



Islamic Republic of Afghanistan  
Joint Submission to the UN Universal Periodic Review  
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**Submission by CIVICUS: World Alliance for Citizen Participation,  
NGO in General Consultative Status with ECOSOC  
And  
Safety and Risk Mitigation Organization (SRMO)**

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Safety and Risk Mitigation Organization (SRMO) is an Afghan-led CSO. It was established in May 2013 to provide protection to grassroots human rights defenders (HRDs) at risk in Afghanistan. SRMO's main objective is to develop and provide local protection solutions for HRDs in Afghanistan and empower HRDs so they can safely continue their crucial work. Since the Taliban takeover of Afghanistan in August 2021 SRMO has continued to provide support to HRDs inside the country and those who have fled and now live in exile.
- 1.3 In this submission, the two organisations examine the compliance of the Islamic Republic of Afghanistan (hereafter referred to as Afghanistan, the Taliban or the de facto authorities) with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Afghanistan's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in 2019. We assess Afghanistan's implementation of recommendations received during the 3<sup>rd</sup> UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3<sup>rd</sup> UPR cycle, Afghanistan received nine recommendations relating to the space for civil society (civic space). It accepted all of these recommendations. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Taliban, since it took over the country in August 2021, have not implemented any of these recommendations. The de facto authorities have persistently failed to address unwarranted restrictions on civic space since Afghanistan's last UPR examination. Acute implementation gaps were found with regard to the rights to freedoms of association, peaceful assembly and expression.
- 1.5 We are deeply concerned about the closure of CSOs in Afghanistan and the arbitrary arrest, torture, ill-treatment and killings of HRDs and journalists by the de facto authorities with impunity.
- 1.6 We are further alarmed by the closure of media outlets, the criminalisation of critics and the assault on peaceful protests, particularly those led by women's rights activists.

- 1.7** The Taliban have suspended the constitution and dissolved independent oversight mechanisms and institutions, including the Afghanistan Independent Human Rights Commission, both houses of parliament, the Electoral Commission and the ministries of women's affairs, parliamentary affairs and peace.<sup>1</sup>
- 1.8** As a result of these issues, civic space in Afghanistan is currently classified as 'closed' by the CIVICUS Monitor, the most serious category, indicating the existence of severe civic space restrictions.<sup>2</sup>
- Section 2 of this submission examines Afghanistan's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
  - Section 3 examines Afghanistan's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
  - Section 4 examines Afghanistan's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression and media freedom.
  - Section 5 examines Afghanistan's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
  - Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3<sup>rd</sup> cycle.
  - Section 7 is an annex on the implementation of 3<sup>rd</sup> cycle UPR recommendations related to civic space.

## **2. Freedom of association**

- 2.1** During Afghanistan's examination under the 3<sup>rd</sup> UPR cycle, the government received one recommendation on the right to freedom of association. The government committed to 'make further efforts to protect civil society organizations and ensure a safe and secure environment for their work'. However, as evidenced below, the de facto authorities have failed to take adequate measures to realise this recommendation.
- 2.2** Article 22 of the International Covenant on Civil and Political Rights (ICCPR), which Afghanistan ratified in 1983, also guarantees freedom of association.

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<sup>1</sup> 'Situation On Human Rights in Afghanistan', UN Document A/HRC/51/6, 9 September 2022, <https://undocs.org/en/A/HRC/51/6>.

<sup>2</sup> CIVICUS Monitor: Afghanistan, <https://monitor.civicus.org/country/afghanistan>.

- 2.3** Two main laws supposedly govern the operation of CSOs in Afghanistan. The first is the Law on Associations, which was originally enacted in 2013 and amended in December 2017.<sup>3</sup> This law applied to a variety of domestic associations including ‘communities, unions, councils, assemblies and organizations which are voluntarily established by a group of real or legal persons as non-profit, non-political entities, in accordance with this law’. A second law regulating civil society in Afghanistan is the Law on Nongovernmental Organizations (NGO Law) 2005.<sup>4</sup> The law provided a generally enabling regulatory environment for domestic and international CSOs, including the many formally registered development and humanitarian organisations operating in Afghanistan. Article 8(1) of the law however prohibits CSOs from becoming involved in ‘political activity’, a term not defined in the law.
- 2.4** Prior to the Taliban takeover, CSOs and activists were able to register and operate with some restrictions. They were also at risk of attacks from the Taliban. In September 2019, Abdul Samad Amiri, an HRD and acting director of the Afghanistan Independent Human Rights Commission in Ghor province, was kidnapped and killed by the Taliban.<sup>5</sup> In May 2020, HRD Ibrahim Ebrat, coordinator of the Afghan Civil Society Joint Working Group in Zabul province, was attacked and killed. He had received numerous death threats from the Taliban, who urged him to cease his human rights activities. He reported these threats to local police but no investigation was carried out.<sup>6</sup> In the same month, a group of heavily armed militants stormed a Médecins Sans Frontières-run maternity wing at Dasht-e-Barchi hospital in Kabul, killing at least 24 people.<sup>7</sup> In August 2020, Asmatullah Salaam, director of the CSO Zhouwand, who worked on promoting the right to education in the province of Ghazni, was abducted and killed by Taliban members while he was driving to Khwzayo.<sup>8</sup>
- 2.5** Following the Taliban takeover, freedom of association for CSOs has effectively been brought to an end. The vast majority of CSOs have closed following acts of intimidation, harassment, arbitrary detention and retaliatory killings of civil society and human rights activists during the early days of Taliban rule. Most had their offices and equipment confiscated by the de facto authorities, while many of their staff fled

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<sup>3</sup> ‘Afghanistan Association Law’, International Center for Not-for-Profit Law, [https://www.icnl.org/wp-content/uploads/Afghanistan\\_assoclaw.pdf](https://www.icnl.org/wp-content/uploads/Afghanistan_assoclaw.pdf).

<sup>4</sup> ‘Law On Non-Governmental Organisation (NGOs)’, International Labour Organization, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86575/97846/F1696292590/AFG86575%20English.pdf>.

<sup>5</sup> ‘Afghan Human Rights Defenders and Journalists Killed as US-Taliban Talks Collapse’, CIVICUS Monitor, 8 October 2019, <https://monitor.civicus.org/explore/afghan-human-rights-defenders-and-journalists-killed-us-taliban-talks-collapse>.

<sup>6</sup> ‘Afghan Human Rights and Media Workers Face Attacks While New NGO Law Threatens Civil Society’, CIVICUS Monitor, 8 July 2020, <https://monitor.civicus.org/explore/afghan-human-rights-and-media-workers-face-attacks-while-new-ngo-law-threatens-civil-society>.

<sup>7</sup> Ibid.

<sup>8</sup> ‘Afghan Authorities Failing to Protect Activists, Journalists as Attacks Against Civilians Surge’, CIVICUS Monitor, 10 November 2020, <https://monitor.civicus.org/explore/afghan-authorities-failing-protect-activists-journalists-attacks-against-civilians-surge>.

abroad or went into hiding. Those that remain active must do so effectively in secret, facing risk of arrest or worse should their activities be discovered by the Taliban.<sup>9</sup> CSO offices have been raided and searched by the Taliban and CSOs have had their accounts frozen. The Taliban have asked questions regarding the vehicles, assets and names of CSO directors and senior staff members. CSOs have also stopped their women's rights programmes, with most of the offices remaining closed due to fear of reprisals.<sup>10</sup> Local human rights organisations have reported that women-led CSOs have had their women directors removed from their posts by Taliban officials.<sup>11</sup>

**2.6** CSOs working in the humanitarian sphere are permitted to operate, but in practice, the Taliban have clamped down on their activities, intimidated their staff and confiscated their resources. Groups working on women's issues or human rights face increased risks.<sup>12</sup> Local reports in July 2023 suggested that Taliban officials were pressuring CSOs to hire Taliban-approved candidates as staff and obstructing or entirely blocking CSOs operations if they refused.<sup>13</sup>

**2.7** In November 2021, Human Rights Watch reported that Taliban rules were prohibiting most women from operating as aid workers in Afghanistan.<sup>14</sup> In December 2022, the acting Minister of Economy issued a letter barring women from working in international and national CSOs and aid agencies, citing the non-observance of Islamic dress rules and other laws and regulations as reasons for the decision. Non-compliance will result in revocation of the licences of CSOs. The ban prompted several major aid organisations to suspend their operations, worsening the humanitarian crisis.<sup>15</sup>

In April 2023, the Taliban banned Afghan women from working for the UN in Afghanistan. The UN's Afghan female staff had until then been exempt from the

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<sup>9</sup> 'Protests Escalate in Afghanistan as Frustration with Taliban Rule and Abuses Grow', CIVICUS Monitor, 28 November 2022, <https://monitor.civicus.org/explore/protests-escalate-afghanistan-frustration-taliban-rule-and-abuses-grow>.

<sup>10</sup> 'Ongoing Threats and Attacks Against Civil Society, Media in Afghanistan While Protests Restricted', CIVICUS Monitor, 21 October 2021, <https://monitor.civicus.org/explore/ongoing-threats-and-attacks-against-civil-society-media-afghanistan-while-protests-restricted>.

<sup>11</sup> 'A Year of Taliban Rule Leaves Civic Space Decimated in Afghanistan', CIVICUS Monitor, 8 September 2022, <https://monitor.civicus.org/explore/year-taliban-rule-leaves-civic-space-decimated-afghanistan>.

<sup>12</sup> Ibid.

<sup>13</sup> 'Afghanistan: Nearly Two Years On From the Taliban Takeover, Persecution of Civil Society, Journalists and Critics Continues', CIVICUS Monitor, 27 July 2023, <https://monitor.civicus.org/explore/afghanistan-nearly-two-years-on-from-the-taliban-takeover-persecution-of-civil-society-journalists-and-critics-continues>.

<sup>14</sup> 'Threats and Attacks Against Activists and Journalists as Afghanistan Faces a Humanitarian Crisis', CIVICUS Monitor, 11 December 2021, <https://monitor.civicus.org/explore/threats-and-attacks-against-activists-and-journalists-afghanistan-faces-humanitarian-crisis>.

<sup>15</sup> 'Civic Space Takes Further Hit from Taliban's Deplorable NGO Ban for Women as Activists and Journalists Continued to be Targeted', CIVICUS Monitor, 22 February 2023, <https://monitor.civicus.org/explore/civic-space-takes-further-hit-talibans-deplorable-ngo-ban-women-activists-and-journalists-continued-be-targeted>.

December 2022 ban on Afghan women working for aid agencies and CSOs. The ban brought yet another international outcry, including from the UN Security Council.<sup>16</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Under Afghanistan's previous UPR examination, the government received seven recommendations on the protection of HRDs, civil society representatives and journalists. Among the recommendations, the government was urged to 'adopt specific measures to protect and support journalists, human rights defenders and other actors of civil society, enabling them to work freely, without fear of reprisal or attacks' and 'prosecute those who attack and obstruct the work of journalists and human rights defenders.' All seven recommendations were accepted. However, the de facto authorities have not implemented any of them.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, peaceful assembly and expression. However, in spite of these protections, killings, physical attacks, abductions, arrests, harassment and intimidation of HRDs and journalists have been documented. In November 2021, Mary Lawlor, the UN Special Rapporteur on human rights defenders, said that HRDs in Afghanistan are now enduring a 'climate of fear' amid threats from the Taliban and they are becoming increasingly desperate over conditions in the country.<sup>17</sup>
- 3.3** Scores of HRDs, particularly women HRDs (WHRDs), have been arbitrarily arrested or abducted by the de facto authorities. Activist Noor Agha Ibrahimy was arrested by the Taliban in September 2021 in Kabul and accused of organising demonstrations against the Taliban. He was detained for 18 days in Kabul.<sup>18</sup> In January 2022, WHRDs Parwana Ibrahimkhel and Tamana Zaryab Paryani were abducted from their houses in Kabul by a group of armed men. Both had been working on women's rights and days before their abduction had participated in a protest near Kabul University, demanding the right of women to work.<sup>19</sup>
- 3.4** In February 2023, WHRD Zahra Mohammadi, a member of the Afghan Women's Solidarity Team, was abducted from her office in Kart-e-Parwan in Kabul and detained by the Taliban in an unknown location. Zarifa Yaqobi and four of her colleagues were

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<sup>16</sup> 'Afghanistan: Activists, Academics and Journalists Continue to be Targeted as UN Talks Sideline Women's Voices', CIVICUS Monitor, 25 May 2023, <https://monitor.civicus.org/explore/afghanistan-activists-academics-and-journalists-continue-to-be-targeted-as-un-talks-sideline-womens-voices>.

<sup>17</sup> CIVICUS Monitor, 11 December 2021, op. cit.

<sup>18</sup> CIVICUS Monitor, 21 October 2021, op. cit.

<sup>19</sup> 'Afghan Women Activists Abducted by the Taliban While Journalists Arrested and Beaten', CIVICUS Monitor, 11 February, 2022, <https://monitor.civicus.org/explore/afghan-women-activists-abducted-taliban-while-journalists-arrested-and-beaten>.

detained by Taliban intelligence agents in November 2022 in western Kabul. Yaqobi had been involved in women's protests. On 8 November 2022, prominent young activist Farhat Popalzai, a founder of the Spontaneous Movement of Afghan Women, was arrested by the Taliban.<sup>20</sup>

- 3.5** In February 2023, the Taliban arbitrarily arrested women's rights activist Nargis Sadat in Kabul. She had reportedly been involved in organising protest activity against the de facto authorities. She was kept in detention for two months.<sup>21</sup> In March 2023, women's rights activist Habiba Sharifi was detained alongside her father in Ghor province. She was arrested after she held a solo protest outside the provincial governor's office on International Women's Day. On 20 March 2023, women's rights activist Waheeda Mahrami was detained in Kabul and held for four days. She was reportedly arrested after referring to the Taliban's policies towards women as 'gender apartheid'.<sup>22</sup>
- 3.6** Education activist Matiullah Wesa was detained by the Taliban on 27 March 2023 outside a mosque in Kabul. Wesa is a highly respected education activist who has been bringing education services to remote communities since 2009 via his PenPath CSO. He has campaigned publicly and worked with tribal leaders and religious leaders for access to education for girls and to lift bans on education.<sup>23</sup>
- 3.7** HRDs have also experienced physical attacks during arrest. On 11 September 2021, Taliban forces allegedly broke into the house of Fahima Rahmati, a local female activist in Kandahar Province, dragged her family members out, beat them and took them to an unknown location.<sup>24</sup> In February 2022, WHRD Mursal Ayar was taken from her house in Kart-e-Naw district of Kabul. Her family reported that at least 10 armed men, believed to be the Taliban, entered their house, physically assaulted Mursal Ayar and then abducted her. In February 2023, women's rights activist Parisa Mobarez and her brother were arrested at her home in Takhar province by local Taliban forces. They were both released the following day after being badly beaten.<sup>25</sup>
- 3.8** There have also been reports of HRDs being killed. On 10 October 2021, civil society activist Abdul Rahman Mawen was shot dead in Jalalabad city, Nangarhar province by unidentified gunmen. Heelamand Zhouwand, a poet, writer and civil society activist, was shot and killed by unidentified gunmen in eastern Khost province on 19 October 2021.<sup>26</sup> On 5 November 2021, WHRD and economics lecturer Frozan Safi was shot

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<sup>20</sup> CIVICUS Monitor, 28 November 2022, op. cit.

<sup>21</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> CIVICUS Monitor, 21 October 2021, op. cit.

<sup>25</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>26</sup> CIVICUS Monitor, 21 October 2021, op. cit.



and killed, together with three other women. Frozan Safi's body was identified in a morgue in the city of Mazar-i-Sharif. She had reportedly left her home around three weeks earlier to meet someone who claimed he could facilitate her evacuation from Afghanistan.<sup>27</sup>

**3.9** Journalists have also faced arrests and abductions by the Taliban. On 9 August 2021, suspected Taliban fighters kidnapped Nematullah Hemat, a reporter for the privately owned news channel Gharghasht TV. Hemat's location remains unknown.<sup>28</sup> In October 2021, Taliban fighters detained freelance photographer Morteza Samadi after he covered a protest in the western city of Herat and detained him for three weeks. In January 2022, the Taliban arrested Ariana News journalists Waris Aslam and Aslam Hijab in Kabul. They handcuffed them and covered their heads with sacks before forcing them into a vehicle. Ariana News, a leading independent news channel critical of the Taliban, has been a target of Taliban militants since the takeover.<sup>29</sup>

**3.10** On 28 March 2022, the Taliban detained six radio journalists in the southern city of Kandahar for several hours and briefly shut down their stations for violating a ban on music. Taliban intelligence agents questioned the six journalists and released them only after their station managers agreed to stop playing music in line with a new Taliban directive. On 15 February 2023, local journalist Mohmmadyar Majrooh was detained in Kandahar and held for five days. He was detained after being summoned to meet officials from the General Directorate of Intelligence (GDI), the agency that is most often said to be responsible for arrests of media workers and civil society activists.<sup>30</sup>

**3.11** In mid-April 2022, a Taliban military court in Herat sentenced Afghan journalist Khalid Qaderi to one year in prison for allegedly spreading anti-regime propaganda and committing espionage for foreign media outlets. Qaderi did not have access to a defence lawyer and Taliban authorities forced him to sign a document agreeing not to appeal against the verdict.<sup>31</sup>

**3.12** Journalists have faced physical attacks. On 25 August 2021, Taliban fighters assaulted a reporter from the privately owned broadcaster TOLO News, hitting him on the back

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<sup>27</sup> CIVICUS Monitor, 11 December 2021, op. cit.

<sup>28</sup> 'Activists and Journalists at Risk, Crackdown on Protests in Afghanistan Following Taliban Takeover', CIVICUS Monitor, 15 September 2021, <https://monitor.civicus.org/explore/activists-and-journalists-risk-crackdown-protests-afghanistan-following-taliban-takeover>.

<sup>29</sup> CIVICUS Monitor, 11 February 2022, op. cit.

<sup>30</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>31</sup> 'The Taliban Continues to Target Activists, Journalists and Stifle Protests by Women with Impunity', CIVICUS Monitor, 16 June 2022, <https://monitor.civicus.org/explore/taliban-continues-target-activists-journalists-and-stifle-protests-women-impunity>.



and waist with their rifles and slapping and punching him in the face as he interviewed day labourers in the Shahr-e-Naw neighbourhood in Kabul. When he identified himself as a journalist, the Taliban continued to beat and insult him.<sup>32</sup> On 7 September 2021, Taliban security forces detained two journalists from the Kabul-based media outlet Etilaat-e Roz. The reporters had been covering protests by women in Kabul demanding an end to Taliban violations of women's and girls' rights. The Taliban authorities took the two men to a police station in Kabul, placed them in separate cells and severely beat them with cables. On 19 April 2022, armed Taliban members stopped Reza Shahir, a reporter for the independent TV station Rahe Farda, while he was covering a suicide attack at a school in western Kabul, and proceeded to beat and detain him. They confiscated his camera and phone, punched him on his head and arms, beat him on his feet with their guns, blindfolded him and took him away from the attack site.

- 3.13** Journalists have also been killed with impunity. On 9 August 2021, suspected Taliban fighters shot and killed Toofan Omar, a manager of the privately owned radio station Paktia Ghag Radio.<sup>33</sup> Prominent Afghan journalist Sayed Maroof Sadat, a former government spokesperson and an affiliate of radio Sub Bakhair and Sham Bakhai, was gunned down on 2 October 2021. Islamic State militants were thought to be behind the incident.<sup>34</sup>

#### **4. Freedom of expression and media freedom**

- 4.1** Under the 3<sup>rd</sup> UPR cycle, the government received one recommendation relating to freedom of expression and media freedom, which it supported. The government pledged to 'ensure freedom of expression, offline as well as online'. However, the recommendation has not been implemented.
- 4.2** ICCPR article 19 guarantees the right to freedoms of expression and opinion. In practice, freedom of expression has been widely restricted, particularly since the Taliban takeover.
- 4.3** According to Reporters Without Borders, the Taliban's rise to power has had serious repercussions for respect for press freedom. The fall of Kabul to the Taliban radically changed the media landscape. In the space of three months, 43 per cent of Afghan media outlets disappeared. More than 150 media outlets closed due to fear of increased intimidation from the Taliban and a lack of funding since international governments cut off assistance to Afghanistan.<sup>35</sup>

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<sup>32</sup> CIVICUS Monitor, 15 September 2021, op. cit.

<sup>33</sup> Ibid.

<sup>34</sup> CIVICUS Monitor, 21 October 2021, op. cit.

<sup>35</sup> CIVICUS Monitor, 21 October 2021, op. cit.

- 4.4** The de facto authorities confirmed in February 2022 that the Mass Media Law (2009)<sup>36</sup> – which aims to protect freedom of speech, independent media and journalists – remains enforceable.<sup>37</sup> However, the situation has been very confusing for journalists because they have received other directives from many different parts of the administration, including the Minister of Culture and Information, the Istikhbarat (the Taliban intelligence agency), the Ministry for the Promotion of Virtue and Repression of Vice, and the Government Media and Information Centre.<sup>38</sup>
- 4.5** Since 20 September 2021, the de facto authorities have issued three core sets of rules for the media, outlining a variety of prohibitions and requirements. The first and second sets of rules issued by the de facto authorities on 20 and 25 September 2021 prohibit the media from broadcasting programmes and publications deemed as being against Islam, as interpreted by the Taliban, or considered insulting to national personalities. Journalists in some areas must have their content approved or ‘confirmed’ prior to transmission. The de facto Information and Culture Directorates, the provincial branches of the de facto Ministry of Culture and Information, have effective control over media programmes and journalists. The third set of rules, issued on 21 November 2021, prohibits the broadcast of drama and entertainment that violate Islamic and Afghan cultural values and norms, as interpreted by the Taliban. Radio stations have been obliged in some provinces to replace news and music programming with content of a religious nature.<sup>39</sup>
- 4.6** On 3 October 2022, two media outlets – the Hasht-e Subh Daily and Zawia News – were banned for publishing ‘false propaganda’ against the Taliban.<sup>40</sup>
- 4.7** International media trying to operate in Afghanistan also face an extremely challenging environment. In November 2022, the Taliban blocked two international radio stations from broadcasting inside Afghanistan. In December 2022, Taliban officials from the Ministry of Culture and Information banned Radio Azadi (run by Radio Free Europe/Radio Liberty) and Voice of America’s Dari and Pashto services, accusing them of distributing ‘biased’ news and violating media principles.<sup>41</sup> On 28 March 2022, the Taliban barred local broadcasters from airing Pashto, Persian and

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<sup>36</sup> ‘Afghanistan Mass Media Law’, Afghanistan Journalists Center, <https://ajfc.media/english/killed/afghanistan-mass-media-law>.

<sup>37</sup> ‘Brief No. 1: Media Restrictions and the Implications for Gender Equality in Afghanistan’, UN Women Thematic Briefing Series, October 2022, [https://afghanistan.un.org/sites/default/files/2022-10/afg\\_Periodic-Briefing-no1\\_Media\\_Oct22-s.pdf](https://afghanistan.un.org/sites/default/files/2022-10/afg_Periodic-Briefing-no1_Media_Oct22-s.pdf).

<sup>38</sup> ‘Afghanistan’, Reporter Without Borders, <https://rsf.org/en/country/afghanistan>.

<sup>39</sup> UN Women Thematic Briefing Series, October 2022, op. cit.

<sup>40</sup> CIVICUS Monitor, 28 November 2022, op. cit.

<sup>41</sup> CIVICUS Monitor, 22 February 2023, op. cit.

Uzbek programming from the BBC, Deutsche Welle and Voice of America. Broadcasters Ariana, Arezo and Shamshad had aired BBC programming, Ariana, TOLONews and Shamshad had broadcast Deutsche Welle content and TOLONews had run programmes from Voice of America.<sup>42</sup>

**4.8** International journalists have also reported persistent obstruction of their work.<sup>43</sup> Taliban officials are reportedly establishing a committee to vet visa applications by foreign journalists.<sup>44</sup>

**4.9** On 21 May 2022, the Taliban's Ministry of Vice and Virtue ordered all women television presenters to cover their faces, stating that 'the decision was final and that there was no room for discussion'.<sup>45</sup> Taliban leader Haibatullah Akhundzada issued additional restrictions on media reporting on 21 July 2022. In a new decree he stated that 'defaming and criticising government officials without proof' and 'spreading false news and rumours' are forbidden under Islam.<sup>46</sup>

**4.10** The Taliban also place significant restrictions on journalists who are trying to cover security incidents. The de facto authorities often seal off sites of bombings and other incidents because they wish to prevent negative coverage of attacks that would make them look incapable of ensuring security. These restrictions make it difficult for journalists and therefore the Afghan public to know the true scale of security incidents. The Taliban have also heavily restricted media access to parts of the country experiencing armed clashes between the Taliban and resistance groups.<sup>47</sup>

**4.11** Critical academics have also been targeted to silence dissent. Kabul University lecturer Professor Faizullah Jalal was arrested on 10 January 2022 by the Taliban for 'making provocative remarks against the government'. Jalal has made several appearances on television talk shows, blaming the Taliban for a worsening financial crisis and criticising them for ruling by force.<sup>48</sup> On 4 March 2022, the Taliban arrested Sayed Baqer Mohseni, an academic and political analyst. Mohseni had recently appeared in several television round table programmes and was critical of the way the Taliban was ruling the country.<sup>49</sup> University Professor Ismail Mashal was detained on 2 February 2023 by the Taliban while he was handing out free books in Kabul.

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<sup>42</sup> CIVICUS Monitor, 16 June 2022, op. cit.

<sup>43</sup> 'Afghanistan: Taliban Ban and Harass Foreign Journalist', International Federation of Journalists, 19 October 2023, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/afghanistan-taliban-ban-and-harass-foreign-journalist>.

<sup>44</sup> CIVICUS Monitor, 28 November 2022, op. cit.

<sup>45</sup> CIVICUS Monitor, 16 June 2022, op. cit.

<sup>46</sup> CIVICUS Monitor, 8 September 2022, op. cit.

<sup>47</sup> Ibid.

<sup>48</sup> CIVICUS Monitor, 11 February 2022, op. cit.

<sup>49</sup> CIVICUS Monitor, 16 June 2022, op. cit.

Mashal became well known in December 2022 for ripping up his academic qualifications on national television in protest at the Taliban's ban on women attending universities. Another university lecturer, Zakaria Osuli, who published a book about Ahmad Shah Massoud, a late anti-Taliban military commander, was held for more than two months. University lecturer Mohammad Ismail Rahmani was detained on 18 February 2023, reportedly in connection with his writings and social media activism.<sup>50</sup>

**4.12** The Taliban has also imposed social media restrictions and arrested social media activists. The Ministry of Telecommunications announced on 17 September 2022 that it was banning TikTok.<sup>51</sup> The de facto authorities have banned the sale of SIM cards to women in several areas.<sup>52</sup> Ajmal Haqiqi, a model and YouTuber, was arrested on 7th June 2022 by the GDI. Haqiqi had posted a video featuring himself and three of his colleagues on his YouTube channel the previous week, in which one of his colleagues reportedly referred to verses from the Quran in a humorous manner. The GDI subsequently released a video in which Ajmal and his colleagues were forced to deliver a confession wearing prison uniforms.<sup>53</sup>

**4.13** Artists have also been detained. In January 2023, the Taliban arrested Musa Shahin, a singer in Panjshir province, and transferred him to an unknown location where he was allegedly tortured. Musa Shahin sings songs about Panjshir, a province that is one of the main bases of resistance forces against the Taliban.<sup>54</sup> Poet Haseeb Ahrari was detained on 1 June 2023 shortly after he returned to Afghanistan from Iran. He posted poetry discussing freedom and patriotism on social media.<sup>55</sup>

## 5. Freedom of peaceful assembly

**5.1** During Afghanistan's examination under the 3<sup>rd</sup> UPR cycle, the government did not receive any recommendations on the right to freedom of peaceful assembly.

**5.2** ICCPR article 21 guarantees freedom of peaceful assembly. However, in policy and practice the right to gather in public for the purposes of protest or demonstration is tightly controlled and if protests occur that are critical of the Taliban the de facto authorities quickly mobilise to crack down on protesters.

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<sup>50</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>51</sup> CIVICUS Monitor, 28 November 2022, op. cit.

<sup>52</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>53</sup> CIVICUS Monitor, 8 September 2022, op. cit.

<sup>54</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>55</sup> CIVICUS Monitor, 27 July 2023, op. cit.

- 5.3** Prior to the Taliban takeover the Law on Gatherings, Strikes and Demonstrations was the legal framework related to demonstrations.<sup>56</sup> Protesters were required to notify the authorities 24 hours in advance of an event and express permission from the authorities was not required.
- 5.4** On 10 September 2021, the Taliban announced a ban on all protests in Kabul and other provinces in Afghanistan that have not obtained prior permission. The group released a statement stating that no one is allowed to go on to the street to demonstrate without authorisation from the justice and interior ministries.<sup>57</sup> Since then there has been a systematic crackdown on protests, particularly by women activists, with the use of excessive force to disperse protests and the ill-treatment of protesters. Some protesters have been arrested and ill-treated in detention.
- 5.5** In the northeastern city of Jalalabad, at least three people were killed on 18 August 2021 and more than a dozen wounded when Taliban fighters opened fire during protests against the group for replacing the national flag with the Taliban flag. The Taliban also reportedly beat protesters and journalists.<sup>58</sup>
- 5.6** On 4 September 2021, around 100 women activists gathered close to the presidential palace in Kabul, carrying banners and chanting slogans calling for an equal society. To prevent them reaching the palace, Taliban security forces fired their weapons into the air, sending protesters fleeing. They used teargas and batons to disrupt the remainder of the protest. Some women were beaten by the Taliban during the protest.<sup>59</sup> On 30 September 2021, the Taliban violently cracked down on a small women's rights demonstration, firing shots into the air and pushing back protesters. A group of six women gathered outside a high school in eastern Kabul demanding the right for girls to return to secondary school after they were excluded from classes.<sup>60</sup>
- 5.7** On 28 December 2021, a group of women marched through Kabul accusing Taliban authorities of covertly killing soldiers who served the former US-backed regime. They were stopped by Taliban forces who also tried to stop journalists covering the march. Taliban fighters briefly detained a group of reporters and confiscated equipment from some photographers, deleting images from their cameras before returning them.<sup>61</sup>
- 5.8** Another protest on 16 January 2022 to demand rights to work and education was also disrupted by the Taliban. Taliban members pointed firearms at the marchers, threatening and insulting them, calling them 'puppets of the west' and 'whores'. One

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<sup>56</sup> 'The Afghan Law on Gatherings, Strikes and Demonstrations', Right Of Assembly Info, 13 March 2003, [https://www.rightofassembly.info/assets/downloads/2003\\_Afghanistan\\_Law\\_on\\_Gatherings\\_Strikes\\_and\\_Demonstrations\\_1.pdf](https://www.rightofassembly.info/assets/downloads/2003_Afghanistan_Law_on_Gatherings_Strikes_and_Demonstrations_1.pdf).

<sup>57</sup> CIVICUS Monitor, 15 September 2021, op. cit.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> CIVICUS Monitor, 21 October 2021, op. cit.

<sup>61</sup> CIVICUS Monitor, 11 February 2022, op. cit.

protester said that Taliban members also assaulted bystanders filming the protest and took their phones.<sup>62</sup>

- 5.9** About a dozen women protested in Kabul on 10 May 2022 against the Taliban's edict that females must fully cover their faces and bodies when in public. After a short procession, the march was halted by Taliban fighters, who also obstructed journalists trying to report on the event. The Taliban screamed at the protesters, calling them 'loose women with no morals or character'. They also pointed guns and threatened to attack some of the protestors.<sup>63</sup>
- 5.10** On 29 September 2022, Afghan women held a rally outside the Iranian embassy in the Kabul in solidarity with protests taking place in Iran. Taliban security forces snatched and tore protesters' banners before firing in the air to disperse the rally.<sup>64</sup> In another rally, around 100 women reportedly marched in Herat on 2 October 2022 chanting 'education is our right, genocide is a crime'. The Taliban beat participants with sticks and fired in the air to disperse them. One woman claimed a Taliban soldier grabbed her hijab and hair and pushed her to the ground.<sup>65</sup>
- 5.11** A small group of young women were reportedly hit with whips by Taliban soldiers when they attempted to hold a peaceful protest outside Kabul University on 6 March 2023. Their protest was held to mark the beginning of another academic year in which female students are banned from secondary schools and universities. At another peaceful rally, three women protesters were detained in Kabul on 26 March 2023 and interrogated overnight before being released the following day. The women were reportedly forced to sign documents vowing not to talk to the media or take part in any further protest activities.<sup>66</sup>
- 5.12** An announcement by the de facto authorities that they would forcibly close beauty salons prompted a public demonstration on 19 July 2023 in Kabul. Around 50 women gathered in the Shar-e Naw district holding banners calling for 'bread, work and justice'. Taliban security forces reportedly fired shots into the air, beat women with rods and used water cannon to disperse the gathering. Some protesters reported that the Taliban had used electric stun guns against demonstrators. Others said their phones had been confiscated.<sup>67</sup>

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<sup>62</sup> CIVICUS Monitor, 11 February 2022, op. cit.

<sup>63</sup> The Taliban also snatched handphones and ripped the banners used during the protest. Some people were detained for two hours, questioned, threatened and warned that if they continued, they would be imprisoned. See CIVICUS Monitor, 16 June 2022, op. cit.

<sup>64</sup> CIVICUS Monitor, 28 November 2022, op. cit.

<sup>65</sup> Ibid.

<sup>66</sup> CIVICUS Monitor, 25 May 2023, op. cit.

<sup>67</sup> CIVICUS Monitor, 27 July 2023, op. cit.

## **6. Recommendations to the de facto authorities in Afghanistan**

CIVICUS and SRMO call on the de facto authorities in Afghanistan to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

In the light of this, the following specific recommendations are made:

### **16.1 Freedom of association**

- Restore the constitution and review the rules and directives issued since the takeover, bringing them into line with international human rights standards.
- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.
- Amend all laws and regulations related to the operations of civil society groups to remove undue restrictions on freedom of association, in order to bring them into compliance with ICCPR articles 21 and 22.
- Halt raids on CSOs, the freezing of assets and the intimidation of CSO staff leading to the closure of CSOs or the suspension of their peaceful activities, and remove the ban on women working for national and international CSOs and the UN.

### **16.2 Protection of human rights defenders**

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of killings, enforced disappearances, attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice. As part of this, the Afghanistan Independent Human Rights Commission must be restored.



- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, legal action, or harassment of themselves or their families.
- Immediately and unconditionally drop all charges and release all HRDs, journalists and critics such as Matiullah Wesa who have been detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn at the highest levels and put an end to all acts of harassment and intimidation of HRDs, activists and CSOs, including judicial harassment.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs, in accordance with Human Rights Council resolution 27.31.

### **16.3 Freedom of expression and media freedom**

- Ensure freedom of expression and media freedom by bringing all national legislation into line with international law and standards.
- Review all laws and rules in order to bring them into line with ICCPR article 19 and other international laws and standards in the area of freedom of expression.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Review and repeal all laws and policies providing for censorship or undue control over social and conventional media content.

### **16.4 Freedom of peaceful assembly**

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.

- Amend all existing laws and other regulations in order to guarantee fully the right to freedom of peaceful assembly.
- Unconditionally and immediately release all protesters who have been detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.

### **16.5 Access to UN Special Procedures mandate holders**

- The de facto authorities should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 4) Working Group on Arbitrary Detention.

### **16.6 Engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.

## 7. Annex: Assessment of implementation of civic space recommendations under the 3<sup>rd</sup> cycle

Recommendation	Position	Assessment/Comments on level of implementation
<b>136.127</b> Make further efforts to protect civil society organizations, human rights defenders and journalists from attacks and threats, and ensure a safe and secure environment for their work (Republic of Korea); <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 2
<b>136.119</b> Take steps to ensure a safe working environment for human rights defenders (Estonia); <b>Source of position:</b> A/HRC/40/6	Supported	Status: Not implemented  Source: Section 3
<b>136.128</b> Implement an effective policy to protect human rights defenders in coordination with civil society (Luxembourg); <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 3
<b>136.125</b> Adopt specific measures to protect and support journalists, human rights defenders and other actors of civil society, enabling them to work freely, without fear of reprisal or attack (Lithuania); <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 3
<b>136.122</b> Guarantee the safety and security of journalists and human rights defenders (France); <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 3
<b>136.126</b> Take further concrete measures to improve conditions for journalists and human rights defenders (Norway); <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 3
<b>136.95</b> Take steps to protect against and prosecute those who attack and obstruct the work of journalists and human rights defenders (Canada);	Supported	Status: Not implemented  Source: Section 3

<b>Source of position:</b> A/HRC/41/5/Add.1		
<b>136.120</b> Promote additional measures to maintain a favourable environment for and protect the work of civil society and human rights defenders, including journalists (Chile);  <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 3
<b>136.121</b> Ensure freedom of expression, offline as well as online, and improve work concerning the prevention and investigation of attacks against journalists, media workers and media offices (Estonia);  <b>Source of position:</b> A/HRC/41/5/Add.1	Supported	Status: Not implemented  Source: Section 4