edicts issued within this timeframe which have not been specifically cited. Given the overwhelming support for the conclusions made based upon the edicts that

33 *Rome Statute of the International Criminal Court*, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002) art 7(1)(h) ('*Rome Statute*').

34 See, eg, Ashraph et al (n 1).

35 *Vienna Declaration and Programme of Action*, UN Doc A/CONF.157/23 (12 July 1993, adopted 25 June 1993) pt I para 5.

36 *Rome Statute* (n 33).

37 Ashraph et al (n 1).

38 See, eg, Bennett, UN Doc A/HRC/56/25 (n 1) 14 [97].

39 Germany Federal Foreign Office, 'Launch of an Initiative on Accountability for Afghanistan's Violations of CEDAW Declaration' (Press Release, 26 September 2024) <www.auswaertiges-amt.de/en/newsroom/news/2677760-2677760>.

40 'Afghanistan', *International Criminal Court* (Web Page) <www.icc-cpi.int/afghanistan>.

41 Ashraph et al (n 1). See also *United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes Against Humanity*, GA Res 79/122, UN GAOR, UN Doc A/RES/79/122, 79th sess, Agenda Item 80.

42 USIP, 'List of the Taliban's Edicts, Orders, and Directives Infringing on the Rights of Women and Men'.

43 Please note that the sections titled 'Enforcement of Tazeer, Hadd and Qisas' have been removed from the list, leaving the numbered edicts.

have been engaged with, any such additional edicts would add to, rather than change the conclusions made. Readers are also encouraged to visit the “Afghanistan Justice Archive” website which was lodged during the completion of this Inquiry.⁴⁴ This platform contains a comprehensive database of edicts and other directives and is searchable based upon edicts which target women.⁴⁵

As new edicts and other forms of directives continue to be issued on a rolling basis by the Taliban. As such, readers are encouraged to monitor developments. This reality makes the stakes and findings of this Inquiry even more urgent.

The methodology comprises of:

- **International Law Analyses:** The Inquiry consists of detailed examinations of Taliban edicts and other directives against IHRL norms and obligations, including but not limited to CEDAW, the international crime of gender-based persecution under ICL, as well as the ongoing calls for the recognition of gender apartheid.
- **Contextual Framework:** The analyses synthesise historical, cultural and socio-political insights that illuminate the evolution of these measures and their impacts upon individuals and the country more broadly. References are also made to Taliban’s first reign of terror in the 1990s to delineate continuities, as well as exacerbation in the policies.
- **Intersectional and Transgenerational Analysis:** The Inquiry adopts an intersectional approach by considering how the targeting of women and girls is compounded by factors such as ethnicity, socio-economic status, gender identity, sexual orientation and disability. Furthermore, it will examine the transgenerational dimensions of these oppressive measures, recognising that the current treatment of women and girls not only affects the present but also leaves a long-lasting legacy that impairs the prospects and rights of future generations. As mentioned above, IHRL affirms the importance of protecting the rights of future generations, making this enduring impact a critical element of our analysis.⁴⁶

While there can be no doubt that blatant violations of the rights of women and girls are taking place in Afghanistan, the multi-dimensional approach of this Inquiry ensures that the discussion goes beyond surface-level statements of rights violations. Instead, it demonstrates how these violations are multifaceted, complex and harmful in a multitude of ways, treating the situation with the seriousness that it requires.

1.5 COLLABORATIVE EFFORT AND INTENDED IMPACT

Compiled by the Ham Diley Campaign through the Monash Afghanistan Support Clinic, this Inquiry is crafted not merely as an academic document but as a pragmatic resource for global human rights advocacy and international justice mechanisms. As the Taliban continues its quest for international recognition, the analysis presented herein offers critical evidence of persistent human rights abuses and provides a foundational basis for diplomatic, judicial and advocacy responses. By highlighting the institutionalised and systematic gendered oppression, the Inquiry aims to galvanise the international community to uphold and enforce essential human rights standards for the purpose of ensuring that the extreme gravity of the situation is met with the requisite solidarity and robust, multi-pronged “all tools” response needed.⁴⁷

⁴⁷ See, eg, Bennett, UN Doc A/HRC/56/25 (n 1) 14 [97].

⁴⁴ ‘Afghanistan Justice Archive’ (Web Page) <<https://afghanistanjustice.org/>>.

⁴⁵ Ibid.

⁴⁶ *Maastricht Principles* (n 8).

International Human Rights

PART I

INTERNATIONAL HUMAN RIGHTS

SECTION

III



MOVEMENT

2. MOVEMENT

2.1 INTRODUCTION

Since the Taliban regained control, the ability of women and girls to move freely both within the country and to exit Afghanistan has been severely restricted. The Taliban's edicts and directives have the purpose or effect of curtailing women's mobility through measures such as prohibiting travel without a mahram, restricting access to public spaces and transport, limiting passport and border access, and endorsing residents and checkpoints controls. Collectively, these measures have confined many women and girls, eliminating their capacity to participate in public, social, and economic life.¹

The right to freedom of movement is a fundamental right recognised in several international instruments.² The right comprises a subset of different rights, including: (i) the right to move freely within a country for those who are lawfully within the country; (ii) the right to leave any country; and (iii) and the right to enter a country of which you are a citizen.³

The right to freedom of movement is grounded in autonomy and agency but is also of crucial importance for the enjoyment of other rights.⁴ The Taliban's restrictions on the mobility of women and girls therefore carries widespread consequences. The erosion of women's ability

to move freely has accelerated their erasure from existing in their political, economic, social and cultural life.⁵ For example, an edict prohibiting women from attending shrines restricts not only their movement but also their freedom of religion.⁶

More broadly, freedom of movement functions as a 'gateway' to the enjoyment of other rights: access to health care, education, work, cultural participation and family life all depend on the ability to reach the places where those rights are exercised. Collectively, these restrictions have made Afghanistan under Taliban rule *the most repressive country in the world regarding women's rights*, as the erosion of movement has become both a cause and a symbol of women's exclusion from every sphere of public life.⁷

2.2 HUMAN RIGHTS ANALYSIS

2.2.1 Meaning and Scope of Movement

The right to freedom of movement as outlined in article 12 of the ICCPR explicitly provides that every individual lawfully within a state may move freely and choose their residence, and that they are afforded the right to leave any country, including their own.⁸ These freedoms can only be restricted by measures established in law that pursue a legitimate aim such as national security, public order, public

1 United Nations Assistance Mission in Afghanistan ('UNAMA'), *Update on the Human Rights Situation in Afghanistan: January - March 2025* (Report, 1 May 2025) 8 ('January-March 2025 Update').

2 See, eg, CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981); ICCPR, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

3 ICCPR (n 2) art 12.

4 Human Rights Committee ('HRCtee'), *General Comment No 27: Article 12 (Freedom of Movement)*, 67th sess, UN Doc CCPR/C/21/Rev.1/Add.9 (2 November 1999) 1 [1] ('General Comment No 27').

5 Richard Bennett, UNSR Afghanistan, *The Phenomenon of an Institutionalised System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, UN Doc A/HRC/56/25, 56th sess, Agenda Item 2 (Report, 13 May 2024) 2 [4].

6 See Annex Edict 123 (5 May 2023); ICCPR (n 2) arts 12(1), 18(1) and 27; CEDAW (n 2) art 13(c); ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 15(1)(a).

7 UN Women, *Afghanistan: Ten Facts About the World's Most Severe Women's Rights Crisis* (Press Release, 14 August 2025) <<https://www.unwomen.org/en/news-stories/press-release/2025/08/afghanistan-ten-facts-about-the-worlds-most-severe-womens-rights-crisis>>.

8 ICCPR (n 2) art 12(1).

health or morals, or the rights and freedoms of others, and only where the restriction is necessary, proportionate and consistent with other Covenant rights.⁹ Article 12(1) of the ICCPR also affirms that no one may be arbitrarily deprived of the right to enter their own country.¹⁰ Article 12 in combination with articles 2(1) prohibits restrictions on the freedom of movement on the basis of sex, gender, sexual orientation and gender identity.¹¹ Further, article 26 provides a standalone prohibition of discrimination on such basis,¹² reinforced by article 3 (common to both ICCPR and the *International Covenant on Economic, Social and Cultural Rights* ('ICESCR'))¹³ which guarantees the equal enjoyment of Covenant rights by women and men.¹⁴ Moreover, because the right to freedom of movement is a fundamental 'gateway' right necessary for accessing (inter alia) education, work, culture and healthcare, restrictions on movement also trigger violations of the substantive economic, social, and cultural rights enshrined in the ICESCR, particularly the equal enjoyment of these rights between women and men.

The prohibition of gender-based discrimination in all areas of life is the cornerstone of CEDAW. Article 15(4) of this Convention expressly obliges states parties to accord women and men the same rights with respect to the law relating to movement, residence and domicile.¹⁵ Article 2 imposes a general obligation on States to eliminate discrimination in all its forms and therefore covers restricting movement based on gender.¹⁶ Additionally, Article 13 guarantees women's equal right to participate in economic and social life.¹⁷ The removal of women from public spaces and their inability to move freely denies full enjoyment of, and participation in, these aspects of life, undermining this guarantee.

9 Ibid arts 2(1), 3, 12(1)–(3) and 26.

10 Ibid art 12(1)–(4).

11 Ibid art 2(1). While not explicitly listed in the Covenant, the HRCtee has confirmed that prohibited grounds of discrimination under the ICCPR includes gender identity and sexual orientation: see, eg, HRCtee, *General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life, UN Doc CCPR/C/GC/36, 124th sess (3 September 2019) 13 [61].*

12 Ibid art 26.

13 ICESCR (n 6) art 3.

14 ICCPR (n 2) art 3.

15 CEDAW (n 2) art 15(4).

16 Ibid art 2.

17 Ibid art 13.

The right to freedom of movement is, however, not absolute and may be lawfully limited in certain circumstances.¹⁸ Article 12(3) of the ICCPR sets out conditions for lawful limitation, namely that any restriction must be prescribed by law, directed to a legitimate aim such as the protection of national security, public order, public health or morals, or the rights and freedoms of others, and consistent with the other rights recognised in the Covenant.¹⁹

The kind of restrictions to women's movement which will be discussed below are not lawful limitations. Indeed, in clarifying the scope and meaning of the right to freedom of movement, the UN Human Rights Committee ('HRCtee') in its *General Comment No 27* notes that 'measures preventing women from moving freely or from leaving the country by requiring the consent or escort of a male person constitutes as a violation of article 12'.²⁰ This clarification leaves no room for doubt that the arbitrary restrictions placed on women and girls by the Taliban do not meet the required criteria for limitation.

The remainder of this section will consider the various ways in which the Taliban edicts unlawfully undermine the right to freedom of movement of women and girls and the harms that flow from these restrictions. Such effects include impacts upon many other human rights as will be discussed in detail in subsequent sections of the Inquiry.

2.2.2 Restrictions on Women's Movement Within Afghanistan

Many of the Taliban's edicts restrict women's and girls' ability to move freely inside Afghanistan. These restrictions are far-reaching and target various areas of everyday movement, effectively shrinking the freedoms of women and girls entirely, and leaving them trapped in their houses.²¹ For girls, these prohibitions constitute a breach of their rights under the CRC by denying their autonomy, independence, and ability to access necessary services and education, thereby undermining their development.²²

18 ICCPR (n 2) art 12(3).

19 Ibid.

20 HRCtee, *General Comment No 27* (n 4) 4–5 [18].

21 'The UN in Afghanistan Calls for an Immediate End to the Draconian Restrictions on the Rights Of Women & Girls by the De Facto Authorities', UN in Afghanistan (Press Release, 8 March 2023).

22 CRC, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) arts 2, 3, 13, 24 and 28.

Early in the regime, officials issued verbal directives, such as the August 2021 order instructing women to stay indoors at home, based on the claim that soldiers lacked the necessary training to respect women.²³ This set an early precedent for systematic efforts to remove women from the public eye. There has since been a gradual intensification of restrictions on movement. For example, in September 2021, women working in professional roles were ordered to remain at home until further notice, marking the start of systematic efforts to remove women from the workforce.²⁴ This was followed in March 2022 by an instruction prohibiting women from office work altogether and requiring them to remain at home, a policy later reinforced by the ‘Ministry of Interior’.²⁵ By May 2022, the focus had shifted to public presence and mobility, with women prohibited from obtaining driving licences.²⁶

The edicts continued to intensify. For example, in February 2023, female government medical staff in Kandahar were told they could only attend work if accompanied by a male guardian.²⁷ In December 2024, inspectors from the ‘Ministry for the Promotion of Virtue and Prevention of Vice’ ordered drivers of public transport not to carry mixed-gender passengers, effectively preventing women from travelling with men.²⁸ Together, these measures reflect a clear progression from occupational exclusion to near-total confinement, reinforcing a system that leaves most women unable to move freely, with implications on areas of life, including work.

The edicts outlined above collectively reveal the Taliban’s systematic effort to dismantle women’s participation in public life. Although women are not formally prohibited from appearing in public, the cumulative restrictions on where and how they may move have, in practice, erased their presence from Afghanistan’s social, economic and civic spaces.²⁹ These measures have profoundly affected women’s daily lives, limiting their access to essential services, education and employment, and forcing many to remain inside their homes, dependent on male

guardians for even the most basic mobility.³⁰ Women interviewed by Human Rights Watch had little hope in returning to their lives prior to the Taliban’s rule, and described the immense psychological and social toll of sustained confinement.³¹

The Taliban’s approach represents a deliberate and methodical strategy to control women’s movement and, by extension, their autonomy and participation in society.³² These restrictions are not isolated but interconnected, operating together to confine women’s presence and visibility in nearly every aspect of public life. The following subsections examine how this framework has been implemented through specific edicts limiting access to public spaces, transport, health facilities and other areas of daily life. These practices amount to a breach of multiple international treaty obligations. They violate the right to freedom of movement under Article 12 of the ICCPR, and the guarantees of equality and non-discrimination in articles 2(1), 3 and 26 of the ICCPR and articles 2 and 15(4) of CEDAW. Similar protections are also found in the CRC and CRPD, which require states to ensure women, girls and persons with disabilities enjoy these freedoms on an equal basis.³³ Together, these restrictions not only confine women’s movement but also undermine their access to education, work, health, culture and participation in public, these areas are examined in the sections that follow.

A. PROHIBITIONS ON ACCESSING PUBLIC SPACES

The Taliban has implemented multiple edicts which prohibit women and girls from public spaces.³⁴ The elimination of women’s access to public spaces has happened gradually. Some of the early edicts focused on segregating women and men, such as the announcement of gender-segregated visits to shrines in Herat,³⁵ and gender-segregated banking services

23 Annex Edict 7 (25 August 2021).

24 Annex Edict 13 (20 September 2021).

25 Annex Edicts 36 (24 March 2022) and 33 (16 March 2022).

26 Annex Edict 44 (5 May 2022).

27 Annex Edict 98 (1 February 2023).

28 Annex Edict 219 (25 December 2024).

29 UNAMA, *Human Rights Service: Report on the Situation of Women and Girls in Afghanistan* (Report, June 2023) 11–13 (‘Human Rights Service’).

30 UNAMA, *Update: Restrictions on Women’s Movement and Public Participation* (Report, February 2024) 6.

31 Human Rights Watch, *Afghanistan: Taliban Deprive Women of Livelihoods, Identity* (Report, March 2023).

32 UNAMA, *Human Rights Service* (n 29).

33 ICCPR (n 2) arts 2(1), 3, 12, 26; CEDAW (n 2) arts 2, 15(4); CRC (n 22) art 2; *Convention on the Rights of Persons with Disabilities* (‘CRPD’), opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) arts 5, 18.

34 UNAMA, *January-March 2025 Update* (n 1) 2.

35 Annex Edict 107 (10 March 2023). See also Annex Edicts 28 (February 2022) and 31 (13 March 2022) on segregation in classrooms and offices respectively.

in Balkh province.³⁶ This segregation escalated into outright bans, such as an edict prohibiting women from accessing restaurants in Herat in April 2023.³⁷ Segregation was also replaced by direct bans on women's presence in other places as well, for example through an edict preventing women from accessing the market at the Afghanistan-Uzbekistan border in the Balkh province.³⁸ This progression of oppression has been monitored, with one journalist outlining that the Taliban's initial position was that a few small things would be changed; however, "over time, we have come to the realisation it was their intention to slowly erase women."³⁹

In addition to schools beyond grade 6 discussed in section 3 of this Inquiry,⁴⁰ as well as various workplaces considered in section 5,⁴¹ there are other public places from which women have been banned, either generally or with regards to specific sites named in edicts.

PUBLIC PARKS, GYMS AND BATHS

Multiple edicts restrict or remove women's access to social spaces, including public parks, gyms and baths. Authorities first directed that men and women attend parks on different days,⁴² then barred women from parks where segregation could not be "ensured", before imposing a blanket prohibition on women and girls entering parks and gyms.⁴³ Provincial orders reinforced this trajectory, including a ministerial announcement in Bamyan which banned women from the Band-e-Amir National Park,⁴⁴ and written re-issuances of park bans in Faryab and Balkh.⁴⁵ The Band-e-Amir ban is especially emblematic. Afghanistan's first national park once employed female rangers; prohibiting women's entry marks a

stark social regression and illustrates the shift from segregation to exclusion. Blanket bans on women attending public baths were imposed relatively early on in both Balkh and Badghis.⁴⁶

These restrictions have significant impacts upon the social lives of women in Afghanistan. Inability to access these places limits women's social interactions by preventing them from the enjoyment of public spaces to physically meet friends, colleagues and family and simply to exist outside of their homes.⁴⁷ This has been witnessed through the specific targeting of women meeting each other, where routinely Taliban officials disperse groups of more than three or four women, with the justification that it is to prevent protests.⁴⁸ A later section in this Inquiry specifically covers the way in which women's access and contribution to, as well as enjoyment of culture is significantly impacted.⁴⁹

Banning women's ability to access public parks, gyms and baths also affect women's enjoyment of both physical and mental health. The complex and intrusive implications which a ban on socialisation, as well as exercise, has upon health outcomes are also dealt with in a separate section of the Inquiry below.⁵⁰ Indeed, the restrictions and even outright ban on women's movement discussed in this section affect the enjoyment of most human rights and is therefore a crucial tool for the Taliban's continued perpetuation of its institutionalised regime of subjugation and oppression.

TRANSPORTATION

As noted above, the Taliban has stopped issuing driver's licences to women, directly undermining women's ability to drive and access places outside the home, and the freedom which comes with being able to drive.⁵¹ Notably, this ban does not apply to Afghan women with dual citizenship or to female tourists. This restriction is particularly severe in a country where public transport is limited and often

36 Annex Edict 113 (25 March 2023).

37 Annex Edict 118 (5 April 2023).

38 Annex Edict 201 (9 October 2024).

39 Jelena Bjelica, 'What Do Young Afghan Women Do? A Glimpse into Everyday Life after the Bans', Afghanistan Analysts Network (online, 17 August 2023) <<https://www.afghanistan-analysts.org/en/reports/rights-freedom/what-do-young-afghan-women-do-a-glimpse-into-everyday-life-after-the-bans/>>.

40 See below pt I s 3 'Education'.

41 See below pt I s 5 'Work'.

42 Annex Edict 40 (6 April 2022).

43 Annex Edicts 57 (25 August 2022) and 72 (10 November 2022).

44 Annex Edict 143 (26 August 2023).

45 Annex Edicts 189 (17 July 2024) and 197 (19 September 2024).

46 Annex Edicts 23 (29 December 2021), 25 (3 January 2022) and 71 (6 November 2022).

47 Bjelica (n 39).

48 Richard Bennett, UNSR Afghanistan, *The Situation of Women and Girls in Afghanistan*, UN Doc A/HRC/53/21, 53rd sess, Agenda Item 3 (Report, 15 June 2023) 10 [56].

49 See below pt I s 8 'Culture'.

50 See below pt I s 5 'Health'.

51 Annex Edict 44 (5 May 2022). Efforts to prohibit driving have continued, as exemplified by the May 2025 request by PVPV authorities to the Herat Department of Traffic to formalise a ban on women driving vehicles: Annex Edict 235 (24 May 2025).

unsafe, meaning that many women rely on private or shared vehicles as their primary means of travel.⁵²

By prohibiting the issuance of drivers' licenses to women, the Taliban also undermines the ability of women to enjoy various other rights, such as the rights to education and work. While women may travel with a male guardian (discussed in subsection 2.2.2.B below), this poses a significant restriction on women's access to both public and private travel, rendering them significantly dependent upon men.

HISTORICAL SITES AND CEMETERIES

Women's access to historical sites and cemeteries has also been restricted through specific edicts. For example, on 11 January 2023, the Herat PVPV Department issued a written directive prohibiting women from visiting historic sites.⁵³ Similarly, on 4 May 2023, the head of the PVPV Ministry in Kandahar circulated an audio order instructing all provincial departments to ban girls and women from attending, inter alia, cemeteries.⁵⁴ These spaces hold deep historical, cultural and religious significance, allowing individuals to engage with their heritage, reflect on personal and familial histories, and maintain a sense of connection to their communities. Limiting movement to these places therefore severs an important avenue through which women and girls can sustain their cultural identity, practice of religion and collective memory.⁵⁵

HEALTH CENTRES

Another public space targeted in several edicts and directives is health centres. For example, in March 2022, the Taliban prohibited women from entering medical facilities without a *mahram* (the *mahram* rule is discussed further in subsection 2.2.2.B below).⁵⁶ This was followed in May 2023 by a verbal directive from the head of the PVPV Ministry in Kandahar, which in addition to banning women from accessing

cemeteries, also banned access to health centres on the grounds of alleged "immorality" and threatening to punish their male relatives for perceived non-compliance.⁵⁷ Around the same time, officials further prohibited young (often not married) women from visiting health centres and shrines in Kandahar.⁵⁸

These restrictions and bans have severe consequences for the health of women and girls, including increased mortality and death by preventable conditions.⁵⁹ The significant effects of women being unable to physically attend places of healthcare are discussed further in section 4 below.⁶⁰

B. THE REQUIREMENT TO BE ACCOMPANIED BY A MAHRAM

In instances where edicts do not place outright bans on women's movement, their movement is made contingent upon being accompanied by a *mahram*. This rule operates as a de facto internal travel-permit system for women, even making access to healthcare conditional upon a male guardian. For example, in December 2021, the Taliban prohibited women from travelling 72 kilometres (45 miles) without such a male guardian.⁶¹ UNAMA has also documented instances where the rule is enforced when it comes to short distances, such as women going to the market.⁶² The rule has practical effects. Women must either forgo travel or pay or pressure male relatives to accompany them. This impacts upon the enjoyment of many other rights as discussed in the rest of this Inquiry. For example, Médecins Sans Frontières reported that there was a 28% decrease in hospital admissions at the regional hospital in Herat.⁶³

As noted in subsection 2.2.2.A above, even though the public transport system is limited in Afghanistan, it remains vital for women who cannot afford to travel by private vehicles. However, this mode of transportation has also been made subject to the

52 World Bank, *On the Road to Greater Mobility: Understanding the Demand for Gender-Segregated Transportation in Urban Afghanistan* (Report, 2021) 11; UN Women, International Organization for Migration and UNAMA, *Situation of Afghan Women: Summary Report of Country-Wide Women's Consultations (Oct-Dec 2023)* (Report, 12 February 2024) 7–8.

53 Annex Edict 84 (11 January 2023).

54 Annex Edict 122 (4 May 2023).

55 The impacts upon culture and religion are explored further in pt I s 7 ('Religion') and pt I s 8 ('Culture') below.

56 Annex Edict 30 (2 March 2022).

57 Annex Edict 122 (4 May 2023).

58 Annex Edict 123 (5 May 2023).

59 'A Disaster for the Foreseeable Future': Afghanistan's Healthcare Crisis, Human Rights Watch (Report, 12 February 2024).

60 See pt I s 5 ('Health') below.

61 Annex Edict 20 (26 December 2021).

62 UNAMA, *Update on the Human Rights Situation in Afghanistan: July – September 2024* (Report, 31 October 2024) 3.

63 'New Restrictions Limit Access to Care for Women in Herat', Médecins Sans Frontières (Press Release, 10 November 2025) <<https://www.msf.org/new-restrictions-limit-access-care-women-herat>>.

mahram rule. In May 2022, the Taliban issued orders prohibiting women from using public transport unless accompanied by a *mahram*, effectively removing one of the few remaining avenues for independent movement.⁶⁴ Even activities such as going to a coffeeshop has been made conditional upon there being a *mahram* present, such as a January 2022 order in Herat which called upon coffeeshop owners not to serve unaccompanied women.⁶⁵ For the few employment options open to women, these have also been targeted by edicts, such as the requirement that female medical staff be accompanied by a *mahram*.⁶⁶ Female patients also need to be accompanied by a *mahram*, further complicating access to healthcare, as well as undermining dignity, privacy and autonomy.

The impact is most acute for women without eligible male relatives. The situation for widows, divorced women and other women-headed households is effectively one of house arrest. One divorced mother told media that she was refused entry at a hospital and the passport office despite appearing with a community escort, where she was advised by officials to return with her father, who had passed away.⁶⁷ The impossibility of obtaining a new passport, further compounds the restrictions on movement, including the possibility of exiting Afghanistan, discussed further in subsection 2.2.3 below. Another woman caring for elderly parents reported repeated harassment and threats when travelling a short distance to buy food, despite pleading that there was no man in her household to undertake these tasks.⁶⁸ As a result of the *mahram* rule and fear of its strict enforcement, women without a *mahram* have paid men not related to pose as a *mahram* for routine

errands and of postponing or abandoning medical appointments for fear of arrest at checkpoints.⁶⁹

Making women's movement conditional upon a male guardian blatantly denies women equal enjoyment of rights protected by articles, including articles 2(1), 3 and 26 of the ICCPR, as well as article 15(4) of CEDAW.⁷⁰ As noted in subsection 2.2.1 above, this has been explicitly confirmed by the HRCtee which has underlined that male guardian requirements are contrary to article 12 of the ICCPR.⁷¹ There could not be any arguments that the *mahram* rule is justified under article 12(3). It is not "provided by law" in any accessible or foreseeable form, relying instead on oral directives and inconsistent enforcement. It also does not pursue any legitimate aims that are recognised under IHRL. Vague appeals to morality and public order cannot justify gender-based exclusion. These blanket prohibitions and guardian requirements are neither necessary nor proportionate but rather means to sustain the Taliban's institutionalised regime of subjugation and oppression of women (including those who do not conform with the Taliban's idea of gender).

In addition to movement, a range of other rights discussed in this Inquiry are impacted by the *mahram* rule and revisited in later sections, such as the rights to access health and work. The requirement that female patients and doctors are accompanied by a *mahram* also undermine the right to privacy protected under article 17 of the ICCPR, as women are unable to discuss anything pertaining to their health without a male presence.⁷²

These restrictions collectively amount to a system of internal confinement, where women's ability to move freely within Afghanistan is conditioned on male permission and enforced through social, administrative and physical controls. The hypocrisy of this system is underscored by the contrasting freedom afforded to women from Western countries visiting Afghanistan.⁷³ Western women are often permitted to travel unaccompanied, visit heritage

64 Annex Edicts 45 (7 May 2022) and 49 (29 May 2022).

65 Annex Edict 26 (7 January 2022). See similarly Annex Edict 110 (15 March 2023) where restaurant owners in Takhar were ordered not to serve women without a *mahram*.

66 Annex Edict 98 (1 February 2023). The *mahram* rule was also extended in a letter to a woman doctor of an NGO who was allowed to sit on a delegation engaging in administration relating to women studying nursing and midwifery: Annex Edict 166 (19 February 2024).

67 Naqiba Barezai, Abida Spozhmai and Khujasta Kabiri, "All Doors Are Closed" for Single and Unaccompanied Afghan Women Under Taliban Rule', *Radio Free Europe/Radio Liberty* (online, 2024) <<https://www.rferl.org/a/afghanistan-taliban-restrictions-single-women-widows/32799903.html>>. See also, 'Taliban is Enforcing Restrictions on Single and Unaccompanied Afghan Women, UN Says', *Associated Press* (online, 20 January 2024) <<https://apnews.com/article/c00c6cddf846957afc2ea43814cf374f>>.

68 Barezai, Spozhmai and Khujasta (n 67).

69 Ibid.

70 ICCPR (n 2) arts 2(1), 3, 26; CEDAW (n 2) art 15(4).

71 ICCPR (n 2) art 12(3); HRCtee, *General Comment No 27* (n 4) 3–5 [11]–[18].

72 ICCPR (n 2) art 17.

73 Hamia Naderi, 'Taliban's Hypocrisy: Brutal Suppression of Afghan Women vs. Lavish Freedoms of Foreign Tourists and Diplomats', *Afghanistan Women's Justice Movement* (online, 8 September 2025) <<https://af-wjm.org/talibans-hypocrisy-brutal-suppression-of-afghan-women-vs-lavish-freedoms-for-foreign-tourists-and-diplomats/>>.

sites, and engage with local culture with relative ease.⁷⁴ This contrast exposes the discriminatory and punitive nature of the policies imposed by the Taliban, which target the women of Afghanistan to institutionalise gender subordination and oppression as a core part of their regime.

C. THE REQUIREMENT OF CERTAIN DRESS

In addition to the requirement to be accompanied by a *mahram*, the Taliban has systematically employed highly specific, non-negotiable dress requirements as an additional mechanism to condition and restrict women’s movement and public visibility. For example, in May 2022, the regime issued an order outlining the recommended implementation plan for a “proper hijab”, essentially requiring women to either wear a burqa or to remain indoors.⁷⁵ Similarly, PVPV officials in Badakhshan have announced that such a hijab is what women must wear to leave the home.⁷⁶ In Kandahar, PVPV officers wrote to primary schools and women’s *madrasas* in October 2023, to communicate that the burqa is the only accepted hijab.⁷⁷ In Daikundi, PVPV officers ordered that women have to cover their faces in public places generally to “prevent temptation”.⁷⁸

These edicts immediately linked attire grounded in the Taliban’s fundamentalist views with permissible public presence, setting a legal framework for confinement, in addition to imposing upon both the rights to freedom of religion and expression discussed in more detail later in the Inquiry.⁷⁹

The enforcement of these dress codes once again is a combination of PVPV inspections, as well as orders upon private individuals to enforce the standards. For example, early in the regime, drivers were prohibited from accepting women passengers without hijab.⁸⁰ A July 2024 announcement by the PVPV officers in Daikundi required compliance with the hijab requirements within five days and threatened

punishment, including imprisonment, with both the woman and her family holding responsibility for compliance.⁸¹

In some areas, presence conditional upon *mahram* and dress requirements have turned into outright bans of movement. For example, women were banned from appearing on television in Herat by the PVPV department as their mere presence “provokes men”.⁸² This is so despite the women adhering to a 2024 edict by the PVPV spokesperson that black hijab is required for women to appear on television.⁸³ Recently, also in Herat, PVPV officials announced that women without the Taliban’s version of hijab will be prevented from accessing hospitals, markets and government buildings.⁸⁴

D. REGIONAL VARIATIONS OF MOVEMENT RESTRICTIONS

Although the Taliban’s central instructions emanate from Kabul and Kandahar, enforcement of restrictions, including edicts targeting movement, varies across provinces and along key transport corridors.

In Bamyan, a ministerial order in August 2023 prohibited women from entering Band-e-Amir National Park, eliminating one of the country’s few remaining mixed-family recreation spaces.⁸⁵ This operates alongside the nationwide prohibition in November 2022 on women’s entry to parks, gyms and public baths as discussed in subsection 2.2.2.A above. In Faryab, a written order in July 2024 re-issued a ban on women visiting three parks in the Gurziwan District and warned male relatives of “legal action” for breaches, effectively conscripting families into enforcement.⁸⁶ In Balkh, an October 2024 directive barred women from the Afghanistan–Uzbekistan border market in the Termez trade zone.⁸⁷ In Badakhshan, a circular in October 2024 imposed gender-segregated hospital hours that restricted women’s non-emergency access to mornings, effectively foreclosing healthcare for those travelling long distances.⁸⁸ In Herat, a ban on

74 Ibid.

75 Annex Edict 46 (7 May 2022).

76 Annex Edict 204 (28 October 2024).

77 Annex Edict 150 (22 October 2023). Similarly, for women in medical colleges, the Taliban has mandated the wearing of full body covering as a condition for entry: Annex Edict 190 (23 July 2024).

78 Annex Edict 206 (25 November 2025).

79 See pt I ss 6 (‘Expression’) and 7 (‘Religion’) below.

80 Annex Edict 21 (26 December 2021). The requirement to wear hijab extends across all areas of life, including medical staff in Kabul who were in February 2023 ordered to wear black hijab at all times: Annex Edict 97 (1 February 2023).

81 Annex Edict 187 (3 July 2024).

82 Annex Edict 226 (14 January 2025).

83 Annex Edict 170 (28 February 2024).

84 Annex Edict 246 (4 November 2025).

85 Annex Edict 143 (26 August 2023).

86 Annex Edict 189 (17 July 2024).

87 Annex Edict 201 (9 October 2024).

88 Annex Edict 202 (14 October 2024).

women eating at restaurants was imposed, and a year later another edict appeared to accept women attending restaurants but *only* under the strict requirement that they attend with their husband and show proof of a marriage certificate.⁸⁹ In May 2023, Kandahar local authorities banned women and girls from entering health centres and cemeteries, followed the next day by an order prohibiting young women from visiting health centres and shrines, accompanied by explicit threats of penalties against male relatives who failed to enforce compliance.⁹⁰

These examples illustrate the ways in which severe restrictions vary across provinces rather than any publicly available national framework. The resulting inconsistency reinforces the arbitrariness of Taliban governance, where women's ability to move depends not on law but on the attitudes and orders of local officials.

E. ENFORCEMENT OF MOVEMENT RESTRICTIONS

Enforcement of movement restrictions is equally arbitrary, carried out by provincial and district offices of the PVPV Ministry, supported by police. The Taliban also rely on private individuals to enforce the edicts. PVPV officers regularly visit public places, such as bus stations, and utilise individuals working within these areas to ensure there is compliance within the community.⁹¹ For example, UNAMA has documented that provincial departments require drivers, ticket agents, clinics, markets and public offices to deny service to unaccompanied women, with bus station staff and police regularly reminding travellers that women and girls may not travel without a *mahram*.⁹²

This coerces civilians to act as agents of surveillance and amplifies the reach of the restrictions. The Taliban continues to refine punitive measures to discourage female public presence, such as the May 2025 order in Kabul instructing shopkeepers to remove air conditioning units and seating to prevent women from lingering.⁹³ This illustrates the deliberate strategy to make public spaces hostile and uncomfortable for women. Ultimately, this

creates a climate of fear and mistrust within the community. Further, due to the way in which edicts are interpreted and enforced differently (such as the 78-kilometre *mahram* rule discussed in subsection 2.2.2.B above being enforced sporadically also for shorter distances), women cannot predict whether they will be permitted to pass checkpoints or enter public facilities. This adds to the undermining of the principle of legality discussed in subsection 2.2.2.B, whereby both the existence and enforcement of these kinds of requirements could never be justified under article 12(3) of the ICCPR which requires that any restriction be provided by law, directed to a legitimate aim, and necessary and proportionate.⁹⁴

2.2.3 Restrictions on Women Exiting Afghanistan

Restrictions on women's freedom of movement are not confined to their movement *within* Afghanistan. The Taliban's edicts and enforcement have also rendered lawful *exit* from Afghanistan exceptionally difficult for women and girls. Article 12(2) of the ICCPR protects the right to leave any country, including one's own, and may only be limited provided it meets the requirements of article 12(3), in other words, the same test for limitations as for restrictions to movement generally (provided by law, pursuant to a legitimate aim and proportionate).⁹⁵ The HRCttee has confirmed that escort/consent requirements for women are incompatible with article 12, and that the right to leave includes a correlative entitlement to obtain the necessary travel documents, ordinarily from the State of nationality.⁹⁶ In parallel, CEDAW article 15(4) guarantees women equal rights of movement and domicile, requiring equality in practice rather than formal parity alone.⁹⁷ The below restrictions linked to exiting Afghanistan build on the domestic enforcement practices outlined in subsection 2.2.2 above, extending the same discretionary controls from internal travel to international departure.

A. EXIT CONTROLS AND EDICTS

Since early 2022, the Taliban has introduced exit controls that, in practice, prevent women and girls from leaving Afghanistan without a *mahram*. A *mahram* requirement for international travel was applied alongside ad hoc demands that women show a "legitimate reason" to depart, none of which

⁸⁹ Annex Edict 180 (26 May 2024).

⁹⁰ Annex Edicts 122 (4 May 2023) and 123 (5 May 2023).

⁹¹ UNAMA, *Human Rights Situation in Afghanistan: October–December 2023 Update* (22 January 2024) 2–3 ('October–December 2023 Update').

⁹² *Ibid.*

⁹³ Annex Edict 234 (5 May 2025).

⁹⁴ ICCPR (n 2) art 12(3).

⁹⁵ ICCPR (n 2) art 12(2), (3).

⁹⁶ HRCttee, *General Comment No 27* (n 4) 2–3 [9].

⁹⁷ CEDAW (n 2) art 15(4).

was promulgated in any public legal instrument and instead conveyed through verbal orders and internal circulars.⁹⁸ Aviation officials at Kabul airport have instructed staff not to board unaccompanied women, resulting in women being denied boarding despite holding valid visas and tickets.⁹⁹

In January 2023, policy had shifted upstream as the Herat PVPV Department directed travel agencies not to sell tickets to women travelling without a *mahram*, threatening “serious consequences” for non-compliance, thereby blocking departure before security screening.¹⁰⁰ The arbitrariness of this regime was underscored in August 2023, when around one hundred scholarship-holding women from Afghanistan bound for the United Arab Emirates were prevented from boarding the plane at Kabul despite documentation and, in some cases, the presence of a *mahram*.¹⁰¹

These ticketing-stage and airport-gate practices operate alongside the domestic enforcement architecture described in subsection 2.2.2 above, making compliance unpredictable and exit effectively illusory for most women and girls, undermining, inter alia, articles 2(1), 3 and 12(2) of the ICCPR, and breaching CEDAW article 15(4)’s guarantee of equal movement and domicile.¹⁰² The HRCttee has further affirmed that requiring an escort or consent for women to travel is incompatible with art 12.¹⁰³ UNAMA documentation in 2025 corroborates that enforcement of the *mahram* requirement continues at transport hubs through PVPV officers and communications with drivers, ticket sellers and service providers, showing that the exit regime operates through administrative orders and discretionary practice rather than accessible, general laws.¹⁰⁴

98 Annex Edicts 29 (February 2022) and 38 (27 March 2022).

99 Charlotte Greenfield, ‘Taliban Stopped 100 Women Flying to Dubai for University Scholarships, UAE Billionaire Says’, *Reuters* (online, 23 August 2023) <<https://www.reuters.com/world/asia-pacific/taliban-stopped-100-women-flying-dubai-university-scholarships-uae-billionaire-2023-08-23/>>; UNAMA, *October–December 2023 Update* (n 91).

100 Annex Edict 86 (16 January 2023).

101 Greenfield (n 99).

102 ICCPR (n 2) art 12(2)–(3); CEDAW (n 2) art 15(4).

103 HRCttee, *General Comment No 27* (n 4) 4–5 [18].

104 UNAMA, *Update on the Human Rights Situation in Afghanistan: April–June 2025* (31 July 2025) 1–3 (‘April–June 2025 Update’).

B. PASSPORTS AND DOCUMENTATION

As mentioned at the start of subsection 2.2.3, the right to leave any country necessarily entails a correlative right to obtain and use the travel documents required for international movement; and the state of nationality bears primary responsibility to issue and recognise its passports.¹⁰⁵ The *mahram* rule for travel within the country has had flow-on effects on leaving the country, particularly for women without a *mahram* as there have been instances of women being turned away from the passport office for this reason.¹⁰⁶ Further, even with valid passports, there have been instances of women being prevented from boarding flights unless accompanied by a *mahram* as noted in subsection 2.2.3.A above.¹⁰⁷ These measures directly discriminate against women who are subject to the *mahram* rule on the basis of gender, which is in clear breach of IHRL.

C. ENFORCEMENT OF EXITING RESTRICTIONS

Practices to restrict women from exiting Afghanistan reflect the mechanisms of enforcement described in subsection 2.2.2.B above but extended to points of exit. This includes the closure of border-adjacent routes, alongside surveillance through security checkpoints at border crossings.¹⁰⁸

This enforcement model criminalises exit-seeking at both internal and international border crossings. As a result, many women resort to irregular crossings, heightening their exposure to trafficking, extortion and violence, contrary to States’ due-diligence obligations to protect women and girls from gender-based harm in migration contexts.¹⁰⁹ As the regime operates through oral and inconsistent orders, the same arbitrariness identified in subsection 2.2.2.B also governs exit controls, imposing imprecise criteria with unlimited discretion contrary to art 12(3) ICCPR,¹¹⁰ and erasing in practice their right to leave their own country under art 12(2).¹¹¹

105 ICCPR (n 2) art 12(2).

106 Barekzai, Spozhmai and Khujasta (n 67).

107 Greenfield (n 99). See also Akmal Dawi, ‘Taliban Deny Afghan Girls Education, Block Women From Working Abroad’, *Voice of America* (online, 29 March 2022) <<https://www.voanews.com/a/taliban-deny-afghan-girls-education-block-women-from-working-abroad/6506616.html>>.

108 Ibid.

109 Committee on the Elimination of Discrimination Against Women (‘CEDAW Cttee’), *General Recommendation No 38 on Trafficking in Women and Girls in the Context of Global Migration*, UN Doc CEDAW/C/GC/38 (20 November 2020) 4 [12]–[14].

110 HRCttee, *General Comment No 27* (n 4) 3 [13].

111 ICCPR (n 2) art 12(2), (3).

2.3 CONCLUSION

This section has demonstrated that the Taliban has systematically and severely restricted the ability of women and girls to move freely, both within Afghanistan and in limiting their capacity to exit the country. These restrictions, which have collectively rendered Afghanistan ‘the most repressive country in the world regarding women’s rights,’¹¹² function to accelerate women’s erasure from political, economic, social, and cultural existence.

The Taliban has issued both outright bans on women’s movement within certain public spaces, such as parks, gyms and historical sites,¹¹³ and severely restricted movement generally. The key mechanism for internal confinement is the institutionalisation of the *mahram* rule, which requires women to be accompanied by a designated male guardian for travel and access to public life, effectively operating as a de facto internal travel-permit system.¹¹⁴ It is also the conditioning of movement upon strict dress requirements reflecting the Taliban’s fundamentalist ideology.¹¹⁵ These domestic controls are extended to international travel, where arbitrary exit controls and ticketing instructions prevent women from boarding planes without a *mahram*.¹¹⁶

The analysis confirms that these arbitrary restrictions are blatant violations of women’s equal enjoyment of rights guaranteed by, inter alia, CEDAW (notably article 15(4)), article 12 of the ICCPR and article 3 of the ICESCR.¹¹⁷ Furthermore, the inconsistent enforcement and reliance on oral orders and directives underlines the arbitrariness of Taliban governance. Ultimately, the control over movement is a crucial tool for the Taliban’s continued perpetuation of its institutionalised regime of subjugation and domination. By undermining movement, the Taliban effectively undermines the enjoyment of one fundamental right which is also necessary for the enjoyment of many other human rights, the violations of which will be explored in subsequent sections of part I of this Inquiry.

112 UN Women, *Afghanistan: Ten Facts About the World’s Most Severe Women’s Rights Crisis* (Press Release, 14 August 2025) <<https://www.unwomen.org/en/news-stories/press-release/2025/08/afghanistan-ten-facts-about-the-worlds-most-severe-womens-rights-crisis>>.

113 See subsection 2.2.2.A above.

114 See subsection 2.2.2.B above.

115 See subsection 2.2.2.C above.

116 See subsection 2.2.3 above.

117 CEDAW (n 2) art 15(4); ICCPR (n 2) art 12; and ICESCR (n 6) art 3.

PART I
INTERNATIONAL HUMAN RIGHTS

SECTION

III



EDUCATION

3. EDUCATION

3.1 INTRODUCTION

Many edicts introduced by the Taliban have systematically targeted women's and girls' access to education. Indeed, Afghanistan is the only country in the world with a formal ban on education beyond grade six, as well as for girls in primary school over the age of 10 or who have reached puberty.¹ In 2024, the UN observed that almost 2.5 million women were banned from education, 80% of the total of school-aged girls, highlighting the true impact of these edicts.²

The denial of education has serious transgenerational consequences. It undermines the social, educational, and economic development of entire communities and risks setting a dangerous precedent for the treatment of women and girls in future generations. Furthermore, discrimination fostered by ingrained stereotypes, reflected in edicts restricting specific areas of study, relies on the long-standing ideology that female intellect is inferior to that of men. As these ideas are passed down, the stereotyping, isolation, and discrimination of women will only become more normalised.

This section will demonstrate how the Taliban's edicts and other forms of directives contravene IHRL in the area of education. The analysis examines restrictions on education based on gender focusing on three major areas of institutionalised violation: the elimination of formal education at all levels; the suppression of alternative and community-level education; and the control over content and environment of education.

¹ United Nations Educational, Scientific and Cultural Organization ('UNESCO'), *Banned from Education: A Review of the Right to Education in Afghanistan* (Report, 2025) 13.

² Julia Foxen, 'Afghanistan: 20 Years of Steady Education Progress 'Almost Wiped Out'', *UN News* (14 August 2024) <<https://news.un.org/en/story/2024/08/1153191>>.

This multi-dimensional approach ensures a holistic analysis that captures the full scope of the interwoven violations and their cumulative impact, thereby demonstrating how these measures collectively contribute to an institutionalised regime of systematic oppression and domination of women and girls. Their impacts upon the enjoyment of other rights, such as the right to work, are also noted and elaborated upon further in subsequent sections.

3.2 HUMAN RIGHTS ANALYSIS

3.2.1 Meaning and Scope of Education

The right to receive an education is paramount to the formation of identity. It allows a person to grow, learn, ask questions, and develop their own sense of self and basis for thought. The importance of this right is reflected in the belief that "a well-educated, enlightened, and active mind, able to wander freely and widely, is one of the joys and rewards of human existence".³ This is far from the reality for women and girls in Afghanistan.

The right to receive education which meets these criteria without discrimination is protected under numerous treaties.⁴ States have an obligation to

³ Committee on Economic, Social and Cultural Rights ('CESCR'), *General Comment No 13: The Right to Education* (Art. 13), UN Doc E/C, 12/1999/10 (8 December 1999) 1 [1] ('*General Comment No 13*').

⁴ See, eg, CRC, opened for signature 20 November 1989, 1577 UNTS 196 (entered into force 2 September 1990) art 28; ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 13; *Convention on the Elimination of Discrimination in Education* ('CADE'), opened for signature 14 November 1960, 429 UNTS 93 (entered into force 22 May 1962); CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) art 10; *Convention on the Rights of Persons with Disabilities*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) art 24(1) ('CRPD'); *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, [1969] 660 UNTS 195 (entered into force 4 January 1969) art 5(e)(v) ('ICERD').

ensure that women and girls can exercise their human rights and fundamental freedoms to the same extent as men.⁵ To fully develop, advance, and realise their rights, women and girls must be provided with the same conditions and access to education as men.⁶ Educational access is vital in breaking the cycle of gender stereotypes and isolation, as it provides an environment for women of all ages to discuss different topics, learn from each other's experiences, and understand the society in which they live.⁷

A critical component of this right is the requirement of universal, compulsory access to primary schooling; the fulfilment of basic education is a crucial aspect of the right to education.⁸ For the right to education to be fulfilled, it must be available, accessible, acceptable, and adaptable.⁹ "Available" requires that educational institutions and programs are present for all, including the provision of compulsory primary schooling.¹⁰ "Accessible" mandates that education be reachable by all without discrimination, being physically and economically barrier-free.¹¹ "Acceptable" requires that the content and curriculum be relevant, high-quality, and conducive to the student's full development, actively avoiding the reinforcement of oppressive gender stereotypes and discrimination.¹² "Adaptable" ensures the system can adjust to the diverse requirements of students, including those with special needs or who require non-formal schooling, embracing substantive equality.¹³

5 CEDAW (n 4) arts 3, 10.

6 CEDAW Cttee, *General Recommendation No 36 (2017) on the Right of Girls and Women to Education*, UN Doc CEDAW/C/GC/36 (27 November 2017) 2 [3] ("*General Recommendation No 36*").

7 See eg, 'Education is Key for Breaking Gender Stereotypes', *European Institute for Gender Equality* (online, 21 September 2017) <https://eige.europa.eu/newsroom/news/education-key-breaking-gender-stereotypes?language_content_entity=en>.

8 See eg, CESCR, *General Comment No 11: Plans of Action for Primary Education* (Art. 14), UN Doc E/1992/23 (10 May 1999) 2 [6].

9 CESCR, *General Comment No 13* (n 3) 2–3 [6].

10 Ibid 2–3 [6a].

11 Ibid 3 [6b].

12 Ibid 3 [6c].

13 Ibid 3 [6d].

3.2.2 Restrictions on Women's and Girls' Education

A. ELIMINATION OF FORMAL EDUCATION

The systematic denial of education is achieved through edicts targeting the primary, secondary, and tertiary stages of formal schooling, constituting a deliberate breach of the requirement for universal and equal access.

PRIMARY EDUCATION

An individual's identity and sense of self are first developed during primary school years, forming the foundation for the type of person they may become.¹⁴ Under IHRL, Afghanistan is obligated to ensure that *all* children receive primary schooling.¹⁵ Edicts in Kandahar removing the provision of primary education for girls over the age of 10,¹⁶ or who have hit puberty,¹⁷ clearly violate this obligation.

As of April 2023, 30% of girls in Afghanistan had not received primary education.¹⁸ This is a time when children should be learning respect for others, developing an understanding of identity, and preparing for a responsible life in a society that fosters peace and equality.¹⁹ Without access to primary schooling, boys and girls are taught that they should be treated differently, perpetuating the cycle of discrimination.

Education which is permitted for girls is completely gender-segregated, with a directive in May 2025 by the Taliban Ministry of Education calling on provinces to ensure the enforcement of this strict separation, including that male teachers are not allowed to teach girls.²⁰

14 CEDAW (n 4) art 13(1)–(2)(a).

15 ICESCR (n 4); CRC (n 4) art 28(1)(a); CADE (n 4) art 4(a).

16 Annex Edict 167 (22 February 2024).

17 Annex Edict 64 (6 October 2022).

18 'Let Girls and Women in Afghanistan Learn!', *UNESCO News* (online, 20 April 2023) <<https://www.unwomen.org/en/news-stories/press-release/2025/06/nearly-eight-out-of-10-young-afghan-women-are-excluded-from-education-jobs-and-training>>.

19 CEDAW (n 4) arts 28–29.

20 Annex Edicts 8 (30 August 2021) and 233 (3 May 2025).

SECONDARY EDUCATION

Since the Taliban regained control of Afghanistan, numerous edicts have been issued across the country regarding the closure of girls' secondary schools and the prevention of women's and girls' education beyond grade six.²¹ Private education centres have also been closed because they enrolled female students,²² and commitment letters have been sent to owners of private schools, requiring them to refuse female enrolment.²³

It is estimated that by late 2024, at least 1.4 million school-age girls have been restricted from accessing secondary schooling since the Taliban's return to power, an increase of 300,000 since 2023.²⁴ With the deliberate deprivation of girls from secondary schooling, the ability of women and girls to gain independence and basic freedoms, and to break the cycle of gender segregation, will only worsen.

These edicts contravene IHRL, especially the many guarantees of equal opportunities for girls and boys to access secondary education, such as those found in ICESCR articles 2(2), 3 and 13, and in CRC article 28.²⁵ Article 28 of the CRC demands that secondary education be "available and accessible to every child", which is blatantly not the case under Taliban rule.²⁶ Similarly, CEDAW requires states to refrain from actions that discriminate against women and to prevent policymakers and public authorities from introducing regulations that do so.²⁷ The imposition across the country by various members of the Taliban regime of edicts which prevent women and girls from receiving an education is a direct violation of this requirement.

A survey published in June 2024 analysed the mental health of women and girls in Afghanistan after the widespread ban on education for women beyond grade six.²⁸ The study found that female students who have been prohibited from studying have a significantly higher prevalence of depressive thoughts.²⁹ Of those surveyed, 87.6% reported depressive symptoms, and a staggering 49.7% reported suicidal thoughts and ideation since the education ban was introduced.³⁰ These reports likely relate to feelings of isolation and hopelessness, as women realise that, without secondary education, they will fall into the same cycle of marginalisation and isolation they are so desperately trying to escape.³¹

Further, a ban on secondary education limits women's and girls' ability to receive the same opportunities for work, access to higher education, as well as opportunities for participation in sports and physical education. Furthermore, a correlation has been found between girls who are prevented from receiving an education and increased rates of early marriage.³²

TERTIARY EDUCATION

Under the ICESCR, tertiary and higher education must be accessible on an equal basis for all people.³³ Edicts introduced by the Taliban during their second reign have directly violated this right, deliberately preventing women and girls from accessing higher education to the same extent as their male counterparts.³⁴

The restrictions have taken two forms: implementing an overarching ban on access for women and girls,³⁵ and banning women and girls from sitting exams required for university entrance.³⁶ CADE imposes

21 Annex Edicts 11 (12 September 2021), 35 (24 March 2022), 60 (11 September 2022), 77 (22 December 2022) and 218 (24 December 2024).

22 Annex Edicts 104 (22 February 2023) and 174 (31 March 2024).

23 Annex Edict 175 (24 April 2024).

24 'Afghanistan: 1.4 Million Girls Still Banned from School by De Facto Authorities', *UNESCO* (Press Release, 24 September 2024) <https://articles.unesco.org/sites/default/files/medias/fichiers/2024/08/PR_Afghanistan_1.4%20million_girls_still_banned_from_school_by_de_facto_authorities_en_0.pdf>.

25 See eg, ICESCR (n 4) arts 2(2), 3 and 13(2)(b); CRC (n 4) art 28(b).

26 CRC (n 4) art 28(b).

27 CEDAW (n 4) art 2(d).

28 Abdul Qadim Mohammadi et al, 'Female Education Ban by the Taliban: A Descriptive Survey Study on Suicidal Ideation, Mental Health, and Health-related Quality of Life among Girls in Afghanistan' (2024) 46(3) *Journal of Public Health* 439, 439.

29 Ibid 445.

30 Ibid.

31 The health implications of the Taliban's edicts are explored in detail in pt I s 5 ('Health') below.

32 Matiullah Qazizada, 'The Continuing Ban on Girls' Education in Afghanistan', *DevPolicy Blog* (Blog Post, 27 March 2025) <<https://devpolicy.org/the-continuing-ban-on-girls-education-in-afghanistan-20250327/?output=pdf>> 3.

33 ICESCR (n 4) arts 2(2), 3 and 13(c).

34 Annex Edicts 76 (20 December 2022), 79 (24 December 2022), 92 (21 January 2023); 106 (6 March 2023), 108 (12 March 2023) and 135 (18 June 2023).

35 See, eg, Annex Edict 79 (24 December 2022).

36 See, eg, Annex Edict 92 (21 January 2023).

obligations upon states to repeal administrative practices that have the purpose or potential effect of discrimination in education, including with regards to admission to university or other higher education institutions.³⁷ The suspension of access for women and girls to higher education is a clear violation of these obligations, as well as the prohibition of discrimination against women by a public authority or institution under CEDAW.³⁸

The Taliban's restrictions on tertiary education also undermine article 10 of CEDAW, which specifies that inequality in the enjoyment of the right to education between women and men includes the imposition of different conditions for access to higher educational and vocational programs.³⁹ Aside from banning female students from public and private universities until further notice, the Taliban did not allow those who completed their studies online to obtain transcripts or certificates for graduation.⁴⁰ Not only is this emotionally manipulative, but in practice, it makes graduation from tertiary education futile, as women are prevented from entering the workforce and beginning a career.

Women's access to tertiary education is vital for closing the gap between men's and women's literacy, independence, and future job prospects. Limiting women's access to tertiary education contributes to their underrepresentation in decision-making positions and continues the cycle of gender stereotyping and alienation of women from professional roles.⁴¹ In turn, this encourages women to resort to marriage and domestic roles for financial stability, preventing them from gaining independence in the workforce and pursuing their own careers.⁴²

The Taliban's restrictions on education also constitute a discriminatory denial of the right to take part in cultural, intellectual, and scientific life under ICESCR article 15(1)(b).⁴³ By banning women from education, including higher education, the Taliban prevents the enjoyment of this right altogether. Further, the Taliban's Ministry of Information and Culture has

banned bookstores from selling approximately 400 books on subjects such as modern governance, sociology of religion, democracy, poetry, novels, and texts concerning Shia Islam.⁴⁴ A further ban on 700 books covering topics including gender and the role of women in public communication was imposed in September 2025.⁴⁵ These bans not only undermine the right to seek, receive and impart information under IHRL, but also disproportionately impacts women who are denied access to education.⁴⁶ The situation is further exacerbated by the Taliban's ban on books authored by women, which erases female intellectual contributions and reinforces their exclusion from public and academic life.⁴⁷ Together, these measures represent a systematic attempt to deny women participation in intellectual and scientific advancement.

Two University professors in Kabul who protested against the ban on women's education had their salaries suspended.⁴⁸ A challenge to the ban by a well-known Imam similarly met with resistance, resulting in an edict which prohibited Imams from challenging Taliban leaders and called for events not to invite such Imams and for students not to attend their *madrasas*.⁴⁹

These responses demonstrate the lengths that the Taliban will go to in order to maintain their regime of institutionalised oppression and isolation of women

B. SUPPRESSION OF SPECIALISED AND COMMUNITY-EDUCATION

COMMUNITY-LEVEL EDUCATION PROGRAMMES

In addition to limiting access to formal education, the Taliban has imposed restrictions on international and local non-governmental organisations ('NGOs') that provide community-level education.⁵⁰ United Nations Children's Fund ('UNICEF') has previously defined basic education as going beyond formal

37 CADE (n 4) arts 3(b) and 5(a).

38 CEDAW (n 4) art 2(d).

39 Ibid art 10.

40 Annex Edict 108 (12 March 2023).

41 CEDAW Cttee, *General Recommendation No 36* (n 6) 20 [74].

42 Ibid 14 [53].

43 ICESCR (n 4) art 15(1)(b).

44 Annex Edict 203 (26 October 2024).

45 Annex Edict 242 (9 September 2025).

46 See, eg, ICCPR, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) arts 2(1), 3 and 19(2).

47 Annex Edict 244 (19 September 2025).

48 Annex Edict 83 (3 January 2023).

49 Annex Edict 198 (20 September 2024).

50 Annex Edict 130 (8 June 2023).

schooling, to also include non-formal education.⁵¹ Such schools have been the primary aim of community-based education programmes in Afghanistan, serving as a means to address disparities in access to schooling between women and men.

Since 2023, the Taliban has gradually eliminated international involvement. In June 2023, the first effort was made to completely ban international NGOs from providing community-based education programs, impacting what UNICEF estimated at the time to be over 300,000 girls.⁵² Additionally, women-specific education centres⁵³ and community education centres in general have been closed,⁵⁴ as have accelerated learning classes provided to girls who have been restricted from receiving their education.⁵⁵

Specific programs provided by the Solidarity Committee Afghanistan, the Bangladesh Rehabilitation Assistance Committee, and the International Rescue Committee have been directly suspended through a letter from the Taliban's Ministry of Education.⁵⁶ These kinds of community programs often aim to provide opportunities for women and girls who may have dropped out of school or been prevented from attending school at an early age, including a large number of women and girls in rural areas.⁵⁷

Under CEDAW, women and men are entitled to equal access to adult functional and literacy programmes aimed at continuing education.⁵⁸ States are also required to make efforts to reduce the divide between men's and women's access to education by providing or allowing access to programs for women

and girls who had to leave school prematurely.⁵⁹ Eliminating community-level support programs have undermined these rights, not to mention children's rights to education without discrimination under the CRC, or the right to education for girls with disabilities under the CRPD.⁶⁰

EDUCATION FOR WOMEN WITH DISABILITIES

The programs mentioned above as targeted for closure included community programs supporting girls with disabilities.⁶¹ The CRPD mandates that persons with disabilities be provided with the education they require to develop life skills.⁶² This includes the teaching of braille and sign language to persons with disabilities and those around them. In January 2023, the Taliban ordered schools dedicated to girls with vision impairment in the regions of Nangarhar and Kunar to be closed,⁶³ in clear violation of the CRPD.⁶⁴

In these situations, the Taliban is creating a pattern of intersectional discrimination on the basis of gender and disability, and sometimes additional characteristics such as ethnicity and geographical location.⁶⁵ Without being taught the specific life skills, women with disabilities are denied the opportunity to fully realise their fundamental rights and freedoms.⁶⁶ Education is a tool by which women and girls, especially those with disabilities, can escape poverty and gain social security. This is particularly relevant to CRPD articles 24 and 28 which guarantee the right to education, as well as adequate standards of living and social protection for persons with disabilities without discrimination.⁶⁷

51 UNICEF, *UNICEF Strategies in Basic Education*, UN Doc E/ICEF/1995/16 (Report, 1995) [6] and Figure 1 cited by Katarina Tomasevski, *Preliminary Report of the Special Rapporteur on the Right to Education submitted in accordance with Commission on Human Rights Resolution 1998/33*, UN Doc E/CN.4/1999/49, 55th sess, Agenda Item 10 (13 January 1999) 6 [15].

52 Annex Edict 130 (8 June 2023).

53 Annex Edict 174 (31 March 2024).

54 Annex Edict 205 (13 November 2024).

55 Annex Edict 208 (27 November 2024).

56 Annex Edict 154 (1 November 2023).

57 'Afghanistan: Our Programmes', *BRAC International* (Web Page) <<http://bracinternational.org/afghanistan/#our-programmes>>; 'Deepening Crisis: Afghanistan', *International Rescue Committee* (Web Page) <<https://www.rescue.org/country/afghanistan>>.

58 CEDAW (n 4) art 10(e).

59 CEDAW (n 4) art 10(f).

60 CRC (n 4) and CRPD (n 4).

61 Annex Edict 154 (1 November 2023). For example, programs run by the Solidarity Committee Afghanistan had in the past been estimated to help over 50,000 people with disabilities: 'More than 50,000 People with Disabilities Benefit from SCA's Services Each Year', *Solidarity Committee Afghanistan* (online, 6 December 2020).

62 CRPD (n 4) art 24(3).

63 Annex Edict 88 (3 January 2023).

64 CRPD (n 4) art 24(1).

65 Committee on the Rights of Persons with Disabilities ('CRPD Cttee'), *General Comment No 3 (2016) on Women and Girls with Disabilities*, UN Doc CRPD/C/GC/3 (25 November 2016) 5 [16].

66 *Ibid* 6 [21].

67 CRPD (n 4) arts 24 and 28.

UNDERGROUND EDUCATION

In response to the ban on education, underground schooling has started to emerge. These schools offer an ability for continued learning and connection with peers, vital for mental health and development. One example is an underground school that originated from a mother's attempt to maintain normalcy for her children. As news spread in the community that the mother was providing informal education to her 14-year-old daughter, 25 girls ended up gathering for classes at her home.⁶⁸

While these informal learning spaces provide important relief, the lack of recognition and accreditation means that attendance will not translate into a formal qualification that could support women and girls economically. Further, underground education is harder to access in provinces with weak infrastructure, a strong Taliban presence, and entrenched ethnic hierarchies.⁶⁹ State-wide bans on education, combined with ethnicity-based prerequisites for attending underground schools, mean that women and girls from minority groups are inevitably denied the right to become educated about their religion and culture, preventing them from enjoying these aspects of human experience. This therefore constitutes a discriminatory denial of the right based on intersecting protected characteristics.⁷⁰

Economic marginalisation also plays a key role in who can and cannot access these informal education options. Education is often neglected, not by choice, but because barriers such as poverty prevent women and girls from attending even underground schools.⁷¹ For those unable to access underground

schools, the result is enforced illiteracy, which the Taliban then weaponises to sustain control.⁷²

Some underground schools operate online and therefore require access to a reliable internet connection, devices, and income to pay fees associated with the schools, such as paying teachers and individuals operating the school within Afghanistan.⁷³ Accessing online education has become difficult due to the Taliban's recent ban on Wi-Fi access across the country, further limiting essential opportunities for women.⁷⁴ Additionally, some schools charge attendance fees to cover operational costs, such as the employment of teachers, which can prevent girls from enrolling, especially if their parents are unemployed.⁷⁵ Operating education programs for students beyond grade six over the radio was warned against in Khost and Paktia where the Taliban's researched out to radio stations about this in August 2024.⁷⁶

Not all underground schools have avoided detection by the Taliban. To continue the running of the schools, parents are often forced to convince the Taliban that it is Islamic schooling.⁷⁷ Close monitoring and regulation continue resulting in ongoing threats to students, parents and teachers.

EDUCATION FOR WOMEN IN RURAL AREAS

Rural education is another area where Taliban restrictions prevent women and girls from fully enjoying their right to education. The Taliban's

68 Khadija Haidary, 'How Do Girls' Secret Schools Operate in Afghanistan?' *Zan Times* (online, 26 March 2025) <<https://zantimes.com/2025/03/26/how-do-girls-secret-schools-operate-in-afghanistan-2/>>.

69 Abubakar Siddique, 'Secret Schools Offer 'A Ray Of Hope' For Rural Afghan Girls', *Radio Free Europe* (online, 20 December 2023) <[https://www.rferl.org/a/afghanistan-secret-schools-girls-education-taliban/32740641.html?utm_source="](https://www.rferl.org/a/afghanistan-secret-schools-girls-education-taliban/32740641.html?utm_source=)>.

70 ICESCR (n 4) arts 2(2), 13; ICCPR (n 46) arts 2(1), 26–27.

71 Haniya Frotan, 'No Matter the Cost' - Afghanistan's Secret Schools Survive Against the Odds', *Rukhshana Media* (online, 12 June 2025) <<https://rukshana.com/en/no-matter-the-cost-afghanistans-secret-schools-survive-against-the-odds/>>.

72 Kwaga Ghani, 'As Taliban Tightens Grip, Secret Schools for Girls Become More Dangerous to Run', *The World* (online 13 September 2024) <<https://theworld.org/stories/2024/09/13/as-taliban-tightens-grip-secret-schools-for-girls-become-more-dangerous-to-run>>; Alma Begum, 'If They Close Our Schools, We Will Create Our Own', *Zan Times* (online, 27 August 2024) <<https://zantimes.com/2024/08/27/if-they-close-our-school-we-will-create-our-own/>>.

73 Frotan (n 71).

74 Nasratullah Taban, 'Internet Shutdown in Afghanistan Threatens Women's Education and Media Freedom', *The Diplomat* (online, 17 September 2025) <<https://thediplomat.com/2025/09/internet-shutdown-in-afghanistan-threatens-womens-education-and-media-freedom/>>.

75 Emma Graham-Harrison, 'An Afghan Girl's Despair over School Ban: "We are Wilting Away at Home"', *The Guardian* (online, 13 August 2022) <<https://www.theguardian.com/world/2022/aug/13/an-afghan-girls-despair-over-taliban-school-ban-we-are-wilting-away-at-home>>.

76 Annex Edict 194 (24 August 2024).

77 Haidary (n 68).

closure of community-level education discussed above, included programs that reached many girls in rural and remote areas.⁷⁸ This demonstrates the critical role such initiatives played in ensuring access to education for those most at risk of exclusion. By dismantling these programs and transferring authority to provincial bodies under Taliban control, the opportunity for rural girls to access education has been severely curtailed.

Article 14 of CEDAW requires states to provide “community and extension services” for women and girls in rural areas where access is otherwise limited.⁷⁹ In practice, this exclusion entrenches gender inequality by disproportionately targeting rural women and girls who already face heightened barriers to education due to geography, poverty, and social norms. Indeed, *General Recommendation No 34* of the CEDAW Committee highlights that rural women are disproportionately disadvantaged compared to other demographics globally.⁸⁰

Prior to the Taliban’s return to power, access to education for women and girls in rural areas had improved.⁸¹ This was achieved through programs focused on reconstructing Afghanistan’s education system, resulting in girls’ enrolment increasing from 839,000 to 2.3 million students.⁸² However, with Afghanistan’s return to Taliban rule and the enforcement of their edicts on women’s education since 2021, these gains have been undermined.

The ways in which rural women experience the Taliban’s restrictions on education demonstrate the intersectional nature of human rights violations. The lack of general education, evidenced by high illiteracy

rates among women in rural regions (with 76% of rural women classified as illiterate), prevents rural women from accessing information on agricultural practices.⁸³ Moreover, systemic financial barriers prevent equitable access to land ownership, which intersects with social and cultural norms, presenting another significant challenge that further hinders access to training and education.⁸⁴

The Taliban’s fundamentalist ideology of gender roles further exacerbates this as women are banned from studying agriculture, a field of particular significance in regional areas. Agricultural studies is one of the areas prohibited for women due to it being considered “too difficult”.⁸⁵ Educational programs specifically tailored to a rural lifestyle, such as agriculture and farming, could be key to reducing poverty in rural areas and increasing the health and well-being of women in these regions.⁸⁶ A 2023 study demonstrates a need for capacity-building in Afghanistan’s “agro-business sustainability sector,” where women can make an essential contribution.⁸⁷ By providing women in rural areas with education and resources such as land, technology, and financial services, both agricultural and non-agricultural production can be increased. This could significantly reduce poverty and improve the well-being of women in these regions.⁸⁸ In this way, the Taliban’s ban on education also restricts economic empowerment.⁸⁹

C. CONTROL OVER CONTENT AND ENVIRONMENT

GENDERED STEREOTYPING IN EDUCATION

All people, regardless of gender, must be afforded the right to freedom of thought, conscience, and opinion without interference.⁹⁰ Yet, the Taliban’s restrictions in the field of education extend to control over content and curriculum. For example, there have been restrictions on the topics that are to be taught

78 For example, the Solidarity Committee Afghanistan, one of the organisations targeted, had education programs which reached approximately 130,000 children, of whom an estimated 65% were girls: ‘Our Work’, *Solidarity Committee for Afghanistan* (Web Page) <<https://solidaritycommittee.org/our-work/target-groups-women-children-disabilities/>>.

79 CEDAW (n 4) art 14.

80 CEDAW Cttee, *General Recommendation No 34 (2016) on the Rights of Rural Women*, UN Doc CEDAW/C/GC/34 (7 March 2016) 3–4 [5].

81 Fayaz Gul Mazloun Yar and Ezat Ullah Sail, ‘Women’s Economic Empowerment Through Agriculture: Analysing Barriers and Solutions’ (2025) 5(1) *Journal of Universal Studies* 284, 290.

82 ‘Afghanistan Girls’ Schools - Achieving Results in a Difficult Environment’, *World Bank Group* (online, 25 February 2010) <<http://documents.worldbank.org/curated/en/629931468143362500>>.

83 Mazloun Yar and Ullah Sail (n 81).

84 Asooda Afshar et al, ‘Challenges and Opportunities for Women Farmers in Afghanistan’ (2025) 8(1) *Journal of Life Sciences and Biotechnology* 1, 5.

85 Annex Edict 65 (7 October 2022).

86 Shir Alam Sidiqi, ‘Livelihood Opportunities and Its Impact on Women in The Rural Areas of Afghanistan’ (2023) 3(6) *Integrated Journal for Research in Arts and Humanities* 203, 207.

87 Ibid 204.

88 Ibid.

89 The Taliban’s edicts directly targeting work are addressed in pt I s 4 (‘Work’) below.

90 ICCPR (n 46) art 18(1).

(as noted above regarding agricultural studies). These restrictions are deeply rooted in the Taliban's belief that women have lower levels of intelligence. In addition to agricultural studies, women have been banned from studying medicine, mining, civil engineering, veterinary studies and journalism.⁹¹ The Taliban dictates that these subjects are "too difficult" for women to understand.⁹² Furthermore, after grade four, a Taliban "Girls' Schools Committee" decided that modern or scientific subjects should be taught in a simplified manner to women so that their content is "easy" enough for a female intellect to understand.⁹³

Through these edicts, women are further relegated to what the CEDAW Cttee has cautioned against as more passive and "socially acceptable" roles.⁹⁴ Under CEDAW, states are required to ensure that women and girls have access to the same curricula as men,⁹⁵ and have free choice and control over their education without interference from the state or its bodies.⁹⁶

RELIGIOUS SCHOOLS

The Taliban's replacement of education for women and girls with religious schools, so-called *madrasas*, imposes significant control over both content and environment of learning. There are over 21,000 *madrasas* and the Taliban has been expanding their implementation throughout Afghanistan, declaring an intention to establish up to ten new *madrasas* in each district in December 2022.⁹⁷

An edict in December 2022 confirmed the closure of education for women and girls but clarified that *madrasas* remain open.⁹⁸ A significant shift in the

early months of 2025 saw food aid and employment for families become increasingly intertwined with children's, particularly girls', attendance at *madrasas*.⁹⁹ A mother in Nimroz reported that the Taliban would deny her food aid if she refused to remove her children from standard schooling and enrol them in the local *madrasa*.¹⁰⁰ This demonstrates how resistance to Taliban oppression is met with isolation, poverty, and hunger for families already struggling.

Another issue with *madrasas* is that they maintain oppressive gender stereotypes discussed above, particularly in relation to education. The curriculum in these institutions is narrow, focusing only on the harmful gender roles promoted by the Taliban in Afghanistan.¹⁰¹ Article 18 of the ICCPR, which ensures the right to freedom of thought, conscience, and religion, is undermined by the imposition of a religious curriculum and the Taliban's suppression of beliefs.¹⁰² By perpetuating outdated and narrow interpretations of religious texts and harmful gender stereotypes, these *madrasas* deny women the right to contemplate their own interpretation of religion and their existence within the world. Furthermore, by restricting women's education to a predetermined and narrow curriculum, their rights to hold opinions without interference and to freedom of expression are breached.¹⁰³ The UNSR Afghanistan has also reported many concerns from stakeholders that education in *madrasas* can result in radicalisation and strengthening of extremist ideologies, further undermining the right to hold opinions.¹⁰⁴

Finally, denial of both expression and religious freedom in education is reinforced by the imposition of strict dress codes which adhere to the Taliban's fundamentalist views of how a woman should dress.¹⁰⁵

91 Annex Edicts 65 (7 October 2022) and 209 (2 December 2024).

92 Annex Edict 65 (7 October 2022).

93 Annex Edict 119 (13 April 2023).

94 CEDAW Cttee, *General Recommendation No 36* (n 6) 16 [60].

95 CEDAW (n 4) art 10(b).

96 CEDAW Cttee, *General Recommendation No 36* (n 6) 3 [10].

97 Annex Edict 43 (25 April 2022). See also Sara Ibrahim and Hadis Habibyar, 'Send Your Daughters or You Get No Aid: The Taliban are Making Religious Schools Girls' Only Option', *The Guardian* (online, 22 September 2025) <<https://www.theguardian.com/global-development/2025/sep/22/taliban-afghanistan-women-girls-madrasa-religious-schools-only-option-education>>.

98 Annex Edict 79 (24 December 2022).

99 Ibrahim and Habibyar (n 97).

100 Ibid.

101 Ibid.

102 ICCPR (n 46) art 18. Rights in the context of religion are discussed in detail in pt I s 7 ('Religion') below.

103 Ibid art 19(1)-(2). Rights in the context of expression are discussed in detail in pt I s 8 ('Expression') below.

104 Richard Bennett, UNSR Afghanistan, *Situation of Human Rights in Afghanistan*, 80th sess, Agenda Item 71(c), UN Doc A/80/432 (Report, 8 October 2025) 12 [59].

105 The way in which movement, including movement to access basic services, has been made conditional upon wearing a burqa was discussed in section 2 above. Dress codes in education settings are discussed further in pt I s 6 ('Expression') and 7 ('Religion') below.

DENIAL OF HEALTH LITERACY

The Taliban's curriculum restrictions and bans on education beyond grade six severely prevent women and girls from receiving essential literacy and specialised education, demonstrating a breach not only of the accessibility and availability of the right to education, but also of the acceptability and adaptability criteria, in conjunction with other rights.

Such other rights include the right to health, notably sexual and reproductive health rights.¹⁰⁶ Bans on education deny fundamental health literacy, which women and girls benefit from during their secondary education.¹⁰⁷ Without adequate education, women are not informed about HIV/AIDS, sexual exploitation and contraception.¹⁰⁸ Denial of education regarding the importance of protecting themselves against unwanted pregnancies undermines sexual and reproductive health rights.¹⁰⁹ On a practical level, teen pregnancies are closely linked with a higher likelihood of dropping out of school early or being forced into child marriage.¹¹⁰ When this happens, these young mothers will be further isolated from society and prevented from living out their own lives.¹¹¹

¹⁰⁶ Discussed further in pt I s 5 ('Health') below.

¹⁰⁷ CESCR, *General Comment No 22 on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc E/C.12/GC/22 (2 May 2016) 3 [9] ('General Comment No 22').

¹⁰⁸ CEDAW Cttee, *General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women*, UN Doc CEDAW/C/GC/28 (16 December 2010) 5 [21].

¹⁰⁹ CESCR, *General Comment No 22* (n 107) 7 [28].

¹¹⁰ CEDAW Cttee and Committee on the Rights of the Child ('CRC Cttee'), *Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination Against Women and the General Comment No 18 of the Committee on the Rights of the Child on Harmful Practices*, UN Doc CEDAW/C/GC/31/REV1-CRC/C/GC/18/REV.1 (27 November 2017) 15 [63].

¹¹¹ CEDAW Cttee, *General Recommendation No 36* (n 6) 7 [28].

3.3 CONCLUSION

The Taliban's systematic restrictions on education for women and girls in Afghanistan represent a profound violation of fundamental human rights and international legal obligations. These edicts have eliminated access to formal education at all levels,¹¹² suppressed specialised and community-based learning opportunities,¹¹³ and imposed severe controls over the content and environment of learning.¹¹⁴ The result is not only the denial of knowledge, but also the erosion of identity, autonomy, and prospects for millions of women and girls.

The consequences of these policies are far-reaching. The exclusion of women and girls from education perpetuates cycles of poverty, reinforces harmful gender stereotypes, and deepens social and economic inequalities, especially in rural areas, where barriers are already heightened.¹¹⁵ The ban on education also has devastating effects on mental health, increases vulnerability to exploitation and early marriage, and denies women the ability to participate fully in cultural, scientific, and public life.

By targeting not only formal schooling but also community initiatives, including those for women with disabilities, underground schools, and health literacy programs, the Taliban's actions create intersecting layers of discrimination that marginalise the most vulnerable even further. The replacement of comprehensive education with narrow, gendered curricula in madrasas further entrenches inequality and restricts freedom of thought and expression.

Ultimately, the denial of education to women and girls undermines the development and well-being of entire communities and threatens the advancement of future generations. Without urgent action to restore educational rights and opportunities, Afghanistan risks perpetuating a cycle of oppression and poverty that will have lasting consequences for the nation as a whole.

¹¹² See subsection 3.2.2.A above.

¹¹³ See subsection 3.2.2.B above.

¹¹⁴ See subsection 3.2.2.C above.

¹¹⁵ *Ibid.*

PART I
INTERNATIONAL HUMAN RIGHTS

SECTION

IV

WORK

4. WORK

4.1 INTRODUCTION

The right to work is a fundamental human right, encompassing the right of all individuals to freedom and equality in work opportunities, conditions, and remuneration. This right is protected under various human rights treaties,¹ and covers all forms of decent work (whether independent work, or dependent wage-paid work).² The importance of work is reflected in how it directly affects a person's independence, economic stability, mental health, agency, and sense of purpose. The far-reaching and catalytic impact of the right to work means it also plays an essential role in upholding a range of other fundamental rights discussed in more detail in other sections of this Inquiry.³ Access to decent work means these fundamental rights are respected.⁴

Since their return to power, the Taliban has enacted numerous edicts and directives that directly restrict women's right to work. These edicts limit not only the availability of work opportunities but all aspects of the right. For example, even where work is technically legal for women, the conditions are so impracticable and discriminatory that it is unsafe or impossible for women to participate, such as dress codes or the need for a mahram.⁵ The nature and application of these edicts disproportionately affect the most vulnerable and stigmatised groups of women

in Afghanistan, including Hazara women,⁶ women with disabilities,⁷ and women-headed households.⁸ This is strongly reminiscent of how the Taliban restricted women's access to work during their first reign of terror.⁹

The generational impacts of excluding women from work have already resulted in dire consequences for Afghanistan's health and economic stability,¹⁰ costing the economy an estimated \$1.4 billion annually.¹¹ Afghanistan now has one of the largest workforce gender gaps in the world, with just "one in four women working or seeking work, compared to nearly 90 per cent of men."¹² Outside of limited exceptions, most sectors including government, higher education, media, and many private enterprises are effectively closed to women.¹³ Further, edicts dictating that women must be accompanied by a mahram to work,¹⁴ dress in a certain way,¹⁵ or which prevent

1 See, eg, CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) art 11; ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 6.

2 CESCR, *General Comment No 18: The Right to Work*, UN Doc E/C.12/GC/18 (6 February 2006) 3 [6]–[7] ('*General Comment No 18*').

3 See, eg, pt I ss 2 ('Movement'), 3 ('Education') and 5 ('Health').

4 CESCR, *General Comment No 18* (n 2) 3 [7].

5 Annex Edicts 48 (19 May 2022), 97 (1 February 2023) and 98 (1 February 2023).

6 See generally Farkhondeh Akbari and Kobra Moradi, 'Hazara Women: How Gender and Ethnicity Intersect in the Taliban's Repression', *Just Security* (online, 7 March 2024) <<https://www.justsecurity.org/93123/hazara-women-how-gender-and-ethnicity-intersect-in-the-talibans-repression/>>.

7 'Challenges Facing Afghans with Disabilities', *USIP* (Web Page, 23 February 2024) <<https://www.usip.org/publications/2024/02/challenges-facing-afghans-disabilities>>; Richard Bennett, UNSR Afghanistan, *Situation of Human Rights in Afghanistan*, 79th sess, Agenda Item 71(b), UN Doc A/79/330 (30 August 2024) 11 [56]–[59].

8 United Nations Development Programme ('UNDP'), *Afghanistan Socio-Economic Review: Fragile Gains, Deepening Subsistence Insecurity, 2023-2024* (Report, 30 April 2025) 8, 24 ('*Afghanistan Socio-Economic Review*').

9 See pt I sub-s 1.1 above.

10 UNDP, *Afghanistan Socio-Economic Review* (n 8) 5, 7–8.

11 Vibhu Mishra, 'Afghanistan Faces 'Perfect Storm' of Crises, UN Warns', *UN News* (online, 17 September 2025) <<https://www.un.org/en/afghanistan-faces-%E2%80%99perfect-storm%E2%80%99-crises-un-warns>> [4].

12 'FAQs: What it's like to be a woman in Afghanistan in 2025', *UN Women* (Web Page, 7 August 2025) <<https://www.unwomen.org/en/articles/faqs/faqs-afghanistan>>.

13 UNAMA, *Report on the Situation of Women's Rights in Afghanistan* (Report, 2024) 12–13.

14 Annex Edict 98 (1 February 2023).

15 Annex Edict 48 (19 May 2022) and 97 (1 February 2023).

women from holding leadership positions¹⁶ or dissolve women-focused government agencies,¹⁷ have exacerbated systemic barriers to women's employment.

This section provides a detailed human rights analysis of the Taliban's edicts in the area of work. It demonstrates how the Taliban's systematic violations dismantle the core guarantees of equal employment opportunities and the entitlement to just and favourable conditions of work, as well as other rights connected to the enjoyment of this right. This in turn illustrates the profound and engineered gendered exclusion of women within Afghanistan's labour market and the dire consequences which it has for individuals, as well as society as a whole.

4.2 HUMAN RIGHTS ANALYSIS

4.2.1. Meaning and Scope of Work

The right to work is a fundamental right protected in, inter alia, the ICESCR and CEDAW.¹⁸ However, it does not provide an absolute and unconditional right to obtain employment. Instead, the right affirms the obligation of state parties to ensure that individuals can freely choose or accept work, including the right not to be unfairly deprived of employment.¹⁹

CEDAW's protections for women's employment rights are best understood across three related dimensions: the qualifying clauses that define the types of state obligations,²⁰ the guarantee of equal employment opportunities,²¹ and the entitlement to just and favourable conditions of work.²² Together, these provisions establish a framework that obliges state parties not only to remove direct and indirect barriers to women's participation in the workforce, but also to actively create enabling conditions for equality in work.

The CESCR has clarified in *General Comment No 18* that the right to work encompasses both the opportunity to gain a living by work freely chosen or accepted, and the obligation of states to safeguard this right through legislative, administrative, and judicial measures.²³ Importantly, the right to work is linked to dignity and self-determination, and cannot be realised where discrimination persists.²⁴

CEDAW further requires states to ensure equality in employment opportunities and conditions, including taking all suitable measures to eliminate gender-based discrimination in the workplace, by ensuring, inter alia, equal remuneration, maternity protection, and protection against dismissal on the grounds of pregnancy or family responsibilities.²⁵ These obligations are reinforced by *General Recommendation No 13* on equal remuneration and *General Recommendation No. 19* on violence against women, which recognise that workplace discrimination and harassment undermine women's equal enjoyment of the right to work.²⁶

Indeed, like other human rights, the right to work must always be enjoyed without discrimination, including on the basis of gender as outlined in art 2(2) and 3 of the ICESCR and art 1 of CEDAW.²⁷ Yet, while Afghanistan is a state party to both CEDAW and ICESCR, edicts of the Taliban have blatantly violated these obligations. As outlined below, many edicts overtly or consequentially, discriminate against women by dismantling women's right to work or by creating unequal access to the right to work for women.

4.2.2 Restrictions on Women's Work Opportunities

A. SECTOR EXCLUSIONS

There are numerous instances in which women in Afghanistan are completely excluded from work opportunities. These sector-wide exclusions have persisted, resulting in significant challenges across many different sectors, as discussed below.

16 Annex Edicts 68 (28 October 2022) and 151 (20 October 2023).

17 Annex Edict 12 (17 September 2021).

18 ICESCR (n 1) art 11 and CEDAW (n 1) arts 6, 7.

19 CESCR, *General Comment No 18* (n 2) 3 [4].

20 CEDAW (n 1) arts 2–5, 7, 11, 24.

21 Ibid art 11.

22 Ibid art 11(1)(f).

23 CESCR, *General Comment No 18* (n 2) 5 [12].

24 Ibid 3 [6].

25 CEDAW (n 1) art 11(1)(a)–(f) and (2)(a)–(c).

26 CEDAW Cttee, *General Recommendation No 13 Equal Remuneration for Work of Equal Value*, UN Doc A/44/38 (21 February 1989) 80–81 [1]–[3]; CEDAW Cttee, *General Recommendation No 19 Violence Against Women*, UN Doc A/47/38 (29 January 1992) 1–2, 6 [7], [24].

27 ICESCR (n 1) art 2(2), 3; CEDAW (n 1) art 1.

GOVERNMENT AND NGOS

In 2020, prior to the Taliban's return to power, women held over 25 percent of seats in Parliament and could run for President.²⁸ Women are now entirely excluded from any public office.

The exclusion of women from leadership roles reflects a long-standing pattern of gender discrimination in Afghanistan's political and public life.²⁹ For decades, women struggled for representation in Afghan institutions.³⁰ Without women in these positions, the Taliban is seeking to control the narrative and curb women's power in the community. This is contrary to CEDAW article 8, which seeks to ensure women, on equal terms with men, have rights of political representation, participation in decision-making, and access to international fora without discrimination.³¹ The obsession with control over women goes so far as to even ban broadcasting of women's voices, closing the door for women to work in a variety of professions.³²

Directives have also been issued that ban women from working for international and national NGOs,³³ prevent them from working at the UN,³⁴ and prohibit any women from working remotely at NGOs or serving as directors of such organisations.³⁵ The erasure of women in the NGO sector has even gone so far as to require organisations to remove the word "woman" from their names.³⁶

28 'FAQs: What it's like to be a woman in Afghanistan in 2025' (n 12).

29 'Afghanistan: Women's Rights', *Human Rights Watch* (Web Page, 2023) <<https://www.hrw.org/world-report/2023/country-chapters/afghanistan>>.

30 Ibid.

31 CEDAW (n 1) art 8.

32 Annex Edict 230 (18 March 2025). See also Annex Edicts 176 (April 2024) and 191 (31 July 2024), as well as the PVPV Law of 31 July 2024 which strictly prohibits a woman's voice in public.

33 Annex Edicts 80 (24 December 2022), 210 (4 December 2024), 220 (26 December 2024) and 224 (11 January 2025).

34 Annex Edicts 117 (4 April 2023) and 241 (11 September 2025).

35 Annex Edict 147 (September 2023).

36 Annex Edict 192 (15 August 2024).

JUSTICE SECTOR

The removal of women from Afghanistan's justice sector entrenches gendered impunity and undermines judicial independence.³⁷ Since 2021, women judges, prosecutors, and lawyers have been excluded, collapsing women's access to survivor-centred remedies and pushing disputes into male-dominated informal forums where mediation is prioritised over prosecution, particularly in cases of gender-based violence.³⁸ The danger of such patriarchal dilution of the justice system is exacerbated by the Taliban's issuance of a decree invalidating thousands of divorce cases heard prior to their takeover, effectively forcing women to return to their ex-husbands.³⁹

This erasure of women from legal institutions narrows pathways into decision-making, erodes public trust, and socialises a new generation to view women's absence from justice as normal, with transgenerational harms for rights protection and accountability.⁴⁰

OTHER

Taliban directives have also prevented women from enjoying the right to work in a wide range of economic and cultural sectors, leaving only narrow, precarious spaces for employment. For example, edicts have banned women from employment at universities,⁴¹ in television dramas,⁴² as flight attendants,⁴³ in cafes,⁴⁴ wedding videography firms,⁴⁵ and shut down women-run bakeries.⁴⁶

37 'The Struggles of Afghan Female Judges and Prosecutors Under Taliban Rule', *Manara Magazine* (online, 3 April 2025) <<https://manaramagazine.org/2025/04/the-struggles-of-afghan-female-judges-and-prosecutors-under-taliban-rule/>>.

38 Bennett, UN Doc A/79/330 (n 7) 6 [24]; Richard Bennett, UNSR Afghanistan, *The Phenomenon of an Institutionalised System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, UN Doc A/HRC/56/25, 56th sess, Agenda Item 2 (Report, 13 May 2024) 5 [28], 6 [35]–[37].

39 Annex Edict 105 (4 March 2023).

40 Bennett, UN Doc A/HRC/56/25 (n 38) 5 [26].

41 Annex Edicts 15 (29 September 2021) and 214 (11 December 2024).

42 Annex Edict 16 (22 November 2021).

43 Annex Edict 54 (10 August 2022).

44 Annex Edict 207 (27 November 2024).

45 Annex Edict 149 (25 October 2023).

46 Annex Edict 81 (27 December 2022).

The prohibition also extends to traditionally female-dominated fields, such as the operation of beauty salons.⁴⁷ In multiple districts of Nangarhar, women were also banned from carpet weaving factories.⁴⁸ Once a vital source of household income and one of the few culturally acceptable professions for women, the ban has pushed much of the industry underground, with women now weaving in secret at home, selling through male relatives or informal networks to avoid detection.⁴⁹ This not only reduces their earnings, due to reliance on intermediaries, but increases the risk of reprisals. In the city of Jalalabad, women were in March 2024 prohibited from selling any goods at markets, reducing the possibility to make a living even further.⁵⁰

By cutting off access to such industries, the Taliban is dismantling women's last footholds in the economy, deepening dependence, and normalising a gender-segregated labour market where women's skills and contributions are invisible.

HEALTH

While the health sector is one in which women, in some circumstances, are allowed to work, employment conditions are significantly limited as will be discussed under subsection 4.2.3 below, and entry into the profession is significantly reduced. Various edicts have restricted women's participation in work in the medical field. First, by restricting women's participation in exit/entrance exams⁵¹ or suspending education programs for nursing and midwifery,⁵² and second, by banning women from treating male patients and vice versa.⁵³ Together, these edicts greatly erode women's enjoyment of both the right to work, as well as the right to health.⁵⁴ The latter stems from the fact that if women are only

allowed to be treated by male doctors, significantly reducing the number of female doctors means that there is a significant reduction in the availability of healthcare for female patients.⁵⁵

Some women are still permitted to perform technical or low-paid work, such as vaccinators, midwives in rural areas, or administrative assistants. However, these roles are closely policed and structurally devalued. The requirement for a mahram further restricts timely access.⁵⁶ The long-term effects are catastrophic. There is already a shortage of women healthcare professionals who are vital for ensuring antenatal and maternal healthcare, as well as care of children.⁵⁷ Further restricting the pool of women in the health sector, by both blocking education and access to work opportunities is highly problematic. Indeed, as UNICEF's Director has noted, "[t]he future of Afghanistan's health care system depends on the full participation of male and female medical professionals."⁵⁸

Together, these layered restrictions ensure that women, and by extension Afghan society, bear the brunt of a healthcare collapse engineered through gendered exclusion. The effects of such a collapse have already been felt during the aftermath of the earthquake on 31 August 2025, which killed over 2,200 people and destroyed 6,700 homes.⁵⁹ The erasure of women from the workforce leaves disaster relief resources depleted, costing the lives of Afghans left unreached under the rubble, particularly for women, who are in some cases unable or afraid to be treated.⁶⁰

47 Annex Edicts 136 (24 June 2023), 138 (6 July 2023) and 237 (29 August 2025).

48 Annex Edict 171 (17 March 2024).

49 Maisam Iltaf, 'Pushed to the Margins, Women Weave Their Wishes in Rug Factories', *Kabul Now* (online, 4 December 2023) <<https://kabulnow.com/2023/12/pushed-to-the-margins-women-weave-their-wishes-in-rug-factories/?tztc=1>>.

50 Annex Edict 172 (23 March 2024).

51 Annex Edict 102 (18 February 2023).

52 Annex Edict 161 (5 December 2024).

53 Annex Edicts 101 (22 February 2023) and 245 (23 September 2025).

54 For a detailed examination of the right to health, see pt I s 5 ('Health') below.

55 *Ibid.*

56 UNAMA, *Afghanistan: Update on the Human Rights Situation for Women and Girls: October-December 2024 Update* (Report, 27 January 2025) 3.

57 Catherine Russell, UNICEF Director (Statement, 4 December 2024) <<https://www.unicef.org/press-releases/statement-unicef-executive-director-catherine-russell-reported-restrictions-Afghanistan>>.

58 *Ibid.*

59 'Afghanistan Earthquake Death Toll Rises to 2200', *Al Jazeera* (online, 4 September 2025) <<https://www.aljazeera.com/news/2025/9/4/afghanistan-earthquake-death-toll-rises-to-2200>>.

60 Riazat Butt, 'Taliban Ban on Women Workers Hits Vital Aid for Afghans', *AP News* (online, 12 January 2023) <<https://apnews.com/article/afghanistan-politics-taliban-save-the-children-earthquakes-6fa17b3917d8f2f73bb009b1beb9dc19>>; Charlotte Greenfield, 'WHO asks Taliban to Lift Female Aid Worker Restrictions following Earthquakes', *Reuters* (online, 8 September 2025) <<https://www.reuters.com/world/asia-pacific/who-asks-taliban-lift-female-aid-worker-restrictions-following-earthquakes-2025-09-08/>>.

B. DISCRIMINATORY OPPORTUNITIES

Employment opportunities must not only be accessible to all individuals on its face but must also be non-discriminatory when it comes to all aspects of the opportunity, including the selection criteria or the extent to which it is truly available to all.⁶¹

In Afghanistan, women have been increasingly excluded from the job market altogether in favour of the employment of men.⁶² In July 2022, women working at the Ministry of Finance were instructed that a male relative (even if unskilled) must perform their work if they wanted to receive their salary.⁶³ This removal of women from the job market reflects a pattern of systemic bias, whereby gender becomes a disqualifying factor in recruitment and retention, violating the obligation to ensure equal opportunity and fair treatment in access to employment.⁶⁴

Where women are eligible for employment, they are not evaluated on the same terms as men with similar qualifications, demonstrating a systematic denial of this aspect of the right. Additional non-merit-based barriers are imposed on women, including the requirement for a mahram to accompany them to work⁶⁵ and other restrictions on mobility.⁶⁶

Media has reported that the Taliban allows restaurants run by women to operate provided that they cater exclusively to women and do not serve male customers or employ male staff.⁶⁷ This is, of itself, a problematic requirement which is also

challenging to adhere to as women are also directed to be continuously in the presence of a *mahram*. The edicts have, in any case, been inconsistently enforced with some female restaurant owners facing closure on the basis that women should not engage in any form of work at all.⁶⁸ This was the case for one woman during a compliance inspection of her women-only restaurant as Taliban officials alleged that she had allowed male customers to dine.⁶⁹ The owner maintained that this claim is merely a pretext to further restrict women's ability to work.⁷⁰ In other cases, Taliban officials reprimanded women for minor issues, such as the way they wore their hijab, using any excuse to obstruct their ability to work.⁷¹

With limited opportunities left for employment, women-only restaurants and kitchens are among the few avenues left for women to work.⁷² Access to gainful employment is essential for women to secure the resources needed to support themselves and their families, particularly in situations where no male relative is available to provide financial assistance. Financial autonomy also empowers women by reducing dependence on others and enabling them to maintain their own well-being. By closing female-run businesses or treating them differently, the Taliban directly violates women's right to work on an equal basis with men as guaranteed under article 11(1)(a) of CEDAW,⁷³ as well as article 11(1)(c) which protects the right to job security.⁷⁴ It also undermines the right to work under articles 6 and 7 of ICESCR, in combination with articles 2(2) and 3 due to the discriminatory nature of these measures.⁷⁵

ETHNIC MINORITIES

Reports by the UNSR Afghanistan have highlighted that women belonging to minority groups face further systematic discrimination.⁷⁶

61 CEDAW Cttee, *General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of Discrimination against Women*, UN Doc CEDAW/C/GC/28 (16 December 2010) 3 [10]; CESCR, *General Comment No 18* (n 2) 4 [9].

62 'Nearly Eight out of 10 Young Afghan Women are Excluded from Education, Jobs, and Training', *UN Women* (Press Release, 17 June 2025) <<https://unwomen.org.au/nearly-eight-out-of-10-young-afghan-women-are-excluded-from-education-jobs-and-training/>>.

63 Annex Edict 52 (18 July 2022). This edict was eventually revoked following pressure from the national and international community.

64 ICESCR (n 1) arts 2(2), 3, 6 and 7; CEDAW (n 1) art 11(1)–(2).

65 Annex Edict 98 (1 February 2023).

66 For detailed analysis on restrictions on mobility, see pt I s 2 ('Movement') above.

67 'Taliban Forces Closure of Women-Only Restaurants: The Last Haven for Afghan Women Workers Under Threat', *The Afghan Times* (online, 16 July 2024) <<https://theafghantimes.com/taliban-forces-closure-of-women-only-restaurants-the-last-haven-for-afghan-women-workers-under-threat/>>.

68 Ibid.

69 Ibid.

70 Ibid.

71 Ibid.

72 Ibid.

73 CEDAW (n 1) art 11(1)(a).

74 Ibid art 11(1)(c).

75 ICESCR (n 1) arts 2(2), 3, 6 and 7.

76 See, eg, Richard Bennett, UNSR Afghanistan, *The Situation of Women and Girls in Afghanistan*, UN Doc A/HRC/53/21, 53rd sess, Agenda Item 3 (Report, 15 June 2023) 6 [26]; UN Women, *Afghanistan Gender Index 2024* (Report, 2025), 13–14.

New hiring and employment requirements, such as fluency in Pashto (the dominant language of the Taliban leadership) and religious knowledge tests of the Sunni sect of Islam (Hanafi jurisprudence), serve as tools of exclusion for ethnic minorities.⁷⁷ This reflects not only gender discrimination, but also ethnic marginalisation, compounding the layers of oppression faced by women of different ethnicities under Taliban rule.⁷⁸

WOMEN-LED HOUSEHOLDS

Another group that is disproportionately affected by employment restrictions in Afghanistan are women-led households.⁷⁹ Decades of conflict, displacement, and the loss of male family members due to war and political instability have disrupted traditional family units, leaving some women without spouses in a patriarchal society.⁸⁰

The susceptibility of women-led households to the negative impacts of the edicts compounds the stigmatisation they already face in society, particularly in rural areas.⁸¹ The requirement in various edicts to be accompanied by a *mahram* is a particular barrier for women-led houses without such a male guardian.⁸² It becomes a challenge to engage in any area of public life, including work, which means that earning a living is next to impossible. As these women are often the primary providers of their families, the inability to engage in work has particularly severe consequences.

Indeed, without social protection, “female-headed households and displaced populations continue to bear the brunt of economic hardship due to high levels of unemployment or underemployment” as a direct result of ‘gender-specific restrictions on work’.⁸³

Systematic gender oppression not only harms women and their families but also deepens economic issues in Afghanistan.⁸⁴ Restricting women’s right to work drives women-led households deeper into poverty and reinforces regressive gender stereotypes, perpetuating intergenerational cycles of disadvantage for women, girls, and their families.⁸⁵

WOMEN WITH DISABILITIES

As outlined by the UNSR Afghanistan, women and girls with disabilities in Afghanistan experience compounded discrimination under Taliban rule, leaving them especially vulnerable to abuse and rights violations.⁸⁶ The strict limitations on women’s freedom of movement and employment opportunities intensify these harms, contrary to international law,⁸⁷ affecting not only women and girls with disabilities themselves but also those who care for family members with disabilities.⁸⁸

As the above examples demonstrate, the treatment experienced by women when it comes to work opportunities reinforce biased standards of ethnicity, gender, language, and gender identity rather than meritocracy. This not only violates the right to non-discrimination in employment but also undermines the professional integrity and inclusivity of Afghanistan’s public institutions.

77 Elina Qalam, ‘Taliban’s Hiring Criteria: Law Graduates Say, “We Have Degrees, But No Beards!”’ *Hasht-e Subh* (online, 1 July 2025) <<https://8am.media/eng/talibans-hiring-criteria-law-graduates-say-we-have-degrees-but-no-beards/>>. See also Annex Edicts 59 (8 September 2022) and 85 (13 January 2023). These edicts concern religious tests for Taliban department roles from which women are banned but demonstrate the bias towards the Taliban’s ideology and preferences.

78 See, eg, Shivam Shekhawat and Anjali Shrivastav, ‘Between a Rock and a Hard Place: The Hazaras in Afghanistan’, *Observer Research Foundation* (online, 4 March 2024) <<https://www.orfonline.org/expert-speak/between-a-rock-and-a-hard-place-the-hazaras-in-afghanistan>>.

79 UN Women, *Afghanistan Gender Index 2024* (n 76), 13–14.

80 See Parissa Massahikaleghi et al, ‘Burden of Diseases and Injuries in Afghanistan, 1990–2016: Findings From the Global Burden of Disease 2016 Study’ (2018) 21(8) *Archives of Iranian Medicine* 324.

81 European Union Agency for Asylum, *Country Guidance: Afghanistan* (Report, December 2020) <<https://euaa.europa.eu/publications/country-guidance-afghanistan>> 2.11.6.

82 See, eg, Annex Edict 98 (1 February 2023).

83 Richard Bennett, UNSR Afghanistan, *The Situation of Human Rights in Afghanistan*, 58th sess, Agenda Item 2, UN Doc A/HRC/58/80 (Report, 20 February 2025) 14 [95].

84 ‘UNDP Warns that Restrictions on Women’s Rights Will Worsen Economic Catastrophe in Afghanistan’, *UNDP* (Press Release, 18 April 2023) <<https://www.undp.org/press-releases/undp-warns-restrictions-womens-rights-will-worsen-economic-catastrophe-afghanistan>>.

85 Lyla Schwartz et al, ‘Economic Constraints and Gendered Rules: Understanding Women’s Perspectives of How Government-imposed Restrictions Impact Women’s Mental Health and Social Wellbeing across Afghanistan’ (2024) 6 *SSM Mental Health* 1, 4–5.

86 Bennett, UN Doc A/79/330 (n 7) 6 [58].

87 CEDAW (n 1) arts 11, 15.

88 Bennett, UN Doc A/79/330 (n 7) 6 [58].

4.2.3 Restrictions on Women's Conditions of Work

Where work opportunities exist, the right to work stipulates that all persons are entitled to the enjoyment of just and favourable conditions.⁸⁹ For the few women who have maintained their employment, the Taliban in April 2024 required that they obtain a “work permit” from the Ministry of Labour and Social Affairs.⁹⁰ Their conditions of work are significantly restricted and discriminatory, to the point of making it almost impossible to perform the work.

A. DRESS CODES

The Taliban's strict dress code requirements significantly undermine the entitlement to just and favourable conditions of work which women are entitled to under IHRL without discrimination.⁹¹ Continuously monitoring compliance, the PVPV Ministry noted in a letter to the Public Health Ministry that 5% of medical staff had complied with appearance requirements, including the hijab for women.⁹² Shortly thereafter, the Taliban's Ministry of Health issued a directive requiring female medical staff in Kabul hospitals to wear a full hijab and face mask, warning of disciplinary action for non-compliance.⁹³ Crucially, there is no comparable dress requirement for male medical staff. According to a chief physician in Kabul, the directive is impractical and obstructive: “With what logic can a doctor with a long Arabic hijab go on an operation and save a patient? ...The Taliban want to eliminate women from the health sector by imposing these restrictions; otherwise, the hijab and the type of clothing are all excuses.”⁹⁴

A female assistant surgeon echoed this frustration that she could not continue her work with unprofessional clothing and added, “I was surprised by what logic the Taliban used to make this decision.

We female doctors have studied for a lifetime and gained expertise, only to end up performing operations from under the burqa? If this order is not lifted, no female doctor will be able to continue her work.”⁹⁵

These kinds of requirements have been described by women subjected to them as attempts by the Taliban to push women out of the profession altogether.⁹⁶ This view was shared by female broadcasters after being targeted in an edict requiring them to cover their faces during broadcasts.⁹⁷ Even when such draconian edicts are adhered to, the Taliban have still proceeded to issue edicts completely banning women, such as an edict which completely banned women from broadcasting news in Herat as their mere presence “provokes men”.⁹⁸

B. REMUNERATION FOR WORK

All persons are entitled to equal remuneration (including benefits) and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.⁹⁹

A letter signed by a senior member of the Taliban circulated in June 2024 stated that female employees across the country should receive a salary capped at 5,000 AFN (approximately USD \$71).¹⁰⁰ A few days later, a similar letter was signed and circulated which confirmed the salary cap and also clarified that any women who had been paid a full salary earlier in the month (as a result of Eid) would have this deducted the following month.¹⁰¹ The following month, the Taliban Ministry of Finance issued another letter which was signed and circulated across the country underlining the AFN 5,000 salary cap.¹⁰² It was underlined that this cap applies to women employees who either do not report to work regularly like male employees, or who do not carry out duties in line with their job descriptions.¹⁰³

89 ICESCR (n 1) art 7(a)(ii).

90 Annex Edict 177 (April 2024).

91 Ibid. See also CEDAW (n 1) art 11(c) and for an analysis as to how dress codes also impact upon the right to freedom of expression, see pt I s 6 ('Expression') below.

92 Annex Edict 94 (25 January 2023).

93 Annex Edict 97 (1 February 2023).

94 ‘Taliban Orders Female Staff in Kabul Hospitals to Cover Their Faces and Wear All Black Hijabs’ *Rukhshana Media* (online, 1 February 2023) <<https://rukhshana.com/taliban-to-female-employees-in-kabul-city-hospitals-wear-full-black-hijab>>.

95 Ibid.

96 Simon Fraser, ‘Afghanistan: Taliban Orders Women to Stay Home as Female Presenters Cover Faces’, *BBC* (online, 22 May 2022) <<https://www.bbc.com/news/world-asia-61508072>>.

97 Ibid. Annex Edict 170 (28 February 2024).

98 Annex Edict 226 (14 January 2025).

99 CEDAW (n 1) art 11(1)(d); ICESCR (n 1) art 3; See CESCR, *General Comment No 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights* (Art. 3 of the Covenant), UN Doc E/C.12/2005/4 (11 August 2005) 6 [23]-[25].

100 Annex Edict 182 (3 June 2024).

101 Annex Edict 184 (10 June 2024).

102 Annex Edicts 186 (2 July 2024) and 188 (8 July 2024).

103 Ibid.

These orders seek to codify gender-based salary inequality and fail to account for the gender-specific restrictions outlined above which prevent many women from conducting their work. This clearly violates article 7(a)(i) of the ICESCR, which guarantees “fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men.”¹⁰⁴

The *mahram* rule complicates work conditions like regularly reporting to work, with the risk of being subjected to the salary cap discussed above, or even facing dismissal. The requirement for a *mahram* is both financially impractical (as it requires two people for one salary) and logistically restrictive, effectively excluding women from independent economic participation. The other condition used by the Taliban to determine whether the salary cap should be imposed, namely whether duties are carried out which correspond to the job description is equally problematic. The severe restrictions on what women can and cannot do in public spaces would impact upon performance of most position descriptions in the few roles which are still allowed to continue. There have been reports of thousands of women either losing their jobs as a result of these various restrictions or being put at risk of salary caps.¹⁰⁵

The Taliban’s wage suppression, discriminatory pay structures, and enforcement of restrictive gender norms amount to systemic and gender-based violations of women’s right to work, equal pay, and human dignity, and directly contravene numerous articles of core human rights treaties, including both the ICESCR and CEDAW discussed above.

¹⁰⁴ ICESCR (n 1) art 7(a)(ii).

¹⁰⁵ Jelena Bjelica and Roxanna Shapour, ‘A Pay Cut for Afghan Women Working in the Public Sector: “What Can You Do with 5,000 Afghanis?”’, *Afghanistan Analysts Network* (online, 29 July 2024) <<https://www.afghanistan-analysts.org/en/reports/rights-freedom/a-pay-cut-for-afghan-women-working-in-the-public-sector-what-can-you-do-with-5000-afghanis/>>.

3.3 CONCLUSION

The Taliban’s edicts and directives constitute a systematic and profound violation of the right to work, dismantling the core guarantees of equality in employment opportunities and conditions protected by international human rights law, notably CEDAW and the ICESCR.¹⁰⁶ Through sector-wide exclusions, the Taliban have entirely removed women from government, the justice sector, higher education, and vital economic activities, including traditionally female-dominated professions such as carpet weaving and beauty salons, often pushing them into precarious, underground employment.¹⁰⁷

Even in the limited sectors where women are permitted to work, their enjoyment of the right is nullified by oppressive conditions, such as mandatory gender segregation, restrictive dress codes, and the institutionalisation of the *mahram* rule.¹⁰⁸ This framework of control is reinforced by discriminatory financial policies, including the imposition of a mandatory salary cap of 5,000 AFN for female employees,¹⁰⁹ which blatantly violates the guarantee of equal remuneration for work of equal value under ICESCR article 7(a)(i).¹¹⁰

Crucially, these restrictions inflict compounded harms, reflecting an intersectional discrimination that disproportionately targets the most vulnerable populations. Women from ethnic minorities are excluded through linguistic and religious barriers, while women-led households are driven deeper into poverty due to the impossibility of adhering to *mahram* requirements, thus violating their right to an adequate standard of living.¹¹¹ Furthermore, the collapse of women’s participation in the health sector has catastrophic consequences for the entire population, contributing to higher maternal and child mortality rates, which is a direct outcome of the regime’s gendered exclusion.¹¹²

The dismantling of women’s right to work undermines their autonomy, dignity, and economic stability. It also hampers societal progress, making respect for the right to work essential for both individual empowerment and the sustainable future of Afghanistan. Ultimately, restrictions in the area of work serve as yet another foundational pillar in the Taliban’s institutionalised regime of systematic oppression and domination.

¹⁰⁶ See, eg, ICESCR (n 1) and CEDAW (n 1).

¹⁰⁷ See sub-s 4.2.2.A above.

¹⁰⁸ See sub-s 4.2.2.B above.

¹⁰⁹ See sub-s 4.2.3.B above.

¹¹⁰ ICESCR (n 1) art 7(a)(i).

¹¹¹ See sub-s 4.2.2.B above.

¹¹² Explored further in the subsequent section of this Inquiry.

PART I
INTERNATIONAL HUMAN RIGHTS

SECTION

V

HEALTH



5. HEALTH

5.1 INTRODUCTION

The right to health is a fundamental human entitlement, essential to the recognition of human dignity and the realisation of autonomy and self-determination.¹ IHRL requires states to respect, protect, and fulfil the highest attainable standard of physical and mental health for all, ensuring that care is provided without discrimination.² Health is a human necessity and a right closely connected with other rights; its enjoyment is inseparable from other fundamental freedoms, including the rights to education, employment, and movement.³ When health systems are dismantled or restricted, the capacity of individuals to participate in any sphere of public or private life is profoundly diminished.

Since the Taliban's violent return to power in August 2021, Afghanistan has undergone a deliberate and comprehensive transformation into an institutionalised regime of systematic oppression and domination.⁴ In the field of health, the Taliban has reinstated and expanded the repressive measures of their first reign (1996–2001), resulting in the systematic dismantling of healthcare

infrastructure for half the population.⁵ By framing these restrictions as cultural and religious imperatives, the regime has effectively weaponised healthcare, turning a public service into a mechanism of control and exclusion. This has not only compromised public health outcomes but has also entrenched widespread trauma and a sense of hopelessness among women and girls with disastrous consequences.

This section provides a comprehensive analysis of the engineered exclusion of women and girls from the health sector. Utilising an intersectional framework, it explores how gender, disability, and geographical isolation intersect to intensify the systemic denial of rights. The analysis examines how various edicts, ranging from the mahram requirement to the ban on female medical education, undermine the various elements of the right to health.⁶ Ultimately, the Taliban's health policies constitute a flagrant breach of international obligations under article 12(1) of the ICESCR and article 12(1) of CEDAW,⁷ representing a humanitarian crisis that threatens the lives of current and future generations.

5.2 HUMAN RIGHTS ANALYSIS

5.2.1 Meaning and Scope of Health

Article 12(1) of the ICESCR recognises “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”, requiring

1 ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 12(1); CESCR, *General Comment No 14: The Right to the Highest Attainable Standard of Health* (Article 12), UN Doc E/C.12/2000/4 (11 August 2000) 2 [8], 3 [12], 15 [43] (*General Comment No 14*); CESCR, *General Comment No 22: The Right to Sexual and Reproductive Health* (Article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/GC/22 (2 May 2016) 1 [2], 2 [5], 2–3 [7] (*General Comment No 22*); CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) arts 10(h) and 12(1).

2 Ibid.

3 CESCR, *General Comment No 14* (n 1) 2 [3].

4 See, eg, Richard Bennett, UNSR Afghanistan, *The Phenomenon of an Institutionalised System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, UN Doc A/HRC/56/25, 56th sess, Agenda Item 2 (Report, 13 May 2024).

5 See, eg, M Bashir Mobasher, Mohammad Qadam Shah and Shamshad Pasarlay, International Institute for Democracy and Electoral Assistance, *The Constitution and Laws of the Taliban 1994 - 2001: Hints from the Past and Options for the Future* (Report, 2022) <<https://www.idea.int/sites/default/files/publications/the-constitution-and-laws-of-the-taliban-1994-2001-hints-from-the-past-and-the-future-en.pdf>> 27.

6 CESCR, *General Comment No 14* (n 1) 4–5 [12].

7 ICESCR (n 1); CEDAW (n 1).

states to ensure equitable access to healthcare and to take progressive steps to reduce maternal and infant mortality, improve hygiene, and prevent and treat disease.⁸ Articles 2(2) and 3 confirms that this right must be enjoyed without discrimination, including the equal enjoyment of the right between men and women.⁹

The ICESCR monitoring body has clarified that this right is realised through four interdependent elements: availability, accessibility, acceptability, and quality.¹⁰ The Committee further emphasises that the right to health is inseparable from other human rights, including education, employment, and freedom of movement.¹¹ The CRC guarantees the right to the highest attainable standard of health to all children, particularly through access to nutrition, immunisation, and adolescent reproductive health education.¹²

Under CEDAW, states parties are obligated to eliminate discrimination in healthcare and to ensure women's participation in the health workforce.¹³ Article 25 of the CRPD requires states to provide persons with disabilities equal access to healthcare services, free from discrimination and on an equal basis with others.¹⁴ Additionally, article 6 mandates that states parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women with disabilities.¹⁵

The Taliban's edicts targeting different dimensions of women's health form a deliberate and systematic campaign to further eliminate women from public life, with fatal consequences. These edicts do not operate in isolation but intersect across every dimension of healthcare, restricting availability, accessibility, acceptability, and quality.¹⁶

5.2.2 Restrictions on Women's Health

A. SEXUAL AND REPRODUCTIVE HEALTH

The right to sexual and reproductive health is central to achieving the highest attainable standard of physical health, as well as other rights dependent upon women's autonomy and ability to make their own decisions about health and life more broadly.¹⁷ IHRL affirms that the right to sexual and reproductive health is indispensable to health and equality; realising this right requires both formal and substantive gender equality, ensuring that laws and policies actively address women's distinct health needs and do not reinforce existing inequalities.¹⁸ The ICESCR monitoring body identifies numerous "core obligations" under this aspect of the right to health, including the repeal of laws that restrict healthcare access, ensuring universal and affordable reproductive services, prohibiting harmful practices such as female genital mutilation and marital rape, and providing safe abortion and post-abortion care.¹⁹

CEDAW similarly recognises the importance of the right to sexual and reproductive health, noting already in the Preamble that "the role of women in procreation should not be a basis for discrimination".²⁰ The Convention also specifically requires access to information about family planning.²¹

Since their violent return to power, the Taliban has imposed a series of edicts that severely restrict women's access to healthcare, eroding both autonomy and infrastructure essential for sexual and reproductive health. A central component of this repression is the systematic obstruction of access to information. For instance, the Taliban has suspended nursing and midwifery education for female students in Kandahar,²² censored media outlets from sharing information on women's hygiene,²³ and ordered hospitals in Takhar and Parwaan to remove posters depicting female anatomy.²⁴ In November 2023, the Ministry of Public Health prohibited NGO's from running public awareness campaigns

8 ICESCR (n 1).

9 Ibid arts 2(2) and 3.

10 CESCR, *General Comment No 14* (n 1) 4–5 [12].

11 Ibid 2 [3].

12 CRC, opened for signature 20 November 1989, 1577 UNTS 196 (entered into force 2 September 1990) art 24.

13 CEDAW (n 1) arts 10 and 12(1).

14 CRPD, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 25.

15 Ibid art 6.

16 CESCR, *General Comment No 14* (n 1) 4–5 [12].

17 CESCR, *General Comment No 22* (n 1) 1 [1], 7 [25].

18 Ibid 7 [26].

19 CESCR, *General Comment No 22* (n 1) 12–13 [49].

20 CEDAW (n 1) Preamble.

21 Ibid art 10(h).

22 Annex Edict 161 (5 December 2023).

23 Annex Edict 125 (11 May 2023).

24 Annex Edict 160 (3 December 2023).

on women's health.²⁵ Evidence-based and freely accessible information, such as information relating to contraception, family planning, safe abortion practices and sexually transmitted infections is fundamental to meaningful enjoyment of the right to sexual and reproductive health rights.²⁶ Yet these measures deliberately undermine women's ability to obtain accurate, life-saving knowledge.

Alongside information suppression, the Taliban has imposed restrictions on access to essential sexual and reproductive health services. For example, in Kandahar, the head of the PVPV department ordered provincial departments to ban women and girls from health centres.²⁷ This follows an earlier general ban on women visiting health centres without a *mahram*, making reproductive care and decisions conditional upon a male guardian.²⁸ Additionally, the Taliban has banned pharmacies from selling contraceptives.²⁹

These edicts have effectively dismantled family planning services, eliminating access to abortion, contraception, and reproductive education. Healthy development requires access to accurate information, services, and support for autonomous decision-making.³⁰ A failure to provide access may cause loss of life contrary to article 6 of the ICCPR, as well as physical and mental harm contrary to article 7 of the ICCPR.³¹ Indeed, in the specific context of sexual and reproductive health rights, a joint amicus by a range of UN special mandate holders underlines that denial of abortion services may amount to torture or cruel, inhuman and degrading treatment.³² Globally, the consequences of such restrictions are evident. According to the World Health Organization, an estimated 3.9 million girls between the ages of 15 and 19 undergo unsafe abortions each year, driven by inadequate support systems, limited public health

awareness, and barriers to safe reproductive care.³³

In addition to the dismantling of the national health care system, international health providers have also been expelled by the Taliban. On 15 July 2023, the Ministry of Public Health terminated operations of the French NGO *Première Urgence – Aide Médicale Internationale*,³⁴ which provided critical maternal and emergency healthcare in remote provinces.³⁵ Its removal has created severe service gaps, particularly for women and girls in rural areas, further restricting access to timely, confidential, and appropriate care.³⁶

The CEDAW Committee stresses that states must guarantee women equal access to reproductive healthcare and remove cultural or legal barriers that obstruct this right.³⁷ The Taliban's restrictions directly contravene article 12(1) of CEDAW which requires State Parties to eliminate discrimination against women in the field of healthcare and ensure, on a basis of equality, access to services.³⁸ This explicitly includes access to information about family planning under article 10(h) which the Taliban also undermines by censoring information about women's health.³⁹

The edicts also amount to clear violations of article 12(1) of the ICESCR, where paragraph (a) requires states to reduce maternal mortality and promote the healthy development of the child, objectives made impossible under the Taliban's current health policies.⁴⁰ Read in conjunction with articles 2(2) and 3 of the Covenant,⁴¹ which prohibit discrimination and guarantee equal rights of men and women to enjoy Covenant freedoms, these measures constitute systematic gender-based discrimination.

25 Annex Edict 155 (11 November 2023).

26 CESCR, *General Comment No 22* (n 1) 5–6 [18]–[19].

27 Annex Edict 122 (4 May 2023).

28 Annex Edict 30 (2 March 2022).

29 Annex Edict 96 (25 January 2023).

30 'Sexual and Reproductive Health Rights: Special Rapporteur on the Right to Health', *OHCHR* (Web Page) <<https://www.ohchr.org/en/special-procedures/sr-health/sexual-and-reproductive-health-rights>>.

31 ICCPR, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) arts 6 and 7.

32 Working Group on the Issue of Discrimination Against Women in Law and in Practice et al, 'Ref: Denial of Abortion Services and the Prohibition of Torture and Cruel, Inhuman and Degrading Treatment' (Amicus) <<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/AmicusBrazil.pdf>>.

33 World Health Organization, *Adolescent Pregnancy* (Report, 2019) <<https://iris.who.int/bitstream/handle/10665/329883/WHO-RHR-19.15-eng.pdf>>.

34 Annex Edict 141 (15 July 2023).

35 'Afghanistan: Le Fardeau d'une Mère', *Première Urgence Internationale* (Web Page, 6 September 2021) <<https://www.premiere-urgence.org/actualites/afghanistan-le-fardeau-dune-mere/>>.

36 Afghanistan: Women Have a Key Role in the Health System, *Première Urgence Internationale* (Web Page, 8 March 2022) <<https://www.premiere-urgence.org/en/news/afghanistan-women-have-a-key-role-in-the-health-system/>>.

37 CEDAW Cttee, *General Recommendation No 24: Article 12 of the Convention (Women and Health)*, UN Doc A/54/38/Rev.1 ch I (1999) 7 [28].

38 CEDAW (n 1) art 12(1).

39 *Ibid* art 10(h).

40 ICESCR (n 1).

41 *Ibid* arts 2(2) and 3.

B. MATERNAL HEALTHCARE

An important subset of the right to sexual and reproductive health is women's rights in relation to maternal health. The Taliban's restrictions on the availability and access of basic healthcare infringes this aspect of the right to health. One example is the critical shortage in Afghanistan of maternal healthcare professionals.⁴² With women barred from medical training,⁴³ and men prohibited from serving as midwives, the pool of qualified personnel continues to shrink.⁴⁴ In 2022, there were only 4.6 doctors, nurses, and midwives per 10,000 people.⁴⁵ Cultural norms further discourage women from consulting male doctors, leaving many with no viable healthcare options.⁴⁶ As a result, childbirth in Afghanistan has become profoundly unsafe. Large numbers of women are denied skilled birth attendants and are forced to deliver at home without access to emergency obstetric care.

The continuation of these restrictive policies ensures that Afghanistan will soon face a severe and irreversible shortage of professional healthcare providers. Given the already high maternal mortality rate, the engineered depletion of the female medical workforce effectively becomes a death sentence for many women. This highlights the catastrophic long-term consequences of Taliban rule, where the systematic exclusion of women from medical training serves as a terminal threat to the health and survival of the population.

In addition to the dangers resulting from the shortage of trained female healthcare professionals, restrictions on women's mobility further prevent them from reaching hospitals in the first place.⁴⁷

These conditions place women at heightened risk of death from unintentional or incidental causes, such as sepsis, haemorrhage, and other complications during pregnancy or birth. In 2025, Afghanistan's maternal mortality rate was 620 deaths per 100,000 live births, one of the highest maternal mortality statistics globally.⁴⁸ Indeed, it has been reported that one mother dies every two hours from preventable pregnancy and childbirth-related complications in Afghanistan.⁴⁹ Since the Taliban's return to power in 2021, healthcare providers have noted a concerning 26.2% increase in obstetric and neonatal complications, highlighting the devastating impact of the restricted availability and accessibility of healthcare.⁵⁰

These systemic denials constitute clear breaches of Afghanistan's obligations under IHRL. As discussed under subsection 5.2.2.A above, the Taliban's edicts violate both CEDAW and the ICESCR by restricting women's equal access to sexual and reproductive healthcare.⁵¹ Further, they also contravene article 24 of the CRC, which obliges State Parties to ensure that every child enjoys the highest attainable standard of health.⁵² Particularly, article 24(2)(d) requires states to "ensure appropriate pre-natal and post-natal care for mothers",⁵³ a standard wholly unattainable under Taliban rule. The group's suppression of maternal services directly undermines the healthy development of children and deprives newborns of the medical attention guaranteed under the same provision.

Moreover, preventable deaths resulting from these restrictions breach article 6(1) of the ICCPR, which recognises the inherent right to life and requires states to protect it by law.⁵⁴ The deliberate withholding of essential obstetric care, compounded by movement restrictions that prevent emergency labour from accessing emergency treatment, constitutes a failure

42 Alaha Nasari, Sammer Marzouk and Najibullah Safi, 'A Health Emergency: Afghanistan's Nursing and Midwifery Ban' (2025) 405 *The Lancet* 463.

43 Annex Edict 161 (5 December 2023).

44 UN Population Fund, 'Three Years After Taliban Takeover of Afghanistan, Meet the Midwife Who Stayed, Delivered - and Saved Lives' (Press Release, 22 August 2024) <<https://www.unfpa.org/news/three-years-after-taliban-takeover-afghanistan-meet-midwife-who-stayed-delivered-%E2%80%93-and-saved>>.

45 Kapil Narain et al, 'Call for Solidarity: The War May be Over in Afghanistan but Health Crises Continue' (2022) 12(2) *Journal of Global Health* 1, 2.

46 Anastasiia Carrier, 'Veiled Rebellion: Female Medical Students Go Underground in Afghanistan' *Al Jazeera* (online, 30 December 2023) <<https://www.aljazeera.com/features/2023/12/30/veiled-rebellion-female-medical-students-go-underground-in-afghanistan>>.

47 See pt I s 2 ('Movement') above.

48 World Health Organization, *Maternal Mortality Ratio (per 100,000 Live Births)* (Web Page, 10 April 2025) <<https://data.who.int/indicators/i/C071DCB/AC597B1>>.

49 UN Population Fund, *Afghanistan Humanitarian Appeal 2023* (Report, 5 February 2023) 1.

50 Nancy Glass et al, 'The Crisis of Maternal and Child Health in Afghanistan' (2023) 17 *Conflict and Health* 28, 29.

51 CEDAW (n 1); ICESCR (n 1).

52 CRC (n 12).

53 Ibid art 24(2)(d).

54 ICCPR (n 31) art 6(1).

to respect and protect this fundamental right. The ICCPR monitoring body has clarified that the right to life includes positive obligations on states to address conditions that threaten life expectancy, including inadequate maternal healthcare.⁵⁵

C. MENTAL HEALTH

The right to mental health is a crucial component of the right to the highest attainable standard of health. As the UN Special Rapporteur on the Right to Health has highlighted, “there can be no health without mental health”;⁵⁶ and good mental health means more than just the absence of a mental impairment.

The situation for women and girls in Afghanistan under Taliban rule, as well as persons who do not conform with the Taliban’s idea of gender has resulted in a mental health crisis. Indeed, the result of all the edicts and their enforcement has been a widespread deterioration in mental well-being. Rates of anxiety, depression, and suicide attempts have risen sharply. A 2023 survey found that 48% of the respondent women knew at least one woman or girl who has experienced anxiety or depression since the Taliban’s return, and 8% personally responded that they know a woman who has attempted suicide.⁵⁷

The Taliban has further exacerbated the situation by undermining effective response to the mental healthcare crisis. A series of edicts restrict the availability and accessibility of healthcare, including mental healthcare. For example, the edict in Kandahar which banned women from accessing health centres, including preventing treatment for mental health conditions.⁵⁸ Requiring a *mahram* to enter health centres further excludes women who do not have

access to a male guardian, such as women-led households, and may prevent access to healthcare as a result of stigma and other concerns.⁵⁹

In addition to the general targeting of health services, there have also been edicts directly undermining women’s mental healthcare, including the closure of NGO-run women’s health centres and mental health programs providing services such as counselling and trauma support.⁶⁰ Additionally, there is a general lack of availability of mental health services in Afghanistan, with the majority of the 34 provincial hospitals lacking such services.⁶¹ Where clinics do accept female patients, their access has been reported to be irregular and inconsistent.⁶² This is not surprising in light of the extensive restrictions on both availability and accessibility which will likely deepen this crisis further. In this way, the Taliban’s restrictions have created a self-perpetuating cycle in which systemic discrimination, social isolation, and the denial of healthcare reinforce one another, worsening mental health outcomes. Women who are members of the LGBTIQ+ community,⁶³ survivors of family violence, or living with disabilities face heightened vulnerability,⁶⁴ yet they are excluded from all meaningful avenues of support.

These edicts engage serious breaches of IHRL. The high rate of preventable suicides among women and girls undermine article 6(1) of the ICCPR, which guarantees the inherent right to life and requires states to take positive steps to protect it.⁶⁵ The right to life is more than mere survival but requires a life in dignity, and it is therefore violated not only

55 HRCtee, *General Comment No 36 on Article 6: Right to Life*, 120th sess, UN Doc CCPR/C/GC/36 (3 September 2019) 6 [26].

56 Dainius Pūras, *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health*, UN Doc A/HRC/35/21, 35th sess, Agenda Item 3 (28 March 2017) 3 [6].

57 UN Women, *Afghanistan Gender Country Profile 2024* (Report, 2024) <<https://www.unwomen.org/sites/default/files/2024-06/Gender-country-profile-Afghanistan-en.pdf>> 36 citing DROPS, ‘Bishnaw: Impact of Taliban Restrictions on Afghan Women’s Economic Conditions and Mental Health’ (Survey, March 2023) <<https://bishnaw.com/impact-of-taliban-restrictions-on-afghan-womens-economic-conditions-and-mental-health/>>.

58 Annex Edict 122 (4 May 2023).

59 Annex Edict 30 (2 March 2022).

60 Annex Edict 155 (11 November 2023).

61 World Health Organization, ‘Mental Health Stories: The Will to Recover’ (Web Page, 2025) <<https://www.emro.who.int/afg/afghanistan-news/mental-health-stories-the-will-to-recover.html>>.

62 Mariam Safi and Althea-Maria Rivas, Organisation for Policy Research and Development Studies, ‘The Mental Health Crisis Among Afghan Women and Girls’ (Policy Brief, December 2023) <https://media.odi.org/documents/The_mental_health_crisis_among_Afghan_women_and_girls_mh602uX.pdf> 14.

63 Mohammad Razai et al. ‘Silent suffering of Afghanistan’s LGBT+ community’ (2023) 11(9) *The Lancet Global Health* 1331, 1132.

64 Patricia Gossman, Human Rights Watch, *Disability Is Not Weakness* (Report, 28 April 2020) <<https://www.hrw.org/report/2020/04/28/disability-not-weakness/discrimination-and-barriers-facing-women-and-girls>>.

65 ICCPR (n 31) art 6(1).

when there has been actual loss of life.⁶⁶ Under the ICCPR, the right to privacy is also undermined by, for example, requiring the presence of a *mahram* to access health centres.⁶⁷

Furthermore, the denial of accessible mental-health services contravenes article 12(1) of the ICESCR,⁶⁸ in combination with articles 2(2) and 3 which prevents discriminatory denial of Covenant rights, as well as article 12(1) of CEDAW, which prohibit discrimination in healthcare and require gender-sensitive medical services.⁶⁹

By dismantling the infrastructure of mental health care and excluding women from both receiving and providing treatment, the Taliban has in this way institutionalised discrimination that infringes the right to life, health, and human dignity.

D. RURAL HEALTHCARE

In rural areas of Afghanistan, where around 74% of the population resides,⁷⁰ the Taliban's enforcement of gender-based edicts has drastically limited access to healthcare for women and girls. However, poor record-keeping and documentation has resulted in uncertainty as to the exact extent of rural health figures.⁷¹

CEDAW recognises the particular challenges which women in rural areas face, including when it comes to access to health care, under article 14 of the Convention.⁷² *General Recommendation No 34* elaborates upon this article, emphasising that women in these areas often struggle to access basic healthcare services due to factors such as geographical isolation, poverty and restrictive cultural norms.⁷³ In this way, discrimination often operates through intersecting factors and the violations of the right to health identified in subsections 5.2.2.A-C above are compounded when it comes to women in rural areas due to a variety of

factors which further entrench the severe obstacles women face in accessing healthcare.

Restrictions, such as the ban on women accessing health centres in Kandahar, was given as instructions to all provincial departments in the region, which includes both rural and urban areas.⁷⁴ In Badakhshan, a province with predominantly mountainous rural areas, an edict restricted the hours when women and girls can visit hospitals and health centres, which serves to significantly reduce access for women in remote areas.⁷⁵ Access was also limited to only emergency cases, banning access for any non-emergency care.⁷⁶ This restriction is further compounded as access is also conditional upon the availability, if at all, of a *mahram*.⁷⁷ These restrictions exacerbate isolation in remote areas, where women already face limited mobility due to factors such as distance, lack of infrastructure, cost and risk of sexual violence.⁷⁸

These edicts violate article 12(1) of the ICESCR in combination with articles 2(2) and 3, as a result of the gendered nature of the denial of the right to health.⁷⁹ The compounded impact of these violations on rural women is recognised under CEDAW which, as noted above, imposes specific obligations upon states parties to take steps to guarantee the enjoyment of rights by rural women.⁸⁰ This includes article 14(2) (b) which requires states parties to guarantee rural women access to adequate healthcare facilities and family planning information,⁸¹ as well as the broader obligation under article 14(2) to “take all appropriate measures to eliminate discrimination against women in rural areas”.⁸²

The Taliban's neglect of persons with disabilities, including women with disabilities in rural areas, further compounds these inequities.⁸³ Many people with disabilities reside in remote provinces without

66 HRCtee, *General Comment No 36* (n 55) 2 [7], 6 [26].

67 ICCPR (n 31) art 17(1).

68 ICESCR (n 1).

69 CEDAW (n 1) art 12(1).

70 Zoaib Tharwani et al, 'Polio amid a Humanitarian Crisis in Afghanistan: Challenges and Recommendations' (2022) 22(2) *The Lancet Infectious Diseases* 168, 169.

71 Ibid.

72 CEDAW (n 1) art 14.

73 CEDAW Cttee, *General Recommendation No 34 on Article 14: on the Rights of Rural Women* UN Doc CEDAW/C/GC/34 (7 March 2016) pt B.

74 Annex Edict 122 (4 May 2023).

75 Annex Edict 202 (14 October 2024).

76 Ibid.

77 Annex Edict 30 (2 March 2022).

78 CEDAW Cttee, *General Recommendation No 34* (n 73) 23 [86].

79 ICESCR (n 1) arts 2(2), 3 and 12(1).

80 CEDAW (n 1) art 14.

81 Ibid art 14(2)(b).

82 Ibid art 14(2).

83 Sana Atef and Mahtab Safi, 'Taliban's Cruel Cut: Women with Disabilities Left Without Support amid Rising Hardships' *Zan Times* (online, 20 August 2024) <<https://zantimes.com/2024/08/20/i-begged-them-but-they-threw-me-out-of-the-office-women-with-disabilities-have-support-cut-off-by-the-taliban/>>.

access to standardised healthcare, rehabilitation, or community-based services.⁸⁴ The Taliban's failure to provide inclusive infrastructure or accommodate diverse medical needs leaves individuals isolated and dependent on informal care. Rural women with disabilities in this way experience particular challenges which need to be addressed but are instead exacerbated.⁸⁵ This systemic exclusion breaches article 25 of the CRPD which guarantees equal access to healthcare, including services specific to women's health.⁸⁶ It exemplifies how the Taliban's edicts perpetuate intersectional discrimination across gender, geography, and disability, further undermining the right to health in Afghanistan.

E. REHABILITATION FOR DRUG DEPENDENCE

Substance use in Afghanistan should not be understood as moral failure but as a response to widespread trauma, poverty, and inadequate healthcare.⁸⁷ The desperation felt by millions of people in Afghanistan, notably women and girls, has resulted in many people resorting to drugs.⁸⁸ For example, some women report using narcotics such as heroin to manage childbirth pain in the absence of medical assistance,⁸⁹ and as a temporary coping mechanism under the Taliban's oppression.

Drug use is adding to the already deteriorating health crisis in the country discussed in this section and is exacerbated by the Taliban's approach to drug dependence which is punitive rather than rehabilitative. This is evidenced by the closure of NGO programs providing rehabilitation and awareness raising, including those specifically focused upon

women's health.⁹⁰ By closing already limited services, the Taliban has dismantled community-based, rights-oriented treatment models.

Afghanistan's rate of drug use is nearly twice the global average,⁹¹ yet treatment capacity remains critically low. While 32 of the country's 34 provinces have at least one rehabilitation centre,⁹² only 17.1% are catered to women only compared to 64.6% for men.⁹³ Given the Taliban's general gender segregation, the 18.3% of centres catering for both genders may raise access issues for women.⁹⁴ The Taliban has thus entrenched gender inequity and reduced access to already scarce services.

Like in other areas of healthcare, the shortage of qualified personnel compounds these barriers. Based on data from December 2022, the UN Office on Drugs and Crime reports that only 2,817 medical staff worked in facilities providing substance use disorder treatment.⁹⁵ Many existing facilities also lack essential medicines such as naloxone, used to reverse opioid overdose.⁹⁶ For women, social stigma and mobility restrictions are exacerbated by the few centres available for women noted above, leaving most without treatment options or support.⁹⁷

The Taliban's approach neglects these underlying causes of substance use and violates article 25 of the CRPD and article 12(1) of the ICESCR, both of which guarantee equal, rights-based, and non-discriminatory access to healthcare.⁹⁸ The inequity in access to rehabilitation and other support services for women also undermines articles 2(2) and 3 of the ICESCR, as well as article 12(1) of CEDAW.

84 Gossman (n 64).

85 CEDAW Cttee, *General Recommendation No 34* (n 73) 5–6 [14].

86 CRPD (n 14) art 25.

87 Ajmal Sabawoon et al, 'Substance Use and Traumatic Events among Afghan General Population: Findings from the Afghanistan National Mental Health Survey' (2025) 25(1) *BMC Psychiatry* 251, 256.

88 Kanika Gupta, 'The Feminine Side of Afghanistan's Drug Problem', *Asia Democracy Chronicles* (online, 15 July 2023) <<https://adnchronicles.org/2023/07/15/the-feminine-side-of-afghanistans-drug-problem/>>.

89 Shahab Ariayi, translated to English by Rustam Seerat, 'When Opium is the Only Pain Relief Available to the Poor of Badakhshan', *Zan Times* (online, 20 September 2023) <<https://rustam-seerat.medium.com/when-opium-is-the-only-pain-relief-available-to-the-poor-of-badakhshan-aa679a25ad24>>.

90 Annex Edict 155 (11 November 2023).

91 Stephen R Shamblen et al, 'The Efficacy of Drug Treatment in Afghanistan: Overall Results and Implications from a New Evaluation' (2022) 20 *International Journal of Mental Health and Addiction* 541, 542.

92 UN Office on Drugs and Crime, *Afghanistan Drug Insights Volume 3 - Mapping Facilities for Treatment of Substance Use Disorders: Addressing Service Provision Challenges in a Humanitarian Crisis* (Report, 2024) 23.

93 *Ibid* 26.

94 *Ibid*.

95 *Ibid* 31.

96 'Afghanistan: Surge in Synthetic Drugs could Threaten Public Health', *UN* (online, 27 November 2024) <<https://www.ungeneva.org/en/news-media/news/2024/11/100746/afghanistan-surge-synthetic-drugs-could-threaten-public-health>>.

97 UN Office on Drugs and Crime (n 92) 26; Gupta (n 88).

98 CRPD (n 14) art 25; ICESCR (n 1).

5.3 CONCLUSION

The systematic and comprehensive exclusion of women and girls from the health sector in Afghanistan constitutes a clear violation of IHRL, including article 12(1) of the ICESCR and articles 10(h) and 12(1) of CEDAW.⁹⁹ By reinstating and expanding repressive measures from their first reign of terror, the Taliban has moved beyond passive failure to an active, engineered dismantling of healthcare infrastructure for half the population. This social order has weaponised healthcare, transforming a fundamental public service into a mechanism of systematic oppression and domination. Such measures fail to satisfy the normative requirements of the right to health, as the regime has intentionally targeted the availability, accessibility, acceptability, and quality of services through discriminatory edicts.

The denial of the right to health is inextricably linked to the broader regime of institutionalised erasure of women, where the erosion of one right serves to facilitate the violation of others. Restrictions on mobility, notably the *mahram* rule, and the prohibition of women from entering health centres in provinces like Kandahar function as one pathway to total social and physical isolation.¹⁰⁰ This is further compounded by the suspension of female medical education, including nursing and midwifery training, which ensures a critical shortage of qualified female professionals essential for sexual and reproductive healthcare, including maternal healthcare.¹⁰¹ Similarly, the censorship of health literacy, including the removal of posters depicting women at health centres, and the ban on contraceptive sales represent a deliberate attempt to strip women of their bodily autonomy and reproductive agency.¹⁰²

The consequences of this engineered exclusion are catastrophic and fatal. If this trajectory continues, Afghanistan will soon face a severe and irreversible shortage of professional healthcare providers.¹⁰³ Given the already high maternal mortality rate, the engineered depletion of the female medical workforce effectively becomes a death sentence

for many women.¹⁰⁴ Childbirth in Afghanistan has become profoundly unsafe, leading to one of the highest maternal mortality rates globally, where preventable deaths constitute a breach of the right to life under article 6(1) of the ICCPR.¹⁰⁵ This highlights the catastrophic long-term consequences of Taliban rule; the systematic exclusion of women from medical training is not merely a restrictive policy but a terminal threat to the health and survival of both current and future generations. Furthermore, the pervasive mental health crisis, characterised by escalating rates of depression and suicide attempts, underscores the legal reality that there can be “no health without mental health”.¹⁰⁶ The denial of essential reproductive services and safe obstetric care may, in certain contexts, amount to cruel, inhuman, or degrading treatment contrary to article 7 of the ICCPR.¹⁰⁷

The extreme situation under Taliban rule, including widespread poverty and oppression, has also resulted in many people, including women, turning to drugs for temporary relief, with rehabilitation centres and other support services also facing significant obstacles because of the Taliban’s attack on healthcare.¹⁰⁸ These restrictions generate particular challenges for women in rural areas where the Taliban’s edicts have compounding impacts on the basis of gender in combination with other factors, such as geographical location, disability and poverty.¹⁰⁹

Ultimately, the restoration of women’s right to health is a legal and moral imperative essential for the dignity, autonomy, and survival of all Afghans. The current environment, where healthcare is treated as an instrument of moral policing rather than a human necessity, is fundamentally incompatible with international human rights standards. Until women and girls are granted the freedom to access, provide, and make informed decisions regarding their own health without fear of state-imposed coercion, the right to health will remain an empty guarantee, jeopardising the lives of both current and future generations.

⁹⁹ ICESCR (n 1); CEDAW (n 1).

¹⁰⁰ Annex Edicts 30 (2 March 2022) and 122 (4 May 2023). See also sub-s 5.2.1 above.

¹⁰¹ Annex Edict 161 (5 December 2023).

¹⁰² Annex Edicts 96 (25 January 2023), 125 (11 May 2023), 155 (11 November 2023) and 160 (3 December 2023).

¹⁰³ See sub-s 5.2.2.B above.

¹⁰⁴ See sub-ss 5.2.2.A and 5.2.2.B above.

¹⁰⁵ ICCPR (n 31); see sub-s 5.2.2.B above.

¹⁰⁶ Pūras (n 56); see sub-s 5.2.2.C above.

¹⁰⁷ ICCPR (n 31) art 7.

¹⁰⁸ See sub-s 5.2.2.E above.

¹⁰⁹ See sub-s 5.2.2.D above.

PART I
INTERNATIONAL HUMAN RIGHTS

SECTION

III

EXPRESSION

6. EXPRESSION

6.1 INTRODUCTION

The freedom of women and girls to express themselves is fundamentally undermined in Afghanistan, where the Taliban's edicts and directives seek to silence their voices, perspectives, and agency across both private and public spheres. This deliberate erasure of over half the population entrenches a gendered system of censorship and oppression, restricting personal autonomy and excluding women and girls from meaningful participation in Afghanistan's political and public life.

Freedom of expression is a fundamental right protected by numerous human rights treaties.¹ It comprises both the right to hold opinions without interference and the right to express those opinions freely.² Importantly, it is a right to articulate thoughts, share ideas, and engage in open discourse without fear of censorship, retaliation, or persecution. It transcends mere speech, extending to communicating, creating, and participating in the cultural and political life of one's community.³

Without freedom of expression, the enjoyment of other rights is severely impacted.⁴ For example, freedom of expression and freedom of assembly and association are essential

for the exercise of the right to vote.⁵ If the exchange of information on public and political matters between citizens, candidates, and elected representatives is restricted, the right to vote is severely undermined.⁶ Further, freedom of opinion and freedom of expression "are indispensable conditions for the full development of the person".⁷ Expression is central to human interaction and participation.⁸ It not only enables the expression of basic needs and wants, but also fosters connection and plays a significant role in learning and discovery.⁹

This section considers the meaning and scope of the right to freedom of expression. It focuses on areas of expression targeted by the Taliban, including oral expression, dress, voting, public participation, and access to information and media. It assesses how these measures have curtailed freedom of expression and related rights of women generally, as well as the intersectional and transgenerational impacts of these restrictions.

6.2 HUMAN RIGHTS ANALYSIS

6.2.1 Meaning and Scope of Expression

Freedom of expression is protected by various international instruments, notably Article 19 of the ICCPR, which contains both the right to hold opinions without interference and the right to express those opinions freely.¹⁰ Additionally, Articles 2(1) and 3 of the ICCPR provide that all persons enjoy the right

1 See, eg, ICCPR, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) arts 19 and 20; ICERD, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969) arts 4, 5; CRC, opened for signature 20 November 1989, 1577 UNTS 196 (entered into force 2 September 1990) arts 12, 13, 17; CRPD, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) arts 6 and 21; CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) arts 2, 5, 7, 13.

2 ICCPR (n 1) art 19(1) and (2).

3 Ibid 3 [11].

4 Emily Howie, 'Protecting the Human Right to Freedom of Expression in International Law' (2018) 20(1) *International Journal of Speech-Language Pathology* 12, 13.

5 Ibid; HRCttee, *General Comment No 34: Article 19: Freedoms of Opinion and Expression*, UN Doc CCPR/C/GC/34 (12 September 2011) 1 [34] ('*General Comment No 34*').

6 Howie (n 4).

7 HRCttee, *General Comment No 34* (n 5) 1 [2].

8 Sharynne McLeod, 'Communication Rights: Fundamental Human Rights for All' (2018) 20(1) *International Journal of Speech-Language Pathology* 3.

9 Ibid.

10 ICCPR (n 1).

to freedom of expression without discrimination.¹¹ Articles 12, 13, 14, and 17 of the CRC protect children’s right to freedom of thought and conscience and freedom to express these thoughts and opinions in line with the protections outlined in Article 19 of the ICCPR.¹² Further, article 21 of the CRPD protects the enjoyment of this right by women with disabilities and should be read alongside Article 6, which establishes the principle of non-discrimination.¹³

A. THE RIGHT TO HOLD OPINIONS

Article 19(1) of the ICCPR protects the right to hold opinions without interference.¹⁴ This right is absolute and cannot be subject to any limitations or restrictions.¹⁵ All forms of opinion are included, whether political, scientific, historical, moral, or religious.¹⁶ Furthermore, it protects the right to change one’s opinion for any reason, including the freedom not to express an opinion.¹⁷ For this freedom to be enjoyed, states must ensure societal conditions that allow all individuals to form and maintain opinions without interference.

Through various edicts and directives, the Taliban has not only denied women and girls the ability to *express* their thoughts and opinions but is actively preventing access to information and social engagement necessary for their *formation*.¹⁸ The formation of thoughts and opinions is further compounded by violations of the right to education, where the Taliban has imposed limitations on both access to education and the educational content and environment of study.¹⁹

B. THE RIGHT TO FREEDOM OF EXPRESSION

Article 19(2) of the ICCPR protects the right to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in

writing or in print, in the form of art or through any media.²⁰ This provision protects the expression of an opinion. Persons may express political opinions, commentary on personal and public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.²¹ Opinions may be expressed through different mediums, including print (such as books, newspapers, pamphlets, posters, banners, dress, legal submissions), all forms of audio-visual communication, and electronic and internet-based modes of expression.²²

Freedom to hold opinions and expression are further bolstered by Articles 17, 18, 25, and 27 of the ICCPR, which protect privacy and correspondence, freedom of thought and conscience, public participation, and minorities’ rights to enjoy their culture, religion, and language, respectively.²³ These provisions collectively support the full and meaningful exercise of freedom of expression.

Unlike the right to hold opinions, freedom of expression is not absolute. The right may be limited by states when such restrictions are provided by law, pursue a legitimate aim, and are necessary and proportionate.²⁴ Prohibiting women and girls from, for example, speaking in public, accessing media, participating in education and employment, operates as indiscriminate bans rather than narrow limitations. The edicts discussed in this Inquiry are not grounded in any recognised legal framework. Further, as the HRCtee has underlined, any limitations appealing to “morals” must adhere to both the universal nature of rights and non-discrimination which clearly the Taliban’s edicts do not.²⁵

Importantly, full enjoyment of the right freedom of expression often requires the ability to associate and assemble with others, another important freedom which is protected under IHRL, including under article 21 of the ICCPR.²⁶ This right which goes hand-in-hand with the right to freedom of expression is referred to further subsection 6.2.2.C.

11 Ibid arts 2(1) and 3.

12 CRC (n 1) arts 12–14, 17; ICCPR (n 1) art 19.

13 CRPD (n 1) art 21.

14 ICCPR (n 1) art 19(1).

15 HRCtee, *General Comment No 34* (n 5) 2 [9].

16 Ibid.

17 Ibid 3 [10].

18 ‘Afghanistan: The Disturbing, Escalating Censorship Suffocating the Free Press’, *Reporters Without Borders* (online, 27 February 2025) <<https://rsf.org/en/afghanistan-disturbing-escalating-censorship-suffocating-free-press>>.

19 For further details on restrictions on education, see pt I s 3 (‘Education’) above.

20 ICCPR (n 1) art 19(2).

21 HRCtee, *General Comment No 34* (n 5) 3 [11].

22 Ibid 3 [12].

23 ICCPR (n 1) arts 17, 18, 25 and 27. See also HRCtee, *General Comment No 34* (n 5) 1 [4].

24 ICCPR (n 1) art 19(3).

25 HRCtee, *General Comment No 34* (n 5) 8 [32].

26 ICCPR (n 1) art 21.

6.2.2 Restrictions on Women's Expression

A. ORAL EXPRESSION

Oral expression is explicitly protected under the ICCPR.²⁷ The Covenant enshrines the ability to seek, receive, and impart thoughts and ideas orally and engage in spoken discourse, whether through public speaking, conversation, debate, or performance.²⁸ The Taliban has issued edicts and directives infringing on women's and girls' right to orally express themselves. For example, there are directives prohibiting women and girls from making videos on university campus grounds,²⁹ banning women from contacting local radio and television channels,³⁰ and prohibiting women from using mobile phones in public.³¹

One of the most flagrant violations of the right is the silencing of women's voices in public through the so-called "PVPV Law" introduced in section 1 of this Inquiry, and related edicts.³² Upon enacting the PVPV Law, the Taliban claimed that women's voices could lead to vice.³³ This characterisation unjustly sexualises and objectifies women by portraying their voices as inherently shameful or provocative.

The PVPV Law has far-reaching consequences beyond disallowing women's voices from being heard in public. When women are denied the right to speak and be heard, their enjoyment of rights such as education, employment, healthcare, freedom of movement, and social participation becomes practically impossible.³⁴ Simple, everyday acts like asking for directions, purchasing food, or engaging in community life are rendered inaccessible, forcing

women into enforced dependency. By silencing their voices, the Taliban systematically disenfranchises women and girls. This denial of voice is a denial of both identity and agency.³⁵

B. NON-VERBAL EXPRESSION: EXAMPLE OF DRESS

Whilst the wording of article 19(2) does not explicitly mention dress, the HRCttee, through its *General Comment No 34*, has affirmed that freedom of expression extends to non-verbal expression, such as clothing and appearance.³⁶

THE "PROPER" HIJAB

The Taliban's control over non-verbal expression includes requirements regarding women's dress. Under the Taliban's regime, women are required to wear a hijab in public.³⁷ According to the Taliban, a "proper hijab" must be worn, and the burqa is stated as the "best" form.³⁸ In Kandahar, PVPV officers in October 2023 circulated a letter to primary schools and women's *madrasas* which stated that the burqa was the only acceptable form of hijab.³⁹

The Taliban's dress code for women is not merely a cultural or religious prescription; it is a political mechanism for silencing women and girls. Afghanistan's diverse communities have long embraced vibrant embroidered clothing that reflects regional heritage and identity.⁴⁰ When women are prohibited from speaking and simultaneously stripped of visual identity and expression, they are effectively rendered, in the words of OHCHR Chief Spokesperson Ravina Shamdasani, "faceless, voiceless shadows".⁴¹ By mandating a uniform that

27 Ibid art 19(2).

28 Ibid; HRCttee, *General Comment No 34* (n 5) 3 [11].

29 Annex Edict 62 (20 September 2022).

30 Annex Edicts 133 (17 June 2023) and 168 (25 February 2024).

31 Annex Edict 217 (21 December 2024). See also Annex Edict 195 (14 September 2024).

32 Annex Edicts 176 (April 2024), 191 (31 July 2024), 230 (18 March 2025).

33 Sahar Fetra, 'Taliban's Relentless Assault on Afghan Women's Bodies, Autonomy' *Human Rights Watch* (online, 27 August 2024) <<https://www.hrw.org/news/2024/08/27/talibans-relentless-assault-afghan-womens-bodies-autonomy>>; Orzala Nemat and Rawan Arif, 'How the Taliban's New 'Vice and Virtue' Law Erases Women by Justifying Violence Against Them', *The Conversation* (online, 30 September 2024) < <https://theconversation.com/how-the-talibans-new-vice-and-virtue-law-erases-women-by-justifying-violence-against-them-239159>>.

34 See further pt I ss 2 ('Movement'), 3 ('Education'), 4 ('Work') and 5 ('Health') above.

35 Annie Kelly and Zahra Joya, "'Frightening' Taliban Law Bans Women from Speaking in Public' *The Guardian* (online, 26 August 2024) <<https://www.theguardian.com/global-development/article/2024/aug/26/taliban-bar-on-afghan-women-speaking-in-public-un-afghanistan>>.

36 HRCttee, *General Comment No 34* (n 5) 3 [12].

37 See, eg, Annex Edicts 21 (26 December 2021), 46 (7 May 2022), 97 (1 February 2023), 170 (28 February 2024) and 187 (3 July 2024).

38 Annex Edict 46 (7 May 2022).

39 Annex Edict 150 (22 October 2023).

40 Nemat and Arif (n 33); Biwa Kwan, 'Afghan Women are Sharing photos of Colourful Clothing in Protest of the Taliban' *SBS Australia* (online, 14 September 2021) <<https://www.sbs.com.au/news/article/afghan-women-are-sharing-photos-of-colourful-clothing-in-protest-of-the-taliban/p3moks2wpl>>.

41 'Afghanistan: Repressive Law Must Be Immediately Repealed', OHCHR (Press Briefing Note, 27 August 2024) <<https://www.ohchr.org/en/press-briefing-notes/2024/08/afghanistan-repressive-law-must-be-immediately-repealed>>.

renders women visually indistinct from one another, the Taliban extinguishes this form of expression, denying women the ability to communicate even silently through how they present themselves.

INTERSECTION WITH OTHER RIGHTS

As the dress code requirements are imposed in all areas of public life, it impacts upon expression in conjunction with all the other fundamental rights discussed in this Inquiry. For example, in the media, women are required to cover their faces during broadcasts,⁴² impacting upon the right to just and favourable conditions of work, as well as the ability to receive and impart information without discrimination.⁴³ The dress restriction not only restricts her physical ability to read the news, but she also faces the psychological burden of having to endure the indignity of being visibly restricted, but also the economic burden if she chooses not to comply.

In the field of education, a requirement for female students in grades four to six in Kandahar province to cover their faces during the commute to school has expanded.⁴⁴ Religious authorities in the same region issued formal letters to elementary schools and women's *madrasas* declaring that the burqa is now the only acceptable form of hijab.⁴⁵ Similar restrictions have surfaced in Herat where the Taliban posted notices in medical colleges demanding that female students wear a full body cloak traditionally worn during prayer as a condition of entry.⁴⁶ These restrictions undermine girls' freedom of expression including through dress and personal style, explicitly recognised by the Committee on the Rights of the Child ('CRC Cttee') as integral to the enjoyment of freedom of expression.⁴⁷

ENFORCEMENT

Women who do not comply with dress codes or otherwise act contrary to what the Taliban deems acceptable face a range of punishments. For example,

in Badakhshan, female university students were lashed for wearing jeans underneath their Taliban imposed dress.⁴⁸

Another possibility is that their *mahram* will be punished in their stead or alongside them.⁴⁹ By holding families jointly responsible, the Taliban reinforces patriarchal dominance and forcibly enlists women's families as the enforcers of the regime's gendered oppression.⁵⁰ This fear of collective punishment has a chilling effect: it silences dissent, discourages resistance, and further isolates women from public life.⁵¹ Beyond the physical consequences, this practice inflicts profound psychological harm.⁵²

As one woman shared: "The difference is now I am fighting on two fronts, with my family and with the Taliban officials. I'm scared, but I don't have any choice but to fight against it."⁵³ Under the Taliban's oppressive rule, women are made to feel that their mere presence or voice is a threat not just to themselves, but to those they love. In this climate, personal expression is recast as defiance, weaponising guilt and fear to enforce silence and submission.

C. POLITICAL AND PUBLIC PARTICIPATION

Political and public participation is at the core of freedom of expression. Indeed, freedom of expression encompasses political discourse, commentary on public affairs, and the exchange of ideas between

42 Annex Edict 170 (28 February 2024).

43 On the edicts in the area of work, see pt I s 4 ('Work') above.

44 Annex Edicts 50 (1 June 2022) and 167 (22 February 2024).

45 Annex Edict 150 (22 October 2023).

46 Annex Edict 190 (23 July 2024). See also Annex Edict 58 (29 August 2022) which required female university students to cover their faces in the classrooms (from which they are now fully banned from attending).

47 CRC Cttee, *General Comment No 20 on the Implementation of the Rights of the Child during Adolescence*, UN Doc CRC/C/GC/20 (6 December 2016) 12 [42].

48 Annex Edict 69 (30 October 2022).

49 See, eg, Annex Edict 122 (4 May 2023); Amnesty International, *Death in Slow Motion: Women and Girls Under Taliban Rule* (Report, 27 July 2022); Zahra Joya, Annie Kelly and Rukhshana Reporters, 'How Ordinary Men Became Unpaid Taliban Enforcers in Their Own Homes', *BBC News* (online, 9 June 2025) <<https://www.theguardian.com/global-development/ng-interactive/2025/jun/09/ordinary-men-unpaid-taliban-enforcers-homes-afghanistan-women>>; Patrick Jackson, 'Taliban to Force Afghan Women to Wear Face Veil', *BBC* (online, 7 May 2022) <<https://www.bbc.com/news/world-asia-61361826>>.

50 Joya, Kelly and Rukhshana Reporters (n 49). See further Richard Bennett, UNSR Afghanistan, *Study on the So-Called Law on the Promotion of Virtue and the Prevention of Vice*, UN Doc A/HRC/58/74, 58th sess, Agenda Item 2 (Report, 12 March 2025) 2 [1].

51 Amnesty International (n 49).

52 Dianne Penn, 'Afghanistan: Taliban Rule Has Erased Women from Public Life, Sparked Mental Health Crisis', *UN News* (online, 13 August 2024) <<https://news.un.org/en/story/2024/08/1153151>>.

53 Simon Fraser, 'Afghanistan: Taliban Orders Women to Stay Home as Female Presenters Cover Faces', *BBC* (online, 22 May 2022) <<https://www.bbc.com/news/world-asia-61508072>>.

citizens and elected representatives.⁵⁴ This right is essential for the conduct of public affairs and the effective exercise of the right to vote. As the HRCttee has emphasised, free communication of ideas between citizens, candidates and elected officials is indispensable to democratic governance.⁵⁵ Without expression, political participation becomes performative rather than substantive.

CEDAW reinforces this framework. Article 7 obliges state parties to ensure, on equal terms with men, women's right to vote, vie for election, participate in government policy, and engage in organisations concerned with public and political life.⁵⁶ This connection is reaffirmed in *General Recommendation No 40* adopted by the CEDAW Cttee, which affirms the importance of gender parity in decision-making.⁵⁷

Under Taliban rule, the dismantling of women's political and civic rights has unfolded not through isolated incidents but as part of a coordinated and escalating strategy of exclusion. Initially, just two days after the Taliban's takeover, the Taliban's "Cultural Commission" issued a statement promoting inclusivity by encouraging women to take up leadership positions.⁵⁸ This gesture, however, was swiftly reversed less than a year later when in June 2022 an all-male gathering of 4,500 clerics in Kabul declared that men could sufficiently represent the view of female relatives.⁵⁹

The institutional effect of these assertions materialised a few months later when the Taliban removed the only female seat from the "Commission of Media Violations" and banned women from employment in international and national non-governmental organisations, further eroding one of the few remaining avenues for political and public participation.⁶⁰ This pattern of codified control culminated in the ratification of the PVPV Law that entrenched prohibitions on women's dress, mobility, and public behaviour.

Currently, no women hold leadership positions on a national, regional or provincial level.⁶¹ Where women are engaged in Taliban structures, their roles are largely around monitoring the compliance of other women to the Taliban's discriminatory decrees and directives.⁶² This elimination of women from institutional settings has cascaded down into everyday social dynamics. According to a 2024 survey by UN Women, 98% reported having limited or no influence over decisions within their households and communities.⁶³

By denying women access to platforms where their voices can influence policy and governance, the Taliban has not only silenced individual expression but disrupted the very mechanisms of inclusive decision-making. The resulting vacuum culminates in the rupture of Afghanistan's social fabric, severing connections between communities and institutions and entrenching patriarchal control. Restoring women's voices in the public sphere is therefore not a matter of cultural or religious preference, but a legal obligation under international human rights law. Addressing this crisis demands sustained international accountability, structural reform, and unequivocal recognition that democracy without women is no democracy at all

INTERSECTION WITH FREEDOM OF ASSEMBLY AND ASSOCIATION

Expression through political and public participation is intimately linked to the enjoyment of the right to freedom of assembly and association protected under article 21 of the ICCPR.⁶⁴ No limitations may be placed on this right except those in accordance with the law, necessary, in the interest of national security and public order and safety or for the protection of public health, moral and the rights and freedoms of others.⁶⁵ This right not only encompasses the physical act of gathering but also the broader symbolic and expressive dimensions of collective action.⁶⁶

54 HRCttee, *General Comment No 34* (n 5) 3 [11].

55 Ibid 5 [20].

56 CEDAW (n 1) art 7.

57 CEDAW Cttee, *General Recommendation No 40 on the Equal and Inclusive Representation of Women in Decision-Making Systems*, 89th sess, UN Doc CEDAW/C/GC/40 (25 October 2024).

58 Annex Edicts 3 (17 August 2021) and 4 (17 August 2021).

59 Annex Edict 51 (28 June 2022).

60 Annex Edicts 68 (28 October 2022) and 80 (24 December 2022).

61 Penn (n 52).

62 Annex Edict 56 (23 August 2022).

63 Penn (n 52).

64 ICCPR art 21.

65 Ibid.

66 HRCttee, *General Comment No 37 on the Right of Peaceful Assembly (Article 21)*, UN Doc CCPR/C/GC/37 (17 September 2020) 2 [4] ('*General Comment No 37*').

The HRCttee has affirmed that peaceful assembly is central to societal discourse and it must be protected across physical and digital domains regardless of popularity or inconvenience of the cause.⁶⁷ Crucially, the full enjoyment of peaceful assembly is only possible when other overlapping rights are safeguarded, notably, freedom of expression, freedom of association and political participation.⁶⁸ These rights are interdependent such that expression fuels assembly and assembly gives expression its public force.⁶⁹ In other words, when one is curtailed, the others falter.

In Afghanistan, the consequences of suppressing these rights have been devastating, as echoed throughout this section. Yet despite the risk, the women and girls of Afghanistan have continued to assert their right to assemble, often at great personal cost. Already in September 2021, the Taliban banned protests as well as slogans which had not received the Taliban's approval.⁷⁰

In September and October 2022, a wave of women-led protests swept across Kabul, Herat, Bamiyan, Balkh and Kapisa provinces.⁷¹ These demonstrations were sparked by the Taliban's closure of girls' schools and a suicide attack on the Kaaj Educational Centre that killed 53 Hazara students, most of whom were girls.⁷² These protests were met with violent crackdowns where the Taliban forces used batons, whips, pepper spray and live ammunition to disperse demonstrators.⁷³ In Herat, one woman recounted being grabbed by her hijab and hair, then thrown to the ground. Another protester told Amnesty International, "[t]he Taliban sprayed pepper spray in our eyes, whipped us and humiliated us by calling

us prostitutes who take money from the West to protest".⁷⁴ Many of the women were also arbitrarily imprisoned and tortured for participating in the protest, underlining how the violation of the rights to expression and assembly also link to the violation of other rights.⁷⁵ This includes, for example the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, as well as the rights to liberty and security of person, and to be treated with humanity and respect for dignity when deprived of liberty.⁷⁶

Where these women moved their assembly and protest online, the Taliban disrupted internet connectivity, monitored activists' social media activities and criminalised digital dissent.⁷⁷ These tactics contradict the HRCttee's warning against geotargeted or technology-specific interference and its undermining of the infrastructure that supports the enjoyment of the freedoms of expression and assembly.⁷⁸

The Taliban's restrictions on the freedom of assembly are imposed totally and arbitrarily without any regard for their obligations to facilitate the exercise of the right.⁷⁹ The bans and limitations of this right function not to protect public order or interests of national security but function to silence dissent and alienate women and girls' civic space, protest and collective advocacy.

D. CENSORSHIP

ACCESS TO INFORMATION

The right to access information and the freedom of the press are foundational pillars for a democratic society and indispensable for the meaningful

67 Ibid 2 [7]–[9].

68 Ibid.

69 Ibid.

70 Annex Edict 10 (8 September 2021).

71 'Protests Escalate in Afghanistan as Frustration with Taliban Rule and Auses Grow', *Civicus* (online, 28 November 2022) <<https://monitor.civicus.org/explore/protests-escalate-afghanistan-frustration-taliban-rule-and-abuses-grow/>> ('Protests Escalate').

72 Avan Dias and Som Patidar, 'These Afghan Women are Risking their Lives to Protest Against the Taliban's University Ban', *ABC News* (online 27 December 2022) <<https://www.abc.net.au/news/2022-12-27/afghanistan-women-university-protests-against-the-taliban/101808806>>; Nool Gul Shafaq, 'Afghanistan: Woman Protests Taliban's Education with Single Word of God', *BBC* (online, 31 December 2022) <<https://www.bbc.com/news/world-asia-64129401>>.

73 Ibid; 'Protests Escalate' (70).

74 Deepa Parent, 'Taliban Beat Women Protesting Against School Bombing, say Witnesses', *The Guardian* (online, 3 October 2022) <<https://www.theguardian.com/global-development/2022/oct/02/taliban-beat-women-protesting-school-bombing-afghanistan>>.

75 'Afghanistan: Women Protesters Detail Taliban Abuse: Ex-Detainees Describe Torture, Mistreatment of Their Families', *Human Rights Watch* (online, 20 October 2022) <<https://www.hrw.org/news/2022/10/20/afghanistan-women-protesters-detail-taliban-abuse>>.

76 ICCPR (n 1) arts 7, 9–10.

77 'Afghanistan: "The Risks Posed by Taliban Rule are Too Grave for the International Community"', *Civicus* (online, 12 March 2024) <https://www.civicus.org/index.php/media-resources/news/interviews/6903-afghanistan-the-risks-posed-by-taliban-rule-are-too-grave-for-the-international-community-to-ignore?utm_source>.

78 HRCttee, *General Comment No 37* (n 66) 6 [34].

79 Ibid 7 [36].

enjoyment of freedom of expression.⁸⁰ Article 19(2) recognises the right to seek, receive, and impart information of all kinds, giving effect to the right to access information.⁸¹ In other words, freedom of expression cannot be adequately safeguarded without robust protections for the press and a clear legal framework ensuring public access to information held by the state.⁸²

These principles were reflected in the legal and institutional landscape prior to the Taliban's return.⁸³ Article 50 of the 2004 *Constitution of Afghanistan* guaranteed the right to information which could only be restricted on the grounds of national security or for the protection of others rights.⁸⁴ This constitutional guarantee was operationalised through the *Access to Information Law* enacted in 2014, which created a mechanism through which citizens and journalists could obtain public information, assuring greater transparency and accountability on government actions.⁸⁵ Together these measures ensured Afghanistan's adherence to its obligations under the ICCPR and affirmed the protection of the right to access information for all in Afghanistan.⁸⁶

The Taliban does not consider itself bound by any legal duty to share information with the public outside of the edicts and directives that they currently issue.⁸⁷ Indeed, the group disbanded the Access to Information Commission whose role was to monitor compliance with the Access to Information Law and support public access to information.⁸⁸ Journalists are routinely denied information, including on matters concerning violence against women (including forced and underage marriage).⁸⁹ Coverage of these issues may result in harassment, imprisonment and torture.⁹⁰

MEDIA AND COMMUNICATIONS

Women in particular face extreme censorship and exclusion from the media and communication landscape, amounting to clear discriminatory violation of the right to freedom of expression. For example, having already imposed draconian dress codes nationwide,⁹¹ the PVPV department in Herat in January 2025 fully banned women from broadcasting news.⁹² Nationwide, an edict from April 2024 already prohibited women from co-hosting television shows with male journalists.⁹³ Female guests on television were ordered to cover their faces.⁹⁴ In Kunduz, Taliban PVPV officers wrote to media outlets and requested that content be submitted for prior approval before airing.⁹⁵ The need for pre-approval was extended across the country in 2023 through an edict by the "Ministry of Information and Culture".⁹⁶ Issues, such as women's hygiene, women's rights and violence against women have been completely censored across the country.⁹⁷

In Helmand, media were in September 2023 instructed only to feature women in their programs with the Taliban's prior approval and warned women against using social media.⁹⁸ As a result of the draconian measures seeking to erase women from public life, including the severe movement restrictions discussed in section 2 of this Inquiry, restrictions on online communication are particularly concerning.

The Wi-fi shutdown on 17 September 2025 reported to have been effected throughout several provinces has restricted even this already restricted space of learning and expression, as well as the ability of women and girls to connect with the wider world while largely being forced to spend their days inside the home.⁹⁹ A further Wi-fi shutdown nationwide

80 HRCttee, *General Comment No 34* (n 5) 3 [13].

81 Ibid 4 [18].

82 Ibid.

83 Rawadari, *Intimidation, Repression and Censorship: The Status of Access to Information and Freedom of Expression in Afghanistan* (Report, 1 May 2024) 7.

84 *Constitution of the Islamic Republic of Afghanistan* (2004) art 50.

85 Islamic Republic of Afghanistan, *Access to Information Law* (2014), arts 2, 16.

86 Ibid art 2 para 2.

87 See Rawadari (n 83).

88 Ibid; *Access to Information Law* (n 85) art 13.

89 UNAMA, *Media Freedom of Afghanistan* (Report, 14 November 2024) 9.

90 Ibid.

91 Annex Edict 170 (28 February 2024).

92 Annex Edict 226 (14 January 2025).

93 Annex Edict 179 (April 2024).

94 Annex Edict 63 (26 September 2022).

95 Annex Edict 148 (14 October 2023).

96 Annex Edict 199 (23 September 2024).

97 Annex Edicts 125 (11 May 2023) and 179 (April 2024). Content deemed "funny" or "satirical", as well as political talk shows are other examples of content which has been explicitly prohibited: Annex Edicts 216 (17 December 2024) and 227 (14 February 2025).

98 Annex 146 (September 2023).

99 Nasratullah Taban, 'Internet Shutdown in Afghanistan Threatens Women's Education and Media Freedom', *The Diplomat* (online, 17 September 2025) <<https://thediplomat.com/2025/09/internet-shutdown-in-afghanistan-threatens-womens-education-and-media-freedom/>>.

for 48 hours from 30 September 2025 has left many women and girls severely isolated and removed from the digital sphere.¹⁰⁰ The Internet for women and girls offers channels of information-sharing, mutual support and international visibility.¹⁰¹ The widespread digital divides also means that this narrow channel is not equally available for all women and girls, as many do not have available, or cannot afford, access to the Internet.

These restrictions severely impact women, from their ability to work or participate in the media, to their general ability to obtain information, and limit the diversity of information and discourse between men and women in Afghanistan. They amount to clear violations of numerous provisions under IHRL, such as articles 2(1), 3, 19, and 26 of the ICCPR, as well as article 7 of CEDAW which safeguards women's right to participate in public life.¹⁰²

BOOK BANS

The Taliban's ban on books thousands of book titles from university curricula, including in September 2025, books authored by women represents a deliberate escalation in the systemic erasure of women's voices and expression.¹⁰³ This ban follows another one banning titles including work on human rights, women's studies and political thought.¹⁰⁴ The removal of a women's perspectives amounts to a blatant violation of freedom of expression on the basis of gender. The suppression of literary expression also engages Afghanistan's obligations under article 15(1)(b) and 15(1)(c) of the ICESCR where the Taliban's censorship of women's writing removes the remaining avenue for artistic, cultural and identity formation.¹⁰⁵

100 Sahar Fetrat, 'Taliban's Internet Ban Further Silences Afghan Women, Girls', *Human Rights Watch* (online, 30 September 2025) <https://www.hrw.org/news/2025/09/30/talibans-internet-ban-further-silences-afghan-women-girls?utm_source=>.

101 Shadi Khan Saif, 'My Calls and Emails to Family in Afghanistan Go Unanswered. The Taliban's Internet Shutdown Has Left Us All Helpless', *The Guardian* (online, 1 October 2025) <<https://www.theguardian.com/commentisfree/2025/oct/01/afghanistan-internet-shutdown-taliban-calculated-effort-consolidate-power-silence-dissent>>.

102 ICCPR (n 1) arts 3, 19, 26; CEDAW (n 1) art 7.

103 Annex Edict 244 (19 September 2025).

104 Annex Edict 242 (9 September 2025).

105 ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 15(1)(b) and (c).

6.3 CONCLUSION

This section has demonstrated that the Taliban has systematically dismantled the right to freedom of expression for women and girls, effectively erasing their presence from the public sphere. Through a series of escalating edicts, including the ratification of the PVPV Law, the regime has sought to silence women by enforcing strict dress codes that render them "faceless, voiceless shadows".¹⁰⁶ These measures include but extend beyond verbal speech to encompass non-verbal expression, stripping women of their visual identity and personal autonomy through the imposition of the burqa and other restrictive garments.¹⁰⁷ By holding male family members responsible for compliance, the Taliban has further weaponised social structures to enforce this silence, turning the family unit into an instrument of the regime's oppression.¹⁰⁸

The analysis highlights that these restrictions are not isolated but operate as a coordinated strategy to exclude women from political and public participation, thereby disrupting the mechanisms of inclusive decision-making indispensable to democratic governance.¹⁰⁹ By censoring media, banning books authored by women, and prohibiting women's access to information, the Taliban has severed the connection between women and their community, history, and cultural heritage.¹¹⁰ This censorship is reinforced through violent crackdowns on peaceful assembly and the criminalisation of digital dissent, tactics which function not to protect public order but to eliminate civic space and collective advocacy.¹¹¹

Ultimately, these draconian measures constitute flagrant violations of Afghanistan's obligations under IHRL, including articles 2(1), 3, 19 and 21 of the ICCPR and article 7 of CEDAW.¹¹² By reducing freedom of expression, as well as the freedom of assembly and association to theoretical concepts and denying women the agency to speak, dress, or assemble freely, the Taliban is further entrenching gendered oppression and domination.

106 'Afghanistan: Repressive Law Must Be Immediately Repealed' (n 41). See subsections 6.2.2.A and 6.2.2.B above.

107 See subsection 6.2.2.B above.

108 Ibid.

109 See subsection 6.2.2.C above.

110 See subsection 6.2.2.D above.

111 Ibid.

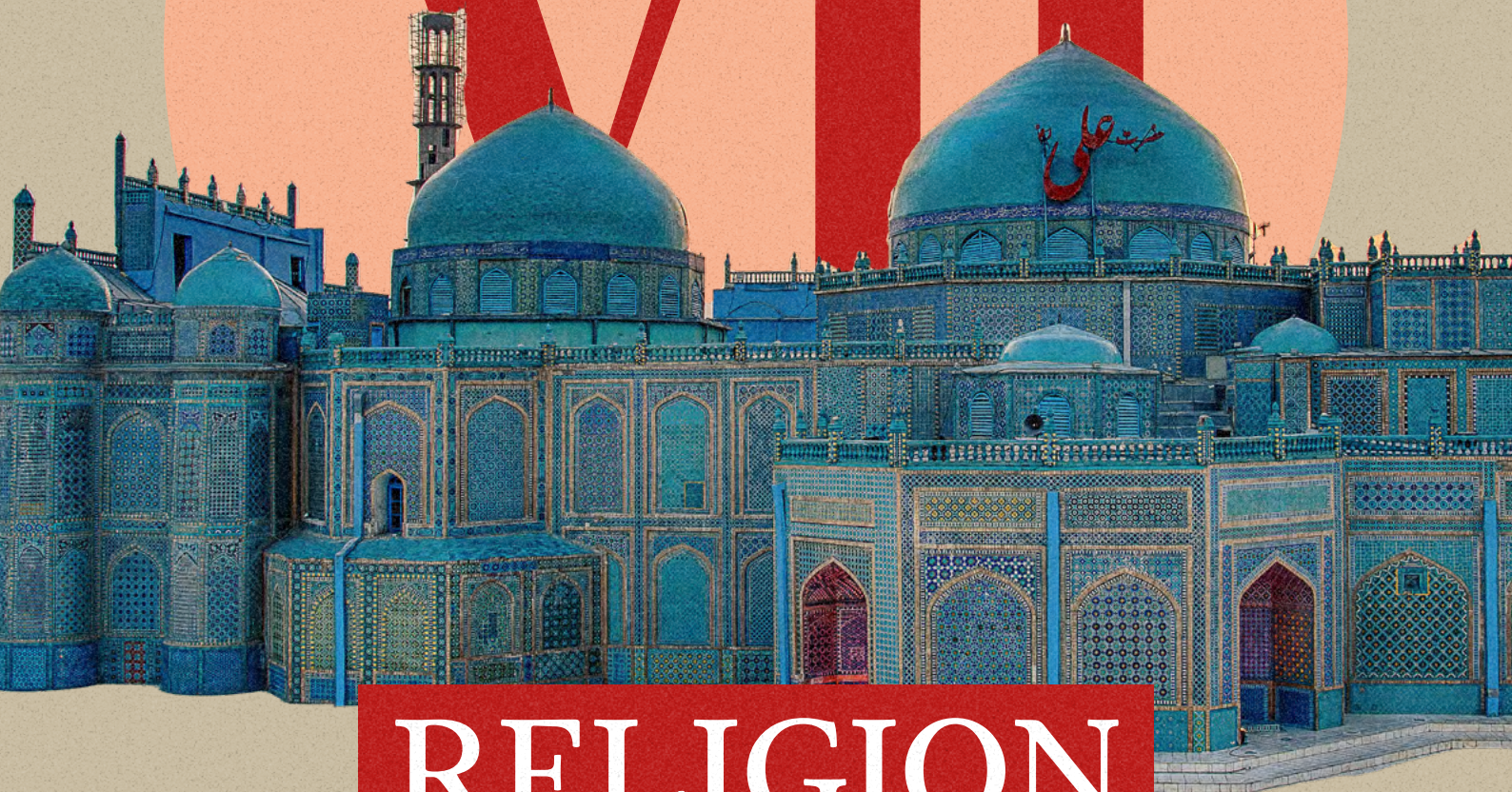
112 ICCPR (n 1) arts 2(1), 3, 19 and 21; CEDAW (n 1) art 7.

PART I

INTERNATIONAL HUMAN RIGHTS

SECTION

WIII



RELIGION

7. RELIGION

7.1 INTRODUCTION

Since the Taliban’s violent return to power in August 2021, the right to freedom of thought, conscience, and religion or belief, and the freedom to manifest that belief (hereafter referred to as “freedom of religion”) has been significantly undermined. Through a series of edicts discussed in this section, the Taliban has severely curtailed religious expression and choice, particularly targeting or impacting upon women and girls. These restrictions are evident in the enforcement of strict dress codes, the persecution of minority groups such as Ismaili Shia Muslims, and the denial of access to education and employment justified on purported religious grounds.

The right to freedom of religion is a fundamental right protected under several international law instruments, including the ICCPR.¹ It enables individuals to express and manifest their spiritual beliefs in a way that aligns with their sense of self, upholding human dignity and autonomy.² As will be illustrated in this section, the Taliban has restricted freedom of thought through indoctrination in education and suppressed the freedom to practice through restrictions on women attending spaces of religious significance, such as shrines and cemeteries.³ Furthermore, the edicts discussed in this Inquiry as a whole and which particularly target or impact upon women, have often been justified on religious grounds despite lacking valid roots in Islam and Islamic jurisprudence.⁴

This section will consider the meaning and scope of the right to freedom of religion, distinguishing between the internal right to hold beliefs and the external right to manifest them. It will proceed to analyse the Taliban’s restrictions on the internal freedom of thought and conscience, focusing on educational indoctrination and the suppression of dissent. The analysis will then examine restrictions on the manifestation of religion, including general restrictions and promotion of misogynistic beliefs, the imposition of coercive dress codes, restrictions on access to religious spaces, and discrimination against Shia women. Finally, the section will conclude by assessing the cumulative impact of these measures on the fundamental rights of women and girls in Afghanistan.

7.2 HUMAN RIGHTS ANALYSIS

7.2.1 Meaning and Scope of Religion

Freedom of religion is a basic human right that protects an individual’s ability to follow, change, or renounce a religion or belief without coercion or discrimination.⁵ As mentioned above, it encompasses both the internal freedom to hold beliefs and the freedom to manifest religion through worship, practice, and observance.⁶

Article 18 of the ICCPR guarantees the right to adopt a religion or belief of one’s choice, and to manifest it in worship, observance, practice, and teaching.⁷ While the internal freedom to hold a belief is absolute, the freedom to manifest that religion may only be subject to lawful, proportionate, and non-discriminatory limitations.⁸ In Afghanistan, however, the Taliban has imposed restrictions that violate both aspects of the freedom. As will be demonstrated below, the

1 ICCPR, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 18.

2 HRCttee, *General Comment No 22: The Right to Freedom of Thought, Conscience and Religion (Art 18)*, UN Doc CCPR/C/21/Rev.1/Add.44 (27 September 1993) 1 [1]–[4] (*‘General Comment No 22’*).

3 Annex Edicts 107 (10 March 2023), 122 (4 May 2023) and 123 (5 May 2023).

4 Tawab Danish, ‘Hypocrisy of the Taliban: Three Years of Ban on Girls’ Education’, *Jurist (Commentary)*, 5 August 2024 <<https://www.jurist.org/commentary/2024/08/hierocracy-of-the-taliban-three-years-of-ban-on-girls-education/>>.

5 ICCPR (n 1).

6 HRCttee, *General Comment No 22 (n 2)* 1 [4].

7 ICCPR (n 1).

8 *Ibid* art 18(3) and HRCttee, *General Comment No 22 (n 2)* 1–2 [1]–[5], [8].

Taliban's extensive restrictions on religious freedom fall far outside the scope of permissible limitations to the manifestation of the freedom. In particular, the enjoyment of the right is discriminatorily denied to various groups, including women and girls generally, and specific minorities, such as Shia women.

Article 2(1) of the ICCPR requires that all rights in the Covenant, including the right to freedom of religion, be guaranteed to every individual without discrimination, including on the basis of sex, gender, religion, or belief.⁹ Article 3 further reinforces this obligation by requiring States Parties to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant.¹⁰ When assessing the Taliban's conduct, it is therefore necessary to consider not only the direct violation of freedom of religion but also the discriminatory denial of that right to women, girls generally, as well as intersectional denial of the right on the basis of gender, religion and ethnicity.

Importantly, the right to freedom of religion includes freedom *from* religion, meaning that individuals cannot be forced to follow or adhere to religious beliefs and practices against their will.¹¹ Freedom of religion is crucial in pluralistic societies to ensure respect for diversity, peaceful coexistence, and the protection of minorities.¹² Violations, such as religious persecution or discriminatory laws undermine individual dignity and fuel social unrest, as is the case in Afghanistan. According to the HRCtee, freedom of religion also includes the right to wear religious dress voluntarily, and consequently the right not to wear it if one does not believe in doing so.¹³ As will be discussed below, this has not been the case in Afghanistan under Taliban rule.

Additionally, CEDAW requires states to take appropriate measures that eliminate discrimination against women in all areas of life, including religion.¹⁴ The subsequent analysis will focus specifically on how women and girls are uniquely

and disproportionately harmed by the Taliban's coercive and patriarchal policies, showing that both the internal and external aspects of freedom of religion are undermined.

7.2.2 Restrictions of Women's Freedom of Thought, Conscience and Religion

Through numerous edicts discussed in this Inquiry, the Taliban has severely restricted the internal element of the right to freedom of religion, namely the freedom of thought, conscience and religion, including to freely have or adopt a religion or belief.¹⁵

A. SUPPRESSION OF DISSENT AND INDEPENDENT THOUGHT

Throughout their existence, the Taliban has created an environment where dissenting beliefs (political, religious, or ideological) are often criminalised as "apostasy" or "Western influence".¹⁶ Under Taliban rule, the people of Afghanistan face intimidation or punishment for expressing ideas contrary to Taliban fundamentalist ideology, including anything related to women's rights and their presence in public life as demonstrated throughout this Inquiry.

As mentioned above, the edicts ordering such oppression are claimed to be grounded in religion but have no support in Islam or Islamic jurisprudence.¹⁷ Even so, the fear of reprisal forces the people of Afghanistan to suppress beliefs which go against the Taliban, violating the essence of article 18 of the ICCPR. By criminalising alternative views and imposing strict ideological conformity, the edicts and their enforcement are in this way strategic measures that suppress dissent and independent thought. The formation of critical thinking is curtailed across all areas of public life, starting in schools, including religious schools which are the only option for women beyond grade six as discussed further in subsection 7.2.2.B below. Even in spaces such as beauty salons (most of which have had to close as a result of edicts banning their

9 ICCPR (n 1) art 2(1).

10 Ibid art 3. It is complemented by the freestanding prohibition of discrimination on such grounds under article 26 of the ICCPR.

11 Ibid art 18(2).

12 'EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief', *Council of the European Union* (Guidelines, 24 June 2013) <<https://www.consilium.europa.eu/media/37447/forb-guidelines.pdf>> 3.

13 HRCtee, *General Comment No 22* (n 2) 1 [4].

14 CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) arts 2, 5(a).

15 ICCPR (n 1) art 18(1) and (2).

16 See, eg, Judith Renner and Alexander Spencer, 'De-Antagonising the Other: Changing Constructions of the Taliban and the Possibility of Reconciliation' (2013) 27(4) *Global Society* 475.

17 Tawab Danish, 'Hypocrisy of the Taliban: Three Years of Ban on Girls' Education', *Jurist* (Commentary, 5 August 2024) <<https://www.jurist.org/commentary/2024/08/hierocracy-of-the-taliban-three-years-of-ban-on-girls-education/>>.

operation),¹⁸ beauticians in Parwan and Herat were instructed to force their customers to engage in a religious ritual before the service.¹⁹

Religious views and knowledge are heavily monitored, which is evident when the Taliban administered a one-hour written test assessing the religious knowledge of the Attorney General's Office staff.²⁰ Another example of how the Taliban seeks to restrict the formation of thoughts and beliefs is by isolating the population from the outside world where many people turn, notably women, to escape the Taliban's echo chamber of fundamentalism. This includes an edict from March 2022 which banned "foreign TV series",²¹ which serves to entrench the Taliban's ideological dominance by preventing exposure to alternative worldviews, norms, and values. The Wi-fi shutdowns across the country in September 2024 took this to the extreme by fully cutting off the people of Afghanistan from the outside world,²² disproportionately impacting women for whom the Internet is one of the few spaces where they can communicate as a result of being silenced "offline".²³

Restrictions on independent and social media that provide alternative viewpoints have further deepened this isolation,²⁴ cutting off women and girls from digital education, religious resources, and independent media necessary for the formation of beliefs.²⁵ The Taliban's ban on universities keeping

books written by women further reinforces this silencing, symbolically and practically removing women's voices from the formation of ideas and beliefs.²⁶ This is not an environment in which beliefs and religion are formed and chosen freely. Rather, the freedom to form opinions is indirectly but profoundly impacted, as censorship and ideological control are pervasive tools of governance. By monopolising information and excluding women's perspectives, the Taliban ensures that intellectual and spiritual life in Afghanistan remains confined within the boundaries of its fundamentalist ideology.

B. EDUCATION AS INDOCTRINATION

The control over the formation of thoughts, conscience and religion begins in schools where educators who teach beyond the Taliban-approved curriculum or encourage critical thinking risk severe punishments, creating a repressive learning environment.²⁷ These coercive practices directly contravene article 18(2) of the ICCPR, which provides that no one shall be subjected to coercion that would impair their freedom to have or adopt a religion or belief of their choice.²⁸

This environment is particularly evident in so-called *madrassas* which are the only education form available to women beyond grade six.²⁹ This acceleration and intensification of religious education in Afghanistan³⁰ has resulted in the radicalisation of youth and an environment where critical thinking is discouraged and loyalty to the Taliban's fundamentalist ideology is rewarded.³¹ This indoctrination process begins early, with children being taught a rigid interpretation of religious texts that often include the rejection of pluralism, gender equality, and international human rights norms.³² Over time, this narrows the intellectual

18 See pt I ss 4 ('Work') above and 8 ('Culture') below.

19 Annex Edicts 109 (13 March 2023) and 134 (18 June 2023).

20 Annex Edict 85 (13 January 2023). See also Annex Edict 59 (8 September 2022) which made religious classes by PVPV officials mandatory for staff in government offices who also have to pass a test to maintain their jobs.

21 Annex Edict 34 (18 March 2022).

22 Nasratullah Taban, 'Internet Shutdown in Afghanistan Threatens Women's Education and Media Freedom', *The Diplomat* (online, 17 September 2025) <<https://thediplomat.com/2025/09/internet-shutdown-in-afghanistan-threatens-womens-education-and-media-freedom/>>; Sahar Fetrat, 'Taliban's Internet Ban Further Silences Afghan Women, Girls', *Human Rights Watch* (online, 30 September 2025) <https://www.hrw.org/news/2025/09/30/talibans-internet-ban-further-silences-afghan-women-girls?utm_source=

23 Fetrat (n 22).

24 See, eg, Annex Edicts 148 (14 October 2023), 159 (November 2023), 168 (25 February 2024) and 176 (April 2024).

25 Nasratullah Taban, 'Internet Shutdown in Afghanistan Threatens Women's Education and Media Freedom', *The Diplomat* (online, 17 September 2025) <<https://thediplomat.com/2025/09/internet-shutdown-in-afghanistan-threatens-womens-education-and-media-freedom/>>.

26 Annex Edict 244 (19 September 2025).

27 Belquis Ahmadi and Hodei Sultan, 'Taking a Terrible Toll: The Taliban's Education Ban', *USIP* (13 April 2023) <<https://www.usip.org/publications/2023/04/taking-terrible-toll-talibans-education-ban>>.

28 ICCPR (n 1) art 18(2).

29 Annex Edict 79 (24 December 2022).

30 See, eg, Annex Edicts 55 (16 August 2022), 119 (13 April 2023), 132 (16 June 2023),

31 Tawab Ahmadi, 'From Madrassas to TikTok: The Taliban Imperative to Indoctrinate', *Rukhshana Media* (online, 19 November 2024) <<https://rukshana.com/en/from-madrassas-to-tiktok-the-taliban-imperative-to-indoctrinate/>>.

32 Ibid.

horizons of the next generation, making them more susceptible to extremist ideologies and less capable of participating in an open, democratic society.

Moreover, the content and framing of this education profoundly shape students' perceptions of gender roles.³³ Women are depicted primarily as subordinate and confined to domestic and reproductive functions, reinforcing patriarchal stereotypes and legitimising their exclusion from public life. Indeed, a special curriculum is prepared for women to "simplify" modern and scientific subjects, and their religious education covers topics including the rights of the spouse and children.³⁴ Male teachers and students in Kandahar were further also ordered to sign a pledge of their allegiance to the Taliban's fundamentalist ideas which highlights the group's strategy of enforcing ideological conformity through coercion and surveillance within educational institutions.³⁵

The Taliban's indoctrination not only violates the right to freedom of thought and conscience (as well as the right to education discussed in section 3 of this Inquiry),³⁶ but also the broader goals of peacebuilding and social development. Instead of nurturing informed citizens, the current system cultivates conformity and fear, particularly among girls who are denied the opportunity to develop independent thoughts altogether. It also risks conscripting men into the Taliban's fundamentalist and misogynistic views of women.³⁷

7.2.3 Restrictions on Women's Freedom to Manifest Religion or Belief

The Taliban has also imposed severe restrictions that either target or disproportionately impact upon women's freedom to *manifest* religion or belief in Afghanistan. It should be noted that these restrictions are applied inconsistently across the country. In some areas, women are permitted to pray in mosques, while in others they are barred from doing so. Likewise, in certain regions Shia women can practise their faith without interference, whereas in other areas such expression is forcibly prohibited.

A. GENERAL RESTRICTIONS AND PROMOTION OF MISOGYNISTIC BELIEFS

When it comes to the manifestation of religion and beliefs generally, the Taliban has set strict standards that the entire population must follow. This includes edicts which dictate how religious rituals must be performed. For example, in November 2021, the Taliban ordered all adherents of religions which do not adhere to the Taliban's ideology to still follow the group's interpretation when it comes to engaging in religious rituals.³⁸ Punishment for failure to adhere to these standards are severe. One example is employment dismissal for failing to pass a religious test.³⁹ Another, which is a particular risk for women on an everyday basis is imprisonment for failing to wear a "proper" hijab discussed further below.⁴⁰

The promotion of misogynistic beliefs is pervasive and implemented through coercion of what the Taliban calls "religion" in all areas of life. As mentioned in subsection 7.2.2.B above, religious education is accelerated and intensified, particularly for women who only have *madrassas* to resort to for education beyond grade 6, and specialised curricula which reinforces gender stereotypes and treat women as less than men. What the Taliban deems to constitute "non-Islamic" ministerial policies have also been prohibited, which inevitably include anything concerning women's rights, including their right to enjoy freedom of religion.⁴¹ For the entire population, manifestation of beliefs respecting and celebrating women are thus prohibited, reflected, for example, in the replacement of the Ministry for Women's Affairs with the PVPV Ministry shortly after the Taliban takeover.⁴²

These edicts and their enforcement amount to clear violations of article 18 of the ICCPR which protects a person's right to hold theistic, non-theistic, or atheistic beliefs without fear of threats or penal sanctions.⁴³ As the imposed beliefs are predicated upon misogynistic values, these edicts also directly conflict with articles 2(f) and 5(a) of CEDAW which requires states parties to modify or abolish discriminatory customs and practices and to focus on eliminating the prejudices and stereotyped roles

33 Ibid.

34 Annex Edict 119 (13 April 2023).

35 Annex Edict 67 (13 October 2022).

36 For further details on the right to education, see pt I s 3 ('Education') above.

37 Ahmadi, 'From Madrassas to TikTok' (n 31).

38 Annex Edict 18 (25 November 2021).

39 Annex Edict 59 (8 September 2022).

40 See, eg, Annex Edict 187 (3 July 2024).

41 Annex Edict 66 (13 October 2022).

42 Annex Edict 12 (17 September 2021).

43 HRCtee, *General Comment No 22* (n 2) 1, [2].

for men and women.⁴⁴ Forcing women to observe a fundamentalist misogynistic belief, enforced by Taliban men, without the ability to question or practice differently is at the height of cruelty also runs contrary to articles 2(1) and 3 of the ICCPR which guarantee equal enjoyment of Covenant rights, as well as the standalone prohibition on discrimination under article 26.⁴⁵

B. THE “PROPER” HIJAB

Earlier sections of this Inquiry have already demonstrated how the Taliban’s imposition of what they deem to be a “proper” hijab restrict women’s rights in numerous areas of life, such as education, work and expression. Under Taliban rule, hijab is not a symbol of modesty or piety, but an imposed uniform, in the form of the burqa,⁴⁶ which includes a full body covering that hides the face, hands and bodily shape. This hijab is mandated through threats, punishment, or imprisonment.⁴⁷

While the Taliban links their idea of the hijab to religion, the group has weaponised the concept of hijab by transforming a spiritual and ethical principle of modesty into a tool of social control, gender oppression and political ideology.⁴⁸ Indeed, under Islamic law, the hijab is supposed to be a personal expression of faith and modesty.⁴⁹ Instead of allowing hijab to be a personal, religious choice, the Taliban has used it to enforce rigid gender roles, justify violence and exclude women from public life.

Through this strict uniform policy, women are prevented from wearing religious dress or symbols of their free choice, including the choice not to wear any religious dress or symbols. This clearly violates women’s freedom of religion under article 18 of the ICCPR which protects genuine belief and

voluntary practice, not state coercion.⁵⁰ As noted in subsection 7.2.1 above, article 18 also protects the freedom not to practise any religion or religious dress code. Forcing women (regardless of belief, sect, or personal conviction) to dress according to the Taliban’s wishes violates pluralism and the right to dissent within Islam. This poses a significant threat especially for minorities discussed in further detail under subsection 7.2.3.D below.

CEDAW reinforces the obligations under the ICCPR by requiring States to abolish laws, customs, and practices that discriminate against women and to eliminate cultural patterns that are based on stereotyped roles for women.⁵¹ By mandating the burqa and punishing “improper” dress, the Taliban not only strip women of religious freedom but also entrench the idea that a woman’s worth is tied to her conformity with rigid gender norms.

C. RESTRICTIONS ON ACCESS TO SACRED SPACES

Restrictions on women’s access to sacred spaces serve as a direct infringement on their freedom to manifest religion or belief, exacerbated by the discriminatory enforcement of the *mahram* rule introduced in earlier sections of this Inquiry. The Taliban employs specific edicts to exclude women from public spaces that hold deep religious significance, such as shrines and cemeteries. For example, edicts have prohibited women from visiting historic sites and cemeteries. Specifically, in Herat, women were banned from visiting historic sites as early as January 2023.⁵² In Kandahar, the PVPV head verbally ordered a ban on girls and women going to cemeteries in May 2023, threatening to punish their male relatives for non-compliance.⁵³ Another edict followed the day after banning women from attending shrines.⁵⁴ This deliberate limitation on movement severs an important avenue through which women can sustain their cultural identity, practice their religion, and maintain collective memory.

44 CEDAW (n 14) arts 2(f) and 5(a).

45 ICCPR arts 2(1), 3 and 26.

46 Edict 46.

47 Edict 192.

48 Belquis Ahmadi and Mohammad Osman Tariq, ‘How the Taliban’s Hijab Decree Defies Islam’, *USIP* (online, 12 May 2022) <<https://www.usip.org/publications/2022/05/how-talibans-hijab-decree-defies-islam>>.

49 Mohamed Sulthan Ismiya Begum, ‘Hijab (Veil) from the Islamic Perspective: An Interpretive Analysis from the Quran and Scholars’ Views’ (2025) 3 *MAQOLAT: Journal of Islamic Studies* 211.

50 HRCtee, *General Comment No 22* (n 2) 1–2 [3], [5]. It also undermines freedom of expression in article 19 which, as section 6 underlined, protects expression in various forms, including through one’s clothing, appearance, and personal identity: see pt I s 6 (‘Expression’) above.

51 CEDAW (n 14) arts 2(f) and 5(a).

52 Annex Edict 84 (11 January 2023).

53 Annex Edict 122 (4 May 2023).

54 Annex Edict 123 (5 May 2023).

Even when women are permitted to access spaces necessary for religious practice, this “freedom” is complicated and restricted by the mandatory *mahram* requirement. The Taliban implemented this rule across public life as discussed in earlier sections of this Inquiry. This requirement effectively nullifies the right to practice religion for many women who do not have access to an eligible male guardian, such as those in women-led households. For widows, divorced women, and other women-led households, the situation often amounts to house arrest, making it impossible to engage in public life, including accessing sacred spaces.⁵⁵

Furthermore, the requirement that a *mahram* accompany a woman to a religious site subjects the practice to a mandatory male presence, which compromises the integrity and autonomy of the religious observance. This continuous male oversight is a coercive mechanism that severely restricts female autonomy and reinforces the regime of social isolation. By imposing such conditions, the Taliban undermines the guarantee under article 18 of the ICCPR, which as mentioned throughout this section protects everyone’s right to manifest their religion without coercion or discrimination.⁵⁶ This control over religious movement and practice, often enforced under the guise of morality, also constitutes a violation of the guarantees of equality and non-discrimination found in articles 2(1), 3, and 26 of the ICCPR.⁵⁷

Another tool employed by the Taliban which also impacts upon women’s enjoyment of the right to freedom of religion is the specific exclusion of women from public spaces of significance for the practice of religion. As noted in section 2 above, edicts have specifically excluded women from spaces including shrines and cemeteries.⁵⁸

Even in instances where women are allowed to access spaces necessary for religious practice, the requirement to be accompanied by a *mahram* complicates this “freedom” as there are many women who do not have access to a male guardian

as discussed in section 2 of this Inquiry, such as women-led households. Further, the presence of a *mahram* also conditions the way in which the practice is undertaken, making it subject to a mandatory male presence. For this reason, article 18 is once again undermined by the various tactics employed by the Taliban to control and oppress women.⁵⁹

D. RESTRICTIONS ON MARRIAGE

In February 2023, the governor of the Nasi district in Badakhshan ordered the prohibition on marriage between Sunni and Shia Muslims.⁶⁰ IHRL recognises the right of adults to marry without discrimination, including on the basis of religion.⁶¹ Women are disproportionately affected by inter-faith marriage prohibitions due to the gendered power asymmetries experienced by women generally contrary to CEDAW.⁶²

There are also other restrictions related to marriage which have unfolded under Taliban rule. Already before the takeover, the group ordered imams to provide lists of women and girls unmarried between the ages of 12 to 45 for Taliban fighters to marry.⁶³ Even though an edict in December the same year purported to outline the need for women’s consent and that women are not property,⁶⁴ forced marriage has increased significantly in Afghanistan under the group’s rule, including of children.⁶⁵ The link between child marriage and denial of education was discussed in section 3 of this Inquiry and underlines the interconnectedness between the Taliban’s systematic human rights violations.⁶⁶ Forced marriage is itself both a IHRL violation,⁶⁷ and has

55 For more details regarding the mahram rule, see, eg, pt I s 2 (‘Movement’) above.

56 ICCPR (n 1).

57 Ibid arts 2(1), 3 and 26.

58 Annex Edicts 107 (10 March 2023), 122 (4 May 2023) and 123 (5 May 2023).

59 ICCPR (n 1).

60 Annex Edict 100 (2 February 2023).

61 ICCPR (n 1) art 23(2).

62 CEDAW (n 14) art 16.

63 Annex Edict 1 (13 August 2021).

64 Annex Edict 19 (4 December 2021).

65 Cristina María Zamora Gómez, ‘Forced Marriage of Afghan Girls and the Bifurcated Approach for Defining Persecution’, *Völkerrechtsblog* (Blog Post, 9 March 2023) <<https://voelkerrechtsblog.org/forced-marriage-of-afghan-girls-and-the-bifurcated-approach-for-defining-persecution/>>.

66 See pt I s 3 (‘Education’) above. See also CEDAW Cttee and CRC Cttee, *Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination Against Women and the General Comment No 18 of the Committee on the Rights of the Child on Harmful Practices*, UN Doc CEDAW/C/GC/31/REV.1-CRC/C/GC/18/REV.1 (27 November 2017) 15 [63] (‘*Joint General Recommendation No 31*’).

67 ICCPR (n 1) art 23(3); CEDAW (n 14) art 16(2); CRC, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) arts 19 and 24(3). See also CEDAW Cttee and CRC Cttee, *Joint General Recommendation No 31* (n 66) 7–8 [20]–[24].

been prosecuted under ICL as an “other inhumane act” under article 7(1)(k) of the *Rome Statute* of the ICC.⁶⁸

E. DISCRIMINATION AGAINST SHIA WOMEN AND GIRLS

Minority groups, including Ismaili Shia Muslims, face significant discrimination in Afghanistan, and the Taliban has implemented several measures to severely limit their ability to freely practice their branch of Islam.⁶⁹ This includes reports of forced conversions.⁷⁰ Edicts have also been enacted to ban books related to Shia Islam,⁷¹ order Eid to be celebrated on the day followed by Sunni Muslims,⁷² or remove Ashura as a religious public holiday.⁷³ While Ashura is observed by both Sunnis and Shias, it holds a different meaning of mourning and remembrance for Shia Muslims.⁷⁴ This highlights the Taliban’s greater goal of executing religious homogeneity in Afghanistan, and thus disregarding the significance of religious practices of Shia Muslims, denying them the right to freedom of religion.⁷⁵ Additionally, it undermines the right of members of religious and ethnic minorities not to be denied the right to practice their own religion under article 27 of the ICCPR.⁷⁶

An example of Shia women being directly targeted by the Taliban is an order from the PVPV department in January 2025 which banned women from the spiritual retreat of *Itikaf* in Shia mosques in

Herat.⁷⁷ Other edicts, like the removal of Ashura as a public holiday, have not specifically targeted Shia women but can nevertheless be analysed from an intersectional perspective to underline the disproportionate impacts upon Shia women and girls. Religious holidays involve communal gatherings of family and friends, something which is increasingly restricted for women and girls. Furthermore, Shia girls often learn about their religious identity through family and community practices, especially around events like Ashura. However, by suppressing public observances, the Taliban disrupt the intergenerational transmission of Shia faith and culture.

For many Shia women, partaking in the mourning of Ashura is a spiritual act of resistance, connecting them to narratives of injustice, martyrdom, and resilience.⁷⁸ Women typically participate in specific mourning gatherings known as *majlis*.⁷⁹ Restricting Ashura therefore silences this expression and reduces women’s capacity to publicly mourn, an emotional and religious act that holds great theological weight in Shia Islam. This is especially important in a society where the public role of women is already extremely limited, exacerbating the psychological and social harms of oppression by limiting spiritual, emotional and social support systems.⁸⁰ In this way, in addition to articles 18 and 27 of the ICCPR, articles 2(1), 3 and 26 prohibiting gender-based discrimination are also undermined.⁸¹

As Shia girls often learn about their religious identity through family and community practices, especially around events like Ashura, it is also possible to identify impacts experienced on the basis of a combination of gender, religion, ethnicity and age. By

68 *Rome Statute of the International Criminal Court*, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002) art 7(1)(k). See also, eg, *Prosecutor v Brima, Kamara and Kanu (Judgment)* (Special Court for Sierra Leone, Trial Chamber II, Case No SCSL-04-16-T, 20 June 2007) and *Prosecutor v Ongwen (Trial Judgment)* (ICC, Trial Chamber IX, Case No ICC-02/04-01/15, 4 February 2021).

69 Rawadari, *The Human Rights Situation of Ismaili Shias in Afghanistan* (Report, December 2025) <<https://rawadari.org/wp-content/uploads/2025/12/RW-Ismaili-Report-ENG.pdf>>.

70 Ibid 45–47.

71 Annex Edict 203 (26 October 2024).

72 Annex Edicts 120 (19 April 2023) and 121 (19 April 2023).

73 Annex Edict 53 (7 August 2022).

74 ‘Muslim Holiday of Ashura Brings into Focus Shia-Sunni Differences’, *Pew Research Center* (online, 14 November 2013) <<https://www.pewresearch.org/short-reads/2013/11/14/muslim-holiday-of-ashura-brings-into-focus-shia-sunni-differences/>>.

75 ICCPR (n 1).

76 Ibid art 27.

77 Annex Edict 225 (14 January 2025).

78 Nadeem Hasnain, ‘Role of Shia Women in the Production and Transmission of Religious Knowledge: Autonomy and Empowerment through Management of Mourning Rituals and Practices’, *Muslim Societies* (Paper, 2025) <<https://www.muslimsocieties.org/wp-content/uploads/2025/04/role-of-shia-women-in-the-production-and-transmission-of-religious-knowledge.pdf>> 49.

79 Ibid.

80 United States Commission on International Religious Freedom, *Issue Update: Religious Freedom and Women’s Rights in Afghanistan* (Report, August 2023).

81 ICCPR arts 2(1), 3, 18, 26 and 27.

suppressing public observances, the Taliban disrupt the intergenerational transmission of Shia faith and culture, undermining also several rights protected under the CRC such as the rights to religion and education, as well as the rights of minority children to their own culture and religion, parental guidance regarding their children's religious upbringing.⁸²

Shia women who will inevitably try to privately observe religious rituals such as wearing black, reciting lamentations, or attending underground *majlis* may be at greater risk of harassment, punishment, or violence under Taliban rule, where women's mobility and behaviour are already heavily policed as discussed throughout this Inquiry.

⁸² CRC (n 67) arts 5, 14, 28–30. The Taliban's denial of the right to culture is discussed in detail in pt I s 8 ('Culture') below.

8.3 CONCLUSION

This section has demonstrated that the Taliban's edicts systematically violate the right to freedom of religion, dismantling both the internal freedom of belief and the external freedom to manifest it. By imposing a monolithic and fundamentalist interpretation of Islam, the Taliban regime has stripped women and girls of their autonomy, forcing them to adhere to rigid dress codes and behavioural mandates under the threat of punishment.⁸³ These restrictions are not merely religious prescriptions, but political tools used to enforce gender segregation and subjugation. The weaponisation of concepts like 'hijab' and the *mahram* requirement serves to erase women from the public sphere, violating Afghanistan's obligations under articles 18, 2(1), 3 and 26 of the ICCPR and article 2 of CEDAW.⁸⁴

The analysis highlights that these violations are intersectional and discriminatory, disproportionately affecting minority groups, including religious minorities and women-led households. Shia women, in particular, face a dual erasure: they are targeted both as women and as members of a minority, denied the right to observe essential cultural and spiritual practices such as Ashura.⁸⁵ Furthermore, the regime's control over education (replacing standard curricula with indoctrination) and suppression of dissent more broadly ensures that both current and future generations are denied critical thinking skills.⁸⁶ Such skills are necessary to question these oppressive structures, entrenching the Taliban's ideology for years to come and undermining the internal element of the right to freedom of religion.

Ultimately, the Taliban has reduced faith to a mechanism of state control. By criminalising dissent and effectively removing the freedom from religion, they have created a climate of fear where genuine spiritual expression is impossible. The denial of religious freedom is inextricably linked to the denial of other fundamental rights discussed in earlier sections of this Inquiry.⁸⁷ Addressing these violations is essential not only for the restoration of individual dignity but for the survival of pluralism and the protection of the rights of future generations in Afghanistan.

⁸³ See sub-ss 7.2.3.B and C above.

⁸⁴ ICCPR (n 1) arts 2(1), 3, 18 and 26; CEDAW art 2.

⁸⁵ See sub-s 7.2.3.D above.

⁸⁶ See sub-s 7.2.2 above.

⁸⁷ See pt I ss 3 ('Education'), 4 ('Work') and 6 ('Expression') above.

PART I
INTERNATIONAL HUMAN RIGHTS

SECTION

WMM

CULTURE

8. CULTURE

8.1 INTRODUCTION

The right to culture is fundamental to human dignity and development, underpinning the formation of individual and collective identity.¹ Culture is both a way of life and a means of expression, allowing individuals and communities to ascribe meaning to their existence, shape worldviews, and transmit values across generations.² Participation in cultural life is also empowering, enabling individuals to contribute to society and challenge oppressive norms.³ IHRL recognises the right to culture as a core entitlement, protected under various instruments.⁴ This right is closely linked to other fundamental rights including the rights to expression, education, self-determination and an adequate standard of living.⁵

Afghanistan has a diverse cultural heritage. Since the Taliban's violent return to power in August 2021, the right to culture has been systematically eroded, particularly for women and girls as this section will illustrate. The Taliban has weaponised culture to justify its treatment of women and girls generally. A salient example is the PVPV law whereby the Taliban seeks to establish a new cultural order by imposing certain conduct and values in order to reshape a society aligned with

the group's fundamentalism.⁶ Any deviation or opposition from the Taliban's idea of culture is punished, with the ultimate goal being to eradicate the lived cultures of local populations. In this way, the Taliban uses its interpretation of culture to abuse cultural rights.⁷ These practices are characteristic of fundamentalist groups whose imposition of culture is based on claims of moral superiority.⁸

This section will analyse the Taliban's restrictions on women's enjoyment of, participation in, and contribution to culture in various areas of life, emphasising some of the harms discussed in other sections, such as expression and movement, with a particular focus upon the right to culture. Before doing so, it will introduce the idea of culture and the multi-faceted nature of this right. While focus will be on the right to culture generally, it is important to note the crucial role which children play as the 'bearers and transmitters of cultural values'.⁹ Without adequate protection, Afghanistan's diverse cultural heritage is at risk of being lost, and the fabric of society undermined.¹⁰

8.2 HUMAN RIGHTS ANALYSIS

8.2.1 Meaning and Scope of Culture

Culture encompasses "all manifestations of human existence", such as language, literature, music, religion,

1 Alexandra Xanthaki, UN Special Rapporteur in the field of Culture, *Cultural Rights: An Empowering Agenda*, UN Doc A/HRC/49/54, 49th sess, Agenda Item 3 (Report, 28 January 2022) 5 [12].

2 Ibid 4 [9]–[10].

3 CESCR, *General Comment No 21, Right of Everyone to Take Part in Cultural Life*, UN Doc E/C.12/GC/21 (21 December 2009) 4 [15] ('General Comment No 21').

4 See, eg, ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 15(1)(a); ICCPR, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 27; CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) art 13(c); CRC, opened for signature 20 November 1989, 1577 UNTS 196 (entered into force 2 September 1990) arts 30–31.

5 CESCR, *General Comment No 21* (n 3) 1 [2].

6 See pt I s 1 ('Introduction') above; UNAMA, *Report on the Implementation, Enforcement and Impact of the Law on the Propagation of Virtue and Prevention of Vice in Afghanistan* (April 2025) 2 ('PVPV Report').

7 Karima Bennouna, *Report of the Special Rapporteur in the field of Cultural Rights*, UN Doc A/HRC/34/56, 34th sess, Agenda Item 3 (16 January 2017) 4 [5].

8 Ibid 3 [3].

9 CESCR, *General Comment No 21* (n 3) 7 [26]–[27].

10 Richard Bennett, UNSR Afghanistan, *Situation of Human Rights in Afghanistan*, 58th sess, Agenda Item 2, UN Doc A/HRC/58/80 (Report, 20 February 2025) 16 [110].

customs, and sport.¹¹ It extends to methods of production and technology, natural and built environments, food, clothing, shelter, the arts, and various customs and traditions.¹² It is a living process, built over generations and sustained by active engagement.¹³ In Afghanistan, the Taliban's suppression of artistic expression and restriction of cultural activities have eroded the freedoms necessary to sustain cultural life, threatening the preservation of cultural heritage.¹⁴

The right to culture is protected under various human rights instruments. This includes article 13(c) of CEDAW which protects participation "in recreational activities, sports and all aspects of cultural life".¹⁵ Under ICESCR, article 15(1)(a) similarly guarantees "the right of everyone... to take part in cultural life", both individually and collectively.¹⁶ The right to culture entails not only passive participation, but also the ability for everyone to be an author of culture.¹⁷ It includes participation, access, and contribution.¹⁸ *Participation* means the freedom to choose one's identity and engage in cultural practices, including the ability to consume, create and share;¹⁹ *access* means the right to know and understand one's own and other cultures;²⁰ and *contribution* means involvement in community expressions and decision-making.²¹ Realising this right requires both non-interference and positive action by states to ensure access and preservation of cultural goods.²²

The ICESCR monitoring body identifies five elements of the right to culture: availability, accessibility, acceptability, adaptability and appropriateness.²³

Availability refers to the presence of cultural goods and services open to all;²⁴ accessibility involves opportunities for all, especially vulnerable groups;²⁵ acceptability requires laws and policies that reflect cultural values;²⁶ adaptability means flexibility to cultural diversity;²⁷ and appropriateness ensures respect for cultures in the realisation of rights.²⁸ In Afghanistan, the remainder of this section will illustrate how the full extent of the right to culture is denied to women and girls.

While the right to culture can be limited, any restriction must be proportionate.²⁹ It "must pursue a legitimate aim...and be strictly necessary for the promotion of general welfare in a democratic society".³⁰ By enforcing a single tradition rooted in its fundamentalist ideology, the Taliban's actions discussed in this Inquiry pursue no legitimate aim, as moral restrictions cannot be based solely on one tradition.³¹ Further, the "promotion of general welfare" means only the 'economic and social well-being of the people and the community' and the Taliban's edicts neither advance such well-being nor are proportionate to any legitimate aim.³² Moreover, the right must be enjoyed with equality and non-discrimination, yet women and girls in Afghanistan are excluded from its full realisation.³³

Finally, the right to culture also includes a "right to exit" cultures with which one disagrees.³⁴ The draconian way the Taliban seeks to enforce its fundamentalist idea of culture overly seeks to deny this right.

11 CESCR, *General Comment No 21* (n 3) 3 [11], [13].

12 Ibid 3 [13].

13 Ibid 3 [11]–[12].

14 Bennett, *Situation of Human Rights in Afghanistan* (n 10) 16 [109].

15 CEDAW (n 4).

16 ICESCR (n 4) art 15(1)(a); CESCR, *General Comment No 21* (n 3) 3 [9].

17 Lea Shaver and Caterina Sganga, 'The Right to Take Part in Cultural Life: On Copyright and Human Rights' (2010) 27(4) *Wisconsin International Law Journal* 637, 644.

18 CESCR, *General Comment No 21* (n 3) 4 [15].

19 Ibid 4 [15 (a)]; Shaver and Sganga (n 17) 646.

20 CESCR, *General Comment No 21* (n 3) 4 [15 (b)].

21 Ibid 4 [15 (c)].

22 Ibid 2 [6].

23 Ibid 4–5 [16].

24 Ibid 4 [16 (a)].

25 Ibid 5 [16 (b)].

26 Ibid 5 [16 (c)].

27 Ibid 5 [16 (d)].

28 Ibid 5 [16 (e)].

29 Xanthaki, *Cultural Rights: An Empowering Agenda* (n 1) 9 [33]; CESCR, *General Comment No 21* (n 3) 6 [19].

30 CESCR, *General Comment No 21* (n 3) 6 [19]; ICESCR (n 4) art 4.

31 See, eg, HRCttee, *General Comment No 22: The Right to Freedom of Thought, Conscience and Religion (Art 18)*, UN Doc CCPR/C/21/Rev.1/Add.44 (27 September 1993) 3 [8].

32 Amrei Müller, 'Limitations to and Derogations from Economic, Social and Cultural Rights' (2009) 9(4) *Human Rights Law Review* 557, 573.

33 ICESCR (n 4) arts 2(2), 3.

34 Xanthaki, *Cultural Rights: An Empowering Agenda* (n 1) 9 [35].

8.2.2 Restrictions of Women's Participation in Cultural Life

A. PUBLIC SPACES AND CULTURE

As outlined in section 2 of this Inquiry, numerous edicts imposed by the Taliban have curtailed women's ability to access public spaces.³⁵ Such spaces hold particular importance for the exercise of cultural rights, affirming the existence and protection of public spaces as a "necessary precondition for the enjoyment of cultural rights".³⁶

Indeed, public spaces provide a space for cultural expressions, including socialisation. Socialisation filters which values, traditions, and customs are integrated into the wider cultural landscape.³⁷ Moreover, promoting socialisation is fundamental to the fulfilment of other rights, such as education, work, religion, and association, each of which shapes the way the right to culture is experienced.³⁸

The Taliban suppresses cultural pluralism and restricts women's exposure to diverse perspectives to reinforce their ideology as the societal norm.³⁹ This includes a general ban on socialisation with non-Muslims,⁴⁰ as well as numerous edicts that specifically target women and their ability to socialise amongst themselves and within the wider community in different spaces.

HISTORICAL SITES AND CEMETERIE

Restrictions on women visiting historic sites and cemeteries have significantly impacted upon their enjoyment of the right to culture, with cemeteries being a type of cultural property.⁴¹ These restrictions clearly undermine the right to culture by preventing

women and girls from accessing their own culture and benefitting from their cultural heritage.⁴² Cemeteries are also sites where children play soccer, cricket or fly kites while adults socialise.⁴³ Overall, the restrictions significantly undermine women's and girls' right to culture as these places are inherently linked to personal and collective understandings of heritage, history and memory.⁴⁴

PARKS

Another example which exemplifies the discriminatory denial of cultural rights is the gradual restrictions,⁴⁵ and outright bans,⁴⁶ on access for women and girls to parks. Parks facilitate the full enjoyment of cultural rights by creating a sense of security, connection and belonging for women.⁴⁷ These sites can also evoke powerful feelings of nostalgia and constitute places to form new memories.⁴⁸ Moreover, parks are often sites of culturally significant events and spaces, such as museums, libraries, outdoor concerts, theatre, festivals and artworks.⁴⁹

BATHS

A public space central to Afghanistan's cultural heritage is the '*hammām*', traditional Islamic public baths.⁵⁰ Like access to many other public places, the Taliban has banned women and girls from visiting public baths in several provinces.⁵¹ *Hammāms* are especially important for women as they function as a semi-public meeting space for socialisation, where

35 See pt I s 2 ('Movement') above.

36 Karima Bennoune, *Report of the Special Rapporteur in the field of Cultural Rights*, UN Doc A/74/255, 74th sess, Agenda Item 72(b) (30 July 2019) 5 [8].

37 CESCR, *General Comment No 21* (n 3) 3 [12].

38 *Ibid* 1 [2].

39 Misha Ketchell, 'How the Taliban Are Seeking to Reshape Afghanistan's Schools to Push Their Ideology' *The Conversation* (online, 1 January 2025) <<https://theconversation.com/how-the-taliban-are-seeking-to-reshape-afghanistans-schools-to-push-their-ideology-241087>>

40 Annex Edict 191 (31 July 2024).

41 *Ibid* 6 [11]; Annex Edicts 84 (11 January 2023) and 122 (4 May 2023). For a discussion of these edicts from the lens of movement, see pt I s 2 ('Movement') above.

42 ICESCR (n 4); CESCR, *General Comment No 21* (n 3) 4 [15 (b)]; CEDAW (n 4).

43 'In Kabul, Cemeteries Incorporated Casually into Afghan Daily Life', *Arab News* (online, 1 June 2022) <<https://www.arabnews.com/node/2094221/world>>.

44 *Ibid*.

45 Annex Edicts 40 (6 April 2022) and 57 (25 August 2022).

46 Annex Edicts 72 (10 November 2022), 143 (26 August 2023), 189 (17 July 2024) and 197 (19 September 2024).

47 Abigail Gilmore, *Culture, Participation and Policy in the Municipal Public Park* (Palgrave Macmillan, 2023) 127.

48 *Ibid* 127.

49 *Ibid* 70.

50 Bettina Kolb and Heidi Dumreicher, 'The Hammām-A Living Cultural Heritage' (2008) 2(3) *International Journal of Architectural Research* 17, 17.

51 Annex Edicts 23 (29 December 2021), 25 (3 January 2022) and 71 (6 November 2022).

intergenerational exchanges can occur.⁵² Women also use *hammām* before their wedding day, after giving birth, and before certain religious festivals as a ritual.⁵³ As a result, the ban on *hammāms* is another example of the deprivation of women and girls from participating meaningfully in cultural life.

RESTAURANTS

Food and food-related spaces are essential to cultural life by offering opportunities for socialisation and the sharing of cultural traditions through cuisine.⁵⁴ The Taliban has issued numerous edicts aimed at restricting women's access to restaurants and cafes.⁵⁵ Denying women the opportunity to contribute to culture through the preparation and sharing of food clearly restricts their participation in cultural life.⁵⁶

BEAUTY PARLOURS

Beauty parlours have been explicitly targeted by the Taliban. For example, an edict in June 2023 banned beauty parlours from operating throughout Afghanistan.⁵⁷ In August 2025, the Taliban even ordered the closure of beauty parlours operating from private homes with the threat of arrest for those who do not comply.⁵⁸ Beauty salons provided safe spaces for connection and empowerment.⁵⁹ They also gave women a means to express their identity and cultivate personal styles that reflected their individuality within their private spaces.⁶⁰ The bans entrench women's subjugation by extending control into their private spheres. This contravenes

not only the right to culture but also article 17(1) of the ICCPR which prevents arbitrary interference into private life.⁶¹ Moreover the beauticians themselves are denied the freedom to engage in creative activity,⁶² as well as the right to work.⁶³

SHOPPING

Shopping areas have also been targeted by the Taliban and added to the restrictions which women face going about their daily lives. For example, women are banned from accessing the market on the Afghanistan and Uzbekistan border in the Balkh province.⁶⁴ Other examples include instructions to shopkeepers in Takhar not to speak to women during shopping transactions, and to shopkeepers across the country to remove the heads of mannequins.⁶⁵ These spaces function as key sites of expression where consumers access a wide range of goods that reflect cultural identity and heritage.⁶⁶ Excluding women from this sphere not only diminishes their influence over the cultural goods exchanged but also restricts their opportunities for everyday social interaction.

B. EXPRESSION AND CULTURE

The right to culture is closely linked to the right to freedom of expression.⁶⁷ As the mechanism through which cultural rights are exercised, the ability to "take part in cultural life" requires the freedom to actively create, share and develop a cultural reality through expression that is expansive and affirming.⁶⁸ As section 6 of this Inquiry underlined, the right to freedom of expression extends beyond speech and includes the ability to convey, disseminate and actively participate in cultural life without censorship, retaliation or persecution.⁶⁹

52 Meghna Mehta, "Life of an Afghan Hammam": A Photo Essay on a Culture's Identity and Its Preservation', (Web Page, 29 September 2020) <<https://www.stirworld.com/see-features-life-of-an-afghan-hammam-a-photo-essay-on-a-culture-s-identity-and-its-preservation>>.

53 Kolb and Dumreicher (n 50) 25.

54 CESCR, *General Comment No 21* (n 3) 3 [13 (a)].

55 Annex Edicts 26 (7 January 2022), 110 (15 March 2023), 118 (5 April 2023), 180 (26 May 2024),

56 ICESCR (n 4); CEDAW (n 4). See pt I s 4 ('Work') above on how restrictions in this field impact upon women's right to work.

57 Annex Edict 136 (24 June 2023). This was reinforced the following month by a letter from the PVPV Ministry: Annex Edict 138 (6 July 2023).

58 Annex Edict 237 (29 August 2025).

59 Turpekai Gharani, 'Taliban Beauty Salon Ban: Three Afghan Women Mourn the End of a Valued Service', *BBC News* (online, 24 July 2023) <<https://www.bbc.com/news/world-asia-66271855>>.

60 Ibid.

61 ICCPR (n 4) art 17(1).

62 ICESCR (n 4) art 15(3).

63 See pt I s 4 ('Work') above.

64 Annex Edict 201 (9 October 2024).

65 Annex Edicts 24 (31 December 2021) and 211 (8 December 2024).

66 CESCR, *General Comment No 21* (n 3) 4 [16(a)].

67 Ibid 3 [12].

68 Ibid 4 [15(c)].

69 See pt I s 6 ('Expression') above.

DRESS CODE REQUIREMENTS

The Taliban's strict dress code requirements suppress the autonomy of women and erase their presence from cultural life. In particular, the numerous edicts related to dress code undermine the ability for women to express their identity through clothes, shape social understandings of beauty, and contribute to evolving cultural trends.⁷⁰ In addition to edicts mandating what women wear, the PVPV Department in September 2023 ordered shopkeepers in Bamiyan not to sell women "glamorous/party dresses", a warning that was also reiterated at local mosques.⁷¹ A few months later, another edict (this time in Herat) banned male tailors from tailoring clothes to women.⁷²

The erasure of women in this way naturalises patriarchal sentiments which directly impacts women's self-perception and treatment in society. Afghanistan is under an obligation to modify cultural norms that perpetuate the oppression of women.⁷³ Weaponising clothing as a mechanism for control violates this obligation. Further, under the ICCPR, ethnic, religious or linguistic minorities have a right to protection of their culture which may include the wearing of cultural dress.⁷⁴ This is clearly not possible under Taliban rule where a uniform dress code is strictly enforced.⁷⁵

ARTISTIC FREEDOM

Artistic freedom is deeply connected to the right to participate in cultural life.⁷⁶ The UNESCO definition for artistic freedom highlights the ability to freely "imagine, create and distribute cultural expressions".⁷⁷

Since 2021, the Taliban has stifled artistic expression in Afghanistan.⁷⁸ By limiting creative output, artists are prevented from participating in cultural life because they are unable to produce art which embodies their unique identities. For example, an edict in November 2023 prohibited women artists in Kabul from exhibiting paintings that depicted human faces.⁷⁹ The Taliban has also censored art which advocates for gender equality,⁸⁰ a clear example of preventing artists from shaping societal norms, political values and collective imagination. By creating murals that challenged gender stereotypes and promoted a culture of social change, the artists were perceived by the Taliban as a threat. In addition to the right to culture, this violates article 5(a) of CEDAW by censoring art that aims to challenge culturally entrenched gender norms.⁸¹

As discussed in section 6 of this Inquiry, censorship and informational restrictions have been imposed across various forms of media and communications.⁸² This includes, for example, a ban on women broadcasting news in Herat in January 2025.⁸³ Issues, such as women's rights and violence against women, have been censored.⁸⁴ So too have books authored by women at universities and books about topics such as gender and women's role in public communications.⁸⁵ This censorship infringed on the right to culture because women are denied the opportunity to be creators of culture and to have matters which concern them be a part of society, reinforcing the harmful notion that they should not be public representatives of Afghanistan's cultural identity.

C. CUSTOMS AND TRADITIONS

Customs and traditions are essential to forming and preserving cultural identity, and to realising the right to culture, as they allow individuals and communities to give meaning to their lives and shape their

70 Annex Edicts 21 (26 December 2021), 46 (7 May 2022), 97 (1 February 2023), 150 (22 October 2023), 170 (28 February 2024), 187 (3 July 2024), 190 (23 July 2024), 204 (28 October 2024), 246 (4 November 2025).

71 Annex Edict 145 (16 September 2023).

72 Annex Edict 158 (22 November 2023).

73 CEDAW (n 4) art 5(a).

74 ICCPR (n 4).

75 'UN "Concerned" Taliban Detaining Afghan Women for Dress Code Violations', *Al Jazeera* (online, 11 January 2024) < <https://www.aljazeera.com/news/2024/1/11/un-concerned-taliban-detaining-afghan-women-for-dress-code-violations>>.

76 UNESCO, *Recommendation Concerning the Status of the Artist*, 21st session of the General Conference (Recommendation, 27 October 1980) 10.

77 Laurence Cuny and UNESCO, *Freedom and Creativity: Defending Art, Defending Diversity* (Report, 2005) < <https://unesdoc.unesco.org/ark:/48223/pf0000373357>> 6.

78 Sanjay Sethi et al, Artistic Freedom Initiative, *Artistic Exodus: Afghan Artists Fleeing Taliban Rule* (Report, 2023) < <https://artisticfreedominitiative.org/wp-content/uploads/2023/11/Artistic-Exodus-Afghan-Artists-Fleeing-Taliban-Rule.pdf>> 24–29.

79 Annex Edict 156 (15 November 2023).

80 Sethi et al (n 78) 26.

81 CEDAW (n 4) art 5(a).

82 See pt I s 6 ('Expression') above.

83 Annex Edict 226 (14 January 2025).

84 Annex Edict 179 (April 2024).

85 Annex Edicts 242 (9 September 2025) and 244 (19 September 2025).

worldview.⁸⁶ Practices which do not align with the Taliban's idea of customs and traditions have been targeted through a range of edicts.

NOWRUZ CELEBRATIONS

One example of a custom targeted by the Taliban is the celebration of Nowruz, the beginning of spring and the first day of Persian New Year.⁸⁷ Nowruz is no longer a public holiday as the Taliban deems it contrary to Islam even though the tradition cannot be attributed to a single religion or ideology.⁸⁸ Nowruz marks the start of the solar calendar, and the Taliban has even made government communications based on the lunar calendar, even though it is not used in the daily lives of the people of Afghanistan, adding to the deprivation of cultural heritage.⁸⁹

According to Taliban spokesman Zabihullah Mujahid, although Nowruz was not publicly celebrated in 2025, individuals would “not be prevented” from commemorating the event privately.⁹⁰ In practice, however, this assurance holds little weight for women.⁹¹ Restrictions such as bans on access to public parks and leisure facilities, severe limitations on mobility, and prohibitions on speaking in public make it nearly impossible for them to celebrate Nowruz in a meaningful way contrary to article 13(c) of CEDAW.⁹²

Furthermore, whilst Nowruz is universally celebrated in Afghanistan, the ban reflects the Taliban's hostility toward Persian-speaking communities such as Tajiks, Hazaras, and Uzbeks.⁹³ Article 27 of the ICCPR requires states to guarantee that minority groups are not deprived of the right to collectively

practise and enjoy their culture, which encompasses the public celebration of Nowruz.⁹⁴ Similarly, CESCR has underlined the obligation of states to recognise, respect, and protect the customs and traditions of minority groups, noting that these practices constitute an essential component of a state's cultural identity as well.⁹⁵ Women from these communities are not only excluded from participating in culturally significant events, but are also prevented from shaping and sustaining their cultural heritage. This is because they are denied the opportunity to transmit skills, knowledge, and traditions to future generations, thereby limiting their role as active creators and custodians of their culture and identity.

HOLIDAYS HONOURING WOMEN

The Taliban has also imposed bans on holidays intended to commemorate, celebrate, and empower women, effectively erasing their visibility from the public cultural sphere. For example, in 2023, the Taliban directed imams who lead and advise communities on Islamic law to instruct the public not to celebrate International Women's Day, as well as several other holidays considered by the group as contrary to Islam.⁹⁶ Further directives were issued to prohibit the celebration of Mother's Day.⁹⁷ These bans violate article 13(c) of CEDAW by undermining women's social capital, signalling that their contributions are socially insignificant and unworthy of public recognition. This, in turn, reinforces conservative and patriarchal ideals, entrenching oppressive attitudes toward women even within their own families, adding to the list of measures to erase women in the guise of culture and religion. This is contrary to article 5(a) of CEDAW requiring efforts to eliminate prejudices based on the idea of women as inferior to men.⁹⁸

MARRIAGE

Marriage is an important cultural and/or religious practice for many people and the right to marry and establish a family is itself a human right protected

86 CESCR, *General Comment No 21* (n 3) 3–4 [13(a)], [16(a)].

87 'Nowruz Ban: Suppressing Cultural Diversity in Afghanistan', *Zan Times* (online, 20 March 2024) <<https://zantimes.com/2024/03/20/nowruz-ban-suppressing-cultural-diversity-in-afghanistan/>> ('Nowruz Ban').

88 Annex Edicts 37 (20 March 2022) and 111 (17 March 2023); 'Nowruz Ban' (n 87).

89 'Taliban Changes Solar Year to Hijri Lunar Calendar', *Hasht e Subh* (online, 26 March 2022) <<https://8am.media/eng/taliban-changes-solar-year-to-hijri-lunar-calendar/>>.

90 Asadullah Ludin and Farangis Najibullah, 'Afghans No Longer Celebrate Nowruz Amid Poverty, Taliban Restrictions', *RadioFreeEurope/RadioLiberty* (online, 19 March 2025) <<https://www.rferl.org/a/afghanistan-taliban-nowruz-noruz-kabul-music-ban-women/33353197.html>>.

91 Ibid.

92 Ibid; CEDAW (n 4).

93 'Nowruz Ban' (n 87).

94 ICCPR (n 4) art 27.

95 CESCR, *General Comment No 21* (n 3) 8 [32].

96 Annex Edict 111 (17 March 2023).

97 Annex Edict 181 (29 May 2024).

98 CEDAW (n 4) art 5(a).

under the ICCPR.⁹⁹ The cornerstone of marriage is free and full consent of spouses of a marriageable age, as well as equality between them.¹⁰⁰

In the days before their return to power, the Taliban called upon imams to provide lists of unmarried women as young as 12 for their fighters to marry.¹⁰¹ While the Taliban leader issued a decree a few months later guaranteeing six rights for women, including the right to be free from forced marriage,¹⁰² there is a lack of protection against this practice and allegations of it taking place by the Taliban.¹⁰³ This practice, which may also involve other harmful practices such as forced pregnancy and violence give rise to a range of human rights violations

The Taliban has also imposed strict restrictions on wedding ceremonies,¹⁰⁴ severely limiting individual choice and suppressing diverse cultural expressions within these celebrations under article 15(1)(a) of the ICESCR.¹⁰⁵ This includes edicts restricting traditional wedding practices. One example is the banning of the henna ceremony, a traditional pre-wedding ritual in the Kandahar province.¹⁰⁶ The henna ritual serves as a pivotal transitional moment in a bride's life, providing a space where she is surrounded by female relatives and friends while preparing for her new role in marriage.¹⁰⁷ Beyond its ceremonial function, it is a vital site for cultural transmission, where rituals, songs, dances, and symbolic gestures convey knowledge, customs, and artistic expression that are unique to women.¹⁰⁸ It also fosters female socialisation, allowing women to build solidarity, share intergenerational wisdom, and strengthen community bonds.¹⁰⁹ By prohibiting this ceremony, the Taliban not only erased a key aspect of cultural

heritage but also undermine women's ability to participate fully in cultural life contrary to CEDAW and ICESCR.¹¹⁰

D. SPORT

Participation in sport falls within the scope of the right to take part in cultural life under article 15(1)(a) of the ICESCR.¹¹¹ Under CEDAW, participation in sport is explicitly protected alongside participation in "recreational activities", as well as "all aspects of cultural life".¹¹² Indeed, sport constitutes a vital aspect of cultural life, enabling individuals to engage with their community, fostering pride, collective identity, and a sense of belonging.

The Taliban has directly targeted women's ability to participate in sport, undermining these rights. For example, in November 2022, the Taliban banned women from accessing gyms, including sports halls.¹¹³ The following year, the Taliban closed a karate club for women which had been operating in the Farah province, despite an earlier ban on women's sports clubs.¹¹⁴ The strict dress code requirements discussed in subsection 8.2.2.B above add to the inability for women and girls to engage in sport, as does the closure of women's sporting clubs, leagues and teams.

Women are not only banned from organised sport but also from recreational activities, as they are denied access to public spaces, such as parks as discussed under subsection 8.2.2.A above. Such recreational spaces are cultural goods essential for cultural participation under article 15(1)(a) of the ICESCR, and as mentioned above, recreational activities are explicitly protected under CEDAW.¹¹⁵

99 ICCPR (n 4) art 23(2).

100 Ibid art 23(3)-(4).

101 Annex Edict 1 (13 August 2021).

102 Annex Edict 19 (4 December 2021).

103 Richard Bennett, UNSR Afghanistan, *The Phenomenon of an Institutionalised System of Discrimination, Segregation, Disrespect for Human Dignity and Exclusion of Women and Girls*, UN Doc A/HRC/56/25, 56th sess, Agenda Item 2 (Report, 13 May 2024) 5 [25].

104 Annex Edicts 126 (18 May 2023), 131 (15 June 2023) and 157 (19 November 2023).

105 ICESCR (n 4) art 15(1)(a).

106 Annex Edict 126 (18 May 2023).

107 See, eg, Rachel Sharaby, 'The Bride's Henna Ritual: Symbols, Meanings and Changes' (2006) (11) *Nashim: A Journal of Jewish Women's Studies and Gender Issues* 11, 13-22.

108 Ibid.

109 Ibid.

110 CEDAW (n 4); ICESCR (n 4).

111 CESCR, *General Comment No 21* (n 3) 3 [13(a)].

112 CEDAW (n 4).

113 Annex Edict 72 (10 November 2022).

114 Annex Edict 99 (1 February 2023).

115 CESCR, *General Comment No 21* (n 3) 4 [16(a)]; CEDAW (n 4).

8.3 CONCLUSION

The systematic and comprehensive exclusion of women and girls from cultural life in Afghanistan constitutes a flagrant violation of article 15(1)(a) of the ICESCR taking in combination with articles 2(2) and 3, as well as article 13(c) of CEDAW.¹¹⁶ By weaponising a fundamentalist interpretation of culture, the Taliban has through the PVPV Law and its numerous edicts moved beyond mere restriction to an engineered erasure of female identity from both the public and private spheres. This social order denies women the agency to participate in the living process of cultural creation and the right to transmit heritage to future generations. Such measures do not pursue a legitimate aim recognised under international law; instead, they entrench a monolithic ideological order that deliberately destroys the cultural pluralism of Afghanistan's diverse communities.

The denial of cultural rights is inextricably linked to the broader regime of systematic oppression, where the erosion of one right serves to facilitate the violation of others. Restrictions on mobility, notably the *mahram* rule, and the removal of access to public spaces such as parks, *hammāms*, cemeteries, beauty parlours, restaurants, markets and historic sites function as a "gateway" to total social isolation, preventing the socialisation that filters and develops a living culture.¹¹⁷ This erasure extends to the very structure of time and memory; by mandating the use of the lunar Islamic calendar in official correspondence, displacing the solar calendar traditionally used by the population in their daily lives, and formally banning the celebration of Nowruz, the solar New Year, the Taliban is deliberately severing the people's connection to their historical and cultural heritage.¹¹⁸ These efforts to dismantle the foundations of society are further evidenced by the categorical prohibition of women's participation in sport and the closure of recreational facilities, such as gyms and sports halls.¹¹⁹ By barring women from these spaces, the Taliban not only violates article 13(c) of CEDAW but also eliminates vital avenues for fostering collective identity, physical well-being, and the capacity to challenge patriarchal norms as required under CEDAW.¹²⁰

Similarly, the censorship of artistic expression, including the ban on books authored by women,¹²¹ and the suppression of customs and traditions, such as Nowruz, represent a deliberate attempt to dismantle the intellectual and emotional foundations of Afghan society.¹²² These actions violate cultural rights and non-discrimination provisions under the ICESCR and CEDAW, as well as protection of cultural rights of minority groups under the ICCPR as a result of the gendered exclusion that is both intersectional in its impact on ethnic minorities and transgenerational in its legacy of disempowerment.¹²³

Ultimately, the restoration of women's right to culture is a legal and moral imperative essential for the dignity, autonomy, and identity of all the people of Afghanistan. The current environment, characterised by the criminalisation of dissent and the surveillance of personal conduct, is fundamentally incompatible with international human rights standards. Until women and girls are granted the freedom to express, create, and access their own heritage without fear of state-imposed coercion, the right to culture will remain an empty guarantee. Addressing this erasure is not only a matter of justice for the current generation but a necessary step to protect the cultural fabric of Afghanistan from permanent and irreversible unravelling.

¹²¹ See sub-s 8.2.2.B above.

¹²² See sub-s 8.2.2.C above.

¹²³ ICESCR (n 4); CEDAW (n 4); ICCPR (n 4).

¹¹⁶ ICESCR (n 4); CEDAW (n 4).

¹¹⁷ See sub-s 8.2.2.A above and pt I s 2 ('Movement') above.

¹¹⁸ See sub-s 8.2.2. C above.

¹¹⁹ See sub-s 8.2.2.D above.

¹²⁰ CEDAW (n 4) art 5(a).

P A R T I I

International Crimes

PART II
INTERNATIONAL CRIMES

SECTION

IX



GENDER

PERSECUTION

9. GENDER PERSECUTION

9.1 INTRODUCTION

In Part I of this Inquiry, a comprehensive human rights analysis detailed how the Taliban’s edicts and other forms of directives function to oppress, marginalise, and disenfranchise women and girls in Afghanistan. By examining these directives through the lens of many of the core human rights instruments, such as CEDAW, the ICCPR and the ICESCR, it has been established that the systematic erasure of women from public life violates numerous human rights, including the right to enjoy human rights on an equal basis.¹

This Part of the Inquiry shifts the focus to accountability and justice mechanisms within the framework of ICL. Before calling for the need to recognise gender apartheid as an international crime to fully reflect the conduct on the part of the Taliban in section 10, this section begins Part II by examining the Taliban’s edicts as gender persecution, an established crime against humanity under article 7(1)(h) of the Rome Statute.²

The section will demonstrate how the Taliban’s conduct meets all the elements of the crime of gender persecution.³ First, as Part I of the Inquiry has already demonstrated, the Taliban severely deprived and continues to deprive women, girls and those who do not conform with the Taliban’s idea of gender of numerous fundamental rights.⁴ Second

and third, the Taliban’s edicts deliberately target women and girls, as an identifiable group on the grounds of their gender, often intersecting with other grounds, such as religion and ethnicity.⁵ Fourth, this conduct can be linked to other acts set out in article 7(1) of the Rome Statute, or other crimes within the jurisdiction of the ICC.⁶ Finally, the edicts and their enforcement form part of a “widespread or systematic attack” against the civilian population,⁷ and the Taliban knew or intended it to form part of such an attack.⁸

The gravity of the situation is underscored by the ICC’s issuance of arrest warrants on 8 July 2025 for the Taliban’s “Supreme Leader”, Haibatullah Akhundzada, and “Chief Justice” Abdul Hakim Haqqani, on the basis of gender persecution.⁹ Nevertheless, both the enforcement of the warrants and the path to prosecution remain uncertain, particularly given the ICC’s limited experience of gender-based crimes. Further, while these warrants mark a significant step towards accountability, this section argues that gender persecution does not fully capture the institutionalised and systematic nature of the harms, suggesting that the framework of gender apartheid presented in section 10 may offer a more robust representation of the lived realities in Afghanistan.

1 See, eg, CEDAW, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981); ICCPR, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) arts 2(1), 3 and 26; ICESCR, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) arts 2(2) and 3.

2 *Rome Statute*, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002) art 7(1)(h). For the definition of ‘persecution’, see also art 7(2)(g).

3 ICC, *Elements of Crime of the International Criminal Court* (9 September 2002) 7 (‘*Elements of Crime*’).

4 Ibid Element 1.

5 Ibid Elements 2 and 3.

6 Ibid Element 4.

7 Ibid Element 5.

8 Ibid Element 6.

9 ICC, ‘Situation in Afghanistan: ICC Pre-Trial Chamber II Issues Arrest Warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani’ (Press Release, 8 July 2025) <<https://www.icc-cpi.int/news/situation-afghanistan-icc-pre-trial-chamber-ii-issues-arrest-warrants-haibatullah-akhundzada>>.

9.2 HISTORY OF THE CRIME OF GENDER PERSECUTION

The inclusion of gender as a ground for persecution under the *Rome Statute* represented a landmark development in ICL over twenty-five years ago. However, despite the prevalence of gender-targeted violence globally, this ground has been historically underutilised as a mechanism for accountability.¹⁰ This omission has often resulted in a failure to fully represent the specific wrongdoing or the discriminatory motivations behind mass atrocities, leaving a gap in the historical record of crimes against humanity.¹¹

Historical precedents demonstrate this long-standing neglect. For instance, while the *London Charter* addressed the persecution of groups by the Nazi regime on racial, religious, and political grounds, it failed to list gender as a ground, despite the regime's clear anti-gender rights ideology that targeted women and members of the LGBTIQ+ community.¹²

Modern analogies, such as the conduct of the Islamic State of Iraq and the Levant ('ISIL') in Iraq and Syria, provide a closer parallel to the current situation in Afghanistan. Like the Taliban, ISIL utilised *mahram* requirements, the exclusion of women from public spaces, and coercive dress codes to minimise the visibility and agency of women.¹³ The evolution of ICL has sought to address these gaps, notably through the ICC Office of the Prosecutor ('OTP') 2022 *Policy on the Crime of Gender Persecution*.¹⁴ This policy shifts the focus from viewing gender discrimination as mere "background" to recognising it as an independent persecutory ground. In cases such as *Al Hassan*, the ICC has clarified that the enforcement of "moral" or "religious" norms can amount to persecution when applied in a gender-divided and discriminatory manner.¹⁵

The OTP has continued its focus on gender and in 2023 issued a *Policy on Gender-Based Crimes* which emphasises the need for both a "gender perspective" and "gender-competent analysis" to investigating the why behind perpetrators' acts, aiming to eliminate structural discrimination.¹⁶ It clarifies that gender-based crimes are not restricted to sexual violence but encompass a range of deprivations of fundamental rights that regulate every aspect of life, such as access to healthcare.¹⁷ Crucially, the Policy adopts an intersectional lens, acknowledging that gender persecution often intertwines with racial, ethnic, or religious discrimination as Part I of this Inquiry has found.¹⁸ By prioritising the cumulative effect of these acts, the OTP aims to redress historical impunity gaps and produce a more accurate historical record of institutionalised gender-based harm.

These developments in ICL, while incremental, are of profound significance for the situation in Afghanistan. The systematic nature of the Taliban's repression, detailed in Part I of this Inquiry as a deliberate transformation into a regime of systematic oppression, has historically fallen into an impunity gap where gendered harms were relegated to the background of more "visible" crimes like murder or physical torture. By specifically focusing on gender persecution in the two arrest warrants, the ICC is taking a definitive step toward addressing the long-standing neglect of gender in the field.

This shift is crucial for several reasons. First, the recognition of non-physical harm is significant; indeed, the crime of persecution is unique because it is a "crime of cumulative effect".¹⁹ The 2025 arrest warrants validate the reality that the erasure of women from public life as detailed in Part I of this Inquiry amounts to severe deprivations of fundamental rights which constitute a crime against humanity as this section will demonstrate.

10 UN Women, 'Identifying Gender Persecution in Conflict and Atrocities: A Toolkit for Documenters, Investigators, Prosecutors and Adjudicators of Crimes Against Humanity' (Report, December 2021) 3.

11 Ibid.

12 Ibid 16.

13 Ibid 18.

14 ICC OTP, *Policy on the Crime of Gender Persecution* (Policy Paper, 7 December 2022) <<https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf>>.

15 *Prosecutor v Al Hassan (Trial Judgment)* (ICC, Trial Chamber X, Case No ICC-01/12-01/18, 26 June 2024).

16 ICC OTP, *Policy on Gender-Based Crimes: Crimes Involving Sexual, Reproductive and Other Gender-Based Violence* (Policy Paper, December 2023) <<https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>> 11–12.

17 Ibid 15.

18 See, eg, *ibid* 16 [40]–[41].

19 Widney Brown and Laura Grenfell, 'The International Crime of Gender-Based Persecution and the Taliban' (2003) 4(2) *Melbourne Journal of International Law* 347, 363 citing *Prosecutor v Kordic (Trial Chamber Judgment)* (International Criminal Tribunal for the former Yugoslavia, Trial Chamber, Case No IT-95-14/2-T, 26 February 2001) [199].

Second, there is a shift of gender from the “background” towards an independent ground of consideration. Historically, as noted above, violence was often viewed as “gender-neutral” and a by-product of conflict. In Afghanistan, the “why” behind the Taliban’s actions, the enforcement of a rigid, misogynistic fundamentalist social order is being interrogated.

Further, the Afghanistan situation marks the first time that the ICC has interpreted gender expansively to encompass not only the targeting of women and girls but also members of the LGBTIQ+ community who do not conform with the Taliban’s ideological views on gender.²⁰ This aligns with the recent policies of the ICC recognising gender as a social construct which varies over time.²¹ The shift towards a more inclusive and expansive approach also enables the intersectional analysis heralded by the ICC in its recent policies,²² by acknowledging that the gender persecution in Afghanistan is often compounded on the basis of a range of other grounds as Part I of this Inquiry has underlined.

By naming the specific wrongdoing in Afghanistan as gender persecution, the ICC is not just pursuing individual accountability, it is seeking to create an accurate and holistic historical record of a regime which seeks to erase more than half of the population.

9.3 ELEMENTS OF CRIME

9.3.1 Element 1: Severe Deprivation of Fundamental Rights

The first element required to establish gender persecution is that the perpetrator severely deprived one or more persons of fundamental rights contrary to international law.²³ Under article 7(2)(g) of the *Rome Statute*, this deprivation must be intentional.²⁴

In the context of the Taliban’s rule in Afghanistan, the intentionality of this conduct is self-evident and codified through the systematic issuance of formal edicts and directives which form the subject of this Inquiry. These edicts are not incidental administrative measures but are specifically engineered to strip women and girls of their legal standing and human agency. As Part I of this Inquiry has documented, the Taliban’s governance operates through a regime of commands that intentionally erodes justice and undermines the fundamental rights of more than half of the population.

While ICL does not provide a fixed, exhaustive list of “fundamental rights”, the OTP’s *Policy on the Crime of Gender Persecution* clarifies that “[h]uman rights violations can constitute a severe deprivation of fundamental rights on their own or when considered cumulatively”.²⁵ Importantly, the OTP also recognises that deprivation can be enforced in various ways, including:

via the imposition of regulations that can impact persons in every aspect of life. This may include, for example, their reproductive and family options, who they can marry, whether they can attend school, where they can work, how they can dress and whether they are simply allowed to exist.²⁶

This is a very apt description of the system of edicts and other forms of directives imposed by the Taliban. The Policy further clarifies that it is possible to evidence gender persecution when, for example, punishments are imposed on women and girls who do not adhere to the perpetrators’ dress codes.²⁷ As Part I of the Inquiry noted, there are ample examples of such punishments being meted out by the Taliban.²⁸

Except on rare occasions, the OTP’s *Policy on the Crime of Gender Persecution* further specifies that the threshold for this element “is always met” in instances where the crimes in question are committed with discriminatory intent, as the right to be free from discrimination is itself a fundamental right.²⁹

20 Artemis Akbary and Kirby Anwar, ‘Landmark ICC Arrest Warrant Application Seeks to Hold the Taliban Accountable for Homophobic and Transphobic Persecution’, *Opinio Juris* (Blog Post, 24 January 2025) <<https://opiniojuris.org/2025/01/24/landmark-icc-arrest-warrant-application-seeks-to-hold-the-taliban-accountable-for-homophobic-and-transphobic-persecution/>>.

21 See, eg, ICC OTP, *Policy on Gender-Based Crimes* (n 16) 10 [16]–[19].

22 See, eg, *ibid* 16 [40]–[41].

23 ICC, *Elements of Crime* (n 3) Element 1.

24 *Rome Statute* (n 2) art 7(2)(g).

25 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 10–11 [24].

26 *Ibid*.

27 *Ibid* 25 [91].

28 See also, eg, UNAMA, *Corporal Punishment and the Death Penalty in Afghanistan* (Report, May 2023) 13–16.

29 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 14 [39].

Even if individual deprivations do not link with another crime under the *Rome Statute*, the Policy is clear that fundamental rights deprivations will be considered cumulatively when it comes to the assessment of severity. As confirmed already by the Nuremberg Tribunal following the Second World War, deprivations such as the denial of education and work opportunities were found to be persecution (albeit on the grounds of religion).³⁰ The ban on education beyond grade 6 and most work opportunities, as well as a long line of other deprivations detailed in Part I of this Inquiry would therefore amount to conduct captured under Element 1. Indeed, the Taliban's restrictions function as an interlocking web of deprivations where the erosion of one right facilitates the violation of others. For example, the *mahram* requirement that curtails freedom of movement, in turn prevents women from accessing, inter alia, the workplace, health facilities, and educational institutions.³¹

The severity of these deprivations is further illustrated by the profound psychological and social harm they inflict. As detailed in section 5 of this Inquiry, the erasure of women from public life has led to a mental health crisis, with a high number of women reporting suicidal ideation.³² The ICC Policy, citing relevant jurisprudence, explicitly recognises that psychological abuse can constitute acts underlying gender persecution.³³

In conclusion, the Taliban's conduct satisfies Element 1 because it represents a deliberate and comprehensive transformation of society into a regime of systematic oppression. The cumulative effect of these edicts outlined in Part I of the Inquiry constitutes a severe and intentional deprivation of fundamental rights that is contrary to the core tenets of international law.

9.3.2 Elements 2 and 3: Targeting of a Group/Group Identity on Gender Grounds

Elements 2 and 3 of the crime of gender persecution are considered together in this section and require

that the perpetrator targeted a group as such, or one or more persons due to their identity of a group, and that such targeting was on gender grounds.³⁴ While these are distinct elements under the ICC *Elements of Crimes*, in the context of the Taliban in Afghanistan, they are inextricably linked. The group identity being targeted is defined primarily by gender, and the discriminatory intent is evidenced by the systematic enforcement of rigid gender roles.

A. IDENTIFYING THE TARGETED GROUP/ GROUP IDENTITY

The ICC *Policy on the Crime of Gender Persecution* clarifies that the "targeted group" should be interpreted broadly.³⁵ It is the perpetrator who defines the group, regardless of how the victim-survivors identify themselves.³⁶ In Afghanistan, the Taliban's edicts and directives explicitly identify women and girls as a distinct group to be removed from public life. Persons are targeted if they do not conform with the ways in which the Taliban conceives of gender roles, behaviours or other attributes.³⁷

The targeting of women in Afghanistan is in this way not a byproduct of general conflict but is systematic and intentional. For example, the *mahram* requirement is not a gender-neutral security measure but rather a tool that specifically captures all women, making their existence in the public sphere contingent upon male oversight.³⁸ Similarly, the removal of women from most workplaces,³⁹ and the ban on female education beyond grade 6,⁴⁰ are not accidental administrative reforms. They are deliberate attacks against the professional and intellectual identity of the female population.

Furthermore, the targeting extends to those perceived as sympathisers or affiliates of the group, such as male relatives who are punished for a woman's failure to adhere to dress codes, or male teachers who attempt to educate girls.⁴¹

30 Ibid 14 n 48.

31 See the discussion of the *mahram* rule throughout Part I of the Inquiry.

32 See pt I s 5 ('Health') above.

33 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 10 [23] citing *Prosecutor v Kvočka (Appeals Judgment)* (International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Case No IT-98-30/1-A, 28 February 2005) [325].

34 ICC, *Elements of Crime* (n 3) Elements 2 and 3.

35 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 15–16 [43].

36 Ibid n 55 citing, eg, *Prosecutor v Naletilić and Martinović (Trial Judgment)* (International Criminal Tribunal for the former Yugoslavia, Trial Chamber, Case No IT-98-34-T, 31 March 2003) [636].

37 See ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 15 [42].

38 As illustrated throughout pt I above.

39 See pt I s 4 ('Work') above.

40 See pt I s 3 ('Education') above.

41 Confirmed in the ICC's *Policy on the Crime of Gender Persecution*: see n 31 above.

B. DEFINING GENDER AS A SOCIAL CONSTRUCT

The targeting of the group or group identity must be based on gender.⁴² Reflecting modern developments in ICL, the OTP has clarified that gender is not a narrow biological concept but a social construct involving the roles, behaviours, activities, and attributes that a society considers appropriate for men and women.⁴³

The Taliban's persecution is a violent effort to enforce a fundamentalist social order based on these constructs. Their edicts and other forms of directives are motivated by prescriptive views on how individuals should appear, behave, or occupy roles in society. As explored in Part I of this Inquiry, the Taliban has weaponised its fundamentalist ideology to justify a gender-divided social order.⁴⁴ The 2025 ICC arrest warrants represent a landmark in ICL by interpreting gender in an expansive way to encompass members of the LGBTIQ+ community who are targeted for failing to conform to the Taliban's rigid ideological expectations of gender identity or expression.⁴⁵

C. DISCRIMINATORY INTENT

The perpetrator must have specifically intended to treat the targeted group unequally, in other words, there must be a discriminatory intent to target the group or the members thereof because of their gender.⁴⁶ As confirmed by the ICC, such intent can be objectively inferred from the behaviour of the perpetrator, the discriminatory language used, and the broader context of targeting within the community.⁴⁷

In Afghanistan, this intent is clear from the numerous edicts and other forms of directives, including the PVPV Law discussed in this Inquiry. These commands explicitly identify women and girls, and persons who do not conform with the Taliban's idea of gender as a class to be removed from view and heavily controlled. In other words, the discriminatory

intent is encoded in the Taliban's commands which are designed not for "morality" or "religion" but to subordinate women as a class.

9.3.3 Element 4: Connection with a Crime within the Jurisdiction of the ICC

Element 4 required to establish the crime of gender persecution necessitates a nexus between the persecutory conduct and another crime referred to in article 7(1) of the *Rome Statute*, or any other crime within the jurisdiction of the ICC.⁴⁸ This technical requirement was emphasised by delegations at the Rome Conference to ensure that persecution maintains a clear criminal focus, distinguishing it from ordinary or isolated acts of discrimination that may not reach the threshold of an international crime.⁴⁹

There are various ways in which the Taliban's persecutory acts can be connected to other crimes within the jurisdiction of the ICC. Relevant criminal acts under article 7(1) of the *Rome Statute* include, for example, "murder", "torture", "rape" and other forms of sexual violence, "imprisonment or other severe deprivation of physical liberty", as well as "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health".⁵⁰

One example of this connection is evidenced by the ways in which the Taliban responded to women protesting against the group's oppression. Women detained at these protests have given testimonies to human rights organisations which include allegations of torture and other grave maltreatment while in custody, including sexual violence.⁵¹ Testimonies of women subjected to the Taliban's violence have also been extensively documented as part of the "People's Tribunal for Women of Afghanistan".⁵²

42 *Rome Statute* (n 2) art 7(3); ICC, *Elements of Crime* (n 3) Element 3.

43 ICC OTP, *Policy on Gender-Based Crimes* (n 16) 10 [16]–[19].

44 See, eg, pt I ss 7 ('Religion') and 8 ('Culture') above.

45 See, eg, Akbary and Anwar (n 20).

46 See, eg, *Prosecutor v Ongwen (Trial Judgment)* (ICC, Trial Chamber IX, Case No ICC-02/04-01/15, 4 February 2021) 958 [2739].

47 *Ibid.*

48 ICC, *Elements of Crime* (n 3) Element 4.

49 Darryl Robinson, 'Defining "Crimes Against Humanity" at the Rome Conference' (1999) 93 *American Journal of International Law* 43, 54.

50 *Rome Statute* (n 2) art 7(1)(a), (e)–(g) and (k).

51 See, eg, 'Afghanistan: Women Protesters Detail Taliban Abuse', *Human Rights Watch* (online, 20 October 2022) <<https://www.hrw.org/news/2022/10/20/afghanistan-women-protesters-detail-taliban-abuse>>.

52 'People's Tribunal for Women of Afghanistan', *Permanent People's Tribunal* (Web Page) <<https://afghanistantribunal.com/>>.

The connection required under Element 4 can also be evidenced through “severe deprivation of physical liberty” as defined in article 7(1)(e) of the *Rome Statute*.⁵³ This includes the arbitrary and lengthy times in which women protestors were detained, as well as the overarching confinement of women and girls to their homes, the categorical ban on their access to public spaces, and the institutionalisation of the *mahram* rule for travel collectively function as a severe restriction of physical liberty in violation of fundamental rules of international law as documented in Part I of this Inquiry.

The OTP’s *Policy on the Crime of Gender Persecution* has clarified that “[g]ender persecution can be connected with crimes that take forms other than physical injury to persons”.⁵⁴ Examples given by the OTP include crimes which involve destruction of places, such as areas of worship, health centres or cultural places of significance to women, girls and members of the LGBTIQ+ community.⁵⁵ Part I underlined how the Taliban has, for example, fully closed off or significantly limited women’s access to healthcare tailored to their needs, or banned women in some areas from accessing places of worship or community centres, like beauty parlours.⁵⁶

The standalone crime of “other inhumane acts” provides another connection between persecutory acts and other crimes, both physical and non-physical, involving those acts “of a similar character” to other article 7(1) crimes which “intentionally cause” not only great physical suffering or serious physical injury or health but also, importantly, such harm to mental health.⁵⁷ As detailed in Part I of this Inquiry, the Taliban’s edicts cause profound psychological trauma, erode human dignity, and destroy individual autonomy. These cumulative harms constitute “other inhumane acts” under article 7(1)(k), bridging the interpretive gap and ensuring the regime remains accountable for its institutionalised subjugation.

Forced marriage is an act which has been recognised by the ICC as falling under “other inhumane acts”,⁵⁸

and is another act which is connected to the persecutory conduct in Afghanistan. As established in Part I of this Inquiry, the reported increase in the forced marriage of young girls to Taliban fighters violates IHRL.⁵⁹ These marriages are often the direct consequence of the deprivation of other fundamental rights, such as the right to education, highlighting how the Taliban’s various restrictions are interlinked within a broader, coercive architecture.⁶⁰ By utilising the framework of gender persecution, it is possible to capture the full range of criminality and address the impunity gaps that would otherwise allow institutionalised harms to go unpunished.

The Taliban’s campaign of repression in these various ways meets the ‘in connection with’ requirement by intertwining persecution with numerous acts outlined under article 7(1) of the *Rome Statute*.⁶¹

9.3.4 Element 5: Part of a Widespread or Systematic Attack

Under the *Rome Statute*, an “attack directed against any civilian population” is defined as a course of conduct involving the multiple commission of acts referred to in article 7(1), pursuant to or in furtherance of a state or organisational policy.⁶² Crucially, the ICC *Policy on the Crime of Gender Persecution* clarifies that the persecutory acts themselves need not be “widespread” or “systematic” provided that they form part of an overarching attack that meets these criteria.⁶³ However, where such acts are repeated or pervasive, they may serve as critical evidentiary support to establish the widespread or systematic nature of the overarching attack.⁶⁴

While it is only required for the satisfaction of Element 5 that the attack be “widespread” or “systematic”,⁶⁵ in the case of the Taliban’s treatment of women, both aspects are present.

53 *Rome Statute* (n 2) art 7(1)(e).

54 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 19 [58].

55 *Ibid.*

56 See, eg, pt I ss 5 (‘Health’), 7 (‘Religion’) and 8 (‘Culture’) above.

57 *Rome Statute* (n 2) art 7(1)(k).

58 *Prosecutor v Ongwen (Judgment)* (ICC, Trial Chamber IX, Case No ICC-02/04-01/15, 4 February 2021).

59 See pt I s 7 (‘Religion’) and 8 (‘Culture’) above.

60 *Ibid.*

61 *Rome Statute* (n 2) art 7(1).

62 *Ibid* art 7(2)(a).

63 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 19 [59].

64 *Ibid* 19 [60].

65 See, eg, *Prosecutor v Nahimana, Barayagwiza and Ngeze (Appeal Judgment)* (International Criminal Tribunal for Rwanda, Appeals Chamber, Case No ICTR-99-52-A, 28 November 2007) 293 [920].

A. DEFINING A “SYSTEMATIC” ATTACK

The term “systematic” indicates the need for a pattern, or the pursuit of a policy or plan.⁶⁶ In the context of Afghanistan, the Taliban’s campaign of repression is systematic as it is organised according to a preconceived and formalised policy. This is not a collection of random acts by isolated individuals, but a deliberate and comprehensive transformation of society into a regime of institutionalised oppression.

The systematic nature is evidenced by the regime of commands, including the formal edicts, orders, and directives analysed in this Inquiry. The so-called PVPV Law collates discriminatory mandates into a unified legal framework designed to govern every facet of women’s existence.⁶⁷ Furthermore, the existence of the “PVPV Ministry” provides a centralised enforcement body. The religious police, who report directly to the Taliban leadership, execute these policies through coordinated and methodological efforts, ensuring that the repression is a core pillar of the group’s governance.

B. DEFINING A “WIDESPREAD” ATTACK

The term “widespread” involves large-scale action and a multiplicity of victims, produced through the multiple commission of acts.⁶⁸ For the purposes of assessing the “widespread” nature of an attack, the OTP’s *Policy on the Crime of Gender Persecution* notes that the Prosecution will have regard to the fact that gender persecution often produces numerous victims because it targets members of a group and in this way injures humanity as a whole.⁶⁹

Indeed, in Afghanistan, the attack targets the entire female population, including millions of school-aged girls who are currently banned from education.⁷⁰ By removing women from most workplaces, including political positions, the Taliban’s conduct has disenfranchised half of the civilian population on a national scale.⁷¹ The variable enforcement of

the edicts across the country does not negate the systematic or widespread nature of the attack.⁷²

C. THE REQUIREMENT OF A STATE OR ORGANISATIONAL POLICY

To satisfy Element 5, the attack must also as per the *Rome Statute* definition be committed in furtherance of a state or organisational policy.⁷³ In Afghanistan, the policy of gender persecution is the explicit and public policy of the Taliban. The regime’s leadership has, for example, openly affirmed these policies in public speeches, stating that stoning and other severe punishments will be enforced and that they will not “bend to the pressure of the West” regarding women’s rights.⁷⁴

The proper measure is the institutionalised intent and the cumulative impact of the discrimination, which targets women as a class across the entire territory. Whether women resist or comply with the mandates, the existence of a state-wide policy that restricts their fundamental rights by reason of their gender satisfies the contextual requirements of a crime against humanity.⁷⁵

9.3.5 Element 6: Knowledge or Intention of a Widespread or Systematic Attack

The sixth and final element required to establish gender persecution is a mental requirement of the contextual nature of the crime. Specifically, it must be proven that “the perpetrator knew that the conduct was part of, or intended the conduct to be part of, a widespread or systematic attack directed against a civilian population”.⁷⁶ Under the *Rome Statute*, “intent” is when a person “means to engage” in the relevant conduct or “means to cause” the relevant circumstances or “is aware that it will occur in the ordinary course of events”.⁷⁷ “Knowledge” is the “awareness that a circumstance exists or a consequence will occur in the ordinary course of events”.⁷⁸

66 See, eg, *Prosecutor v Tadic (Trial Judgment)* (International Criminal Tribunal for the former Yugoslavia, Trial Chamber, Case No IT-94-1-T, 7 May 1997) 235 [648] (*Tadic*).

67 For an unofficial translation, see Afghanistan Analysts Network, ‘The Propagation of Virtue and Prevention of Vice Law’ (Web Page) <www.afghanistan-analysts.org/en/Reports/political-landscape/the-propagation-of-virtue-and-prevention-of-vice-law-translated-into-english/>.

68 *Tadic* (n 66).

69 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 19 [62].

70 See pt 1 s 3 (‘Education’) above.

71 See pt 1 s 4 (‘Work’) above.

72 See, eg, *Brown and Grenfell* (n 19) 373.

73 *Rome Statute* (n 2) art 7(2)(a).

74 Annex Edict 173 (24 March 2024).

75 *Brown and Grenfell* (n 19) 373.

76 ICC, *Elements of Crime* (n 3) Element 6.

77 *Rome Statute* (n 2) art 30 (2)(a) and (b).

78 *Ibid* art 30(3).

The satisfaction of this element is considered largely uncontroversial when applied to the Taliban. This is because the regime’s policy of gender persecution is not hidden but is explicitly and publicly presented through edicts and other forms of directives discussed in this Inquiry. Because these commands are issued through official channels and reinforced by a centralised enforcement apparatus, it can be inferred that legislators, judges, religious police, and other law enforcement officers clearly knew of the regime’s systematic policy regarding women.

Furthermore, the OTP highlights that knowledge and intent can be evidenced through a variety of diverse sources, including oral statements, written documents, official decrees, radio broadcasts, and internet posts, such as social media.⁷⁹ The multiple commission of acts, such as the repeated and coordinated closure of girls’ schools or the enforcement of the *mahram* rule at checkpoints, serves as objective proof that participants were aware of a coordinated and methodological effort. Even if a perpetrator’s beliefs are so internalised and normalised that they do not view their actions as biased, the gender-specific patterns of targeting and the separation of individuals based on gendered characteristics provide sufficient evidence of the requisite mental element.⁸⁰

Ultimately, Element 6 connects the individual act of persecution to the broader context of a crime against humanity. In Afghanistan, the widespread dissemination of discriminatory orders makes it nearly impossible for any Taliban agent to claim ignorance of the systematic nature of the attack against women and girls, thereby fulfilling the mental element.

79 ICC OTP, *Policy on the Crime of Gender Persecution* (n 14) 26 [94].

80 *Ibid* 27 [96].

9.4 CONCLUSION

By examining the Taliban’s conduct analysed in Part I through the lens of ICL, a connection was made between the violations of human rights and international crimes. Indeed, the severe deprivations of fundamental rights are not isolated incidents but represent a deliberate transformation of society into a regime of systematic oppression which satisfies all the elements of the crime of gender persecution under article 7(1)(h) of the *Rome Statute*.⁸¹

First, the cumulative effect of the edicts constitutes a severe deprivation of fundamental rights in all the areas of life considered in Part I of this Inquiry.⁸² Second, these acts specifically target women and girls as an identifiable group based on their gender, a social construct the Taliban seeks to regulate through rigid, fundamentalist criteria.⁸³ Third, the discriminatory intent is codified within the regime’s official commands, such as the numerous edicts targeting women and girls, as well as the PVPV Law.⁸⁴

Furthermore, the Taliban’s persecutory acts are connected with other crimes against humanity, such as the “severe deprivation of physical liberty” and “other inhumane acts” causing both profound mental and physical harm.⁸⁵ This conduct is both systematic, occurring pursuant to a formalised policy, and widespread, demographically targeting the entire female population and geographically extending across the territory of Afghanistan.⁸⁶ The mental element is similarly satisfied, as the public nature of the edicts and the centralised enforcement by the PVPV Ministry ensure that perpetrators possess the requisite knowledge of the widespread or systematic attack.⁸⁷

Ultimately, the recognition of gender persecution by the ICC through the 2025 arrest warrants in the situation of Afghanistan marks a landmark shift in the visibility of gender-based atrocities. By naming this specific wrongdoing, international law provides a vital framework for capturing the spectrum of harms that have historically fallen into an impunity gap. However, while the framework of gender persecution successfully validates the reality of these cumulative deprivations, there remains a

81 *Rome Statute* (n 2) art 7(1)(h).

82 See sub-s 9.3.1 above.

83 See sub-s 9.3.2.A and B above.

84 See sub-s 9.3.2.C above.

85 See sub-s 9.3.3 above.

86 See above sub-s 9.3.4 above.

87 See above sub-s 9.3.5 above.

critical need for international law to fully encompass and penalise the institutionalised and permanent nature of the Taliban's systematic oppression and domination. Addressing this legal lacuna, the women of Afghanistan are calling for the recognition of gender apartheid, a framework that provides a more robust representation of their lived realities and the totality of the Taliban's conduct.⁸⁸ This call serves as the final thematic focus of this Inquiry, shifting attention toward a future where such systems of domination can be fully recognised, prevented, and punished under international law.

⁸⁸ See, eg, 'End Gender Apartheid Campaign' (Web Page) <<https://endgenderapartheid.today/>>.

PART II
INTERNATIONAL CRIMES

SECTION

X

CONCLUSION

THE NEED TO RECOGNISE GENDER APARTHEID

10. CONCLUSION: THE NEED TO RECOGNISE GENDER APARTHEID

10.1 INTRODUCTION

The evidence examined throughout this Inquiry demonstrates that the situation of women and girls in Afghanistan is not a collection of isolated abuses but a deliberate, comprehensive, and meticulously engineered system of institutionalised gender domination and oppression.¹

Since August 2021, the Taliban has dismantled the rule of law and replaced it with an ad hoc system of edicts, coercive enforcement mechanisms, and other forms of ideological directives that extinguish women’s autonomy, visibility, and participation in every sphere of life.² The countless edicts issued by the Taliban, whether formal or informal, written or oral, are enforced through a diffuse network of ministries, provincial authorities, and religious police. As Part I of the Inquiry detailed, these commands regulate every aspect of women’s existence, from movement and dress to education, employment, speech, and access to public space.³ They are not administrative measures but instruments of domination.

Part II of the Inquiry outlined how the Taliban’s conduct satisfies the legal elements of the crime against humanity of gender persecution,⁴ a finding which aligns with the recent judgment of the “People’s Tribunal for the Women of Afghanistan”.⁵ The ICC’s issuance of two arrest warrants issued for senior Taliban leaders confirm the international community’s recognition that the harms inflicted on Afghan women are

not incidental, enabling international law to capture a spectrum of harms that have historically fallen into an impunity gap.⁶

Yet gender persecution focuses on the repeated commission of discriminatory acts. It does not fully capture the structural, institutionalised, and permanent nature of the Taliban’s regime of oppression and domination, a core tenet of the group’s system of governance. The regime’s objective is not simply to harm women but to reorganise society so that women’s subordination becomes a fixed and enduring feature of the state. This reveals a gap in the existing architecture of ICL.

The conclusion of the findings of this Inquiry is that the concept of “gender apartheid” can provide a legal framework to address this gap. The term was used by the women of Afghanistan already during the Taliban’s first reign of terror and has been revitalised by the contemporary “End Gender Apartheid” movement, a global coalition of advocates driven by women of Afghanistan, calling for the codification of gender apartheid as a distinct international crime.⁷

The remainder of this conclusion examines why gender apartheid provides an important legal framework for capturing the systemic, intersectional, and transgenerational harms that define the Taliban’s regime. It then identifies the pathways through which gender apartheid can be recognised within international law. Finally, the section underscores the legal and moral imperative of such recognition, emphasising that only by naming, preventing, and punishing gender

1 See generally pt I above.

2 The full set of edicts engaged with in this Inquiry have been included in the Annex which follows this conclusion.

3 See generally pt I above.

4 See pt II s 9 (‘Gender Persecution’) above.

5 Permanent Peoples’ Tribunal, ‘55 Session for the Women of Afghanistan: Judgement’ (8-10 October 2025) <https://afghanistantribunal.com/wp-content/uploads/2025/12/PPT_JUDG_WOMEN_AFGANISTAN_15-dec-2025_FINAL-VERSION.pdf>.

6 ICC, ‘Situation in Afghanistan: ICC Pre-Trial Chamber II Issues Arrest Warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani’ (Press Release, 8 July 2025) <<https://www.icc-cpi.int/news/situation-afghanistan-icc-pre-trial-chamber-ii-issues-arrest-warrants-haibatullah-akhundzada>>.

7 ‘End Gender Apartheid Campaign’ (Web Page) <<https://endgenderapartheid.today/>>.

apartheid can the international community confront the kinds of acts that entrench systemic gender-based domination and render women's subordination a permanent feature of state governance.

10.2 WHY RECOGNITION IS NEEDED

10.2.1 Conceptual and Structural Distinctions

The Inquiry's findings demonstrate that the Taliban's system of governance cannot be fully captured by the existing framework of gender persecution.⁸ While gender persecution is an essential legal tool, one that recognises the cumulative effect of discriminatory acts, it remains oriented toward the elements discussed in section 9 of this Inquiry.⁹ Apartheid, by contrast, centres on an institutionalised regime of domination and oppression, one built through a system of laws, policies, and practices designed to entrench the inferiority of the targeted group.¹⁰ The perpetrators of apartheid do not merely intend to discriminate against individual victims but rather to maintain an entire system of oppression.¹¹ As legal experts of the "End Gender Apartheid Campaign" have pointed out, "[p]erpetrators of apartheid therefore have a fundamentally discrete *mens rea*".¹² The Taliban's regime represents precisely such a situation which ought to be considered through a lens which enables these distinctions to be made in order to fully capture the criminality in question.

Indeed, the edicts analysed in this Inquiry reveal a governing ideology that is structural, comprehensive, and intended to endure.¹³ The Taliban does not merely commit acts of discrimination, but the group has constructed a social order in which women's

exclusion is "at the heart of Taliban ideology and rule".¹⁴ This is evident in the breadth of the edicts, which regulate every dimension of women's lives, and in the manner of their enforcement, which is systematic, centralised, and justified through an ideological framework that denies women legal personhood.¹⁵ The regime's "dystopian ambition" is the permanent reconfiguration of society along gendered lines through its institutionalised system of domination and oppression.¹⁶

10.2.2 Practical and Prosecutorial Advantages

The conceptual distinction between gender apartheid and genderbased persecution has significant practical implications. Recognising gender apartheid may, for example, streamline accountability. Unlike persecution, which requires prosecutors to link discriminatory acts to other crimes under the jurisdiction of the ICC, such the crimes against humanity of murder or imprisonment,¹⁷ apartheid criminalises the existence of the oppressive regime itself. Prosecutors would not need to prove additional underlying offences, even though many of the Taliban's practices, such as women's deprivation of liberty, could qualify as such. This allows international courts to address the Taliban's system of domination directly, rather than trying to do so by building a string of standalone crimes, none of which would focus on the intent to maintain the regime which has enabled, indeed fostered, those crimes in the first places.¹⁸

Importantly, recognising gender apartheid would complement existing legal concepts, not replace them. Taliban officials could still be charged with gender persecution and other crimes. The addition of a gender apartheid charge would simply encapsulate the aggregate wrong of creating and maintaining a societywide system of misogyny and abuse.

8 See pt II s 9 ('Gender Persecution') above.

9 Ibid.

10 See, eg, *International Convention on the Suppression and Punishment of the Crime of Apartheid*, opened for signature 30 November 1973, 1015 UNTS 243 (entered into force 18 July 1976); *Rome Statute of the International Criminal Court*, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002) arts 7(1)(j) and 7(2)(h).

11 Ibid.

12 Sareta Ashraph et al, 'Amending the Crime Against Humanity of Apartheid to Recognize and Encompass Gender Apartheid', *End Gender Apartheid Campaign* (Legal Brief, 5 October 2023) <<https://endgenderapartheid.today/download/2025/EGA%20Legal%20Brief.pdf>> 7 [29].

13 See generally pt I above.

14 Richard Bennett, UNSR Afghanistan, and the UN Working Group on Discrimination Against Women and Girls, *Situation of Women and Girls in Afghanistan*, UN Doc A/HRC/53/21, 53rd sess, Agenda Item 3 (Joint Report, 15 June 2023) 17 [95].

15 See generally pt I above.

16 Ashraph et al (n 12) 7 [30].

17 See pt II s 9 ('Gender Persecution') above.

18 On the distinct nature of the intent, see sub-s 10.2.1 above.

10.2.3 Normative, Diplomatic and Global Significance

Beyond the legal distinctions from existing crimes which justify its recognition, formally recognising gender apartheid as an international crime carries significant normative and diplomatic weight. The term apartheid comes with a stigma which could strengthen movements advocating against the Taliban regime.¹⁹ Stigmatising the Taliban's system of governance is particularly important at a time when there are states which begin to normalise diplomatic and economic relationships with the Taliban.²⁰ Naming the Taliban's system as gender apartheid signals that what is occurring in Afghanistan is not merely routine discrimination but an illegal regime that the international community is obliged to dismantle.²¹ It demonstrates the international community's commitment to not only accountability but also to the rights of those millions of women and girls who have been targeted by the Taliban, as well as to gender equality more broadly. Failing to recognise this type of system for what it is on the contrary "sends a terrible message to women everywhere that their rights do not matter".²²

10.2.4 Intersectional and Transgenerational Harms

Gender apartheid is the only framework capable of capturing the intersectional and transgenerational nature of the Taliban's system of domination. For example, Shia women are often targeted both as women and as members of a minority, illustrating the intersectional nature of harm.²³ Women with disabilities are denied the mobility, support, and life skills necessary for survival under a regime that already restricts movement and autonomy.²⁴ Rural women, widows, and women without male relatives face heightened vulnerability under the *mahram* system, which transforms male guardianship into a condition of existence.²⁵

The denial of education to girls and the imposition of ideological indoctrination create harms that will shape Afghanistan for decades, affecting both current and future generations.²⁶ These measures do not merely harm individuals; they reconfigure the social fabric by deeply entrenching inequality.

Recognising gender apartheid is therefore necessary not only to describe the present but to prevent the future intended by the Taliban. Without such recognition, the international community lacks the tools to fully articulate the harm, to hold perpetrators accountable, and to prevent similar systems from emerging elsewhere. Gender persecution can punish acts, but it cannot name the system. It cannot capture the structural, ideological, and enduring nature of a regime designed to erase half its population from public life. Gender apartheid can.

10.3 PATHWAYS TO RECOGNITION

Advocates are pursuing several strategies to achieve the recognition of gender apartheid as an international crime. Views diverge on which pathway is most effective, and even within a single pathway, approaches and formulations vary. It is important to note that not all strategies are mutually exclusive. The remainder of this Inquiry looks specifically at the ongoing and timely calls for the inclusion of gender apartheid in the *Draft Articles on Prevention and Punishment of Crimes Against Humanity*.²⁷

10.3.1 The Crimes Against Humanity Treaty Process

Crimes against humanity are the category of core international crimes which are not yet captured in a standalone treaty. The ongoing negotiations for such a treaty present an unparalleled opportunity to advocate for the inclusion of gender apartheid, which the End Gender Apartheid movement is seizing.²⁸ Inclusion of gender apartheid as a crime against humanity under this treaty would create recognition at the international level of the crime and define its parameters. It would also impose important general obligations upon the states parties to refrain from, prevent and punish gender apartheid.²⁹

19 Ibid 11 [45]. See also, eg, Karima Bennoune, 'The International Obligation to Counter Gender Apartheid in Afghanistan' 54(1) *Columbia Human Rights Law Review* 1, 58.

20 See, eg, Christina Goldbaum, 'World Opens to the Taliban Despite Their Shredding of Women's Rights', *New York Times* (online, 24 October 2024) <<https://www.nytimes.com/2024/10/24/world/asia/afghanistan-taliban-diplomacy.html>>.

21 Bennoune (n 19) 59.

22 Ibid.

23 Discussed, for example, in pt I s 7 ('Religion') above.

24 See, eg, pt I s 5 ('Health') above.

25 See, eg, pt I s 2 ('Movement') above.

26 See pt I s 3 ('Education') above.

27 International Law Commission, *Draft Articles on Prevention and Punishment of Crimes Against Humanity*, UN Doc A/74/10 (2019) ('CAH Draft Articles').

28 See, eg, Ashraph et al (n 12) pt V.

29 CAH Draft Articles (n 27) art 4.

Obligations under the treaty as currently envisaged also include taking steps to ensure that the crimes included are criminalised under national law.³⁰ This includes when an alleged perpetrator is present in the territory and the state in question does not extradite them which may require reliance on the principle of universal jurisdiction.³¹ Universal jurisdiction over the crime of gender apartheid would mean that states outside Afghanistan could investigate and prosecute members of the Taliban who travel to their jurisdictions.³²

Given the serious nature of such a crime, it could also be argued that obligations under a future Crimes Against Humanity treaty are not simply obligations between parties to a dispute but rather obligations *erga omnes*; enabling states not directly affected to take steps to combat the crime.³³ Such obligations enabled, for example, The Gambia to take Myanmar to the International Court of Justice under the *Genocide Convention* on allegations of genocide against the Rohingya population.³⁴

The Crimes Against Humanity treaty process has entered a decisive new phase following the UN General Assembly's 2024 decision to move ahead with formal negotiations.³⁵ States in the UN's Sixth Committee reached consensus in November 2024 to convene a United Nations Conference of Plenipotentiaries to elaborate and conclude a treaty, marking the first time in decades that governments have agreed to negotiate a new core ICL instrument.³⁶ The roadmap adopted by the General Assembly establishes a Preparatory Committee that will meet in January 2026 and again in 2027, followed by two threeweek negotiation sessions scheduled for early 2028 and 2029.³⁷ This multiyear process reflects both

the political sensitivity of the subject matter and the broad support for closing the longrecognised gap in international law when it comes to crimes against humanity.

There is a cross-regional coalition of states which has expressed continued support for the inclusion of gender apartheid in a future Crimes Against Humanity treaty during earlier sessions of negotiations leading up to the decision to move ahead with formal negotiations.³⁸

10.3.2 Inclusion of Gender Apartheid

Inclusion of gender apartheid in a future Crimes Against Humanity treaty has been proposed by the End Gender Apartheid Campaign as being possible through an amendment to the definition of the crime against humanity of apartheid contained in draft article 2(2)(h).³⁹

The current language of this draft article replicates the definition of apartheid on the basis of race found in the *Rome Statute*, which was negotiated before the international community attained a full understanding of the nature of institutionalised gendered crimes.⁴⁰ A proposed amendment would expand this definition to also include, alongside the ground of race, inhumane acts committed in the context of an institutionalised regime of systematic oppression and domination "by one gender group over another gender group or groups, and committed with the intention of maintaining that regime".⁴¹

From a technical perspective, expanding the existing definition of apartheid is one of the most straightforward points of intervention in the treaty text. Because the draft articles already contain a definition of apartheid, this approach allows negotiators to work within an established structure rather than creating an entirely new provision. It also preserves continuity with the Rome Statute framework, which may make it more politically palatable to States seeking to minimise departures from existing ICL. Importantly, expanding the existing definition would maintain a streamlined approach to apartheid by focusing on the different

30 Ibid arts 6 and 7.

31 On the potential and challenges of universal jurisdiction in the context of Afghanistan, see: Ham Diley Campaign, *Handbook on Universal Jurisdiction: Holding the Taliban Accountable for International Crimes* (Report, 2024) <<https://www.hamdiley.org/handbook/>>.

32 CAH Draft Articles (n 27) art 7(2).

33 Ashraph et al (n 12) 11 [47].

34 *The Gambia v Myanmar* (Application Instituting Proceedings, International Court of Justice, General List No 178, 11 November 2019).

35 *United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes Against Humanity*, GA Res 79/122, UN GAOR, UN Doc A/RES/79/122, 79th sess, Agenda Item 80.

36 Ibid.

37 Ibid 2-3 [4], [6].

38 Akila Radhakrishnan and Alyssa Yamamoto, 'More States Open to Considering Gender Apartheid for Draft Crimes Against Humanity Treaty', *Just Security* (online, 24 May 2024) <<https://www.justsecurity.org/96096/gender-apartheid-crimes-against-humanity-treaty/>>.

39 CAH Draft Articles (n 27) art 2(2)(h); Ashraph et al (n 12) pt V.

40 Ibid. See also *Rome Statute* (n 10) art 7(2)(h).

41 Ashraph et al (n 12) 10 [42].

modalities through which regimes of domination can be constructed. This may be preferable to the inclusion of gender apartheid as a *standalone* crime of gender apartheid that mirrors the *Rome Statute* definition but replaces race with gender. While this option offers conceptual clarity by avoiding the need to add gender onto an existing template, it risks generating parallel and potentially inconsistent bodies of jurisprudence, thereby fragmenting the interpretation of apartheid across different protected groups.⁴²

Another approach preferred by some commentators, would involve redrafting the apartheid provision altogether to adopt a modern, group-neutral definition that captures systems of domination based on socially constructed categories rather than relying on the old model inherited from the *Rome Statute*.⁴³ A group-neutral definition would define apartheid as a system of institutionalised oppression by one socially constructed group over another, regardless of whether the group is defined by race, gender, or another identity.⁴⁴ This approach would align the treaty with modern understandings of identity and structural discrimination, and prevent the emergence of parallel, inconsistent jurisprudence between racial and gender apartheid provisions.⁴⁵ However, this approach would require a significant departure from the *Rome Statute* and a conceptual shift from its definition of apartheid. As this option would require redrafting the apartheid provision rather than amending existing text, it may face higher political and procedural hurdles, including concerns about overbreadth, interpretive uncertainty in early jurisprudence, and the risk that States perceive it as expanding obligations beyond what they are prepared to accept.

Adding gender to existing definitions does not necessarily preclude evolution; ICL has, albeit slowly, begun to embrace more expansive and socially grounded understandings of gender,⁴⁶ suggesting that there is scope for more inclusive interpretations over time.

The formal codification of gender apartheid within a future treaty on crimes against humanity offers a unique opportunity to create a more gender-competent treaty, finally rectifying historical omissions where women's experiences were relegated to the background of more "visible" crimes. Crucially, this framework centres the demands of victim-survivor groups, particularly the women of Afghanistan who have long advocated for a legal lens capable of capturing the totality of the institutionalised harms they endure under Taliban rule.

10.4 FINAL REFLECTIONS: A LEGAL AND MORAL IMPERATIVE

This Inquiry concludes that framing the Taliban's actions through their numerous edicts analysed in this Inquiry solely as gender persecution fails to fully capture the unique, structural, and institutionalised harms inflicted on women and girls in Afghanistan. While gender persecution, as detailed in section 9, is a vital tool for individual accountability, it is not tailored to the identification and punishment of the systems underlying systematic discrimination.⁴⁷ Gender persecution can punish the individual wrongdoers for many of the crimes which occur in Afghanistan under Taliban rule, but it cannot name the system or fully express the gravity of a regime that seeks to reorganise society around the permanent subordination of more than half its population.⁴⁸

By contrast, recognising these violations as gender apartheid provides a more robust framework that accurately represents the lived realities of discrimination, isolation, and erasure documented throughout Part I of this Inquiry.⁴⁹

The formal recognition of gender apartheid is not merely a desirable legal development but an essential moral imperative. The ongoing Crimes Against Humanity treaty negotiations offer a rare, time-sensitive opportunity to close a long-standing impunity gap in international criminal law.⁵⁰ To fail to seize this moment would be to accept the erasure of Afghan women as a matter of international indifference. This recognition is a prerequisite for the restoration of women's rights to movement, education, work, health, expression, religion, and culture, rights that are essential for the dignity, autonomy, and survival of all the people of Afghanistan.

42 Lisa Davis and Kirby Anwar, 'Three Definitions, One Choice: Defining Gender Apartheid in the Draft Crimes Against Humanity Treaty', *Opinio Juris* (Blog Post, 2 December 2025) <<https://opiniojuris.org/2025/12/02/three-definitions-one-choice-defining-gender-apartheid-in-the-draft-crimes-against-humanity-treaty/>>.

43 Ibid.

44 Ibid.

45 Ibid.

46 See pt II s 9 ('Gender Persecution') above.

47 See pt II s 9 ('Gender Persecution') and sub-s 10.2.1 above.

48 See sub-s 10.2.1 above.

49 See generally pt I above.

50 See s 10.3 above.

Ultimately, the call for the recognition of gender apartheid is a commitment to the rights of future generations. International law must not allow for relative judgments based on religious or cultural justifications when it comes to institutionalised domination. Naming the Taliban’s system for what it is, a regime of gender apartheid, signals that the international community is obligated to dismantle the system rather than merely normalising relations with it.⁵¹ It is, fundamentally, a commitment to a future where no regime can erase more than half its population with impunity.

⁵¹ See sub-s 10.2.3 above.



ANNEX

LIST OF THE TALIBAN'S EDICTS, ORDERS, AND DIRECTIVES¹

August 2021

1. **August 13:**
Ordered imams to bring them lists of unmarried women aged 12 to 45 for their fighters to marry.
2. **August 16:**
Ministry of Higher Education issued a letter to private universities reassuring them of Taliban's commitment to education for male and female citizens. Source: Copy of the letter.
3. **August 17:**
Announced amnesty for opposition and former pro-republic officials and urge women to join Taliban's government. The announcement was made by a members of Taliban's cultural commission.
4. **August 17:**
Invites women to join government.
5. **August 19:**
Declared the Islamic Emirate of Afghanistan as form of government.
6. **August 20:**
Carried out house to house search looking for journalists and individuals with ties to the republic and Western forces.
7. **August 25:**
Ordered women to stay indoors at home because soldiers are not trained to respect women.
8. **August 30:**
Declared ban on co-education and prohibited men from teaching girls.

September 2021

9. **September 8:**
Announced a caretaker government.
10. **September 8:**
Banned protests and slogans that don't have prior approval from Taliban.
11. **September 12:**
Ban girls from secondary education.
12. **September 17:**
Replaced Ministry of Women's Affairs with Ministry of Propagation of Virtue and Prevention of Vice.
13. **September 20:**
Ordered professional/working women to stay home until further notice.
14. **September 28:**
Indicated they might temporarily implement the 1964 Constitution.
15. **September 29:**
Women **banned** from attending and teaching at Kabul University.

¹ Documented and updated by Ms Belquis Ahmadi at USIP, and since the closure of USIP, documented and updated by Ms Ahmadi in her personal capacity. Examples of enforcements have been removed from this list by the authors of the Inquiry.

October 2021

No decree or specific order concerning women was tracked during this month.

November 2021

16. **November 22:**
Banned women from television dramas.
17. **November 23:**
Stormed the Afghan Independent Bar Association.
18. **November 25:**
Ordered followers of non-Islam religions to follow the Sharia orders and the Hanafi jurisprudence in performing their religious rituals and that senior government employees must be follower of Imam Abu Hanifa. *Source: Copy of the order.*

December 2021

19. **December 4:**
Haibatullah Akhundzada **issued** a decree about women's rights, outlined the importance of women's consent during Nikah, that a woman is not property, but a noble and free human being. *Source: Copy of the decree.*
20. **December 26:**
Banned women from travelling long-distance (72 km/45 miles) road trips without a mahram.
21. **December 26:**
Banned drivers from playing music in cars and having women passengers without hijab.
22. **December 26:**
Dissolved election commission, ministry of peace and ministry of parliamentary affairs.
23. **December 29:**
Closed public baths for women in Balkh.
24. **December 31:**
Ordered clothing stores to remove mannequin's heads.

January 2022

25. **January 3:**
Closed public baths for women in Balkh.
26. **January 7:**
Ordered coffee shop owners in Herat not to serve women if they are not accompanied by a mahram.

February 2022

27. Ordered NGOs to replace board members and those in leadership positions with Afghans living inside Afghanistan. *Source: Copy of the order.*
28. **Ordered** universities to enforce gender segregated classrooms.
29. **Banned** women from traveling abroad without a mahram and without a legitimate reason.

Note: In February the Taliban in Geneva signed a document vowing to "facilitate principled humanitarian action in Afghanistan and to ensure the protection of humanitarian workers and aid..."

March 2022

30. **March 2:**
Banned women from entering health centers without a mahram.
31. **March 13:**
Ordered enforcement of segregation of women and men's offices.
32. **March 17:**
Announced the reopening of girls' schools at the start of 1401 (March 2022) school year.
33. **March 16:**
By verbal instruction of Haibatullah, women must not be employed in offices and must not leave home. The order was issued by the ministry of interior and signed by Qari Ihsanullah Sohail, Chief of staff of deputy for security affairs. *Source: Copy of the edict.*
34. **March 18:**
Banned foreign TV series.
35. **March 24:**
Announced schools for girls' grade 6 and up will remain close.
36. **March 24, 2022:**
By the verbal order of Haibatullah, women are forbidden from work in offices. The order states women must not leave their home. *Source: Copy of the letter.*
37. **March 20:**
Canceled the Nowroz public holiday.
38. **March 27:**
Banned women from traveling abroad without a mahram and without a legitimate reason.
39. **March 28:**
Ordered male civil servants to grow beard or risk being fired.

April 2022

40. **April 6:**
Dictates different days for men and women to visit parks.
41. **April 22:**
Banned TikTok and PUBG insisting they were leading Afghan youths astray.
42. **April 29:**
Announced three days of week for female and three days for male university students.
43. **April 25:**
Noorullah Munir, the Taliban's acting minister of education **declared** intention to establish as many as 10 new madrasas in every district.

May 2022

44. **May 5:**
Stopped issuing driving license to women.
45. **May 7:**
Issued order that women are not allowed to use public transport if they are alone.
46. **May 7:**
Issued recommendation and implementation plan regarding proper hijab, stating the best hijab is for women to wear a burqa or stay home.

47. **May 16:**
Dissolved the Afghan Independent Human Rights Commission.
48. **May 19:**
Ordered female TV presenters on air to cover their faces.
49. **May 29:**
Issued order that women are not allowed to use public transport if they are alone.

*Note: May 29: The Al-Qaeda leader, Ayman al-Zawahiri **renewed** allegiance to the Taliban leader.*

June 2022

50. **June 1:**
Ordered female students in Ghazni in grades 4-6 to cover their faces while commuting to school or face expulsion.
51. **June 28:** **Held** an all-male gathering of 4,500 clerics and leaders in Kabul. Claimed men can sufficiently represent the views of female relatives.

July 2022

52. **July 18:**
Directs women employees of the ministry of finance to send a male relative to take their jobs if they want to be paid their salaries.

August 2022

53. **August 7:**
Removed Ashura as a religious public holiday.
54. **August 10:**
Female flight attendants are **removed** from their jobs.
55. **August 16:**
Made attending religious classes mandatory in universities, adding five new religious subjects to the existing eight.
56. **August 23:**
Established female moral police department.
57. **August 25:**
Statement **issued** an order banning women from going to parks where parks authorities cannot ensure segregation between men and women.
58. **August 29:**
Ordered female university students to cover their faces in classrooms.

Note: On August 2nd, 2022, a US drone missile strike killed Al Qaeda leader, Zawahiri, in Kabul. Al-Qaeda leader was believed to be in a house in Wazir Akbar Khan together with some family members of Sirajudin Haqani.

September 2022

59. **September 8:**
Made attending daily religious classes (offered by the Vice and Virtue agents) mandatory in all government offices. To keep their jobs, they must pass a test.

60. **September 11:**
Closed secondary and high schools for girls that had briefly opened in Paktia.
61. **September 17:**
Prohibited the hiring of former government's employees of Hajj and Religious Affairs, Supreme Court and Ministry of Education and ordered their termination. *Source: Copy of the order.*
62. **September 20:**
Banned female students from taking videos and photos on university campus.
63. **September 26:**
Ordered media outlets that female TV guests must cover face.

October 2022

64. **October 6:**
Expelled hundreds of pubescent female students in Kandahar.
65. **October 7:**
Blocked women from choosing agriculture, mining, civil engineering, veterinary, and journalism as their study major. Taliban said these subjects are too difficult for women.
66. **October 13:**
Ordered removal of non-Islamic policies in ministries.
67. **October 13:**
Ordered male teachers and students to sign pledge to observe Sharia, in Kandahar.
68. **October 28:**
Removed women's seat from Commission of Media Violations.
69. **October 30:**
Whipped female university students in Badakhshan for wearing jeans under their long coats.

November 2022

70. **November 1:**
The department of finance in Balkh issued a letter instructing the education department to deduct 18,000 from Dalwa and Hot salaries. *Source: Copy of the letter.*
71. **November 6:**
Closed public baths for women in Badghis.
72. **November 10:**
Banned women and girls from parks and gyms.
73. **November 14:**
Taliban Supreme Leader **reinstate** Hudud and Qisas punishments in cases such as robbery, kidnapping and sedition.
74. **November 20:**
Ministry of Haj of Taliban **ordered** mosques to praise Taliban Supreme Leader and refer to him as "Amir" in Friday prayers.

December 2022

75. **December 14:**
Ministry of Vice and Virtue issued a letter to the Ministry of Interior Affairs to improve oversight on production firms that produces tarana (songs without music) to ensure they are in line with Islamic values. *Copy of order is available.*

76. **December 20:**
Taliban **banned** female students from public and private universities until further notice.
77. **December 22:**
Taliban Ministry of Education **banned** girls beyond grade 6 from attending private courses.
78. **December 23:**
The department of education in Kandahar informed teachers and students that wearing necktie is banned as it is against Sharia. *Source: Copy of the letter.*
79. **December 24:**
Ministry of Higher Education issued a letter clarifying that only higher education for girls is suspended and madrasas education is not. *Source: Copy of the letter.*
80. **December 24:**
Taliban **banned** female staff working for I/NGOs.
81. **December 27:**
Taliban **banned** women-run bakeries in Kabul.

January 2023

82. **January 1:**
A letter issued by the Finance department of Balkh province **instructed** the education department to deduct 18,000 Afs from teachers' salaries paid by UNICEF and transfer the amount to the government's revenue account.
83. **January 3, 2023:**
Kabul Education University suspended salaries of two of its professors that resigned to protest the university ban for the female students. *Source: Copy of the letter.*
84. **January 11:**
Taliban's Herat Department of Promotion of Virtue and Prevention of Vice issued a letter banning women from visiting historic places. *Source: Copy of the letter.*
85. **January 13:**
the AGO's department of guidance and Islamic invitation administered a one hour written test assessing religious knowledge of AGO staff. *Source: Copy of the test questions.* Note: Employees are required to attend a 2-4-hour daily lecture and training on Islamic teaching.
86. **January 16:**
Taliban **instructed** travel agencies not to sell tickets to women without mahram.
87. **January 16:**
Taliban **instructed** poets not to compose musical proses.
88. **January 3:**
Taliban **closed** blind girls' schools in Nangarhar and Kunar.
89. **January 10:**
Taliban **appointed** the leadership members of Ulema Council of Kabul from among its members.
90. **January 16:**
Taliban **instructed** elders in Panjshir to hand over list of those that worked in the intelligence agency of the republic and those who worked with the foreign agencies.
91. **January 18:**
Taliban intelligence **instructed** Kabul province governor to arrest 13 members of former armed forces officers.
92. **January 21,** the ministry of higher education in a letter to institutions of higher education ordered the exclusion of females from university entry exam. *Source: Copy of the letter.*

93. **January 24:**
Supreme Court issued a letter to Southwest Intelligence and police citing a report from an independent judicial monitoring committee that had expressed concern about torture of detainees in inmates. Threatening the abusers with dismissal and severe punishment. *Source: Copy of the letter.*
94. **January 25,** ministry of vice and virtue issued a letter to MoPH summarizing the findings of the vice and virtue's monitoring report, expressing concern that only 5% of health workers have complied with the hijab and physical appearance [beard] requirement. *Source: Copy of the letter.*
95. **January 25:**
Ministry of higher education in a letter to Kabul University, instructed female lecturers to sign their time sheets on the last Thursday of the month in a designated location in the north entrance of the campus. *Source: Copy of the letter.*
96. **On January 25,** the Taliban verbally **informed** pharmacies that selling of contraceptives is haram and Islam and therefore, pharmacies must refrain from selling them.

February 2023

97. **February 1:**
Taliban **instructed** hospitals in Kabul that their medical staff must wear black hijab (Arabic long gown) and mask at all times.
98. **February 1:**
Taliban verbally **instructed** female government medical staff to be accompanied by a mahram while going to their offices in Kandahar.
99. **February 1:**
Taliban **closed** a women's Karate club in Farah province. It operated in spite of the earlier ban on female sports clubs.
100. **February 2:**
The district governor of Nasi district of Badakhshan issued a letter prohibiting the inter Suni/Shia marriage. *Source: Copy of the letter.*
101. **February 22:**
Taliban **closed** four medical centers run by female doctors in Ghazni because male patients were treated by female doctors.
102. **February 18:**
Taliban **conducted** the exit exam for only male medical students.
103. **February 17:**
Tribal elders **banned** woman from taking a mehria for her marriage. Taliban have banned bride price (toyana) across the country. Mehria is a woman's right under Islamic rules.
104. **February 22:**
Taliban **removed** the students and closed a few private education centers because of having female students.

March 2023

105. **March 4:**
Taliban **invalidated** thousands of divorce cases that were decided during the republic.
106. **March 6:**
Taliban **instructed** institutes of higher education to only admit male students in the forthcoming academic year (academic year started on March 22).
107. **March 10:**
Taliban announced gender **segregated** visit to shrines in Herat.

108. **March 12:**
Taliban **banned** issuing transcripts and certificates for female university graduates.
109. **March 13:**
Small businesses council of Parwan issued a circular to its members that operate beauty salons and instructed them to require their clients to “take an ablution” before they initiate a service. *Source: Copy of the decree.*
110. **March 15:**
Taliban **ordered** restaurants in Takhar not to serve women without mahram.
111. **March 17:**
Taliban’s Hajj and Religious Affairs ministry declared the celebration of Nowroz as an act against sharia. The ministry instructed mullah imams of mosques throughout the country to inform the public to refrain from celebrating Nowroz, Christmas, Birthdays, Lovers’ Day [Valentine’s Day], Women’s Day and April Fools Day, as these are significant days for *Kafirs* (infidels). *Source: Copy of the directive.*
112. **March 20:**
The Emir issued a decree **barring officials from hiring relatives** in government positions.
113. **March 25:**
In Balkh province, the Taliban have **segregated** banking services based on gender.
114. **March 25:**
The Emir issued a verbal decree **re-tasking the Attorney General’s Office** as the “General Directorate for Monitoring and Follow-up of Decrees and Directives.”
115. **March 30:**
Taliban’s Emir issued an order to courts to **re-examine and invalidate legal cases** that had been settled by the republic courts and did not comply with Sharia.
116. **On March 31**, the Taliban’s ministry of education issued an eight-page directive specifying the school uniform for girls and boys. The directive is said to be based on Article 41 of the law of education. *Source: Copy of the directive.*

April 2023

117. **April 4:**
The Taliban prevented female Afghan staff of the UN from reporting to work.
118. **April 5**, the Taliban’s MPVPV issued an edict **banning** women from going to restaurants in Herat. Previously they had issued an edict on **May 12, 2022** instructing restaurant owners to segregate male and female diners. *Source: Copy of the edict.*
119. **April 13:**
The ‘girls’ schools committee’ (headed by Sheikh Mohammad Ayoub Ansari) provided Mullah Haibatullah with lists of proposed school subjects for girls and boys from grade 1 to 12. According to the committee’s recommendation, girls and boys, grades 1-4 will share the same curriculum, but above that girls will be taught special subjects that simply modern and scientific subjects. At the same time girls and boys will receive more intensive religious education. The main religious subjects for girls will focus on recitation of the Quran, ethics, hadith, history of Islam, the prophet’s life, Arabic language, rights of spouse, and children and unacceptable traditions and customs). *Source: Copy of the report.*
120. **April 19:**
The Taliban **ordered** the Shia community in Balkh to celebrate Eid on the day
121. **April 19:**
The Taliban’s Supreme Court declared Eid rather than following the announcement from Iran’s religious authority to declare Eid a day later, which Shia traditionally follow.

May 2023

122. On May 4, in a recorded voice message, the head of the Promotion of Virtue and Prevention of Vice in Kandahar, Mawlawi Abdulhai Omar **verbally** ordered all the provincial departments to ban girls and women from going to health centers and cemeteries. In his message, Mawlawi Omar claims that “women/ girls wear makeup when they go to these places and pretend they are ill. “Anyone whose daughter or sister is like this, if she has a brother, arrest her brother. If she has a father, punish her father and punish him for not correcting her daughter.” *Source: audio clip*
123. May 5:
Taliban **banned** young women (usually not married) from going to health centers and shrines in Kandahar province.
124. May 10:
Taliban warned education directorate staff and teachers of Khost to choose between termination and keeping a long beard. *Copy of the letter.*
125. May 11:
Taliban officials **verbally** directed media outlets not to produce contents about women hygiene issues.
126. May 18:
Taliban **banned** “hena bandan” a type of pre-wedding ceremonies in Kandahar province.
127. May 20:
Taliban and local elders **imposed** ceilings of women and widows dowry in Parwan province.
128. May 28:
Taliban instructed health workers not to carry smart phones while on duty in Helmand province. *Copy of the letter.*

June 2023

129. June 1:
The Taliban Ministry of Higher Education **issued** a directive to Kabul University ordering lecturers to avoid the use of certain Dari words in their research and to use the full title of “national and religious” figures.
130. June 8:
Banned foreign NGOs from providing educational programs including Community-Based Education. According to UNICEF, it will impact half a million students, specifically 300 thousand girls.
131. June 15:
Banned grooms from joining his bride in the wedding saloons, The ban extended to filming of wedding ceremonies, serving food at the time of prayer, and having dress changing rooms for women in the wedding halls.
132. June 16:
The General Directorate of **jihadi madrasas** under the Ministry of Education announced that construction work on jihadi madrasas is currently underway.
133. June 17:
Banned women from participating in radio and TV shows where the presenters are men.
134. June 18:
Instructed beauty salons to have a facility for its clients to perform a religious ablution before putting on makeup.
135. June 18:
Taliban Ministry of Higher Education is **reported** to have allowed female university students to defend their monographs and attend exams of final semester online. The rest of the semesters and education affairs of female university students are suspended until further notice.
136. June 24:
Banned all women beauty parlors across the country.

July 2023

137. July 1:

Taliban's Ministry of Education issued a circular to local and international NGOs stating that according to NGOs law all NGOs are required to open a bank account for each project and that NGOs are not allowed to have more than one project linked to the same bank account. *Source: Copy of the letter.*

138. July 6:

Taliban's Ministry of Propagation of Virtue and Prevention of Vice announced the ban on beauty salons [all run by women for women] because services provided by the salons were forbidden by Islam. Owners of beauty salons were given one month notice to wind down their businesses. *Source: Copy of the letter.*

139. July 9:

Taliban's Directorate of Preaching & Propagation of the Ministry of Foreign Affairs in a letter to its representatives in provinces and overseas instructed them to perform daily prayers collectively and to adjust their appearance according to Shariah and the Prophet's sunnah. *Source: Copy of the letter.*

140. July 11:

Taliban **suspended** activities of the Swedish Committee for Afghanistan following the desecration of the Quran in a protest in Stockholm on June 28. Context: On June 28, in a rally in Medborgarplatsen Square in Central Stockholm an Iraqi migrant, Salwan Momika he tore some pages of the Quran and set it on fire.

141. July 15:

The International Relations Department of the Ministry of Public Health of Taliban issued a letter ordering a full ban on the activities of Premiere Urgence-Aide Medical International (PU-AMI), a French health organization. MoPH did not give a reason for the decision. *Source: Copy of the letter.*

142. July 17:

Taliban abolished the Attorney General's Office (AGO). The new institution established to replace AGO is called, Directorate of Supervision and Prosecution of Decrees and Orders which no longer investigates or prosecutes cases directly. That function is taken over by the court and police. *Source: Copy of the decree.*

August 2023

143. August 26:

Taliban Minister of Vice and Virtue during his visit to Bamyán **announced** that women are henceforth not allowed to enter Band-e Amir national park.

September 2023

144. September 17:

The Taliban's Ministry of Commerce and Industries suspended the organization of trade exposition events until further notice. *Source: Copy of the letter.*

145. September 16:

Officials from the Department of Vice and Virtue have issued verbal warnings to clothing store owners in Bamyán to refrain from selling glamorous/party dresses to women. This directive has been reiterated in local mosques as well. *Source: Contacts on the ground. Also reported by online media.*

146. In Helmand, the Department of Information and Culture, through mullahs in mosques, has instructed media outlets not to feature women in their programs without prior approval from the department. Additionally, the department has warned women against using social media platforms such as Facebook, TikTok, X (formerly known as Twitter) and other similar tools. These messages were delivered through mosques on behalf of the governor and the department. *Source: Contacts on the ground.*

147. In Uruzgan, the governor issued an audio-recorded message banning women from working remotely with Non-Governmental Organizations (NGOs). *Source: Contacts on the ground and copy of the audio message.*

October 2023

148. October 14:

The Taliban religious police **instructed** media outlets in Kunduz province to submit drafts of their content for review and approval prior to publication.

149. October 25:

The Taliban, in Faryab, prohibited private videography/photography firms from hiring female employees to work at wedding ceremonies. *Source: Contacts on the ground.*

150. October 22:

The Kandahar religious police conveyed through a letter to elementary schools and women's madrasas that, moving forward, the only accepted form of hijab is the burqa. *Source: Contacts on the ground.*

151. October 20:

The Taliban's Ministry of Economy has instructed NGOs in Kabul that women are not permitted to hold the position of director within an NGO. *Source: Contacts on the ground.*

152. October 19:

An official letter from the Taliban to government offices, educational centers, and hospitals in Helmand and Paktia announced a ban on the use of smartphones. The directive emphasized that individuals caught using smartphones on the job would face termination. *Source: contacts on the ground.*

153. **October:** The General Directorate of Intelligence in Helmand issued a directive to Imams and neighborhood representatives (Wakeels and Arbabs), instructing them to compile a detailed list of residents, including copies of their national IDs, full addresses and phone numbers. Imams are further tasked with monitoring individuals participating in the five daily prayers and reporting those who miss prayers for three consecutive days, in accordance with the provided instructions. *Source: Contacts on the ground.*

November 2023

154. November 1:

Taliban's Ministry of Education issued a letter informing provincial authorities of the suspension of all educational projects by SCA, BRAC, IRC. *Source: Copy of the letter.*

155. November 11:

The Taliban's Ministry of Public Health in a letter informed the Ministry of Economy that programs related to public awareness, women's health centers, social behavior, and mental health offered outside of government-run health centers by NGOs are prohibited. *Source: Copy of the letter.*

156. **On November 15**, local Taliban officials verbally **directed** the organizers of a street book fair in Herat to cover photos featuring human beings on the books. Additionally, in Kabul the Taliban **prohibited** women artists from exhibiting paintings that depict human faces.

157. **On November 19**, the Taliban religious police in Samangan province verbally imposed a **ban** on photographing and recording videos at weddings. The Taliban attributes this directive to a verbal instruction from the Minister of Vice and Virtue. This prohibition follows a previous restriction where the Taliban had banned women from engaging in photography and video recording in Faryab.

158. November 22:

The religious police of the Taliban in Herat imposed a **ban** prohibiting male tailors from tailoring women's clothes. Despite a protest staged by the tailors in response to the ban, the Taliban maintained their decision, which came after months of consecutive restrictions. A few women own and run tailorship in the women's only market, while majority have home-based tailoring and dress making activities.

159. In Khost the Taliban have issued **warning to social media users** that posting political, satirical, or musical content results in punishment.

December 2023

160. December 3:

The Taliban's public health department in Takhar and Parwan ordered hospitals and health clinics to remove posters containing drawings and pictures of human beings, particularly women. *Source: Contacts on the ground*

161. December 5:

By the verbal order of Haibatullah, the Taliban's religious police suspended delivery of nursing and midwifery education to female students in Kandahar. *Source: Contacts on the ground.*

162. December 19:

The Taliban's department of economy in Helmand issued a directive to NGOs, stipulating that new local employees must obtain an approval letter from the General Directorate of Intelligence before being offered employment. NGOs are asked to submit the names of existing employees for background check and approval. *Source: Copy of the letter.*

163. December 30:

The Taliban's Ministry of Economy issued a letter calling on local and international organizations to refrain from implementing projects focused on peace, conflict resolution, advocacy and public awareness as they are not considered a need. *Source: Copy of the letter.*

January 2024

Not included in the USIP list

February 2024

164. February 13:

The Ministry of Public Health issued a directive to medical institutes of higher education, instructing those that provided education to girls during the winter to cancel the semester. They are to re-teach the same semester at the beginning of the new academic year, as teaching during the winter is only permitted to conduct short term capacity enhancement courses. *Source: Copy of the letter.*

165. February 14:

Mullah Abdul Haq Waseeq, head of the Taliban's General Directorate of Intelligence, has directed its units to stop organizations from taking inappropriate photos (mixed male/female) during aid distribution, and during meetings, particularly of women. Violators are instructed to be reported to the directorate for appropriate action. *Source: Copy of the letter.*

166. February 19:

The Ministry of Public Health issued a letter to its provincial departments in 11 provinces, introducing/authorizing a four-member delegation from the Norwegian Church Aid (NCR) including a female doctor (accompanied by her mahram) to conduct entry exams, distribute materials, and register female students for studying nursing and midwifery. *Source: Copy of the letter.*

167. February 22:

The Taliban in Kandahar have issued directives instructing school principals to **prohibit** girls aged 10 and above from attending classes below the sixth grade. In the same directive, the Taliban have mandated those girls in grades four to six must wear face coverings during their journey to school.

168. February 25:

The Taliban police chief in Khost, Abdul Rashid Omari, banned women from contacting local radio and television channel citing the potential for spreading immorality. *Source: Copy of the letter.* Also reported by [media](#).

169. February:

The governors of Kandahar, Helmand and Farah have issued an audio directive barring government employees from conducting video interviews with media outlets, only allowing audio interviews. *Source: Contacts on the ground*

170. February 28:

The Taliban's spokesperson for the Ministry of the Promotion of Virtue and Prevention of Vice, Abdul Ghaffar Farooq, **announced** that women appearing on television must wear black hijab and with their faces covered only leaving their eyes visible.

March 2024

171. March 17:

The Taliban **banned** women in six districts of Nangarhar from working at carpet weaving factories.

172. March 23:

The Taliban **banned** street saleswomen in a market in Jalalabad City of Nangarhar.

173. March 24:

The Taliban leader has **mentioned** in a speech that the public stoning of women shall be enforced, and the Taliban will not bend to the pressure of the West.

174. March 31:

Taliban **closed** several female educational centers in Kabul for registering female students beyond 6th grade.

April 2024

175. April 24:

This month the Taliban's Education Department of Kabul Province issued a commitment letter to owners of private schools. Within this letter, they outlined a series of ten points to which the owners/administrators are pledging adherence. One of these points declares, "I confirm my agreement to adhere to the decision to suspend schooling for female students from grades 7 to 12..." *Source: Copy of the letter.*

176. This month, the Taliban in Helmand verbally instructed media outlets to refrain from airing women's voices. *Source: Field contacts.*

177. This month the Taliban required all employed women to obtain a work permit from the Ministry of Labor and Social Affairs. *Source: Copy of the announcement.*

178. April 7:

The Economic Affairs Commission issued a directive, quoting the Emir, to remove and replace the elected leadership of the chambers of commerce, the association of money changers, Afghanistan Chamber of Commerce (ACCI) with 'good and righteous individuals. *Source: Copy of the order.*

179. Media outlets were verbally instructed to ban women from co-hosting shows with male journalists and refrain from reporting on women's rights and violence against women. *Source: Media contacts.*

May 2024

180. May 26:

The Taliban **required** couples in Herat to present their "marriage certificate" to allow them to eat together in restaurants.

181. May 29:

The Minister of Vice and Virtue, quoting Haibatullah, issued a directive with a list of prohibited practices, which included ribbon-cutting ceremonies, the celebration of Mother's Day and Teacher's Day—deemed non-Muslim customs—as well as boxing, citing the risk of blindness and injury to the participants. *Source: Copy of the directive.*

June 2024

182. June 3:

A circular signed by Sheikh al Hadis Noorul Haq Anwar, addressed to the Environmental Protection Directorate, states that all female employees recruited during the republic should receive a uniform salary of 5,000 AFN [\$71]. *Source: Copy of the letter.*

183. June 4:

The Department of Education in Bamyān issued a letter, signed by Qari Enayatullah Sahaar, stating that in all schools where students follow both Hanafi and Jafari jurisprudence, but only use textbooks based on one of these jurisprudences, the textbooks will be replaced with books from both Hanafi and Jafari traditions. *Source: Copy of the letter.*

184. June 10:

A circular signed by Qari Abdul Baset Haqani, Director of Education for Kabul Province, states that based on orders from the responsible authorities, the salary of female employees should be 5,000 AFN. Consequently, any female employees who received a full salary earlier in the month of Jawza (May/June) because of Eid will have the extra amount deducted from their salary in the following month, Saratan (June/July). *Source: Copy of the letter.*

185. June 15:

A press release by the Supreme Court, citing a decision by Emir Sheikh Haibatullah and Chief Justice Abdul Hakim Haqani, announced the release of 349 inmates from prisons across the country and the reduction of prison sentences for 270 inmates in honor of Eid. *Source: Copy of the press release.*

July 2024

186. July 2: A circular signed by Abdul Qadir Ahmad, Acting Deputy Minister of Finance, states that all female civil servants in both budgetary and off-budget positions will receive 5,000 AFN, as per the directive of Haibatullah. *Source: Copy of the circular.*

187. July 3:

The religious police in Daikundi issued an announcement mandating that women must comply with the hijab requirement within five days. The specified hijab style must be Arabic. After the deadline, violators will face punishment and imprisonment, with responsibility falling on both the individual and her family. *Source: Copy of the announcement and sources on the ground.*

188. July 8:

The Ministry of Finance issued a circular, signed by Mullah M. Naser Akhund, to all ministries, offices, and directorates, stating that female employees who are currently working but do not report regularly like male employees, or do not perform duties according to their job description, will have their salaries reduced to 5,000 AFN from 25/11/1445 onwards. However, female employees who consistently report to work and fulfill their job duties as described are exempted from this rule. Offices that have paid salaries above or below 5,000 AFN must adjust these salaries in the upcoming months. *Source: Copy of the circular.*

189. July 17:

The Vice and Virtue authorities in Faryab have re-issued a **ban** prohibiting women from visiting three parks (Khawja Ghaar, Dara Shaakh, and Dara Rang) in Gurziwaan District. The ban has been confirmed through an official letter and corroborated by contacts on the ground.

190. July 23:

The Taliban have posted notices in medical colleges, **mandating** that female students wear the “chadur namaaz” full body cover as a condition for entry. Note: The same type of hijab has been banned in Daikundi province.

191. July 31:

The Taliban issued a new edict under their ‘Propagation of Virtue and Prevention of Vice Law’, which was published in the Ministry of Justice gazette, listing previously imposed restrictions as well as additional ones, including women’s voice in public and prohibiting friendship with non-Muslims. *Source: Copy of the edict.*

August 2024

192. August 15:

The Taliban's department of economy instructed NGOs to remove the word "woman" from their organizational names. *Source: Contacts on the ground.*

193. August 20:

The Minister of Vice and Virtue in a speech in Kunduz province **called** for *jihad* against any uprisings or rebellions opposing the Emirate. *Source: Hasht e Sobh*

194. August 24:

Taliban's Department of Information and Culture issued a warning to radio stations in **Khost** and Paktia, prohibiting the broadcast of educational programs for students beyond the 6th grade. *Source: Contacts on the ground from Paktia.*

September 2024

195. September 14:

The Taliban's Vice and Virtue enforcers have instructed Imams in select mosques across Kandahar to urge their communities to prohibit women from using smartphones. *Source: Contacts on the ground.*

196. September 16:

The Taliban's Ministry of Public Health **suspended** the polio vaccination campaign in Afghanistan without offering any explanation.

197. September 19:

The Vice and Virtue authorities in Balkh reissued an order prohibiting women from entering parks. *Source: copy of the order.*

198. September 20:

Following a prominent Imam's (Mawlawi Sebghatullah Maulawizada) challenge to the Taliban's ban on female education, the Taliban's Chief Minister Office issued an edict **prohibiting** Imams from calling the Taliban leaders for debates. The edict also directed event organizers not to invite Imams who oppose the Taliban's views and instructed students to leave madrasas led by such Imams.

199. September 23:

The Taliban's Ministry of Information & Culture issued an 8-point edict imposing extensive restrictions on the media. These include a ban on live broadcasts, the requirement to use only Taliban-approved commentators, a prohibition on criticizing Taliban policies and laws, and a mandate that media programs cover only pre-approved topics. *Source: Copy of the edict.*

October 2024

200. October 1:

The Taliban in Takhar province **banned** journalists from taking photographs and filming. This restriction aligns with Article 17 of the MPVPV law, which prohibits the broadcast of any living beings.

201. October 9:

The Taliban banned women access to the joined market on Afghanistan-Uzbekistan border in Balkh province. *Source: Copy of the letter.*

202. October 14:

In Badakhshan, the Taliban issued a policy **banning** women from visiting the provincial hospital in the afternoons and men in the mornings for non-emergency reasons, intensifying gender segregation efforts.

203. October 26:

The Taliban's Ministry of Information and Culture issued a directive to bookstores **banning** the sale of approximately 400 books. The prohibited titles include literature on modern governance, the sociology of religion, democracy, novels, poetry, and books related to Shia Islam.

204. October 28:

The religious police in Badakhshan province issued verbal instruction that adult women outside their homes must wear Arabic-style hijab that also covers their hands. *Source: Contacts on the ground.*

November 2024

205. November 13:

In Uruzgan, the Taliban closed down community-based education centers run by International NGOs. *Source: [Radio Azadi](#)*

206. November 25:

The religious police in Daikundi issued an order instructing women to cover their faces in public to “prevent temptation”. *Source: Contacts on the ground.*

207. November 27:

By the verbal instruction of the Vice and Virtue authorities, five female-run cafes were closed in Herat city. *Source: Contacts on the ground.*

208. November 27:

The Taliban, by the order of Ramatullah Qandili, the head of the provincial education department of Bamyan, shut down accelerated learning classes funded by UNICEF, which were designed to support girls out of school below the sixth grade. *Source: Contacts on the ground.*

December 2024

209. December 2:

The Taliban’s Ministry of Public Health held a meeting with private university administrators to announce that, effective immediately, female students were **barred** from studying medicine. Later that week, the minister instructed universities to administer the final exams within 10 days, after which the ban on female students would be fully enforced. Note: Despite the December 2022 ban on female enrollment in universities, these medical colleges had remained open until now.

210. December 4:

The Ministry of Economy issued a letter referencing Letter #4293 of 1444/5/30 (December 24, 2022) regarding the suspension of women’s employment in non-Emirati local and international organizations. The directive instructs non-Emirati organizations to seriously consider suspending women’s employment and take the necessary actions. Violators will face the risk of having their licenses revoked. *Source: Copy of the letter.*

211. December 8:

In Takhar, the head of the Department for Promotion of Virtue and Prevention of Vice, Mawlawi Habibullah Hanafi, in a meeting instructed shopkeepers to **refrain** from speaking to women during transactions.

212. December 8:

The Herat Higher Education Department issued a letter to Herat University, referencing a letter dated 1403/8/30 (11/20/2024), instructing university departments that female administrative staff unable to report to work in person must nominate a male relative to attend in their place in order to continue receiving their salaries. *Source: Copy of the letter.*

213. December 10:

The Taliban’s Vice and Virtue authorities issued a statement referencing Article 18 of the PVPV law, reaffirming the **ban** on organ transplants.

214. December 11:

In a letter to universities, the Taliban Ministry of Higher Education announced the **termination** of all female administrative staff and offered them the option to be replaced by male members of their families.

215. December 11:

The Taliban emir issued an eight-article decree concerning pension benefits, which includes the establishment of a special Pension Rights Court. The decree states that retirees from all public agencies may submit applications to request pensions from the court. The court will review these applications and evaluate the justification for granting the pension. *Source: Copy of the decree.*

216. December 17:

The Taliban's Vice and Virtue Ministry has instructed media outlets and Youtubers to **refrain** from producing and broadcasting satirical contents claiming 'funny' and 'satirical' programs is against Sharia and must be stopped.

217. December 21:

The Vice and Virtue Directorate in Jalalabad city of Nangarhar province issued a verbal order prohibiting women from using smartphones in public. *Source: Contacts on the ground. Also reported by [Hasht-e Subh](#)*

218. December 24:

A letter from the Ministry of Education, regarding the ban on female students beyond grade six in public and private educational institutions, referenced a previous decree by the Emir. The letter instructed the Herat Education Department, citing decree 1446/3/22, that the education of female students beyond grade six remains suspended until further notice. *Source: Copy of the letter.*

219. December 25:

Vice and Virtue inspectors in suburban Kabul have instructed public transport drivers to avoid carrying mixed-gender passengers. According to this directive, men and women are prohibited from traveling together in the same vehicle. *Source: Contacts on the ground, also reported by [Rukhshana Media](#)*

220. December 26:

A letter from the Deputy Ministry of Finance and Administration, Department of Coordination of NGOs, addressed to ACBAR, followed up on the suspension of women's employment in local and international NGOs. The letter referenced a previous directive dated 1444/5/30, instructing NGOs to suspend female employees. It also warned that failure to cooperate with Emirati agencies would result in the suspension of organizational activities and the revocation of their licenses. *Source: Copy of the letter.*

221. December 28:

The Taliban emir issued an edict requiring new constructions to avoid windows that overlook neighboring properties. For existing homes, homeowners must either build a wall or take steps to protect the privacy of female family members. *Source: Copy of the edict.*

January 2025

222. January 5:

The Ministry of Education issued a directive referencing Emir's Decree No. 3538/525, approving a standardized uniform for students and teachers. The directive mandates that male students and teachers wear a hat or turban along with a shalwar kameez, specifying the color, length, and style of the uniform. *Source: Copy of the letter.*

223. January 6:

The Kandahar Department of Economy issued a letter informing UNOCHA of upcoming visits by PVPV inspectors to the offices of the UN, as well as national and international organizations, to assess compliance with the PVPV decree. The letter also urged UNOCHA to extend its cooperation to the inspectors. *Source: Copy of the letter.*

224. January 11:

The Ministry of Economy, in a letter to ACBAR, emphasized the enforcement of the Emir's decree dated December 24, 2022, concerning the suspension of women's employment in NGOs. *Source: Copy of the letter.*

225. January 14:

The Taliban Vice and Virtue Department issued a letter **prohibiting** women from Itikaf (usually a three-day spiritual retreat) inside Shia mosques in Herat.

226. January 14:

The Vice and Virtue department of Herat **banned** female news anchors from appearing on television, despite their adherence to hijab rules, claiming that their presence “provokes men”. *Source: Hasht-e Subh Daily*

February 2025

227. February 14:

Taliban **banned** media from hosting political talk shows.

228. February 11:

The Taliban’s Ministry of Economy, in a letter to the Department of Economy in Zabul province, ordered the suspension of HAO’s emergency humanitarian aid activities and the confiscation of its equipment. *Source: Copy of the letter.*

229. February 20:

In an official statement, the Taliban’s spokesperson declared that the group does not consider itself bound by the Rome Statute, following the January 23rd issuance of ICC arrest warrants for Taliban’s emir, Haibatullah Akhundzada and the group’s chief justice, Abdul Hakim Haqqani. *Source: Copy of the statement.* Note: Afghanistan ratified the Rome Statute in February 2003.

March 2025

230. March 18:

The Taliban’s Directorate of Information and Culture in Kandahar instructed media outlets to **stop broadcasting women’s voices**.

April 2025

231. April 28:

Taliban’s ban on broadcasting images of living beings, that started in Kandahar on September 4, 2024, has now been extended to 19 provinces with the latest being Badakhshan, Baghlan and Nimroz. *Sources: [Amu tv](#) and [Afghanistan International](#)*

232. April 30:

Ministry of finance issued directive for the implemeantion of the edict concerning pension. *Source: Copy of the Ministry of Finance directive.* Note: On December 11, 2024, the Taliban’s emir issued an an eight-article decree concerning pension benefits stating that retirees from all public agencies may submit applications to request pensions from the court. The court will review these applications and evaluate the justification for granting the pension. *Source: Copy of the directive.*

May 2025

233. May 3:

The Ministry of Education issued a directive to all provincial education departments mandating the complete separation of boys’ and girls’ schools, each to be managed by separate administrations. The directive also stipulated that male teachers are permitted to teach only boys.

234. May 5:

The Vice and Virtue inspectors have instructed shopkeepers in various parts of Kabul to remove air conditioning units from their stores, claiming that a cooler environment encourages women to linger longer. They have also ordered the removal of chairs to prevent women from sitting inside the shops. *Source: Field contact in Balkh and Kabul.*

235. May 24:

The Vice and Virtue authorities requested the Herat Department of Traffic to prohibit women from driving, arguing that driving is one of the most important and highly responsible professions. They claimed that women are incapable of learning to drive and possess scattered minds. *Source: Copy of the letter.*

June 2025

236. June 18:

Kandahar education department through a directive, banned the use of smartphones by students, teachers and administrative staff in schools and madrasas. Source: [Arab News](#)

July 2025

The Taliban's emir has issued a new law regulating poetry, which bans any criticism of Taliban leaders or their policies. The law mandates that all poems, as well as any public recitations, must receive prior approval from the Ministry of Culture and Information before being published or performed. Source: *Copy of the edict*.

August 2025

237. August 29: The Taliban's PVPV ordered women to close home-based beauty salons within a month or face arrest, instructing local representatives to report violators. Source: *Field contacts* and [The Guardian](#)

238. August 30: Under instructions from the emir, the Taliban's Dar-al-Ifta has directed electronic ID centers that women's photos on ID cards are now optional rather than mandatory. Source: [Afghan Analyst](#)

September 2025

239. September 8: The governor of Balkh ordered the closure of National Television and instructed Taliban officials not to grant interviews to either state or independent media.

240. September 10: The Kandahar Department of Vice and Virtue ordered a ban on YouTubers and the use of social media. Source: [Amu TV](#)

241. September 11: The Taliban began enforcing a ban on female Afghan employees of UN agencies in Kabul and other provinces. Source: [UN News](#)

Note: The edict banning women from working with UN agencies and NGOs was first issued in December 2022 and followed up by relevant ministries; however, this time the ban is being enforced by the Ministry of Defense.

242. September 9: The Taliban's Ministry of Higher Education, in a letter signed by Deputy Minister Zia-ur-Rahman Aryubi, has banned 700 textbooks and reference books, including subjects such as Constitutional Law, Human Rights, Good Governance, Gender and Development, and the Role of Women in Public Communication. Source: [Zantimes](#)

243. September 12: the Taliban's Vice and Virtue officers prevented male employees of the state-owned Breshna company from entering their workplace in Kabul because they either had short beards or were not wearing hats. Source: *Field contacts*.

244. September 19: The Taliban imposed a ban on books authored by women in universities, further restricting female representation in higher education. Source: [BBC](#)

245. September 23: The Vice and Virtue authorities, through an audio message, instructed dentists in Kandahar and Helmand to refrain from treating female patients. Source: *Field contacts*.

November 2025

246. November 4th: The Vice and Virtue authorities in Herat verbally informed community representatives that, effective immediately, women without a burqa or an Arabic-style hijab would no longer be allowed to enter government offices, hospitals, or markets. Source: *Contacts on the ground*.

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ABOUT HAMDILEY

The Ham Diley Campaign takes its name from the Persian phrase for empathy and solidarity. It was founded in response to the Taliban's return to power on 15 August 2021.

The Campaign began with emergency assistance, facilitating the safe evacuation and resettlement of more than 90 at-risk individuals and providing risk statements, grant applications and referrals. In September 2021, the Monash Afghanistan Support Clinic was established, enabling the involvement of law students in the Campaign's work.

As evacuations became harder and international attention waned, Ham Diley and the Clinic shifted to research and policy advocacy. The Campaign has made submissions to parliamentary inquiries in Australia and the UK and presented testimony on the impact of allied withdrawal on women and girls.

In 2024 Ham Diley published the *Universal Jurisdiction Handbook: Holding the Taliban Accountable for International Crimes*, a practical resource on avenues for pursuing accountability for international crimes committed in Afghanistan in courts across the world. In 2025, the focus has been the Taliban's edicts targeting women and girls, culminating in the present report.

While accountability outside Afghanistan is not a complete remedy, Ham Diley supports investigations and prosecutions abroad alongside other mechanisms to amplify victim-survivor voices and pursue justice.



Ham Diley 
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Campaign