



Human rights situation in Afghanistan

Ban on Afghan women working with the United Nations

On 5 April 2023, the UN was informed by the de facto Ministry of Foreign Affairs, that with immediate effect, no Afghan woman would be permitted to work for the UN in Afghanistan, and that this measure would be actively enforced. This decision extends the directive previously announced on 24 December 2022, banning Afghan women working for national and international non-governmental organizations. To date, several UN national female personnel have experienced restrictions on their movements, including harassment, intimidation, and detention. All Afghan staff of the UN have therefore been instructed not to report to the office until at least 5 May 2023.

This is a critical moment for the international community's engagement with the de facto authorities on human rights issues, most importantly the rights of women and girls. A unified response is needed to draw the de facto authorities' attention to their international human rights obligations and the impact that exclusion of half the population will have on Afghanistan's future.

The ban on Afghan women working with the United Nations is a violation of international law. It contravenes obligations set out in numerous human rights treaties and conventions to which Afghanistan as a State is a party, including the Charter of the United Nations. It is also contrary to the founding principles of the United Nations as a whole, an organization founded on respect for human rights and equality, and to the mandate of the United Nations Assistance Mission in Afghanistan. The United Nations is, therefore, not in a position to accept or comply with the order of the de facto authorities.

This is the most recent in a series of discriminatory – and unlawful – measures implemented by the de facto authorities with the goal of severely restricting women and girls' participation in most areas of public and daily life in Afghanistan. Taken as a whole, these measures will have disastrous effects on Afghanistan's prospects for prosperity, stability and peace.

Rights of women and girls

While primary and secondary schools in cold climate provinces reopened on 21 March (those in hot climate provinces having reopened earlier in the year) girls' secondary schools across the country remained closed. A letter from the de facto Ministry of Education was circulated widely on social media, stating that: "for now [only] girls' schools...from grade one to six" would be reopened. Similarly, while the new academic year for universities commenced around 6 March, women have not been permitted to resume their studies following the de facto authorities' suspension of university education for women on 20 December 2022.

On 19 and 20 April, the de facto Department of Hajj and Religious Affairs in Baghlan and Takhar provinces issued letters that, amongst other instructions, banned women's gatherings during Eid al-Fitr.

The de facto authorities also continue to limit women's participation in employment:

- On 11 February – and prior to the nationwide ban on UN Afghan female staff – the de facto authorities prevented national female staff from accessing UNAMA's Jalalabad compound, citing the 24 December 2022 ban on women's work with NGOs. Subsequently, national female staff of other UN agencies in Nangarhar were also prevented from accessing their organisation's offices, on 28 February and 6 March respectively.
- On 20 March, in Faizabad, de facto Department of Information and Culture and de facto Department for the Propagation of Virtue and Prevention of Vice officials ordered the closure of Radio Sadaei Banowan, a women-led private radio station, for playing music during Ramadan. The radio station has reportedly subsequently been allowed to reopen, having agreed not to play music in the future.
- On 7 April, in Herat, the de facto Ministry of Economy informed the Voice of Women Organisation, a women-led NGO, of a decision by the Taliban Leader ordering the closure of the organisation. The de facto Ministry of Economy subsequently instructed its personnel to seize the assets of Voice of Women Organisation in all 14 provinces where it had offices. In late April, the de facto Ministry of Economy and Voice of Women Organisation reached an agreement that the organization could continue its work and keep its assets if it changed its name to *Vulnerable Welfare Organisation* and appointed male directors.

Protection of civilians

Deliberate attacks employing improvised explosive devices (IEDs), mostly attributed to ISKP, were the leading cause of civilian harm between February and April, causing at least 79 civilian casualties (13 killed, 66 wounded). However, compared with 2022, civilian casualties during Eid al-Fitr (20 – 21 April) decreased significantly, with no major attacks on places of worship or targeting specific ethnic/religious communities recorded.

- On 1 March, in Khost, an IED exploded inside a hotel in Khost, killing a five-year-old boy and wounding 10 adult men. The perpetrators are unknown.
- On 9 March, in Mazar-i-Sharif, a suicide IED explosion inside the de facto Balkh Provincial Governor's office killed three people, including the de facto Provincial Governor Mawlawi Mohammad Daud Muzamil, and wounded at least 14 others. Two days later, a further IED explosion inside the Teyban Cultural Centre in Mazar-i-Sharif city killed at least six people and wounded at least 37 others, among them at least three children. The explosion occurred during an event to celebrate journalists. Both attacks were claimed by ISKP.
- On 27 March, in Kabul, a suicide IED explosion at a checkpoint near the de facto Ministry of Foreign Affairs (MoFA) killed at least six people and wounded at least 14 others, among them at least three children and one woman. ISKP claimed responsibility for the attack, stating that de facto MoFA was the target. This is the second attack on de facto MoFA by ISKP in 2023, following the 11 January incident which killed at least ten people and wounded 53 others.

Explosive remnants of war were also a significant contributor to civilian harm between February and April, causing at least 117 civilian casualties, most of them children. In one incident on 19 March in Ghor, one woman and five children were killed when a hand grenade, which the children had found outside and were playing with, detonated. In another instance, on 22 March in Badakhshan, an explosive remnant of war exploded, killing one boy and one girl and wounding four boys and one girl. The children had reportedly collected the explosive remnant and were trying to break it apart to sell as scrap metal when it detonated.

Former government officials and ANDSF

Extrajudicial killings of individuals affiliated with the former government are ongoing. For example, on 5 March in Kandahar, de facto security forces arrested a former police officer from his home, then shot and killed him. On 12 March in Balkh, a former military official was killed by unknown armed men in his house.

Arbitrary arrests and detention of former government officials and Afghanistan National Security and Defence Force members also occurred throughout February, March and April. UNAMA has observed a pattern of the de facto authorities arresting these individuals on the basis of alleged affiliation with the National Resistance Front, mostly in Kabul and Panjshir provinces.

Corporal punishment

While instances of judicial corporal punishments, being those implemented based on a court order and generally carried out in public, decreased compared with December and January, such punishments did occur in February, March and April. For example, on 15 March at the de facto Court of Appeal in Gardez, five people – one woman and four men – were flogged 30 times each in accordance with a court decision convicting them of charges of theft, “running away”, immoral acts and the publication of pornography in social media. The punishment was attended by the Head of the de facto Court of Appeal, representatives of the de facto Provincial Governor, other de facto officials and some local residents.

Civic space

The de facto authorities continue to crack down on dissenting voices, in particular those who speak out on issues related to the rights of women and girls:

- On 11 February, in Taloqan city, a women’s rights activist named Parisa Mobariz and her brother were arrested by de facto Police, then transferred to the de facto General Directorate of Intelligence lockup. They were released the following day.
- Between 6 and 8 March, protests for International Women’s Day took place in Kabul and Ghor provinces, with groups of women voicing their opposition against the de facto authorities’ policies regarding women and girls’ access to education and work. Instances of human rights violations, in particular excessive use of force in the dispersion of protests, were reported.
- On 26 March, in Kabul city, a group of around 25 women organized a protest demanding their rights to education and work. The protest was dispersed by de facto General Directorate of Intelligence, resulted in the arrest of four women who were released the following day.
- On 27 March, in Kabul, Matiullah Wesa, Head of NGO PenPath, a civil society organization campaigning for the reopening of girls’ schools, was arrested by officials of the de facto General Directorate of Intelligence. The following day, his home was searched and two of his brothers briefly detained. He remains in the custody of the de facto General Directorate of Intelligence. Spokesperson for the de facto authorities, Zabihullah Mujahid, stated in an interview with Voice of Afghanistan that Wesa had been detained “for investigation because the intelligence agency had some suspicious information about him...Wesa was organizing meetings and making contacts that were a cause of concern for us”.

A number of other civil society activists were also released – reportedly without charge – following extended periods of arbitrary detention by the de facto General Directorate of Intelligence. University professor Ismail Mashal, an outspoken advocate for women and girls' education, was released on 4 March (arrested 2 February), civil society activists Nargis Sadat (arrested 11 February) and Zakaria Osuli (arrested 31 January) were released on 10 April and women's rights activist Sultan Ali Ziaee, was released on 17 April (arrested 7 January).

Civil society organisations reported that they are no longer able to renew their licences to operate as an association, as required by the de facto authorities, with the de facto Ministry of Justice. They are now required to register as a non-governmental organization with the de facto Ministry of Economy, for a substantially higher fee. This registration is required in order for civil society organisations to be able to bid for donor funding.

Excessive use of force

Instances of excessive and disproportionate use of force by the de facto authorities were documented between February and April, namely violence at checkpoints and at protests. For example:

- On 10 April, in Faryab, de facto police opened fire on a vehicle that failed to stop at a checkpoint, killing the driver and injuring a male passenger.
- Also on 10 April, in Nangarhar province, a group of farmers and local residents staged a protest during a poppy eradication campaign, demanding that the de facto authorities provide them with an alternate livelihood. During the protest, some protestors threw stones at the de facto police, who responded with force by shooting at the crowd. One man was killed and four people, among them one boy, were wounded.

Freedom of the media

The de facto authorities took further steps to restrict the activities of independent media outlets between February and April. On 9 February, the de facto Afghanistan Telecom Regulatory Authority reportedly ordered telecom networks to block public access to the websites of Voice of America and Azadi Radio. On 14 February, in Kabul, de facto security forces raided a TV station, searching its premises and the cell phones of staff and confiscating the office vehicles. The reason behind the raid is unknown.

In March, the de facto Ministry of Information and Culture circulated new guidelines for YouTube channel owners, requiring them to obtain a licence to permit them to operate and pay 4,000 Afghanis in business tax every three years.

On 20 February, in Helmand, the de facto Provincial Governor, in coordination with the de facto Department of Information and Culture, verbally instructed media workers that they were prohibited from taking videos and pictures of any meetings or events held in Helmand. This restriction was subsequently lifted on 3 March.

Arbitrary arrests and detentions of journalists also continue. On 5 April, in Baghlan, de facto General Directorate of Intelligence officials arrested three media workers, reportedly in connection with the publication of reports that were deemed critical of the de facto authorities. They were all released the following day. Two journalists arrested by the de facto authorities in January 2023 remain in the custody of the de facto General Directorate of Intelligence: Mortaza Behboudi (arrested 7 January), and Khairullah Fahr (arrested 9 January).

Activities of the de facto Ministry for the Propagation of Virtue and Prevention of Vice

The de facto Ministry for the Propagation of Virtue and Prevention of Vice has continued monitoring the population's compliance with various Islamic rules prescribed by the de facto authorities (concerning women's hijab and mahram decrees, men's beard and hair length, prohibition of music, mandatory attendance at congregational prayers for men).

The de facto Ministry for the Propagation of Virtue and Prevention of Vice also introduced a number of new decrees and edicts throughout February and March:

- In the afternoon of 14 February, an announcement banning the celebration of Valentine's Day was issued. Enforcement of this new instruction took place on the same day. The de facto Ministry for the Propagation of Virtue and Prevention of Vice reported that the owner of a coffee shop was arrested for disobeying this instruction, despite it having been issued at the end of the day.
- On 21 March, a prohibition on the celebration of Nowruz (Persian New Year) was announced. Officials of the de facto Department for the Propagation of Virtue and Prevention of Vice in Herat established checkpoints to identify individuals planning to celebrate the occasion.

During March and April, officials of the de facto Department for the Propagation of Virtue and Prevention of Vice, enforced a range of measures relating to the observance of Ramadan, including ensuring shops were closed during prayer times (in Balkh and Kunduz), and ordering residents to attend Tarawih evening prayers (in Badakhshan and Takhar). On 27 March, in Kunduz, de facto Department for the Propagation of Virtue and Prevention of Vice officials entered an ice cream shop that was open during evening prayers and lashed eight men. On 1 April, in Takhar, de facto Department for the Propagation of Virtue and Prevention of Vice officials forced a group of men to attend Tarawih prayers and beat another man because he was smoking a cigarette instead of praying at the mosque.

Fair trial rights, the justice and penitentiary system

On 20 March, the Taliban Leader issued a decree changing the mandate of the former de facto Attorney General Office and renaming the office. The new "Grand Directorate of Monitoring and Follow up of Decrees and Orders" will have oversight across all institutions, including places of detention. The change effectively confirms that prosecutors are no longer part of the criminal investigative process, as first announced in August 2022.

On around 30 March, the de facto authorities reportedly issued an order allowing for parties to request re-examination of cases adjudicated under the former government, including criminal cases, raising serious concerns about breaches of the principles of legality, the retroactive application of new "laws", double jeopardy and finality to litigation.

Also in March, the de facto authorities commenced the repatriation of approximately 2,000 Afghans detained in Iran to serve out their sentence in Afghan prisons, further straining the ability of the de facto Prison Administration to ensure minimum standards for detainees. On the occasion of Eid al-Fitr, the de facto Supreme Court announced the release of up to 2,500 detainees, including children, from Afghan prisons.

Engagement and outreach by UNAMA Human Rights Service

From February until 5 April, UNAMA Human Rights Service teams carried out human rights awareness raising sessions with 483 de facto officials in Maidan Wardak, Kapisa, Balkh, Bamyan, Kandahar, Parwan, Samangan, Sari Pul, Laghman, Jawzjan, Farah, Kunar, and Khost, predominantly on the prevention of torture, detainees' rights and conditions of detention. In March 2023, the Human Rights Service held a one-day awareness-raising session with 77 de facto Ministry of Defence personnel in Kabul on core principles of human rights and international humanitarian law. UNAMA Human Rights Service has paused such activities pending the operational review announced in response to the ban on Afghan women working with the UN.

