

Executive Summary

This report explores the systematic rollback of women's rights in Afghanistan under Taliban rule, specifically highlighting their exclusion from justice and the widespread violations of fundamental human rights. Through qualitative interviews with Afghan women who have survived detention, as well as interviews with subject matter experts, the report uncovers the Taliban's intentional strategy to silence dissent, institutionalized oppression, and target women and marginalized ethnic groups. This is achieved through a combination of judicial manipulation, systemic abuse, and discriminatory practices.

Key Findings:

1. Violation of Fair Trial Standards:

Afghan women activists are facing arbitrary arrests, denial of legal representation, coerced confessions, and trials that lack transparency and due process. The judicial system is largely controlled by unqualified clerics who enforce ideological and patriarchal values instead of making evidence-based rulings. These practices violate international standards outlined in the Universal Declaration of Human Rights (UDHR) and the Convention Against Torture (CAT), as well as undermining Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to a fair trial.

2. Human Rights Abuses:

Women detained under Taliban rule face both physical and psychological torture. This includes beatings, electric shocks, cold-water torture, and prolonged isolation. Survivors have also reported instances of sexual violence, verbal humiliation, and systemic threats against their families. These actions violate the Convention Against Torture (CAT), which defines torture as the infliction of severe physical or mental suffering for the purposes of coercion, punishment, or intimidation. According to Article 7(1)(f) and (g) of the Rome Statute, such acts, when they are widespread or systematic, are classified as crimes against humanity.

3. Gender and Ethnic Discrimination:

Ethnic and religious minority women experience the compounded effects of gender, ethnic, and religious discrimination. Activist women, in particular, are often labelled as immoral or anti-Islamic to undermine their efforts. These practices violate Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which defines gender-based violence as a form of discrimination, as well as Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), which prohibits racial and ethnic discrimination.

4. Judicial and Law Enforcement Bias:

The judicial and law enforcement systems under Taliban rule lack impartiality, competence, and sensitivity to gender issues. Women are excluded from roles in the judiciary and enforcement, while untrained male clerics oversee cases. These practices violate the principle of equality before the law, as guaranteed by Article 7 of the Universal Declaration of Human Rights (UDHR), and they also contravene General Recommendation No. 33 of CEDAW, which emphasizes the need for gender-sensitive judicial systems to ensure access to justice.

5. Inhumane Detention Conditions:

Women detainees experience extremely harsh conditions, including a lack of basic hygiene and insufficient access to food, water, and medical care. These deliberate acts of deprivation aim to dehumanize the detainees and violate Article 10 of the International Covenant on Civil and Political Rights (ICCPR), which mandates the humane treatment of prisoners. Additionally, they contravene Article 16 of the Convention Against Torture (CAT), which prohibits inhumane or degrading treatment.

6. Systemic Implications:

The trauma experienced by detainees affects not only the individuals but also fractures families and destabilizes entire communities. Survivors often report enduring physical and emotional scars, which create cycles of fear and marginalization. These violations are part of broader patterns of oppression that

represent widespread or systematic attacks on civilian populations, constituting crimes against humanity as defined by Article 7 of the Rome Statute.

International Legal Context

The findings are contextualized within the context of several key international human rights frameworks, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture (CAT), the Rome Statute and the Convention on the Elimination of All Forms of Racial Discrimination. The practices of the Taliban violate these instruments by undermining fair trial guarantees, prohibiting torture, and breaching principles of equality, non-discrimination, and humane treatment. These systemic abuses represent a deliberate assault on fundamental rights and freedoms, which has significant implications for accountability under international criminal law.

Recommendations

This report presents a set of recommendations to address the systemic human rights violations occurring under Taliban rule. The key priorities include:

1. Accountability

- Establish an independent international mechanism to investigate and prosecute human rights violations in Afghanistan.
- Support the International Criminal Court's (ICC) investigation into crimes against humanity and potential cases at the International Court of Justice (ICJ).

2. Support for Afghan Civil Society

- Provide funding and technical assistance to Afghan women's organizations in exile and underground.
- Ensure meaningful participation of Afghan women in all decision-making processes.

3. Humanitarian Assistance

- Develop targeted programs that address the health, education, and psychosocial needs of Afghan women and minorities.
- Apply pressure on neighboring countries to halt deportations and create safe routes for at-risk Afghans.

4. For the United Nations

- Strengthen the United Nations Assistance Mission in Afghanistan (UNAMA) mandate and resources to monitor and report on human rights violations.
- Mandate a report on the intersectional abuses faced by ethnic and religious minorities.

5. For the Taliban

- Cease practices that violate international human rights laws, including torture, discrimination, and restrictions on women's rights.
- Restore Afghanistan's commitments to international treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture.
- Reverse restrictions on women's participation in employment, education, and public life.

For the complete recommendations, please refer to the final section of this report.

This report is a call to action, emphasizing the urgent need for international accountability to address the widespread human rights violations occurring under Taliban rule. We have highlighted the voices of survivors and placed their experiences within a global human rights framework to inform advocacy efforts.

List of Acronyms

CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICC	International Criminal Court
ICJ	International Court of Justice
NGOs	Non-Governmental Organizations
UDHR	Universal Declaration of Human Rights
UNAMA	United Nations Assistance Mission in Afghanistan
UNHRC	United Nations Human Rights Council
UNSR	United Nations Special Rapporteur

Acknowledgment

This report would not have been possible without the courage of the women of Afghanistan who shared their deeply personal experiences with us. We are humbled by their trust in allowing us to document their stories.

We extend our gratitude to those who have financially and intellectually supported this important study. Their commitment to advancing human rights and justice has been instrumental in bringing these critical issues to light.

This report is the result of the collective efforts of a dedicated team, and we wish to thank everyone who contributed to its completion. To those who conducted the interviews, transcribed and translated them, and analyzed the data, your dedication to accuracy and integrity has been excellent. To the writer who crafted this report with care and attention, your work ensures that the voices of Afghan women are heard loud and clear.

On behalf of the *Forward Together Development Network (FTD-N)*, we thank you all for your tireless commitment to justice, equality, and human dignity. Together, we move forward in solidarity with women in Afghanistan, informing and advocating for a more equitable future.

To stay updated on our future works, check:

<https://www.ftdnetwork.org/all-services>

Table of Contents

Executive Summary	1
List of Acronyms	5
Acknowledgment.....	6
1. Introduction	8
2. Study Rational	10
3. Background.....	11
4. Methodology.....	15
5. Findings.....	17
5.1. Violation of Fair Trial Standards	17
5.1.1. Arbitrary Arrests.....	17
5.1.2. Denial of Legal Representation.....	18
5.1.3. Absence of Due Process and Forced Confession.....	20
5.1.4. Presumption of Guilt Instead of Innocence.....	21
5.2. Human Rights Abuses	22
5.2.1. Physical Torture and Abuse	22
5.2.2. Psychological Torture and Emotional Abuse	24
5.2.3. Sexual Violence and Harassment	26
5.2.4. Degrading Treatment and Humiliation.....	27
5.3. Gender and Ethnic Discrimination.....	29
5.4. Judicial and Law Enforcement Bias.....	30
5.4.1. Incompetence and Religious Bias in the Judiciary	30
5.4.2. Lack of Female Officers and Gender Sensitivity	31
5.5. Conditions of Detention.....	32
5.5.1. Unsanitary Facilities	32
5.5.2. Denial of Basic Necessities.....	32
5.5.3. Systemic Implications and long-term consequences of detention.....	33
6. Conclusion	34
7. Recommendations.....	35
8. References	38

1. Introduction

Afghan women, who have long been discriminated against in Afghanistan, have faced an unprecedented rollback of their rights and freedoms under Taliban rule. The regime's institutionalized policies of gender-based discrimination—referred to by experts as “gender apartheid”—have pushed women to the margins of society. These policies have resulted in the denial of women’s access to education, justice, and basic human rights, violating both Afghanistan’s international treaty obligations and fundamental principles of human dignity.

The Taliban’s actions have dismantled Afghanistan’s legal and judicial infrastructure, replacing it with religious decrees that are inconsistently interpreted and disproportionately discriminatory against women. This has resulted in the exclusion of women from public life, education, employment, and justice, among others. Women who once held influential roles as lawyers, judges, and advocates are now confined to their homes, silenced by oppressive restrictions, and left vulnerable to violence, including forced marriages and domestic abuse. Afghanistan now stands as the only nation in the world to bar girls from secondary and higher education—a violation of its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

This report draws on the voices of Afghan women who have resisted these oppressive conditions. We have documented some of their untold stories from their detention, humiliation, and despair under the Taliban regime. Through in-depth qualitative interviews with survivors of Taliban detention and insights from experts in the field, this report seeks to answer the core question: How (if at all) can women in general, and activists in particular, have access to justice under Taliban rule? Our key findings reveal deeply concerning patterns of systemic abuse and discrimination that may amount to crimes against humanity under the Rome Statute, including:

- **Violation of Fair Trial Standards:** Women are arrested without warrants, denied legal representation, and presumed guilty until proven innocent. Trials, if conducted, rely on untrained clerics rather than legal professionals.

- Human Rights Abuses and inhuman detention conditions: Women face physical and psychological torture, sexual violence, and degrading treatment, with unsanitary facilities depriving them of food, water, and medical care.
- Gender and Ethnic Discrimination: Ethnic and religious minority women face compounded forms of violence and exclusion.
- Judicial and Law Enforcement Bias: Male clerics dominate the judicial system, with women excluded from law enforcement and legal representation.

The findings presented in this report are analyzed through the international human rights framework, particularly the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Rome Statute of the International Criminal Court (ICC), the Convention Against Torture (CAT) and Convention on the Elimination of All Forms of Racial Discrimination (CERD). These frameworks provide a legal and moral lens to assess the systemic violations committed by the Taliban. Additionally, principles from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) inform our analysis of gender-based oppression.

This report consists of the following sections:

- *Background:* Contextualizes the sociopolitical conditions that have shaped women's lack of access to justice in Afghanistan.
- *Methods:* Details the qualitative methodology used to gather and analyze survivor and expert interviews.
- *Findings:* Details the systemic violations of fair trial standards, human rights abuses, gender-based oppression, and conditions of detentions.
- *Conclusion:* Summarize the key insights and broader implications of these findings.
- *Recommendations:* Propose actionable steps for the international community, civil society, and stakeholders to advocate for women's rights in Afghanistan.

Through this research, we aim to shed light on the lived experiences of Afghan women under Taliban rule and provide an informed foundation for advocacy and meaningful change.

2. Study Rational

The situation of Afghan women under Taliban rule has been extensively documented, yet much of the research lacks the lived experiences of affected women. This study focuses on the systematic erosion of women's access to justice under the Taliban, filling a gap in the literature by highlighting judicial processes and detention practices alongside violations of international human rights law. A central objective is to document crimes through the lens of international law, specifically assessing the Taliban's actions against treaties, including CEDAW, UDHR, ICCPR, CERD, the Rome Statute, and CAT. These legal frameworks provide a basis for accountability and promote transitional justice.

Accurate and objective documentation of crimes against women is critical for Afghanistan's transition to a just and equitable future. It can support truth-seeking processes, combat impunity, and provide the foundation for advocacy and legal accountability. The report responds to the needs of advocacy networks and human rights organizations by providing first-hand narratives from women who were detained by the Taliban. It especially aids the ongoing ICC investigations into Taliban crimes by providing evidence that strengthens calls for accountability.

This study, therefore, provides:

- Survivor-centered documentation of abuses against Afghan women, particularly in detention facilities.
- Legal analysis grounded in international human rights law.
- A foundational resource for transitional justice efforts, ensuring that women's voices and experiences are preserved for accountability processes.
- Evidence to support ICC investigations and contribute to international justice processes.

3. Background

The Taliban's return to power on August 15, 2021, marked a turning point in Afghanistan's human rights landscape. Although the regime initially claimed a commitment to respecting human rights within an "Islamic framework" – including assurances of allowing women to work in government and pursue education – the reality over the past three years has been drastically different. National and international human rights organizations have consistently reported a systematic erosion of fundamental rights, with women disproportionately targeted in what some experts have described as the Taliban's "war on women" (Amnesty International, 2024).

Thus far, the Taliban have issued at least 127 decrees and directives explicitly restricting women's rights in nearly every aspect of life, from education and employment to public participation and access to justice. Specific directives include bans on women attending schools (17) and universities (16), justice (8), employment in NGOs and U.N. bodies (12), employment in government institutions and businesses (19), women in media (15), women outside the home (28), visiting parks or sightseeing (6), sports (3), traveling (2), and corporal punishment (1) (United States Institute of Peace, n.d.).

The United Nations Special Rapporteur on Human Rights in Afghanistan described the Taliban's policies as "perpetrating the most extreme forms of gender-based discrimination" and determined that "the pattern of large-scale systematic violations of women's and girls' fundamental rights in Afghanistan, abetted by the Taliban's discriminatory and misogynist policies and harsh enforcement methods, constituted gender persecution and an institutionalized framework of gender apartheid." (Human Right Council 2024). Similarly, Human Rights Watch argues that the Taliban are "freely violating the international human rights treaties that Afghanistan has ratified, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" (Abbasi et al. 2024).

The Taliban's decrees and governance have dismantled Afghanistan's judicial infrastructure, replacing legal frameworks with religious decrees that are often inconsistently interpreted and disproportionately discriminatory against women and girls (Abbasi et al., 2024). This makes it exceedingly difficult for women to assert their rights in matters such as divorce, inheritance, and child custody (Rawadari, 2023). The removal of professional cadres and judges – coupled with restrictions on women's freedom of movement and the requirement for male chaperones – further prevents them from pursuing legal action (Human Rights Council, 2024).

Structurally, the Taliban dissolved key institutions that supported legal and human rights protections, such as the Afghanistan Independent Bar Association (November 2021) and the Afghanistan Independent Human Rights Commission (May 2022) (United States Institute of Peace, 2023). Additionally, they abolished the Ministry of Women's Affairs, replacing it with the Ministry for the Propagation of Virtue and Prevention of Vice, an entity that largely enforces gender-based restrictions and punishes dissent (Human Rights Council, 2024; Abbasi et al., 2024). While some institutions, like the Ministry of Women's Affairs, were not directly part of the judicial system, they provided critical support and structure for women's rights and access to justice. The Taliban issued directives that erased decades of progress in Afghan legal reforms (United States Institute of Peace, 2023).

While the UN High Commissioner for Human Rights has stated, 'Afghanistan as a State remains bound by the international human rights obligations stemming from the treaties to which it is a party. [And] The *de facto* authorities have responsibility for upholding these obligations by respecting, protecting and fulfilling human rights in Afghanistan' (Human Rights Council 2023); the Taliban has done the opposite. They, for example, eliminated special prosecution offices for violence against women and children and abolished shelters for survivors of domestic abuse. They have effectively denied women avenues to escape abuse or seek justice.

Under Taliban rule, the justice system no longer functions as an avenue for fairness or protection, particularly for women and minorities. Instead, it serves as an instrument of repression, rife with systemic corruption, arbitrary detentions, and

forced confessions (Human Rights Council, 2024). Women detainees face biased judicial processes where they are presumed guilty, deprived of legal representation, and subjected to rulings based on ideological interpretations rather than evidence. These practices violate fundamental international human rights principles, including the presumption of innocence and access to impartial justice.

Additionally, the Taliban courts lack standardized procedures, with decisions varying by province and often influenced by local *Jirgas*, *Shuras*, or clerics. Historically patriarchal, these informal systems exclude women's voices, subjecting them to discriminatory rulings that exacerbate their vulnerabilities (Rawadari, 2023). Women are also barred from accessing formal investigation processes, which are essential for evidence-based legal proceedings. This deliberate exclusion reinforces a culture of silence and impunity, particularly for perpetrators of violence against women (Ibid)

Women's access to justice has also been significantly undermined, with those attempting to challenge these injustices often facing imprisonment, torture, and further stigmatization (Human Rights Council, 2024; Rawadari, 2023).

Beyond the courts, women are confined to their homes under restrictive mobility policies, mandatory dress codes, and a climate of fear – systemic oppression that undermines women's rights and deprives Afghanistan of its human capital, ultimately weakening its social and economic fabric.

Afghanistan's adherence to international treaties, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), The International Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishment (CAT) and the Rome Statute, stands in contrast to the Taliban's actions. The Taliban's widespread abuses – ranging from arbitrary arrests and torture to the dismantling of judicial protections – violate international standards on human rights, gender equality, and fair trial procedures.

The International Criminal Court's (ICC) Office of the Prosecutor stated that investigators have "reasonable grounds to believe" that Taliban leaders Hibatullah Akhundzada and Abdul Hakim Haqqani (who has served as Chief Justice since 2021) "bear criminal responsibility for the crime against humanity of persecution on gender grounds, under article 7 (1) (h) of the Rome Statute." The Prosecutor elaborated that they are "criminally responsible for persecuting Afghan girls and women... and persons whom the Taliban perceived as allies of girls and women." According to the ICC, persecution has occurred throughout Afghanistan from at least August 15, 2021 – the day Taliban forces seized Kabul – to the present day. (International Criminal Court [ICC], 2025). A three-judge panel at the ICC will now decide on the prosecution's request.

The Prosecutor further emphasized the gravity of the situation, describing Afghan women and girls as facing "unprecedented, unconscionable, and ongoing persecution by the Taliban." He added, "This action signals that the status quo for women and girls in Afghanistan is not acceptable." (International Criminal Court [ICC], 2025).

Given the Taliban's systemic violations of international treaties and their devastating impact on Afghanistan's human rights landscape, the global community has a critical role to play. Based on consistent reports and calls to action from stakeholders involved, bodies such as the United Nations, the ICC, and regional organizations like the Organization of Islamic Cooperation (OIC) must intensify efforts to hold the Taliban accountable. International accountability mechanisms, including the International Court of Justice (ICJ), can offer a viable pathway to address these systematic violations and to ensure Afghanistan's compliance with its obligations under treaties such as CEDAW, CAT, UDHR, and ICCPR.

4. Methodology

In this qualitative study, we mainly relied on three methods for data collection: 1) unstructured interviews with Afghan women (n=7) who experienced detention under Taliban rule. 2) semi-structured interviews with selected experts (n=4). 3) Review of secondary reports and documents to complement and contextualize our findings.

We have conducted online unstructured interviews with seven women's rights activists who were detained by the Taliban for advocating for women's rights. These interviews, conducted by two experienced researchers, provide insights into the personal and systemic challenges faced by women within the Taliban's judicial and penal frameworks. Given the sensitive and traumatic nature of participants' experiences, an unstructured format allowed us to have an empathetic, participant-led approach, where the interviewees shared their stories in their own words, pace, and depth.

This type of interview encouraged open dialogue and allowed participants to bring forth personal reflections on their detainment experience and procedural injustices faced and narrate some of the broader implications of Taliban policies on women's access to justice. When necessary and appropriate, we used follow-ups and probes for further details, clarified aspects of their experiences, and explored emerging themes. It has captured the complexities of lived experiences and recognized nuances that might be otherwise missed in structured formats.

To triangulate findings and enhance data richness, we conducted semi-structured interviews with human rights advocates and professionals with expertise in Afghanistan's judicial and political systems. These expert interviews focused on three key areas: 1) legal and judicial changes under Taliban rule, 2) roles and responsibilities of international and regional actors in advocating for Afghan women's rights, and 3) potential strategies and mechanisms for supporting women's legal advocacy and improving access to justice.

Given the sensitive nature of the research, ethical considerations were integral to both the design and implementation of the study. Participants were thoroughly informed about the research purpose, the voluntary nature of their participation, their right to withdraw at any point, potential risks, and the measures to protect their anonymity and confidentiality. Informed consent was obtained before conducting interviews, which were recorded and transcribed verbatim. To safeguard participants' identities, all transcripts were thoroughly anonymized, and data access was restricted to the research team.

We used thematic analysis to systematically identify recurring patterns, narratives, and contradictions within the qualitative data. This involved coding the data to extract key themes that illuminate the complex realities faced by women in Afghanistan. The analysis was grounded in participants' lived experiences while situating their narratives within broader legal and human rights frameworks.

This study was conducted by a team of researchers with expertise in human rights advocacy, qualitative research, and Afghanistan's social and political dynamics. While none of the researchers have directly experienced detention under Taliban rule, we acknowledge our role as external observers interpreting the lived experiences of Afghan women within broader legal and human rights frameworks. Our team includes individuals with personal and professional connections to Afghanistan and those with international advocacy backgrounds. We focused on amplifying the voices of Afghan women while recognizing the limitations of fully capturing their emotional experiences. Importantly, this study did not involve interviews with Taliban officials, as our aim was to center on the voices of women who have faced systemic injustices and the insights of human rights experts. Given the urgent human rights crisis under Taliban rule, our goal is to document these violations, reflect survivors' voices, and contribute to advocacy and justice efforts. We approached this study with respect, sensitivity, and ethical rigor, mindful of maintaining objectivity while balancing it with empathy.

5. Findings

This study reveals concerning realities for Afghan women under Taliban rule: a justice system marred by systemic biases, oppressive practices, and deliberate violations of fundamental rights. The findings also demonstrated a pervasive erosion of legal safeguards and human dignity in detention centers. Afghan women activists face a justice system that prioritizes control and subjugation over fairness, where access to justice is very limited. These findings are organized into a number of thematic areas, discussed further below, that illustrate the breadth and depth of these systemic issues.

5.1. Violation of Fair Trial Standards

Under Taliban rule, the right to a fair trial has been systematically dismantled. Practices such as arbitrary arrests, coerced confessions, denial of legal representation, absence of due process, and the presumption of guilt have become the norm. The judicial system, thus, as revealed through survivor interviews and expert insights, functions as a tool of oppression rather than justice, targeting largely women, activists, and ethno-religious minorities with impunity.

5.1.1. Arbitrary Arrests

Under Taliban rule, arrests are conducted arbitrarily, often marked by violence, humiliation, and disregard for legal processes. Women, particularly activists and those from marginalized ethnic groups, are frequently targeted without documentation or justification.

Survivors consistently reported being detained without legal documentation or warrants. Arrests were often conducted in public spaces, in homes, or at peaceful gatherings. Interviewee 4 described the violent nature of her arrest while returning home: *“Near my house, they threw a ‘Patu’ (blanket) over my head. They forcibly pushed me into a Ranger vehicle and took me away. There was no document, nothing official. It was a brutal and savage act. They beat me in the alley and dragged me away.”* Similarly, Interviewee 2 shared the experience of her detention in the street, *“...I felt the barrel of*

a Kalashnikov near my ear, and they told me, 'Get in the car.' When I tried to speak, they threatened to shoot me in the neck. My eyes were blindfolded, and they placed a black bag over my head."

For many women, the trauma of arrest was compounded by the intrusion into their homes and the involvement of family members. Interviewee 1 recalled the chaos when the Taliban stormed her house: *"Suddenly, there was a commotion. Moments later, the Taliban entered the house abruptly. They ransacked the house, and I don't know what they were searching for. They told us not to move and said, 'We're just taking you to Police Station 13 for a report. It's nothing serious,'"* She added, *"but they took us to what we later found, Directorate 40."* Her brother, desperate to protect his sisters, protested, pleading with the Taliban: *"You are taking these girls away. We have no one to support us. This is Afghanistan, and once you take them, it changes how people view them, making life very difficult for them."* Such actions extended the emotional toll of arrests to families, leaving them with social stigmas and profound psychological scars.

Women participating in peaceful protests faced particularly brutal treatment. Interviewee 7 recounted how an in-house gathering for women's rights was violently disrupted: *"They handcuffed me and dragged me out of the room,"* claiming *"this place was a brothel."* Similarly, Interviewee 5 described her ordeal when attempting to join a protest: *"They struck me with the butt of their guns, hit me in the face, took my phone, and handcuffed me from behind. They placed a black bag over my head. All of them were men; there were no women present. They threw me into a vehicle."* These accounts underscore the Taliban's use of arrests as a means to suppress women's voices and dismantle efforts to advocate for their rights.

Such practices violate Article (9) of the Universal Declaration of Human Rights and Article 9(1) of the International Covenant on Civil and Political Rights, which prohibit arbitrary arrest and detention.

5.1.2. Denial of Legal Representation

The denial of legal representation under Taliban rule exacerbates the injustices faced by detainee women, stripping them of their ability to defend themselves against

fabricated charges. Survivors revealed a systematic effort to block lawyers from courtroom proceedings, intimidate those who sought to provide counsel and isolate detainees from support systems. These practices leave detainees vulnerable to coercion, manipulation, and arbitrary rulings.

Interviewee 5 shared the account of her experience with the judicial process: *“My father had hired a lawyer, thinking it was like the previous system where one could defend their rights. However, when we entered the courtroom, my lawyer accompanied me. They immediately pulled my lawyer out and said, ‘In this case, we do not allow the presence of a lawyer.’ They told my lawyer to leave, threatening, ‘If you don’t leave now, we’ll arrest you for her crimes.’”* She continued to describe the environment: *“They didn’t allow my lawyer or even my family to be present in the court. It was just me and the clerics who judged me according to their religious doctrines.”* This account shows the systematic exclusion of legal representation, leaving detainees defenseless in a process where judgments were predetermined based on ideological biases rather than evidence or due process.

Interviewee 1 further emphasized the absence of legal and institutional safeguards: *“There was no lawyer there – absolutely none. There wasn’t even a female soldier present.”* Her words capture the broader structural exclusion women face within the Taliban's judicial and law enforcement systems, which deny them even the minimal protections afforded by international standards.

For some detainees, the isolation extended beyond the courtroom. Interviewee 4 described being completely cut off from her family and legal counsel: *“I wasn’t even allowed to ask to call my family or let my father know that I was alive, that I was in the custody of certain people, or that I was being held in a specific place. They didn’t even let me make a phone call, let alone speak with a lawyer.”* Her account reveals the emotional toll of this isolation: *“I kept wondering if my father was thinking, ‘What happened to my daughter? Was she kidnapped? Is she alive or dead?’ I had given up on everything else. All I wanted was to hear their voices and for them to hear mine. Even that was not allowed.”* She added that her family was misled repeatedly, being told by the authorities: *“We didn’t arrest her; we don’t know anything about her. Maybe she ran away. She’s a young girl; maybe she ran away from home.”*

These practices directly contravene Article 14(3)(d) of the International Covenant on Civil and Political Rights, which guarantees the right to legal counsel of one's choosing.

5.1.3. Absence of Due Process and Forced Confession

The absence of due process under Taliban rule emerged as a pervasive theme in survivor accounts. Detainees were often held for extended periods without being informed of the charges against them, and trials, when conducted, lacked transparency and impartiality. Coerced confessions were frequently used as the primary evidence, illustrating the arbitrary and punitive nature of the system.

Interviewee 7 shared her account of being forced to read a pre-written confession on camera: *"They made me read their confession on camera."* She further elaborated, *"The Taliban wrote two papers and brought them to me. I had to read them in front of the Taliban media. If I tried to speak on my own, they would stop the media and make me read exactly what was written on their papers."* This orchestrated display highlights the Taliban's deliberate manipulation of public narratives to legitimize their actions while denying detainees any semblance of agency or fairness.

Interviewee 3 provided a similar account of being coerced into making false public statements: *"They were planning to organize a session, similar to a press conference, where I was supposed to state that we did not go out on the streets of our own will, that we were instigated by others, and that our intent was to defame the Islamic Emirate. They wanted me to say that I was satisfied with the Emirate's government and accepted what was happening in Afghanistan, as well as the Islamic laws."*

For some detainees, the lack of due process was evident in the complete disregard for legal proceedings. Many survivors reported instances where formal hearings were entirely skipped, leaving them to endure arbitrary treatment without any opportunity to defend themselves. These accounts illustrate a system where guilt is assumed and formal legal protections are neglected.

The absence of due process not only undermines the rule of law but also contravenes Article 14(1) of the International Covenant on Civil and Political Rights, which guarantees the right to a fair and public hearing before a competent and impartial tribunal.

5.1.4. Presumption of Guilt Instead of Innocence

Under Taliban rule, the fundamental principle of the presumption of innocence has been entirely overturned. Women detainees are treated as guilty from the moment of their arrest. Coercion, forced confessions, and public shaming are routinely used to validate unfounded accusations. Women activists, in particular, have been accused of being part of foreign conspiracies or anti-regime activities.

Interviewee 2 explained her opinion about the Taliban's perspective on guilt, stating: *"Every time we raised our voices or took action, the Taliban feared that the world would find out, that people would see, and that the media would learn about it."* This fear drove targeted accusations aimed at silencing activists. Interviewee 1 recounted being accused of receiving foreign money to incite protests: *"They insisted that we had received money from foreigners and that someone was inciting and forcing us to protest."*

Interrogations were characterized by relentless pressure to extract confessions, often under duress. Interviewee 1 described: *"They focused on making us confess that we had received money from foreigners in exchange for protesting, even though we had never taken any money or anything else. They just wanted us to admit to being paid."*

Coercion often extended to threats against detainees' families, amplifying the presumption of guilt. Interviewee 5 recalled: *"Faced with the threat to my family, we were forced to sell our home to raise the \$5,000 they demanded. I was also coerced into making a public confession, claiming that I was not tortured, had access to medical care, received good food, and was treated well. This was entirely false."* Her ordeal was compounded by isolation: *"They kept me isolated in a container, separate from other female prisoners, so I couldn't share my story or incite others against them."* She was ultimately released after six and a half months, but only after making false confessions and paying a hefty sum.

Manipulative tactics were used to force detainees into public compliance regretting their “guilt.” Interviewee 4 shared the pressure she endured: *“During every interrogation, they were recording me. Even when I was being beaten, they would take videos of me.”* She recounted being forced to memorize and recite a scripted apology: *“I had to admit that I was asking for forgiveness from Amir al-Mu’minin for making a mistake and that I had been deceived and manipulated by their so-called enemies.”* Despite severe beatings and psychological distress, she resisted fully complying: *“I couldn’t remember the sentences from the paper; the words kept slipping from my mind, and I would mix up the order of the sentences.”*

The systematic reversal of the presumption of innocence violates Article 14(2) of the International Covenant on Civil and Political Rights, which guarantees that everyone charged with a criminal offense shall be presumed innocent until proven guilty.

5.2. Human Rights Abuses

Based on interviewee’s accounts, the Taliban’s rule has been marked by a deliberate and systemic use of violence and intimidation to suppress dissent and instill fear. Accounts from interviewees reveal a pervasive pattern of human rights abuses, including physical torture, psychological torment, sexual violence, and degrading treatment. These practices disproportionately women of ethnic minorities.

5.2.1. Physical Torture and Abuse

The Taliban’s systemic use of physical violence is a defining characteristic of their oppressive rule, as described by survivors. Women detained by the regime recounted being subjected to beatings, electric shocks, and cold-water torture. These practices, are designed to extract confessions, suppress dissent, and instill fear. Survivors revealed how these acts left behind both visible physical scars and deep psychological trauma.

Physical torture was a common tool used to punish detainees. Interviewee 3 recounted: *“They poured cold water on me at midnight while my hands were shackled.”* Interviewee 5 shared: *“They gave me electric shocks until I fainted and lost consciousness*

when I refused to unlock my phone.” Interviewee 2 described an escalation of abuse: “They repeatedly gave me electric shocks, poured cold water on me for nights on end, and flooded my room, leaving my legs swollen and my health in a dire state.” Similarly, Interviewee 4 detailed her experiences during interrogations: “They would question me, listing accusations one by one: ‘Did you do this? Did you do that?’ If I said no, they would beat me. If I said yes, they would ask, ‘Who supports you? Where do you get your money from? Who dictates to you what to do?’”

The deprivation of basic necessities further exacerbated the physical torment. Survivors reported being denied access to food, water, and essential hygiene. Interviewee 2 recounted: *“For the first three days, they didn’t even give me proper water, and I felt like my kidneys were failing.”* Survivors also described inhumane conditions, such as being blindfolded and escorted to restrooms under close surveillance. One survivor shared: *“They would cover my head with a black bag and warn me not to speak with anyone.”* Basic human dignity was stripped away in these conditions, intensifying the suffering.

During family visits, physical injuries were concealed. Interviewee 2 revealed: *“When I was allowed to see my son and mother, they gave me a hijab and black gloves, instructing me to wear them so my family wouldn’t see the wounds on my body.”*

For many detainees, the torture extended beyond the physical to target their dignity. Interviewee 2 recalled: *“They whipped me several times on my back. I was extremely terrified, as anyone would be, knowing that anything could happen to me. When they took me back to the hall, the weather was still bitterly cold. I remember they even took my shoes.”* She also described a particularly degrading incident: *“A man threw hot green tea at my face. At that moment, I thought I might have lost vision in my eye. My forehead was burning. I removed my mask and screamed, ‘You’ve blinded me! All of you are infidels! None of you are Muslims!’”*

Survivors also spoke of the sounds of other detainees being tortured, which compounded their anguish. Interviewee 5 described: *“Every evening, we could hear the*

sounds of prisoners being tortured...The tortured prisoners would scream, begging and saying things like, 'I was wrong! I won't do it again! I'll never make this mistake again!'"

The Taliban often paired physical abuse with threats and intimidation to break detainees' resolve. Interviewee 3 recounted: *"They even told me, 'Do you know where you are? No one else knows where you are either. Whatever we do to you, no one will ever find out.'"* These statements illustrate the deliberate psychological manipulation that accompanied the physical abuse.

These practices constitute torture under Article 1 of the Convention Against Torture, which identifies torture as any act causing severe physical or mental suffering for purposes such as obtaining information, punishment, or intimidation. Such acts are explicitly prohibited under Article (5) of the Universal Declaration of Human Rights, which states that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Additionally, under Article 7(1)(f) of the Rome Statute, the systematic use of torture constitutes a crime against humanity when carried out as part of a widespread or systematic attack directed against a civilian population.

5.2.2. Psychological Torture and Emotional Abuse

The Taliban's use of psychological torture is a calculated strategy aimed at breaking the spirits of detainees and reinforcing their control. This form of abuse extends beyond physical harm, targeting the emotional and mental well-being of individuals. Survivors described enduring constant threats, humiliation, and manipulation involving their family members to coerce compliance. These practices inflicted deep emotional wounds not only on the victims themselves but also on their families.

The persistent threat of execution was a recurring theme in survivor testimonies, designed to instill a state of perpetual fear and helplessness. Interviewee 3 recounted: *"They frequently placed a gun to my head and said, 'We'll shoot you if you don't talk.'"* This relentless intimidation created a psychological environment where detainees felt so vulnerable. Interviewee 2 shared: *"I was in solitary confinement, and*

one day when I protested and raised my voice, they told me to perform ablution because they were going to stone me to death and execute me for being anti-regime."

The Taliban weaponized detainees' concern for their loved ones, using threats and fabricated scenarios to destabilize them emotionally. Interviewee 2 recounted: *"One night, they told me, 'We've brought your son, husband, and family here for interrogation.' Although they hadn't brought them, they wanted to mentally destabilize me."* The emotional toll worsened when her son was eventually detained with her for 18 days to prevent him from spreading news about her condition. Similarly, Interviewee 3 shared: *"When my father returned multiple times, they slapped him hard and told him, 'You are dishonorable people. You don't even know what your daughter is doing. Your daughter works for foreigners and is linked to foreign intelligence agencies.'"*

The Taliban's deliberate use of solitary confinement and restricted communication exacerbated detainees' psychological suffering. These measures isolated victims, leaving them to grapple with uncertainty, prolonged anxiety, and an overwhelming sense of powerlessness. Interviewee 2 recounted: *"The fear of harm to my family, coupled with the isolation, broke me mentally."* Survivors described how this isolation was compounded by their inability to see or hear from their loved ones.

The Taliban's methods of psychological abuse were systemic and deliberate, aimed at punishing and emotionally destabilizing detainees. Phrases like "execution," "prolonged detention," and "harm to their families" were used repeatedly during interrogations, creating an environment of relentless fear and uncertainty.

Based on Article 1 of the Convention Against Torture (CAT), these practices that include severe mental pain or suffering intentionally inflicted for coercion or punishment are torture. Such treatment contravenes Articles 1, 2, and 5 of the Universal Declaration of Human Rights (UDHR), which emphasize freedom from torture, cruel treatment, and the right to dignity and security. The Taliban's actions also breach General Recommendation No. 19 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which explicitly identifies gender-based violence, including mental harm, as a form of discrimination

that states are obligated to prevent. Furthermore, under Article 7(1)(f) of the Rome Statute, the intentional infliction of severe mental suffering as part of a widespread or systematic attack against a civilian population constitutes a crime against humanity.

5.2.3. Sexual Violence and Harassment

Accounts from survivors reveal that sexual violence and harassment are weaponized by the Taliban as tools of control, dehumanization, and humiliation. Women detained by the regime described experiences of harassment during arrests, body searches, and interrogations. However, due to social stigma and personal fear, some survivors were reluctant to disclose or fully detail their experiences.

Of our seven interviewees, only Interviewee 5 disclosed: *“I was subjected to sexual assault.”* The rest had different accounts: Interviewee 3 recounted: *“During the body search, they harassed me in ways I cannot describe.”*

Almost all interviewees described their experience of sexually charged verbal humiliation, such as what Interviewee 7 described: *“They called us ‘prostitutes’”*

While some survivors confirmed the prevalence of sexual violence in Taliban detention centers, others, like Interviewee 4, acknowledged its occurrence while grappling with the difficulty of speaking about it: *“Yes, unfortunately, it’s very difficult for me to talk about this, but yes, I confirm that it happens a lot.”* This acknowledgment sheds light on the pervasive nature of such abuses, even when not all survivors experienced or disclosed them.

Interviewee 3 expressed the broader implications of these violations, describing her experience as *“a complete dehumanization – not just treating me as a prisoner.”* Her voice cracked as she described the trauma: *“I cannot provide further details, but I describe the experience as horrifying, and it is real.”*

The social repercussions for survivors of sexual violence in Afghanistan further compound the trauma. Interviewee 7 reflected on the stigma imposed by families and communities: *“Even though I may now be living abroad, Afghanistan is still my homeland. People’s attitudes towards these women change drastically after their imprisonment. Families, communities, and society distance themselves from these women multiple times over.”* This ostracization leaves survivors isolated.

While some survivors refrained from detailing their experiences, they emphasized that silence did not equate to denial. Interviewee 3 shared: *“While I was in prison, I wasn’t assaulted, but that doesn’t mean others in less visible circumstances have been spared.”* She highlighted the disparity between her experience and the conditions faced by women in more remote or inaccessible regions. She assumed: *“For girls imprisoned in [name of provinces], where the media doesn’t have as much reach, such incidents might occur.”*

The cultural and familial pressures to remain silent are profound. Interviewee 3 recalled the aftermath of her release and the reaction to her speaking out: *“When I was released and moved to [name of a country], I gave an interview with [name of a news agency] in which I openly revealed some information. Some family members contacted me afterward and said, ‘What happened should remain a secret that you take to your grave.’”* Despite these pressures, she reaffirmed her resolve: *“I didn’t step out to live quietly. I stepped out to raise my voice for rights, justice, and freedom for the people.”*

Such practices of sexual violence and harassment are explicitly prohibited under Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which condemns any act of gender-based violence as a form of discrimination. Furthermore, General Recommendation No. 19 of CEDAW identifies gender-based violence, including sexual violence, as a violation of women’s fundamental rights and freedoms. The Convention Against Torture (CAT) also affirms that sexual violence constitutes a form of torture under Article 1, prohibiting cruel, inhuman, or degrading treatment. Additionally, Article 7(1)(g) of the Rome Statute explicitly identifies sexual violence comparable gravity as crimes against humanity when committed as part of a widespread or systematic attack

against any civilian population, reflecting the international community's recognition of the severity of these violations.

5.2.4. Degrading Treatment and Humiliation

The Taliban routinely subjects detainees to degrading treatment aimed at stripping them of their dignity and reinforcing systemic discrimination. Survivor accounts reveal pervasive public shaming and accusations of immorality alongside ethnic and gender-based slurs that perpetuate deeply rooted biases. These practices oppress individuals and undermine the collective agency of women and minorities.

Interviewee 5 shared her experience of being demeaned on multiple levels: *“They called me a kafir (infidel).”* For ethnic and religious minorities, the humiliation was compounded by intersecting gender, ethnic, and religious biases. Interviewee 7 described the vitriol directed at her: *“They told me, ‘You ... are prostitutes. Your leaders couldn’t stand up to us, so how dare you?’”*

Physical examinations conducted in degrading and threatening circumstances:

Interviewee 4 recounted her only encounter with a female officer during her 41-day imprisonment: *“The female officer was there to examine my body, which had been stripped, to check if I had any injuries, bruises from beatings, or marks from whipping. She threatened me, saying, ‘You [name of ethnicity] girls are immoral and prostitutes. You are shameless and brazen.’”*

Threats extended beyond the prison walls; detainees warned against speaking out after their release. Interviewee 1 recalled the intimidation she faced: *“They said, ‘If you’re released and speak to the media about what you experienced in prison – how much you were beaten or what you saw – we will not spare you or your family if we catch you again. You’d better live silently as if you don’t exist.’”* These threats perpetuate a culture of silence, ensuring that the abuses remain concealed.

Such degrading treatment contravenes the Convention Against Torture (CAT). Article 16 of the CAT specifically prohibits acts of cruel, inhuman, or degrading treatment, emphasizing the obligation of state parties to prevent such practices

under any circumstances. Furthermore, General Recommendation No. 19 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) underscores that degrading treatment targeting women, especially those from marginalized ethnic and religious groups, constitutes a severe violation of women's fundamental rights.

5.3. Gender and Ethnic Discrimination

Evidence from interviewees reveals that gender and ethnic discrimination under Taliban rule are not isolated incidents but entrenched tools of systemic oppression. Women and ethnic minorities – particularly Hazara women – face targeted abuses as part of a deliberate strategy to silence dissent and maintain patriarchal and ethnocentric control. The intersection of gender, ethnicity, and religion renders these groups disproportionately vulnerable to exclusion, violence, and marginalization. Experts contextualize these practices as part of a broader campaign to suppress marginalized voices and reinforce systemic inequities.

Minority women, particularly Hazaras, endure intersectional degradation rooted in religious and ethnic biases. Interviewees recounted being subjected to dehumanizing rhetoric. Interviewee 4 shared: *"They insulted me, calling me a kafir (infidel), a Rafidi (a derogatory term for Shia Muslims), and a Hazara rat-eater (ethnic connotation). They called me a prostitute, saying I sold myself to Americans at Bagram. They would mock me, asking, 'How much do you cost for us?'"* Such remarks were personally distressing and served to instill fear.

Verbal abuse targeting gender and ethnicity was pervasive and deeply personal. Interviewee 3 recalled being subjected to constant humiliation: *"They frequently said, 'You are dishonorable people.' I clearly remember that they called me a prostitute, but they pronounced it incorrectly as 'paheshah' instead of 'fahesheh.'"* These gendered and ethnically charged insults were emblematic of the Taliban's broader view of women

and minorities as inferior. Interviewee 1 further explained: *“They fundamentally do not value women as human beings. When it comes to a woman who protests, they don’t see her as a human being at all.”* Such attitudes have led experts to describe these practices as *“gender apartheid,”* reflecting the Taliban’s deliberate exclusion of women from all facets of public life.

For religious and ethnic minorities, oppression is compounded by systemic religious and racial discrimination. Survivors reported efforts to demean their faith and identity. Interviewee 4 recounted: *“I was compelled to recite the Kalima (Islamic declaration of faith),”* and was mocked afterward: *“Where in the Quran does it say that Shias are Muslims?”* Similarly, Interviewee 7 shared: *“For example, a person named [name of a Pashton] was in prison there. Her family was allowed to visit her, but my family was not. She was allowed to go and meet those who came to visit her, but I was not allowed. She was allowed to walk in the common area, but I was not permitted to leave solitary confinement.”*

These practices directly contravene international legal obligations. Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) obligates states to combat racial discrimination, including the targeting of ethnic minorities. Similarly, General Recommendation No. 25 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasizes the necessity of addressing intersectional discrimination that disproportionately affects marginalized groups based on gender, ethnicity, and religion.

5.4. Judicial and Law Enforcement Bias

The judicial and law enforcement systems under Taliban are entrenched in systemic bias and incompetence. Rather than serving as mechanisms for justice, these systems function as tools of repression. Our interviewees provided a troubling picture of untrained clerics presiding over cases, gender-insensitive practices, and overtly discriminatory processes, all of which undermine fairness and equality.

5.4.1. Incompetence and Religious Bias in the Judiciary

In Taliban's judicial processes clerics usually serves as judges and investigators. They lack formal legal training. Verdicts are often based on personal or religious interpretations rather than established legal frameworks. This approach has led to arbitrary and punitive rulings.

Interviewee 7 highlighted lack of impartiality: *"They didn't care about evidence; they judged me based on their assumptions of who I was."* Similarly, Interviewee 5 described the inadequacy of those tasked with conducting investigations: *"These were unqualified individuals conducting investigations based on religious dogma."*

Reliance on unqualified and biased individuals has stripped women of possibility of a fair trial. These practices violate the principles outlined in international human rights treaties. Under Article 10 of the Universal Declaration of Human Rights, everyone has the right to a fair and public hearing by an impartial tribunal. Furthermore, General Recommendation No. 33 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stresses the importance of competent, impartial, and gender-sensitive judicial systems to ensure access to justice.

5.4.2. Lack of Female Officers and Gender Sensitivity

The exclusion of women from law enforcement roles, particularly during arrests, interrogations, and detentions, exacerbates the suffering of female detainees. Male officers frequently conducted invasive searches and interrogations, leaving women vulnerable to harassment and humiliation. When female officers were present, their roles were limited to enforcing Taliban directives. Interviewee 2 described the humiliation she endured during her arrest: *"They told me to get into the car, and I saw two Taliban men sitting on either side of me. I protested, saying, 'Which sharia allows two non-mahram men to sit next to me?' Seeing that I objected and that people were watching, they moved me to the front seat of the car."*

Similarly, Interviewee 3 recounted: *“Not only was there no female officer present, but the men were sitting very close to me. My headscarf had slipped off, and they placed the bag over my head themselves. During this time, their hands also touched my body, and I couldn’t figure out where they were taking me.”*

The lack of female officers and their limited roles in detention further highlights the systemic exclusion of women from justice processes. Interviewee 5 explained: *“No, not at all – only men were present. Women were not allowed to participate in investigations. They only had women acting as gatekeepers, opening and closing doors and saying, ‘Prepare yourself; it’s time for your investigation.’ Beyond that, women had no role in the investigative process.”*

These practices also contravene Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women, which mandates states to eliminate discrimination against women in all areas of public life, including their participation in law enforcement and justice systems.

5.5. Conditions of Detention

Detention under Taliban rule is characterized by deliberate inhumanity and neglect, reflecting a systemic strategy to dehumanize detainees and undermine their resilience. Women detainees have reported experiencing horrific conditions that stripped them of their dignity and caused significant physical and emotional harm.

5.5.1. Unsanitary Facilities

Interviewee recounted being confined to unsanitary facilities that were devoid of basic hygiene and medical care. Interviewee 4 described her experience: *“The rooms were dark, cramped, smelly, and horrifying. The ceiling was very low, and the whole place felt eerie and terrifying.”* Interviewee 6 echoed these sentiments, recounting that the prison conditions were horrific, with constant hunger and filth everywhere.

5.5.2. Denial of Basic Necessities

In many instances access to basic necessities such as food, water, and sanitation is deliberately withheld to intensify the suffering of detainees. Interviews reveal that this deprivation was a calculated strategy to strip detainees of their dignity and add to their vulnerability. Interviewee consistently reported that women were denied essential hygiene, nourishment, and medical care. Interviewee 4 recalled: *“For about two days, they didn’t give me any food or water.”* Similarly, Interviewee 7 shared the indignities she endured that bathing was a privilege that required bribes. This deprivation extended to medical care, with even severe illnesses going untreated. Majority of interviewees revealed they rarely received medical care when they needed it.

The denial of basic hygiene was another recurring theme. Interviewee 7 detailed the toll it took: *“I was imprisoned for 47 days, during which I was deprived of even the most basic rights that a prisoner should have. For example, I was not allowed to bathe for the first 15 days. After pleading and crying, they finally allowed me to bathe. I didn’t even have clothes to change into and had to reuse the same clothes I washed.”* Interviewee 2 echoed this experience: *“I wasn’t allowed to shower for 18 or 19 days. Imagine my condition as a woman in need of basic hygiene products – it’s unbearable even to think about it.”*

The detention facilities were described as uninhabitable. Interviewee 2 recounted the conditions of her confinement: *“They conducted a body search under terrifying, glaring laser lights. The room was freezing cold, without a carpet, and incredibly filthy – beyond description. I hadn’t had a drop of water since my arrest, and I was already very ill when they apprehended me.”* She highlighted the isolating design of the cells: *“The rooms had hidden cameras, and the doors were reinforced metal that you weren’t allowed to lock. If you screamed, no one would hear unless someone was standing nearby.”*

These practices breaches multiple international conventions. Specifically it violates Article 11 of the Convention Against Torture (CAT) which obligates states to prevent acts of cruel, inhuman, or degrading treatment.

5.5.3. Systemic Implications and long-term consequences of detention

The dire conditions of detention described by survivors are not incidental but part of a calculated strategy to dehumanize and oppress detainees. Through unsanitary environments, relentless torture, and deprivation of basic needs, the Taliban have weaponized imprisonment as a tool of control.

The ripple effects of these violations extend far beyond the immediate physical and psychological harm to detainees. Survivors face long-term health challenges and trauma, which fracture families and destabilize communities. For example, Interviewee 2 shared the lasting physical and emotional impact of her detention: *“I had to undergo surgery because they submerged my head in water so many times that my lungs and heart were affected. My left leg still hurts. The trauma and nightmares never leave me. I still wake up screaming in the middle of the night.”*

The physical toll was echoed by Interviewee 3, who described chronic pain: *“I experience pain in my legs, headaches, backaches, and sometimes my arms and legs become completely numb. The pain spreads to my throat, and I also experience a kind of breathlessness.”*

Similarly, Interviewee 7 recounted psychological implications: *“To this day, I suffer from the consequences of my imprisonment. It has been two years since I was detained, but I still depend on sleeping pills and antidepressants. Even now, I am mentally and emotionally trapped by the experience.”* She added, *“Life in exile is hard. For two years now, I’ve been seeing a psychologist and taking sleeping pills. I don’t sleep well at all, and naturally, it has an impact.”*

6. Conclusion

This report reveals that the justice system under Taliban rule in Afghanistan functions as an instrument of oppression rather than fairness. Systematic violations of fundamental rights, including the dismantling of fair trial standards, human rights abuses, gender and ethnic discrimination, and the weaponization of detention, illustrate a deliberate strategy to suppress dissent and consolidate patriarchal

control. These violations disproportionately target women and minorities, whose intersecting vulnerabilities of gender, ethnicity, and religion exacerbate their vulnerabilities.

Women are subjected to arbitrary arrests, Torture, ill-treatment, denial of legal representation, and presumed guilty, often without due process. Detention conditions add to their suffering through unsanitary environments, physical and psychological torture, and the denial of basic necessities.

These practices violate several provisions of international human rights law, including the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention Against Torture, and the Rome Statute, which designates widespread or systematic acts of torture and persecution as crimes against humanity. The Taliban's actions both contravene Afghanistan's obligations under these frameworks and perpetuate cycles of fear, inequality, and trauma that destabilize families and communities.

The deliberate nature of these violations demands urgent international attention. Addressing these systemic injustices requires accountability, targeted advocacy, and sustainable reforms to ensure the dignity, rights, and well-being of women in Afghanistan and other marginalized groups. We have outlined several recommendations that could help address some of these violations.

7. Recommendations

To the International Community:

1. Accountability

- Establish a robust, independent, international investigative and accountability mechanism approved by the United Nations Human Rights Council, with a mandate commensurate with the gravity and scale of the systematic and widespread violations and abuses of human rights.
- Support the ongoing International Criminal Court's investigation, including crimes against humanity in Afghanistan, following provisions of the Rome Statute and other international (human rights) treaties.
- Strengthen UN reporting and monitoring systems, including but not limited to special procedures such as UNSR's mandate for

Afghanistan, to document abuses, focusing on gender and ethnic discrimination.

- Support the initiative by Germany, Canada, Australia, and the Netherlands for a potential case against Afghanistan at the International Court of Justice based on CEDAW.
- Any “engagement” with the Taliban must be according to benchmarks, including respecting, protecting and fulfilling human rights, particularly the human rights of Afghan women and girls. Engagement must not result in the normalisation of the Taliban’s apartheid regime.

2. Support for Civil Society

- Provide necessary funding and technical assistance to Afghanistan human rights groups, particularly women’s organizations, working in exile or underground in Afghanistan to support legal advocacy, psychosocial care, and empowerment initiatives.
- Include Afghan women in all decision-making processes for Afghanistan’s future and ensure their meaningful participation and effective representation.

3. Humanitarian Assistance

- Provide targeted humanitarian programs addressing the needs of Afghanistan women, girls and minorities, prioritizing health, education, and psychosocial support.
- All states, particularly neighboring countries, such as Pakistan, Iran, and Turkey, to immediately stop forced deportations of at-risk Afghans and provide protection and safe, legal routes for them to reach safety. Vulnerable groups, including women and girls, as well as members of the ethnic and religious minorities, require particular attention and assistance.

For the United Nations

1. Strengthening UNAMA’s Role

- Extend and Enhance the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) and ensure that it has the full resources to monitor and report on human rights violations, particularly abuses against women and girls.

2. Human Rights Council:

- Mandate UNSR Afghanistan to produce a report on the intersectionality of abuses for ethnic and religious minorities, including

Hazaras, Sikhs, Hindus, Ismailies, Ahmadiyya, Sufis, and other members of vulnerable groups.

3. Leverage Diplomatic Pressure

- Put pressure on the Taliban to end their abuses against women and girls

4. Legal and Human Rights Support

- Establish an international fund to provide legal aid and representation for Afghan women subjected to Taliban persecution.
- Create safe reporting mechanisms for survivors of abuse to ensure documentation without exposing them to harm further.

For the Taliban

1. Respect for International Law

- Immediately cease policies and practices that violate international human rights norms, including arbitrary detention, torture, and discrimination against women and minorities.
- Restore and uphold Afghanistan's commitments to the Universal Declaration of Human Rights, ICCPR, CEDAW, and Convention Against Torture, and other international human rights treaties to which Afghanistan is a member.

2. Judicial Reforms

- Remove all bans on women's employment, including those for female lawyers, judges, and prosecutors.

3. Inclusion and Participation

- Immediately end all abuses against women and girls and reverse all restrictions, including bans on many forms of employment, education beyond sixth grade, freedom of movement, expression, and assembly.

8. References

Amnesty International. (2024, September). *Afghanistan: International legal initiative an important step toward tackling the Taliban's war on women*. Retrieved from <https://www.amnesty.org/en/latest/news/2024/09/afghanistan-legal-initiative-talibans-war-on-women/>

Abbasi, F., et al. (2024, May 13). *An avenue to justice for Afghan women*. Human Rights Watch. Retrieved from <https://www.hrw.org/news/2024/05/13/avenue-justice-afghan-women>

Human Rights Council. (2022). *Situation of human rights in Afghanistan (A/HRC/49/24)*. United Nations. Retrieved from <https://documents.un.org/doc/undoc/gen/g22/343/48/pdf/g2234348.pdf>

Human Rights Council. (2023). *Situation of women and girls in Afghanistan (A/HRC/53/21)*. United Nations. Retrieved from <https://documents.un.org/doc/undoc/gen/g23/125/67/pdf/g2312567.pdf>

Human Rights Council. (2024). *The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity, and exclusion of women and girls. Report of the Special Rapporteur on the situation of human rights in Afghanistan (A/HRC/56/25)*. United Nations. Retrieved from <https://documents.un.org/doc/undoc/gen/g24/075/00/pdf/g2407500.pdf>

International Criminal Court. (2025, January 15). *Statement of ICC Prosecutor Karim A.A. Khan KC on applications for arrest warrants in the situation in Afghanistan*. Retrieved January 23, 2025, from <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-afghanistan>

Office of the High Commissioner for Human Rights. (1948). *Universal Declaration of Human Rights*. United Nations. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Office of the High Commissioner for Human Rights. (1966). *International Covenant on Civil and Political Rights*. United Nations. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

Office of the High Commissioner for Human Rights. (1979). *Convention on the Elimination of All Forms of Discrimination Against Women*. United Nations. Retrieved from <https://www.ohchr.org/en/instruments->

[mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women](#)

Bowcott, O. (2011, June 15). *Afghanistan worst place in the world for women, but India in top five*. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2011/jun/15/worst-place-women-afghanistan-india>

Rawadari. (2023). *Justice denied: An examination of the legal and judicial system in Taliban-controlled Afghanistan*. Retrieved from <https://rawadari.org/040620231635.htm/>

Rome Statute of the International Criminal Court. (1998). United Nations Treaty Collection. Retrieved from <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>

Pherali, T. (2021, September 8). *Education in Afghanistan was a battlefield long before the Taliban returned*. *The Conversation*. Retrieved from <https://theconversation.com/education-in-afghanistan-was-a-battlefield-long-before-the-taliban-returned-167204>

United Nations High Commissioner for Human Rights. (2022). *Situation of human rights in Afghanistan (A/HRC/49/24)*. United Nations. Retrieved from <https://reliefweb.int/report/afghanistan/situation-human-rights-afghanistan-report-united-nations-high-commissioner-human>

United Nations. (1984). *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

United Nations. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination*. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

United States Institute of Peace. (n.d.). *Tracking the Taliban's (mis)treatment of women*. Retrieved January 4, 2025, from <https://www.usip.org/tracking-talibans-mistreatment-women>