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## Analysis of human rights violations during the taliban regime

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**Abstract.** With the collapse of the government in 2021, the country changed deeply from all perspectives. From 2004 until 2021 the efforts for democracy and human rights were demolished and the change happened drastically. This paper records and analyzes the human rights violations that occurred during Taliban Regime in Afghanistan. It covers the violations based on the timeline of events from 2021-2024. One of the main serious violations which affected society is the restriction on women's education. Since the Universal Declaration of Human Rights in 1948 nine core international human rights treaties cover various aspects of human rights, such as civil and political rights, economic and social rights, racial discrimination, torture, women's rights, children's rights, migrant workers' rights, and disabilities rights where Afghanistan ratified six of those treaties.

During these years inside Afghanistan, no published book or article disclosed the Taliban human rights violations due to restricted freedom of media because of that reason the humanitarian and UN reports data are used in this paper.

This paper first focuses on the human rights situation before the Taliban and the legal development of Afghanistan. Secondly, it includes the violation of human rights by the Taliban regime, and at the last, it includes a conclusion and proposed recommendations from the perspective of international law students.

**Keywords:** Afghanistan, Taliban, Human Rights, Violations and Government.

## Талибан режимі кезіндегі адам құқықтарының бұзылуын талдау

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**Түйіндеме.** 2021 жылы үкіметтің ыдырауымен ел барлық жағынан түбегейлі өзгерді. 2004 жылдан бастап 2021 жылға дейін демократия мен адам құқықтары үшін күш-жігер жойылып, өзгеріс күрт болды. Бұл құжат Ауғанстандағы Талибан режимі кезінде орын алған адам құқықтарының бұзылуын жазып, талдайды. Ол 2021-2024 жылдар аралығындағы оқиғалардың хронологиялық кестесіне негізделген бұзушылықтарды қамтиды. Қоғамға әсер еткен ең ауыр заң бұзушылықтардың бірі – әйелдердің білім алуына шектеу қою. 1948 жылы Адам құқықтарының жалпыға бірдей декларациясынан бері адам құқықтары жөніндегі тоғыз негізгі халықаралық шарт адам құқықтарының әртүрлі аспектілерін қамтиды, мысалы, азаматтық және саяси құқықтар, экономикалық және әлеуметтік құқықтар, нәсілдік кемсітушілік, азаптау, әйелдер құқығы, балалар құқығы, еңбек мигранттарының құқықтары, Ауғанстан осы шарттардың алтауын ратификациялаған мүгедектер құқықтары.

Осы жылдар ішінде Ауғанстанда жарияланған бірде-бір кітап немесе мақалада БАҚ бостандығының шектелуіне байланысты Талибанның адам құқықтарын бұзуы ашылған жоқ, сондықтан гуманитарлық және БҰҰ есептерінің деректері осы құжатта пайдаланылады.

Бұл жұмыс алдымен Талибанға дейінгі адам құқықтарының жағдайы мен Ауғанстанның құқықтық дамуына бағытталған. Екіншіден, ол Талибан режимінің адам құқықтарын бұзуын қамтиды және соңында халықаралық құқық студенттерінің көзқарасы бойынша қорытынды мен ұсынылған ұсыныстарды қамтиды.

**Негізгі сөздер:** Ауғанстан, Талибан, адам құқықтары, бұзушылықтар және үкімет.

## **Анализ нарушений прав человека во время режима Талибана**

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**Аннотация.** После краха правительства в 2021 году страна глубоко изменилась со всех точек зрения. С 2004 по 2021 год усилия по обеспечению демократии и прав человека были сведены на нет, и произошли радикальные изменения. В данной статье фиксируются и анализируются нарушения прав человека, произошедшие во время режима Талибана в Афганистане. Он охватывает нарушения, основанные на хронологии событий 2021-2024 годов. Одним из главных серьезных нарушений, затронувших общество, является ограничение женского образования. Со времени Всеобщей декларации прав человека в 1948 году девять основных международных договоров по правам человека охватывают различные аспекты прав человека, такие как гражданские и политические права, экономические и социальные права, расовая дискриминация, пытки, права женщин, права детей, права трудящихся-мигрантов, и права инвалидов, где Афганистан ратифицировал шесть из этих договоров.

За эти годы в Афганистане ни одна опубликованная книга или статья не раскрывала нарушения прав человека талибами из-за ограничения свободы СМИ, по этой причине в этой статье используются данные гуманитарных отчетов и отчетов ООН.

В данной статье основное внимание уделяется ситуации с правами человека до прихода Талибана и правовому развитию Афганистана. Во-вторых, он включает нарушение прав человека режимом Талибана и, наконец, включает вывод и предлагаемые рекомендации с точки зрения студентов-международников.

**Ключевые слова:** Афганистан, Талибан, права человека, нарушения и правительство.

### **Introduction.**

Between the Taliban takeover on 15 August 2021 and 30 June 2023, the Human Rights Service has obtained credible reports that members of the de facto authorities were responsible for 218 extrajudicial killings, 14 enforced disappearances, over 144 instances of torture and ill treatment, and 424 arbitrary arrests and detentions. Most these violations were committed against former Afghan National Army members, police and National Directorate of Security officials.

### **Materials and methods.**

After the Taliban takeover in August 2021, the human rights situation got to its worst case in Afghanistan. All the efforts since 2001 on the rule of law, human rights, and democracy fade out in one night in the territory of Afghanistan. The Taliban imposes strong restrictions on women's rights and media freedoms. After some months of the Taliban government, all secondary school girls have been closed in the country and women are prohibited from working in most government institutions. It is no wonder to see no women among officials of the Taliban at all government levels.

Considering the flaw of the timeline of events at first many individuals do not expect the immediate collapse in Afghanistan. In the first month Taliban, thousands of people due to fear of persecution and being targeted by the Taliban tried to flee the country. Since the government collapse according to Wilson with an estimated 8.2 million hosted in 103 different countries.

In many cities, the Taliban searched for, threatened, and sometimes detained or executed former members of the Afghan National Security Forces (ANSF), officials of the former government, or their family members.

The Taliban victory propelled Afghanistan from humanitarian crisis to catastrophe, with millions of Afghans facing severe food insecurity due to lost income, cash shortages, and rising food costs.

In the six months before the takeover, fighting between government forces and the Taliban caused a sharp rise in civilian casualties from improvised explosive devices (IEDs), mortars, and airstrikes. The Islamic State of Khorasan Province (the Afghan branch of the Islamic State, known as ISKP) carried out attacks on schools and mosques, many targeting minority Hazara Shia.

### **Discussion.**

#### **a) Unlawful Killings, Enforced Disappearances, Violations of Laws of War**

The United Nations reported that Taliban forces were responsible for nearly 40 percent of civilian deaths and injuries in the first six months of 2021, although many incidents were unclaimed. Women and children comprised nearly half of all civilian casualties. Attacks by the ISKP included assassinations and many deadly bombings.

Many attacks targeted Afghanistan's Hazara Shia community. On May 8 2021, three explosions at the Sayed al-Shuhada school in Kabul killed at least 85 civilians, including 42 girls and 28 women, and injured over 200—the vast majority from the Hazara community. The attack was unclaimed but occurred in a predominantly Hazara neighborhood that ISKP had repeatedly targeted. On October 8, a suicide bombing during Friday prayer at a Shia mosque in Kunduz killed at least 72 people and injured over 140; the ISKP claimed responsibility. On March 4, gunmen fatally shot seven Hazara laborers at a plastics factory in Jalalabad.

The ISKP (Islamic State of Khorasan Province) also carried out attacks, including assassinations and deadly bombings. The Hazara Shia community was frequently targeted, with notable attacks on the Sayed al-Shuhada school in Kabul and a Shia

mosque in Kunduz. Retaliatory killings by the Taliban against former officials and security force personnel were also documented. Both the Taliban and ISKP conducted targeted killings of civilians, including government employees, journalists, and religious leaders. The Afghan government security forces were also responsible for civilian casualties, including indiscriminate mortar and rocket attacks. The situation in Afghanistan remains complex and volatile, with various armed groups contributing to the violence and suffering of civilians

#### **b) Women's and Girls' Rights**

In the aftermath of the Taliban takeover, there have been numerous policies and regulations implemented that have rolled back women's and girls' rights in Afghanistan. These measures include severe restrictions on employment and education, as well as limitations on the right to peaceful assembly. The Taliban has also targeted high-profile women, denying them freedom of movement outside their homes.

While the Taliban claims to support education for girls and women, they ordered secondary schools to reopen only for boys on September 18. As of October, the majority of secondary schools for girls remained closed, although some have reopened in a few provinces. The acting minister of higher education announced that girls and women could participate in higher education but would be segregated from boys and men. However, the lack of female teachers, especially in higher education, is likely to result in limited access to education for many girls and women.

In addition, women who had been teaching boys in classes above the sixth grade or men in mixed classes at university have been dismissed in some areas due to the prohibition on teaching males. The Taliban has also banned or restricted female humanitarian workers, which could further hinder access to healthcare and humanitarian aid. Almost all female government employees have been dismissed, and there have been requirements for gender segregation in workplaces when women have been allowed to return to work.

The Taliban eliminated the Ministry for Women's Affairs and repurposed its building as the Ministry for the Propagation of Virtue and Prevention of Vice. This institution enforces rules on citizens' behavior, including women's dress and their ability to move outside the home unaccompanied by a male relative. Shelters for women fleeing violence have been closed, and some women have been transferred to women's prisons.

These developments have had a significant impact on the rights and freedoms of women and girls in Afghanistan, with access to education, employment, healthcare, and basic services severely shortened.

#### **c) Freedom of Media, Speech, and Assembly**

Following the Taliban takeover, nearly 70 percent of Afghan media outlets closed, and those that remained faced threats and self-censorship. The Taliban imposed strict restrictions on media and free speech, detaining and beating journalists who covered protests. Women carried out demonstrations against Taliban policies, facing violence and restrictions. On September 7, Taliban security forces detained two journalists from

the Etilaat-e Roz media outlet and severely beat them in custody before releasing them. The reporters had been covering protests by women in Kabul. The Taliban detained at least 32 journalists after taking power in Kabul.

In summary, the Afghan media has been under significant threat, with journalists targeted and attacked by both the Taliban and the ISKP. Media outlets have closed, and the remaining outlets face restrictions and self-censorship. Protests against Taliban policies have been met with violence, and journalists investigating the Taliban have been arrested.

**d) International Justice and Investigations into Abuses**

On September 27, the prosecutor for the International Criminal Court filed an application before the court's judges seeking authorization to resume an investigation in Afghanistan following the collapse of the former Afghan government. Prosecutor Karim Khan stated, however, that his investigation would focus only on crimes allegedly committed by the Taliban and the Islamic State and deprioritize other aspects of the investigation, namely alleged crimes committed by the forces of the former Afghan government and US military and CIA personnel.

On August 24, the UN Human Rights Council held a special session, requested jointly by Afghanistan and the Organisation of Islamic Cooperation (OIC), but the negotiations—led by Pakistan as OIC coordinator—failed to create any new monitoring mechanism. At its next regular session, the UN Human Rights Council adopted on October 7 a European Union-led resolution establishing a special rapporteur on Afghanistan, supported by experts, including on “fact-finding, forensics, and the rights of women and girls.”

In June, Afghan witnesses testified by video link in the defamation trial against Australian newspapers brought by former Australian SAS officer Ben Roberts-Smith. In 2018, *The Age*, *Sydney Morning Herald*, and *Canberra Times* had published accounts of alleged killings of civilians and other abuses by SAS units, and by Roberts-Smith himself. Those abuses are being examined by Australian investigators.

**e) Position of International community on 2021**

After the Taliban takeover, the Afghanistan Central Bank lost access to its US dollar assets, and the International Monetary Fund blocked funding. Donors halted payments from the Afghanistan Reconstruction Trust Fund, leading to an economic collapse.

The UN Security Council renewed the UN Assistance Mission in Afghanistan (UNAMA) for six months, but its future is uncertain. The Taliban government has not been formally recognized by any country. The EU set benchmarks for engagement, emphasizing human rights and an inclusive government.

China called for an end to economic sanctions on Afghanistan and expected the Taliban to become more inclusive. Russia, Turkey, and Iran stated they would not acknowledge a Taliban-led government until it formed an inclusive administration, while Pakistan called for international engagement and an inclusive government.

Throughout the year, the deteriorating situation in Afghanistan was repeatedly addressed by UN bodies and the UN High Commissioner for Human Rights.

In 2022, Afghanistan experienced a deepening economic crisis marked by a significant reduction in donor assistance and corresponding cuts to essential workers' wages. A massive liquidity crisis, soaring prices for crucial goods, and external restrictions on the banking sector exacerbated the situation. Millions of children suffered from acute malnutrition, and over 90% of Afghans faced food insecurity. Women and girls were disproportionately affected, with Taliban actions contributing to job losses and hindering female aid workers.

**a) Women's and Girls' Rights**

In March 2022, the Taliban made the announcement that women and girls would be prohibited from receiving secondary education. This decision received widespread criticism and concern from various international bodies, including the United Nations Security Council, the Organisation of Islamic Cooperation, and most members of the G7 and G20. The Taliban's leadership, which is entirely comprised of men, has not permitted women to participate in governance at any level or hold any senior positions in the civil service, including as judges. Authorities announced and frequently enforced rules prohibiting women from traveling or leaving their homes, including to go to the workplace without a male family member accompanying them—an impossible requirement for almost all families—and barred women from holding most types of jobs.

**b) Economic and Humanitarian Crises**

In 2022, Afghanistan's humanitarian crisis deepened due to the lasting economic collapse following the Taliban takeover. Over 90% of the population faced food insecurity, resulting in widespread daily meal skipping and starvation deaths, particularly affecting children.

US restrictions on the Central Bank of Afghanistan (Da Afghanistan Bank) exacerbated the crisis, causing a prolonged liquidity shortage and hindering legitimate financial activities. Women and girls were disproportionately affected, facing barriers to food, healthcare, and financial resources, worsened by Taliban policies restricting women from most paid jobs.

The creation of «The Afghan Fund» by the US on September 14 aimed to address economic challenges, but concerns persisted about its viability and the delayed steps in stabilizing the collapsed economy, with significant human costs. Taliban restrictions on women's employment and oppressive requirements for those allowed to work added to the challenges faced by female-headed households. World Food Program surveys highlighted the terrible situation, with almost 100% of women-headed households lacking adequate food, resorting to drastic measures for survival.

**c) Extrajudicial Killings, Enforced Disappearances, Torture, and War Crimes**

Taliban forces, since August 2021, have engaged in revenge killings, enforced disappearances, and summary executions of former government officials, security personnel, and individuals labeled as members of the Islamic State of Khorasan Province (ISKP). UNAMA's August 2022 report highlighted numerous cases, indicating challenges in distinguishing between victims' affiliations.

Nangarhar residents uncovered a mass grave with at least 45 decomposed bodies, showing signs of torture and brutal executions. In Panjshir province, the Taliban conducted search operations targeting communities supporting the National Resistance Front, resulting in detentions, torture, collective punishment, and disregard for detainee protections.

**d) Attacks by Islamic State of Khorasan Province (ISKP)**

In 2022, ISKP claimed responsibility for numerous bombings and armed attacks targeting Hazaras, resulting in at least 700 casualties. On April 19, a suicide bombing at a Kabul high school in Dasht-e Barchi, a predominantly Hazara and Shia area, claimed 20 lives and injured several. Two days later, an attack at Seh Dokan Mosque in Mazar e Sharif killed 31 and wounded 87. On April 27, unidentified gunmen killed five Hazara men in Samangan. Another attack on a Kabul educational center on September 30, primarily affecting Hazara women and girls, resulted in 53 deaths and 100 injuries.

The Taliban's failure to provide security and assistance to at-risk populations and survivors exacerbated the impact of the attacks, causing long-term harm by depriving families of breadwinners and imposing significant medical and lifestyle burdens.

**e) Extension of UNAMA in 2022**

The United Nations Security Council passed a resolution in March 2022 extending the United Nations Assistance Mission for Afghanistan (UNAMA) and its mandate to report on human rights conditions. The UN Human Rights Council in Geneva renewed and strengthened the mandate of the UN special rapporteur on Afghanistan in October.

The Security Council held numerous debates on Afghanistan and extended several sanctions and removed exemptions that had been granted to some Taliban officials who are under travel bans.

In 2023, the human rights situation in Afghanistan deteriorated as the Taliban committed widespread violations, particularly against women and girls. They imposed bans on education and employment for women and restricted freedom of movement and speech. Human Rights Watch described the abuses as a crime against humanity. The Taliban also cracked down on media and detained journalists, human rights defenders, and activists. UN reports documented extrajudicial killings, arbitrary arrests, torture, and enforced disappearances by Taliban forces. The country faced a severe humanitarian crisis, with over 28 million people requiring aid. Acute malnutrition affected 4 million Afghans, including 3.2 million children. The loss of foreign assistance, a shortfall in humanitarian aid, and a drought worsened the crisis. A ban on women working with NGOs hindered aid delivery and monitoring of women's needs. Same-sex conduct remained criminalized, and the Islamic State of Khorasan Province continued to carry out attacks, causing civilian casualties.

In the majority of Afghan provinces, authorities have implemented regulations prohibiting women from traveling or leaving their homes unaccompanied by a male relative, even for work. Women are generally required to wear a full hijab and cover their faces in public.

Taliban actions throughout 2023 indicate an intensifying crackdown, such as their denial of travel permission for 63 women to accept scholarships in the United Arab Emirates, the closure of all beauty salons resulting in the loss of 60,000 jobs for women, and the ban on women visiting Band-e-Amir national park.

### **Results and conclusions.**

The Taliban maintained their crackdown on civil society activists, with instances such as the arrest of university professor Ismail Mashal on February 2 for publicly opposing the ban on women's university education. On March 27, Matiullah Wesa, an education activist and founder of Penpath, an organization advocating for education in Afghanistan, was arrested along with family members by the GDI. He was released on October 26 without any charges.

Following the closure of beauty salons on July 19, security forces employed water cannons and fired shots into the air to disperse a peaceful protest by salon owners and employees. Four women protesters were reportedly arrested but released later that day. Throughout 2023, the Taliban detained numerous women's rights protesters across the country.

On January 12, the ISKP claimed responsibility for a suicide bombing at the Ministry of Foreign Affairs in Kabul that killed 33, many of them civilians, and wounded at least 45. On June 6, a car bomb killed the Taliban's provincial governor in Badakhshan; a suicide attack on June 8 during the funeral killed nine civilians and injured 37. On November 7, a minibus explosion killed seven and injured 20 members of the Hazara community. The attack occurred in the Dasht-e Barchi area of Kabul, a predominantly Shia Hazara neighborhood that has seen many ISKP attacks.

In March 2023, the UN Security Council extended UNAMA's mandate, emphasizing its role in reporting on human rights conditions. The secretary-general was directed to conduct an integrated, independent assessment by November 17, with a focus on the rights of women and girls. Feridun Sinirlioğlu was appointed to lead the assessment.

In October, the UN Human Rights Council in Geneva renewed and strengthened the mandate of the UN special rapporteur on Afghanistan. On December 21, 2022, Australia, Canada, France, Germany, Italy, Japan, the Netherlands, Norway, Spain, Switzerland, the United Kingdom, the United States, and the European Union jointly condemned the ban on women attending universities. On February 1, the US State Department imposed additional travel restrictions on several Taliban officials in response to the ban on women's university education.

On April 5, the UN, along with the EU and many countries, condemned the Taliban's ban on Afghan women working with the UN.

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