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MANOEUVRING THROUGH THE CRACKS: The Afghan human rights movement under the Islamic Emirate



AFGHANISTAN
ANALYSTS
NETWORK

Afghanistan Analysts Network

Rights and Freedoms

June 2025

For the Afghan human rights movement, the end of the Islamic Republic has been a catastrophe, with almost all experienced human rights defenders thrown into exile, fearing for their lives. Many have continued their human rights work from abroad, but the new rulers seem impervious to change. The Islamic Emirate of Afghanistan (IEA) combines an austere interpretation of Islam with ultra-conservative social mores, resulting in a highly authoritarian state with laws and practices that outrage human rights defenders while simultaneously closing down space to challenge them. While the Republic had a deeply authoritarian streak, silencing criticism of its own human rights abuses and corruption, it was relatively permissive compared to the Emirate's autocratic rule. For most Afghan human rights defenders, working openly in Afghanistan is no longer possible, to document, monitor, campaign, or advocate directly with the authorities. Despite this, a new wave of women's rights defenders emerged in spontaneous protests around the country, while other Afghans have found more clandestine or creative ways to work, just as older generations did through multiple eras of repressive governments. AAN's Rachel Reid has been speaking to human rights defenders about adaptation and survival in the new era.

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INTRODUCTION

The victory of the Taliban insurgency in 2021 triggered a great sundering of the Afghan human rights movement from those it sought to protect, with almost all the prominent human rights defenders forced into exile. Scattered around the globe, many have tried to stay the course, continuing to work from exile. However, the repression and authoritarianism of the Emirate has shrunk the space available for human rights, making core activities of documentation, reporting and advocacy far more difficult – but not impossible.

This AAN thematic report looks at the state of the Afghan human rights movement following the Taliban takeover in 2021. For context, it traces the development of that movement throughout the decades of war in Afghanistan, including its years of expansion under the Islamic Republic. The report does not set out to compare the human rights record of the IEA with that of the Republic, though it does contrast the ability of human rights defenders (HRDs) to carry out their work. It focuses particularly on the situation of human rights defenders since the re-establishment of the Islamic Emirate of Afghanistan (IEA). The report draws on interviews with a range of human rights practitioners as well as the authors' own experience in the field.¹

The operating environment for civil society since 2021 has been flattened by a host of repressive policy edicts and laws which are rigorously implemented by the intelligence agency, police and enforcers from the Ministry for the Propagation of Virtue and the Prevention of Vice. Freedom of expression and assembly have all but evaporated for civil society. Women's lives are subject to the greatest control, with diktats even proscribing them speaking in loud voices or singing.

The IEA's repressive tendencies combine religious and cultural conservatism imbued with very hierarchical authoritarianism. For human rights defenders, this mix is a catastrophe. From their current vantage point, it would be easy to idealise

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the Republic era, though most human rights defenders interviewed recalled high levels of risk and obstruction on many issues under the Republic. However, human rights defenders had far more room to operate. While the authorities were weighed down by plenty of conservative, corrupt and authoritarian figures, there were always a few champions of human rights issues in positions of power. That gave room for negotiation and gradual reform over time. There was also support from international governments and donors – overbearing though it could be. The report highlights a few emblematic achievements of the human rights movement under the Republic – often better on paper than in practice – as well as a myriad of challenges.

Today, Afghan human rights defenders’ ability to operate is drastically curtailed. Along with protestors and journalists, they have been intimidated, attacked, detained and tortured, creating a culture of fear and self-censorship. However, as the UN’s Special Rapporteur on human rights in Afghanistan, Richard Bennett, told AAN: “Human rights defenders are tenacious. They are still managing to carry out really important work.”

Some human rights defenders have found new networks and new ways of working both inside Afghanistan and from exile. Some work under the radar or within narrow parameters. In addition, new voices have emerged, including from the spontaneous eruption of women protestors. The women came from diverse backgrounds with a clear political message, exemplified by the slogan: *Nan, Kar, Azadi* (Bread, Work, Freedom). Despite the risks, they chose resistance and disruption and are still making their presence felt, even if their ability to take to the streets has been forcibly blocked. As space has shrunk, the virtual realm has become a critical space for resistance, particularly for the diaspora.

While advocacy with the IEA may seem hopeless, some human rights defenders have managed to find negotiation points, at least at the sub-national level, sometimes with the help of interlocutors. At the international level, advocates realise the limitations of leverage on the IEA, so tend to focus more on diplomatic engagement, with many trying to hold back the ‘normalisation’ of the Islamic Emirate.

In a country stricken by decades of war and impunity, documentation of and accountability for war crimes and other transitional justice work remain fundamental components of the Afghan human rights movement. Greater attention is going to international justice, partly in response to the scale of the ongoing violations, particularly regarding women’s rights, with ambitious campaigns for the codification of ‘gender apartheid’ as well as an attempt to take Afghanistan to the world court.

The International Criminal Court and other international jurisdictions are also coming into sharper focus, given the absence of any viable domestic accountability.

After more than three years, now that the initial shock of the Republic's fall has ebbed, there is more space for innovation and reflection among human rights defenders about the long path ahead. Human rights work is often an act of hope against the odds. Afghan human rights defenders are digging in for a long haul.

Notes on terminology, methodology and structure

A note on terminology. The report defines human rights defenders, as per the United Nations [Special Rapporteur on human rights defenders'](#) definition, as people who “act to address any human right (or rights) on behalf of individuals or groups.”² The Afghan human rights movement is broadly defined in the report to include non-governmental organisations (NGOs) and traditional organisations, as well as grassroots activism. Human rights defenders mostly focus on protecting and promoting human rights enshrined in national and International Human Rights Law (which mostly governs the obligations of states towards their citizens, in both war and peacetime), as well as International Humanitarian Law (which covers protections for civilians and obligations of warring parties in armed conflicts).³

Referring to the current rulers of Afghanistan, several terms are in use: the “de facto authorities” used by the United Nations, many embassies and some Afghans so as not to infer recognition; “Interim Taliban Administration” used by the World

² The definition from the UN also states: “Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights.” These rights provide a framework from which to encourage governments to uphold their state obligations as well as to put pressure on other states and international organisations to act in accordance with international human rights obligations. [About human rights defenders](#), Special Rapporteur on human rights defenders, Office of the High Commission of Human Rights (OHCHR).

³ International Human Rights Law is enshrined in a series of universal instruments, such as the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Covenant on Civil and Political Rights (1966) and the Convention on the Rights of Persons with Disabilities (2006). The United Nations provides a full list of [The Core International Human Rights Instruments and their monitoring bodies](#). International Humanitarian Law (IHL), sometimes referred to as the ‘laws of war’, is based on treaties, in particular the Geneva Conventions and their Additional Protocols, as well as other conventions and protocols on specific topics. The Rome Statute (1998) established the International Criminal Court and four core international crimes: genocide, crimes against humanity, war crimes and the crime of aggression. The International Committee of the Red Cross (ICRC) has a [Guide to the Geneva Conventions and the Law](#).

Bank; and “the Taliban” or the “Taliban government.” AAN, like the International Committee of the Red Cross (ICRC), uses the “Islamic Emirate of Afghanistan” (IEA) for the post-2021 authorities and “the Taliban” when referring to the insurgency or the movement itself.



An elderly disabled woman takes part in a women's protest in Mazar-e Sharif, demanding the IEA restore their rights to education and employment as a gift for Eid al-Adha.

Photo: Atif Aryan/AFP, 26 June 2023

Methodologically, the report is based on 23 interviews with 16 Afghan human rights defenders, two subject matter experts and five experts and defenders from comparable countries. The interviews are used as primary source material informing the analysis of the movement as well as providing quotes from leading defenders that describe their work in their own words. The defenders interviewed are almost all working from exile; this reflects where most established human rights defenders now live, an awareness of the greater risks involved when interviewing those inside Afghanistan and the authors' own connections. In parts, the description of current work is circumspect to protect the individuals and their activities, with some interviewees preferring not to be named.

In addition, the report draws on secondary research, including some unpublished mapping, as well as the author's own experience over many years working with human rights organisations in Afghanistan. The author worked as a human rights defender in Afghanistan for several years, around 2007-10, including close collaborations with Afghan human rights defenders. This experience informs much of the analysis and has shaped the selection of interviewees and case studies.

The report is structured as follows:

Section one provides context, with a short history of the Afghan human rights movement from its roots in voluntary activism to the flourishing that came with the transition to a more tolerant government, including greater freedom of expression as well as new resources under the Republic. The section also provides a sobering reminder of the threats and limitations that human rights defenders faced and offers several case studies of 'qualified advances,' including the highly networked and technical advocacy of women's rights defenders to improve the legal rights of women, groundbreaking work by and for people with disabilities and the tenacious struggle of journalists and human rights defenders to exercise their rights to information, protection and freedom of expression.

Section two explores how human rights defenders have fared under the Emirate, including the flight into exile of much of the movement and the IEA's shuttering of civil society. It also explores the IEA's own rationale for its repression and authoritarianism as well as a range of interpretations of its religious and cultural underpinnings.

Section three looks at the state of the human rights movement since 2021, focusing on the make-up and priorities of human rights defenders. This includes both the new women's protest movement and quieter domestic efforts, which are testing the boundaries of what is possible, particularly at the local level. It will also look at the work of those human rights defenders in partial or total exile who are still engaged in international advocacy, including around issues of principled engagement. One area of greater focus since 2021 has been documentation for international criminal accountability, including under-the-radar investigations using new technology and tools. Afghans are drawing inspiration from their peers in Syria and elsewhere, as well as breaking ground with ambitious new legal pathways aimed at gender justice. There is ongoing memorialisation, other victim-centred initiatives and an exploration, led by civil society, of people's tribunals.

CONTEXT: A BRIEF HISTORY OF THE AFGHAN HUMAN RIGHTS MOVEMENT

Human rights as a contested idea

The legal and conceptual framework of international human rights has been contested since its birth, even as legal tools and protections have expanded and the language of rights has rooted itself in global discourse. These tensions have always confronted the Afghan human rights movement, including the current stand-off between the IEA and human rights defenders. This section will provide an overview of those tensions, tethering them to the Afghan context.

At the heart of this contestation is the bold claim to universality, which those who assert distinct cultural, religious and political values have resisted. The first legal document to make this claim of universality was the [Universal Declaration of Human Rights](#) (UDHR) of 1948, which recognised the “inherent dignity and of the equal and inalienable rights of all members of the human family.” Gaps in the document belied its universality, particularly the omission of the right to self-determination, thus overlooking the dignity and equality of millions still living under colonial subjugation by Western powers.⁴ There were other tensions, such as the balance between the relative weight of political and civil rights, rather than economic rights, or the emphasis on individual rather than collective rights.⁵ But alongside these points of

⁴ Mary Glendon’s book on the UDHR drafting process describes a fascinating push-pull between drafters, offering a more complex picture of the tensions between states, geopolitics and philosophical and political traditions. Mary Glendon, [A World Made New – Eleanor Roosevelt and the Universal Declaration of Human Rights](#), Random House, 2001 (accessible summary [here](#), PDF [here](#)). Another book explores the contribution of China’s representative on the UDHR drafting committee: Hans Ingvar Roth, [P. C. Chang and the Universal Declaration of Human Rights](#), University of Pennsylvania Press, 2016, pp174–187. An accessible article by Hans Ingvar Roth about PC Chang can be found here: [P.C. Chang, Multicultural Confucian Philosopher and Human Rights Champion](#), *The Review of Faith & International Affairs*, 2023, 21 no 4, pp22–31. The role of Indian feminist Hansa Mehta, the only woman on the drafting committee, is notable, since she insisted on changing the rights of “all men” to “all human beings,” thus including women and children. Noted in Glendon’s book and in this article by Niraja Gopal Jayal: [Hansa Mehta: An Early Indian Feminist](#), LSE Blog, 12 September 2022.

⁵ Glendon’s book (footnote 4) includes this tension. Hakimeh Saghaie-Biria: [Decolonizing The “Universal” Human Rights Regime: Questioning American Exceptionalism And Orientalism](#), *ReOrient* 4, no 1, 2018, pp59–77.

division was a remarkable degree of consensus. This was visible in the deliberations of the fifty members of the emergent United Nations who worked together in drafting the UDHR, despite their different cultural, political and religious backgrounds.⁶

Philosophically, the notion of universal human rights is often construed as being rooted in European and North American traditions, adding to critiques of cultural imperialism. However, more recent scholarship has complicated this by highlighting a more diverse set of historical and geographical contributions.⁷ The idea of these Western values being imposed on ‘other’ cultures has also been challenged by scholars who argue that this overlooks the influence and inspiration of anti-slavery movements and liberation movements of the 1960s and beyond.⁸ This trend is also

⁶ The Third General Assembly adopted the Declaration on 10 December 1948 with 48 votes in favour, zero against and eight abstentions. There were six communist abstentions (USSR, the Ukrainian (UKSSR) and Belorussian (BSSR) Soviet Socialist Republics, Yugoslavia and Poland), on the grounds that the UDHR failed to condemn fascism and Nazism and thus did not go far enough. Saudi Arabia objected on religious grounds, including Article 16 on equal marriage rights and a clause in Article 18 which states that everyone has the right to change their religion or belief (other Muslim majority states, including Syria, Iran, Turkey and Pakistan, voted in favour). South Africa also abstained on the grounds that the document went too far in protecting social, cultural and economic rights, though most saw this as a defensive posture to protect its system of racial apartheid. See Glendon (footnote 4) and Columbia University’s open access briefing, [Universal Declaration of Human Rights – Drafting History](#).

⁷ Contemporary scholars do not agree on the historical or geographical trajectory of human rights. There are strong cultural and religious notions of ‘natural rights’ and justice, with a common assertion that the origins can be found in the Western Enlightenment of the 18th century. For example, Lynn Hunt argues that it was the social developments in the second half of the 18th century that created the conditions in which European capacities for empathy expanded, leading to the acceptance of the equality of others, which in turn led to the claim that universal rights were “self-evident”. See Lynn Hunt, *Inventing Human Rights*, W W Norton, 2007 (see also this more accessible New York Times [book review](#)). Another inflection point frequently cited is the development of human rights as a reaction to the post-war revulsion towards Nazism; indeed, the concepts and crimes of Genocide and Crimes Against Humanity were clearly a response to Nazism, as explored by Philippe Sands in *East West Street*, Weidenfeld and Nicolson, 2017. Others take a longer legalistic view through the history of legal documents asserting individual rights, such as the Cyrus Cylinder (539 BC), the English Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), the US Constitution and Bill of Rights (1791) and the First Geneva Convention (1864) (see this [Short History of Human Rights](#) by Nancy Flowers on the University of Minnesota’s Human Rights Library [website](#)).

⁸ An example of this argument about the diversity of human rights architects comes from Steven L B Jensen in [The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values](#), Cambridge University Press, 2016. The respected author Samuel Moyn, in contrast, rejects these attempts to root human rights in history, even the 1960s liberation movements, let alone the early post-war period or the 18th century. Samuel Moyn, *The Last Utopia*, Harvard University Press, 2012. For an article discussing Moyn’s book, see Robin Blackburn, [Reclaiming Human Rights](#), New Left Review 69, May/June 2010.

seen in academic work that shows the policy and legal contributions of smaller states to the development of the UDHR and later human rights instruments.⁹

Today, the UN has [193 members](#), all of whom have signed the UDHR, a text which has, in turn, paved the way for more than 70 human rights treaties. These include the [International Covenant on Civil and Political Rights](#) and the [International Covenant on Economic, Social and Cultural Rights](#), which entered into force in 1976, making the UDHR ‘binding’. Alongside this burgeoning of international human rights law, international humanitarian law has also grown.

However, in recent decades, the reputation of human rights has been tarnished by failures to respect and enforce international humanitarian and human rights law in many contexts, most notably by the United States and other Western powers who claim to uphold human rights and promote them as a core element of foreign and development policy. This was perhaps most pronounced in the mixed application of the Responsibility to Protect doctrine in the 2000s, where human rights language was used to justify military interventions, including attempts at regime change.¹⁰ Accusations of selective justice have also been levelled at the International Criminal Court, which has again damaged the reputation of the international human rights framework.¹¹ In terms of the current context in Afghanistan, such critiques of Western hypocrisy or ‘moral imperialism’ reverberate with the IEA, as will be discussed later.

Despite these very serious charges, human rights protections have grown since the mid-twentieth century, albeit with some setbacks, particularly in recent years.¹² Efforts have been made to address criticisms, particularly from the Global South, with some international human rights organisations, such as [Amnesty International](#), and institutions paying greater attention towards addressing global power imbalances (as articulated in Abdullahi Ahmed An-Naim’s 2021 book, [Decolonising Human Rights](#)), as well as making rights more local and understandable

⁹ These smaller states included diplomats from the Netherlands, New Zealand, Chile, Lebanon and Saudi Arabia. Susan Waltz, [Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights](#), *Human Rights Quarterly*, Johns Hopkins University Press 23, no 1, February 2001, pp44–72.

¹⁰ Stephen Hopgood, [The Endtimes of Human Rights](#), Doutje Lettinga & Lars van Troost (eds), *Debating The Endtimes of Human Rights – Activism and Institutions in a Neo-Westphalian World*, Amnesty International, 2016, pp11–18. (The collection includes a riposte to Hopgood’s argument in César Rodríguez-Garavito’s article in the same publication: ‘Towards a Human Rights Ecosystem’, pp39–45).

¹¹ [The ICC at 20: Double standards have no place in international justice](#), Amnesty International, 1 July 2022.

¹² [Human Rights Index](#), Global Change Data Lab, Oxford University.

(“[vernacularisation](#)”). A 2023 academic analysis of global Google search data suggests that human rights discourse is growing fastest in the Global South and in contexts of state violence and repression.¹³ Even in the Middle East, where the human rights abuses of the ‘War on Terror’ so grievously undermined the reputation of human rights – or at least of those Western powers who claimed to be promulgating them through military means (see this [Human Rights Watch](#) summary) – the uprisings in the Arab world from 2010 onwards were centred on vernacular human rights demands.¹⁴ Human rights defenders continue to emerge in the most hostile situations around the world, despite extraordinary risks. According to Front Line Defenders’ [Global Analysis 2023–24](#), at least 300 human rights defenders in 28 countries were killed in 2023, bringing the total documented killings of human rights defenders in the last decade to nearly 3,000. In Afghanistan, this courage is vividly seen in the spontaneous women’s rights protests in reaction to – and in the face of – Taliban repression.



An anti-Taliban rally organised by the Revolutionary Association of the Women of Afghanistan (RAWA) in Peshawar, Pakistan, on the sixth anniversary of the capture of Kabul by mujahedin factions.

Photo: RAWA, via [Wikimedia](#), 28 April 1998

¹³ Geoff Dancy and Christopher J Fariss, [The Global Resonance of Human Rights: What Google Trends Can Tell Us](#), *American Political Science Review* 118 no 1, pp252–273. doi:10.1017/S0003055423000199.

¹⁴ Aslı Ü Bâli, [Human Rights and Geopolitics in the Middle East, North Africa, and Afghanistan](#) in *Reclaiming Human Rights in a Changing World Order*, Chatham House, October 2022 (chapter 8).

As of early 2025, the slide towards illiberalism in parts of Europe and the United States represents a huge threat to human rights protections, as well as weakening support and funding for international human rights institutions (see this [blog](#) from George Washington University and [this](#) from the Open Society Foundations). Growing numbers of states are tending towards an (often cynical) assertion of sovereignty to justify rolling back political and civil rights. In this context, while the IEA remains ostracised from global institutions for its rights abuses, it is not alone in its dismissal of external criticism.

Small beginnings – human rights in the 1970s to 1990s

In Afghanistan, while the Taliban, former mujahedin and religious conservatives have tended to dismiss human rights as a Western import, this is undermined by many of the origin stories of those who helped create the human rights movement. This next section describes, anecdotally, the growth of the Afghan human rights movement, highlighting a few individuals who went on to be prominent human rights defenders. Each period of bloodshed mobilised victims and survivors of the conflict into the movement. Many turned to the work in the absence of otherways to find justice for their families or communities over many decades of war and repression.

The movement began as a localised and mostly volunteer effort. Civil society growth was faster in the humanitarian sector of the 1970s and 1980s, with development organisations gaining more importance through the 1990s.¹⁵ But the scale of atrocities in the first two decades of the Afghan conflict – including tens of thousands of disappearances, arbitrary arrests, executions and use of torture – inevitably inspired a generation of human rights defenders, many themselves victims of war. Around four million Afghans fled the country following the 1979 revolution, the largest number to Pakistan, according to UN estimates at the time.¹⁶ In exile, many found more freedom to organise and provide testimony to external human rights actors. The sources for the first report by the first Special Rapporteur for human rights in Afghanistan, published in 1985, were all Afghan refugees

¹⁵ David F Mitchell, [NGO Presence and Activity in Afghanistan, 2000–2014: A Provincial-Level Dataset](#), *International Journal of Security & Development* 6 no 1, 2015, p1.

¹⁶ [Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr Felix Ermacora](#), United Nations, E/CN.4/1985/21, 19 February 1985, para 57.

based in Pakistan (accessible [here](#)).¹⁷ A [study](#) by the Afghanistan Documentation Project notes two Afghan groups providing human rights reporting in the 1980s, the Afghan Information Centre and the Writer's Union for a Free Afghanistan.¹⁸ Patricia Gossman, Associate Asia Director for Human Rights Watch (HRW), who has worked on Afghanistan since the 1980s, recalls:

In the beginnings of the human rights movement, from the early 80s, there were several groups trying to keep track of things. They were tied to political groups, their methodology might have been a little loose, but they were trying to monitor things like Soviet operations, PDPA [People's Democratic Party of Afghanistan] operations, who was being detained.



Afghan women's rights activist and founder of RAWA Meena Keshwar Kamal, who was assassinated on 4 February 1987 in Peshawar, Pakistan. Photo: Women for Women International, via [Facebook](#), undated

While not necessarily seen as a human rights organisation, the Revolutionary Association of the Women of Afghanistan ([RAWA](#)) was formed in 1977 and was one of the earliest organised actors to provide human rights documentation and inspire later human rights defenders. As an avowedly feminist, anti-fundamentalist and anti-occupation movement, it was not only deeply political, but many of its activities and values were rights-based. Its documentation provided otherwise scant material for the media. This and its anti-occupation protests were such a thorn in the side of the PDPA government that RAWA's founder, Meena Keshwar Kamal, was assassinated in 1987 ([Al Jazeera](#)).¹⁹ (Meena can be seen on YouTube [here](#), in the only

surviving footage of her.) After her murder, RAWA's influence waned over time, but more than one interviewee noted what a role model she had been, particularly to female human rights defenders.

¹⁷ The Special Rapporteur was mandated by the United Nations Economic and Social Council resolution 1984/37 of 24 May 1984 and Commission on Human Rights resolution 1984/55.

¹⁸ The report notes that many other groups were affiliated in some way to mujahedin factions.

¹⁹ Alizeh Kohari, [The Afghan revolutionary who took on the Soviets and patriarchy](#), Al Jazeera, 1 March 2022.

The quality and quantity of human rights reporting through the 1970s and 1980s was no match for the scale of violations. Conditions were hard and resources limited. In the chaos of the civil war of the 1990s, even the modest documentation of the 1980s was hard to do, though several organisations were established in Pakistan by Afghan exiles (some of which relocated to Afghanistan in the 2000s). This included the Cooperation Center for Afghanistan, founded by volunteers in Peshawar, whose human rights newsletters are one of the few Afghan sources cited in international human rights reporting from this period.²⁰ Female activists also set up protection and education services for refugee women and girls. For example, volunteers set up the Afghan Women's Education Centre (AWEC) in 1991 in Islamabad, and the Humanitarian Assistance for the Women and Children of Afghanistan (HAWCA) was set up a little later, in 1999, to provide education and protection to women and girls in Afghanistan during the first Islamic Emirate (1996–2001). These organisations and their founders often remained a feature of the human rights movement throughout the Republic era.

Dr Sima Samar, whose husband was disappeared in 1978, worked as a doctor in refugee camps in Pakistan. She founded the Shuhada Organisation in 1989 to provide healthcare and schools for refugee women in the 1990s and later inside Afghanistan (see [this](#) ICRC interview). At the time, this was inherently political work and resulted in death threats under the first Islamic Emirate of Afghanistan (see this [interview](#) with Tufts University). Dr Samar went on to join the Afghan Interim Administration led by Hamid Karzai as the first ever Minister for Women's Affairs and then to lead the Afghanistan Independent Human Rights Commission from 2002 to 2019.

Horia Mosadiq, who also went on to be one of the leading human rights defenders of her generation, was herself a victim of human rights abuses during the 1990s, when family members were disappeared and a “rocket landed on my house and killed my 12-year-old brother right before my eyes.”²¹ It was this and her experience as a war reporter during the 1990s, witnessing “how many women and girls were used as a weapon of war,” that led to her setting up a War Victims Network, mostly run by female victims of war (see [this](#) interview). She worked with Amnesty International for many years, was forced into exile in 2009 and later established the Safety and Risk

²⁰ See, for example, the unpublished UN Mapping Report, accessible on the AAN [website](#).

²¹ The quote is given in a declaration from Mosadiq to the International Criminal Court, in a [Motion Seeking Remedies for Information and Effective Outreach](#), from lawyers representing Afghan victims of war, published by the International Criminal Court, ICC-02/17-143-Anx1, Annex F para 6, 29 April 2021.

Mitigation Organisation (SRMO) to provide assistance to other Afghan human rights activists.



Human rights activist Horia Mosadiq speaking at an event at the Amnesty International secretariat in London. Photo: amnestystudent via [Flickr](#), 13 November 2011

Under the first Islamic Emirate, Nader Nadery and Mohammad Farid Hamidi helped create a volunteer hub; both would go on to be human rights commissioners at the Afghanistan Independent Human Rights Commission (AIHRC). They collected and compiled information on human rights violations from provinces around the country, though as Nadery told AAN, they did so at first without any obvious way of sharing it:

At that time there was no email, no WhatsApp, Signal, so communicating our information outside Afghanistan was very difficult. The only thing we could do was folding it into an envelope, then a few of us would walk close to the gate of the UN, which was not fortified in those days. We'd go to the front door, pretend something was left on the ground and someone would push the envelope under the door. We didn't know if it went anywhere. We didn't know if anyone was reading it.

It was years before he knew if their notes had been read. In early 2001, he met AAN co-founder, Thomas Ruttig, then with the UN, at a meeting in Pakistan: “We talked

for a while, and he mentioned the envelopes. It was our first acknowledgement that the UN had been getting our reports.” Ruttig remembers the meeting well: “They had a little office in a ramshackle suburb of Peshawar, in a semi-subterranean place, as I remember. It was very dark and gloomy.” Ruttig also recalls that they were talking about starting a political party. “This was before the time of grants, when people were not so conscious about what they were – a human rights group, a political party, a student group,” said Ruttig. During his years of voluntary activism under the first Emirate, Nadery says he was detained and tortured by the Emirate.

This sketch of the pre-Republic period is anecdotal, but there is a clarity about how these human rights pioneers emerged in reaction to the events they lived through. Orzala Ashraf Nemat, is now an academic but founded Humanitarian Assistance for the Women and Children of Afghanistan (HAWCA) in her early twenties when she was a refugee in Pakistan. When asked what her influences were as a young activist, she told AAN:

I look at my family background – my parents weren’t Western-educated, the furthest my father had gone was India – but we believe in democracy, we believed in human rights, in these values that are so-called Western values.

While in the later years of the Republic, a generation of ‘professional’ human rights defenders would emerge (some of whom were also victims or survivors of atrocities and human rights violations), this early movement was clearly an indigenous reaction to large-scale violence and oppression.

Some of the gaps in the documentation of earlier years were revisited during the Republic when a handful of Afghan organisations attempted to gather documentation and testimony from the pre-2002 period, usually of ongoing abuses.²² The most comprehensive human rights documentation of crimes from the

²² An unpublished mapping of human rights documentation prepared by a group of researchers, including this author, for a donor in 2020–21 lists the following reports and initiatives as covering the period before 2002 (most were removed from websites in 2021 to protect staff and sources): ‘Scars of War’, Afghanistan Human Rights and Democracy Organization (AHRDO), 2017; [Afghanistan Memory Home](#) (ongoing virtual museum of victims of war) with its ongoing Memory Boxes project also by AHRDO; ‘War Crimes Archive’, Killid, features extensive documentation and victims’ testimony from the communist era; the Afghan Victims’ Families Association compiled lists of victims from the communist era; ‘Threnody for the Victims: Awaiting the Dawn of Redress and Justice’, The Social Association of Afghan Justice Seekers, 2013, which covered many years, with a particular focus on the PDPA; mass grave documentation by the Forensic Services Organisation, which included work on sites from communist, civil war and first Emirate periods. ‘Beyond the Smoke and Fire’, Foundation of Solidarity for Justice, 2009, focuses on the mujahedin period.

Soviet/PDPA, mujahedin and first Emirate eras came in the early 2000s, in the UN's (suppressed) mapping report (made available by AAN [here](#)) and the Afghanistan Justice Project's [Casting Shadows: War Crimes and Crimes against Humanity, 1978–2001](#) (hosted by the Open Society Foundations).²³ The conflict mapping report of the Afghanistan Independent Human Rights Commission (AIHRC) was – famously – never published (as will be discussed later).

Human rights work under the Republic

From these small beginnings, the human rights infrastructure that blossomed under the Republic seems a world away. However, following the collapse of the first Emirate, the space for civil society and activism opened up dramatically, with a roadmap for democratic institutions and elections, a rapidly growing media sector, human rights defenders returning from exile and support flooding in from the international human rights movement, as well as newly available funding and technical support.

At the heart of the growing movement was a generation of civil society organisations (CSOs),²⁴ some devoted to human rights and others which included human rights in their wider strategies, sometimes with overlapping humanitarian or development work. Precise data is hard to come by; at their peak, thousands of organisations were registered as CSOs with the Afghan government, according to a 2015 report by the Agency Coordinating Body for Afghan Relief & Development (ACBAR), [Panorama of CSOs in Afghanistan](#).²⁵ Among those thousands, human rights CSOs probably numbered in the low hundreds in 2014, with the ACBAR report noting that in 2014, two human rights umbrella organisations – the Civil Society and Human Rights

²³ For more on both reports, see Kate Clark, [War Crimes in the First Two Decades of the Afghan Conflict: Republishing the UN Mapping Report](#), AAN, 15 August 2024.

²⁴ CSO is a broader term than non-governmental organisation (NGO) and encompasses grassroots and voluntary civic efforts.

²⁵ In 2014, around 7,000 CSOs were registered with either the Ministry of Economy or Ministry of Justice, according to one study: [Panorama of CSOs in Afghanistan](#), ACBAR, January 2015, p12. The number of functioning CSOs was always far lower than those registered, for various reasons, including because some became defunct, or changed their name, or were fake/corrupt. One study tried to verify the active status of 1,200 CSOs between 2001 and 2014 (both national and international) by checking websites and social media as well as by sending emails and making phone calls and was able to verify only 891. David Mitchell, [NGO activity and presence in Afghanistan, 2004–2014: A Provincial Level Dataset](#), *The International Journal of Security and Development* 6 no 1, 2017.

Network and the Afghan Civil Society Forum Organization – reported 120 and 168 members respectively, while the Afghan Women’s Network reported 120 members.²⁶ This was probably the height of CSO funding. Resources dropped as security and development assistance declined around the 2014 ‘transition’, when the bulk of international troops withdrew, leaving the Republic in control of security and donors questioning the long-term stability of the country (and the sustainability of their high levels of expenditure).²⁷



A group of victims’ families, many of them widows, hold up pictures of their dead or missing loved ones outside the UN office in Kabul to mark International Human Rights Day.

Photo: Massoud Hossaini/AFP, 10 December 2007

During the Republic, human rights defenders documented and campaigned on a broad range of issues, including historical and contemporary war crimes, children’s

²⁶ As noted in the previous footnote, some may have been defunct, or service providers, rather than human rights organisations and some may have overlapped, hence “low hundreds” seems a safe estimate of CSOs engaged in human rights work.

²⁷ See [Counting the Uncounted: Afghanistan’s Civil Society in Transition](#), Peace Training and Research Organization (PTRO), August 2014 and [The Economic and Development Transition in Afghanistan: Looking Beyond 2014](#), United States Institute for Peace (USIP), 2011 (website last accessed in December 2024: the USIP website was not functioning as of April 2025 due to the sudden suspension of its operations by the US government in March 2025).

rights, women's rights, and the rights of people with disabilities, detainees and civilian victims of the continuing conflict. Amid a blossoming media sector, a cohort of defenders emerged, championing greater freedom of expression and access to information. There were also more grassroots initiatives, such as victims' groups or initiatives supporting people with disabilities, which may not have registered as CSOs but were still part of the movement, though less visible. Alongside them was the Afghanistan Independent Human Rights Commission (AIHRC), mandated by the 2001 Bonn agreement,²⁸ which was never fully independent of government, both in terms of funding and the president's power to appoint its commissioners (including some controversial choices for several years).²⁹ However, the AIHRC mostly positioned itself as the ally and defender of the Afghan human rights movement.

Foundational challenges for human rights in the young Republic

There were profound flaws woven into the new Republic, which was replete with factional leaders accused of war crimes and religious hardliners in positions of power from the local to the national level. They were antithetical to many human rights and democratic values (see [this](#) Chatham House paper by AAN's Kate Clark and Stephen Carter). Given how many in the first wave of human rights defenders under the new Republic had emerged in response to atrocities, some of which had been perpetrated by men now in power and enjoying impunity, transitional justice was an early priority for many human rights defenders. ([Transitional justice](#) refers to how societies respond to the legacies of massive and serious human rights violations and may encompass criminal accountability but also truth-telling, recognition, memorialisation and redress.) Orzala Ashraf Nemat recalls a significant turning point in 2001, just before the Bonn conference, when a group of activists

²⁸ In November 2001, Germany hosted and co-organised the UN-convened and chaired international conference on Afghanistan at the Hotel Petersberg near Bonn, where the Bonn Agreement, a blueprint for re-establishing functioning Afghan government institutions, was adopted. In Bonn, Afghan factions, particularly the leadership of the anti-Taliban United Front/Northern Alliance, consisting mainly of mujahedin parties who, post 9/11, had become allies of the West, had to be nudged by the US and other international actors to agree to share power and allow other groups into what would become the Afghan Interim Authority.

²⁹ The appointments of commissioners and their salaries remained under the president's control. In 2013, then President Karzai appointed four commissioners who had no background in human rights, including one former member of the Taliban. See Kate Clark and Sari Kouvo, [Dismantling Human Rights in Afghanistan: The AIHRC facing a possible downgrading of status](#), AAN, 20 September 2013.

raised concerns with a diplomat about the inclusion of notorious war criminals in the emerging political settlement:

We wanted to address the human rights violations before moving on to constitutions and elections. We argued that as long as all these warlords were included with their armies and the blood on their hands, good leaders cannot emerge. He was very direct – he said you have two choices: either you boycott the conference and come out as an opposition and see what you can do, or you be part of it and influence from the inside. We stayed. That was a turning point in the post Bonn context for the human rights trajectory.

Accusations of war crimes were no bar to high office in the new administration. Rather, the Bonn conference ended up legitimising a transition which had already happened on the ground, when the Shura-ye Nizar/Jamiat-e Nizar element of the US-funded and armed Northern Alliance/United Front captured Kabul and most of the key positions in central government while other commanders seized power at the regional, provincial or local level. The final agreement at Bonn also praised the “heroic role” of the mujahedin – referring to the armed factions that had fought against the Soviet Union and then the Taliban, despite the heinous crimes committed by some over many rounds of conflict, including the destruction of much of Kabul in 1992–96.³⁰ An attempt to include a ban on future amnesties for war crimes was rejected. Meanwhile, as one set of human rights abusers were woven into the new political system, the CIA and US special forces were deepening ties with their commanders of choice in their expanding campaign against Al-Qaeda and Taliban targets (a reputation for atrocities did not preclude patronage).³¹ Many of those Afghan commanders would glide into positions of power in the new Afghan security forces, thus both politically and militarily, the die had been cast in favour of those who should have been excluded for war crimes.³²

³⁰ For the “heroic role of the mujahedin,” see paragraph 4 of Annex III of the 2001 Bonn agreement, available on the UN’s Peacemaker website: [Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions](#). For documentation of war crimes from the preceding eras, see the aforementioned report, [Casting Shadows: War Crimes and Crimes against Humanity, 1978–2001](#), Afghanistan Justice Project (AJP), 2005.

³¹ See this excellent paper by Barnett R Rubin, who served as special advisor to the UN Special Representative of the Secretary General for Afghanistan during the Bonn negotiations: [Transitional Justice and Human Rights in Afghanistan](#), Royal Institute of International Affairs, May 2003, pp270–273.

³² Patricia Gossman, [Transitional Justice and DDR: The Case of Afghanistan](#), International Center for Transitional Justice, June 2009.

The efforts of the few human rights advocates who campaigned for transitional justice were ultimately defeated by the power of the perpetrators whose insistence on impunity was rarely contested by their foreign allies, certainly the most powerful allies – the US military and CIA – which themselves used torture and mass arbitrary arrest and detention in the early years of the intervention. Later, the CIA and US forces would back men committing war crimes because they were stalwartly anti-Taliban.³³



Sima Samar, then Deputy Chairwoman of Afghanistan's Interim Government and Minister of Women's Affairs, and Special Representative of the UN Secretary General Lakhdar Brahimi during a workshop to draw up a framework for the Afghanistan Independent Human Rights Commission.

Photo: Prakash Singh/AFP, 25 May 2002

The Afghanistan Independent Human Rights Commission (AIHRC) initially took on the challenge of securing accountability with gusto. Commissioner Nader Nadery led a team which produced a powerful report in 2005, [A Call for Justice – A National Consultation on past Human Rights Violations in Afghanistan](#), showing that about three-quarters of those surveyed wanted the crimes of the past to be addressed.

³³ See, for example, Azam Ahmed and Matthieu Aikins, [America's Monster – How the U.S. Backed Kidnapping, Torture and Murder in Afghanistan](#), New York Times, 22 May 2024. See also [“Today We Shall All Die” Afghanistan's Strongmen and the Legacy of Impunity](#), Human Rights Watch, 3 March 2015.

They followed this with an ambitious conflict mapping exercise, the results of which were never released (see [this](#) AAN report on the censoring of both the AIHRC and the UN's conflict mapping report). Nadery was removed from the AIHRC in 2011, along with two other commissioners. While President Karzai did not admit his removal was connected to the conflict-mapping work, it clearly was, not least because credible documentation of war crimes could finally have provided the evidence needed by the country's rather feeble electoral vetting attempts; see the backstory in [this](#) AAN report and a New York Times opinion piece by HRW's [Patricia Gossman](#) who wrote that the long-anticipated report was scheduled to be released soon: "Karzai's move seems designed to smother the report before it sees the light of day."

Meanwhile, in 2007, the parliament also passed a law that gave blanket immunity to any parties to the conflict prior to the Interim Administration.³⁴ A few months later, Afghan MPs suspended a fellow member, Malalai Joya (who had secured the most votes of any candidate, male or female, in Farah province), for denouncing the presence of warlords and war criminals in the parliament (she was also an active critic of the Karzai government and its foreign backers). Facing death threats, she was forced into hiding ([Human Rights Watch](#)), a political demise that epitomised the precarity of both being a female political figure and human rights defender.

For a would-be democracy, riven from the start by conflict, corruption and armed groups, the inability to deal with past crimes did not just help shape the trajectory of human rights work; it embedded the conflicts and criminality of some notorious former mujahedin commanders into the new state. Dominant Afghan politicians and their foreign backers asserted that the stability of this uneasy polity had to be prioritised over justice and blocked the challenging and discomforting work of truth-telling, memorialisation, reconciliation and accountability. The decision to kick transitional justice into the long grass was actively pursued by UNAMA under Lakhdar Brahimi, the United States and some other allies (see this AAN [paper](#) by Patricia Gossman and Sari Kouvo). Human rights activists believed it to be a false dichotomy and that justice was needed to achieve stability.

While the suppression of the AIHRC conflict mapping report serves for some as a reminder of the Republic's human rights failings, it also reflected genuine unease

³⁴ See Sari Kouvo's 2010 AAN report, [After two years in legal limbo: A first glance at the approved 'Amnesty law'](#). Kouvo's report also notes two factors other than the AIHRC work that were seen as motivating parliamentarians: an infamous 2005 report by Human Rights Watch which named perpetrators of war crimes, [Blood Stained Hands](#), and the hanging of Saddam Hussein in Iraq in December 2006, which provided a graphic image ([here](#) on YouTube, widely covered by global media), of accountability at its most brutal.

from many about the potential ramifications of releasing documentation about past crimes when many of the alleged perpetrators were in power and had access or control of armed groups or state forces. This was a time when community narratives remained deeply divided – although one of the motivations for AIHRC’s conflict-mapping report was to use it as a means of education and potential healing, letting Afghanistan’s various communities know what had happened to others. However, to succeed, a united government and strong leadership was needed, including from the president, which was not forthcoming. The more cynical interpretation, however, was that war criminals had grown too dangerous to remove from power. Their positions and access to funding through government jobs or international contracts meant they could also continue to abuse: land-grabbing, election rigging, threatening and attacking rivals and critics and so on were all too common.³⁵ They certainly posed a threat to Afghan human rights defenders – the author recalls that several people, including those working on the preservation of mass graves, were subjected to threats and intimidation. (The same can also be said for several other areas of work, which will be discussed later.)

This is not to suggest that transitional justice was a complete failure: Afghanistan did at least become a signatory to the Rome Statute of the International Criminal Court (ICC) in 2003, paving the way for the [investigation](#) into alleged war crimes committed after that date, which, decades on, is still underway, albeit narrower in focus.³⁶ Afghan human rights defenders have contributed important documentation on war crimes over the course of the past two decades and made it possible for [hundreds of victims](#) to make representations to the ICC in 2018. Many human rights defenders, including members of the Transitional Justice Coordination Group (TJCG) have kept pushing for reconciliation and accountability for past crimes, even as they lost their political allies and were met with dwindling support from donors.³⁷

³⁵ See for example this report on land grabbing by Stephan Parmentier and Huma Saeed: [When Rabbits Are in Charge of Carrots: Land Grabbing, Transitional Justice and Economic-State Crime in Afghanistan](#), State Crime Journal 6, no 1, pp13–36, as well as Human Rights Watch, [Blood Stained Hands](#).

³⁶ The ICC opened a Preliminary Examination of Afghanistan in 2006, but the investigation did not really begin until 2022, under a prosecutor who chose to ‘deprioritise’ international and former Republic perpetrators. A chronology is contained in an AAN report by this author and Roxanna Shapour, Reigniting the Flames of Justice: ICC seeks arrest of the Islamic Emirate’s Supreme Leader and Chief Justice, AAN, 24 January 2025.

³⁷ For a good overview of the history of transitional justice, including the ‘amnesty law’ passed by the former mujahedin in parliament, see Huma Saeed’s paper: [The Failure of Transitional Justice in Afghanistan: Impunity Turned Into Law](#), Just Security, 16 September 2021.



Some 300 women and men march through the streets of Kabul in protest against MP Malalai Joya being suspended by her fellow MPs after she denounced the presence of warlords and war criminals in the parliament. Photo: Shah Marai/AFP 30 May 2007

This early failure for human rights defenders in the battle for justice was foundational, though it was not the only one. The Republic never had true rule of law or a fully functioning justice and administrative system, with corruption, discrimination and factionalism woven into every level.³⁸ In this context, the progress that human rights defenders could make was always going to be limited. Flaws and challenges within the human rights movement itself will be discussed later.

Areas of qualified progress under the Republic

Despite these challenges, over the course of two decades of the Republic, human rights defenders made some modest gains and managed to expand some boundaries of what was possible. This section will provide a short overview of some of their – qualified – accomplishments under the Republic, to put into context what many of those defenders feel has been lost.

³⁸ On corruption, see for example this investigative journalism by Lighthouse Reports: [Afghan War Profiteers](#), 31 May 2024.

A note on how this section will look at ‘progress’. The language used of ‘small gains’ and ‘expanded possibilities’ is deliberately modest. The nature of human rights work, the world over, is often slow, iterative and defensive – preventing rollbacks or simply signalling to governments that they are on watch, hopefully as a deterrent. This is far more common than the more concrete ‘wins’ of a regressive policy overturned, or the rare case of a perpetrator held to account.³⁹ Regardless of the hubris that many donors encourage from human rights organisations to claim ‘impact’ within the duration of a grant, defenders themselves tend to be realistic in their expectations of short- to medium-term impact.

Afghan defenders interviewed for this report were certainly clear-eyed about the limitations they face, from impunity for past and contemporary war crimes to state capture by corrupt armed groups to the deeply patriarchal and misogynist values of those holding power within institutions, including the parliament, police and ministries. In this context, progress was not going to be revolutionary – entrenched abusive practices were not going to be overturned within a few years. Creating space to bring abuses to light, with credible information, was a significant step towards shifting attitudes, practices and policies. The Afghan media was often an important ally (and sometimes champion) in the process of holding politicians to account. This sense of being on watch was an unfamiliar experience for those politicians who had emerged from former communist parties or mujahedin factions; many railed against it with threats against defenders and attempts to close space. Understanding progress in this highly tempered way is essential, because it is this incremental ability to document and report grievances that is essential human rights work – even when the desired changes in policies, laws and practices take far longer.

That said, human rights defenders contributed to some concrete advances, including a host of rights-respecting legal and policy reforms, including in women’s rights, the rights of people with disabilities and anti-torture legislation. Any gains mentioned are heavily tempered by the continuation of wide-scale abuses and discrimination. Also, clearly these changes involved multiple actors, including parliamentarians and officials, campaigns by the media and support (and sometimes demands) from international actors, including donors. However, those other factors are not the focus of this report, which will focus on Afghan human rights defenders.

³⁹ For a rare example of a win, the author recommends the story of the successful prosecution of Hissène Habré, the former despot of Chad, written by human rights lawyer Reed Brody: *To Catch a Dictator*, Columbia University Press, August 2024.

To give a flavour of these contributions, four examples follow, chosen because they involve one or more concrete outcomes.

Women's rights and lessons from the Shia Personal Status Law

Before 2021, the women's rights movement was one of Afghan civil society's most developed and multi-layered sectors. Women's rights defenders ranged from highly connected global actors to high-profile national actors and grassroots activists. They were not without the competition and discord that plague most civil society. But they were well networked, so in times of crisis, there was a strong web of connections that could be called upon. The level of relative development may have reflected in part the surge of international support for women's rights defenders and CSOs that followed the collapse of the first Emirate.⁴⁰ However, it is easy to overstate this and deny the agency and determination of some impressive defenders, including some of those highlighted earlier, who had emerged as leaders in exile without external support, earning the trust of the women and communities they assisted. Under the Republic, these women contributed to a host of significant achievements, including legal reforms for the protection of women and girls (here the role of international donors and the UN clearly also played a part). Standout legislative gains were the [Law on the Elimination of Violence against Women](#) (2009), reforms to the [Shia Personal Status Law](#) (2009) and the [Anti-Harassment Law](#) (2018).⁴¹

Again, the context is relevant to these women's achievements – the administration of the Republic was deeply dysfunctional, with state institutions captured by powerful networks almost entirely made up of men. Religious and cultural conservatives dominated parliament. Women in public life would often privately joke that they needed to get “guns or money” in order to be taken seriously.

Women's rights advocacy around the Shia Personal Status Law might seem obscure, since they were advocating for the revision of articles, or even particular words. However, human rights work is often defensive in nature. It can only be appreciated when seen in the context of who the activists were up against – in this case, senior

⁴⁰ A sense of sectoral civil society development is reflected in these reports: [Initiative to Promote Afghan Civil Society \(I-PACS\): USAID Project Evaluation](#), USAID, January 2014 and Tawanmandi, [CSOs Mapping Exercise: An analytical overview of the advocacy efforts of CSOs across Afghanistan](#), January 2012.

⁴¹ EVAW was a contested law, deftly explained here by Torun Wimpelmann: [Problematic Protection: the law on Elimination of Violence Against Women in Afghanistan](#), Open Democracy, 21 May 2013. On its implementation challenges, see: [A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan](#), UNAMA, November 2011.

Shia scholars and powerful Shia politicians, none of whom were used to having to justify their actions to women.



University students and civil society activists demonstrate in support of the Elimination of Violence against Women law at the gates of the Afghan parliament in Kabul.

Photo: Shah Marai/AFP 27 May 2013

The law came into force in March 2009, having garnered limited attention as it worked through parliament over the previous two years. In many ways, it was a positive step – fulfilling the promise to Afghan Shia Muslims in the constitution that Shia jurisprudence on family law would be recognised. It was only after it was ratified that it became mired in controversy, as national and international attention focused on controversial articles that restricted the rights of Shia women (see [this](#) useful AREU backgrounder). The media attention was somewhat sensationalist, with some journalists calling it a “rape law” because of an article which stated that wives could not refuse to have sex with their husbands. Civil society’s response was very quick and mostly united, with more than 30 organisations coming together to form a working group that called for the revision or removal of the most problematic articles. These included requirements that women must obey their husbands, sexual obligations of wives to their husbands, the age that girls could marry and

rules to do with the custody of children following a divorce. The success of the advocacy was partly based on civil society's relative unity, which helped get civil society representatives an audience with the president as well as ministers and parliamentarians. They also used to good effect the international media and CSOs, giving them extra leverage and protection. Their strength was also in countering their opponents with Islamic jurisprudence, which male scholars normally use to exclude women, as one civil society leader interviewed at the time said:

*[T]his is the biggest success we have ever had. It was the Sharia law up in the heaven that no one could access we brought it down to the people ... to make it something accessible and changeable... even though they claim it is not touchable.*⁴²

The sophistication of the women's rights defenders was visible in the way they used both insider advocacy, providing legal revisions and building allies inside government and the civil service, and more public-facing campaigns (the author was an observer in a number of civil society advocacy meetings at the time and followed the campaign closely). There were several highly visible wins like this, though some of the women's rights movement's work with the greatest impact was often discrete and iterative, such as the slow work of establishing conservative allies in favour of women's shelters.⁴³

The rights of people with disabilities

A less high-profile but often highly effective sector under the Republic was disability rights.⁴⁴ Disabled persons' organisations (DPOs) are one of the oldest parts of civil society, with a mix of volunteer and professional CSOs. The Afghan population has high levels of disability, given conflict-related injuries, as well as trauma and psychological distress, cerebral palsy, polio and visual disabilities. The 2005 [National Disability Survey](#), conducted by Handicap International and the government of

⁴² See [A Closer Look – The Policy and Law-Making Process Behind the Shiite Personal Status Law](#), Afghanistan Research and Evaluation Unit (AREU), 2009, p24.

⁴³ This observation is based on the author's own experience and interviews over many years (2006–20). Organisations that employed such tactics include the Cooperation Centre for Afghanistan (CCA), Afghanistan Women's Skills Development Centre (AWEC) and HAWCA, mentioned above.

⁴⁴ There was a Disability Stakeholders Coordination Group (DSCG), chaired by the government and an Advocacy Committee for the Rights of People with Disability (ACPD), chaired by the AIHRC. See 'CSOs Mapping Exercise: An analytical overview of the advocacy efforts of CSOs across Afghanistan', Tawanmandi, January 2012 (no longer online, on file with author).

Afghanistan, estimated that 10.8 per cent of the population live with a severe or very severe disability and that one in five households includes persons with a disability. In a 2019 mapping exercise of 84 DPOs by the Community Centre for Disabled, social and economic rights, such as access to food, shelter/land, education, salaries, pensions and jobs, were prioritised. Over a third of the organisations listed operated on a volunteer basis.⁴⁵

The legal framework for disability rights under the Republic had many strengths, but again, implementation was poor, hampered by negative attitudes and weak political will (see [this](#) AIHRC report from 2016). For example, although there was a legal requirement for three per cent of government positions to go to people with disabilities, after 2013, it was largely ignored.⁴⁶ The Advocacy Committee for the Rights of People with Disability used a combination of research, advocacy and alliance building. They won a series of measures in 2019 to improve employment prospects for electoral candidates with disabilities. (One contribution to the success of this advocacy is no doubt the presence of former AIHRC Commissioner Nader Nadery at the head of the IARCSC at the time.)⁴⁷ DPOs also successfully removed discriminatory corporate policies, such as banks not allowing people with sensory disabilities to have independent accounts and not facilitating services for persons with disabilities. The Afghanistan International Bank was targeted until it removed its discriminatory policy, ordered its branches to facilitate access and installed talking ATMs.⁴⁸ A glaring discrimination which restricted a monthly allowance for disabled persons to war-related disabilities was almost removed. Benafsha Yaqoobi, former AIHRC commissioner, co-drafted amendments to the Law on Rights and Privileges of Persons with Disabilities: “We were at the very last step of [the] amendment process,” she told AAN: “Then, unfortunately, the collapse [of the Republic] happened.” As will be discussed later, some DPOs are still able to operate inside Afghanistan, though with considerable restrictions.

⁴⁵ See Community Centre for Disabled (CCD) and the British and Irish Agencies Afghanistan (BAAG), [Mapping the landscape of DPOs in Afghanistan](#), BAAG, March 2019.

⁴⁶ The 2013 Law on Rights and Privileges of Persons with Disabilities prohibited discrimination and put multiple responsibilities on the state to proactively increase the participation of people with disabilities in society, including the three per cent provision for the civil service.

⁴⁷ The measures were introduced by the Independent Administrative Reform and Civil Service Commission (IARCSC), which oversaw civil service recruitment. For more on the reforms see [The Procedure on Recruitment of Persons with Disabilities in Civil Service Comes into Effect](#), IARCSC, 1 December 2019.

⁴⁸ Author interviews at the time. See also [Annual Report 2019](#), Afghanistan International Bank, 2020, p10.

The disability rights movement succeeded in starting to move beyond service provision into demanding more accessibility and inclusion of people with disabilities. By taking a very public advocacy role, human rights defenders like Benafsha Yaqoobi, who is blind, also led by example in a culture where people with disabilities are marginalised and rarely visible.

Media freedoms and the right to information

The media landscape is often presented as one of the great successes of civil society under the Republic; on the eve of the collapse of the Republic, there were hundreds of media outlets, including newspapers, radio stations and TV channels.⁴⁹ Plenty of these media entities were owned by power brokers with vested interests, which could sometimes contribute to misinformation and social division. However, journalists in independent media organisations pushed the boundaries of reporting. In addition, an active group of civil society organisations were defending media freedoms, including Afghanistan's National Journalists Union (ANJU), the Afghan Journalists Safety Committee (AJSC) and Nai, an Afghan non-governmental organisation. For the purposes of this report, these defenders of media freedoms and freedom of expression are considered specialist human rights defenders.

These journalists and human rights defenders fought a constant campaign to defend and increase media freedoms under the Republic, despite the repeated efforts of senior government officials and local power brokers who were determined to bring them under control or threaten them into submission. A classic example was the Minister of Culture from 2005 to 2009, Abdul Karim Khurram, who made clear his opposition to freedom of expression on multiple occasions, including by ordering a raid on Radio and Television Afghanistan (RTA), sending dozens of journalists to court and issuing a dangerously vague directive in 2008 to halt programming that was “contrary to Afghan culture and laws.”⁵⁰

The vigilance of these defenders meant that all laws and regulations governing the media were subject to fierce contestation between the media sector and the

⁴⁹ The BBC stopped updating its Afghan media guide in 2023. As of August 2023, it noted that 300 media outlets had closed. See [Afghan Media Guide](#), BBC, August 2023. See also, [Afghanistan Freedom Report 2020](#), Freedom House, and [Afghanistan's press freedom is threatened. Meet the young journalists fighting for it](#), Reuters Institute, 13 April 2021.

⁵⁰ See Kamran Mir Hazar, [Afghanistan Goes Back in Time](#), The Guardian, 13 June 2009. For the directive, see [Freedom of the Press in 2009 – Afghanistan](#), Freedom House, May 2009 (link is a summary on UNHCR's Refworld; see the PDF on the Freedom House [website](#)).

government. The Mass Media Law was the subject of near constant disputes, with many drafts and several iterations of the law. The first, published in 2005, did little to protect journalists, but gave the government enormous discretion to control content to ‘protect Islam’ and the ‘reputations’ of officials.⁵¹ Subsequent drafts bounced between the legislature and executive for several years until it was replaced in [2009](#) with a new law which had the same flaws. It did, however, include provisions to improve the complaints process with a mandate for a commission staffed by journalists (on paper, at least). As journalists and defenders continued their struggle for improved protections, government actors schemed to introduce special courts for journalists; this was thwarted.⁵² Journalist safety was also given greater consideration, in theory, following the targeted killing of [seven Tolo TV staff](#) in January 2016. The by-law on the Establishment and Activity of Private Mass Media, which came into effect in February 2016 by presidential decree, provided for expedited investigations into journalists killed since 2002 (see the by-law in [Dari](#)).



Mourners gather at the funeral of Saeed Jawad Hossini, one of seven Tolo TV members of staff killed in a suicide attack on an employee minibuss in Kabul on 20 January 2016.

Photo: Shah Marai/AFP 21 January 2016

⁵¹ See Amin Tarzi, [Afghanistan: Mass Media Law Comes under Scrutiny](#), RFE/RL, 2 February 2007.

⁵² See [Afghan media claim small victory in fight for press freedom](#), Reuters, 1 October, 2012 and Erin Houlihan and William Spencer, [Rule Of Law, Governance, and Human Rights in Afghanistan, 2002 to 2016](#), USIP, 2017.

In 2018, Afghanistan jumped to the top of the global Right to Information (RTI) index, having brought into force “an incredibly strong [RTI law](#),” according to a [statement](#) from the Centre for Law and Democracy at the time. While this was aided by external technical support, the work on access to information involved a multi-year effort by a cohort of media freedom defenders and journalists. Several became subject matter experts, working closely on the draft with the legislative drafting branch of the Ministry of Justice. Expertise inside government was limited, according to Ikram Afzali, the director of Integrity Watch Afghanistan, who was instrumental in the process. “Attention to every word mattered,” said Afzali. “It was time consuming; we spent days and days and days with them, but it made a difference.”⁵³ Director of Pajhwok Afghan News, Danish Karokhel, was also involved and described the process of identifying allies in government and incentivising them with the thought of becoming the global lead on RTI: “We told the Minister of Justice: Please accept all of our amendments and we guarantee that the name of the government will be number one in the world; it will be your achievement not ours.”⁵⁴ Karokhel notes that he became so well-versed he “even wrote a book on access to information in that time!”

This is an example of what is sometimes called ‘insider advocacy’ by human rights defenders: building alliances, providing technical support and framing reform in ways that appeal to the vested interests of power holders, often behind closed doors. Of course, having a great law on paper was one thing and implementation was, once again, a different matter. Journalists were confronted with sclerotic administrations, corruption and impunity, with requests for information often unheeded. But the legal step forward was taken, making it easier to hold the government to account and push for behavioural change.

This is far from a history of constant liberalisation for the media, rather it could be seen as one of multiple defensive actions, some of which were successful, with small steps towards greater openness. That human rights defenders and journalists fended off multiple attempts by the government to increase their control over the media had huge implications for the wider civil society, human rights and democracy.

Of course, Afghan journalists remained at risk, particularly in the final years of the Republic. A Human Rights Watch report on media freedoms from [2015](#) reported

⁵³ Interview with Afzal Ikram by this author conducted in 2020 for an unpublished paper on Afghan civil society advocacy.

⁵⁴ Interview with Danish Karokhel, Director and Editor-in-Chief, Pajhwok Afghan News and former Commissioner, Oversight Committee. Interview also conducted by the author in 2020 (see footnote above).

“increasing intimidation and violence from both state and non-state actors, lack of government protection.” By 2019, Reporters Without Borders reported that Afghanistan was the [deadliest place to be a journalist](#), with 15 journalists and media workers killed in violent attacks in the previous year, at least nine of whom were deliberately killed. In 2020, Amnesty International documented the deaths of [11 journalists killed in targeted attacks](#), mostly by “unidentified gunmen,” although UNAMA reporting indicated the likely culprit in most of these killings, and those of human rights defenders and other civilians, was the Taliban.⁵⁵

Anti-torture laws

The work of human rights defenders to eliminate torture is worth mentioning, even though the advances were far more modest, with an outsize role for UNAMA, given the acute risks for Afghan HRDs. Under the Republic, there was widespread use of torture by security institutions, particularly the National Directorate of Security (NDS), against conflict detainees (see AAN reporting on this from [2013](#) and [2015](#)). Given the power and impunity of the NDS, it was too dangerous for most human rights defenders to confront the intelligence agency, with even the AIHRC tending towards self-censorship.⁵⁶ The most meaningful pressure on the Afghan government to reduce torture came from the United States, which was under its own domestic pressure to stop funding the Afghan security services, including detention facilities where torture was known to be rife (in part thanks to documentation and advocacy by human rights defenders). Pressure also came from non-US international forces, who were legally obliged to hand over detainees to the NDS after 96 hours, but who were forced to introduce monitoring and protection measures in an attempt to avoid handing over detainees to an Afghan facility where they might be tortured.

That is not to say Afghan lawyers and human rights defenders were entirely silenced on torture. Some spoke out, including lawyer Lal Gul, whose Afghanistan Human Rights Organisation provided representation to detainees and was one of few who would talk to the Afghan media about torture and other detention abuses by both

⁵⁵ UNAMA’s 2020 Protection of Civilians report, which can be found [here](#), attributed nearly two-thirds of the targeted killings of civilians that year to the Taliban; those killed included healthcare workers, judges and lawyers, civil society activists, NGO workers, human rights defenders, journalists and civilians working in the government.

⁵⁶ This author was part of an effort to provide technical and financial assistance to the AIHRC in 2011–12 to document torture in NDS facilities. Based on conversations at the time, the author is aware that the AIHRC came under significant pressure, resulting in significant censorship of its own research.

Afghan and international forces.⁵⁷ Lal Gul was part of a loose coalition known as the Detention Working Group, with other lawyers and human rights defenders, who had sufficient standing that they could, occasionally, put their heads above the parapet to raise concerns about the torture of detainees. The Detention Working Group played a big role in drafting the [2017 Law on the Prohibition of Torture](#), which was passed by presidential decree, as well as an [annex](#) to that law to add, among other things, a compensation provision.⁵⁸ This was soon followed by a raft of additional measures, including that Afghanistan accede to the Optional Protocol to the Convention against Torture in 2017.⁵⁹

The practice of torture continued, however, with the NDS continuing to jealously guard its activities, with many Afghan human rights defenders, lawyers and journalists largely self-censoring in relation to abuses.⁶⁰ This might appear to render these legislative and regulatory gains a hollow victory. However, it is more than that when seen in context. Torture had been normalised in Afghanistan by decades of state abuse.⁶¹ Afghanistan's new international allies had failed, spectacularly, to lead by example, since most of these supposedly democratic and rights-respecting international allies were also either guilty of or complicit in the US torture and

⁵⁷ See for example, Lal Gul quoted in the following: [Guantanamo closure too little too late: ex-inmate](#), Reuters, 22 January 2009. See also this discussion on Tolo TV where Lal Gul comments on a 2013 report on torture by UNAMA: [Goftman: Prisoner Torture Report](#), Tolonews, 24 January 2013.

⁵⁸ The Detention Working Group was formed in 2008 and was comprised of senior Afghan lawyers and human rights activists, with the secretariat role performed by the Afghanistan Independent Bar Association. It received some technical support from the Open Society Foundations and The Asia Foundation (TAF), based on author involvement at the time.

⁵⁹ The National Plan on the Elimination of Torture followed the Anti-Torture law, which led to the creation of a Commission for the Prohibition of Torture, led by the AIHRC (see an English translation of the national plan in Annex III of UNAMA's 2017 [Treatment of Conflict-Related Detainees](#) report). A revised penal code was promulgated with a much-improved definition of torture. See [Treatment of Conflict-Related Detainees in Afghanistan: Preventing Torture and Ill-treatment under the Anti-Torture Law](#), UNAMA, April 2019, page iii (incorrectly states that 2018 was the year of these reforms). See also Kate Clark, [Afghanistan's Record on Torture to Come under UN Scrutiny](#), Afghanistan Analysts Network, 21 April 2017.

⁶⁰ This author recalls investigating a death in NDS custody in 2009, which was unusual because the family of the victim had dared to speak out. See the following press release by the author for Human Rights Watch: [Afghanistan: Investigate Death in Custody – Independent Inquiry and Full Access Needed at Intelligence Service Detention Facilities](#), Human Rights Watch, 21 December 2009. Some years later, the author was informed that a cleaner employed in her home soon after that press release had been (or become) an NDS informant. For Afghans, the consequences of publicly questioning the NDS would have been far more severe.

⁶¹ The intelligence agency of the communist PDPA era, the KhAD, were notoriously abusive. See the report by Afghanistan Justice Project, [Casting Shadows](#).

rendition programme.⁶² It would have been too much to expect a transformation in a culture of torture among security forces that were actively involved in conflict, with many in command likely of the belief that torture is a necessary evil.

That the Afghan government enshrined decent anti-torture laws was a clear human rights gain, when recognised as a necessary step in the right direction. There were plenty of incentives other than the pleas of human rights defenders at play. One motivation was that Kabul did not want the International Criminal Court to investigate alleged torture by its forces and those of its key ally, the US; it therefore sought to demonstrate, by passing laws, that it was ‘willing or able’ to prosecute war crimes allegedly committed by Afghans and that the ICC should back off. Another incentive was the years of financial threats from the US Congress that funding to Afghan security forces would be cut if torture practices were not eradicated (despite the US’s own record on torture in Afghanistan and Iraq). In addition, this was an issue that the then president, Ashraf Ghani, seemed personally committed to.⁶³ But without a group of respected lawyers and human rights defenders poised to seize this opening, including doing technical drafting for an under-resourced and low-capacity government, the opportunity might have been lost. That it became acceptable for some, relatively privileged members of civil society to not only talk to their government about torture but even draft a new law, was a modest sign of progress, or at least a prerequisite for the slow hard work of curbing violations.

Support for human rights language and norms

Globally, one of the benchmarks of success for human rights defenders is the adoption of human rights language by senior government officials. This may seem superficial, but it tends to be an important step towards concrete reforms. In Afghanistan, where powerful voices were always ranged against human rights, it mattered that, for example, there were always those in the cabinet who would

⁶² A report by the Open Society Justice Initiative found that 54 countries were complicit in the US global rendition and torture programme of the ‘War on Terror’: [Globalizing Torture: CIA Secret Detention and Extraordinary Rendition](#), Open Society Justice Initiative, February 2013.

⁶³ This author took part in a meeting in December 2014 in which President Ghani said he had stayed up all night reading a 525-page report by the US Senate Intelligence Committee on the CIA’s torture programme. A BBC summary of the report can be read here: [CIA interrogation report: The 20 key findings](#), BBC, 9 December 2014. See also AAN’s 2014 report by Kate Clark, [The ‘other Guantanamo’ 12: Bagram Closes, CIA Torture Revealed, US to Be Held to Account?](#), on the revelations about the CIA’s use of torture in relation to Afghanistan and Afghans.

defend and promote human rights. For example, Mohammad Farid Hamidi, former Afghanistan Independent Human Rights Commissioner, when he became Attorney General, was active in trying to shift attitudes and policy inside the government on hymen testing (often misnamed ‘virginity testing’), among other things.⁶⁴ Similarly, the disability rights work referenced above was aided by Nader Nadery, another former human rights commissioner, who went on to head the Civil Service Commission. President Ashraf Ghani was touting freedom of expression as a [significant achievement](#) of his government by 2016 (Bakhtar News). Academic studies of human rights impact suggest that even a rhetorical shift in favour of human rights can be a precursor towards more rights-respecting state practice.⁶⁵ In Afghanistan under the Republic, this was complicated by influential donors putting pressure on the government to move towards more rights regarding laws and policies, including in benchmarks, to release funding. However, that many senior officials defended human rights values, from closed door cabinet meetings to national and international statements, was still an important progression towards a more rights-respecting culture.

Finally, a note on human rights education, which was a core part of the work of many human rights defenders, as well as the AIHRC, UNAMA and relevant ministries. It is not possible to quantify how successful the plethora of human rights education and awareness-raising campaigns by human rights defenders were. There is limited data tracking human rights awareness, with no real baseline from which to judge progress. Multiple factors are at play in changing public attitudes, including the role of the media, rapidly expanding education, literacy, economic mobility and travel.⁶⁶ Discourse around human rights issues, including women’s rights, was culturally divisive throughout the Republic era. However, surveys often suggested fairly tolerant attitudes on a wide range of issues among Afghans. The Survey of the Afghan People, the longest-running public perception survey in Afghanistan (2004 to 2019), found in [2006](#), for example, that “[a]n overwhelming majority (86%) of Afghans surveyed said

⁶⁴ See Annie Kelly, [Breakthrough made in fight to end virginity testing in Afghanistan](#), The Guardian, 5 July 2018.

⁶⁵ Two of the best known sociologists to have made this observation about the significance of influencing the “discursive positions” of states are Margaret E Keck and Kathryn Sikkink, in, for example, ‘Activists beyond borders’, 1998, (PDF available [here](#) from Stanford University), Cornell University Press, pp24–29.

⁶⁶ Saad Mohseni, [How a Robust Media Has Transformed Afghanistan](#), Asia Society, 2 May 2016. Mohseni cites multiple examples, including public attitudes towards mob violence which led to the death of female student Farkhunda Malikzada in Kabul in early 2015 shifting in response to media coverage of the killing.

they agreed to the principle of ‘equal rights regardless of gender, ethnicity, religion.’” By [2019](#), the survey showed approval for women’s education from more than 86 per cent of respondents, with 76 per cent supporting women working outside the home. Research by the Organization for Policy Research and Development Studies (DROPS) in February 2024 on changing social norms around child marriage found that “there had slowly been a growing acceptance of girls not marrying until they were over 18,” with data suggesting “this norms shift was gaining traction, particularly among younger women with at least secondary education.”⁶⁷ Of course, there is insufficient data to suggest that Afghans’ support for human rights values grew over the course of the Republic, let alone make a claim about the role played by human rights defenders’ education campaigns. But as will be discussed in chapter three, the idea of human rights as an entitlement – particularly for younger women – seems evident in the anti-IEA protests after 2021.

Limitations on human rights defenders under the Republic

While the Republic years look like a relatively benign era of progress today, for human rights defenders, there were plenty of obstacles and limitations. Chief among them was security, including physical threats and problems of access relating to the conflict, as well as subjects rendered off-limits by pro- and anti-government actors. There were also critiques of the sector, many of which were used against wider civil society, undermining legitimacy or trust, some of which will be discussed below.

First, there were a host of security-related limitations. Risks for human rights defenders included physical attacks, abductions, arrests and murder, from multiple actors and, particularly, for women human rights defenders (WHRDs). As with women in other areas of public life, the pressure on WHRDs could come from families and communities, as well as the political establishment. Risks for WHRDs were noted as early as 2005 in a [report](#) by the Special Rapporteur on the Situation of Human Rights Defenders:

HRDs in Afghanistan suffer from violence, harassment and intimidation, particularly by powerful persons and groups, including members of the government, others allied with the Taliban and other anti-government forces.

⁶⁷ The research was by Mariam Safi, Evie Browne, Tony Kamninga & Ayesha Khan in [Changing social norms around age of marriage in Afghanistan](#), Organization for Policy Research and Development Studies (DROPS), February 2024.

In the increasingly conservative and insecure environment, women human rights defenders (WHRDs) are in a particularly difficult situation – they are not only targeted for the work they do, but also for who they are and for challenging social and religious patriarchal norms.

This was echoed by Front Line Defenders in a [submission](#) to the UN's Human Rights Council in 2008 in which they say:

Human rights defenders in Afghanistan are subjected to threats, intimidation, harassment, surveillance, arbitrary detentions, forced disappearances and killings. HRDs working in the area of women's rights and transitional justice as well as independent journalists face particular risks as a result of their work.



Special Representative of the UN Secretary General for Afghanistan Nicholas Haysom and former governor of Bamyan province Habiba Sarabi speak on the sidelines of a conference organised by the AIHRC and Amnesty International on the national action programme for the elimination of torture.

Photo: UNAMA News via [Flickr](#), 8 April 2015

Human rights defenders were not alone in facing threats and attacks, particularly in conflict-affected areas. Humanitarian and development workers also faced conflict-related risks. Tracking by the [International NGO Safety Organization](#) from 2019, as an example, provides a snapshot of such threats to NGOs in that year: there were

877 abductions, 324 arrests, 6,090 injured and 3,762 killed. Of the latter incidents, 63 per cent were assessed to have been caused by organised armed groups (mostly the Taliban and the Islamic State in Khorasan Province (ISKP), while 29 per cent were government-related and seven per cent were criminal.

When it came to state actors, threats and intimidation could be harder to track but resulted in widespread self-censorship.⁶⁸ The Economist Intelligence Unit described Afghanistan as “authoritarian” from 2006, when it began its Democracy Index, until [2020](#), the last full year of Republic rule, when its low-functioning government, flawed elections and restrictions on civil liberties placed it 139 out of 167 countries. The Civicus [Monitor](#), which tracks civic space, categorised the Republic as “repressed” from 2018 to 2021. Accountability for serious violations by the Republic, including torture by the police and the intelligence agency, was notoriously challenging to work on, as discussed above. Similarly dangerous and difficult to document were extrajudicial executions by security forces, both international and national, to the extent that public reporting was almost entirely done by international journalists or human rights NGOs, though their work was always dependent upon undercover Afghan researchers and human rights defenders.⁶⁹ Corruption, smuggling, land grabbing and violence against women were also hard to investigate and publicly report.

Some human rights abuses, including the sexual abuse of boys, a practice known as *bacha bazi*, were a social taboo for many years, despite being an open secret. Although it remained woefully under-reported because of the dangers to victims and investigators, the AIHRC did bring out a [report](#) in 2014, creating space for others to start to challenge the impunity enjoyed by abusers.⁷⁰

⁶⁸ See, for example, Amnesty International’s report from the same year, [Afghanistan’s Human Rights Community under Attack](#), which, among other cases, notes an example of a CSO being told to remove names of individual security officials responsible for torture in a human rights report they were sending to the UN (p131).

⁶⁹ For example, [‘Today We Shall All Die’: Afghanistan’s Strongmen and the Legacy of Impunity](#), Human Rights Watch, 3 March 2015; [Getting Away with Murder? The Impunity of International Forces in Afghanistan](#), Amnesty International, February 2009; Anand Gopal, [Kandahar’s Mystery Executions](#), Harper’s Magazine, September 2014; Mattieu Aikins, [Our Man in Kandahar](#), The Atlantic, November 2011.

⁷⁰ An international NGO, the [All Survivor Project](#), which was focused on conflict-related sexual violence against men and boys, also carried out documentation, in partnership with the AIHRC and another Afghan NGO, the Youth Health & Development Organisation, over the course of several years.

Over the course of twenty years, many human rights defenders received threats. Some were killed. Others fled into exile. Issues that were off-limits were shrouded in uncertainty, which in turn fuelled the impunity for the crimes. That modest openings were still made, in terms of slowly teasing open space for documentation and reporting, is a testament to the tenacity of many individuals and organisations.

None of this is to say that the Afghan human rights movement was without its own flaws. Most were shared with other sectors and other human rights movements, including corruption and infighting. Some skills gaps were evident when it came to documentation, from gathering and verifying evidence to limited legal understanding. There have been many critiques of the ‘projectisation’ of civil society under the Republic, including the loss of volunteerism amid ‘rentier’ NGOs.⁷¹ President Ghani was fond of criticising CSOs for being too “project-based” and having limited impact (see [this](#) ToloNews article). Ghani did, however, lure some highly skilled civil society leaders to work with him in his attempt to create a ‘technocratic’ government. While civil society co-option into government could work to the benefit of human rights defenders, giving them allies in power, some civil society activists were highly critical of people going into government, often amid charges of corruption or betraying values.⁷² There was always a degree of public scepticism about the sector as a whole, at least according to the regular surveys by the Asia Foundation, which tended to put public confidence in NGOs at little more than 50 per cent.⁷³

A frustration for many Afghan human rights defenders was the extent to which the priorities of their organisations were shaped by the diplomats and donors who consistently used their financial and military power to exert their own self-interest and biases (for example, as discussed regarding the limitations on justice and accountability). It was compounded by a wider global trend towards ‘professional’

⁷¹ See for example, Vanessa Van den Boogaard, [Building Afghan Civil Society “from the Outside”: The Role of Global Civil Society Actors and the Impacts on Perceived Local Legitimacy](#), The International Affairs Review, October 2024. See also Elizabeth Winter, [Civil Society Development in Afghanistan](#), BAAG, June 2010 and, in relation to the women’s rights movement, Torunn Wimpelmann, [Leaving Them to It? Women’s Rights in Transitioning Afghanistan](#), Chatham House Briefing, May 2014.

⁷² See this AAN article by the author about a group of young leaders that tried and failed to hover between political and civil movement, amid tensions about the credibility of ‘political insiders’, [Afghanistan 1400: The dawn and decline of a political movement](#), Afghanistan Analysts Network, 24 March 2021.

⁷³ In 2019, public confidence in national NGOs was at 53 per cent, down from where the surveys started in 2007 when it was 60 per cent. [A Survey of the Afghan People](#), The Asia Foundation (report hosted by Reliefweb), 2019.

policy advocates and persuaders, where human rights defenders are selected and trained for their skills in ‘elite’ policy advocacy. This displaced or disincentivised the ‘noisy’ disruptors more typical of earlier generations of activism. The ‘insider approach’ tended to involve technical language, applying international human rights laws and appealing to global standards. This is a necessary skill when holding governments to account, but does not support efforts to build support for a human rights movement. Some defenders, including Shaharзад Akbar, former head of the AIHRC, lament that human rights defenders could have done more to make their work more grounded in communities:

There wasn’t enough done on the more gradual work that’s about changing perspectives and having dialogues and strengthening a culture of rights, also thinking about a language of rights that resonates with people.

One exception to the professionalised norm of the later years of the Republic was the sudden emergence of *De Sole Wulusi Harakat* (the People’s Peace Movement) in 2018. It was striking because of its grassroots nature and inclusive appeal (see [this](#) New York Times article). The movement began in the capital of Helmand province, Lashkargah, with a sit-in by relatives of victims of a Taliban suicide attack on a sports event. In 2018, the Afghanistan Institute for Civil Society described it as the “most remarkable movement” of recent years because of its ability to crossgenerational, geographic, gender and ethnic divides. It was described as the “most remarkable movement” of recent years because of its ability to cross-generational, geographic, gender and ethnic divides by the [Afghanistan Institute for Civil Society](#) in 2018. At its peak, it had followers in almost half the provinces of Afghanistan, as it tried to put pressure on both the Taliban and the government for a ceasefire. It was not successful, but it was a glimpse of a kind of grassroots activism that had become less visible over the course of the Republic.

These few highlights and lowlights do not do justice to a complex and dynamic movement. However, it is safe to say that Afghan human rights defenders had much to be proud of by 2021, even as they might lament their shortcomings and insurmountable challenges. There were some tangible policy and legal wins, while other achievements, such as defending freedoms and holding ground despite the forces ranged against them, are harder to quantify. It seems reasonable to suggest that their work contributed to a period under the Republic when some cultural taboos were eroded, laws and policies were improved, allies were gained and space was expanded to document and report human rights violations.

HUMAN RIGHTS, THE TALIBAN AND THE EMIRATE

This section looks at the behaviour of the Taliban insurgency and the Emirate towards human rights defenders and why HRDs believe the Taliban – both as an insurgency and as an Emirate – to be antithetical to human rights work. While this examination will not include a review of areas where the Emirate’s policies and practices violate human rights – though these violations clearly inform the attitudes of human rights defenders towards them – it will focus on the ability of human rights defenders to work and effect change. First, we discuss the ‘what’ – in terms of repression and restrictions. Then we move on to the ‘why’ – an imperfect attempt to understand what drives this repressive approach, including fundamentalist ideology, cultural conservatism and authoritarianism.

The Taliban insurgency and human rights defenders

Under the Republic, human rights defenders were just one of many irritants for an insurgency fighting a territorial and propaganda war. In this context, tactics and ideology are harder to distinguish, but clearly, the Taliban tended to view civil society in a binary ‘with us or against us’ way (much like the US military, with its crude refrain of ‘good guys’ and ‘bad guys’). Seen through this lens, civil society was complicit in an illegitimate and un-Islamic government. Journalists and human rights defenders could be threatened and attacked when they ‘crossed the line’ in the eyes of the Taliban.

Human rights defenders, like journalists and other critical voices, were subject to threats, intimidation and targeted killing. For example, on 12 April 2009, the human rights defender and local councillor Sitara Achakzai was murdered in Kandahar, a killing claimed by the Taliban at the time ([The Guardian](#)). Although some of her family members raised doubts about the Taliban claim, her killing had a chilling effect on other women’s rights defenders, as did the murders of other women in public life.⁷⁴ In September 2019, Abdul Samad Amiri, the head of the AIHRC office in Ghor province, was abducted and killed by the Taliban (see this [tweet](#) from then

⁷⁴ See for example, “[We Have the Promises of the World](#)” – Women’s Rights in Afghanistan, Human Rights Watch, 6 December 2009, chapter 3.

AIHRC director Akbar). On the morning of his abduction, he had [posted](#) on Twitter, “Despite the difficulties, I owe my life to this land and will work for its betterment so long as I live.”⁷⁵



A Taliban commander speaks to reporters after the Emirate’s security forces stopped female protestors holding a rally in front of a school in Kabul on 30 September 2021.

Photo: Bulent Kilic/AFP

Although not human rights defenders, seven Tolo TV media workers were targeted and killed in January 2016, sending reverberations throughout civil society ([ToloNews](#)). The murders followed threats in a Taliban statement to Tolo TV and 1 TV, which were described as “propaganda networks tasked with promoting the intellectual, cultural and information invasion of the infidels in Afghanistan,” who “ridicule our religious and cultural norms” ([Committee to Protect Journalists](#)). (The threats followed what the Taliban regarded as misreporting about their actions when they captured Kunduz earlier that month, also mentioned in the statement.) Along with high-profile killings such as these, countless threats added to a climate of fear, particularly in the most volatile and contested areas.

⁷⁵ Cited in this press release by Samira Hamidi: [Afghanistan: Killing of human rights defender is a war crime](#), Amnesty International, 5 September 2019.

In the year before the collapse of the Republic, targeted attacks on prominent Afghans intensified, with many prominent human rights defenders fleeing the country. From September 2020 until the end of January 2021, 11 human rights defenders and media workers were killed, according to [UNAMA](#), seemingly triggered by the start of peace talks between the Taliban and the Republic in September 2020. Amid growing fear and rumours about ‘hit lists’, human rights defenders and others who felt vulnerable went into hiding or exile in 2020, with many more escaping to safety as the collapse of the Republic became inevitable in 2021. At the same time, there was a scramble to protect sensitive human rights archives, which came too late for some important documentation.⁷⁶

The IEA’s shuttering of civil society

Following the fall of Kabul in August 2021, human rights defenders and organisations that had not already fled came under mounting pressure. In the first few weeks, fresh reports came out almost every day of human rights defenders being harassed, attacked and arrested.⁷⁷ Protestors were beaten and detained, with teargas used to disperse crowds ([documented](#) by Amnesty International), though some continued even after a [ban](#) on unsanctioned protests on 8 September 2021 (The Guardian). By the end of 2021, Frontline Defenders [reported](#) ten human rights defenders killed in the southern, eastern and northern regions. Among them was Frozan Safi, a human rights defender and economics lecturer from Mazar-e Sharif, who had been active in protests. Safi went missing in October 2021, apparently lured to her death with the promise of evacuation to a safe country. When her family found her body in a morgue two weeks later, she was recognisable only by her clothes. “Bullets had destroyed her face,” her sister [told](#) The Guardian newspaper.

The AIHRC and CSO offices were receiving visits from the new authorities.⁷⁸ Staff were arrested and questioned, documents searched for, computers and phones checked and vehicles commandeered. Administrative pressure came in the form of

⁷⁶ Author conversations over the course of 2021 with several human rights organisations. See also [The World Simply Gave Up: international law and the role of non-state entities in humanitarian evacuations in Afghanistan](#), Leitner Center, Fordham Law, September 2023.

⁷⁷ See [Afghanistan: Taliban wasting no time in stamping out human rights says new briefing](#), Amnesty International, 21 September 2021.

⁷⁸ Observation based on private reports on file from The Afghanistan Human Rights Defenders Committee.

demands for re-registration, the freezing of bank accounts and the barring of certain activities.⁷⁹



The Department for Women's Affairs' sign in Kandahar is replaced by the Ministry for the Propagation of Virtue and Prevention of Vice.

Photo: Javed Tanveer/AFP, 20 October 2021

A needs assessment in 2022 by the Afghanistan Human Rights Coordination Mechanism surveyed 663 human rights defenders (broadly defined as media workers and human rights and civil society activists). They found that 90 per cent of those inside the country reported multiple risks and threats, including kidnapping, arbitrary arrest, torture, physical and psychological harm, house searches, threats and intimidation. This included 46.8 per cent of respondents who indicated intimidation and harassment, 24.1 per cent risks to their life and physical safety and 16.4 per cent who had suffered arbitrary arrest and torture.⁸⁰

⁷⁹ See [Situation of Human Rights in Afghanistan – Report of the Special Rapporteur on the Situation of human rights in Afghanistan, Richard Bennett](#), OHCHR, 9 February 2023, also, [Afghanistan: The Taliban's assault on civic space, a year on from its takeover](#), CIVICUS, August 2022.

⁸⁰ See [A Needs Assessment of Afghan Human Rights Defenders – 2022–23](#), Afghanistan Human Rights Coordination Mechanism, Freedom House, Afghan-Canadian Civil Society Forum, 2023, pp16, 20.

The shrinkage of the media was rapid and stark. According to a December 2021 [survey](#) by the Afghan Independent Journalists Association (AIJA) and Reporters Without Borders, around 40 per cent of media outlets had closed and thousands of journalists had lost their jobs – including 84 per cent of female journalists and other media employees (described in AAN’s 2022 report, [What has happened to the Afghan media](#)). The report cites a combination of threats and pressure on journalists, bans on music that closed down many radio stations, the flight of media executives from Afghanistan, female journalists being pushed out of jobs and a financial squeeze as advertising revenues for private media outlets evaporated in the rapid economic downturn. While some media outlets are still functioning, the UN’s political mission in Afghanistan, UNAMA, documented in its [November 2024 report](#) high levels of arbitrary arrests and torture of journalists since August 2021, creating what it describes as “pervasive self-censorship.”⁸¹

The IEA was quick to dismantle the system of laws and institutions that had been built to protect rights. In September 2021, the authorities suspended the 2004 constitution, which enshrined, among other things, a state obligation to protect human rights and human dignity as well as adherence to the UN Charter and Declaration of Human Rights.⁸² The Emirate dissolved the Ministry of Women’s Affairs on 20 September 2021, according to IEA Spokesman, Zabiullah Mujahid, as [reported](#) by Bakhtar news agency on X:

Ministry of Women’s Affairs played a symbolic role in the previous gov., no attention was paid to #women in remote areas. Now, efforts are being made to create a modern organization in which women’s Islamic rights are introduced & achieved.

⁸¹ The UNAMA report covers 15 August 2021 to 30 September 2024 and reports 256 instances of arbitrary arrest and detention, 130 instances of torture and ill-treatment and 75 instances of threats or intimidation. As noted in section 1 of this report, the Afghan media faced attacks, detention and intimidation under the Republic, too, including journalists and media workers killed through deliberate targeting and those who died in the crossfire. See [Media Freedom in Afghanistan](#), UNAMA, November 2024. In 2018 Afghanistan was [ranked](#) as the deadliest place to be a journalist by Reporters Without Borders. A UNAMA [report](#) from February 2021 on incidents of violence against human rights defenders, journalists and media workers from January 2018 to January 2021 documented 33 journalists and media workers killed during this period (it did not report on detention or torture).

⁸² On the suspension of the 2004 constitution, see [Report of the Secretary General, 28 January 2022, A/76/667-S/2022/64](#), UNAMA, 28 January 2022. There was some suggestion that elements of the 1964 constitution deemed compatible with sharia would be respected, though this was later withdrawn with reports that a new constitution might be drafted; see ToloNews report on the latter: [Use of Shah-Era Constitution Not Final: Source](#), ToloNews, 21 September 2021.

The Afghanistan Independent Human Rights Commission (AIHRC) was dissolved in May 2022 ([ToloNews](#)). The infrastructure designed to protect and promote women's rights, such as the Law on the Elimination of Violence against Women, as well as specialist prosecution and protection units, was either dissolved or repurposed.⁸³ Moreover, an increasing number of edicts, policies and directives, including the [Propagation of Virtue and Prevention of Vice Law](#) of August 2024, have restricted the freedom of all Afghans. The most acute restrictions have been imposed on women, including barring them from education, restricting their ability to work and travel and even forbidding them from raising their voices in speech or song.⁸⁴

The enforcement of these repressive restrictions can be brutal, from public beatings to detentions to torture. The UN's Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, noted in his [August 2024 report](#) that "Taliban officials, in particular those from the de facto General Directorate of Intelligence and the de facto police, torture or otherwise ill-treat people during arrest, detention and interrogation," including media workers. The report notes that journalists who report on "sensitive topics, including human rights and violations against women and girls, are especially at risk."

The restrictions on freedom of speech and assembly combined with harsh enforcement methods create a culture of fear and intimidation.⁸⁵ Even defenders in exile reduced their visibility to protect sources or their own family members inside the country. As will be discussed later, the female protestors whose public defiance had been so striking were forced to retreat from the public sphere, though they remained active in the virtual realm. With public resistance quashed inside Afghanistan, human rights defenders in exile have provided an essential voice.

The Emirate's religious and cultural justifications for repression

Human Rights defenders face interrelated challenges with the IEA: it has a deeply authoritarian instinct combined with religious fundamentalism and cultural

⁸³ [Divergence of Practice: The Handling of Complaints of Gender-Based Violence against Women and Girls by Afghanistan's de facto Authorities](#), UNAMA, December 2023, p3.

⁸⁴ [Tracking the Taliban's \(Mis\)treatment of Women](#), USIP (this was ongoing before USIP was closed in March 2025). See also [List of the Taliban's Edicts, Orders and Directives Infringing on the Rights of Women and Men in Afghanistan](#), Human Rights Defenders Plus (August 2021 to October 2023).

⁸⁵ See, for example, [Intimidation, Repression and Censorship: The Status of Access to Information and Freedom of Expression in Afghanistan](#), Rawadari, May 2024.

conservatism. In their own words, officials tend to assert the need to defend both religious and cultural values, often described as “Afghan values” (*afghaniyat*), along with the need to defend the country’s sovereignty. This section will focus primarily on the 2021 Emirate, first considering the role of religion, followed by culture, while recognising that there is a complex interplay between them.



Emirate Chief Justice Abdul Hakim Haqqani (left) and acting Minister of Mines and Petroleum, Shahabuddin Delawar.

Photo: Institute for East Strategic Studies (IESS) website, based in Mashhad, Korossan-e Razavi Province, Iran, undated

The religious underpinnings of the Taliban movement are beyond the scope of this report, though previous work by AAN has highlighted the complexity of their thought, including Hanafi Deobandi roots, as well as Sufism and Pashtun conservatism.⁸⁶ A 2017 [study](#) by Anand Gopal and Alex Strick van Linschoten is worthy of attention: it traces how, during the years of insurgency, the Taliban’s Islam of the “southern Pashtun village” began to be coloured by global trends of revolutionary and modernist Islamic thinkers and actors. The report notes, however, that despite the shift, this was “not to claim that the Taleban have grown less authoritarian or repressive.” Rather, the focus of their repression altered, including targeted killings of religious and tribal leaders thought to be heretical.

⁸⁶ See this translation and reading of Chief Justice Haqqani’s Theory of State by John Butt, [A Taleban Theory of State: A review of the Chief Justice’s book of jurisprudence](#), AAN, 3 September 2024. See also Bette Dam & Fabrizio Foschini, [Under the Cloak of History: The Kherqa-ye Sharif from Faizabad to Kandahar](#), AAN, 30 July 2014; Bette Dam, [Death of a Sahebzada: A story of different strands of thought in the Taleban movement](#), AAN, 25 May 2014; and Lutz Rzehak, [Pashtunwali – tribal life and behaviour among the Pashtuns](#), AAN, 21 March 2011.

Several analysts describe the current IEA as being dominated by a small group of extreme conservatives.⁸⁷ One of them, Chief Justice Abdul Hakim Haqqani, has published the equivalent of a manifesto for the Emirate, *The Islamic Emirate and Its System of Governance* (2022). In it, he says the ‘jihad’ is not over, but must continue until a full Islamic system has been established. As John Butt highlighted in his [reading](#) for AAN of the Chief Justice’s book, establishing that system and enforcing (the IEA’s interpretation of) sharia is central to the IEA mission. Moreover, Haqqani rejects man-made laws deemed to deviate from sharia: “Making laws other than what Allah has ordained amounts to disbelief and apostasy.”⁸⁸ This puts appealing to the laws of the Republic, or international human rights and humanitarian law, beyond the pale.

In *The Islamic Emirate and Its System of Governance*, Haqqani devotes considerable attention to the place of women in society. Women’s role in politics, he says, is barred by prohibitions on joint activities of men and women in public life. Similarly, co-education is prohibited.⁸⁹ While recognising the obligation for women’s Islamic education, Haqqani gives great emphasis to the *conditions* of their education, including travel, dress and segregation, as well as emphasising the importance of *purdah*, or the seclusion of women.⁹⁰ IEA officials often highlight what they see as conditions-based obstacles to girls’ education and other restrictions for women, such as appropriate segregation required to ‘protect’ women and girls.⁹¹ Some

⁸⁷ In the aforementioned [analysis](#) by Barnett Rubin, based on interviews with “Taliban sources,” the individuals mentioned are Chief Justice Abdul Hakim Haqqani, Chairman of the Council of Ministers and former Chairman of the Leadership (*rahbari*) shura Mullah Hassan Akhundzada and Minister of Islamic Affairs (Hajj and Awqaf), Mullah Nur Muhammad Saeed. The man appointed as Minister of Education in 2022, Mawlawi Habibullah Agha, is also noted as a conservative. Similar names and increasing concentration of power among hardline loyalists are described by Abubakar Siddique in this article: [Taliban Leader’s Dominance Results In Increased Oppression, Isolation](#), RFE/RL, 22 January 2023.

⁸⁸ See the aforementioned translation from John Butt, [A Taleban Theory of State: A review of the Chief Justice’s book of jurisprudence](#), AAN, 3 September 2024, p19.

⁸⁹ See Butt, *A Taleban Theory of State*, pp34–41.

⁹⁰ According to a translation by Abdul Ahrar Ramizpoor of Haqqani’s text, this includes the exhortation, “Where is your honor, O Afghans? How do you let your girls outside for anyone to look at? Avoid this great injustice.” See: [Restrictions on Civic Space in Afghanistan under the Taliban – From Religious Ideas to Action](#), Raoul Wallenberg Institute, pp24–25. See also Butt, *A Taleban Theory of State*.

⁹¹ See, for example, [The Taliban Say that Women Can Study in Gender-Segregated Universities](#), Associated Press, 12 September 2021. See also Rahmatullah Amiri and Ashley Jackson, [Taliban attitudes and policies towards education](#), from the Overseas Development Institute, which though published in February 2021, contains an articulation of Taliban attitudes towards segregation as a precondition of girls’ education.

officials have suggested the restrictions are temporary, though as the years pass, these justifications sound hollow, with many of the Taliban's critics refusing to take them at their word.⁹² Indeed, similar justifications for the closure of all girls' schools, including primary, as well as promises that they would be re-opened, were repeated for the whole five years of the first Emirate without the schools ever opening. Acting Higher Education Minister Nida Mohammad Nadeem has been blunt about the restrictions, condemning in December 2022 "Western-style" education for women as "against Islam and Afghan values" ([BBC Persian](#)).⁹³

The IEA's education policies are clearly at odds with most in the Islamic world, since education is a duty for all Muslims. Senior Islamic scholars have frequently rejected the IEA's restrictions on girls' education, including the Saudi scholar, Mohammed Al-Issa, Secretary-General of the Muslim World League and President of the Association of Muslim Scholars. Al-Issa [told](#) a meeting of the Organisation of Islamic Cooperation in January 2025 (which the IEA declined to attend) that "denying women and girls access to education, whether partially or fully associating such denial with Islamic law, is categorically incorrect" (Amu TV). The conference ended with the [Islamabad Declaration for Girls' Education in Muslim Communities](#), which was supported by senior muftis, scholars, "jurisprudential councils" and Islamic bodies and councils and described education for girls as an Islamic right.

When the International Criminal Court Prosecutor [announced in January 2025](#) that he had requested arrest warrants for Chief Justice Abdul Hakim Haqqani and Supreme Leader Hibatullah Akhundzada for gender persecution, he made clear that religious justifications would not carry legal weight with the court: "While many of the measures aimed at girls and women were ostensibly framed as 'protections', or as temporary or provisional measures, they were in fact discriminatory, punitive and enduring."

⁹² See, Fatima Tlis, [How the Taliban Lied about Education for Women](#), Voice of America, 26 January 2023. See also, Milad Sayar, [Backlash grows over Taliban minister's remarks on women's education ban](#), Amu TV, 26 August 2024.

⁹³ In other quotes from the BBC Persian report, the minister referred to two earlier Afghan kings: King Amanullah (r1919–1929) had introduced the idea of women's schooling, he said, from "the West and the infidels," and brought "a version of prostitution and blasphemy to Afghanistan," as had Zaher Shah (r1933–73). Islamic scholars, he said, had stood against Zaher Shah and the Emirate was just doing the same. It rejected this kind of education because it was "in conflict with Islam, our Afghan values and our honour." Education, especially of girls, has a century-long history of politicisation, previously [explored](#) for AAN by Reza Kazemi and Kate Clark.

IEA officials will sometimes use the language of rights – particularly women’s rights – within their particular interpretation of Islam. For example, in March 2024, a recording ([translated](#) by Afghan Witness) was released in which Akhundzada defended stoning and flogging for adultery:

Just as you claim to be liberating humanity, so am I. I represent Allah, but you represent Satan.... You (the West) use women as animals. You don’t differentiate between a woman and an animal. Is this the right you (the West) want for women? Is this humanity and human rights that the West defines? Ulema will stand against the West. Ulema will stand against their democracy.

Indeed, the Emirate has even argued that it has improved women’s rights. In response to a critical [report](#) for the UN Security Council by Feridun Sinirlioglu in November 2023, the IEA claimed ([Reuters](#)) that more women were able to enjoy their rights with the end of the war, citing for example, “The Islamic Emirate has collected thousands of street beggars, a legacy of the previous regime, majority of whom were women and allocated them regular stipends.” (In practice, however, its treatment of beggars can be harsh, according to this [8am news report](#).) A decree announced in a [tweet](#) by Zabihullah Mujahid in December 2021 forbade some harmful cultural practices, such as forced marriage and marrying a woman to another family to avert a blood feud, as un-Islamic.⁹⁴ The decree also reinforced Islamic inheritance provisions, which are more generous than some cultural traditions and practices.⁹⁵ As one mid-level official told AAN for a report on [Taliban Perceptions of Aid](#), “[w]omen are protected and feel safer than ever,” while their critics are “out of touch with reality.”

⁹⁴ A translation of the ‘Decree Concerning Women’s Rights’, issued on 2 December 2021, is included in this AAN compilation of [Decrees, orders and instructions of Taleban supreme leader Mullah Hibatullah Akhundzada](#), 15 July 2023, p31.

⁹⁵ Women’s inheritance share, according to Islamic jurisprudence, depends upon a range of factors, such as the number of heirs and dependents, but is often simplified as meaning female heirs receive half of that which goes to male heirs, justified by the greater responsibility to provide for families that is placed on men within Islam. See AAN’s March 2025 report, [Shaking the Sky: Women’s attempts to claim their inheritance rights under the Emirate](#). See also [How to Calculate Inheritance in Islam](#), *Islamic Relief*. Under the Republic, while women’s inheritance rights were theoretically guaranteed in law, women often faced obstacles to inheriting their full share of land and capital due to a range of factors, including cultural awareness and discrimination, low levels of marriage and land registration as well as dysfunction and corruption in formal channels to enforce these rights, as well as discriminatory practices in traditional dispute resolution, particularly in socially conservative parts of the country. For more on land and inheritance under the Republic, see [A brief guide to Women’s Land Rights in Afghanistan](#), Housing Land and Property Task Force Afghanistan, October 2020 (the task force is made up of the NRC, UN-Habitat and UNHCR).

Officials delight in reminding internationals of their own hypocrisy over human rights, as Akhundzada said in a statement released on 20 September 2024: “You raise the voice of justice and human rights, yet on another day, you bomb defenceless people” ([ToloNews](#)).

Cultural conservatism and national sovereignty

Taliban ideology is often described as reflecting both a fundamentalist interpretation of sharia that is intertwined with conservative Afghan or Pashtun customs, which this section will consider. As legal expert Haroun Rahimi highlights: “The Taliban’s enforcement of their criminal laws and their resolution of private disputes are a mixture of the Hanafi school and also of tribal codes, or a local cultural understanding.”⁹⁶ Gopal and Strick Van Linschoten draw attention to the importance of southern Pashtun traditions in Taliban ideology: “Key features of Taleban repression, such as restrictions on women or banning music, have their antecedents in the southern Pashtun countryside.”⁹⁷ Of particular relevance is the ‘culture of honour’ that typifies the Pashtun belt, the authors argue. Many non-Taliban Pashtuns, of course, resent the conflation of Pashtunwali with Taliban repression as inaccurate or overlooking the diversity of Pashtun culture.⁹⁸

The Ministry for the Propagation of Virtue and Prevention of Vice (*Wazirat-e Amr bil-Maruf wa Nahi an al-Munkar*, or ‘amr bil-maruf’ for short) tends to posit its restrictions as necessary to protect ‘women’s dignity’. In 2022, for example, the virtue and vice minister, Mohammad Khalid Hanafi, said in response to criticism of their rule: “The world wants to violate the dignity of our sisters and make them indecent and exposed. What type of right is this?” (quoted by [Tolonews](#)). Women who have been released from detention frequently recount how they were accused of immorality or prostitution.⁹⁹ Nida Mohammad Nadeem made

⁹⁶ Cited in Ron Synovitz, [Taliban ‘Tribal Version’: Shari’a Is Not the Same Everywhere](#), RFE/RL, 2 October 2021.

⁹⁷ Anand Gopal and Alex Strick van Linschoten, [Ideology in the Afghan Taliban](#), AAN, 29 June 2017, p1.

⁹⁸ Author and journalist Abubakar Siddique notes areas where the Taliban are in violation of the Pashtun ‘code’, Pashtunwali. *The Pashtun Question*, 2014, Hurst and Co, p56. The debate also reverberates among Pashtuns in Pakistan: see, for example, S Khan, [Pakistan: Why all Pashtuns are not pro-Taliban](#), Deutsche Welle, 8 October 2021.

⁹⁹ See Kazim Ehsan, [Inside Taliban prisons: Sexual abuse, electric shocks and teeth drillings](#), Kabul Now, 2 February 2023. See also Mahjooba Nowrouzi, [What happened to the women who took on the Taliban?](#), BBC News, 14 June 2024.

revealing comments in 2022 about what the Emirate was ‘protecting’ girls from when he criticised the introduction of girls’ education in the 1920s as a “recipe for debauchery and obscenity from foreign lands.”¹⁰⁰



A lone student protests against the Emirate’s ban on women's higher education, outside Kabul University. Photo: AFP, 25 December 2022

There is a high degree of interplay between religious and cultural norms relating to ‘honour culture’, including female chastity and segregation. This is a contested debate which reverberates around the wider region.¹⁰¹ Analyst Tamara Kharroub, writing for the Arab Center in Washington, [notes](#) that women can be victims of both extremes of the debate:

On one hand, many Muslims and Muslim governments appropriate Islamic text to justify discrimination against women and to impose social and legal

¹⁰⁰ See Abubakar Siddique, [The Taliban Higher Education Minister Who Is Against Female Education](#), RFE/RL, 15 December 2022.

¹⁰¹ See, for example, Kecia Ali, [Honor Killings, Illicit Sex, & Islamic Law](#), Brandeis University, June 10 2023; Dr Fatemah AlBadar, [Cultural Oppression Disguised as Religious Obligation: A Fatal Misrepresentation to the Advancement of Muslim Women’s Rights in the Context of the So-Called Honor Killings](#), Asian Pacific American Law Journal (24), 2020.

restrictions on women's rights and freedoms. On the other hand, Western islamophobic neo-orientalists use these popular yet traditional misogynistic readings of Islam to support their xenophobic claims against Islam and Muslims.

Kharroub observes that Islam can be exploited by cultural conservatives in part because “Patriarchal traditions colored the early and dominant interpretations of the Qur’an,” whereas, she argues, Islam allows for constant re-evaluation, including feminist interpretations.¹⁰²

The IEA presents itself as upholding both Islamic and Afghan values, which are cast as a sovereign matter, particularly when defending against external criticism. From the time of the first Emirate, during the insurgency and now in the current regime, sovereignty has been an important rhetorical thread. During the Republic, the Taliban presented themselves as fighting for Afghan sovereignty against international ‘occupiers’ and the Afghan ‘puppet government.’ In Chief Justice Haqqani’s theory of state, noted above, one of the primary virtues ascribed to the Emirate is its independence from outside influence.¹⁰³ The use of sovereignty to deflect criticism is far from unique among repressive regimes.

The Emirate’s authoritarian DNA

The challenge that human rights defenders face with the Emirate is as much about authoritarianism as it is with (religious or culturally inspired) ideology. That said, the authoritarianism has religious underpinnings. This section will look at the authoritarianism embedded within the Emirate, its insistence on obedience and intolerance of dissent from Afghanistan’s diverse society, including human rights defenders.

Under the IEA, the Mullah Hibatullah Akhundzada has executive, legislative and judicial authority and rules by decree. He is the *Amir al-Mu’minin* (commander of the faithful). When the first Emirate leader and Taliban founder, Mullah Muhammad Omar, first claimed this title in 1998, it was not without controversy among religious scholars, just as when it was conferred on his successor, Mullah Akhtar Muhammad,

¹⁰² Kharroub notes Asma Lamrabet as a leading figure in revising Islamic texts from feminist perspectives. See Asma Lamrabet, [What kind of liberation are we talking about?](#) in *Women in the Qur’an : An Emancipatory reading*, Square View, 2015.

¹⁰³ See Butt, *A Taleban Theory of State*, chapter 12.

in 2015.¹⁰⁴ Mullah Omar created what scholar Michael Semple described in a 2014 USIP [report](#) as a “doctrine of obedience” in line with his “divinely sanctioned authority.” This was echoed in a 2022 Stimson Center [analysis](#) by Barnett Rubin, who observed that obedience to the Amir is “a cardinal organizational principle and religious obligation of the Taliban.” That said, analyst Andrew Watkins points to a greater degree of freedom and consensus building between Taliban factions before 2021, which has vanished under Hibatullah Akhundzada, particularly with regard to his hard line on education policy: “Hibatullah reasserted the authority of the emir in a controversial new way; in recent years the emir had seldom overturned such a strong consensus among the movement’s elite.”¹⁰⁵ One of the few who has publicly criticised the education ban within the Emirate is the acting Deputy Minister of Foreign Affairs, Shir Mohammad Abbas Stanekzai, who repeated his criticism in January 2025, saying it was an “injustice” to women and girls ([Reuters](#)).

Officials often say that criticism of Emirate rule is forbidden ([8am](#), [Amu TV](#)). Perhaps the most graphic expression of this came from the Defence Minister, Mohammad Yaqoob Mujahid, who told a gathering of high-ranking officials in August 2024 to “this regime; especially obey the Amir al-Mu’minin and other leaders as you would if you were a dead body on a washboard, giving your life over to them” ([Amu TV](#) translation). Nida Mohammad Nadeem, the hardline Minister for Higher Education, told graduates at religious institutions in January 2025:

For Muslims, it is impermissible to defy God’s commands. No one has the right to disobey the commands issued by the leader of Muslims. The leader’s orders are God’s commands ([Amu TV](#)).

As noted in the previous section, since it assumed power in 2021, the Emirate has used its authority to silence criticism, often with brutality. By 2023, Civicus had re-categorised Afghanistan from “repressed” to “[closed](#).”¹⁰⁶ The Economist Intelligence Unit has described Afghanistan as authoritarian since it began its [Democracy Index](#) in 2006. In 2020, the Republic’s low-functioning government, flawed elections and restrictions on civil liberties placed it 139th out of 167

¹⁰⁴ As described by Michael Semple, here: [From Mullah Omar to Mansur: Change at the Taleban’s top leadership](#), AAN, 31 July 2015. See also Sandy Gall, [Mullah Omar Obituary](#), The Guardian, 30 July 2015.

¹⁰⁵ Andrew Watkins’ paper can be accessed here: [The Taliban One Year On](#), CTC Sentinel, August 2022.

¹⁰⁶ Civicus cited activists facing arbitrary arrests, unlawful detentions, torture and enforced disappearances, protests meeting with restrictions and violence and attacks and restrictions on journalists and media outlets.

countries in the Democracy Index. However, with the fall of the Republic, Afghanistan fell to the very bottom of the list, scoring lower than North Korea and Myanmar.¹⁰⁷ As will be discussed later, there are small pockets of resistance or negotiation, particularly at the local level, often coming from or enlisting the support of men with some social or religious standing. But the broader picture is one in which most of civil society has been silenced.



A member of the Taliban speaks with women protestors at a demonstration outside a school in Kabul, as another tries to block the camera.

Photo: Bulent Kilic/AFP, 30 September 2021

In this context it is almost impossible for human rights defenders to publicly question and therefore effect change upon the regime. For an older generation of human rights defenders, the Taliban's religious and cultural conservatism, particularly in terms of women's rights and civic space, echoes attitudes among previous Afghan rulers. Under the Republic, there were numerous patriarchal

¹⁰⁷ Afghanistan scored lower than North Korea and Myanmar on political participation and political culture, while all three scored zero on civil liberties, electoral processes and pluralism. [Democracy Index 2023](#), Economist Intelligence Unit, 15 February 2024. (The website requires an email address in order to download the 'free' report.)

conservatives (such as judges who frequently detained women for so-called ‘moral crimes’), often citing the need for gender segregation and women’s seclusion.¹⁰⁸ This was also the case among a number of mujahedin leaders, some of whom remained influential within the Republic. For example, in 2003, mujahedin leader Ismail Khan insisted on the segregation of schools in Herat, while in 2011, conservative parliamentarians tried to close down women’s shelters amid concerns about ‘prostitution’ and ‘immorality’, with a similarly heated debate in 2013 over the Elimination of Violence Against Women law, which parliamentarians decried as ‘ungodly’.¹⁰⁹ In each of these examples, however, the conservative faction failed or at least met with strenuous resistance.¹¹⁰

While patriarchal religious conservatives were always a force within the Republic, they did not have absolute control. The Republic contained a kaleidoscope of Afghan factions and networks with varying attitudes towards human rights and civil liberties, including some notable champions of human rights. The Emirate, on the other hand, is a single party state, distinguished by hierarchical and authoritarian rule, where the state, replete with an army of enforcers, has assumed full control of policing civic space, particularly the lives of women. If the Amir does not tolerate dissent from his fellow Talibs, there are limited prospects for communities, let alone human rights defenders, to effect change.

¹⁰⁸ See this Human Rights Watch report: [Afghanistan – Surge in Women Jailed for ‘Moral Crimes’](#), Human Rights Watch, 21 May 2013.

¹⁰⁹ On segregation in Herat, see Zama Coursen-Neff and John Sifton, [Afghan regression: Falling back to Taliban ways with women](#), The New York Times, 21 January 2023. On women’s shelters, see Horia Mosadiq, [Afghan government’s takeover of women’s shelters adds insult to injury](#), 14 February, 2011. On EAW debates, see Christine Roehrs, [Damage Avoided, for Now? The very short debate about the EAW law](#), AAN, 18 May 2013.

¹¹⁰ Ismail Khan was encouraged to loosen his grip on Herat, where he had been governor, to become a cabinet minister in 2005, where he remained an advocate for the continued power of former mujahedin leaders and locus for religious hardliners. See Amin Tarzi, [Is Herat a Prelude to the End of Afghan Warlordism?](#), Eurasianet, 26 September 2006 and [No stability if Jihadi leaders remain sidelined, Ismail Khan warns](#), Khama Press, 9 February 2015. There were several attempts to close women’s shelters, resulting in greater control by the Ministry of Women’s Affairs. Some shelters persisted, however. See Sari Kouvo, [Shelters in the Storm: The Controversy over Women’s Safehouses](#), AAN, 18 February 2011. The EAW law, which had been passed by decree, remained in force, though enforcement was another question, as discussed in section 1.

WHAT'S LEFT: THE STATE OF THE MOVEMENT POST-2021

This section briefly outlines some of the human rights work that is still going on, both inside and outside the country, from human rights defenders of the Republic era to newer activists who have emerged since 2021. It then provides a deeper dive into the focus and tactics of organisations and advocates today, including how they have pivoted their work in the face of the IEA's repressive rule. After a turbulent few years, many Republic-era CSOs are still working on human rights from full or partial exile. Others, particularly those with a significant presence inside Afghanistan, pivoted towards more humanitarian or less overtly political work, some finding new interlocutors to improve their interactions with Emirate officials. Also, some new human rights defenders and organisations, both inside and outside Afghanistan, have emerged since 2021, as well as new areas of focus, such as international justice.

A movement in exile

For a movement that had taken decades to build, the speed with which it was put to flight was extraordinary – hundreds of defenders, including the best-known faces of the Republic era, scattered around the globe.

The 2021 evacuation phase was traumatic, whether because of perilous journeys, onerous bureaucratic processes or insurmountable obstacles. Many human rights defenders stayed in Afghanistan, some by choice; others tried and failed to get out, creating some resentment towards those who left (and guilt on the part of those who escaped).¹¹¹ For example, this anonymous testimony was sent to Mary Lawlor, the UN Special Rapporteur on human rights defenders, from a female human rights defender in western Afghanistan:

There is no freedom of association, no gatherings no freedom of expression. Every day 5 or 10 people are being arrested. Family members are afraid of

¹¹¹ See for example this testimony from a defender who tried and failed to get out: [Life under the Taliban Back in Herat: The daily struggle of a human rights defender](#), Vienna Institute for International Dialogue and Cooperation (no date given). Also drawn from authors' private communications with Afghans, 2021–22.

*being recognised. Human rights defenders and others are being pursued, arrested and killed. Family members don't even claim the dead bodies in the street. They are afraid. Human rights defenders were not prioritised in the evacuation efforts.*¹¹²

The initial priority of embassies in Kabul was on the evacuation of their former staff or those who had worked with their militaries, rather than evacuating the most vulnerable Afghans, including human rights defenders.¹¹³ Some remedied this a little – Canada was among those that initially prioritised people who were ‘integral’ to its work in Afghanistan, with its foreign office later announcing an [expansion](#) of its programme to include a human rights defenders stream.¹¹⁴ Human rights defenders were given asylum by many countries, including Germany, the Netherlands, Ireland, Australia and the United States.¹¹⁵ But many of those who thought they would or should have a legal route out were thwarted by endless challenges, including painfully slow approval processes and insurmountable documentation requirements.¹¹⁶ Specialist NGOs assisted some of those who remained at risk to relocate internally for their safety.¹¹⁷

Of those who made it to exile, some continued working on human rights; others pivoted away. A 2022 mapping by the [Hamrah](#) Initiative of Global Dialogue of 44

¹¹² [Afghanistan: Human rights defenders living under “climate of fear” – UN expert](#), OHCHR, 3 November 2021.

¹¹³ On the chaos, see the Leitner Center, *The World Simply Gave Up* and [Missing in action: UK leadership and the withdrawal from Afghanistan](#), Foreign Affairs Committee, House of Commons, First Report of Session 2022–23, 24 May 2022, pp21–24. Frustration was most acute in the days and weeks following the Taliban’s seizure of power: see, for example, [Evacuate At-Risk Afghans](#), Human Rights Watch, 24 August 2021; [Afghanistan: German government abandons courageous Afghan women](#), Medica Mondiale, 30 August 2021; and Samira Shackle, [The plight of women helped justify war in Afghanistan. Now they have been abandoned](#), The Guardian, 18 August 2021.

¹¹⁴ [Immigration, Refugees and Citizenship Canada Implementation Plan for Canada’s National Action Plan on Women, Peace and Security – 2023 to 2029](#), Government of Canada. The human rights defenders’ stream was initially for 250 human rights defenders annually and was expanded to 500 spaces in 2023. At this writing, there are no spots available.

¹¹⁵ On the EU and its lack of a specific channels for human rights defenders, see [Protecting human rights defenders at risk: EU entry, stay and support](#), European Agency on Fundamental Rights, 11 July 2023. See also, [A Needs Assessment of Afghan Human Rights Defenders – 2022–23](#), AHRM, Freedom House, Afghan-Canadian Civil Society Forum, p16.

¹¹⁶ See for example, Patricia Gossman, [Germany’s Broken Promises](#), Human Rights Watch, 2 August 2023, or [Waiting in Islamabad for evacuation](#), Afghanistan Analysts Network, 8 March 2024. See also [Mission impossible – the quest for passports and visas in Afghanistan](#), Afghanistan Analysts Network, 4 February 2024.

¹¹⁷ Updates from the Secretariat of the Afghan Human Rights Defenders Committee, on file with the author.

groups known for at least some human rights work that went into exile after August 2021 found that the leadership of eleven groups was in the United States, with the same in the UK, ten in Canada, five in Germany and four in Australia (with a few more in Turkey, Ireland, France and Switzerland). The 44 surveyed included women's rights and human rights organisations, media organisations, umbrella organisations and some research/policy-focused NGOs. More than half of the CSOs – 26 out of 44 – described themselves as focusing on humanitarian aid delivery since 2021.¹¹⁸ This could also be a pragmatic response to foreign financing restrictions by the US, UN and others, which were quicker to accommodate humanitarian support than the more 'political' work of human rights, as well as the Emirate's own higher tolerance for humanitarian activities by civil society.¹¹⁹ It could also reflect the economic crisis and food insecurity that followed the Emirate's return to power and the acute need to save lives.¹²⁰ Public work on human rights from inside Afghanistan abruptly and almost entirely stopped.

The Hamrah Initiative was set up to support Afghan human rights organisations in exile. The executive director, Timor Sharan, summarised for AAN the main challenges he had heard from exiled human rights defenders (HRDs):

Most of the human rights defenders are in exile and have lost direct access to key constituencies in the country, so data gathering and verification is more difficult, there is also a high level of personal uncertainty in exile that has made it difficult to focus on the most important issues. Coordination is difficult when HRDs are physically scattered all over the place and most HRDs who had organisations inside the country have lost access to funding that was previously available.

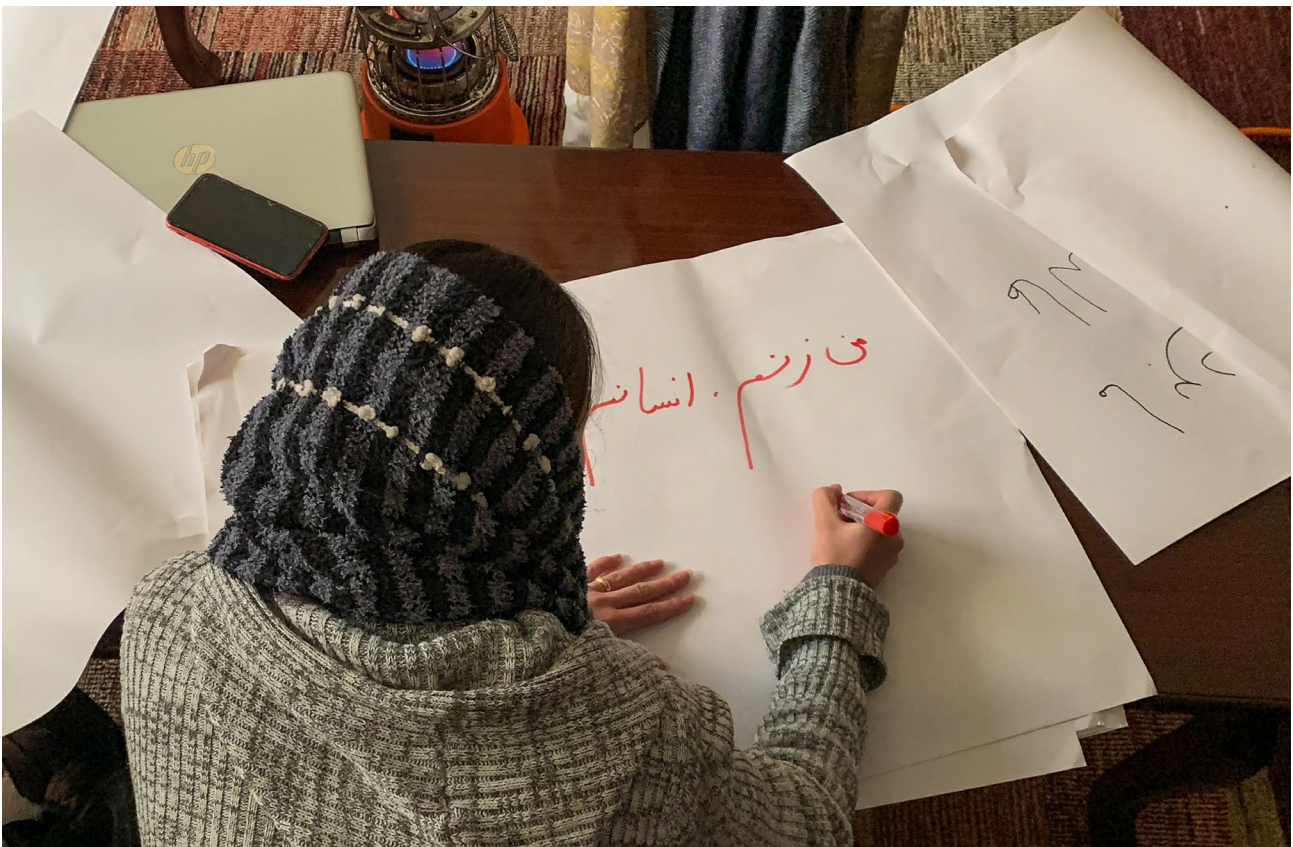
Organisations whose staff largely went into exile have had to rebuild networks inside the country in order to continue the core work of documentation. This is

¹¹⁸ The Global Dialogue Mapping was conducted over 2022–23. The report is unpublished but on file with the author.

¹¹⁹ Humanitarian exceptions to sanctions were granted by the US Treasury's Office of Foreign Assets Control (OFAC) in February 2022. See [Afghanistan Related Sanctions](#), Office of Foreign Assets Control, 22 December 2022. Similar exemptions to UN sanctions were granted by the Security Council in December 2022. See Emanuela-Chiara Gillard: [Humanitarian exceptions: A turning point in UN sanctions](#), Chatham House, 21 December 2022.

¹²⁰ See, for example, Martine van Bijlert, [Food Aid in a Collapsed Economy: Relief, tensions and allegations](#), AAN, 23 May 2022. Or [Afghanistan's Two Years of Humanitarian Crisis under the Taliban](#), USIP, 19 September 2023.

fraught, given the dangers faced by those inside, as well as the tensions between those who left and those who chose to stay or who could not escape. Palwasha Hassan, a human rights defender now based in the United States, spoke of the “fragmentation” of Afghan society, saying there were “elements who have very ethnic approach[es] to their struggle.” Hassan has also observed strains within the women’s rights movement between the generations over tactics, as well as trust gaps between those inside and out. Low levels of trust were also highlighted by Sharan who described “a massive disruption and rupture in the lives of HRDs,” which contributed to “high levels of grievances and distrust from a psychological point of view, that prevents collective action.”



“I am a woman. I am human.” An Afghan woman writes slogans on placards ahead of a women’s rights protest march in Kabul.

Photo: Rouba El Husseini/AFP, 15 January 2022

In addition to experienced human rights defenders reconfiguring their work from exile, some former political figures have created or reactivated CSOs, to the irritation of some long-standing defenders, one of whom told AAN on background: “There are politicians without jobs who are jumping on human rights, who never supported us while they were in power.” Another interviewee echoed this, noting

the emergence of “vocal” people who “want to claim everything on the grounds of human rights because there is no more politics for them to associate themselves with.” However, the mainstay of the human rights movement involves familiar names with many years’ experience, mostly relocated in exile, with varying degrees of adaptation to the new context.

In practical terms, the move into exile has inevitably created limitations for the work. Documentation under the Emirate is dangerous, so while many of those in exile still rely on interviews or data being gathered by individuals or networks inside Afghanistan, it is challenging and ethically fraught. Some interviewees observed that the authorities seem to be acutely sensitive about data collection, which they can track through their considerable surveillance powers, as well as office visits and spot checks. Researchers need to become adept at careful ways of recording, storing and communicating, as well as learn new skills for remote evidence collection. Exiled CSOs have found new networks through which to receive and verify information, support and pay local staff. Many researchers rely on remote interviews, whether inside or outside the country.

Hadi Marifat, the executive director of the Afghanistan Human Rights and Democracy Organisation (AHRDO), is now in exile in Canada. For him, one of the biggest shifts in AHRDO’s work is a reduced geographic scope: “When we were based in Afghanistan, we had more a general approach, we were working everywhere, south, east, north. Since we are in exile, we have narrowed down the areas of our focus.” This is partly a reflection of financial and human resources, as well as the extreme caution needed when working with defenders and data collectors inside Afghanistan in this context. Marifat summarises, “We’re doing more long-term work, in fewer places. We don’t have the resources to do research nationally. So there is a lot happening but at a slower pace.” Human rights defenders interviewed also spoke of difficult decisions around protecting sources, sometimes leading to less public-facing work. One women’s rights organisation, for example, shares its documentation only with a private email group in order to protect sources.

Shaharзад Akbar led the AIHRC under the last years of the Republic, later launching a human rights organisation, [Rawadari](#), from exile in the UK. Akbar spoke frankly about the delicacy of “working virtually – we are not there – but for our partners and sources – it’s impossible to raise their voices without risking their freedom and sometimes their lives.” A November 2024 report by Rawadari,

[Excluded and deprived: The Educational Crisis for Women and Girls in Afghanistan](#), highlighted the limitations of its work in what it describes as an “atmosphere of fear and intimidation” which impedes research and access to information. The report points to the General Directorate of Intelligence, the departments of the Ministry for the Propagation of Virtue and the Prevention of Vice, the Directorate of Information and Culture and the offices of provincial governors as enforcing restrictions on access to information. It also pointed to things getting harder following the rollout of the virtue and vice law in terms of the degree of women’s levels of fear:

For example, interviewees have told Rawadari that the Taliban will punish journalists, media outlets and citizens who attempt to record and broadcast the voice of a woman or girl. Prior to this, in several provinces, the Taliban had threatened local media and journalists, warning that if they publish information on the situation of Afghan women, their media outlets will be shut down they will be imprisoned. According to the interviewees, the Taliban even monitor phone calls and social media platforms like WhatsApp, Facebook Telegram to ensure that incidents of human rights violations are neither recorded nor shared.

Methodologically, meeting the ‘gold standard’ of human rights documentation is harder to achieve in this context. It was difficult under the Republic, even for the most well-resourced teams, like those of UNAMA – its reports, for example, would always acknowledge its inability to verify all incidents and subsequent under-reporting.¹²¹ Under the IEA, freedom of movement and freedom of speech is dramatically reduced, with higher levels of surveillance and fear, as Rawadari notes above, even as conflict-related access problems have eased. Remote documentation tools have become increasingly important, such as using satellite imagery or social media content as source material. However, human rights defenders will always need interviews with victims and witnesses. Security risks are hard to avoid for covert interviewers on the ground, but even for remote interviews, there can be risks, at least for the interviewee. One defender interviewed for this report spoke of having to rely on a smaller group of trusted interlocutors and networks for information. The situation has limited their ability

¹²¹ For example, in UNAMA’s reports on the [Protection of Civilians in Armed Conflict](#), each report would acknowledge the possibility of “under-reporting of civilian casualties given limitations inherent in the operating environment.”

to cross-check all data, which had been easier in the past. Such trade-offs are inevitable, as human rights defenders must adapt verification standards to what's realistic and safe on the ground, as well as to reductions in speed, quantity and breadth of documentation.

The virtual sphere has inevitably grown in importance, as a means of communication and campaigning, for those inside and out. Activists inside Afghanistan were able, at least for a while, to make use of social media to provide real-time glimpses of life inside Afghanistan as the repression grew. Journalists, women's rights activists, Hazara activists and many more have given visibility to human rights violations under this Emirate in a way that was impossible under the first Emirate. It is a world away from Nadery's anonymous letters to unknown recipients described earlier. However, this virtual resistance is not without peril, with reports of several activists being detained for their social media posts.¹²² For the diaspora there are fewer risks, with some campaigns, such as those about girls' education, getting sizeable international audiences (see this [analysis](#) by Afghan Witness). The hashtag #StopHazaraGenocide attracted huge online activity, with Hasht-e Sobh calling it a "unique phenomenon" of resistance in an [editorial](#).¹²³

Some human rights defenders, however, have chosen to step away or been forced out of human rights work for security reasons, or lack of resources or because their organisations did not survive exile. But many experienced human rights defenders remain exclusively focused on human rights work, along with some newer voices.

New voices – women protestors

In a period marked by exile and despair for many human rights defenders, the political groundswell by women protestors was a source of astonishment and hope. Huma Saeed, a researcher who follows the Afghan human rights movement closely, sums up the situation of human rights defenders post-August 2021:

When the Taliban came back to power and all these well-known faces of human rights defenders all left Afghanistan, I thought – wow – everybody's gone, who is left there?

¹²² Lutf Ali Sultan, [Insecurity in the Physical and Virtual Spheres: Violence, Repression, and Activism in Afghanistan](#), Afghanistan Policy Lab, June 2023, p3.

¹²³ See also Sultan 2023 (in the footnote above), p3, which cites 11 million engagements (likes, tweets and retweets), though analytics can no longer be verified on Twitter since it made its analytics a paid feature in 2024.

Then all of a sudden, we saw all these women protestors and for the first year they could go to the street and give interviews and I was stunned by some of their interviews, their political thinking, their courage.



Women's rights activists hold a rally in Los Angeles, home to one of the largest populations of Afghans in the United States, where speakers spoke about the looming human rights crisis in Afghanistan.

Photo: Adam J Dewey/NurPhoto via AFP, 25 September 2021

Within days of the takeover in August 2021, protests started, initially just a few women in Kabul – seen [here](#) in a video tweet – but quickly growing into larger gatherings there and in Herat, Mazar-e Sharif and other cities around the country.¹²⁴ As the protests spread, the response became violent. Women were beaten and repelled with warning shots, pepper spray and electric shocks.¹²⁵ Over

¹²⁴ [Chronology of Women's Protests Inside Afghanistan Since the Taliban Took Over Kabul](#), 15 August 2021 through August 2023, Journal of Feminist Dissent, Number 7 (2023).

¹²⁵ [Witnesses: Taliban Fire Warning Shots on Afghan Female Protesters](#), VOA, 28 December 2021; [Afghanistan: Women beaten for demanding their rights](#), BBC News, 8 September 2021; [Taliban forces pepper-spray women's rights protesters in Kabul](#), The Guardian, 16 January 2022; [Women Protesters Detail Taliban Abuse – Ex-Detainees Describe Torture, Mistreatment of Their Families](#), Human Rights Watch, 20 October 2022.

January and February 2022, more than twenty women were detained, according to a [Washington Post](#) investigation.

The courage of the women, railing against the mounting restrictions on their lives, despite growing risks of retaliation, was striking. Also distinctive was their diversity: the women ranged from students to single mothers, civil servants to beauticians, most with limited experience of activism.¹²⁶ The clear political messages of the protests, often in response to new infringements, were particularly notable given the organic nature of the demonstrations. Themes on the women's placards¹²⁷ included the following:

Education, work and security

Why have you closed schools?

We are the voice of hungry people

We want a legitimate government based on the people's votes

Rights, Justice, Freedom

A few brave women even graffitied their messages on walls, including “Anti-women laws must be abolished.”¹²⁸ However, the slogan that became the defining chant of these protests was “*Nan, Kar, Azadi*” (“Bread, Work, Freedom”) now honoured in this October 2024 [song](#) by Afghan music star Elaha Soroor. As Freshta Sakhi, an Afghan human rights lawyer and researcher for Human Rights Watch told AAN:

¹²⁶ See for example Munisa Mubariz, who is in her thirties and previously worked at the Ministry of Finance. Now in exile in Pakistan, her [Twitter/X bio](#) describes her as “Founder of the Afghanistan Powerful Women’s Movement.” “Powerful Women” was the name of a WhatsApp group used to organise protests in the early months of the Emirate. Another protestor was a widow and sole breadwinner, who took to the streets because she worried about providing for her family, as described in this BBC article, [What happened to the women who took on the Taliban?](#), 14 June 2024. Parwana Ibrahimkhail Nijrabi, also noted in the BBC article, was a student in her early twenties in 2022 when she was detained. She is also now in exile and describes herself as Founder of Women’s Movement for Peace and Freedom on the [Twitter/X bio](#). See also Susannah George, [How Afghan women took on the Taliban, as told through their text messages](#), Washington Post, 26 August 2022.

¹²⁷ See [Witnesses: Taliban Fire Warning Shots on Afghan Female Protesters](#), VOA, 28 December 2021; [‘Don’t be afraid,’ women chant on Afghanistan’s streets in protest against the Taliban](#), New York Times, 2 September 2021; Wahida Amiri, ‘Women, Protest and Power – Confronting the Taliban’, Amnesty International, 7 March 2023; [Afghan women stage rare protests, braving Taliban reprisals](#), Al Jazeera, 8 March 2024.

¹²⁸ [‘All Or No One’: In Afghanistan, a Woman Is Painting Walls to Protest University Ban](#), Huffpost, 14 March 2023; Daniel Dayan, [Afghan Women Write Their Demands on City Walls](#), IranWire, 26 January 2022.

“One of the things that amazed me was that the female defenders emerged with this call for *nan, kar, azadi*; they were basically calling for their fundamental rights.” For Sakhi, this was a sign of how much had changed under the Republic:

What you could clearly see was that the Taliban were the same, but Afghanistan was different. They were educated women; they organised themselves to stand for their rights. I spoke to one of the women who was badly beaten in the second protest in Kabul. I asked her what makes her go to the streets when she knows what will happen. She said, “I don’t have anything left, they have taken my right to work and to education and from the first time they were in power, I know what they’re capable of – so I have nothing else to lose. They’ve already taken my freedom.”

As stories of women being beaten, detained and mistreated grew, the demonstrations thinned, but the movement was not defeated. Protestors turned to creative alternatives, such as staging small gatherings in their homes and sending protest pictures of women holding placards to news outlets.¹²⁹

A number of the leaders who emerged during this time have grown into a force within the wider women’s rights movement. In May 2023, the Afghanistan’s Women Protester Movements Coalition [called](#) for the United Nations to cease operations in Afghanistan until the ban on women’s employment is lifted. At the All Women Summit of over 100 women held in Tirana, Albania, in September 2024, a group of women distinguishing themselves as “protestors” rather than activists or NGO leaders were said to carry weight, effectively vetoing any proposal from the summit that might have sounded pro-engagement with the IEA.¹³⁰ Some of those who were detained have since moved into exile where they have remained active. One is Parwana Ibrahimkhail Nijrabi, who was arrested in January 2022 for organising

¹²⁹ Abubakar Siddique, ‘[Safe Spaces’: After Taliban Crackdown, Afghan Women Take Their Protests Home](#), RFE/RL, 8 December 2021.

¹³⁰ This was reported by Zan Times and confirmed by AAN conversations with activists. The disagreement was over two articles in the “Tirana declaration,” with the protestors vetoing engagement with Emirate officials that was implied by two articles. The first was article 13: “Any meeting or dialogue between the international community and the Taliban should include women representatives of Afghanistan as part of the relevant delegations, both within and outside Afghanistan.” The second was article 14: “Any negotiation or dialogue with the Taliban must be conducted based on principles, in consultation with Afghan women inside and outside the country and in adherence to all human rights laws and values.” See Freshta Ghani: [What happened at the Afghanistan Women’s Summit in Albania?](#), Zan Times, 18 September 2024.

protests and held for almost a month.¹³¹ From Germany, she co-founded a group called the Women’s Movement for Peace and Freedom in April 2023 ([Afghan Women’s News](#)). She has also been a speaker at high-profile events, including addressing the European Parliament in September 2024 ([European Interest](#) online news). She told AAN that the women protestors have “amplified the voices of those living under Taliban rule. As a result of these collective efforts, the world is now taking a stronger stance against the Taliban.”

There were swift protests from women both inside and outside Afghanistan to the August 2024 law promulgating virtue and preventing vice, which also outlined the duties and powers of the ministry’s enforcers. The law includes an article that says that women’s voices should not be heard loudly in public; they cannot be heard singing or reciting hymns.¹³² The ban on singing prompted an outpouring of videos on Twitter of women singing both [inside](#) and [outside](#) Afghanistan as acts of resistance and mockery, including by former parliamentarian Sabrina Saeed at an international security forum in Canada on 27 November 2024 (also on [Twitter](#)).

Men took risks to stand as women’s rights allies, too. Hamza Ulfat, for example, was detained and tortured by the Taliban, having participated in a number of women’s protests. He was left with psychological scars and was reported to have died on 19 January 2024 ([Amu TV](#)).

More new voices – queer Afghan activists

Another new human rights leader who has become more visible since 2021 is Artemis Akbary, who created the Afghanistan LGBT Organization (ALO). The situation has always been dire for gay people in Afghanistan, with sex between males punishable by imprisonment and widespread cultural taboos against same-sex relationships.¹³³ However, Akbary told AAN that he had found a little space, writing articles for the more progressive news outlets and working for the

¹³¹ For an interview with Parwana Ibrahimkhail Nijrabi about her experiences see [Exclusive Interview: Twenty-Seven Days in the Taliban Prison](#), Kabul Now, 13 December 2022.

¹³² The law apparently equates women’s voices with their private parts, or nudity. See an analysis by Mariam Safi and Ayesha Khan, [New morality law in Afghanistan is not just silencing women’s voices: It’s gender apartheid](#), Overseas Development Institute (ODI), 11 October 2024.

¹³³ [Afghanistan LGBT community living under threat of death](#), BBC, 7 October 2016.

Persian/Dari station [Radio Rainbow](#).¹³⁴ Under the Emirate, there has been a sharp increase in enforcement, according to Akbary, with over 50 incidents of public flogging of people on charges of homosexuality between January and September 2024, as well as same-sex relationships, including between women, being further criminalised in the August 2024 law propagating virtue and preventing vice (noted above).¹³⁵



Founder and Executive Director of Afghanistan LGBTQ+ Organization (ALO) Artemis Akbary (centre) addresses the 58th regular session of the UN Human Rights Council on 24 February 2025.

Photo: Screenshot via [UN Web TV](#)

“When the Republic fell we received hundreds of messages from people begging for help,” said Akbary. “At the radio station we couldn’t do anything, so we set up the NGO.” Akbary and his new ALO colleagues provide financial assistance and help with relocation for those at risk, as well as documentation and advocacy. “I didn’t want to be an activist,” said Akbary, “but I had to, to shed light on the situation of LGBTQI people.” He has since spoken at the UN Security Council in New York

¹³⁴ Radio Ranginkaman (rainbow) is for Iranian and Afghan LGBTQI+ audiences (LGBTQI+ stands for Lesbian, Gay, Bisexual, Trans, Queer/Questioning, Intersex, with the + referring to other gender identities or sexualities not listed).

¹³⁵ Akbary says that news of floggings are published on the Supreme Court’s website and Twitter. See also, [New morality law affirms Taliban’s regressive agenda, experts call for concerted action](#), UNAMA, 30 August 2024. See also [Taliban’s New Legal Measures Escalate Persecution of LGBTQ+ Community](#), ALO, 25 August 2024. See also [In the Shadow of the Taliban – Untold Stories of LGBTQI+ Persecution in Afghanistan](#), ALO, 1 November 2023.

([Twitter](#)) and the Human Rights Council in Geneva ([Twitter](#)) about the plight of LGBTQI people in Afghanistan. Akbary and his colleagues are in exile but still have to self-censor because of online death threats and fears for extended family.

For organisations in exile, as well as the newer grassroots efforts, serious impediments are posed by donors. Funding for Afghanistan has diminished, with sanctions and other financial restrictions creating huge hurdles. Some funds allocated for Afghanistan may only go to actors registered inside the country, a laudable aim in other contexts, but unrealistic for most human rights organisations. Sussan Tahmasebi, director of Femena, which supports female human rights defenders and CSOs in the MENA and Asia regions, cites a call for proposals to work on violence against women, which required a partnership with an Afghan organisation with a licence to operate:

How do you support those smaller initiatives, that speak up against rights violations and advocate for rights, like going to school, when the dominant model is – we’ll fund you if you have a licence [to work] in the country? But this kind of work has been criminalised.

She notes that the new context may require work that is very small and local, or clandestine, which requires more understanding from donors, to find ways of supporting “emerging groups who are doing critical work, even if it’s just meeting in their own homes.” There will be more on these small-scale acts of resistance in the next section.

The US, Afghanistan’s largest donor, has cut nearly all of its promised aid – at least USD 1.8 billion – jeopardising human rights efforts and leaving some Afghan HRDs facing severe disruptions to their work ([AAN](#)).

Focus areas for Afghan human rights defenders

This section will look at the current state of human rights work, from ongoing documentation efforts to debates about the value of advocacy in light of the Emirate’s resistance to outside influence. For the first couple of years after August 2021, human rights defenders were mostly in crisis mode, focused on the human rights crisis inside Afghanistan as well as the ongoing evacuation protection needs. Over the course of this research, defenders have spoken of having more time for reflection, leading some to refocus in response to the current context.

Partly in response to the absence of domestic accountability options, there is greater interest in criminal accountability mechanisms, something which has grown in energy and coordination levels from disparate human rights defenders. Memorialisation and other victim-focused efforts have also continued from exile. There are small examples of civil resistance, as well as those who operate as service providers while pushing the boundaries of human rights work.

Direct advocacy with the IEA on human rights

It is advocacy – at least advocacy that attempts to change IEA behaviour – that is all but futile for most activists. Human rights advocates cannot engage directly with the IEA, while their former international allies no longer have leverage. There is deep frustration about the unwavering response of the Emirate to Afghan and international clamour over the erosion of women's rights, particularly around education. Some analysts have suggested that the outcry could even act as a perverse incentive against reform, as a conservative group around the Amir closed ranks against a more pragmatic faction.¹³⁶

Advocacy for the release of detained protestors and activists – initially at least – also garnered significant Afghan and international attention, including advocacy with the IEA, either directly or with civil society requesting the UN and diplomats to advocate on their behalf. But even when individuals were released, it was hard to know what factors were decisive in their release, given limited understanding or visibility into internal Emirate politics. For example, the education activist Matiullah Wesa, who campaigned for girls' access to education, was detained from March to October 2023. A family member of Wesa's told Amnesty International that they thought he would not have been freed without the global campaign calling for his release (see their [press release](#)). However, one analyst with long-standing connections inside the Emirate who talked to AAN cautioned against such assumptions, given the opacity of Emirate decision-making and due process, as well as the potential for backlash when international attention is intense.

Under the Republic, external powers – such as the US, Europe and the UN – were often lobbied to influence domestic human rights violations. A perpetual stream of Afghan advocates in Washington DC, Brussels, Berlin and London, tried to persuade officials and politicians to use their political, economic or military influence to change the behaviour of the Republic. These high-profile foreign trips may have

¹³⁶ See Haroun Rahimi and Andrew Watkins, [Taliban Rule at 2.5 Years](#), CTC Sentinel, January 2024.

raised eyebrows from those outside the sector – either objections to the cost of these activities or concerns that by taking their demands to foreign powers, Afghans were eroding the accountability of their own government and reinforcing quasi-colonial dynamics. However, using powerful third parties for leverage is a common tool of human rights work all over the world. It may have been a particularly prominent feature of the Republic era, given its reliance on foreign assistance and military support. But it also reflected the degree to which the Republic’s institutions were captured by corrupt network interests, making them less likely to be accountable to lowly human rights defenders. In this light, appeals to donors to put pressure on Afghan power brokers was a pragmatic option.¹³⁷



Emirate spokesman Zabihullah Mujahid prepares for a press conference in Kabul following the third UN-convened Doha meeting of special envoys on Afghanistan.

Photo: Wakil Kohsar/AFP, 3 July 2024

Under the IEA, however, this leverage does not seem to be available. The Emirate has few allies and those it does cooperate with are not known to be friends of human rights. As Shaharзад Akbar says, the changed context requires revisiting assumptions:

¹³⁷ For a detailed study of political networks and the capture of state institutions, see Timor Sharan, *Inside Afghanistan Political Networks, Informal Order, and State Disruption*, Routledge, 2023.

[S]uch as the assumption that change will come from external pressure on the government by the UN, or by other governments, or other NGOs, or that name and shame will work. But that does not work, Taliban are very proud of their violations of women's rights and in other areas, like public punishments. So those tactics don't work, those assumptions are no longer useful.

Advocacy with international actors

Mainstream CSOs, particularly those in exile, may have abandoned hopes of direct advocacy with the IEA, but several are still focused on international actors. In this context, their priority tends to be the foreign policies of those actor, rather than their ability to influence the IEA, including on the thorny question of engagement. Several of the human rights defenders interviewed were engaged in advocating for a principled position to be held with regard to the IEA. As Freshta Sakhi told AAN,

I'm not against engagement, they are in effective control, so states need to engage, humanitarian operations need to do their job. But I'd like to see some parameters for that engagement, so that every interaction sends a strong message about the importance of human rights specifically women's rights.

Many of the human rights defenders interviewed wanted to stem what Richard Bennett, the UN's Special Rapporteur on Afghanistan, has dubbed "creeping recognition" by some countries ([UN](#)). Bennett suggested in his [report](#) of February 2024 that Western diplomats need to be realistic about their ability to influence Emirate leaders on human rights:

[It is] important to take account of the weight of history, which offers little indication that the Taliban leadership is willing to embrace human rights. Their interpretation of the Hanafi school of Islamic jurisprudence, combined with their insistence on near-absolute sovereignty in which the authority of international human rights treaties is rejected (at least as far as it is inconsistent with their interpretation of sharia) may be irreconcilable with that goal.¹³⁸

Some defenders argue that outside powers have undermined their ability to influence the Emirate by taking inconsistent positions. These include states and organisations that, as one interviewee described to AAN, are "indulging" the Emirate. For example, apart from some UN agencies and the Special Rapporteur,

¹³⁸ [Situation of human rights in Afghanistan – Report of the Special Rapporteur on the situation of human rights in Afghanistan](#), OHCHR, 29 February 2024, paragraph 6.

who is independent of the UN, the United Nations has appeared to be strongly pro-engagement. The goal, articulated by the UN's Special Representative for Afghanistan, Roza Otunbayeva, in November 2023, is "an Afghanistan at peace with itself and its neighbours, fully reintegrated into the international community."¹³⁹ This focus on reintegration, despite no sign of Emirate moderation, has frustrated several Afghan human rights defenders who spoke to AAN, given the UN's global mandate to lead on human rights promotion and protection. HRW's Gossman, however, cautions against expecting too much from the UN, given its multiple functions in Afghanistan, including a heavy responsibility for humanitarian assistance. (The March [statement](#) by Otunbayeva to the Security Council was rather more austere in tone towards the authorities.)



Women's rights activist Mahboubah Seraj, who has chosen to remain in Afghanistan, and journalist and founder of Rukhshana Media Zahra Joya, which she now runs from exile, address the 51st session of the UN's Human Rights Council about the situation of women and girls in Afghanistan.

Photo: Pierre Albouy/UN Geneva via [Flickr](#), 12 September 2022

¹³⁹ This view had previously been articulated in the November 2023 report by the UN Special Coordinator Feridun Sinirlioğlu, [Special Coordinator's Special Assessment](#), United Nations, November 2023. For the Otunbayeva statement see, [UNAMA Security Council briefing SC/15612](#), 6 March 2024.

Criticism of the UN peaked over the third round of Doha talks on 30 June 2024, when, for the first time, Emirate officials joined top diplomats and UN officials, initially excluding other Afghans and offering only a narrow agenda of economic issues and counter-narcotics, designed to appeal to the Emirate.¹⁴⁰ The UN was eventually pushed – privately – by a group of states to hold a follow-up meeting with civil society, including women, with Canada issuing a critical statement of the UN [here](#) (see [USIP](#) briefing). By offering engagement before any improvements in the human rights situation, Bennett said the UN seemed to have an unrealistic expectation that engagement itself can lead to “an acquiescent Taliban, that can get back its UN seat, be treated like a normal country and for there not to be more conflict.” This optimism, suggested Bennett, contributes to the slide towards normalisation of the Emirate.

The debate over engagement has created divisions between Afghans, both inside and outside the country, as well as between humanitarian and human rights actors. Palwasha Hassan counsels tolerance for a range of perspectives, particularly when it comes to the views of Afghans inside Afghanistan. Mosadiq has accepted that her goals for international advocacy are limited: “Preventing normalisation” is the priority, which requires “more consistency” among international actors, she believes. Shaharзад Akbar has arrived at similarly modest hopes for diplomats and officials that are “more proportionate to their political will.” AHRDO Director Hadi Marifat is bleak about how effective advocacy is in this climate: “Frankly, I don’t think we have had much impact so far with our advocacy or the advocacy of others. It’s not that we have not done our work – there is no will or interest.” Marifat, however, also notes the progress made around some international legal campaigns, which will be discussed below.

Local and indirect advocacy

While the ability to influence the Emirate seems remote to many in the human rights movement, others point to modest opportunities, often at the local level. Many organisations continue quietly working in depoliticised ways under the Emirate, particularly in humanitarian and development areas. A study for the German Foundation by Heinrich Boel, [Working Conditions of Local Civil Society](#)

¹⁴⁰ The Emirate was not invited to the first meeting of special envoys in Doha in May 2023 and was invited, but declined to join the second, held in February 2024. For a timeline, see this AAN dossier of reports, [Still Under Sanctions, Still Unrecognised: A dossier of reports on Afghanistan, international relations and aid ahead of Doha III](#).

[in Afghanistan](#), identified moderate levels of activity for civil society in rural areas, where CSOs rely on “rural elders and religious actors” as interlocutors, as long as their activities are seen as non-confrontational and apolitical. In contrast, the study found that rights-based groups are most likely to face repression or self-censorship. That said, humanitarian actors can often create space for human rights conversations. Palwasha Hassan gave an example of some discrete activism by a group of women in response to the earthquake in 2022 in Paktika and Khost provinces:

This small group of women, who were not well known – they don’t speak English and had no funding – but they raised money through grass roots donations in Kabul and went to Paktika to support the earthquake affected area. They made it into the Governor’s office where they started a dialogue on girls’ education. It was so impressive. They used the possibility to make small humanitarian work to discuss human rights challenges.

Some examples of local civic advocacy were provided on a podcast episode by Michael Semple and Tamim Asey, [Speaking up and pushing back](#) – is there space for civic resistance in Afghanistan? in which they discussed examples of poppy protests, as well as protests around land rights and taxation.¹⁴¹ One example came from Helmand province, where there have been several pockets of resistance in communities that refuse to obey attempts by the IEA to collect *ushr* and *zakat* (taxes on the harvest and livestock), insisting these should be collected and used locally. Semple also gives examples of modest opportunities to influence policy with local IEA officials in Zurmat district of Paktia, through “non-confrontational rhetoric and practical community mobilization,” though this is community dialogue rather than human rights work per se.¹⁴²

Getting the right interlocutor has always been important for activists, even more so given the extremely ideologically narrow group that holds power. One activist who spoke to AAN, who prefers to remain anonymous, spoke of adapting to the new context through new interlocutors – businessmen – as well as using religious

¹⁴¹ See Michael Semple’s article, ‘Local Responses to Authoritarianism Under the Taliban Emirate’, in *Still Here: Understanding and Engaging with Afghanistan after August 2021*, Scandinavian Military Studies Press, 2024, pp84–107. Semple and Asey’s podcast series is [Taliban Turbans and the Smartphone](#).

¹⁴² While *zakat* and *ushr* (a subset of *zakat*) are a religious requirement for all Muslims who can afford to pay, they are typically viewed as alms, given by the pious, voluntarily, to the poor and needy. Relatively few Muslim states collect them as a tax. For more on this, see AAN’s 2022 special report, [Taxing the Afghan Nation: What the Taleban’s pursuit of domestic revenues means for citizens, the economy and the state](#), p18.

justifications for the work. This person runs a CSO in southern Afghanistan, which has developed a more “depoliticised” way of delivering protection services to women. Through a combination of “appealing to Islamic protection obligations” and “recruiting private sector actors,” they have managed to get ministry approval to deliver what might otherwise have been seen as sensitive services to vulnerable women. (This description is necessarily circumspect.) The activist told AAN:

We anonymise every case, so that all information remains private. There are no connections [for each individual] beyond their one point of contact. There cannot be any smell of outside organisations being involved, or any data collection – the Ministry we work with is very sensitive to any attempt to gather information, expose their policies or advocate for change. We can’t make the work look political.

Timor Sharan, who leads the Hamrah Initiative that supports Afghan CSOs, highlights positive lessons from those working at the subnational level: “This is not a unitary entity ... it is a fragmented space with pockets of entry and negotiating access.” He describes efforts in Kandahar, Bamiyan and Kabul where CSOs “have overlooked the national players and policies to engage with provincial and district administrators.” This approach has been particularly successful where interlocutors are drawn from traditional civil society, including guilds, unions and associations. Sharan notes that this gives “space for these associations to come to the surface, because there seems to be a gap now most civil society has left.”

These tactics are nothing new for an older generation of activists, or those who worked in conservative rural areas throughout the Republic era. Indeed, many women’s rights defenders spoke of CSOs as having been able to quickly return to homeschooling, which was well established under the first Emirate. Palwasha Hassan notes “a loophole” in Emirate policies, which has not explicitly barred home schools as they did in the first Emirate, making it easier for women to get permission to teach at home.

That was how people in my generation and before operated. In the communist time, under the mujahedin and in the first Emirate time, they learned to manoeuvre through the cracks.

That said, it is worth noting that the overall picture is one in which the Emirate has dismantled, denuded or replaced many local power holders, as research by AAN

found in its June 2024 report, [The Fate of the Village Councils: The Emirate's effort to institute hegemony over rural Afghanistan](#).

International justice

The absence of domestic accountability avenues means more human rights defenders are looking at international justice mechanisms. This includes documentation of international crimes (war crimes, crimes against humanity, genocide) with a view to supporting the International Criminal Court and other potential jurisdictions. One ambitious campaign aims to take Afghanistan to the International Court of Justice and another aims to create a new crime of gender apartheid. The latter has been the feature of two other [AAN reports](#), so are covered only briefly here.



AIHRC Chairperson, Shaharзад Akbar, during a press conference in Kabul on 29 September 2019. Akbar would go on to become Executive Director of the human rights organisation, Rawadari, in exile.
Photo: Sajjad Hussain/AFP

After years of war crimes and crimes against humanity, there are precious few cases of perpetrators being held accountable from any side in the conflict or from any phase of the war. As Kate Clark wrote in her article, [Will There Ever be](#)

[Accountability for War Crimes in Afghanistan?](#), “Instances of accountability for war crimes and human rights violations committed In Afghanistan since 1978 are so few that it is possible to list them in a few sentences.” For Afghan human rights defenders, there was plenty of documentation of war crimes and crimes against humanity prior to 2021, but action tended to be focused on domestic advocacy, or victim-focused recognition or memorialisation. It was not, by and large, the kind of documentation needed by prosecutors. This was partly a reflection of human rights defenders’ vulnerability to reprisals, given the power and impunity enjoyed by former warlords and contemporary abusers, as discussed above, as well as perceptions of a lack of political will.¹⁴³

Post 2021, however, some human rights defenders have explored international justice avenues in earnest. After years of delay in the International Criminal Court’s (ICC’s) Afghanistan investigation, [prosecutors](#) began their work in earnest in 2022. A request for the first indictments finally came in January 2025 (noted above), with more indictments expected. In addition to the ICC, some states support universal jurisdiction, which would allow for perpetrators of atrocities in Afghanistan to be prosecuted abroad (see also Syria, below).¹⁴⁴

In practical terms, some Afghan human rights groups have made or are gathering evidence for submissions and briefings to the International Criminal Court as well as exploring the possibility of universal jurisdiction cases. This pivot involves learning new technical skills for some, such as geospatial location, social media scraping or verifying and preserving evidence in photographs and videos. Many of these ‘open source’ investigation tools happen to be compatible with remote working, which some human rights defenders are limited to in exile. Another shift is towards more detailed analyses of the role of perpetrators, in contrast to the victim-centred work of documentation for campaigning and advocacy under the Republic.

Strategically, a priority for those seeking to hold the IEA accountable for gender persecution is the International Criminal Court. In January 2025, the news that the ICC had requested arrest warrants for the IEA leader and chief justice, noted above, was welcomed with relief by many of those interviewed. One interviewee

¹⁴³ See, David Knaute, [How and Why Transitional Justice has been kept off the agenda – A review of transitional justice in Afghanistan](#), Armanshahr / Open Asia, November 2015, para 108.

¹⁴⁴ For states where universal jurisdiction is in place, see [Justice Beyond Borders: A Global Mapping Tool](#), Clooney Foundation for Justice. Rawadari published a guide in May 2023, [Avenues for Justice for Afghan Victims of Human Rights Violations](#).

was “overwhelmed,” saying that the arrest warrants at least gave some “validation” to what they had been documenting professionally and experiencing personally. AHRDO welcomed the news as a “[significant step](#),” while Rawadari [described](#) it as “A first step for justice after decades of impunity.” A trial will only be held if arrests are made, which may be years away, with further indictments likely, so ongoing work by Afghan human rights defenders will continue to be relevant.¹⁴⁵

Avenues for criminal accountability have also been a growing focus of advocacy by Hazara activists. Hazaras have long been a significant force within the Afghan human rights movement, as a community which has faced a long history of discrimination and persecution due to their minority status as (mostly) Shia and ethnic Hazara.¹⁴⁶ In recent years, their advocacy has coalesced more sharply around the question of ethnic and religious persecution as a crime against humanity, as well as potential genocide by the Islamic State in Khorasan Province (ISKP), with documentation and advocacy with the International Criminal Court and other potential venues.¹⁴⁷ In addition to criminal accountability avenues, there is political advocacy, including calls for recognition of genocide from states, which could trigger obligations on states around prevention and accountability.¹⁴⁸ Sakhi observes that “there is a broader understanding now about the persecution of Hazaras, the protests and activism have helped to build the narrative,” noting routine references in UN reporting and discussions with diplomats.

Universal jurisdiction may offer an avenue for Hazaras interested in criminal accountability for genocide and ethnic persecution, as well as for Afghans seeking

¹⁴⁵ A useful legal analysis of gender persecution is provided by Madre, [Gender Persecution in Afghanistan – A Crime against Humanity](#), 2023 (scroll down the page to where you can download the report in two parts).

¹⁴⁶ See, for example, [Situation of human rights in Afghanistan – Report of the Special Rapporteur on the situation of human rights in Afghanistan](#), 9 September 2022, paragraphs 65–67.

¹⁴⁷ See for example the [Stop the Hazara Genocide](#) Twitter page. For a historical perspective on the persecution of Hazaras in Afghanistan, see Mehdi J Hakimi, [The Afghan State and the Hazara Genocide](#), *Harvard Law Journal* 83, June 2024. The case for genocide by the Islamic State has been made in other contexts, most notably in Iraq and Syria. See Emily Hawley, [ISIS Crimes against the Shia: The Islamic State’s Genocide against Shia Muslims](#), *Genocide Studies International* 11, no 2, 2017, p167 (or 7/22 online).

¹⁴⁸ A ‘Hazara Inquiry’ took place in the UK in August 2022 calling for the risk of genocide to be recognised, [UK Report on Persecution of Hazara in Afghanistan](#), written by a cross-party committee of parliamentarians (PDF in the link is hosted by Genocide Watch). In August 2022, the American Bar Association called for states to recognise genocide and for the US State Department and Congress to take action, see [ABA Adopts Resolution to Recognize, Stop, and Prevent Further Acts of Genocide against Hazara](#), American Bar Association, 6 August 2024.

international justice more broadly. In recent years, Afghans have engaged with Syrian human rights defenders, who have had some striking successes with universal jurisdiction cases. The Syrian civil war, which raged after 2011, saw hundreds of thousands of people killed and millions displaced alongside deeply entrenched state repression, including crimes against humanity, for decades.¹⁴⁹ In a dramatic flurry of universal jurisdiction investigations around Europe, prosecutors in Germany and Sweden opened over 50 cases, with others in France, Austria, the Netherlands, Hungary and the United States (for more, see this [summary](#) by Syria Direct). For example, German prosecutors have convicted both members of the Islamic State and former Syrian officials.¹⁵⁰

The impressive tally of investigations and convictions of Syrians represents the combined efforts not just of Syrian activists but also the UN-mandated International, Impartial and Independent Mechanism (IIIM), which was set up to assist in the investigation and prosecution of the most serious international crimes in Syria. It was also boosted by the availability of some damning documentation and photographs that Syrians managed to smuggle out.¹⁵¹ Syrians have also benefited from a politically energised group of countries – and donors – supporting these efforts over many years, as well as a UN [Independent International Commission of Inquiry on Syria](#). Afghan human rights defenders do not enjoy anywhere near the same level of global solidarity, particularly against the full range of perpetrators. In a talk in March 2023 with Afghan activists (attended by the author), Mohammad Al Abdallah, Director of the Syria Justice and Accountability Centre, warned that work towards justice is “incremental” and requires “diverse strategies,” including documentation for memorialisation and truth-telling.

¹⁴⁹ For a background to the war, see this article, [Syria’s Civil War: The Descent into Horror](#), Council on Foreign Relations, 20 December 2024. For crimes by the state against its people see, [Syria’s decade of repression](#), Human Rights Watch, 16 July 2010.

¹⁵⁰ For the conviction in July 2022 of an Islamic State member for aiding and abetting genocide, crimes against humanity and war crimes for the enslavement and abuse of a young Yazidi woman, see this [press release](#) from the law firm involved, Doughty Street. For prosecutions of former officials from President Bashar al-Assad’s security apparatus, see [The Trial of Anwar Raslan and Eyad Al-Gharib](#), Trial Reports 1–58, Syria Justice and Accountability Centre.

¹⁵¹ See [“Caesar” photos document systematic torture – Syrian Military Police defector “Caesar” Passes Key Evidence to German Federal Prosecutor](#), European Centre for Constitutional and Human Rights (ECCHR). See also Jomana Karadsheh, Tim Lister, Barbara Arvanitidis and Tamara Qiblawi, [Document hunters’ smuggled hundreds of thousands of government files out of Syria. Here’s how they did it](#), CNN, 28 May 2019.

For Afghans, Sri Lanka offers a less rosy picture. Sri Lankan activists have explored many avenues for criminal and civil justice for victims of a 26-year civil war between Tamil Tiger guerrillas and the government that resulted in the deaths of 80–100,000 people by 2009, according to the United Nations.¹⁵² However, despite a vast amount of credible documentation of war crimes and crimes against humanity since the civil war ended in 2009, no accountability has transpired.¹⁵³ Sri Lanka did not sign the Rome Statute, so the ICC’s jurisdiction is limited. There have been national and UN-mandated commissions of inquiry, to little or no avail. However, a new UN mechanism was launched in 2021: the [Sri Lanka Accountability Project](#) will gather evidence for “future accountability processes,” potentially including universal jurisdiction. This mechanism has been compared to the IIIM, discussed above, though with fewer powers and resources, thus earning it the moniker IIIM-lite.¹⁵⁴ Sri Lankan and international CSOs have explored universal jurisdiction avenues, with cases in Germany, Switzerland, the UK, Brazil and Colombia – so far without success, for reasons ranging from diplomatic immunity to a lack of resources.¹⁵⁵

Clearly, international justice is no panacea. Despite the lofty ambitions of human rights defenders and war crimes prosecutors, most practitioners recognise that the odds of successful prosecutions are long. The International Criminal Court has been accused by [Amnesty International](#) (and others) of double standards in terms of which crimes and perpetrators it investigates, including the apparent immunity of powerful Western officials.¹⁵⁶ The prosecutor of the ICC has “deprioritised” alleged US (CIA and military) and former Republic perpetrators, to focus on Emirate leaders and potentially the Islamic State in Khorasan Province.¹⁵⁷ While there are practical and strategic reasons for this (the prosecutor [cited](#) resources and

¹⁵² [UN to collect evidence of alleged Sri Lanka war crimes](#), BBC, 23 March 2021.

¹⁵³ Meenakshi Ganguly, [15 Years Since Sri Lanka’s Conflict Ended, No Justice for War Crimes](#), Human Rights Watch, 14 May 2024.

¹⁵⁴ Federica D’Alessandra, [UN Accountability Mandates in International Justice](#), *Journal of International Criminal Justice* 21, no 3, July 2023, pp551–578.

¹⁵⁵ Andreas Schuller, [Universal Jurisdiction – the Most Difficult Path to Achieve Justice for Sri Lanka](#), Just Security 24 February 2021.

¹⁵⁶ Since its establishment in 2002, the International Criminal Court has had 32 cases before the court and issued 11 convictions, none of them for a Western official. See [About the Court](#), International Criminal Court (last accessed 21 January 2025).

¹⁵⁷ Kate Clark, [Creating a Hierarchy of Victims? ICC may drop investigations into US forces to focus on Taliban and ISKP](#), AAN, 1 October 2021.

the “gravity, scale and continuing nature” of Taliban and ISKP crimes), it is hard to avoid perceptions of bias or unfairness. A focus on Taliban and Islamic State leaders, who will be hard to arrest, makes the prospect of a trial more remote. There is some prospect that universal jurisdiction could address at least some of the crimes by former Republic officials, particularly in cases where individual perpetrators are present in countries that exercise universal jurisdiction. It also requires donor support for the Afghan CSOs – in this authors’ experience, most donors also prioritise accountability work focused on alleged Taliban crimes.

In light of these and other challenges, for several years, some Afghan human rights defenders called for a stronger UN investigation and accountability mechanism that could look into human rights violations – by all perpetrators – past and present. This was articulated in a report by the Raoul Wallenberg Institute in September 2024, [Accountability for Human Rights Violations and Violations of International Humanitarian Law](#).¹⁵⁸ The mechanism could be along the lines of the IIIM for Syria, noted above. In its 2023 [report](#), it noted over 300 requests for assistance from 16 different jurisdictions, a clear indicator of its usefulness to prosecutors.

There have been calls for the Human Rights Council to create something similar for Afghanistan. A group of 90 Afghan and international organisations wrote to the Human Rights Council in September 2024 asking it to take action.¹⁵⁹ The mechanism could complement the work of the Special Rapporteur, who has supported calls for its creation, including in his February 2025 report to the council ([OHCHR](#)). Amnesty International [decried](#) the lack of firm commitments from states after the UN’s Human Rights Council meeting in October 2024. However, defenders interviewed for this report said that since then diplomatic consensus about the need for a new mechanism has been growing, boosted by a [call](#) from Iceland and a group of permanent missions at the Human Rights Council to set such a mechanism up on 20 March 2025.¹⁶⁰ Financing a new mechanism has been made harder by the volatility caused by the new Donald Trump government in Washington DC, which made savage cuts to foreign assistance in early 2025 and provoked concerns about

¹⁵⁸ See also Kate Clark, [Will There Ever be Accountability for War Crimes in Afghanistan? Two reports take stock of past failures and make some proposals](#), AAN, 12 September 2024.

¹⁵⁹ The 90 organisations signed a [joint letter](#) to the Human Rights Council in September 2024 (letter hosted by the International Service for Human Rights), building on a similar [letter](#) in September 2023.

¹⁶⁰ The states were Iceland, South Africa, Chile, Costa Rica, Liechtenstein, Switzerland, Luxembourg, Colombia, Slovenia, Spain, Czechia, Mexico, France and Afghanistan, represented by the Permanent Mission in Geneva.

US commitments to NATO.¹⁶¹ There is also the risk of potential opposition from former troop-contributing nations, including the United States, Australia and the UK, who may fear the implications of an accountability mechanism for their own forces (though they would only be vulnerable to investigation if they are unable to demonstrate their own, meaningful accountability efforts).¹⁶²

Two other developments are worth noting in terms of international justice. First, Iranian and Afghan women launched a bold legal advocacy campaign on 8 March 2023. The [End Gender Apartheid](#) campaign called for a new crime of gender apartheid to be codified. Campaigners argue that, among other things, gender apartheid would capture the systematic and hierarchical nature of repression better than the existing law of gender persecution (see an AAN [article](#) by this author from November 2024). Given the ambition of the goal, this is a slow-moving campaign, but it has gained impressive momentum among Afghan and international advocates and a growing number of states. Sakhi notes that it is an example of Afghan human rights defenders “coordinating and mobilising together” on an advocacy campaign.

Another ambitious campaign, this time utilising existing law, involves taking Afghanistan to the International Court of Justice (ICJ) for gender discrimination (explored in a report by AAN [here](#)). This is also a response to the grave and systematic nature of the violations against women. Although it is a state-led process, the initiative was instigated by international and Afghan human rights defenders, including Rawadari and the Open Society Foundations, who advocated with states to find champions for the legal complaint. This campaign has a multi-year horizon, with time built into the process for negotiation. While the ability of the ICJ to enforce its eventual decision is limited should the IEA choose to ignore it (as is likely), its decisions have ramifications for how other states interact with the Emirate. This could contribute to the goal of preventing ‘normalisation,’ which Mosadiq notes. Both the ICJ case and the ‘gender apartheid’ campaign are indicative of the ongoing urgency around women’s and girls’ rights, with strong alliances between Afghan and international advocates.

¹⁶¹ See Mark Webber’s article, [Nato: Why the prospect of Trump 2.0 is putting such intense pressure on the Western alliance](#), The Conversation, 15 January 2025.

¹⁶² Human Rights Watch has provided a useful brief on the mechanism including some of these practical requirements: [Questions & Answers on the Establishment of an Independent International Accountability Mechanism for Afghanistan](#), Human Rights Watch, November 2024.

Memorialisation, truth-telling and People's Tribunals

Memorialisation and truth-telling are valued by many in the human rights sector, with some Afghan CSOs committed to this victim-centred approach. The Afghanistan Human Rights and Democracy Organisation (AHRDO), for example, created the Afghanistan Centre for Memories and Dialogue in Kabul in 2019, described for AAN by Thomas Ruttig in the same year: [Commemoration in the Basement: Kabul's hidden war victims museum](#). The museum, like much of the documentation held by human rights organisations, was quickly dismantled and taken to safety with the fall of the Republic. Now in exile in Canada, AHRDO launched the [Afghanistan Memory Home](#) in November 2023, a virtual version of the museum that preserves the stories and experiences of victims of conflict. At the heart of the effort are 'Memory Boxes', made up of thousands of personal items, including diaries, photographs, clothing items, books and personal memorials of war victims. One survivor, Yaser Qubadian, whose sister, Kawsar, was killed when she was just 14 in an attack on the Mowud Education Centre in 2018, told [Kabul Now](#) why he draws solace from the museum:

The Afghanistan Memory Home brings some inner peace to me and many others like me. But I also hope it can eventually contribute to real peace in my country. Maybe not in my generation, but the next one, or the one after. By seeing what their parents and grandparents went through, by understanding how many people we lost in decades of war, they can have a clearer vision of how to create a peaceful Afghanistan.

AHRDO held the first International Afghan Victims Convention in The Hague on 2 December 2024. Previously, such events had occurred in Afghanistan, including the first Victims' Jirga in May 2010, one month before a government-instituted 'peace jirga'.¹⁶³ In December, around fifty victims and survivors were present in The Hague, as well as senior officials and civil society (the author attended the event). An exhibition of 'Memory Boxes' displayed victims' artefacts and stories as well as 'body maps' created by victims. The emotional heart of the convention was testimony from several victims (taken here from an emailed press release from AHRDO), including Zaynab Ataye, who survived several attacks on educational institutions: "I have been attacked by three suicide bombers but I never sinned.

¹⁶³ David Knaute, [How and Why Transitional Justice has been kept off the agenda – A review of transitional justice in Afghanistan](#), Armanshahr / Open Asia, November 2015, para 40.

To the perpetrators, my sin was simply the dream of continuing school.” Another activist and victim, Samyar Nazari, told the assembled gathering: “The Taliban do not recognize LGBTQI+ rights or accept that LGBTQI+ community members exist, but here I am today before you. I exist.” Hadi Marifat, Director of AHRDO, highlighted the need for “accountability, not normalisation for the Taliban.” A group of women campaigners, including Tamana Zaryab Paryani, wearing an “End Gender Apartheid” t-shirt, made a call for the codification of gender apartheid.¹⁶⁴



On 8 March, International Women's Day, 2023, Afghan and Iranian legal experts, human rights defenders and female leaders launched the End Gender Apartheid Campaign, which calls for codifying gender apartheid under international law.

Image: End Gender Apartheid [website](#)

Another victim-centred process being explored are People's Tribunals, as Rawadari's Shaharзад Akbar told AAN. These can take various forms but are independent civil-society-led initiatives, often drawing on international criminal and human rights law, without being part of a formal legal process. This can be particularly effective when formal accountability efforts fail or do not provide space for victims. In the Afghan context, while the ICC has requested indictments, trials do not happen in absentia, so without arrests of those indicted, hearings for

¹⁶⁴ The author was present at the convention. (Social media reporting of the event, including [this](#) tweet from 8am and [this](#) tweet from Afghanistan International, included some factual inaccuracies, such as the nature and location of the event, though it also included some video.)

victims will not occur. Similarly, the International Court of Justice avenue, should it progress, is state to state, providing little room for victims to be heard.

There are several global examples from which to learn, including the Women's International Tribunal on Japan's Military Sexual Slavery (also known as the Tokyo Tribunal),¹⁶⁵ the [Uyghur Tribunal](#)¹⁶⁶ and the 2021 [Aban Tribunal](#) on violations by the Iranian state. Akbar has talked to several peers from other contexts, including Iranians involved in the organisation of the Aban Tribunal. It was set up to examine a [brutal crackdown](#) against protestors on 15 November 2019.¹⁶⁷ Given the impunity for state abuses and subsequent media blackout, it was hoped the tribunal could raise awareness of what had happened as well as provide a platform for victims to be heard. While the tribunal did not result in any accountability, it did prompt more than 400 people to offer testimony, including some government officials. The hearings were televised, making it "the most-watched event in Iran's history of civil activism," according to an account by one of the organisers, Shadi Sadr, who said it reached "over fifteen million viewers inside the country" ([Atlantic Council](#)). In February 2025, a request was accepted to convene a session looking at gender persecution at the [Permanent People's Tribunal](#) (PPT), a human rights organisation based in Rome. The PPT facilitates (non-judicial) hearings by international legal and other experts, based on international human rights law. The request was made by four Afghan groups: [Rawadari](#), [Afghanistan Human Rights and Democracy Organization](#), [Organization for Policy Research and Development Studies \(DROPS\)](#) and [Human Rights Defenders Plus \(HRD+\)](#). It is not clear at this writing when such a session might take place.

¹⁶⁵ The Tokyo Tribunal investigated rape and sexual slavery by Japan's Imperial Army in the 1930s and 40s, considering the criminal responsibility of individual Japanese officials as well as the Japanese state. It is regarded as having wide-ranging impacts, from victims' recognition to, later, recognition of the use of sex slaves (after years of denial) by the state, as well as a formal apology and reparations. For a transcript of the judgement, see [Tokyo Tribunal 2000 & Public Hearing on Crimes against Women](#), Women's Caucus for Gender Justice. For an analysis, including testimony and a documentary, see, [The legacy of the Tokyo Women's Tribunal](#), London School of Economics (no date).

¹⁶⁶ The Uyghur Tribunal was set up in 2020 to look at "ongoing atrocities and possible genocide" against Uyghurs, Kazakhs and other Turkic Muslim populations in the Uyghur region of northwest China. The tribunal was headed by a senior British lawyer, Sir Geoffrey Nice QC, who delivered his judgement, that China was guilty of genocide and crimes against humanity against the Uyghurs, on 9 December 2021, available on the Uyghur Tribunal website, [here](#).

¹⁶⁷ The Tribunal was organised by [Justice for Iran](#), [Iran Human Rights](#) and [Together against the Death Penalty \(EPCM\)](#).

Diaspora focus

Many of the CSOs that went into exile have focused their advocacy outside Afghanistan on the needs and rights of the diaspora community. Afghan refugees are enduring perilous situations in many countries, including Afghans with criminal records being deported from parts of Europe ([Diplomat](#), [Euronews](#)). In January 2025 the new US President, Donald Trump, suspended the US Refugee Admissions Program, dashing the hopes of many hundreds of Afghans who had been approved for the scheme ([Reuters](#)). In the Global Dialogue mapping mentioned above, around one-fifth of those surveyed were working with diaspora integration and services. They join an older generation of Afghans in the diaspora who are providing services to their local communities.¹⁶⁸ While legal and community services such as these are sometimes seen as separate from human rights work, some of these groups also organise demonstrations or advocacy in their host countries to support Afghans' rights inside Afghanistan. These newer activists may, according to Akbar, be part of "mobilising the next generation of human rights defenders."

¹⁶⁸ Mustafa Babak: 'Constituency Building among Afghan Diaspora', Open Society Foundations. September 2018 (unpublished report on file with the author).

CONCLUSION

The Afghan human rights movement has been battered since the fall of the Republic in August 2021. While the human rights violations of the IEA are well known, the fate of human rights defenders is less well documented, particularly how they are responding in terms of security and strategy in the face of such a repressive regime. In many ways, it is a story of resilience.

This is perhaps unsurprising given the origin story of many leading human rights defenders, who emerged in response to the repression and atrocities of the 1980s and 90s. The movement blossomed in the new freedoms of the Republic era, growing to include hundreds of organisations working on a wide range of human rights violations.

Throughout the Republic era, there were no-go areas and risks for human rights defenders and journalists, with compromises on human rights built into the new state. Despite this, human rights defenders can be credited with helping to make progress on important legal reforms to protect rights, including for women and people with disabilities. The vigilance required to hold off the Republic's repressive and conservative factions should not be underestimated.

The Emirate's return eviscerated civic space for Afghan human rights activists. As an insurgency, the Taliban had targeted human rights defenders and other leading civil society activists, particularly as the Republic crumbled. Once they seized power, the IEA set about dismantling a host of rights and protections, particularly for women, while brutally cracking down on any form of dissent.

In this context, direct advocacy with the IEA is hopeless given how heavy-handed it is in response to domestic criticism and how impervious to outside pressure. However, many have taken hope from the women protesting inside Afghanistan who defied huge risks to their personal safety to defend their rights. Others have found crevices in an authoritarian façade where work can be done, sometimes under the radar, often at the local level, sometimes through interlocutors.

Meanwhile, from exile, Afghan human rights defenders are maintaining vociferous digital campaigns to maintain attention on the human rights crisis, trying to exert their influence on international actors to adapt their policies towards the IEA and

leading innovative legal advocacy efforts such as the campaign to codify gender apartheid or take Afghanistan to the world court.

Some human rights organisations are adapting to the new context with a greater focus on long-term criminal accountability work, taking heart from progress in early 2025 at the International Criminal Court as well as exploring universal jurisdiction options. They are also finding new avenues for memorialisation, truth-telling and victim-centred recognition, including the possibility of a People's Tribunal.



The Afghanistan Memory House launched by AHRDO in 2024 is a virtual museum and database dedicated to Afghan victims of conflict and human rights abuses.

Photo: Website banner image AHRDO, via ICTJ [website](#)

It is easy to be rose-tinted about the situation of human rights defenders under the Republic. But religious and cultural conservatism was a constant challenge to human rights defenders, particularly around women's rights. The contrast with the IEA is that the room for negotiation and debate has gone. The Emirate has turned the most patriarchal, conservative and authoritarian attitudes into government policy, which the state stringently enforces. Civil society has been shut down, with human rights defenders, like journalists – and even the IEA's internal critics – silenced or tightly censored.

The Republic always practised a degree of power-sharing, including with more liberal factions, who demonstrated greater openness to democracy and human rights. This meant that the Republic's conservatism and authoritarianism were not immutable. Multiple violations of human rights occurred, but through the work of human rights defenders (as well as other actors), gradual change was possible. Change is rarely revolutionary and rarely takes place without resistance. But it clearly happened under the Republic. As Gossman told AAN,

It's much more difficult to do human rights work now; it's night and day. Under the Republic, people were afraid to touch certain things, but it was messy – all these guys had their respective areas of power. But now power is centralised, so it's all of a much greater magnitude.

Akbar describes a response that is a mixture of humility, “to know that you don't know what works,” combined with hope: “We just have to keep trying.” Others described their own struggles – one defender admitted to feelings of hopelessness, saying her “sanity was sometimes in the balance.” Some interviewees were frustrated about the limited international support they receive in their struggle for rights, but for Mohammad Farid Hamidi, that has given clarity:

We know that it is upon us and the people of Afghanistan – this is our fight for human rights. We should not expect more, we should not postpone our struggle [while waiting] to receive support from international community. We should recognise we're alone, that we are strong and that we must continue this struggle, alone.

The prospects for human rights and those who seek to restore them under the IEA are gloomy. However, most human rights defenders have adjusted their time horizons for change, realising that, as Horia Mosadiq says, “what a big and long fight we have ahead.”

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Design and layout by Žolt Kovač

Cover: Afghan women call for ‘Bread, Work, Freedom’ during a women's rights protest in Kabul on 13 August 2022, days ahead of the first anniversary of the Taliban's return to power.

Photo: Wakil Kohsar/AFP