

# AFGHANISTAN 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The United States has not recognized the Taliban or another entity as the government of Afghanistan. All references to “the pre-August 15 government” refer to the Islamic Republic of Afghanistan. References to the Taliban reflect events both prior to and after August 15.

Prior to August 15, the Islamic Republic of Afghanistan had a directly elected president, a bicameral legislative branch, and a judicial branch. The country held presidential elections in September 2019 after technical problems and security threats compelled the Independent Election Commission to reschedule the election multiple times. The commission announced preliminary election results on December 22, 2019, indicating that President Ashraf Ghani had won, although runner-up and then chief executive Abdullah Abdullah disputed the results, including after official results were announced February 18, 2020. Both President Ghani and Chief Executive Abdullah declared victory and held competing swearing-in ceremonies on March 9, 2020. Political leaders mediated the resulting impasse, resulting in a compromise on May 17, 2020, in which Ashraf Ghani retained the presidency, Abdullah was appointed to lead the High Council for National Reconciliation, and each of them was to select one-half of the cabinet members.

Under the pre-August 15 government, three entities shared responsibility for law enforcement and maintenance of order in the country: the Ministry of Interior, the Ministry of Defense, and the National Directorate of Security. The Afghan National Police, under the Ministry of Interior, had primary responsibility for internal order and for the Afghan Local Police, a community-based self-defense force with no legal ability to arrest or independently investigate crimes. Civilian authorities under the Ghani administration generally maintained control over the security forces, although security forces occasionally acted independently and committed numerous abuses. After August 15, security forces largely disbanded. The Taliban began to recruit and train a new police force for Kabul and announced in early October that the force had 4,000 persons in its ranks. The Taliban

instructed pre-August 15 government employees to return to work, and the Ministry of Interior formally invited former police officers to return; however, returns were slow due to fear of retaliation and lack of salary payments.

The Taliban culminated its takeover on August 15 when Kabul fell to their forces. On September 7, the Taliban announced a so-called interim government made up almost entirely of male Taliban fighters, clerics, and political leaders, hailing from the dominant Pashtun ethnic group. As of December, the Taliban had announced most of its “interim cabinet” but had not outlined steps or a timeline to establish a new permanent government. The Taliban is a Sunni Islamist nationalist and pro-Pashtun movement founded in the early 1990s that ruled much of the country from 1996 until October 2001. The Taliban promoted a strict interpretation of Quranic instruction according to the Hanafi school of Sunni jurisprudence, seeking to eliminate secular governance.

Peace negotiations between representatives of the Ghani administration and the Taliban continued until August as the Taliban consolidated control over territory, but the talks failed to yield a political settlement or unity government. Throughout the year armed insurgents attacked Ghani administration forces, public places, and civilians, killing and injuring thousands of noncombatants. On August 15, as the Taliban approached Kabul, President Ghani fled the country, prompting an immediate collapse of the Afghan National Defense and Security Forces, and a political vacuum. Vice President Amrullah Saleh left the country shortly after as well.

Significant human rights issues occurred before and after August 15. Details of which group or groups perpetuated these human rights issues are addressed throughout the report. The human rights issues included credible reports of: killings by insurgents; extrajudicial killings by security forces; forced disappearances by antigovernment personnel; torture and cases of cruel, inhuman, or degrading treatment or punishment by security forces; physical abuses by antigovernment entities; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious abuses in internal conflict, including killing of civilians, enforced disappearances and abductions, torture and physical abuses, and other conflict-related abuses; unlawful recruitment and use of child soldiers and sexual abuse of children, including by security force members and educational

personnel; serious restrictions on free expression and media by the Taliban, including violence against journalists and censorship; severe restrictions of religious freedom; restrictions on the right to leave the country; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including but not limited to cases of violence against women, including domestic and intimate partner violence, sexual violence, child, early and forced marriage, and other harmful practices; trafficking in persons for forced labor and commercial sexual exploitation; violence targeting members of ethnic minority groups; violence by security forces and other actors against lesbian, gay, bisexual, transgender, queer, and intersex persons; existence and use of laws criminalizing consensual same-sex sexual conduct; severe restrictions on workers' freedom of association and severe restrictions by the Taliban on the right to work for women; and the existence of the worst forms of child labor.

Widespread disregard for the rule of law and official impunity for those responsible for human rights abuses were common. The pre-August 15 government did not consistently or effectively investigate or prosecute abuses by officials, including security forces. After taking over, the Taliban formed a commission to identify and expel "people of bad character" from its ranks. On December 25, a Taliban spokesperson told media that the group had expelled 1,985 individuals, and that those accused of corruption and robbery had been referred to legal authorities. Local and provincial Taliban leaders formed similar commissions and reported rooting out corrupt members. Little information was available regarding how individuals were identified, investigations were conducted, or what their outcomes were.

On September 27, the Office of the Prosecutor of the International Criminal Court filed an application for an expedited order seeking authorization to resume the investigation of alleged crimes against humanity and war crimes committed in the country. The investigation had been deferred due to a request from the pre-August 15 government. The International Criminal Court prosecutor stated that the Taliban takeover represented a significant change of circumstances affecting the ongoing assessment of the pre-August 15 government's deferral request. The

prosecutor determined that there was no prospect of genuine and effective domestic investigations within the country of crimes defined by Article 5 of the Rome Statute. The prosecutor announced that if he receives authorization to resume investigations, he intends to focus his efforts on crimes allegedly committed by the Taliban and ISIS-K, a terrorist group based in Salafist ideology that is an affiliate of the Islamic State in Iraq and al Sham and which is active in South and Central Asia.

Taliban elements attacked religious leaders who spoke out against them, particularly between the February 2020 signing of the U.S.-Taliban agreement and the August 15 Taliban takeover. During the year many Islamic scholars were killed in attacks for which no group claimed responsibility. Nonstate and armed groups, primarily the Taliban and ISIS-K, accounted for most child recruitment and used children younger than 12 during the year. Insurgent groups, including the Taliban, used children as suicide bombers. Antigovernment elements threatened, robbed, kidnapped, and attacked government workers, foreigners, medical and nongovernmental organization workers, and other civilians. The UN Assistance Mission in Afghanistan reported thousands of civilian casualties in the first nine months of the year due to clashes between government and antigovernment actors. Many of these casualties were attributed to antigovernment actors; however, the Taliban did not claim responsibility for civilian casualties. The Taliban referred to suicide attacks as “martyrdom operations.” The Taliban engaged in targeted killings of perceived opponents in areas controlled by the pre-August 15 government and in reprisal killings as it moved across the country. After August 15, senior Taliban leadership announced a wide-ranging general amnesty that prohibited reprisals, including against officials and others associated with the pre-August 15 government, for actions before the Taliban takeover; however, credible reports were received of retaliatory acts, including extrajudicial killings and forced disappearances, both before and after this announcement.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically**

## Motivated Killings

There were reports that the pre-August 15 government or its agents committed arbitrary or unlawful killings. The Attorney General's Office maintained a specialized office to investigate cases involving the Ministry of Interior and its agencies, including the Afghan National Police. The Ministry of Defense maintained its own investigation and prosecution authority at the primary and appellate level; at the final level, cases were advanced to the Supreme Court.

*Pajhwok News* reported that on April 9 security forces manning a checkpoint in Uruzgan Province shot and killed a 10-year-old boy as he passed through the area. The father called on authorities to arrest his son's killers and bring them to justice. There was no indication that authorities investigated the crime or brought charges against the officers involved.

Media published videos of Afghan National Defense and Security Forces (ANDSF) personnel allegedly killing a suspected Taliban sympathizer in Paktika on July 8 by forcing him to sit on an improvised explosive device (IED) and then detonating it. According to the reports, the suspected Taliban sympathizer was a local construction worker who was nearby when the IED was discovered. He was reportedly beaten by Afghan National Police and anti-Taliban militia members before being handed over to the ANDSF. According to the reports, a Defense Ministry spokesperson denied that the incident took place and called the videos "Taliban propaganda."

After August 15, there were numerous reports of reprisal killings by Taliban fighters as they consolidated control of the country. The UN Assistance Mission in Afghanistan (UNAMA) and Human Rights Watch (HRW) received credible reports of more than 100 individuals associated with the previous administration and its security forces as being killed, tortured, or disappeared following the Taliban leadership's August announcement of a general amnesty. Taliban leaders denied these incidents reflected an official policy and claimed many were attributed to personal disputes. According to BBC news, Taliban fighters executed two senior police officials – Haji Mullah Achakzai, the security director of Badghis Province and Ghulam Sakhi Akbari, security director of Farah Province.

A November report by HRW documented “the summary execution or enforced disappearance of 47 former members of the ANDSF – military personnel, police, intelligence service members, and paramilitary militia – those who had surrendered to or were apprehended by Taliban forces between August 15 and October 31, 2021.” Senior Taliban leaders declared a general amnesty and forbade reprisals, although reports persisted of local Taliban leaders engaging in such actions.

In November the Taliban conducted a crackdown in ISIS-K’s stronghold province of Nangarhar, reportedly sending more than 1,300 additional fighters. These fighters arrested, killed, or disappeared scores of suspected ISIS-K collaborators in the campaign. Sources in Nangarhar reported observing dozens of decapitated bodies of alleged ISIS-K sympathizers in the crackdown’s aftermath.

Thousands of those who worked for or supported the pre-August 15 government or foreign entities, as well as members of minority groups, sought to flee the country on or after August 15 due to fear of reprisals. Others left their homes to hide from Taliban conducting house-to-house searches for government officials. Unknown actors carried out numerous targeted killings of civilians, including religious leaders, journalists, and civil society advocates (see section 1.g.).

In March, three women working for a television station in Jalalabad were killed in two incidents. Mursal Wahidi was killed as she walked home while Sadia Sadat and Shahnaz were killed in a separate incident on the same night, also while returning home from work. ISIS-K militants claimed responsibility for the attacks.

On May 8, a car bomb attack outside the Sayed ul-Shuhuda school in Kabul resulted in 300 casualties – mostly schoolgirls – including 95 killed. No group claimed responsibility. The attack occurred in a western district of the capital where many residents are of the mostly Hazara ethnic community.

On September 4, Taliban gunmen killed a pregnant policewoman in front of her family, according to the victim’s son. She had worked in Ghor prison and was eight months pregnant when she died. The Taliban spokesperson denied the accusation.

## **b. Disappearance**

Both the pre-August 15 government security forces and the Taliban were responsible for forced disappearances.

UNAMA reported that the Taliban carried out abductions with 40 civilian casualties resulting from those abductions in the first six months of the year, a slight decrease from the same period in 2020 (see section 1.g.).

There were reports of enforced disappearances by the pre-August 15 government that included transnational transfers from the country to Pakistan, according to an August UN Human Rights Council report for the period of May 2020 to May 2021.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the 2004 constitution and law under the pre-August 15 government prohibited such practices, there were numerous reports that government officials, security forces, detention center authorities, and police committed abuses.

Nongovernmental organizations (NGOs) reported that the security forces of the pre-August 15 government used excessive force, including torturing and beating civilians. Despite legislation prohibiting these acts, independent monitors including UNAMA continued to report credible cases of torture in government detention centers.

There were numerous reports of torture and cruel, inhuman, and degrading punishment by the Taliban, ISIS-K, and other antigovernment groups. UNAMA reported that punishments carried out by the Taliban included beatings, amputations, and executions. The report showed that the Taliban held detainees in poor conditions and subjected them to forced labor.

On September 25, the Taliban hung a dead body in the central square in Herat and displayed another three bodies in other parts of the city. A Taliban-appointed district police chief in Herat said the bodies were those of four kidnappers killed by police that day while securing the release of two abductees.

On October 5, the Taliban hung the bodies of two alleged robbers in Herat, claiming they had been killed by residents after they attempted to rob a house.

Impunity was a significant problem in all branches of the pre-August 15 government's security forces. Accountability of National Directorate of Security (NDS), Afghan National Police (ANP), and Afghan Local Police (ALP) officials for torture and abuse was weak, not transparent, and rarely enforced. There were numerous reports that service members were among the most prevalent perpetrators of *bacha bazi* (the sexual and commercial exploitation of boys, especially by men in positions of power). In May the minister of justice and head of the Trafficking in Persons High Commission reported on government efforts to stop trafficking in persons and *bacha bazi*, providing a readout of investigations and prosecutions, but he listed no prosecutions of security officers. The pre-August 15 government did not prosecute any security officers for *bacha bazi*.

### **Prison and Detention Center Conditions**

Conditions in prisons run by the pre-August 15 government were harsh due to overcrowding, lack of sanitation, and limited access to medical services despite the heightened risk of COVID-19. The General Directorate of Prisons and Detention Centers (GDPDC), part of the Interior Ministry, was responsible for all civilian-run prisons (for both men and women) and civilian detention centers. The Ministry of Justice's Juvenile Rehabilitation Directorate was responsible for all juvenile rehabilitation centers. The NDS operated short-term detention facilities at the provincial and district levels, usually colocated with its headquarters facilities. The Ministry of Defense ran the Afghan National Detention Facilities at Parwan. There were credible reports of private prisons run by members of the ANDSF and used for abuse of detainees. The Taliban also maintained illegal detention facilities throughout the country prior to their takeover, with credible reports describing beatings at makeshift prisons.

**Physical Conditions:** Overcrowding in prisons continued to be a serious, widespread problem under the pre-August 15 government. According to UNAMA, in April at least 30 of 38 prisons nationwide had exceeded full capacity, with an average occupancy rate close to 200 percent. After the Taliban took over Kabul, many prisons were emptied as nearly all prisoners escaped or were



released. The two largest prisons – Pul-e-Charkhi in Kabul and Parwan at Bagram – remained largely empty as of December.

Pre-August 15 government authorities generally lacked the facilities to separate pretrial and convicted inmates or to separate juveniles according to the seriousness of the charges against them. Local prisons and detention centers did not always have separate facilities for female prisoners.

According to NGOs and media reports, pre-August 15 government authorities held children younger than age 15 in prison with their mothers, due in part to a lack of capacity of separate children's support centers. These reports documented insufficient educational and medical facilities for these minors.

Access to food, potable water, sanitation, heating, ventilation, lighting, and medical care in prisons varied throughout the country and was generally inadequate under the pre-August 15 government. The pre-August 15 GDPDC's nationwide program to feed prisoners faced a severely limited budget, and many prisoners relied on family members to provide food supplements and other necessary items.

Pre-August 15 authorities were not always able to maintain control of prisons. Dozens of prisoners escaped a Badghis central prison in July when the Taliban breached the province's capital city. The Taliban reportedly paid off prison employees to facilitate the escape of inmates. An estimated 5,000 Taliban militants were imprisoned in provincial capitals before the Taliban took over in July and August, all of whom were released by August 15. In addition to their own imprisoned fighters, the Taliban released thousands more from prisons like Parwan and Pul-e-Charkhi, including members of ISIS-K and al-Qa'ida.

The ISIS-K suicide bomber who carried out an attack at Kabul airport in late August killing dozens of local citizens (and 13 U.S. service members) was among the thousands of prisoners released by the Taliban from Parwan Prison at Bagram Air Base just 11 days before the bombing.

**Administration:** In the pre-August 15 government, authorities conducted some investigations of credible allegations of mistreatment. The law provides prisoners with the right to leave prison for up to 20 days for family visits. Most prisons did

not implement this provision, and the law is unclear in its application to different classes of prisoners.

**Independent Monitoring:** The Afghan Independent Human Rights Commission (AIHRC), UNAMA, and the International Committee of the Red Cross monitored pre-August 15 government ministries, including the Ministry of Interior, Ministry of Justice, Ministry of Defense, and NDS detention facilities. The NATO Resolute Support Mission monitored the NDS, the ANP, and Defense Ministry facilities until the start of the drawdown of NATO forces early in the year. Security constraints and obstruction by authorities occasionally prevented visits to some places of detention. UNAMA and the AIHRC reported difficulty accessing NDS places of detention when they arrived unannounced. The AIHRC reported NDS officials usually required the AIHRC to submit a formal letter requesting access at least one to two days in advance of a visit. NDS officials continued to prohibit AIHRC and UNAMA monitors from bringing cameras, mobile phones, recording devices, or computers into NDS facilities, thereby preventing AIHRC monitors from documenting physical evidence of abuse, such as bruises, scars, and other injuries.

After the Taliban takeover, the UN Security Council unanimously agreed on September 17 to renew the UNAMA mandate for another six months in an effort to continue its in-country activities, including strengthening capacity in the protection and promotion of human rights such as the protection of children affected by armed conflict and prevention of child soldier recruitment.

On September 18, the AIHRC stated their facilities and assets had been commandeered by Taliban forces, thereby rendering the commission unable to fulfill its duties to protect and monitor human rights in the country's prisons.

#### **d. Arbitrary Arrest or Detention**

The 2004 constitution in effect until the August 15 Taliban takeover prohibited arbitrary arrest and detention, but both remained serious problems. In the pre-August 15 period, authorities detained many citizens without respecting essential procedural protections. According to NGOs, law enforcement officers continued to detain citizens arbitrarily without clear legal authority or without regard to

substantive procedural legal protections. Local law enforcement officials reportedly detained persons illegally on charges that lacked a basis in applicable criminal law. In some cases authorities improperly held women in prisons because they deemed it unsafe for the women to return home or because women's shelters were not available to provide protection in the provinces or districts at issue (see section 6, Women). The law provided a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter, but authorities generally did not observe this stipulation.

There were reports throughout the year of impunity and lack of accountability by security forces by both the pre-August 15 government and the Taliban. According to observers, ALP and ANP personnel under the pre-August 15 government were largely unaware of their responsibilities and defendants' rights under the law because many officials were illiterate and lacked training. Independent judicial or external oversight of the NDS, Major Crimes Task Force, the ANP, and the ALP in the investigation and prosecution of crimes or misconduct was limited or nonexistent.

(See also section 1.g.)

### **Arrest Procedures and Treatment of Detainees**

UNAMA, the AIHRC, and other observers reported that, under both the pre-August 15 government and the Taliban, arbitrary and prolonged detention occurred throughout the country, including persons being detained without judicial authorization. Pre-August 15 government authorities often did not inform detainees of the charges against them.

Justice-sector actors and the public lacked widespread understanding and knowledge of the law in effect under the pre-August 15 government. The law details due-process procedures for the use of warrants, periods of detention, investigations, bail, and the arrest of minors. Special juvenile courts with limited capacity operated in a few provinces. Some women and children caught in the criminal justice system were victims rather than perpetrators of crimes. In the absence of sufficient shelters for boys, authorities detained abused boys, many of whom were victims of bacha bazi. Authorities often placed these abused boys in

juvenile rehabilitation centers because they faced violence should they return to their families, and no other shelter was available. Police and legal officials often charged women (but not the men who were involved) with intent to commit *zina* (sex outside marriage) to justify their arrest and incarceration for social offenses, such as running away from their husband or family, rejecting a spouse chosen by their families, fleeing domestic violence or rape, or eloping to escape an arranged marriage.

Authorities imprisoned some women for reporting crimes perpetrated against them and detained some as proxies for a husband or male relative convicted of a crime on the assumption the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent retributive violence by family members. They also employed protective custody (including placement in detention centers) for women who had experienced domestic violence, if no shelters were available to protect them from further abuse. The 2009 Elimination of Violence against Women (EVAW) presidential decree, commonly referred to as the EVAW law, obliged police to arrest persons who abuse women. Implementation and awareness of the EVAW law was limited, however.

On November 23, the Taliban's so-called prime minister Akhund instructed the Taliban to respect and protect the rights of detained persons under sharia, including by limiting the duration of detention. Still, UNAMA continued to receive reports of detainees not being brought before courts or dispute resolutions following this announcement.

**Arbitrary Arrest:** Under the pre-August 15 government, arbitrary arrest and detention remained a problem in most provinces. Observers reported some prosecutors and police detained individuals without charge for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion. Observers continued to report those detained for moral crimes were primarily women.

HRW reported that between August 15 and October 1, the Taliban arrested at least 32 journalists. Most were given warnings regarding their reporting and released,

but some were beaten. In a September 10 statement, the UN Office of the High Commissioner for Human Rights (OHCHR) stated that on September 7 and 8, the Taliban beat and detained protesters, including women, and up to 20 journalists, two of whom were beaten severely.

Between August 15 and December 14, UNAMA documented nearly 60 apparently arbitrary detentions, beatings, and threats of activists, journalists, and staff of the AIHRC, attributed to the Taliban.

There were reports throughout the country in July, August, and September of the Taliban conducting raids on homes and establishments and the detention of citizens as political reprisals, despite assurances from senior Taliban leaders beginning in August that nobody would be harmed and that they did not seek to take revenge. UNAMA documented 44 cases of temporary arrests, beatings, threats and intimidation between August 15 and December 31, 42 of which were attributed to the Taliban.

In November a former senior security official reported the deputy chief of the National Directorate of Security in Bamiyan, a former district police chief, the security chief of a copper mine, a former district governor, and a community activist had all been arrested by the Taliban and that their status and location were unknown.

The Afghanistan Journalists Center reported that Taliban security forces searched the home of independent television network owner Aref Nouri without a warrant on December 26 and took Nouri to an undisclosed location for two days. A Taliban spokesperson said that the detention was unrelated to Nouri's media activities.

Reports in October described Taliban-defined "law enforcement" as lacking in due-process protections, with citizens detained on flimsy accusations and treated harshly while in detention.

In November and December, Taliban intelligence officials targeted Ahmadi Muslims for arrest. According to reports from international Ahmadiyya organizations, the detainees were physically abused and coerced into making false "confessions of being members of ISIS-K." As of December the Taliban had

released some of the Ahmadis while others remained in detention. Some of the released minors reported that their release was conditioned upon “repenting” their Ahmadiyya beliefs and attending a Taliban-led madrassa every day.

**Pretrial Detention:** The constitution in effect under the pre-August 15 government provided a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter. Nevertheless, lengthy pretrial detention was a problem. Many detainees did not benefit from the provisions of the law because of a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The law provided that, if there is no completed investigation or filed indictment within the code’s 10-, 27-, or 75-day deadlines, judges must release defendants. Judges, however, held many detainees beyond those periods, despite the lack of an indictment.

#### **e. Denial of Fair Public Trial**

The constitution under the pre-August 15 government provided for an independent judiciary, but the judiciary was underfunded, understaffed, inadequately trained, largely ineffective, and subject to threats, bias, political influence, and pervasive corruption.

Judicial officials, prosecutors, and defense attorneys were often intimidated or corrupt. Corruption was considered by those surveyed by the World Justice Project 2021 report to be the most severe problem facing criminal courts.

Bribery and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency impaired judicial impartiality. Most courts administered justice unevenly, employing a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. Corruption was common in the judiciary, and often criminals paid bribes to obtain their release or a sentence reduction (see section 4).

Because the formal legal system often did not exist in rural areas, local elders and *shuras* (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes. They also imposed punishments without regard to the formal legal system. UNAMA and

NGOs reported several cases where perpetrators of violence against women that included domestic abuse reoffended after their claims were resolved by mediation.

In areas they controlled throughout the year, the Taliban enforced a judicial system devoid of due process and based on a strict interpretation of sharia. Punishments included execution and mutilation.

## **Trial Procedures**

The constitution under the pre-August 15 government provided the right to a fair and public trial, but the judiciary rarely enforced this provision. The administration and implementation of justice varied in different areas of the country. The government formally used an inquisitorial legal system. By law all citizens were entitled to the presumption of innocence, and the accused had the right to be present at trial and to appeal, although the judiciary did not always respect these rights. This law also required judges to provide five days' notice prior to a hearing, but judges did not always follow this requirement, and many citizens complained that legal proceedings often dragged on for years.

Under the pre-August 15 government, three-judge panels decided criminal trials, and there was no right to a jury trial under the constitution. Prosecutors rarely informed defendants promptly or in detail of the charges brought against them. Indigent defendants had the right to consult with an advocate or counsel at public expense; however, the judiciary applied this right inconsistently, in large part due to a severe shortage of defense lawyers and a lack of resources. Citizens were often unaware of their constitutional rights. Defendants and attorneys were entitled to examine physical evidence and documents related to a case before trial, although observers noted court documents often were not available for review before cases went to trial, despite defense lawyers' requests.

The pre-August 15 constitution stipulates that a translator appointed by the Court shall be provided if a party in a lawsuit does not know the language of the court proceeding, but it does not clearly indicate whether the court must pay for the translator.

By comparison, citizens all have the right to a fair trial, which includes both the right to defense counsel and the right to an interpreter or translator if needed. But

on defense counsel, the right to “free” and state-appointed counsel is limited to “indigent” defendants, not to ones who can otherwise afford to pay.

Prior to August 15, criminal defense attorneys reported the judiciary’s increased respect and tolerance for the role of defense lawyers in criminal trials, but defendants’ attorneys continued to experience abuse and threats from prosecutors and other law enforcement officials.

The law under the pre-August 15 government established time limits for the completion of each stage of a criminal case, from investigation through final appeal, when the accused was in custody. The law also permitted temporary release of the accused on bail, but this was rarely applied. The law provided for extended custodial limits in cases involving crimes committed against the internal and external security of the country. Courts at the Justice Center in Parwan Province regularly elected to utilize the extended time periods. If the judiciary did not meet the deadlines, the law required the accused be released from custody. Often courts did not meet these deadlines, but detainees nevertheless remained in custody.

In cases where no clearly defined legal statute applied, or where judges, prosecutors, or elders were unaware of the statutory law, judges and informal shuras enforced customary law. This practice often resulted in outcomes that discriminated against women.

According to HRW, the Taliban established its own courts in areas under its control prior to August 15 that relied on religious scholars to adjudicate cases or at times referred cases to traditional dispute resolution mechanisms. Taliban courts prior to August 15 included district-level courts, provincial-level courts, and a *tamiz*, or appeals court, located in a neighboring country.

According to HRW, the Taliban “justice system” was focused on punishment, and convictions often resulted from forced confessions in which the accused was abused or tortured. At times the Taliban imposed corporal punishment for serious offenses, or *hudud* crimes, under an interpretation of sharia.

In October the Taliban appointed a new “chief justice” but largely retained members of the pre-August 15 government’s judicial bureaucracy and appeared to



maintain many related processes. The “chief justice” was quoted in October as stating that the Taliban would follow the country’s 1964 constitution with modifications for Islamic principles. The Taliban have not subsequently elaborated on this statement, and it remained unclear the degree to which prior elements of the legal system and constitution remain in effect. Reports described the Taliban’s approach to law enforcement as lacking procedural protections, and many Taliban fighters were undisciplined and frequently detained on criminal charges. At least 60 Taliban militants were reportedly held in a section of Pul-e-Charkhi Prison after August 15 for crimes such as raiding homes at night and robbery, according to one news report.

On November 22, the Taliban issued a decree declaring that the Afghanistan Independent Bar Association would come under control of the Ministry of Justice. On November 23, more than 50 armed Taliban gunmen forcibly took over the organization’s headquarters and ordered staff to stop their work. Taliban Acting “Justice Minister” Abdul Hakim declared that only Taliban-approved lawyers could work in their Islamic courts, effectively revoking the licenses of approximately 2,500 lawyers.

### **Political Prisoners and Detainees**

There were no reports the pre-August 15 government held political prisoners or political detainees.

The Taliban detained government officials, individuals alleged to be spying for the pre-August 15 government, and individuals alleged to have associations with the pre-August 15 government.

**Amnesty:** In August the Taliban announced a general amnesty for those who worked for or were associated with the pre-August 15 government and those who had fought against the Taliban, saying they had been pardoned. Nonetheless, there were numerous reported incidents of Taliban reprisal killings throughout the year (see section 1.a.).

### **Civil Judicial Procedures and Remedies**

Corruption and limited capacity restricted citizen access to justice for

constitutional and human rights abuses. Prior to August, citizens could submit complaints of human rights abuses to the AIHRC, which reviewed and submitted credible complaints to the Attorney General's Office for further investigation and prosecution. Some female citizens reported that when they approached government institutions with a request for service, government officials, in turn, demanded sexual favors as a quid pro quo.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law under the pre-August 15 government prohibited arbitrary interference in matters of privacy, but authorities did not always respect its provisions. The law contained additional safeguards for the privacy of the home, prohibiting night arrests, requiring the presence of a female officer during residential searches, and strengthening requirements for body searches. The government did not always respect these prohibitions.

Pre-August 15, government officials entered homes and businesses of civilians forcibly and without legal authorization. There were reports that government officials monitored private communications, including telephone calls and other digital communications, without legal authority or judicial warrant.

Likewise, numerous reports since August indicated that the Taliban entered homes and offices forcibly to search for political enemies and those who had supported the NATO and U.S. missions. On December 29, the Taliban's "interim minister for the propagation of virtue and the prevention of vice" decreed all Taliban forces would not violate anyone's privacy, including unnecessary searches of phones, homes, and offices, and that any personnel who did would be punished.

#### **g. Conflict-related Abuses**

Internal conflict that continued until August 15 resulted in civilian deaths, abductions, prisoner abuse, property damage, displacement of residents, and other abuses. The security situation deteriorated largely due to successful insurgent attacks by the Taliban and terrorist attacks by ISIS-K. ISIS-K terrorist attacks continued to destabilize the country after August 15, and Taliban efforts to defeat

the terrorist group resulted in numerous violent clashes. According to UNAMA, actions by nonstate armed groups, primarily the Taliban and ISIS-K, accounted for most civilian deaths although civilian deaths decreased dramatically following the Taliban's territorial takeover in August.

**Killings:** UNAMA counted 1,659 civilian deaths due to conflict from January 1 to June 30, and 350 from August 15 to December 31. Pro-Islamic Republic forces were responsible for 25 percent of pre-August 15 civilian casualties: 23 percent by the ANDSF, and 2 percent by progovernment armed groups such as militias. Antigovernment elements were responsible for 64 percent of the total pre-August 15 civilian casualties: 39 percent by the Taliban, 9 percent by ISIS-K, and 16 percent by undetermined antigovernment elements. UNAMA attributed 11 percent of pre-August 15 civilian casualties to “cross fire” during ground engagements where the exact party responsible could not be determined and other incident types, including unattributable unexploded ordnance and explosive remnants of war.

During the year antigovernment forces, including the Taliban, carried out numerous deadly attacks against religious leaders, particularly those who spoke out against the Taliban. Many progovernment Islamic scholars were killed in attacks for which no group claimed responsibility. On January 24, unidentified gunmen shot and killed Maulvi Abdul Raqeeb, a religious scholar, imam, and teacher. On March 3, Kabul University professor and religious scholar Faiz Mohammad Fayez was shot and killed on his way to morning prayers. On March 31, the ulema council chief in northern Takhar Province, Maulvi Abdul Samad Mohammad, was killed in a bomb blast when an explosive attached to his vehicle detonated.

On May 8, an elaborate coordinated attack on Sayed ul-Shuhuda girls' school in Kabul deliberately targeted its female students in a mostly Hazara neighborhood, killing at least 90 persons, mostly women and girls. The Taliban denied responsibility, but the pre-August 15 government blamed the killings on the Taliban, calling the action “a crime against humanity.”

On June 12, a religious scholar in Logar Province, Mawlawi Samiullah Rashid, was abducted and killed by Taliban gunmen, according to a local Logar government official. In June, according to NGO HALO Trust, gunmen attacked a compound in Baghlan Province killing 10 de-miners. ISIS-K claimed

responsibility for the attack in which there were indications the gunmen may have sought to target Hazaras specifically. Taliban fighters killed nine ethnic Hazara men from July 4 to 6 after taking control of Ghazni Province, according to Amnesty International. On July 22, the Taliban executed a popular comedian from Kandahar, Nazar Mohammad, after beating him, according to HRW. After a video of two men slapping and abusing him appeared in social media, the Taliban admitted that two of their fighters had killed him.

A former police chief of Kandahar and a member of the High Council on the National Reconciliation on August 4 stated that the Taliban had killed as many as 900 individuals in Kandahar Province in the preceding six weeks.

On August 24, Michelle Bachelet, UN high commissioner for human rights, stated during the 31st Special Session of the Human Rights Council that her office received credible reports of serious violations of international humanitarian law and human rights abuses in many areas under effective Taliban control.

An ISIS-K suicide bombing outside the Kabul Airport on August 26 killed more than 180 persons, including 169 civilians in a large crowd seeking to flee the country. ISIS-K claimed responsibility for the attack.

Taliban fighters allegedly engaged in killings of Hazaras in Daykundi Province on August 30; the Taliban denied the allegations.

On September 6, Taliban fighters in Panjshir reportedly detained and killed civilians as a part of their offensive to consolidate control over the province. Reports of abuses remained unverified due to a Taliban-imposed blackout on internet communications in the province. According to Amnesty International, on the same day, the Taliban conducted door-to-door searches in the village of Urmaz in Panjshir to identify persons suspected of working for the pre-August 15 government. Taliban fighters executed at least six civilian men, with eyewitnesses saying that most had previously served in the ANSDF, but none were taking part in hostilities at the time of the execution.

Antigovernment groups regularly targeted civilians, including using IEDs to kill or maim them. UNAMA reported the use of nonsuicide IEDs by antigovernment elements as the leading cause of civilian casualties in the first six months of the

year.

A bomb attack targeting Taliban leadership at a mosque in Kabul on October 3 killed at least five civilians at the memorial service for the mother of Taliban spokesperson Zabiullah Mujahid.

ISIS-K launched several attacks on mosques in October. The attacks targeted the Shia community, killing dozens of worshipers in Kunduz, Kandahar. No group claimed responsibility for two attacks on December 10 in western Kabul targeting predominantly Shia Hazara neighborhoods.

On November 2, ISIS-K suicide blasts and gunfire at the main military hospital in Kabul left at least 20 persons dead and dozens more injured.

On November 3, the UN special rapporteur on human rights defenders and 11 other thematic UN special rapporteurs stated that Afghan human rights defenders were under direct threat by the Taliban, including gender-specific threats against women, beatings, arrests, enforced disappearances, and killings. The report noted that defenders described living in a climate of constant fear, with the most at-risk groups being defenders documenting alleged war crimes; women defenders, in particular criminal lawyers; cultural rights defenders; and defenders from minority groups. The Taliban raided the offices of human rights and civil society organizations, searching for the names, addresses, and contacts of employees, according to the report.

According to the UN secretary-general's report on the situation in the country, eight civil society activists were killed (three by the Taliban, three by ISIS-K, and two by unknown actors between August and December 31).

**Abductions:** The UN secretary-general's *2020 Children and Armed Conflict Report*, released in June, cited 54 verified incidents of the Taliban abducting children. Of those, 42 children were released, four were killed, and the whereabouts of eight children remained unknown.

**Child Soldiers:** Under the pre-August 15 government's law, recruitment of children in military units carried a penalty of six months to one year in prison. The *Children and Armed Conflict Report* verified the recruitment and use of 196 boys,

of whom 172 were attributed to the Taliban and the remainder to pre-August 15 government or progovernment forces. Children were used in combat, including attacks with IEDs. Nine boys were killed or injured in combat. Insurgent groups, including the Taliban and ISIS-K, used children in direct hostilities, to plant and detonate IEDs, carry weapons, surveil, and guard bases. The Taliban recruited child soldiers from madrassas in the country and Pakistan that provide military training and religious indoctrination, and it sometimes provided families cash payments or protection in exchange for sending their children to these schools. UNAMA verified the recruitment of 40 boys by the Taliban, the ANP, and progovernment militias half in the first half of the year. In some cases the Taliban and other antigovernment elements used children as suicide bombers, human shields, and to place IEDs, particularly in southern provinces. Media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers. UNAMA reported the ANDSF and progovernment militias recruited and used 11 children during the first nine months of the year, all for combat purposes. Media reported that local progovernment commanders recruited children younger than age 16. NGOs reported security forces used child soldiers in the practice of bacha bazi.

The country remained on the Child Soldiers Prevention Act List in the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

The pre-August 15 government's Ministry of Interior took steps to prevent child soldier recruitment by screening for child applicants at ANP recruitment centers, preventing 187 child applicants from enrolling in 2020. The pre-August 15 government operated child protection units (CPUs) in all 34 provinces; however, some NGOs reported these units were not sufficiently equipped, staffed, or trained to provide adequate oversight. The difficult security environment in most rural areas prevented oversight of recruitment practices at the district level; CPUs played a limited oversight role in recruiting. Recruits underwent an identity check, including an affidavit from at least two community elders that the recruit was at least 18 years old and eligible to join the ANDSF. The Ministries of Interior and Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANDSF. Media reported that in some cases ANDSF units used

children as personal servants, support staff, or for sexual purposes. Pre-August 15 government security forces reportedly recruited boys specifically for use in bacha bazi in every province of the country.

While the pre-August 15 government protected trafficking victims from prosecution for crimes committed because of being subjected to trafficking, there were reports the government treated child former combatants as criminals as opposed to victims of trafficking. Most were incarcerated alongside adult offenders without adequate protections from abuse by other inmates or prison staff.

See also the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

**Other Conflict-related Abuse:** After the August 15 Taliban takeover, there were fewer security and security-related incidents throughout the rest of the year. According to UNAMA, between August 19 and December 31, the United Nations recorded 985 security-related incidents, a 91 percent decrease from the same period in 2020. Security incidents also dropped significantly as of August 15 from 600 to less than 100 incidents per week. Available data indicated that armed clashes also decreased by 98 percent as of August 15 from 7,430 incidents to 148; airstrikes by 99 percent from 501 to three; detonations of IEDs by 91 percent from 1,118 to 101; and killings by 51 percent from 424 to 207.

The security environment continued to make it difficult for humanitarian organizations to operate freely in many parts of the country through August. Violence and instability hampered development, relief, and reconstruction efforts throughout the year. Prior to August 15, insurgents, such as the Taliban, targeted government employees and aid workers. NGOs reported insurgents, powerful local elites, and militia leaders demanded bribes to allow groups to bring relief supplies into their areas and distribute them. After the Taliban takeover, a lack of certainty regarding rules and the prevalence of conservative cultural mores in some parts of the country restricted operation by humanitarian organizations.

The period immediately following the Taliban takeover in mid-August was marked by general insecurity and uncertainty for humanitarian partners as Taliban operations included searches of NGO office premises, some confiscation of assets

and investigation of activities. According to UNAMA, challenges to humanitarian access increased from 1,104 incidents in 2020 to 2,050 incidents during the year, the majority occurring in the pre-August 15 period at the height of fighting between the Taliban and government forces.

The cessation of fighting was associated with a decrease in humanitarian access challenges with only 376 incidents reported between September 17 and December 17, according to UNAMA. The initial absence of a clear Taliban policy on humanitarian assistance; lack of awareness of the humanitarian principles of humanity, neutrality, impartiality, and independence; sweeping albeit varied restrictions on women in the workplace; access problems; and banking challenges were also significant impediments to aid groups' ability to scale up response operations.

After mid-August, geographic access by humanitarian implementing partners improved significantly, allowing access to some rural areas for the first time in years. Taliban provincial and local leaders expressed willingness to work with humanitarian partners to address obstacles to the principled delivery of humanitarian assistance. In September the Taliban provided written and oral assurances to humanitarian partners and increasingly facilitated access for the provision of humanitarian goods and services from abroad and within the country. Nonetheless, impediments to the full participation of women in management, delivery, and monitoring of humanitarian assistance programs remained a concern.

In October a Taliban official reportedly declared a prominent U.S.-based humanitarian aid organization an "enemy of the state." Taliban forces occupied the organization's Kabul offices, seized their vehicles, and warned that NDS officials were determined to "punish" the organization on alleged charges of Christian proselytization. Faced with mounting hostility and threats to arrest staff, the organization suspended its operations. The organization's Kabul offices remained occupied by the Taliban.

In its campaign leading up to the August 15 takeover, the Taliban also attacked schools, radio stations, public infrastructure, and government offices. An explosives-laden truck destroyed a bridge in Kandahar's Arghandab district on March 23. While the blast inflicted no casualties, part of the bridge used to



connect the district with Kandahar city was destroyed. Sediq Sediqqi, Ghani's deputy minister of interior affairs for strategy and policies, accused the Taliban of destroying the bridge, which Taliban spokesperson Mujahid denied.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of speech, including for the press, but the pre-August 15 government sometimes restricted this right. Following August 15, the Taliban used force against protesters and journalists and suppressed political discussion and dissent. Journalists reported a chilling effect on free speech and press in the country as a result of the Taliban's policies, particularly following media reports of torture of two local journalists covering women's protests after the Taliban takeover. The Taliban announced restrictive media regulations in September and additional guidelines in November, in line with the Taliban's strict interpretation of sharia.

**Freedom of Expression:** The constitution provided for freedom of speech under the pre-August 15 government. There were reports that the pre-August 15 government officials at times used pressure, regulations, and threats to silence critics. Criticism of the pre-August 15 government was regular and generally free from restrictions, but criticism of provincial governments was more constrained, where local officials and power brokers exerted significant influence and authority to intimidate or threaten their critics, both private citizens and journalists.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Prior to the Taliban's takeover, independent media were active and expressed a wide variety of views. Implementation of a law that provides for public access to government information remained inconsistent, and media reported consistent failure by the pre-August administration to meet the requirements of the law. Pre-August 15 government officials often restricted media access to official government information or simply ignored requests for information. UNAMA, HRW, and Reporters without Borders reported the government did not fully implement the law, and therefore journalists often did not

receive access to information they sought. Furthermore, journalists stated pre-August 15 government sources shared information with only a few media outlets.

On September 16, Reporters Without Borders said that 103 journalists signed a joint statement asking the international community to take urgent action to help protect press freedom in the country. The journalists pled for international action to guarantee the protection of female journalists who sought to continue their work, resources for local media outlets to remain open, and material assistance for those who have fled abroad.

Reporters Without Borders and the Afghan Independent Journalists Association reported that approximately 200 media outlets have shut down, leaving almost 60 percent of journalists unemployed. Various factors, including financial constraints, fear, and departure of staff, also contributed to closures.

**Violence and Harassment:** Pre-August 15 government officials and private citizens used threats and violence to intimidate independent and opposition journalists, particularly those who spoke out against impunity, crimes, and corruption by powerful local figures. The Taliban insurgency continued to threaten, attack, and kill journalists and media organizations. The Taliban warned media would be targeted unless they stopped broadcasting what it called “anti-Taliban statements.” Increased levels of insecurity until August 15 created a dangerous environment for journalists, even when they were not the specific targets of violence. Media advocacy groups reported that many female journalists worked under pseudonyms in both print and social media to avoid recognition, harassment, and retaliation, especially after the Taliban takeover in August.

Many media workers fled to safe havens starting in January after the Taliban launched a campaign of violence against journalists in late 2020, as reported by UNAMA and independent media. Taliban violence continued to escalate against journalists throughout the year, and frequent reports of attacks continued after their occupation of the country in August. According to the UNESCO observatory of killed journalists, seven journalists were killed between January 1 and August 8, including four women.

On January 1, gunmen in Ghor Province opened fire on the car of journalist

Bismillah Adil, killing him in an attack for which no one has claimed credit. On February 25, gunmen stormed Adil's family home and killed three of his family members and wounded five children.

On June 3, unidentified assailants in Kabul detonated an explosive device attached to a van in which Ariana News TV Kabul anchor Mina Khairi was a passenger, killing her and two family members. An Ariana News TV manager said other station employees had received threats.

In response to increased concern regarding the targeting of journalists following the Taliban's takeover in August, the UN Human Rights Council held an emergency session, and a group of UN human rights experts convened to issue a statement through the OHCHR. On September 3, the statement called on all member states to provide urgent protection to Afghan journalists and media workers who fear for their lives and are seeking safety abroad. Many of those journalists who remained in the country ceased their work and reported living in hiding to avoid targeted attacks. According to an al-Jazeera report in October, more than 30 instances of violence and threats of violence were reported by the Afghanistan National Journalists Union. Many journalists fled the provinces to Kabul and others departed the country.

Journalists faced the threat of harassment and attack by ISIS-K, the Taliban, and pre-August 15 government-linked figures attempting to influence how they were covered in the news. With the Taliban takeover of the country, the Committee for the Protection of Journalists (CPJ) in September reported numerous instances of Taliban physical violence against and detention of journalists, warning that an entire generation of reporters was at risk in the country.

On September 7, Taliban fighters detained a freelance photographer after he covered a protest in the western city of Herat, according to the Committee to Protect Journalists. At the end of the year, he had not been released.

On September 8, according to the CPJ, the Taliban detained and later released at least 14 journalists covering protests in Kabul. According to media sources, at least nine of the journalists were subjected to violence during their arrests or detention.

On September 18, an unidentified man shot journalist Mohammad Ali Ahmadi after accusing him of working for an “American radio station.” Ahmadi, a reporter and editor with national radio broadcaster Salam Watandar in Kabul, was shot twice in the leg and hospitalized.

CPJ reported in October that Taliban fighters assaulted at least three journalists covering a women’s protest in Kabul for demanding “work, bread, and education.” The fighters also attacked a photographer working with a French news agency, who captured some of the violence on camera.

According to UNAMA, two journalists were killed after August 15 – one by the ISIS-K and another by unknown actors.

**Censorship or Content Restrictions:** Media observers claimed journalists reporting on administrative corruption, land embezzlement, and local officials’ involvement in narcotics trafficking engaged in self-censorship due to fear of violent retribution by provincial police officials and powerful families. Most requests for information from journalists who lacked influential connections inside the pre-August 15 government or international media credentials were disregarded, and government officials often refused to release information, claiming it was classified.

On September 19, the Taliban issued a set of 11 media directives including a requirement that media outlets prepare detailed reports in coordination with the new “governmental regulatory body.” The directives prohibit media from publishing reports that are “contrary to Islam,” “insult national figures,” or “distort news content.” The directives also included prohibitions on “matters that could have a negative impact on the public’s attitude or affect morale should be handled carefully when being broadcast or published.” Journalists in Kabul reported being turned away from covering events of interest and being told to obtain individual permits from local police stations with jurisdiction over the area of reporting activity.

Tolo TV, a commercial television station broadcasting programming through major cities across the country, scaled back programming in September in an act of self-censorship with the Tolo TV CEO, saying, “we had to sacrifice music for

survival,” with the process of self-censorship entailing the elimination of Turkish soap operas, adding programming featuring women scarved, and replacing musical programming with religious chants.

Journalists called the restriction and censorship of information by the Taliban the primary obstacle to reporting and said many media organizations stopped their activities in an act of self-censorship after the collapse of the pre-August 15 government.

The Taliban’s Ministry for the Promotion of Virtue and Prevention of Vice announced eight restrictive “religious guidelines” on November 21, including one recommending that women should not appear in television dramas or entertainment programs and another indicating that female journalists should wear head coverings. As of December the guidelines were not being enforced consistently.

**Libel/Slander Laws:** The pre-August 15 government’s laws prescribed prison sentences and fines for defamation. Pre-August 15 authorities sometimes used defamation as a pretext to suppress criticism of government officials.

**National Security:** Journalists complained pre-August 15 government officials frequently invoked the national interest exception in the relevant law to avoid disclosing information.

**Nongovernmental Impact:** Throughout the year some reporters acknowledged they avoided criticizing the Taliban and some neighboring countries in their reporting because they feared Taliban retribution. Insurgent groups coerced media agencies in insecure areas to prevent them from broadcasting or publishing advertisements and announcements of the security forces, entertainment programming, music, and women’s voices.

Women in some areas of the country said their freedom of expression in choice of attire was limited by conservative social mores and sometimes enforced by the Taliban in insurgent-controlled areas as well as by religious leaders.

## **Internet Freedom**

The pre-August 15 government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Media outlets and activists routinely used social media to discuss political developments, and Facebook was widely used in urban areas. The Taliban used the internet and social media to spread its messages.

There were many reports of Taliban attempts to restrict access to information.

During its offensive on Panjshir in August and September, the Taliban shut down the internet in the province to restrict the transmission of information regarding fighting and communication between residents and the outside world. Reports indicated that, with limited exceptions in the days before the Taliban seized control in Kabul, access to the internet remained available throughout the country, including access to social media and messaging apps such as Twitter and WhatsApp. On September 9, the Taliban reportedly turned off internet service in parts of Kabul following a series of large anti-Taliban and anti-Pakistan street demonstrations.

Human rights groups encouraged human rights defenders to delete or modify their online presence to minimize the risk that the Taliban would link them to the former regime or NATO forces.

## **Academic Freedom and Cultural Events**

Academic freedom was largely exercised under the pre-August 15 government. In addition to public schooling, there was growth in private education, with new universities enjoying full autonomy from the government. Both government security forces and the Taliban took over schools to use as military posts.

The expansion of Taliban control in rural areas before the group's takeover left an increasing number of public schools outside of pre-August 15 government control. The Taliban operated an "education commission" in parallel to the pre-August 15 Ministry of Education. Although their practices varied among areas, some schools

under Taliban control reportedly allowed teachers to continue teaching but banned certain subjects and replaced them with Islamic studies; others provided only religious education, and only for male students.

In September the Taliban announced it would review subjects to be taught to ensure compliance with the Taliban interpretation of sharia, while also committing in October and November not to change the curriculum to a madrassa-style education. Public universities did not open for the academic year starting in September and remained closed as of December.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights; however, the pre-August 15 government limited these freedoms in some instances. The Taliban generally did not respect freedom of peaceful assembly and association, although they allowed some limited protests and demonstrations to take place without interference.

### **Freedom of Peaceful Assembly**

The pre-August 15 government generally respected citizens' right to demonstrate peacefully. Numerous public gatherings and protests took place during the year; however, police sometimes fired live ammunition into the air when attempting to break up demonstrations. On January 29, at least 10 civilians were killed and 20 others injured when police fired upon a protest in the Behsud district of Maidan Wardak Province, according to *Etilaatroz* news. The Ministry of Interior stated the protesters were armed. On June 8, the Badakhshan Province governor allegedly ordered police to shoot demonstrators who had entered the governor's compound, resulting in four deaths.

Protests and rallies were also vulnerable to attacks by ISIS-K and the Taliban. The August Taliban takeover prompted numerous, small-scale protests by women demanding equal rights, participation in government, and access to education and employment. Taliban fighters suppressed several women's protests by force.

In the weeks immediately following the August 15 Taliban takeover, several

peaceful protests were staged in cities throughout the country, primarily by women activists, without interference by the Taliban. Further protests were increasingly met with resistance and violence by the Taliban, however, and as of December the Taliban suppressed protests against the group and its policies.

On September 5, a march by dozens of women towards the presidential palace calling for the right to work was broken up by the Taliban with tear gas and pepper spray. In a similar incident three days later in Kabul, the Taliban reportedly used whips and batons to suppress a group of women demonstrating for equal rights. On September 8, the Taliban issued instructions banning unauthorized assemblies, motivating civil society, particularly women, to shift their efforts behind closed doors and to online platforms. The UN Human Rights Commission stated on September 10 that peaceful protests in many parts of the country were met with an increasingly violent response by the Taliban after their takeover. The Taliban frequently used force to suppress protests, including firing live ammunition overhead to disperse crowds.

### **Freedom of Association**

The constitution provided for the right to freedom of association, and the pre-August 15 government generally respected it. The pre-August 15 government's law on political parties required political parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. The same law prohibited employees and officials of security and judicial institutions, specifically the Supreme Court, Attorney General's Office, Ministry of Interior, Ministry of Defense, and NDS, from political party membership. Noncompliant employees were subject to dismissal.

After August 15, the Taliban generally did not respect freedom of association.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.



#### **d. Freedom of Movement and the Right to Leave the Country**

The pre-August 15 government's law provided for freedom of internal movement, foreign travel, emigration, and repatriation. The pre-August 15 government generally respected these rights. The Taliban generally respected these rights for citizens with sufficient identity documentation, including passports, but they prevented certain political figures associated with previous administrations from travelling abroad. Restrictions were also placed on women's in-country movements.

**In-country Movement:** The pre-August 15 government generally did not restrict the right to freedom of movement within the borders of the country. Social custom limited women's free movement in some areas without a male family member's consent or a male relative chaperone (*mahram*). Prior to August 15, the greatest barrier to movement in some parts of the country remained the lack of security. Taxi, truck, and bus drivers reported security forces and insurgents sometimes operated illegal checkpoints and extorted money and goods from travelers. Prior to August 15, the Taliban regularly blocked highways completely or imposed illegal taxes on those who attempted to travel.

Through the year, Taliban checkpoints increasingly dotted the main highways leading in and out of Kabul, since many outposts were abandoned by pre-August 15 government security forces. Media workers and officials of the pre-August 15 government avoided in-country travel because they feared being identified by the Taliban and subjected to reprisals.

After the Taliban takeover in August, intercity travel was generally unobstructed. On December 26, the Taliban announced that women could not engage in long-distance travel without a mahram. Within populated areas, women could move more freely, although there were increasingly frequent reports of women without a mahram being stopped and questioned.

**Foreign Travel:** The country's neighbors closed land borders to regular traffic after the Taliban takeover of Kabul in August, and travel by air decreased significantly due to capacity constraints and lack of functionality at the country's airports. The Taliban stated they do not want citizens to leave the country but that

those with foreign travel authorization and required documentation would be allowed to depart; Taliban leaders stated the right to travel is guaranteed by Islam. Enforcement of these “regulations” was inconsistent. Citizens with passports and visas for third countries were generally permitted to depart the country, and Pakistan was allowing pedestrians from Kandahar Province to cross into Pakistan and back for trade and day labor using only identity cards. The Taliban prevented certain political figures associated with previous administrations from travelling abroad due to concerns regarding possible political activities abroad. After August 15, most airlines flying commercial routes to and from Kabul International Airport cancelled flights, although Afghan airlines (Ariana and Kam) continued to fly commercial routes. Damaged equipment at Kabul International Airport limited aircraft takeoffs and landings to daylight hours under visual flight rules, which also required clear weather; these limitations made insurance costs for airlines prohibitive to operate and prevented the return of many commercial routes that existed prior to August 15.

In October the Taliban stated they would resume issuing passports, ending a months-long suspension that had diminished the limited ability of citizens to depart the country. According to local media, more than 170,000 passport applications received in August and September remained unadjudicated as of December 31. In December the Taliban announced that passport offices had opened in 25 provinces. Anecdotal reports suggested passports were not always issued impartially but rather reserved for individuals whom the Taliban deemed “unproblematic” or who could pay substantially higher prices for the passport. Some individuals associated with the previous administration reported being detained and beaten following their visit to passport offices.

In October Taliban authorities closed the Chaman-Spin Boldak border crossing into Pakistan. After a 27-day closure, the crossing reopened to pedestrians and trade. After the reopening, Pakistan reportedly permitted Kandahar *tazkira* (national identification card) holders – as well as individuals with medical reasons but without documentation – to cross the border.

## **e. Status and Treatment of Internally Displaced Persons**

Internal population movements continued because of armed conflict and natural

disasters, including avalanches, flooding, and landslides. The Office of the UN High Commissioner for Refugees (UNHCR) stated that widespread intense fighting between pre-August 15 government security forces and the Taliban between May and August forced approximately 250,000 citizens to flee their homes. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated a total of 669,682 persons were displaced between January and December 19, of whom 2 percent were displaced following August 15. Most internally displaced persons (IDPs) left insecure rural areas and small towns to seek relatively greater safety and government services in larger towns and cities in the same province. UNHCR estimated that 158,000 displaced persons returned home since fighting subsided following the Taliban takeover in August.

Limited humanitarian access due to the poor security situation caused delays in identifying, assessing, and providing timely assistance to IDPs, who continued to lack access to basic protection, including personal security and shelter. Many IDPs, especially in households with a female head, faced difficulty obtaining basic services because they did not have identity documents. Many IDPs in urban areas reportedly faced discrimination, lacked adequate sanitation and other basic services, and lived at constant risk of eviction from illegally occupied displacement sites, according to the Internal Displacement Monitoring Center. Women in IDP sites reported high levels of domestic violence. Limited opportunities to earn a livelihood following the initial displacement often led to secondary displacement, making tracking of vulnerable persons difficult. Even IDPs who had access to local social services sometimes had less access than their non-IDP neighbors, due to distance from the services or other factors.

Protection concerns were increasingly reported to humanitarian partners, with growing protection needs for persons with disabilities, the elderly, female-headed households, and sexual and gender minorities. By October, food shortages and lack of access to basic services contributed to a widespread humanitarian crisis, with millions of individuals lacking basic life necessities as the country faced the onset of winter. The economic and liquidity crisis since the Taliban takeover, lower agricultural yield due to drought conditions, unreliable electricity supply and deteriorating infrastructure, and the continuing COVID-19 pandemic all combined to worsen the humanitarian crisis.

## **f. Protection of Refugees**

The pre-August 15 government cooperated with UNHCR, the International Organization for Migration (IOM), and other humanitarian organizations to provide protection and assistance to IDPs, returning refugees, and other persons of concern. The Taliban has cooperated to a limited extent with UNHCR, the IOM, or other humanitarian organizations. On September 13, UN Refugee Commissioner Filippo Grandi visited the country and met with the Taliban's so-called interim minister of refugees and repatriation affairs Khalil-ur-Rahmen Haqqani. In an interview with the *Washington Post*, Grandi noted that humanitarian access had increased since August due to the cessation of hostilities and improved security.

**Access to Asylum:** The pre-August 15 government did not create a legal and programmatic framework for granting asylum or refugee status and had not established a legal framework for providing protection to refugees. Since the takeover, the Taliban also have not created a legal and programmatic framework for granting of asylum or refugee status.

**Abuse of Migrants and Refugees:** The pre-August 15 government's ability to assist vulnerable persons, including returnees from Pakistan and Iran, remained limited, and it continued to rely on the international community for assistance. The Taliban's "Ministry of Refugees and Repatriation Affairs" repatriated approximately 4,000 IDPs to their communities of origin, although the IOM estimated there were more than five million IDPs in the country. "Interim Minister" Khalil Haqqani told al-Jazeera that the Taliban had a plan to return all IDPs to their homes, assist in repairing damaged homes, and designate provincial support zones to assist returnees.

The IOM estimated that all returning migrants required humanitarian assistance. Between January and September, the IOM recorded a total of 866,889 undocumented Afghans returning or being deported from Iran and Pakistan. In the same time period, the IOM recorded 40,089 assisted returnees. UNHCR reported the number of registered refugees returning remained lower than in 2020, mainly due to the Taliban takeover. The country lacked the capacity to reintegrate successfully large numbers of returnees due to continuing insecurity, poor

development, and high unemployment, exacerbated by COVID-19. Insecurity and lack of services meant most recent returnees could not return to their places of origin. While numbers of deportations or spontaneous voluntary returns were trending upwards, the seizure of Kabul by the Taliban in August disrupted accurate tracking of returnees.

### **g. Stateless Persons**

NGOs noted the lack of official birth registration for refugee children in the country as a significant problem and protection concern, due to the risk of statelessness and potential long-term disadvantage.

## **Section 3. Freedom to Participate in the Political Process**

The 2004 constitution provides citizens the opportunity to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The right to vote may be stripped for certain criminal offenses. Violence from the Taliban and other antigovernment groups interfered with, but did not prevent, the most recent presidential election, held in 2019. In September, after the Taliban takeover, the Taliban's so-called chief justice was quoted as saying that the country would follow the 1964 Constitution with modifications until it drafted a replacement document. There was no further clarification, leaving uncertain whether there would be future elections or other democratic processes. The Taliban announced on December 27 that it was disbanding the Independent Election Commission, the Electoral Complaints Commission, and the Ministry of Parliamentary Affairs, stating they were "unnecessary for current conditions."

### **Elections and Political Participation**

**Recent Elections:** Elections were last held in 2019, and President Ghani's second five-year term began in April 2020. President Ghani fled the country on August 15 as the Taliban approached Kabul. First Vice President Amrullah Saleh under President Ghani announced a government in exile in September. In September the Taliban's spokesperson said future elections would be considered in the process of establishing a new constitution.

**Political Parties and Political Participation:** Under the pre-August 15

government, the constitution granted parties the right to exist as formal institutions. The law provided that any citizen 25 years old or older may establish a political party. The same law required parties to have at least 10,000 members nationwide to register with the Ministry of Justice, conduct official party business, and introduce candidates in elections. Only citizens 18 years old or older and who have the right to vote were permitted to join a political party. Certain members of the government, judiciary, military, and government-affiliated commissions were prohibited from political party membership during their tenure in office.

Before August 15, in large areas of the country, political parties could not operate due to insecurity. After August 15, the Taliban engaged with some political parties, including Gulbuddin Hekmatyar's Hezb-e Islami. Senior leaders of other key parties left the country as the Taliban seized Kabul, including most notably the predominantly ethnic Tajik Jamiat Islami, the predominantly ethnic Hazara Hezb-e Wahdat, the predominantly Pashtun Islamic Dawah Organization, and the predominantly ethnic Uzbek Junbish-i-Milli. Taliban representatives reportedly maintained communication with those parties, but their ability to operate in the country was limited.

**Participation of Women and Members of Minority Groups:** No laws under the pre-August 15 government prevented women or members of religious or ethnic minority groups from participating in political life, although different ethnic groups complained of unequal access to local government jobs in provinces where they were in the minority. Individuals from the largest ethnic group, the Pashtuns, had more seats than any other ethnic group in both houses of parliament, but they did not have more than 50 percent of the seats. There was no evidence authorities purposely excluded specific societal groups from political participation.

The 2004 constitution specified a minimum number of seats for women and minorities in the two houses of parliament. For the Wolesi Jirga (lower house of the national assembly), the constitution mandated that at least two women shall be elected from each province (for a total of 68). The Independent Election Commission finalized 2018 parliamentary election results in May 2019, and 418 female candidates contested the 250 seats in the Wolesi Jirga in the 2018 parliamentary election. In Daikundi Province a woman won a seat in open competition against male candidates, making it the only province to have more

female representation than mandated by the constitution. The constitution also mandated one-half of presidential appointees must be women. It also set aside 10 seats in the Wolesi Jirga for members of the nomadic Kuchi minority. In the Meshrano Jirga (upper house), the president's appointees were required to include two Kuchis and two members with physical disabilities, and one-half of the president's nominees were required to be women. One seat in the Meshrano Jirga and one in the Wolesi Jirga were reserved for the appointment or election of a Sikh or Hindu representative, although this was not mandated by the constitution.

In many regions traditional societal practices limited women's participation in politics and activities outside the home and community, including the need to have a male escort or permission to work. The 2016 electoral law mandated that 25 percent of all provincial, district, and village council seats "shall be allocated to female candidates." Neither district nor village councils were established by year's end.

Women active in government and politics before August 15 continued to face threats and violence and were targets of attacks by the Taliban and other insurgent groups.

In September the Taliban announced a "caretaker government," dominated by ethnic Pashtun members with no women and only a few members of minority groups, none at the cabinet level. In late December the Taliban announced that a second member of the Hazara minority had been appointed to the government, this time as deputy minister for economic affairs.

On September 17, the Taliban closed the Ministry of Women's Affairs and announced that the reconstituted "Ministry of the Propagation of Virtue and the Prevention of Vice" would be housed in its building. The Ministry of Women's Affairs was founded in 2001 with a mandate to "implement government's social and political policy to secure legal rights of women in the country." The ministry often struggled with a lack of influence and resources.

According to media reports, the Taliban repressed members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community and would not allow members of historically marginalized minority groups to participate in

ministries and institutions (see section 6).

## **Section 4. Corruption and Lack of Transparency in Government**

The law under the pre-August 15 government provided criminal penalties for corruption by government officials. The pre-August 15 government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Reports indicated corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade continued to exacerbate the problem. There were numerous reports of government corruption during the year. Local businessmen complained that government contracts were routinely steered to companies that paid a bribe or had family or other connections to a contracting official.

According to prisoners and local NGOs, corruption was widespread across the justice system during the pre-August 15 government, particularly regarding the prosecution of criminal cases and in arranging release from prison. There were reports officials received unauthorized payments in exchange for reducing prison sentences, halting investigations, or dismissing charges outright.

Freedom House reported extensive corruption in the judiciary, with judges and lawyers often subject to threats and bribes from local leaders or armed groups.

During the year there were reports of “land grabbing” by both private and public actors, including the Taliban. Most commonly, businesses illegally obtained property deeds from corrupt officials and sold the deeds to unsuspecting prospective homeowners who were later prosecuted. Other reports indicated government officials confiscated land without compensation with the intent to exchange it for contracts or political favors. There were reports provincial governments illegally confiscated land without due process or compensation in order to build public facilities.

**Corruption:** Under the pre-August 15 government, the Anti-Corruption Justice Center (ACJC) had jurisdiction over corruption crimes allegedly committed by high-ranking government officials. Between January 2020 and February 2021, a



total of 10 military officials of the rank of general were tried by the ACJC Primary Court. The ACJC Primary Court conducted trials in 95 cases involving 384 defendants. The court convicted 302 defendants, acquitted 77, and returned cases of two defendants to the prosecutor for further investigation. Since August the ACJC ceased to operate.

In January, three parliamentarians were arrested for bribery. Per parliamentary rules, the members were released from detention. They were indicted in February and convicted in a trial during which the defendants were absent but represented by counsel. The court sentenced each to 10 years' imprisonment and a fine of three million afghanis (\$40,000). The Senate wrote to the Supreme Court committing not to arrest the defendants pending their appeal to the ACJC appellate court. The defendants neither surrendered nor were arrested.

Local news agencies reported in February that the pre-August 15 government Ministry of Interior had removed 321 personnel from their posts as a part of the ministry's campaign against extortion on the country's highways. Also in February the Attorney General's Office stated three members of the Meshrano Jirga were sentenced to prison for corruption.

Violent attacks by insurgents against judges, prosecutors, and prison officials made members of the judicial sector increasingly fearful in carrying out their duties. Justice-sector professionals came under threat or attack for pursuing certain cases, particularly corruption or abuse-of-power cases against politically or economically powerful individuals.

According to various reports, many pre-August 15 government officials, including district or provincial governors, ambassadors, and deputy ministers, were suborned. Pre-August 15 government officials with reported involvement in corruption, the drug trade, or records of human rights abuses reportedly continued to receive executive appointments and served with relative impunity. There were allegations of widespread corruption and abuse of power by officers at the Ministry of Interior. Provincial police reportedly extorted civilians at checkpoints and received kickbacks from the drug trade. Police reportedly demanded bribes from civilians to gain release from prison or avoid arrest. Senior Interior Ministry officials of the pre-August 15 government also refused to sign the execution of

arrest warrants.

The Taliban announced anticorruption policies following their takeover, including creating commissions in Kabul and at the provincial level to identify corrupt or criminal officials and taking a hardline stance against bribery. The Taliban launched a commission through the “Ministry of Defense” to identify members who were flouting the movement’s directives. A ministry spokesman stated that 2,840 Taliban members were dismissed on charges of corruption and drug use. Reporting from multiple local businessmen revealed that cross-border trading had become much easier under Taliban stewardship with elimination of the “gifts” usually required for Customs officials.

On December 8, Taliban officials in Herat announced that 100 Taliban security personnel were arrested and dismissed on charges of misconduct and illegal activity. They also reported a revenue of 100 million afghanis (\$1.3 million) collected over three months due to reduced corruption. Local Taliban leaders in Balkh began investigations into allegations of corruption involving disability benefits, and leaders in Nangarhar established special units to prevent the illegal occupation of land and deforestation.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

As the conflict intensified in the lead-up to the Taliban takeover, the pre-August 15 government came under increasing criticism for being either incapable or unwilling to act upon reports of human rights abuses, especially regarding targeted killings by the Taliban of journalists and civic activists. Media also came under increasing pressure to restrict coverage of the government’s responsibility for civilian victims of the conflict.

Since their takeover in August, the Taliban has intervened in the operations of international and nongovernmental organizations. Staff from several organizations reported the Taliban asked that staff obtain a security clearance from them and pay a 30 percent tax on salaries received by employees.

On September 15, Taliban falsely claiming to be acting under the authority of the Ministry of Interior conducted a search of the country office premises of an international NGO dedicated to the promotion of rule of law in Kabul, seizing assets and stating an intent to return to conduct further searches.

International NGOs reported in August and September that the Taliban conducted house-to-house searches for pre-August 15 government officials and others who worked for international and human rights organizations.

The Taliban takeover and the ensuing turmoil created an immediately nonpermissive environment for many international and nongovernmental entities, including human rights organizations. Historic Taliban practices and post-August 15 actions created a climate of uncertainty and fear, which curtailed the work of journalists, civic activists, and human rights defenders, many of whom left the country due to retaliation. Investigations and reports by journalists and human rights organizations, however, continued to bring to light human rights abuses and atrocities, including allegations of summary executions of persons associated with the previous government, as well as extrajudicial killings of journalists and activists. Taliban authorities often denied that those abuses were taking place.

**Government Human Rights Bodies:** Under the 2004 constitution, the pre-August 15 government was required to support the AIHRC. The AIHRC highlighted human rights problems, but it received minimal government funding and relied almost exclusively on international donor funds. Three Wolesi Jirga committees dealt with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotic, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addressed human rights concerns. The Taliban takeover effectively curtailed almost all AIHRC operations and the operation of the pre-August 15 government's parliament.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Implementation and awareness of a government decree regarding violence against women remained a serious problem under the pre-August 15 government. The decree criminalizes 22 acts of violence against women, including rape, battery or beating, forced marriage, humiliation, intimidation, and deprivation of inheritance. The law criminalizes rape against both women and men. The law provides for a minimum sentence of five to 16 years' imprisonment for conviction of rape, or up to 20 years if one or more aggravating circumstances are present. If the act results in the death of the victim, the law provides for a death sentence for the perpetrator. The law criminalizes statutory rape and prohibits the prosecution of rape victims for zina. The law provides for imprisonment of up to seven years for conviction of "aggression to the chastity or honor of a female [that] does not lead to penetration to anus or vagina." Under the law, rape does not include spousal rape. Pre-August 15 government authorities did not always enforce these laws, although the government was implementing limited aspects of the decree, including through dedicated prosecution units. Women and girls with disabilities were at increased risk for sexual abuse.

Prosecutors and judges in rural areas were frequently unaware of the decree or received pressure to release defendants due to familial loyalties, threat of harm, or bribes, or because some religious leaders declared the law "un-Islamic." Female survivors faced stringent or violent societal reprisal, ranging from imprisonment to extrajudicial killing.

The law criminalizes forced gynecological exams, which acted as "virginity tests," except when conducted pursuant to a court order or with the consent of the subject. Awareness and enforcement of the restrictions on forced gynecological exams remained limited. There were reports police, prosecutors, and judges continued to order the exams in cases of "moral crimes" such as zina. Pre-August 15 government doctors, frequently men, conducted these exams, often without consent. Women who sought assistance in cases of rape were often subjected to the exams.

The law for the pre-August 15 government criminalized assault, and courts convicted domestic abusers under this provision, as well as under the “injury and disability” and beating provisions in the relevant decree. According to NGO reports, millions of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, and other individuals. The AIHRC announced that of 3,477 cases of violence against women recorded with its organization in the first 10 months of 2020, 95.8 percent of cases involved a family-member perpetrator and that the home environment was the most dangerous place for women in the country. State institutions, including police and judicial systems, failed to adequately address such abuse. Lockdowns due to the COVID-19 pandemic forced women to spend more time at home, reportedly resulting in increased incidence of domestic violence as well as additional stress on already limited victim-support systems. One such incident included a man from Paktika Province who cut off his wife’s nose with a kitchen knife in May. The woman, who regularly faced physical abuse by her husband, was reportedly seeking to leave the abusive relationship when her husband attacked her.

Due to cultural normalization and a view of domestic violence as a “family matter,” domestic violence often remained unreported. The justice system’s response to domestic violence was insufficient, in part due to underreporting, a preference for mediation, sympathy toward perpetrators, corruption, and family or tribal pressure. According to an HRW report published in August, there were dedicated prosecution units in all 34 provinces as of March and specialized courts – at least in name – with female judges in 15 provinces, and dedicated court divisions expanded to operate at the primary and appellate levels in all 34 provinces.

Space at the 28 women’s protection centers across the country was sometimes insufficient, particularly in major urban centers, and shelters remained concentrated in the western, northern, and central regions of the country, under the pre-August 15 administration. Some women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution or being sent back to their family or to the perpetrator. Cultural stigmatization of women who spent even one night outside the home also prevented women from seeking services that may bring “shame” to herself or her

family.

At times, women in need of protection ended up in prison, either because their community lacked a protection center or because “running away” was interpreted as a moral crime. Adultery, fornication, and kidnapping are criminal offenses. Running away from home is not a crime under the law, and both the Supreme Court and the Attorney General’s Office issued directives to this effect, but some local authorities continued to detain women and girls for running away from home or “attempted zina.” The pre-August 15 government’s Ministry of Women’s Affairs, as well as nongovernmental entities, sometimes arranged marriages for women who could not return to their families (see also section 6, Children, Child, Early, and Forced Marriage).

On September 19, Taliban gunmen entered a women’s shelter in Kabul by force, interrogated staff and residents for several hours and forced the head of the shelter to sign a letter promising not to allow the residents to leave without Taliban permission. The Taliban told the shelter operator they would return married shelter residents to their abusers and marry the single residents to Taliban soldiers.

Additionally, sources in September reported the Taliban were conducting “audits” of women’s shelters and women’s rights organizations, including those that provided protection services. These audits were enforced with intimidation through the brandishing of weapons and threats of violence. Equipment, including computers, paper files, and other documentation, was confiscated, and staff reported being aggressively questioned regarding their activities and possible association with the United States. Essential service providers either reduced or ceased their services altogether, citing fear of putting battered women, an already vulnerable demographic, at greater risk of violence and harm.

**Other Harmful Traditional Practices:** Under the 2004 constitution, the law criminalizes forced, underage, and *baad* marriages (the practice of settling disputes in which the culprit’s family trades a girl to the victim’s family) and interference with a woman’s right to choose her spouse. NGOs reported instances of *baad* were still practiced, often in rural areas. The practice of exchanging brides between families was not criminalized and remained widespread. “Honor killings” continued throughout the year.

**Sexual Harassment:** The law under the pre-August 15 government criminalized all forms of harassment of women and children, including physical, verbal, psychological, and sexual harassment. By law all government ministries are required to establish a committee to review internal harassment complaints and support appropriate resolution of these claims. Implementation and enforcement of the law under the pre-August 15 government remained limited and ineffective. Media reported that the number of women reporting sexual harassment increased compared with prior years, although some speculated this could be an increased willingness to report cases rather than an increase in the incidence of harassment. Women who walked outside alone or who worked outside the home often experienced harassment, including groping, catcalling, and being followed. Women with public roles occasionally received threats directed at them or their families.

Prior to the August 15 Taliban takeover, businesswomen faced a myriad of challenges from the “traditional” nature of society and its norms regarding acceptable behavior by women. When it was necessary for a businesswoman to approach the government for some form, permit, or authorization, it was common for a male functionary to ask for sexual favors or money in exchange for the authorization.

After the Taliban takeover, most women-led businesses suspended operations due to the ongoing liquidity crisis and fear of violating Taliban edicts against women in the marketplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Under the pre-August 15 government, married couples had the legal right to decide the number, spacing, and timing of their children. The Family Law (2019), which was in effect by promulgation of a presidential proclamation (although parliament never passed it), outlines individuals’ rights to reproductive health. There were no recent, reliable data regarding reproductive rights. According to the 2015 *Afghanistan Demographic and Health Survey*, only 5 percent of women made independent decisions concerning their own health care, while 44 percent reported that their husbands made the decisions for them.

According to UNICEF, more than 50 percent of girls in the country started their period without knowing what to expect or understanding why it was happening, and 30 percent of female students in the country were absent during menstruation because schools did not have adequate water, sanitation, and hygiene facilities.

Having a child outside of wedlock is a crime according to the pre-August 15 government's penal code and is punishable by up to three years' imprisonment for both men and women. Mothers faced severe social stigma for having a child out of wedlock, even when the pregnancy was a result of rape. Abortion or ending a pregnancy was classified as a crime under the law and was punishable by three months' to one year's imprisonment.

Women must obtain their husband's consent to use contraception under the law. Barriers impacting reproductive health care or obstetrical care included many men preventing their wives from receiving care from male doctors or from having a male doctor in attendance at the birth of a child. Sources in October reported continued availability of contraceptives after the Taliban takeover of Kabul.

Persons with disabilities faced increased barriers to reproductive health resources as a result of decreased access to transportation, education, and social support. LGBTQI+ persons, already disadvantaged prior to August 15, faced further barriers to accessing reproductive health resources after the Taliban takeover. The already fragile community, which provided some resources to its members, largely disintegrated as members either fled the country or went into deep hiding. Widespread discrimination and abuse prevented most members from seeking reproductive or sexual-health assistance from all but the most trusted confidants.

Families and individuals in cities generally had better access to information than did those living in rural areas. According to the United Nations, the rate of contraceptive use among married women was 35 percent for those living in urban areas compared with 19 percent in rural areas. According to the pre-August 15 government's Ministry of Public Health, while there was wide variance, most clinics offered some type of modern family planning method.

The World Health Organization reported that the country had 638 maternal deaths per 100,000 live births in 2017 (the last year of reported data). A survey conducted



by the Central Statistics Organization in the provinces of Bamyan, Daikundi, Ghor, Kabul, Kapisa, and Parwan concluded that many factors contributed to the high maternal death rate, including early pregnancy, narrowly spaced births, and high fertility. Some societal norms, such as a tradition of home births and the requirement for some women to be accompanied by a male relative to leave their homes, led to negative reproductive health outcomes, including inadequate prenatal, postpartum, and emergency obstetric care. Access to maternal health care services was constrained by the limited number of female health practitioners, including an insufficient number of skilled birth attendants. Additionally, the conflict environment and other security concerns limited women's safe access to health services of any kind.

Since their takeover, the Taliban permitted women to continue their roles as health practitioners, but many women were afraid to return to work due to safety and security concerns related to the Taliban's stated policies restricting women in the workplace. After August 15, the ever-smaller number of qualified female health practitioners steeply increased the risk of poor health outcomes for women.

**Discrimination:** Prior to the Taliban's takeover, women who reported cases of abuse or who sought legal redress for other matters reported they experienced discrimination within the justice system. Some observers, including female judges, asserted that discrimination was a result of faulty implementation of law. Limited access to money and other resources to pay fines (or bribes) and the social requirement for women to have a male guardian affected women's access to and participation in the justice system. Women do not have equal legal rights, compared to men, to inherit assets as a surviving spouse, and daughters do not have equal rights, compared to sons, to inherit assets from their parents. By law women may not unilaterally divorce their husbands but must obtain their husband's consent to the divorce, although men may unilaterally divorce their wives. Many women petitioned instead for legal separation. According to the family court in Kabul, during the year women petitioned for legal separation twice as frequently as in the previous year.

Prosecutors and judges in some provinces continued to be reluctant to use the decree related to domestic violence, and judges sometimes replaced those charges with others based on other legal provisions.

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. The law criminalizes interference with a woman's right to work. Women faced discrimination in access to employment and terms of occupation.

After August 15, the Taliban prohibited most female government employees from working, although the Taliban claimed they continued to pay their salaries. Afghanistan Women Chamber of Commerce and Industry (AWCCI) executives sought meetings with the Taliban-controlled Ministry of Economy after the takeover to get clarity on whether the Taliban would allow the estimated 57,000 women-led private businesses in the country to remain open. The AWCCI stated they failed to get a formal meeting with high-level Taliban decisionmakers but were assured informally that women would be allowed to work "if that work conformed with Islamic law."

Prior to August 15, in the Taliban-controlled areas of the country many women and girls could not decide whom they would marry or at what age, or object to beatings by their husbands. In Jowzjan's Darzab district, a Taliban commander raped and killed a 16-year-old girl when the family refused to allow her to marry a Taliban fighter.

On April 28, the Taliban published an article, "Feminism as a Colonial Tool," on its website, accusing the West of using feminism to justify its "invasion, subjugation and bullying of Muslims." The article asserted the "man-made" concept of women's rights has "destructive effects on human society" and that women's rights must be defined by Islam.

## **Systemic Racial or Ethnic Violence and Discrimination**

Ethnic tensions continued to result in conflict and killings. Societal discrimination against Hazaras continued in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. According to NGOs, the pre-August 15 government frequently assigned Hazara police officers to symbolic positions with little authority within the Ministry of Interior.

ISIS-K continued attacks against Shia, predominately Hazara, communities. On

October 8, an ISIS-K suicide bomber killed at least 50 members of the minority Shia community at a mosque in Kunduz. On October 15, a suicide bomber attack targeting a Shia community mosque in Kandahar killed more than 30 worshippers. Following attacks and threats, Taliban security forces augmented protective operations at Shia mosques.

Sikhs and Hindus faced discrimination, reporting unequal access to government jobs, harassment in school, and verbal and physical abuse in public places. The pre-August 15 government delivered meals and aid to approximately 200 Afghan Sikh and Hindu families who returned from India in mid-May after facing financial hardship and COVID outbreaks in India. The government also directed increased security for the Sikh and Hindu communities and the deputy minister of Haj and religious affairs said in June that the ministry had undertaken 14 reconstruction projects for temples in view of their central role in the community. With the Taliban takeover, many of the estimated several hundred Afghan Sikhs and Hindus in the country may have fled to India and other countries.

According to HRW, Taliban representatives in early October forcibly displaced hundreds of Hazara families from southern Helmand Province to the northern Balkh Province, in part to distribute land to their own supporters. The Taliban carried out the evictions at gunpoint and with little notice, preventing families from taking their belongings or finishing harvesting their crops. An HRW report stated that the largest displacements took place in 15 villages in Daikundi and Uruzgan Provinces where the Taliban evicted at least 2,800 Hazara residents in September.

UNHCR reported that approximately 40 percent of Afghan arrivals to Iran were Hazaras.

In December senior Taliban representatives held a series of engagements with Shia Hazara leaders. On December 26, “interim Deputy Prime Minister” Maulavi Mohammed Abdul Kabir hosted a meeting of Shia leaders from around the country, and “interim Deputy Foreign Minister” Sher Mohammad Abbas Stanekzai spoke at a December 29 meeting of the Shia Ulema Council in Kabul. In these meetings the Taliban officials expressed their commitment to provide security for all citizens and a desire to avoid sectarian division.

In November and December, Taliban intelligence officials targeted Ahmadi Muslims for arrest. According to reports from international Ahmadiyya organizations, the detainees were physically abused and coerced into making false “confessions” of being members of ISIS-K and subsequent releases required recanting their faith. In October Sikhs reported harassment by armed Taliban representatives at their central temple in Kabul. In late November more than 80 Sikhs and Hindus departed for India.

After August 15, ISIS-K’s heightened activity further increased the targeting of non-Sunni groups. At least four attacks by ISIS-K targeted Shia and Hazara communities between October and December.

Religion and ethnicity in the country were often closely linked, making it difficult to categorize many incidents as being solely based on religious identity. Sikhs, Hindus, Christians, Ahmadi Muslims, and other non-Muslim minorities reported continued harassment and repression under both the pre-August 15 government and the Taliban.

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **Children**

**Birth Registration:** A citizen father transmits citizenship to his child. Birth in the country or to a citizen mother alone does not bestow citizenship. Adoption is not legally recognized.

**Education:** Under the pre-August 15 government, education was mandatory up to the lower secondary level (six years in primary school and three years in lower secondary), and the law provides for free education up to and including the college level. UNICEF reported that approximately 3.7 million children, 60 percent of them girls, were not in school due to discrimination, poverty, lack of access, continuing conflict, and restrictions on girls’ access to education in Taliban-controlled areas, among other reasons. Under the pre-August 15 government, only an estimated 16 percent of the country’s schools were for girls, and many of them lacked proper sanitation facilities. Key obstacles to girls’ education included poverty, early and forced marriage, insecurity, a lack of family support, lack of

female teachers, and a lack of nearby schools.

An education director in Jawzjan Province said in March that Taliban militants stopped an estimated 20,000 female students from studying beyond sixth grade. Even before their takeover of Kabul, in Taliban-controlled districts within the provinces of Kunar, Helmand, Logar, and Zabul, the Taliban had largely prohibited women and girls from attending school as provincial education officials attempted in vain to negotiate with the Taliban for girls to have access to education.

Violent attacks on schoolchildren, particularly girls, hindered their access to education, particularly in areas controlled by the Taliban. The Taliban and other extremists threatened and attacked school officials, teachers, and students, particularly girls, and burned both boys' and girls' schools. In February Taliban militants set fire to a girls' school in Takhar Province, burning all equipment, books, and documents.

There were reports that both insurgent groups and government forces used school buildings for military purposes. School buildings were damaged, and students were injured in Taliban attacks on nearby government facilities.

Following their takeover, the Taliban severely restricted or prohibited female education across all age levels, citing a need to ensure proper facilities were in place for segregated education in line with the Taliban's interpretation of sharia.

The Taliban's lack of a clear education policy regarding women's ability to teach and girls' ability to attend schools, combined with nonpayment of teachers' salaries, led to low enrollment rates even where schools were open.

In September the Taliban stated that girls would be able to go to school in line with Islamic law, without further clarifying how it would respect their access to education. According to UNICEF, the Taliban instructed primary schools in late August to reopen for both girls and boys.

On September 18, the new Taliban ministry of education issued a statement resuming secondary education for boys but gave no indication as to when girls might return to classes. As of December schools in nine of the country's 34 provinces – Balkh, Jawzjan, Samangan, Kunduz, Urozgan, Ghazni, Faryab, Zabul,

and Herat – had allowed girls to attend secondary school before closing for the winter break, according to UNICEF and other reports. In December the Taliban asserted that this number had grown to 12 provinces and pledged that all girls could return to school in March 2022 after the break.

As of December all public universities remained closed. Several private, all-female universities reopened for fall classes in October.

Taliban leaders stated they were committed to allowing girls and women access to education through the postgraduate level, although only in accordance with their interpretation of sharia and within the confines of Afghan culture, which includes segregation of genders and strict behavioral and dress codes.

On November 16, the head of the so-called Ministry for the Promotion of Virtue and Prevention of Vice stated there was no theological basis in Islam for preventing girls and women from having access to all levels of education. Other Taliban representatives expressed the group's intent to provide educational access at all levels to women and girls. At year's end many Afghan girls remained excluded from the educational system.

**Child Abuse:** The law criminalizes child abuse and neglect. The penalty for beating, or physically or mentally disciplining or mistreating a child ranges from a fine of 10,000 afghanis (\$130) to one year in prison if the child does not sustain a serious injury or disability. Conviction of endangering the life of a child carries a penalty of one to two years in prison or a fine of 60,000 to 120,000 afghanis (\$780 to \$1,560).

Police reportedly beat and sexually abused children. Children who sought police assistance for abuse also reported being further harassed and abused by law enforcement officials, particularly in bacha bazi cases, which deterred child victims from reporting their claims.

In 2020, the most recent year data were available, there was an uptick in arrests, prosecutions and prison sentences given to perpetrators of bacha bazi, including members of the military and security forces. Kandahar's governor sent seven members of the ANP suspected of sexually abusing and killing a 13-year-old boy in Kandahar to trial in Kabul. One of the seven was given the death penalty, and

the others were sentenced to lengthy prison terms on charges including rape, as well as bacha bazi (two of them received sentences of 30 years' imprisonment and the other four were sentenced to 24 years' imprisonment).

Despite consistent reports of bacha bazi perpetrated by the Afghan National Army, the ANP, and ALP officials, the government has only once (in September 2020) prosecuted officials for bacha bazi. The government denied that security forces recruited or used child soldiers. Some victims reported that authorities perpetuated abuse in exchange for pursuing their cases, and authorities continued to arrest, detain, and penalize survivors.

NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it is against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

There were reports some members of the pre-August 15 government military and progovernment groups sexually abused and exploited young girls and boys. UNAMA reported children continued to be subjected to sexual violence by parties to the conflict at an “alarming rate.” According to media and NGO reports, many of these cases went unreported or were referred to traditional mediation, which often allowed perpetrators to reoffend. There were press reports of sexual abuse perpetrated by teachers and school officials, particularly against boys. The pre-August 15 government claimed families rarely pressed charges due to shame and doubts that the judicial system would respond.

On May 4, the pre-August 15 government's Minister of Justice and head of the Trafficking in Persons High Commission, Fazil Ahmad Mannawi, shared the pre-August 15 government's statistics on trafficking in persons for the year 2020: He reported that the ministry arrested 70 suspects, the Attorney General's Office launched investigations of 50 suspects, and courts were reviewing 235 cases of trafficking in persons, smuggling of migrants, and bacha bazi at the end of 2020. Six hundred victims were provided with medical, psychological, and educational services in 2020. The pre-August 15 government held more than 200 trafficking-in-persons awareness-training sessions for more than 8,000 citizens, government officials, and ANDSF personnel. There was an increase of bacha bazi cases investigated, prosecuted, and convicted.

The pre-August 15 government took steps to discourage the abuse of boys and to prosecute or punish those involved. The pre-August 15 government's law criminalizes bacha bazi as a separate crime and builds on a 2017 trafficking-in-persons law that includes provisions criminalizing behaviors associated with the sexual exploitation of children. The law details the punishment for authorities of security forces involved in bacha bazi with an average punishment of up to 15 years' imprisonment. Although no police officer had ever been prosecuted for bacha bazi, eight officers were arrested during the year in connection with bacha bazi incidents and charged with "moral crimes," sodomy, or other crimes.

The pre-August 15 government's Ministry of Interior operated CPUs throughout the country to prevent the recruitment of children into the ANP, although the CPUs played a limited oversight role in recruiting. Nevertheless, recruitment of children continued, including into the ANP, the ALP, progovernment forces, and the Taliban. Additionally, the government did not have sufficient resources to reintegrate children into their families once they had been identified by the CPUs.

**Child, Early, and Forced Marriage:** Despite a law under the pre-August 15 government setting the legal minimum age for marriage at 16 years for girls (15 years with the consent of a parent or guardian or the court) and 18 years for boys, international and local observers continued to report widespread early and forced marriages throughout the country. A 2017 UNICEF study found that 28 percent of women were married by age 18. Those convicted of entering into or arranging forced or underage marriages are subject to at least two years' imprisonment; however, implementation was limited. By law a marriage contract requires verification that the bride is age 16 (or 15 with the permission of her parents or a court), but only a small fraction of the population had birth certificates.

After the August takeover by the Taliban, due to the deteriorating humanitarian situation in the country, widespread reports surfaced suggesting that some families were selling their young children, usually daughters for early marriage, to afford food.

Societal pressures and the Taliban practice of arranging marriages for widows forced women into unwanted marriages. HRW conducted telephone interviews with residents in Herat in September and found that women in Taliban-controlled



areas increasingly felt pressured to marry for their own safety in view of restrictions upon their movements and activities imposed by the Taliban.

On August 13, the Taliban entered Herat, seizing government offices and the police station. A Taliban fighter reportedly threatened to kill a widowed mother of five if she did not marry him, and she was forced to do so in September with the consent of a mullah. She has said that her life is a nightmare and “it is like he is raping me every night.”

On December 3, Taliban supreme leader Hibatullah Akhunzada announced a public decree banning the forced marriage of women. The decree set out the rules governing marriage and property for women, stating that women should not be forced into marriage and widows should have a share in their late husband’s property. The decree mandated that courts should consider these rules when making decisions, and religious affairs and information ministries should promote these rights.

**Sexual Exploitation of Children:** The pre-August 15 government criminalized sexual exploitation of children. In addition to outlawing the practice of bacha bazi, a practice common in parts of the country in which men exploit boys for social and sexual entertainment, the law provides that, “[i]f an adult male has intercourse with a person younger than the legal age, his act shall be considered rape and the victim’s consent is invalid.” In the case of an adult female having intercourse with a person younger than the legal age, the law considers the child’s consent invalid, and the woman may be prosecuted for adultery. The law prescribes a penalty of 10 to 15 years’ imprisonment for forcing an underage girl into commercial sexual exploitation. Taking possession of a child for sexual exploitation or production of pornographic films or images constitutes trafficking in persons under the Trafficking in Persons law regardless of whether other elements of the crime are present.

**Displaced Children:** NGOs and government offices reported high numbers of returnee families and their children in border areas, specifically Herat and Jalalabad. The pre-August 15 government attempted to follow its policy and action plan for the reintegration of Afghan returnees and IDPs, in partnership with the United Nations; however, the government’s ability to assist vulnerable persons,

many of them unaccompanied minors, remained limited, and it relied on the international community for assistance. Although the government banned street begging in 2008, NGOs and government offices reported large numbers of children begging and living in the streets of major cities.

**Institutionalized Children:** Living conditions for children in orphanages were poor. NGOs reported as many as 80 percent of children between ages four and 18 in orphanages were not orphans but from families unable to provide them with food, shelter, schooling, or all three. Children in orphanages reported mental, physical, and sexual abuse and occasionally were victims of trafficking. They did not have regular access to running water, heating in winter, indoor plumbing, health-care services, recreational facilities, or education. Security forces kept child detainees in juvenile detention centers run by the Ministry of Justice, except for a group of children arrested for national security violations who stayed at the detention facility in Parwan, the country's primary military prison. NGOs reported these children were kept separate from the general population but still were at risk of radicalization.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>

## **Anti-Semitism**

There were no known reports of anti-Semitic acts. The one confirmed Afghan Jew residing in the country departed the country when the Taliban took over Kabul.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could not access education, health services, public

buildings, and transportation on an equal basis with others. Persons with disabilities faced barriers such as limited access to educational opportunities, inability to access government buildings, difficulty in acquiring government identification required for many government services and voting, lack of economic opportunities, and social exclusion due to stigma. The government did not provide government information and communication in accessible formats.

The World Institute on Disability (WID) estimated that 90 percent of persons with disabilities were unemployed as a result of entrenched social biases and faced barriers to accessing public services including health and education. According to WID, persons with disabilities also faced barriers to accessing education, transportation, and health care.

Lack of security remained a problem for disability programs throughout the year. Insecurity in remote areas, where a disproportionate number of persons with disabilities lived, precluded delivery of assistance in some cases. Most buildings remained inaccessible to persons with disabilities, prohibiting many from benefitting from education, health care, and other services.

Before the August takeover, the Taliban attacked the Special Olympics headquarters in Kabul with at least two separate bombing attempts. On August 15, Taliban gunmen entered the headquarters and seized the office director's laptop and credentials, prompting the director to flee the country due to repression.

The 2004 constitution prohibited any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the government to adopt inclusive measures and provide for the active participation in society of persons with disabilities. The law under the pre-August 15 government also provides for equal rights to, and the active participation of, persons with disabilities. Observers reported that both the constitutional provisions and disability rights law were mostly ignored and unenforced.

In the Meshrano Jirga, authorities reserved two of the presidentially appointed seats for persons with disabilities. By law, 3 percent of all government positions are reserved for persons with disabilities, but pre-August 15 government officials

acknowledged the law was not enforced.

## **HIV and AIDS Social Stigma**

There were no confirmed reports of discrimination or violence against persons with HIV or AIDS, but there was reportedly serious societal stigma against persons with AIDS. While the law allows for the distribution of condoms, the pre-August 15 government restricted distribution to married couples.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

LGBTQI+ individuals reported they continued to face arrest by security forces and discrimination, assault, and rape. There were reports of harassment and violence of LGBTQI+ individuals by society and police. Same-sex sexual conduct was widely seen as taboo and indecent. LGBTQI+ individuals did not have access to certain health-care services and could be fired from their jobs because of their sexual orientation or gender identity. Organizations devoted to protecting the freedom of LGBTQI+ persons remained underground because they could not legally register with the government. Registered organizations working on health programs for men who have sex with men faced harassment and threats by the Ministry of Economy's NGO Directorate and NDS officials.

The Taliban takeover of the country increased fears of repression and violence among LGBTQI+ persons, with many individuals going into hiding to avoid being captured by the Taliban. Many fled the country after the takeover. After the takeover, LGBTQI+ persons faced increased threats, attacks, sexual assaults, and discrimination from Taliban members, strangers, neighbors, and family members.

Members of the LGBTQI+ community reported being physically and sexually assaulted by Taliban members, and many reported living in physically and economically precarious conditions in hiding. In July a Taliban judge stated that gay men would be subject to death by stoning or crushing. In August a gay man was reportedly tricked into a meeting by two Taliban members and then raped and beaten. There were also reports from members of civil society that LGBTQI+ persons were outed purposely by their families and subjected to violence to gain

favor with the Taliban. There were reports of LGBTQI+ persons who had gone missing and were believed to have been killed.

The law criminalizes consensual same-sex sexual conduct. Under sharia, conviction of same-sex sexual conduct is punishable by death, flogging, or imprisonment. Under the law, sex between men is a criminal offense punishable by up to two years' imprisonment and sex between women with up to one year of imprisonment. Individual Taliban members have made public statements confirming that their interpretation of sharia allows for the death penalty for homosexuality.

The law does not prohibit discrimination or harassment based on sexual orientation or gender identity. LGBTQI+ persons faced societal and governmental discrimination both before and after the Taliban takeover.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The pre-August 15 government's law provides for the right of workers to join and form independent unions and to conduct legal strikes and bargain collectively, and the government generally respected these rights, although it lacked enforcement tools. The law, however, provided no definition of a union or its relationship with employers and members, nor did it establish a legal method for union registration or penalties for violations. The law did not prohibit antiunion discrimination or provide for reinstatement of workers fired for union activity. Other than protecting the right to participate in a union, the law provided no other legal protection for union workers or workers seeking to unionize. International NGOs noted that unions were largely absent from the informal and agricultural sectors, which accounted for the majority of Afghan workers.

Although the law identifies the Labor High Council in the Ministry of Labor, Social Affairs, Martyrs and Disabled (Ministry of Labor) as the highest decision-making body on labor-related matters, the lack of implementing regulations prevented the council from performing its function. The ministry contained an inspection office, but labor inspectors could only advise and make suggestions.

Inspectors lacked the authority to enter workplaces freely, conduct inspections, and assess fines for violations. As a result, application of the law remained limited because of a lack of central enforcement authority, implementing regulations that describe procedures and penalties for violations, funding, personnel, and political will. The Taliban's so-called interim minister of labor and social affairs has not made any statements on workers' unions since he assumed the office.

## **b. Prohibition of Forced or Compulsory Labor**

The law narrowly defines forced labor and does not sufficiently criminalize forced labor and debt bondage. Men, women, and children were exploited in bonded labor, where an initial debt assumed by a worker as part of the terms of employment was used to entrap other family members, sometimes for multiple generations. This type of debt bondage was common in the brickworks industry. Some families knowingly sold their children into sex trafficking, including for bacha bazi (see section 7.c.).

Government enforcement of the labor law was ineffective; resources, inspections, and remediation were inadequate; and the government made minimal efforts to prevent and eliminate forced labor. Penalties were not commensurate with analogous crimes, such as kidnapping.

Men, women, and children (see section 7.c.) were exploited in bonded and forced labor. Traffickers compelled entire families to work in bonded labor, predominantly in the carpet and brickmaking industries in the eastern part of the country and in carpet weaving countrywide. Some women who were sold to husbands were exploited in domestic servitude by their husbands. Men were subjected to forced labor and debt bondage in agriculture and construction.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The labor law sets the minimum age for employment at 15 but permits 14-year-old children to work as apprentices, allows children ages 15 and older to do light, nonhazardous work, and permits children 15 to 17 to work up to 35 hours per

week. The law prohibits children younger than 14 from working under any circumstances. The law was openly flouted, with poverty driving many children into the workforce. The law also bans the employment of children in hazardous work that is likely to threaten their health or cause disability, including mining and garbage collection; work in blast furnaces, waste-processing plants, and large slaughterhouses; work with hospital waste; drug-related work; security-guard services; and work related to war. The Taliban made no public statements on child labor and has not purported to alter the existing labor law, but reports indicated that child labor continued in poverty-stricken areas.

Poor institutional capacity was a serious impediment to effective enforcement of the law. Labor inspectors had legal authority to inspect worksites for compliance with child-labor laws and to impose penalties for noncompliance. But deficiencies included the lack of authority to impose penalties for labor inspectors, inadequate resources, labor inspector understaffing, inspections, remediation, and penalties for violations.

Child labor remained a pervasive problem. Most victims of forced labor were children. Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coal mines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining, including mining salt; commercial sexual exploitation including bacha bazi (see section 6, Children); transnational drug smuggling; and organized begging rings. Some forms of child labor exposed children to land mines. Children faced numerous health and safety risks at work. There were reports of recruitment of children by the ANDSF during the year (see section 1.g.). Taliban forces pressed children to take part in hostile acts (see section 1.g.).

Some children were forced by their families into labor with physical violence. Families sold their children into forced labor, begging, or sex trafficking to settle debts with opium traffickers. Some parents forcibly sent boys to Iran to work to pay for their dowry in an arranged marriage. Children were also subject to forced labor in orphanages run by NGOs and overseen by the government.

According to the International Labor Organization and UNICEF, millions more children were at risk of child labor due to COVID-19 because many families lost

their incomes and did not have access to social support. Child labor was a key source of income for many families and the rising poverty, school closures, and decreased availability of social services increased the reliance on child labor. Many children already engaged in child labor experienced a worsening of conditions and worked longer hours, posing significant harm to their health and safety. Aid and human rights groups reported child labor laws were often violated, and noted that children frequently faced harassment and abuse and earned very little or nothing for their labor. In November UNICEF reported 9.7 million children needed humanitarian assistance and that child labor was likely to increase as humanitarian coping mechanisms were exhausted. The number of child laborers increased both due to general impoverishment of families and the arrival of more IDPs, according to a December statement by a Social Affairs Directorate officer in Herat Province.

Gender inequities in child labor were also rising, since girls were particularly vulnerable to exploitation in agriculture and domestic work. The UN Security Council reported that nine violent attacks against schools occurred between April 1 and June 30. Poverty and security concerns frequently led parents to pull girls out of school before boys, further increasing the likelihood that girls could be subjected to child labor.

In August international aid organizations noted that, without sufficient humanitarian aid, families would be forced to resort to child labor and child marriage. In November UN officials noted that a worsening economic situation was leading households to resorting to dangerous practices, such as child labor and early marriage, in order to survive.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The 2004 constitution prohibits discrimination and notes that citizens, both “man and woman,” have equal rights and duties before the law. It expressly prohibits



discrimination based on language. The constitution contains no specific provisions addressing discrimination based on race, religion, national origin, color, sex, ethnicity, disability, or age. The law prescribes a term of imprisonment of not more than two years for anyone convicted of spreading discrimination or factionalism, which was commensurate with laws related to civil rights, such as election interference. A 2018 law criminalizes physical, verbal, and nonverbal harassment, punishable with a fine, but the law remained largely ineffective due to underreporting.

Under the pre-August 15 government, women faced discrimination and hardship in the workplace. Women made up only 22 percent of the workforce. Many women faced pressure from relatives to stay at home and encountered hiring practices that favored men. Older and married women reported it was more difficult for them than for younger, single women to find jobs. Women who worked reported they encountered insults, sexual harassment, lack of transportation, and an absence of day-care facilities. Gender-based violence escalated with targeted killings of high-profile women in the public sector. Salary discrimination existed in the private sector. Men earned 30 percent more on average in the same occupations as women and 3.5 times more in agriculture and forestry, where women occupied two-thirds of the workforce. Female journalists, social workers, LGBTQI+ persons, and police officers reported they were often threatened or abused. Persons with disabilities also suffered from discrimination in hiring.

The pre-August 15 government's Ministries of Labor and Public Health jointly adopted a regulation listing 244 physically arduous and harmful occupations prohibited to women and children, of which 31 are identified as the worst forms of child labor that are prohibited to children younger than 18. Under the regulation, it is not permissible for women and children to engage in types of work that are physically arduous, harmful to health, or carried out in underground sites, such as in the mining sector.

In September the Taliban-appointed "Kabul mayor" instructed the city's female staff (amounting to approximately one-third of Kabul's 3,000 municipal employees) to stay at home, with the exception of women whose jobs could not be replaced by men. Taliban leaders stated they would implement their version of sharia, prohibiting women from working alongside men, but gave no indication

when female employees would be able to return to work. A similar Taliban ruling kept public universities from opening in September, as they were not configured to meet the Taliban's gender-segregation standards, which effectively barred women from obtaining a secondary education, disenfranchising them from professional employment.

In October, media reported Taliban representatives stated women would continue to work at police stations and in passport offices. The Taliban further stated they were trying to provide working conditions for women in the sectors where they were needed, according to Islamic law. Taliban representatives also stated women were banned from most employment while saying women could keep their jobs only if they were in a role a man could not fill. In a December 16 interview, Taliban spokesperson Zabihullah Mujahid claimed no women had been fired from public-sector jobs and that they continued to receive salaries at home.

As of December the UN OCHA mapped the agreements between aid agencies and the Taliban in each of the country's 34 provinces, showing where female staff members would be permitted to work. The document, reviewed by HRW, indicated that, as of October 28, Taliban representatives in only three provinces had provided a written agreement unconditionally permitting women aid workers to do their jobs. Ethnic Hazaras, Sikhs, and Hindus faced discrimination in hiring and work assignments, in addition to broader social discrimination (see section 6, Systemic Racial or Ethnic Violence and Discrimination).

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law for the pre-August 15 government established a minimum wage of 6,000 afghanis (\$78) per month for permanent (unlimited duration, paid leave) government employees and 5,500 afghanis (\$71) per month for workers in the nonpermanent private sector (fixed-term contracts, temporary agency work and casual or seasonal work). The country did not have minimum wage rules for permanent workers in the private sector. In 2020 the Ministry of Economy established a poverty line of two dollars per day. The afghani devalued from 77 afghanis per U.S. dollar to more than 105 afghanis per U.S. dollar from June to year's end, putting all minimum wage earners below the poverty line.

The law for the pre-August 15 government defined the standard workweek for both public- and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. The government regulated night and overtime work. Night work (between 8 p.m. and 7 a.m.) qualified production workers for a 25 percent increase in wages; service and administrative workers earned a 15 percent increase. Overtime work earned employees a 25 percent increase in wages for the hours worked, 50 percent if those hours were during a public holiday. The law provides workers with the right to receive wages, annual vacation time in addition to national holidays, compensation for on-the-job injuries, overtime pay, health insurance for the employee and immediate family members, and other incidental allowances. The law prohibits compulsory work without establishing penalties and stipulates that overtime work be subject to the agreement of the employee. The law requires employers to provide day care and nurseries for children.

The Ministry of Labor, in cooperation with the Ministry of the Interior, was responsible for enforcement of wage and hour laws. The Ministry of Labor was responsible for conducting inspections and responding to complaints; the Interior Ministry would enforce the law with fines and prison sentences. In 2020 the government did not report the number of labor inspectors; however, as of December 2018 the Labor Ministry had 27 inspector positions, 21 of which were filled. The number of labor inspectors was insufficient for the size of the country's workforce, which included more than 7.9 million workers. According to the International Labor Organization's technical advice of a ratio approaching one inspector for every 40,000 workers in less developed economies, the country should employ more than 200 labor inspectors. Government officials and NGOs acknowledged the number of labor inspectors was insufficient to enforce compliance. Officials within the Ministry of Labor indicated that labor inspections took place only in Kabul. Ministry inspectors had the authority to make unannounced inspections but could not initiate sanctions or assess penalties themselves. The Labor Ministry would pass findings to the Interior Ministry, whose prosecutors would decide how and whether to prosecute. No data were available on Labor Ministry funding or the number of inspections conducted during the year.

The pre-August 15 government did not effectively enforce minimum wage and overtime laws. Neither the Ministry of Labor nor the Ministry of Interior made data available on penalties assessed for violation of labor laws, making comparisons with similar crimes (fraud) impossible. Media reporting suggested the Labor Ministry had focused its inspections on public organizations, ignoring worksites in the private sector as well as in the informal economy. International NGOs and Afghan media reported that violations of wage, hour, and overtime laws were especially prominent in the brickmaking and carpet-making sectors.

**Occupational Safety and Health:** The country has no occupational safety and health (OSH) regulations or officially adopted standards. There were no government inspectorates to investigate unsafe conditions or respond to workers' complaints. Workers could not remove themselves from health-endangering situations without risking their employment.

The law provides for reduced standard workweeks for children ages 15 to 17, pregnant women, nursing mothers, miners, and workers in other occupations that presented health risks. Inspectors for compliance for reduced hours for at-risk employees were the same as those responsible for wage enforcement. The pre-August 15 government did not effectively enforce wage, workweek, or OSH laws. The number of labor inspectors was not sufficient to enforce compliance, and inspectors have no legal authority to impose penalties for violations. Resources, inspections, and remediation were inadequate, and penalties for violations were nonexistent.

With no formal OSH laws in place, the government did not track sector-specific deaths and injuries. Media reports suggested that workers in the construction, metalworking, and mining industries were especially vulnerable to death or injury, because adherence to OSH principles was not compulsory.

**Informal Sector:** Even before August 15, employers often chose not to comply with the pre-August 15 government labor requirements and often preferred to hire workers informally. Most employees worked longer than 40 hours per week, were frequently underpaid, and worked in poor conditions, particularly in the informal sector. In October the UN secretary-general noted 80 percent of the country's economy was informal, with women dominating the informal economy. Workers

in the informal sector were covered by minimum wage and workweek-hour laws, but informal workers were generally unaware of the full extent of their labor rights.

The pre-August 15 government did not provide additional social protections for workers in the informal economy. The Labor Ministry, however, was responsible for the operation of Child Protection Action Network (CPAN) units, a coalition of government agencies, NGOs, and community and religious leaders designed to combat child labor which occurred primarily in the informal sector. CPAN units received complaints of child labor, investigated, and referred cases to NGO and government shelters that provided social services. CPAN operated in 171 districts and processed more than 3,500 cases in 2020. No data were available on cases during the year or whether CPAN would continue under the Taliban.