



*The Crime Against Humanity
of Gender Persecution Series*

VOLUME ONE
**Gender Persecution
in Afghanistan:
A Crime Against
Humanity**

PART TWO:
Severe Deprivations of
the Fundamental Right
to Work as acts of Gender
Persecution

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This report is part of *The Crime Against Humanity of Gender Persecution Series* by the Human Rights and Gender Justice (HRGJ) Clinic at the City University of New York (CUNY) School of Law. This series analyzes crimes against humanity of persecution based on gender in different conflict or other atrocity settings. Published in January 2024, *Gender Persecution in Afghanistan: A Crime Against Humanity Report (Part Two)* focuses on the deprivation of the fundamental right to work in Afghanistan, and acts or crimes committed by the Taliban to enforce this deprivation, which may amount to gender persecution.

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Cover photo: An Afghan woman former journalist, silhouetted during an interview with AFP in Kabul, Nov. 13, 2021, Wakil Kohsar, Getty Images

“The Taliban have told women that they have no place in the new order. . . . We are engineers and lawyers and we want to work in our professions, but they say we cannot and should stay at home instead.”

— **Woman participant in demonstrations for women’s fundamental rights, during which many were beaten by the Taliban.**¹

I. Introduction

Since seizing power in Afghanistan in August 2021, the Taliban *de facto* authorities have issued a steady barrage of decrees designed to deprive fundamental rights on the basis of gender.² They banned women from political participation and from most jobs, excluded girls from education past grade six, and eliminated women’s right to attend higher education.³ They all but eliminated gender-based violence services and legal protections,⁴ and imposed *mahrams*, or close male relative guardians on girls and women leaving their homes.⁵ Men, women, boys, and girls must adhere to strict gendered dress

and appearance codes, and the Taliban have stated that the best way for women to obey their hijab rule is to stay home.⁶ The Taliban also outlawed protests by women and their supporters who oppose the new restrictions.⁷ To enforce their regulations, they have allegedly committed torture, rape, inhumane acts, killing, unlawful imprisonment, enforced disappearance, and other crimes.⁸ Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+)⁹ people face heightened danger, with the Taliban’s stated policy to flog, stone or otherwise kill people deemed “homosexual.”¹⁰ The Taliban has tortured, beaten, unlawfully imprisoned, killed and committed sexual

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- 1 Fereshta Abbasi, “Afghan Women Protest Against Taliban Restrictions”, *Human Rights Watch* (September 7, 2021).
 - 2 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, A/HRC/53/21 (June 15, 2023), para. 17.
 - 3 Amnesty International, “Death in slow motion: Women and girls under Taliban rule” (July 2022), pp. 5-6; Alissa J. Rubin, “Taliban Complete Interim Government, Still Without Women”, *New York Times* (September 21, 2021); Amnesty International, “Afghanistan: Taliban’s backtrack on school re-opening for girls irreversibly impacts their future” (March 28, 2022); Stefanie Glinski and Ruchi Kumar, “Taliban U-turn over Afghan girls’ education reveals deep leadership divisions”, *The Guardian* (March 25, 2022); “Afghanistan: Taliban ban women from universities amid condemnation”, *BBC* (December 21, 2022).
 - 4 Amnesty International, “Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research” (December 6, 2021).
 - 5 Report of the Special Rapporteur on the situation of human rights in Afghanistan, A/HRC/51/6, Human Rights Council (September 9, 2022), para. 24; Amnesty International, “Death in slow motion: Women and girls under Taliban rule: Women and girls under Taliban rule” (July 2022), p. 30.
 - 6 Arwa Ibrahimi, “In Afghanistan, Taliban diktat sparks debate about women’s attire”, *Al Jazeera* (January 26, 2022); Human Rights Watch, “Afghanistan: Taliban Deprive Women of Livelihoods, Identity” (January 18, 2022); Belquis Ahmadi and Mohammad Osman Tariq, “How the Taliban’s Hijab Decree Defies Islam”, *United States Institute of Peace* (May 12, 2022).
 - 7 Akhtar Mohammad Makoi, Peter Beaumont and Patrick Wintour, “Taliban ban protests and slogans that don’t have their approval”, *The Guardian* (September 8, 2021); Zeba Siddiqui and Parniyan Zemaryalai, “Protests get harder for Afghan women amid risks and red tape”, *Reuters* (October 4, 2021); David Zucchino and Yaqoob Akbary, “Threatened and Beaten, Afghan Women Defy Taliban With Protests”, *New York Times* (January 24, 2022); “Taliban disperses Afghan women’s march for ‘work and freedom’”, *Al Jazeera* (August 13, 2022).
 - 8 See Section III (4) below; Interview with Anonymous Afghan Women’s Advocate, Sept. 27, 2023 [On file with MADRE], [Name withheld for safety reasons].
 - 9 The plus sign represents people who identify with the broader LGBTQI community, but use other terms for self-identification. While the acronym LGBTQI+ is inclusive of a broad range of persons, it is not exhaustive, nor is it a universally standard acronym. For the purposes of this report, LGBTQI+ includes nonbinary persons.
 - 10 Paul Ronzheimer and Giorgos Moutafis, “This Taliban judge orders stoning, hanging, hands chopped off”, *BILD* (July 12, 2021); Vic Chiang, “Afghanistan: LGBTQ people fear for their lives under Taliban rule”, *Deutsche Welle* (October 8, 2021).

violence against people deemed LGBTQI+.¹¹ Lesbian and bisexual women and transgender persons face compounding discrimination that is both misogynist and homophobic and/ or transphobic, and endure overlapping forms of rights violations, including, for example, forced marriage to men.¹²

United Nations human rights experts have found these rights deprivations part of a regime of systematic oppression and domination based on gender, and note the growing movement for recognizing a new crime against humanity of gender apartheid.¹³ They have also found the Taliban's discriminatory systematic rights deprivations and crimes of significant enough gravity that they warrant investigation as crimes against humanity of gender persecution.¹⁴

The crime against humanity of persecution based on gender (gender persecution) under the Rome Statute of the International Criminal Court (ICC) is a vital tool, as it is currently the only holistic charge that can be used to hold perpetrators accountable for crimes committed on the basis of gender during conflict and other atrocities.¹⁵ By analyzing the evidence emerging from Afghanistan in light of gender persecution's legal elements, the Taliban's discriminatory policies and conduct can be recognized as amounting to both grave human

rights violations and crimes against humanity, including gender persecution.

This report, one of a series on gender persecution in Afghanistan,¹⁶ focuses on the Taliban's acts and alleged crimes to deprive women the fundamental right to work. By depriving women's right to work in Afghanistan, the Taliban has drastically worsened women's economic condition and increased their risk of life-threatening food insecurity, particularly in households where women are the primary or only earners.

The right to work is one of multiple interlocking economic, social, cultural, political and civil rights the Taliban is depriving on a discriminatory basis. For this reason, investigators should also analyze other rights deprivations, which are oppressive in themselves and create further challenges to the right to work. For example, investigators should consider the ways in which the Taliban's imposition of the *mahram* system is linked to the deprivation of women and girls' fundamental right to freedom of movement, to their right to freedom from domestic violence, and to their right to work. The treatments of the rights covered in Part One of this series and in this document (Part Two) are meant to provide a roadmap for identifying the multiple severe

11 Outright Action International, "[A Mountain on My Shoulders: 18 Months of Taliban Persecution of LGBTQI Afghans](#)" (2023); Dr. Charbel Maydaa and Afghanistan LGBTQI+ Organization (ALO), [In the Shadow of the Taliban- Untold Stories of LGBTQI+ Persecution in Afghanistan](#), (November 1, 2023); Interviews with Anonymous Afghan LGBTQI+ community members, September 22-24, 2023, January 10 & 15, 2024, [On file with MADRE], [Names withheld for safety reasons.]

12 Interviews with Anonymous Afghan LGBTQI+ community members, September 22-24, 2023, January 10 & 15, 2024, [On file with MADRE], [Names withheld for safety reasons.]

13 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, A/HRC/53/21 (June 15, 2023), paras. 94, 95.

14 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, A/HRC/53/21 (June 15, 2023), para. 91.

15 Other charges may also recognize discriminatory intent to commit prohibited acts, such as torture as a war crime. However, gender persecution is the only holistic charge available to uphold accountability for such crimes. Lisa Davis, "[Reimagining Justice for Gender-Based Crimes at the Margins: New Legal Strategies for Prosecuting ISIS Crimes Against Women and LGBTI Persons](#)", *William & Mary Journal of Women and the Law*, Vol. 24 (2018), pp. 544-547.

16 Some language in this report draws on the first in the series. See MADRE and Institute for Gender, Law, and Transformative Peace CUNY School of Law, "[Gender Persecution in Afghanistan: A Crime Against Humanity, Part One: Severe Deprivation of the Fundamental Rights to Education, Assembly, and Expression](#)" (March 2023).

deprivations of fundamental rights that may amount to gender persecution in Afghanistan. While not discussed in depth in this report, investigators should also account for the fact that persecution can occur on the basis of multiple, intersecting grounds, including both gender and ethnicity, for example.

The first section of this report explains the elements of the crime against humanity of gender persecution under the Rome Statute. It also describes the ways in which the elements permit an expansive view of victims of persecution, to include all those the perpetrator intentionally deprives of fundamental rights on a discriminatory basis. The next section contains an analysis of the Taliban's acts to deprive Afghans of the fundamental right to work, on the basis of gender, in light of the elements of the crime of gender persecution. It presents evidence that the Taliban has promulgated policies to deprive the fundamental right to work on a discriminatory basis, and provides examples of crimes they allegedly committed in order to enforce the rights violations. This analysis focuses on the first four elements of persecution under the Rome Statute, excluding the chapeau elements for crimes against humanity.

This is the second in a series of reports and briefing papers analyzing gender persecution in Afghanistan and in other conflict and atrocity settings. Sources for this document include publicly available human rights reports, news articles, international case law and legal standards, text produced by the Taliban, and

interviews with Afghan women and/including LGBTIQ+ refugees.¹⁷ All acts and crimes discussed in this report have been documented or alleged by their sources, but have not been proven in a court of law. This report refers to these acts or crimes as such for the purposes of analyzing them as possible crimes of gender persecution.

Diverse forms of accountability may occur in response to conflicts and atrocities. However, before any accountability mechanism may commence there must first be agreement on what constitutes a crime or wrongdoing. It is not enough to hold perpetrators accountable for the harms they cause; we must also understand why crimes happen if we are to root out cycles of violence. The recognition of gender persecution as a crime can help visibilize victims/survivors¹⁸ who are targeted because of gender and other intersecting identities. As The ICC's Office of the Prosecutor's (OTP) Policy on the Crime of Gender Persecution (Policy on Gender Persecution) reminds us, "such crimes can reflect the continuum of historical and longstanding structural discrimination and fundamental rights deprivations experienced by women, girls and LGBTIQI+ persons."¹⁹ By shedding light on gender persecution, we help unearth the discrimination underlying these crimes and fueling conflicts, and demonstrate to the world that targeting women, girls, men, boys, and LGBTIQI+ persons because of their gender is a crime against humanity.

17 In addition to spokesperson statements to media outlets, the Taliban provides evidence of its acts and its beliefs in social media accounts and websites that it controls. For example, Taliban officials report regularly through their social media that they are flogging people for such alleged "crimes" as homosexual and extramarital relationships. See, e.g., Supreme Court of Afghanistan, *Twitter* (December 22, 2022); Supreme Court of Afghanistan, *Twitter* (December 25, 2022). The Taliban also operates a website called "Al Emarah."

18 This Report uses the term "victim" as defined in Rule 85(a) of the Rome Statute and recognizes that persons who experience crimes or harms may identify with the term "victim" or with the term "survivor."

19 Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC) (December 7, 2022), para. 9 (hereinafter "Policy on the Crime of Gender Persecution").



Afghan women hold placards as they march and shout slogans “Bread, work, freedom” during a women’s rights protest in Kabul on August 13, 2022. WAKIL KOHSAR/AFP via Getty Images

II. Elements of the Crime of Gender Persecution: Victims

Persecution on the basis of gender (gender persecution) is a crime against humanity under the Rome Statute of the International Criminal Court (ICC).²⁰ Persecution is defined as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.”²¹ To find persecution, the following elements must be proven:

1. The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights.
2. The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such.
3. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender as defined in article 7, paragraph 3, of the [Rome] Statute, or other grounds that are universally recognized as impermissible under international law.
4. The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the [Rome] Statute or any crime within the jurisdiction of the Court.

²⁰ UN General Assembly, Rome Statute of the International Criminal Court (July 17, 1998), Article 7(1)(h) (hereinafter “The Rome Statute” or “Statute”).

²¹ The Rome Statute, Article 7(2)(g).

5. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
6. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.²²

The first report in this series²³ provides an analysis of the first four elements of gender persecution. Readers can also find an analysis of all six elements in the ICC Office of the Prosecutor’s (OTP) Policy on Gender Persecution.²⁴ This document adds to the first report’s analysis by exploring who can be considered a victim of gender persecution, in light of the legal elements.

Victims of Gender Persecution

Element one of persecution states, “[t]he perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights.” Under element four of persecution, the persecutory “conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court.” This means the prosecution must establish that there was a “connection” between the persecutory act (defined under element one) and *any* crime or

act under the Statute. Prosecutors can look for this “connection” with element one.

Under element one, the prosecution must establish that the persecutory acts were committed by the perpetrator intentionally and meet the threshold of a severe deprivation of a fundamental right. (Note this is a cumulative test, which means each deprivation is not tested alone but in its cumulative effect. Also note that when these include acts such as those prohibited under Art. 7 of the Rome Statute, such as rape, torture, or murder, the threshold is always met.)²⁵ As such, under element one, victims of gender persecution can include all those the perpetrator intentionally deprives of fundamental rights on a discriminatory basis (when other elements are met).

For example, in order to deprive girls’ right to education, a perpetrator bombs a girls’ school, killing students and men and women staff. Element one is satisfied. The murder or maiming, caused by the bombing, meets the threshold for severe deprivation of a fundamental right.²⁶ Under element one, the students and the men and women teachers harmed in the bombing, and girls deprived of education as a result of the perpetrator’s persecutory act, may be direct victims of gender persecution.²⁷ The targeted group under element two includes those harmed or killed by the bombing as well

22 International Criminal Court, *Elements of Crimes* (2013), Article 7(1)(h).

23 MADRE and Institute for Gender, Law, and Transformative Peace CUNY School of Law, “[Gender Persecution in Afghanistan: A Crime Against Humanity. Part One: Severe Deprivation of the Fundamental Rights to Education, Assembly, and Expression](#)” (March 2023).

24 [Policy on the Crime of Gender Persecution](#), pp. 12-19.

25 MADRE and Institute for Gender, Law, and Transformative Peace CUNY School of Law, “[Gender Persecution in Afghanistan: A Crime Against Humanity. Part One: Severe Deprivation of the Fundamental Rights to Education, Assembly, and Expression](#)” (March 2023), pp. 6, 15-16.

26 Note there are other severe deprivations from the bombing itself that may also be included here.

27 The Policy on Gender Persecution affirms that the “‘targeted group’ should be viewed broadly. Not all targeted persons are required to be directly part of the targeted group: it is sufficient that they are sympathizers or affiliates of targeted members.” For example, where a perpetrator targets a school to stop girls from going to school, “men who are teachers and staff at that school may form part of the targeted group, where the grounds for targeting are based on gender.” [Policy on the Crime of Gender Persecution](#), para. 43. The Policy underscores that “[i]t is also sufficient that the perpetrator perceives the person as a member or an affiliate of the targeted group.” [Policy on the Crime of Gender Persecution](#), para. 44.

as girls deprived of education. Element three is met because the perpetrator acted with the intent to discriminate based on gender. The bombing also satisfies element four. (Note this report does not analyze elements five and six).

Similarly, if a perpetrator tortures demonstrators for protesting the perpetrator's ban on women's right to work, under element one, both the demonstrators (supporters of women's right to work) and the women denied the right to work may be victims of persecution. Elements two, and three are also satisfied. The perpetrator's targeted group under element two is women and their supporters. The perpetrator intentionally discriminates against women on the basis of gender, thus satisfying element three. These persecutory acts also satisfy element four. Element four requires a connection between *any* crime or act under the statute and "the conduct." Here, the "conduct" is the deprivation of demonstrators' fundamental right to be free from torture (a prohibited act under art. 7) *and* the deprivation of women's fundamental right to work (prohibited under element one of persecution). The direct victims of the gender persecution may include all women the perpetrator intentionally deprived of the right to work as a result of the ban and the demonstrators subjected to torture.

Inclusion of the word "any" in element four makes clear that it will suffice "to show a connection between the persecution and any instance of murder, torture, rape or other

inhumane act, which need not amount to a crime against humanity in its own right."²⁸ A plain reading of the elements of persecution under the Rome Statute makes clear that the victims should be understood to include those deprived of fundamental rights on a discriminatory basis, so long as the Court has jurisdiction.

Some delegations at Rome argued against the inclusion of a connected crime, noting that this element is not required under customary international law and as such is absent in the definition of persecution under the statutes for the international tribunals on Rwanda and the former Yugoslavia.²⁹ Relevant instruments created since Rome also do not require an additional connected crime or act,³⁰ placing in question element four's adherence to customary international law. Nonetheless, all those a perpetrator intentionally deprives of fundamental rights on an unlawfully discriminatory basis in connection with any crime or act under the Statute may be considered victims of persecution.

III. Deprivation of the Fundamental Right to Work as Gender Persecution

This section describes evidence of Taliban regulations and conduct that deprive women the fundamental right to work on a discriminatory basis. It provides information on acts or crimes the Taliban reportedly committed to enact or enforce this rights deprivation. The right to work is one of multiple fundamental rights that they

28 Darryl Robinson, "Defining 'Crimes Against Humanity' at the Rome Conference", *American Journal of International Law*, Vol. 93 (1999), p. 55.

29 Herman von Hebel and Darryl Robinson, "Crimes within the Jurisdiction of the Court", in R.S. Lee (ed.), *The International Criminal Court, The Making of the Rome Statute*, 101 (1999).

30 UN Security Council, Statute of the Special Court for Sierra Leone (January 16, 2002), Art. 2(h); UN General Assembly, Law on the Establishment of the Extraordinary Chambers (October 27, 2004), Art. 5; African Union, Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (July 1, 2008), Art. 28C(1)(h). *See also*, Amnesty International, "International Law Commission: The Problematic Formulation of Persecution under the Draft Convention on Crimes Against Humanity" (2018), p.7.

violate on a discriminatory basis. A single act or crime can violate multiple fundamental rights,³¹ and the Taliban's rights deprivations should be accounted for cumulatively. The analysis provided here is part of the second in a series of reports and briefing papers that are meant to provide a roadmap for investigating various fundamental rights deprivations that may amount to gender persecution.

In line with the first four elements of the crime, the below sections describe how the Taliban severely deprived women the fundamental right to work, and targeted women and their supporters and affiliates on the basis of gender, in connection with crimes under article 7, paragraph 1 of the Rome Statute and other acts or crimes within the International Criminal Court's jurisdiction. This section does not include an analysis of the chapeau elements for crimes against humanity. Readers may refer to the ICC's Office of the Prosecutor's (OTP) Policy on the Crime of Gender Persecution (Policy on Gender Persecution) for an analysis of elements five and six of gender persecution.

1. Element One: The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights.

When it first seized power between 1996 and 2001, the Taliban banned women from working.³² Countless women, particularly widows, were reduced to begging. Women

suffered preventable deaths due to the lack of women medical personnel and restrictive rights deprivations that hindered their access to healthcare.³³ Prior to Afghanistan's civil war in the 90s and the rise of the Taliban, women actually comprised the majority of school teachers and professors in Kabul. The Taliban's denial of their right to work had harmful implications for the entire education sector, leading to the shuttering of many schools for both girls and boys.³⁴

As it seized control of territory prior to August 2021, the Taliban again made clear its intent to deprive women the right to work. In July, Taliban gunmen entered banks in Kandahar and Herat and forced all women workers to leave. They told the women never to return and to send male relatives to take their places. Women professionals were also subject to threats and killings. After peace talks with the Taliban began in 2020, women journalists, healthcare workers and law enforcement officials faced a wave of targeted killings, which the then government attributed to the Taliban.³⁵

After taking control of Kabul in August 2021, the Taliban expanded and enforced its deprivations of women's right to work. Its militants physically restricted women from their workplaces, while Taliban leaders issued edict after edict prohibiting women from working in private and public sectors, including in agriculture, and burdening those in remaining jobs with restrictions

31 [Policy on the Crime of Gender Persecution](#), para. 39.

32 Jonathan Franklin, "Female Government Workers In Kabul Told To Stay Home In Latest Taliban Rule", *NPR* (September 19, 2021); Talya Friedman, "Cures to the Enigmatic Taliban Plague: Legal and Social Remedies Addressing Gender Apartheid in Afghanistan", *Loyola of Los Angeles International and Comparative Law Review*, Vol. 23 (2001), p.86.

33 Physicians for Human Rights, "The Taliban's War on Women: A Health and Human Rights Crisis in Afghanistan" (August 1998), pp. 3,61; Talya Friedman, "Cures to the Enigmatic Taliban Plague: Legal and Social Remedies Addressing Gender Apartheid in Afghanistan", *Loyola of Los Angeles International and Comparative Law Review*, Vol. 23 (2001), pp. 88-89.

34 Talya Friedman, "Cures to the Enigmatic Taliban Plague: Legal and Social Remedies Addressing Gender Apartheid in Afghanistan", *Loyola of Los Angeles International and Comparative Law Review*, Vol. 23 (2001), pp. 85-88.

35 Rupam Jain, "Afghan women forced from banking jobs as Taliban take control", *Reuters* (August 15, 2021); Maya Oppenheim, "'Prisoners in homes': The women in Afghanistan barred from leaving home without a man", *The Independent* (August 17, 2021).

that interfered with their ability to work.³⁶ A spokesman claimed that bans on women working would be temporary, until some unidentified point at which Taliban militants would be trained in “how to deal with women—how to talk to women.”³⁷ Since that time, the Taliban has only further tightened restrictions that deprive women of their right to work.

In September 2021, the Taliban’s *de facto* Kabul interim mayor announced that women city government workers could no longer go to their jobs, with minimal exceptions for jobs which could not immediately be filled by men.³⁸ In May 2022, the Taliban imposed a hijab decree, stating that the best way for women to obey it was to stay at home, implying that women should not hold jobs outside the house.³⁹ In December 2022, the Taliban “suspended” the right of women to work in non-government organizations, with limited health sector exemptions, which led many aid organizations to end or scale back operations. In April 2023, the Taliban banned Afghan women from working in the United Nations, further imperiling aid operations.⁴⁰ They also told most foreign embassies that Afghan women could no longer work in their offices.⁴¹ As of June 2023, while some women civil servants were still apparently being paid at a reduced salary, and a few were working in certain limited roles,

including at airports, and in education and health, their participation in civil service was greatly reduced given the Taliban’s decree forcing them to stay home.⁴² In July 2023, the Taliban shuttered women-run salons, eliminating one of the last remaining places where women could openly work and where women and girls could gather.⁴³ The Taliban has stepped up mass firings of women in minimal jobs that have remained open to them. For example, in October 2023, in Nangarhar province, the *de facto* Department for Propagation of Virtue and the Prevention of Vice (DPVPV) banned the 400 women workers from continuing to work in a pine nut processing plant, while allowing the men workers to continue to work.⁴⁴ In November 2023, the Taliban reportedly expelled over 100 women health workers from their jobs and replaced them with men relatives of the Taliban.⁴⁵ Also in November, a Taliban-run power plant in Balkh province dismissed its 200 women workers while retaining men workers.⁴⁶

The Taliban has also imposed restrictions on women’s work that are so burdensome that they have the effect of hindering or depriving women’s right to employment and their ability to advance in careers. These include requirements that women have a *mahram* accompany them to work and even remain with them at work, and policies banning women from registering

36 Human Rights Watch, “Afghanistan: Taliban Deprive Women of Livelihoods, Identity”, (January 18, 2022); Kathy Gannon, “Taliban-run Kabul municipality to female workers: Stay home”, *AP News* (September 19, 2021).
37 “Afghanistan: Taliban tell working women to stay at home”, *BBC* (August 24, 2021).
38 Jonathan Franklin, “Female Government Workers In Kabul Told To Stay Home In Latest Taliban Rule”, *NPR* (September 19, 2021).
39 Belquis Ahmadi and Mohammad Osman Tariq, “How the Taliban’s Hijab Decree Defies Islam”, *United States Institute of Peace* (May 12, 2022).
40 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), paras. 17, 59; Christina Goldbaum, “Taliban Bar Women From U.N., Threatening Afghanistan’s Last Lifeline”, *New York Times* (April 7, 2023).
41 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 48.
42 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), paras. 27, 44.
43 Fazelminallah Qazizai and Diaa Hadid, “Inside Kabul’s beauty salons: One of the last places women can gather now must close”, *NPR* (July 14, 2023).
44 UNAMA, *Human rights situation in Afghanistan: October-December 2023 Update* (January 22, 2024), p.3.
45 Rawadari, *Afghanistan Human Rights Situation Report 2023* (March 2024), p.25.
46 UNAMA, *Human rights situation in Afghanistan: October-December 2023 Update* (January 22, 2024), p.3.

organizations or from acquiring professional training.⁴⁷ For example, on October 1, 2023 the Taliban detained three women health workers for traveling to work with no *mahram*.⁴⁸ Eighty percent of women journalists lost their jobs after the Taliban seized Kabul. Those who remain have limited access to information, may not attend press conferences or interview men outside their families, and must cover their faces on television programs. Many have received threats from Taliban members for working.⁴⁹ The Taliban also prohibit health workers from tending to patients of the “opposite sex.”⁵⁰ They have imposed dress codes on women health workers that make it difficult for them to perform their duties, mandated segregation of women and men health personnel, and have even regulated women health workers’ manner of speech with men co-workers.⁵¹ In December 2023, *de facto* DPVPV officials told a woman healthcare worker to get married because they view it inappropriate for unmarried women to work.⁵²

In September 2021, a Taliban leader announced that women’s participation in sports is not permitted, eliminating women and girls’ ability to pursue athletic careers.⁵³ In July 2023, the Taliban blocked women from accessing a

tailoring center created for women, and in August, they closed a vocational training center for women in Daikundi Province.⁵⁴

The restrictions mean that home-based entrepreneurship is women’s primary access to work, but even in these settings their work is severely hampered by the Taliban’s policies, leading to plummeting incomes. Certain suppliers now refuse to sell to women businesses due to discriminatory views against women in business, and because of the imposed *mahram* requirements.⁵⁵ As of late 2021, 42% of women-owned businesses were temporarily shuttered as compared to 26% of those owned by men, according to a World Bank survey.⁵⁶

Employment statistics underscore the devastating impact of the Taliban’s deprivation of women’s right to work, and the especially difficult consequences for households where women are the primary earners.⁵⁷ While men’s employment declined by seven percent between the second quarter of 2021 and the fourth quarter of 2022, women’s employment in Afghanistan dropped 25 percent.⁵⁸

Multiple factors are driving soaring poverty in Afghanistan, including foreign aid and international

47 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 44; Tirana Hassan, “*Afghanistan: Events of 2022*”, *Human Rights Watch* (2023).

48 UNAMA, *Human rights situation in Afghanistan: October-December 2023 Update* (January 22, 2024), p.2.

49 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 46; Sheena McKenzie, “*The Taliban have seized control of Afghanistan. What does that mean for women and girls?*”, *CNN* (August 22, 2021).

50 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 59.

51 Human Rights Watch, “*Afghanistan: Taliban Deprive Women of Livelihoods, Identity*” (January 18, 2022).

52 UNAMA, *Human rights situation in Afghanistan: October-December 2023 Update* (January 22, 2024), p.3.

53 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 70.

54 Rawadari, *Afghanistan Human Rights Situation Report 2023* (March 2024), p.25.

55 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 49; International Labour Organization, “*Employment in Afghanistan in 2022: A rapid impact assessment*” (March 2023), pp. 1, 3.

56 World Bank Group, “*Afghanistan Private Sector Rapid Survey: A Snapshot of the Business Environment—Round 1*” (March 2022), p. v.

57 Tirana Hassan, “*Afghanistan: Events of 2022*”, *Human Rights Watch* (2023).

58 International Labour Organization, “*Employment in Afghanistan in 2022: A rapid impact assessment*” (March 2023), p. 1.

financial institution funding suspensions and reductions.⁵⁹ The economic crisis, which has left two thirds of the country in need of humanitarian assistance,⁶⁰ is not helped by reported instances of Taliban extorting unregulated “taxes” from communities, without services to show for them.⁶¹ As experts warn, however, removing women from the labor force and denying them education not only harms their economic wellbeing, it will also only further hinder economic growth overall.⁶²

The removal of women workers from the non-governmental and humanitarian sectors also harms aid delivery, given that social regulations prevent women in much of the country from interacting with men aid workers who are from outside their household.⁶³ UN agencies lowered their budget for aid in 2023, citing the operational

challenges posed by the Taliban’s bans on women workers.⁶⁴ While some humanitarian organizations have continued or restarted operations with men and women staff despite the restrictions, the Taliban decrees continue to pose challenges to aid delivery. Women staff and women-headed organizations have faced threats, detention and movement restrictions.⁶⁵

Work is a Fundamental Right

International human rights law recognizes that all have the fundamental right to work and to free choice of employment in just and favorable conditions,⁶⁶ free from discrimination, including on the basis of gender.⁶⁷ Denial of access to work and forced labor are violations of the

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- 59 Cora Engelbrecht and Sharif Hassan, “[At Afghan Universities, Increasing Fear That Women Will Never Be Allowed Back](#)”, *New York Times* (October 4, 2021); Charlotte Greenfield, “[UN predicts Afghan economy would contract if aid drops 30%](#)”, *Reuters* (April 18, 2023).
- 60 CARE International, “[Economic and Food Crisis in Afghanistan: The Impacts on Women and Girls](#)” (August 12, 2022), p.1; Margherita Stancati and Sune Engel Rasmussen, “[Afghan Women, Banned From Working, Can’t Provide for Their Children](#)”, *The Wall Street Journal* (March 3, 2023); “[Afghanistan: WFP forced to cut food aid for 2 million more](#)”, *UN News* (September 5, 2023); Christina Goldbaum, Safiullah Padshah and Najim Rahim, “[Taliban Bar Women From NGOs, Threatening to Worsen Crisis](#)”, *New York Times* (December 24, 2022).
- 61 Human Rights Watch, “[Afghanistan: Taliban Deprive Women of Livelihoods, Identity](#)” (January 18, 2022).
- 62 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, [A/HRC/53/21](#) (June 15, 2023), para. 50; United Nations Development Programme, “[Afghanistan Socio-Economic Outlook 2023](#)” (May 2023), p. 70.
- 63 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, [A/HRC/53/21](#) (June 15, 2023), para. 47; Christina Goldbaum, Safiullah Padshah and Najim Rahim, “[Taliban Bar Women From NGOs, Threatening to Worsen Crisis](#)”, *New York Times* (December 24, 2022); Christina Goldbaum and Najim Rahim, “[Burying Us Alive’: Afghan Women Devastated by Suspension of Aid Under Taliban Law](#)”, *New York Times* (January 13, 2023).
- 64 “[Budget for Afghanistan aid plan revised down to \\$3.2 billion](#)”, *Reuters* (June 5, 2023).
- 65 USAID, “[Afghanistan—Complex Emergency](#)” (August 29, 2023), p. 2.
- 66 UN General Assembly, Universal Declaration of Human Rights, Resolution 217 A (III) (December 10, 1948), Articles 23(1)-(2); UN General Assembly, International Covenant on Economic, Social and Cultural Rights, Resolution 2200A(XXI) (December 16, 1966), Article 6; Organization of American States, Charter of the Organization of American States (April 30, 1948), Article 45(b); Organization of American States, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, OEA/Ser.A/44 (November 17, 1988), Article 6; UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, Resolution 34/180 (December 18, 1979), Article 11; UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, Resolution 2106 (XX) (December 21, 1965), Article 5(e)(i); Council of Europe, European Social Charter, [ETS 163](#) (1996), Article 1; UN General Assembly, Convention on the Rights of Persons with Disabilities, [A/RES/61/106](#) (January 24, 2007), Article 27; European Union, Charter of Fundamental Rights of the European Union, [2012/C 326/02](#) (October 26, 2012), Article 15; Organization of African Unity, African Charter on Human and Peoples’ Rights (“Banjul Charter”), [CAB/LEG/67/3 rev. 5](#) (June 27, 1981), Article 15; African Union, Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (“Maputo Protocol”) (July 11, 2003), Article XIII.
- 67 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, Resolution 2200A(XXI) (December 16, 1966), Articles (2)(2), 3, 7(a)(i); Organization of American States, [Charter of the Organization of American States](#) (April 30, 1948), Article 45(a); Organization of American States, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, [OEA/Ser.A/44](#) (November 17, 1988), Article 6(2); UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, [Resolution 34/180](#) (December 18, 1979), Article 11; European Union, Charter of Fundamental Rights of the European Union, [2012/C 326/02](#) (October 26, 2012), Article 21; Organization of African Unity, African Charter on Human and Peoples’ Rights (“Banjul Charter”), [CAB/LEG/67/3 rev. 5](#) (June 27, 1981), Article 2; UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, [Resolution 2106](#) (XX) (December 21, 1965), Article 5(e)(i); UN Committee on Economic, Social, and Cultural Rights, General Comment No. 18, The Right to Work, [E/C.12/](#)



Afghan beauticians close their beauty salon in Kabul, Afghanistan, July 24, 2023. REUTERS/Ali Khara

right to work.⁶⁸ Under international criminal law, depriving people's fundamental right to work can also be an act of persecution. The International Criminal Tribunal for the former Yugoslavia (ICTY)'s *Kvočka* Trial Chamber Judgment, citing the Nuremburg Tribunal, found that persecution can include discriminatory acts or omissions such as denying people education or employment.⁶⁹ In its *Bladić* judgement, the ICTY's Trial Chamber observed that persecution

includes "discriminatory acts involving attacks on political, social, and economic rights."⁷⁰ The ICC Office of the Prosecutor's (OTP) Policy on Gender Persecution affirms that employment is a fundamental right.⁷¹ It also notes that perpetrators' imposed gender criteria (roles, behaviors, activities and attributes)⁷² that can in themselves amount to fundamental rights deprivations, may include oppressive regulations limiting where targeted groups may work.⁷³

⁶⁸ [GC/186](#) (February 2006), paras. 32-34.

⁶⁸ UN Committee on Economic, Social, and Cultural Rights, General Comment No. 18, The Right to Work, [E/C.12/GC/186](#) (February 2006), paras. 23, 32.

⁶⁹ *Prosecutor v. Kvočka*, Trial Chamber Judgment, [IT-98-30/1-T](#), para. 186 (November 2, 2001) (citing *U.S. v. Ernst von Weizsaecker*, Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 Nuremberg, October 1946-April 1949, Vol. XIV (1949), p. 470). See also, *Prosecutor v. Tadić*, Trial Chamber Judgment, [IT-94-1-T](#) (May 7, 1997), para. 710 (affirming that acts of persecution may include deprivation of sources of livelihood and "acts of a[n] ... economic ... nature, that violate an individual's right to the equal enjoyment of his basic rights.").

⁷⁰ *Prosecutor v. Bladić*, Trial Chamber Judgment, [IT-95-14-T](#) (March 3, 2000), para. 232 (citing *Prosecutor v. Kupreškić*, Trial Chamber Judgment, [IT-95-16-T](#) (January 14, 2000) para. 615(c)).

⁷¹ [Policy on the Crime of Gender Persecution, para. 24.](#)

⁷² [Policy on the Crime of Gender Persecution, paras. 42, 45.](#)

⁷³ [Policy on the Crime of Gender Persecution, paras. 24, 91.](#)

The Taliban has claimed that its deprivations of women's fundamental right to work are temporary, and stated in a press conference that its militants needed training on interacting with women before women could return to work. Were the Taliban's excuses even credulous, there would be no justification under international law for indefinitely depriving women the fundamental right to work.⁷⁴ The claims serve instead to underscore both that the Taliban is knowingly committing the deprivation, and that it holds disparaging views of women. At face value, they indicate that a never-to-occur "talking to women" training takes precedence over women's fundamental right to work. The claims also evince callous acceptance of the rights deprivation's role in impoverishing women and their families.

The Taliban's Deprivation of the Fundamental Right to Work Meets the Severity Standard

Fundamental rights deprivations should be considered cumulatively for the severity assessment,⁷⁵ and to capture the full story of what victims suffer. The Taliban is severely depriving women's fundamental right to work, a deprivation exacerbated by the length of time it has been in place. Two and a half years have passed since the Taliban claimed its restrictions were "temporary." Instead of restoring fundamental rights, the Taliban has regularly issued dozens of edicts since August 2021, further restricting women's right to work. In light of their deprivations of women's right to freedom of movement and

women and girls' rights to secondary, higher and vocational education, one can only conclude the Taliban intends to permanently remove women from the labor market.

The Taliban's deprivation of women's fundamental right to work also deprives their fundamental right to non-discrimination. To enforce the deprivation of women's right to work, the Taliban has allegedly committed crimes that amount to deprivations of additional fundamental rights. Detailed under element four, these crimes include murder, torture, ill-treatment, forced marriage, arbitrary detention, and enforced disappearance against women and transgender men (misgendered as women) who held public positions prior to August 2021, or who tried to continue to work, as well as those protesting or reporting on the deprivation of women's right to work. Element one of gender persecution is met when crimes under the Statute are committed with discriminatory intent based on gender.⁷⁶

The severity of a fundamental rights deprivation is further exacerbated by factors like its prolonged nature and the cumulative nature of other connected rights deprivations. The Taliban's deprivation of women's right to work has harmful implications for other human rights, such as the right to an adequate standard of living, including adequate food, the right to health, and the right to be free from forced marriage,⁷⁷ among others.

The disproportionate rates of unemployment and business shuttering among women since August 2021⁷⁸ indicate the real impact of the Taliban's discriminatory rights deprivation.

74 UN Committee on Economic, Social, and Cultural Rights, General Comment No. 18, The Right to Work, E/C.12/GC/186 (February 2006), paras. 32-34; Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, [A/HRC/53/21](#) (June 15, 2023), para. 21.

75 [Policy on the Crime of Gender Persecution](#), p. 5.

76 [Policy on the Crime of Gender Persecution](#), para. 39.

77 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, [Resolution 2200A\(XXI\)](#) (December 16, 1966), Articles 10(1), 11(1), 12.

78 International Labour Organization, "[Employment in Afghanistan in 2022: A rapid impact assessment](#)" (March 2023), p. 1; World

Depriving women the right to work has drastically worsened their economic condition and increased their risk of life-threatening food insecurity. The combination of lost income, economic decline, and the Taliban's restrictions on their mobility, have meant that more women and girls lack access to food than before August 2021, with women headed households particularly hard hit.⁷⁹ One widow, for example, reported having to pull her eldest son out of college to support the family when the Taliban's ban deprived them of her income. Even with the son's meager informal income, her household now lacks adequate food.⁸⁰

The Taliban's ban on women working at non-governmental organizations compounds the humanitarian crisis. It has reduced aid delivery overall, and negatively impacted necessary aid and services for women and girls that only women aid workers are best positioned to provide.⁸¹ The deprivation of women's right to work has increased families' resort to negative coping mechanisms like child labor,⁸² and sharpened the economic pressure that worsens women and girls' risk of child, early and forced marriage in Afghanistan.⁸³ It is also further reifying women's subordination, and bolstering

the Taliban's ability to monitor and harass any woman who steps foot outside her home.⁸⁴

2. Element Two: The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such.

The Rome Statute criminalizes persecution by perpetrators that target a person or persons by reason of the identity of a group or collectivity, or that target the group or collectivity as such.⁸⁵ The Policy on Gender Persecution affirms that the "'targeted group' should be viewed broadly. Not all targeted persons are required to be directly part of the targeted group: it is sufficient that they are sympathizers or affiliates of targeted members."⁸⁶ For example, where a perpetrator targets a school to stop girls from going to school, "men who are teachers and staff at that school may form part of the targeted group, where the grounds for targeting are based on gender."⁸⁷ The Policy underscores that "[i]t is also sufficient that the perpetrator perceives the person as a member or an affiliate of the targeted group."⁸⁸

79 Bank Group, "Afghanistan Private Sector Rapid Survey: A Snapshot of the Business Environment—Round 1" (March 2022), p. v. CARE International, "Economic and Food Crisis in Afghanistan: The Impacts on Women and Girls" (August 12, 2022), p.2. See also, Margherita Stancati and Sune Engel Rasmussen, "Afghan Women, Banned From Working, Can't Provide for Their Children", *The Wall Street Journal* (March 3, 2023); Human Rights Watch, "Afghanistan: Taliban Deprive Women of Livelihoods, Identity" (January 18, 2022); Christina Goldbaum, Safiullah Padshah and Najim Rahim, "Taliban Bar Women From NGOs, Threatening to Worsen Crisis", *New York Times* (December 24, 2022); World Food Programme Afghanistan, "Situation Report" (December 22, 2022), p. 1.

80 Margherita Stancati and Sune Engel Rasmussen, "Afghan Women, Banned From Working, Can't Provide for Their Children", *The Wall Street Journal* (March 3, 2023).

81 UN Women, "Gender Alert No. 3: Out of jobs, into poverty – the impact of the ban on Afghan women working in NGOs" (January 13, 2023), pp. 4-5.

82 UN Women, "Gender Alert No. 3: Out of jobs, into poverty – the impact of the ban on Afghan women working in NGOs" (January 13, 2023), p. 5.

83 CARE International, "Economic and Food Crisis in Afghanistan: The Impacts on Women and Girls" (August 12, 2022), p.2.; Amnesty International, "Afghanistan: Death in slow motion: Women and girls under Taliban rule" (July 27, 2022), pp. 31, 58-60.

84 UN Women, "Gender Alert No. 3: Out of jobs, into poverty – the impact of the ban on Afghan women working in NGOs" (January 13, 2023), pp. 2, 4.

85 *Policy on the Crime of Gender Persecution*, para. 41; "The *Al Hassan* Pre-Trial Chamber noted that gender persecution acts may constitute, for example, the imposition of disproportionate sanctions against women, or the imposition of sanctions involving gender-specific violence. *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, ICC-01/12-01/18 (September 30, 2019), paras. 177 and 697 (hereinafter "*Al Hassan*, Confirmation of Charges").

86 *Policy on the Crime of Gender Persecution*, para. 43.

87 *Policy on the Crime of Gender Persecution*, para. 43.

88 *Policy on the Crime of Gender Persecution*, para. 44.

The Taliban's ban on women's employment targets women. To enforce its ban, the Taliban has targeted women, both men and women they perceive to be supporters of women's right to work, and men affiliates of women attempting to work. For example, its militants targeted Afghan women journalists in areas they controlled prior to August 2021, allegedly committing threats, intimidation, and killings against them.⁸⁹ Taliban gunmen used intimidation to force women out of other jobs.⁹⁰ Since gaining control of Kabul, the Taliban have targeted women, women's rights supporters, and women workers' affiliates to enforce the ban on women working. They have also targeted demonstrators supporting women's right to work and journalists reporting on protests against the Taliban's ban, in some cases additionally targeting these individuals on the basis of their identity as women or girls.⁹¹ The Taliban have beaten and detained men who provide transport to women going to work, or who travel with their women co-workers to work but do not meet the Taliban's *mahram* requirements.⁹² The women victims of the ban and the men and women victims of the acts or crimes used to enforce the ban are members of the targeted group for the purposes of element two.

3. Element Three: Such targeting was based on gender as defined in article 7, paragraph 3, of the Rome Statute, or other grounds that are universally recognized as impermissible under international law.

Mental Elements for Gender Persecution

In addition to the intent required for chapeau elements, gender persecution requires that the perpetrator:

- meant to cause a severe deprivation of fundamental rights or knew that it would occur in the ordinary course of events;
- had the specific intent to discriminate (targeting based on the statutory ground of gender)⁹³

There are exceptions for proving specific intent to discriminate under modes of liability, which is only required for direct, co-, or indirect perpetrators. Perpetrators who, for example, order, induce, or aid its commission, may be charged with gender persecution without necessarily showing specific intent to discriminate, as long as someone within the chain of command had specific intent:

Unless the accused is charged under [Rome Statute] article 25(3)(a) as a direct perpetrator, a co-perpetrator and/or an indirect perpetrator, there is no requirement to prove that the accused had a specific intent to discriminate. However, the mental elements for other relevant modes of liability must be proven. It suffices that the perpetrators had the specific intent to discriminate, in that case.⁹⁴

The Taliban has made clear its intention to deprive women and girls of their fundamental right to work through discriminatory regulations, and through acts to promote and enforce them or to punish transgressors. The Taliban's

89 Anna Coren, Sandi Sidhu, Abdul Basir Bina and Hilary Whiteman, [“The Taliban knocked on her door 3 times. The fourth time, they killed her”](#), *CNN* (August 18, 2021); [“Afghanistan: Taliban Target Journalists, Women in Media”](#), *Human Rights Watch* (April 1, 2023).

90 Rupam Jain, [“Afghan women forced from banking jobs as Taliban take control”](#), *Reuters* (August 15, 2021); [“Afghan female bank employees forced out of jobs as Taliban takes control”](#), *Al Arabiya* (August 13, 2021).

91 Charlene Rodrigues and Matiullah Shirzad, [“Arrested, abducted and tortured: The Taliban betray their promises on women”](#), *The Independent* (March 8, 2022); Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan, A/HRC/51/6 (September 6, 2022), paras. 82-84; UNAMA, [“Human Rights in Afghanistan: 15 August 2021-15 June 2022”](#) (July, 2022), p.28.

92 Amnesty International, [“Afghanistan: Death in slow motion: Women and girls under Taliban rule”](#) (July 27, 2022), p. 50.

93 [Policy on the Crime of Gender Persecution](#), para. 46.

94 [Policy on the Crime of Gender Persecution](#), para. 47.

policies and acts also demonstrate the intent to discriminate based on gender.

Evidencing Discriminatory Intent

According to the OTP's Policy on Gender Persecution, a variety of factors, statements, acts, and patterns can evidence discriminatory intent. These can include direct perpetrators' acts or statements, as well as legislation, policies, or regulations a perpetrator group promulgates. They can also include public statements relating to the underlying crimes or persecutory acts.⁹⁵ Targeting patterns can also evidence discriminatory intent, such as when crimes "are committed exclusively or predominantly against certain individuals or groups and/or not against others, or [involve] the separation of individuals based on their identifying gender characteristics."⁹⁶ One can also infer "[i]ntent and knowledge ... from prior or subsequent conduct."⁹⁷ In addition, "the disproportionate use of a persecutory conduct against one group based on gender," may also evidence discriminatory intent.⁹⁸ Note, however, that the lack of disproportionate use of an act or crime against one group is not evidence of the absence of gender persecution.⁹⁹

The Policy on Gender Persecution makes clear that "motives do not undermine discriminatory intent."¹⁰⁰ As such, the concepts of "motive" and "intent" should not be conflated. Moreover, "motive should not be conflated with the

perpetrator's determination to act *by reason of gender*." The perpetrator's intent to discriminate is clear when they intend to treat targets unequally on the basis of gender.¹⁰¹ For example, while a perpetrator's motives for denying women fundamental rights might include living out their cultural values and religious interpretation, "protecting" women, or preserving "honor", this does not negate the intention to treat women unequally by denying them rights. Furthermore, "human rights violations prohibited under international law are not culturally determinative. Breaches of fundamental rights cannot be ignored, dismissed or justified on the basis of culture."¹⁰²

When in power between 1996 and 2001 the Taliban banned women from working and stopped them from leaving their homes without a close male relative. Such elements of Taliban members' background and prior conduct are indicative of relevant intent.¹⁰³ The nature of their current targeting also evidences their intent to discriminate on the basis of gender. They have deprived women their fundamental right to work and singled out women and the supporters and affiliates of women's right to work for acts and crimes under the Rome Statute. (See Element Four, below). As described below, the Taliban has killed and threatened women professionals, and subjected those demonstrating in favor of women's right to work to an array of fundamental rights deprivations that may also amount to crimes.

95 [Policy on the Crime of Gender Persecution](#), para. 95

96 [Policy on the Crime of Gender Persecution](#), para. 95.

97 [Policy on the Crime of Gender Persecution](#), para. 95.

98 [Policy on the Crime of Gender Persecution](#), para. 50.

99 [Policy on the Crime of Gender Persecution](#), para. 88.

100 [Policy on the Crime of Gender Persecution](#), para. 49.

101 [Policy on the Crime of Gender Persecution](#), para. 49.

102 [Policy on the Crime of Gender Persecution](#), para. 27; Office of the Prosecutor, [Policy on Cultural Heritage](#), [International Criminal Court \(ICC\)](#) (June 2021) (citing the Report of the Special Rapporteur in the field of cultural rights, [A/HRC/31/59](#) (February 3, 2016), para. 27).

103 [Policy on the Crime of Gender Persecution](#), para. 94.



“March for Freedom for Afghan Women and Girls” by Garry Knight

The Taliban’s policies, statements, plans, rules, regulations and other means of expressing their gender criteria make their discriminatory intent explicit.¹⁰⁴ In a 2023 article in its online publication *Al Emarah*, a spokesperson spelled out the Taliban’s opposition to women’s employment:¹⁰⁵

In Islamic culture ... [women’s] inherent structure dictates that they solely do housework while men perform various duties outside [I]n the world of unbelief, every woman is required to work outside the home, perform laborious tasks that are above her physical capabilities, and, perhaps most challenging of all, deal constantly with sexual harassment and threats from males.¹⁰⁶

In other public statements regarding their deprivation of women’s right to employment, the Taliban similarly frame women as incapable, defenseless, and culpable for sexual violence against themselves should they become visible in society. For example, in defense of eliminating women from governance roles, Taliban spokesperson Sayed Zekrullah Hashimi said “[t]here is no need for women to be in the cabinet... You are burdening her with something that she is unable to carry out, she is not capable. What useful thing can come out of that?”¹⁰⁷

In another press conference, a Taliban spokesperson said that women could not return to work until its fighters had been trained in “how

104 *Policy on the Crime of Gender Persecution*, para. 94.

105 Islamic Emirate of Afghanistan / The Afghanistan Official Voice, “*Women’s Rights: A Comparison of Slogan and Reality*” (March 8, 2023).

106 Islamic Emirate of Afghanistan / The Afghanistan Official Voice, “*Women’s Rights: A Comparison of Slogan and Reality*” (March 8, 2023).

107 Kara Fox, “Afghanistan is now one of very few countries with no women in top government ranks”, *CNN* (September 10, 2021).

to deal with women—how to talk to women,¹⁰⁸ and until “women related procedures are in place,” in order to ensure they are not “treated in a disrespectful way.”¹⁰⁹ Instead of preventing and ensuring accountability among its militants for harassment or violence against women, Taliban leadership deprived women of their right to work indefinitely, reflecting a disparaging view of women’s fundamental rights. Taliban leadership’s acts and statements belie the notion that the restrictions are temporary; the de facto deputy director of the ministry of public works assured an Afghan media outlet that most men do not approve of women working and that the tiny percentage who do “are trained by the foreigners.”¹¹⁰

In December 2022, the Taliban banned women from working in NGOs, and issued a letter claiming that women NGO workers were not adhering to imposed dress requirements. The *de facto* Economy Minister affirmed the ban, and said they received complaints women workers were not observing “the Islamic hijab and other rules and regulations pertaining to the work of females in national and international organisations.”¹¹¹ The Taliban has similarly cited the risk of exposure of any part of women’s bodies to deprive them of other rights, including the right to participate in sports.¹¹² This approach reflects both the Taliban’s dismissive attitude toward women’s rights as

well as their elevation of a notion of “honor” that frames women and girls as sex objects who merit punishment if they don’t cover their bodies,¹¹³ or better yet, remain home.¹¹⁴ For the Taliban, eliminating the risk of exposure of any part of a woman’s skin is more important than her ability to carry out any activity in public, and is an excuse to deprive women’s fundamental rights, including the right to work. The Taliban’s reference to the hijab rule in this case further underscores their true intention to disappear women from the public, given that their policy states that the best way for women to observe their imposed hijab rule is “to not leave home without necessity.”¹¹⁵

The Taliban also marshals this disparaging view of women to justify policies that disrupt the work of those who remain in the minimal positions available to them. For example, a woman health worker reported that a senior Taliban official told her and her coworkers “to talk to male personnel in an insolent manner and angry tone, not in a soft tone, so that we don’t evoke sexual desires in them.”¹¹⁶ The official also told the women workers to work separately from male personnel and dictated cumbersome dress requirements for women workers that made it difficult for them to perform their duties.¹¹⁷ The official reportedly asked male personnel for their opinions, but told women, “[w]hatever problem you have, don’t raise your voice. Don’t talk to us, write your

108 “Afghanistan: Taliban tell working women to stay at home”, *BBC* (August 24, 2021).

109 Rob Picheta and Zahid Mahmood, “Taliban tell Afghan women to stay home from work because soldiers are ‘not trained’ to respect them”, *CNN* (August 25, 2021).

110 Fazelminallah Qazizai and Daa Hadid, “Inside Kabul’s beauty salons: One of the last places women can gather now must close”, *NPR* (July 14, 2023).

111 “UN to Taliban: ‘Vital’ to reverse ban on women in NGOs”, *Al Jazeera* (December 26, 2022).

112 Akhtar Mohammad Makoi et al., “Taliban ban protests and slogans that don’t have their approval”, *The Guardian* (September 8, 2021).

113 Sonia Ahsan-Tirmizi, *Pious Peripheries: Runaway Women in Post-Taliban Afghanistan* (2021), pp. 149, 157-169; OHCHR and UNA-MA, *Silence is Violence – End the Abuse of Women in Afghanistan* (July 9, 2010), p. 2.

114 Belquis Ahmadi and Mohammad Osman Tariq, “How the Taliban’s Hijab Decree Defies Islam”, *United States Institute of Peace* (May 2022).

115 Belquis Ahmadi and Mohammad Osman Tariq, “How the Taliban’s Hijab Decree Defies Islam”, *United States Institute of Peace* (May 2022).

116 Human Rights Watch, “Afghanistan: Taliban Deprive Women of Livelihoods, Identity” (January 18, 2022).

117 Human Rights Watch, “Afghanistan: Taliban Deprive Women of Livelihoods, Identity” (January 18, 2022).

problems so we can read them. . . Men should not hear women's voices."¹¹⁸ This again underscores the Taliban's view of women as incapable and as sex objects whose fundamental right to work is subordinate to the requirement that their bodies be fully covered.

Taliban policies also paint women workers as disposable, and men workers as inherently superior to women. They also remove the power of household earning from women and place it in men's hands. In July 2022, the Taliban told women workers in Afghanistan's finance ministry to send male relatives to do their job so the women could be fired, implying that any random man could replace a woman professional and fulfill the demands of her job.¹¹⁹ The Taliban similarly forced women bankers out of jobs, telling them to send male relatives in their places as they seized territory in Kandahar and Herat in 2021.¹²⁰

These statements and acts serve as further evidence that the Taliban intend to treat women unequally by depriving their fundamental right to work. The Taliban have attempted to justify the deprivation by telling the international community, that "this is an internal social matter of Afghanistan," that "diversity must be respected,"¹²¹ and that they respect women's rights "within the framework of Islam."¹²² The Taliban's motive for depriving the right as fulfilling their religious

or cultural interpretation does not negate their discriminatory intent, nor does religious belief exempt them from abiding by international law. It should also be noted that the Taliban's religious interpretation calling for discrimination against women and girls is not prevailing theological interpretation of Islamic law, and even some Taliban members claim to disapprove of some of the leadership's discriminatory policies.¹²³

Similarly, the Taliban's purported desire to "protect" women from sexual harassment does not negate their intent to discriminate against them, and only further underscores their disparaging views of women. By framing women as in need of perpetual "protection," the Taliban positions them as weak and as sex objects who are themselves responsible for acts of sexual harassment or violence against them, and ignores or condones gender violence that originates in women's homes. This reifies a form of male ownership of women underlying Taliban policies that restrict women's movement and empower (albeit at times through force) their male relatives to control them,¹²⁴ while granting impunity for violence those male relatives may commit against them.¹²⁵

4. *Element Four: The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Rome Statute or any crime within the jurisdiction of the Court.*

118 Human Rights Watch, "[Afghanistan: Taliban Deprive Women of Livelihoods, Identity](#)" (January 18, 2022).

119 Zuhair Ahmad, "[Send us a man to do your job so we can sack you. Taliban tell female officials](#)", *The Guardian* (July 18, 2022).

120 Rupam Jain, "[Afghan women forced from banking jobs as Taliban take control](#)", *Reuters* (August 15, 2021)

121 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, [A/HRC/53/21](#) (June 15, 2023), para. 48.

122 "Afghan women to have rights within Islamic law, Taliban say", *BBC* (August 17, 2021).

123 There are interpretations of Islam and of Sharia that differ dramatically from that of the Taliban, in that they recognize and support women and girls' rights, and prominent Muslim entities, including the multilateral Organization for Islamic Cooperation have condemned Taliban policies. Stavroula Kristina Kallini, "Being a Woman under Taliban's Theocratic Regime", *HAPS* (December 2021), p. 1; Daniel Victor, "[What is Sharia law, and what does it mean for Afghan women under the Taliban?](#)", *New York Times* (August 30, 2021); Shadi Khan Saif, "[Call for Islamic unity against Taliban's banning of women's HE](#)", *University World News* (December 30, 2022); Patrick Wintour, "[UN suspends some Afghanistan programs after ban on female aid workers](#)", *The Guardian* (December 28, 2022).

124 Report of the Special Rapporteur on the situation of human rights in Afghanistan, Human Rights Council, [A/HRC/55/80](#) (February 22, 2024), para. 20.

125 Belquis Ahmadi, "[How the Taliban Enables Violence Against Women](#)", *United States Institute of Peace* (December 7, 2023); "[Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover](#)", *Amnesty International* (December 6, 2021).

Element four is fulfilled when the perpetrator's persecutory conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court. The connection is clear when the act or crime is used to enforce the severe deprivation of a fundamental right or rights, as prohibited under element one. Victims of gender persecution may include all those the perpetrator intends to deprive of fundamental rights on a discriminatory basis, as described under Section II.

In addition to acts or crimes involving physical harm to victims, the Policy on Gender Persecution notes that “[g]ender persecution can be connected to crimes that take forms other than physical injury to persons, such as attacks on property or protected objects, for example acts that target places important to the targeted group. Such places may include historical, cultural, ... economical, educational, social or health centers, offices or other gathering places, ... archives, works of literature or art significant to women, girls or LGBTIQ+ communities.”¹²⁶

After peace talks began in 2020, women journalists, healthcare workers and law enforcement officials in Afghanistan faced a wave of targeted killings, which the then government attributed to the Taliban.¹²⁷ In the lead up to the Taliban's takeover of Kabul, at least six police women were killed in Taliban-controlled areas.¹²⁸ After seizing power in August 2021, the Taliban allegedly committed murder,

torture, sexual violence, inhumane acts, enforced disappearances, forced marriage, destruction of a culturally and economically significant space, and threats of death, torture and inhumane acts to enforce their deprivation of women's fundamental right to work.

The Taliban's alleged crimes are often meant to enforce deprivations of interdependent rights as part of their broader discriminatory policy. For example, Taliban members have beaten women workers travelling without a *mahram*, as well as unrelated men who were with the women, thereby enforcing the deprivation of women's right to work and their right to freedom of movement.¹²⁹ The Taliban have also targeted women journalists and media workers, through violent acts meant to deprive both their right to work and to free expression.¹³⁰

In the wake of the Taliban's seizure of power, women immediately began to demonstrate against the multiple deprivations of their fundamental rights, including the rights to work, to freedom of movement, and to education, among others. In response, the Taliban beat, forcibly disappeared, tortured, and unlawfully detained women protestors and journalists covering the protests, in order to enforce deprivations of multiple rights, including the right to work.¹³¹ The Taliban also allegedly committed threats, torture and murder against former women government members and employees or their family members, including law enforcement

126 [Policy on the Crime of Gender Persecution](#), para. 58.

127 Rupam Jain, “Afghan women forced from banking jobs as Taliban take control”, *Reuters* (August 15, 2021); Maya Oppenheim, “Prisoners in homes: The women in Afghanistan barred from leaving home without a man”, *The Independent* (August 17, 2021).

128 “Former Afghan police women being killed, forced into hiding after Taliban takeover”, *PBS* (September 14, 2021); Emma Graham-Harrison and Akhtar Mohammad Makoi, “The Taliban hate us: a former senior female police officer”, *The Guardian* (January 20, 2022).

129 Amnesty International, “Afghanistan: Death in slow motion: Women and girls under Taliban rule” (July 27, 2022), pp. 30, 35, 50.

130 UNAMA, “Human Rights in Afghanistan: 15 August 2021-15 June 2022” (July, 2022), p.26.

131 Charlene Rodrigues and Matiullah Shirzad, “Arrested, abducted and tortured: The Taliban betray their promises on women”, *The Independent* (March 8, 2022); Report of the Special Rapporteur on the situation of human rights in Afghanistan, Human Rights Council, *A/HRC/51/6* (September 6, 2022), paras. 82-84; Amnesty International, “Afghanistan: Death in slow motion: Women and girls under Taliban rule” (July 27, 2022), pp. 70-76.

officers,¹³² depriving their right to work, and in some cases, other fundamental political rights. While the Taliban denies culpability, they are also not effectively investigating the crimes. In some instances they publicly claim that crimes, such as killings of women police officers, stem from personal disputes, despite eyewitness assertions of Taliban involvement.¹³³

The Taliban have reportedly also committed forced marriage against women and/including LGBTIQ+ people who held jobs, particularly as police officers. One transgender man, Sayed,¹³⁴ reported that multiple of his cohort from the police who are lesbian or bisexual women, or transgender men were forced into marriages with Taliban members after the Taliban took power. The police force, noted Sayed, had been an attractive job for lesbian and bisexual women and transgender men as it provided some release from cultural restrictions in dress and behavior placed on women. Sayed fled after Taliban members called him from the police station where he had worked and demanded that he go to the station. They then called and threatened his family saying “we don’t want any other ‘girl,’ we just want [Sayed].” They also raided his family’s home, breaking property and hitting his relatives.¹³⁵

Below are examples of alleged crimes the Taliban committed to enforce their policy to deprive women’s fundamental right to work. If proven

in an appropriate tribunal or court, they could amount to acts or crimes under element four of gender persecution:

- In June 2023, UN human rights experts reported they received numerous credible reports that Taliban members beat, arbitrarily arrested, tortured and detained women demonstrating for their rights to work, education and free movement. Victims report enduring “gender violence, including sexual violence, often amounting to torture, by Taliban officers seeking information about demonstration organizers.” Taliban members released many, but only after subjecting victims to payments and to gag orders about the abuse, and contingent on their promises to stop advocating for human rights.¹³⁶
- On the one-year anniversary of the Taliban’s 2021 takeover, approximately 40 women in Kabul marched to the education ministry, chanting “bread, work, freedom” in protest of the Taliban’s deprivation of women and girls’ fundamental rights. Taliban fighters beat the demonstrators, fired into the air, and chased protesters who took refuge in nearby shops and beat them with rifle butts. They also beat journalists attempting to report on the demonstrations.¹³⁷
- In July 2022, according to an Afghan woman media worker and human rights defender,

132 Mohammad Yunus Yawar, “Former female Afghan MP Nabizada shot dead in Kabul”, *Reuters* (January 16, 2023); Human Rights Research League, “Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power” (November 2023), pp. 57-58, 60-61, 65; Emma Graham-Harrison and Akhtar Mohammad Makoi, “The Taliban hate us’: a former senior female police officer”, *The Guardian* (January 20, 2022); Emma Graham-Harrison and Zahra Nader, “I loved my job in the police. Then the Taliban came for me”, *The Guardian* (November 14, 2021); Lyse Doucet, “Afghanistan: Taliban accused of killing pregnant police officer”, *BBC* (September 5, 2021); .

133 Human Rights Research League, “Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power” (November 2023), pp. 19-20; “Afghanistan: Herat Women’s Prison Head Missing 6 Months”, *Human Rights Watch* (April 20, 2022); Jaide Garcia and Jonny Hallam, “Taliban accused of murdering pregnant Afghan policewoman in front of her family”, *CNN* (September 6, 2021).

134 Name changed for security reasons.

135 Interview with Sayed, Jan. 15, 2024, [On file with MADRE], [Name changed for security reasons].

136 Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, Human Rights Council, *A/HRC/53/21* (June 15, 2023), para. 30.

137 “Taliban disperses Afghan women’s march for ‘work and freedom’”, *Al Jazeera* (August 13, 2022).



An Afghan National Policewoman (ANP) stands at attention during a pass and review formation before the start of the International Women's Day ceremony at the Ministry of Interior in Kabul, Afghanistan, March 4, 2010. ResoluteSupportMedia is licensed under CC BY 2.0. To view a copy of this license, visit <https://creativecommons.org/licenses/by/2.0/?ref=openverse>.

Taliban members detained her for days and tortured her by beating and electrocuting her. They attempted to film her, stating that she was receiving foreign money and support from the prior government to participate in protests in support of women's rights, including the right to work. Taliban soldiers also drugged and raped her in detention.¹³⁸

- In July 2022, suspected Taliban members attacked a woman radio journalist, Selagi Ehsaas, in Nangarhar Province on her way home from work. They stole her phone and beat her with a gun, leaving her unconscious. Taliban members had reportedly threatened

her and her family in order to make her quit her job. Local sources told a news outlet that she needed the income and could not quit.¹³⁹

- In 2022, Taliban members beat and arrested a woman case worker from an international NGO who was riding a taxi with her male colleague on their way to conduct a home assessment. Taliban members stopped the car at a checkpoint and slapped the male colleague in the face after questioning the driver as to whether the colleague qualified as a *mahram*. When the woman tried to defend her colleague, the Taliban said, "You fucking woman, go back to your car."

¹³⁸ Interview with Anonymous Afghan Women's Advocate, Sept. 27, 2023 [On file with MADRE], [Name withheld for safety reasons.]

¹³⁹ Saqalain Eqbal, "Female Radio Personality Pistol-Whipped in Eastern Afghanistan; AFJC Calls It Pressure Intensification on Journalists", *The Khaama Press News Agency* (July 24, 2022); "Afghanistan: Journalists Detained and Assaulted Amid Ongoing Insecurity", *Asia Democracy Chronicles* (July 29, 2022); "Female Journalist Beaten Up in Nangarhar By Taliban, Say Sources", *Afghanistan International* (July 23, 2022).

They slapped her colleague again and then arrested both. In the police station, Taliban members mocked and attempted to shame her, falsely accusing her of trying to have sex in the car, and calling her gendered epithets like “bitch.”¹⁴⁰

- Taliban members beat a 22-year-old woman office worker’s taxi driver after they questioned the woman at a checkpoint for travelling without a *mahram*.¹⁴¹
- Taliban members threatened to beat a 21-year-old woman high school teacher and her colleague because they continued to go to work without a *mahram*, telling them they “had no shame, no dignity.”¹⁴²
- A woman in Nimroz Province worked at an NGO against her husband’s wishes. He left and joined the Taliban prior to August 2021, and in July 2022, he returned and shot and killed the woman.¹⁴³
- In June 2022, in Sar-e-Pul, possible Taliban gunmen shot a woman as she walked along a road. She was reportedly killed because she worked for foreign NGOs prior to the Taliban’s takeover. She had been staying home post-August 2021, but was in search of a job.¹⁴⁴
- In June 2022, in Ghazni Province, possible Taliban actors called a woman who had

been a police officer before August 2021, and invited her to receive food items from a purported World Food Program distribution. When she left her home, two men on motorcycles shot and killed her.¹⁴⁵

- In the first half of 2022, the Taliban attempted to forcibly marry a 23-year-old woman journalist to a local Taliban fighter as punishment for her critical reporting on the Taliban’s treatment of women and minorities. When she refused, they threatened to kill her parents, then threatened to kidnap her.¹⁴⁶
- In March, 2022, alleged Taliban members arrested and tortured a woman who had worked as a nurse in a hospital in Nuristan Province. They accused her of prostitution.¹⁴⁷
- A woman who participated in demonstrations against the Taliban’s deprivations of women’s fundamental rights, including the right to work, went into hiding in February 2022. When the Taliban found her and other demonstrators, they assaulted and psychologically tortured them, threatening them with death. She was released only after relatives gave their house documents to the Taliban as a guarantee she would no longer protest, and she had to flee Afghanistan.¹⁴⁸
- In February 2022, alleged Taliban members arrested a woman in Nuristan Province who

140 Amnesty International, “Afghanistan: Death in slow motion: Women and girls under Taliban rule” (July 27, 2022), p. 50.

141 Amnesty International, “Afghanistan: Death in slow motion: Women and girls under Taliban rule” (July 27, 2022), p. 35.

142 Amnesty International, “Afghanistan: Death in slow motion: Women and girls under Taliban rule” (July 27, 2022), p. 30.

143 Human Rights Research League, “Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power” (November 2023), pp. 63.

144 Human Rights Research League, “Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power” (November 2023), pp. 59-60.

145 Human Rights Research League, “Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power” (November 2023), pp. 60-61.

146 Ruchi Kumar and Hikmat Noori, “What it’s like being a woman in Afghanistan today: ‘death in slow motion’”, *NPR* (July 27, 2022).

147 Human Rights Research League, “Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban’s Seizure of Power” (November 2023), p. 54.

148 Wahida Amiri, “Women, Protest and Power- Confronting the Taliban”, *Amnesty International* (March 7, 2023).

was a janitor in a police office. Two days later, her family found her dead body.¹⁴⁹

- In January 2022, Taliban members fired pepper spray at a group of twenty women in Kabul demonstrating for the right to work and education, leaving one woman hospitalized from a reaction to the spray. One Taliban member pointed his gun directly at one of the women when she admonished them for spraying the group.¹⁵⁰
- In December 2021, Taliban members fired guns into the air to disperse a crowd of women protestors who were demanding work, food, and education, resulting in a stampede that injured several women.¹⁵¹
- After seizing Kabul in 2021, the Taliban forcibly married women, including lesbian and bisexual women, as well as transgender men who worked as police officers. One transgender man and former police officer who fled, received threats from Taliban officials calling from the station where he worked and demanding that he return. Taliban members raided his home in search of him, breaking property and hitting his relatives.¹⁵²
- Taliban members allegedly forcibly disappeared Alia Azizi, the former head of the women's prison in Herat, after she obeyed a request by the new Taliban head of Herat's central prison to return to work in October 2021.¹⁵³
- In September and October 2021, the Taliban responded violently to demonstrations in multiple cities calling for recognition of women's and girls' fundamental rights, including the right to work. They beat demonstrators and journalists reporting on the protests, and used gendered insults against them. They also detained demonstrators and their family members and journalists incommunicado, and subjected them to torture, ill treatment and other rights violations.¹⁵⁴ For example, in early September in Kabul, the Taliban beat ten women demonstrators. One reported that after she attempted to stop them from beating others, the Taliban beat her with a metal object until she fainted.¹⁵⁵
- In September 2021, Taliban members ransacked Fatima Ahmadi's house, and beat her, pulling out handfuls of her hair. When she refused to stop shouting they grabbed her nine-year-old son and held a knife to his throat. The beating made Ahmadi lose control of her bodily functions and left her back covered with bruises. Ahmadi was a

149 Human Rights Research League, "[Those we Left Behind: Revenge Killings and Other Serious Human Rights Violations in Afghanistan in the Aftermath of the Taliban's Seizure of Power](#)" (November 2023), p. 54.

150 Agence France-Presse, "[Taliban forces pepper-spray women's rights protesters in Kabul](#)", *The Guardian* (January 16, 2022).

151 Ayaz Gul, "[Witnesses: Taliban Fire Warning Shots on Afghan Female Protesters](#)", *VOA News* (December 28, 2021); "[Women Protesters Injured In Stampede After Taliban Militants Fire In The Air](#)", Radio Free Europe/ Radio Liberty (December 28, 2021).

152 Interview with Sayed, Jan. 15, 2024, [On file with MADRE], [Name changed for security reasons].

153 Amnesty International, "[Afghanistan: Taliban must immediately stop arbitrary arrests of journalists, civil society activists, former government officials and those who dissent](#)" (March 21, 2022), p.2; "[Afghanistan: Herat Women's Prison Head Missing 6 Months](#)", *Human Rights Watch* (April 20, 2022); Rahim Faiez, "[More than 200 former Afghan officials, security killed since Taliban takeover: UN](#)", *ABC News* (August 22, 2023).

154 MADRE and Institute for Gender, Law, and Transformative Peace CUNY School of Law, "[Gender Persecution in Afghanistan: A Crime Against Humanity. Part One: Severe Deprivation of the Fundamental Rights to Education, Assembly, and Expression](#)" (March 2023), pp. 32-36.

155 Fereshta Abbasi, "[Afghan Women Protest Against Taliban Restrictions](#)", *Human Rights Watch* (September 7, 2021).

prominent policewoman in Kabul before the Taliban's takeover and had taken a public stance against sexual harassment inside the police and interior ministry.¹⁵⁶

- In September 2021, the Taliban beat participants in a women-led protest demanding equal rights, including the right to work. They lashed demonstrators with whips and beat them with electric batons. While beating them, Taliban militants told them to “go home” because “that’s where a woman’s place is”. The Taliban also beat and detained journalists who sought to cover this and related demonstrations.¹⁵⁷
- Gunmen arrived at Banu Negar’s house in September 2021 in Firozkoh, Ghor Province, tied up her family members, and then killed the eight-month pregnant woman police officer. While the Taliban denied their involvement, sources told reporters that the Taliban beat and killed the woman in front of her husband and children.¹⁵⁸
- After seizing Kabul, Taliban members regularly visited the limited workplaces where women still held roles in order to police their behavior and clothing. In one Kabul hospital, they ordered women health care workers to stop working or communicating with their male co-workers and also began regulating their clothing. When a 25 year-old nurse objected to their

order that she stop wearing her hospital uniform, a Taliban member slapped her in the face, and another pointed his gun at her and told her they could kill her and she “wouldn’t be able to do anything.”¹⁵⁹

- A few days after seizing power, Taliban gunmen and supporters smashed and looted a popular woman-owned restaurant in Kabul. Since opening, the restaurant had received complaints from conservatives and police visits because it broke taboos; women worked in positions that brought them into contact with men outside their households and unmarried men and women were among the patrons. The owner, Laila Haidari, known as the “most powerful woman” in the area, had put the restaurant’s profits into a drug rehabilitation center, which the Taliban also forcibly shut down.¹⁶⁰
- A day after the Taliban seized Kabul, television news anchor Shabnam Dawran reported that Taliban fighters blocked the entrance to her workplace, only permitting men workers to enter. They said, “in the Islamic Emirate of Afghanistan, we haven’t decided about women yet,” and “you’ve worked enough, now it’s our time.” When she said she had the right to work, a Taliban fighter pointed his rifle at her, and with his finger on the trigger said “one bullet will be enough for you. Will you leave or should I shoot you here?” After a video she posted

156 Emma Graham-Harrison and Zahra Nader, [“I loved my job in the police. Then the Taliban came for me”](#), *The Guardian* (November 14, 2021).

157 Yogita Limaye and Aakriti Thapar, [“Afghanistan: Women beaten for demanding their rights”](#), *BBC* (September 8, 2021); Fereshta Abbasi, [“Afghan Women Protest Against Taliban Restrictions”](#), *Human Rights Watch* (September 7, 2021).

158 Lyse Doucet, [“Afghanistan: Taliban accused of killing pregnant police officer”](#), *BBC* (September 5, 2021); Jaide Garcia and Jonny Hallam, [“Taliban accused of murdering pregnant Afghan policewoman in front of her family”](#), *CNN* (September 6, 2021).

159 Amnesty International, [“Afghanistan: Death in slow motion: Women and girls under Taliban rule”](#) (July 27, 2022), p. 29.

160 Bahaar Joya and Emma Batha, [“Afghan women set up secret businesses to escape Taliban bans”](#), *Context News* (August 15, 2023); Jessica Donati, [“Afghan addicts help run daring new restaurant in Kabul”](#), *Reuters* (October 9, 2012); Rod Nordland, [“Laila Haidari: The Afghan woman who takes on the Taliban and helps to rehabilitate drug users”](#), *The Independent* (February 24, 2019).

online describing her experience went viral, she and her siblings had to flee the country.¹⁶¹

- As the Taliban seized territory in 2021, members started calling and threatening women journalists. Shortly after August 2021, a prominent woman journalist in Kabul received a call telling her that the Taliban “will come soon.”¹⁶² These threats emerged in the wake of a wave of killings of women media workers.
- On July 12, 2021, Taliban fighters showed up for the fourth day in a row at a woman's house in Faryab Province and demanded she perform forced labor by cooking food for fifteen fighters. When she refused and said she was too poor to cook for them, the Taliban beat her until she collapsed. They then threw a grenade into the house before fleeing. The woman, a mother of four, died from her injuries.¹⁶³
- In July 2021, members of the Taliban killed a 23-year-old woman broadcaster in a car bombing. Her father reported that she had been receiving death threats for months.¹⁶⁴
- On March 2, 2021, attackers shot and killed three women media workers on their way home from work in the city of Jalalabad. The three were recent high school graduates who worked in a local television station's dubbing department. While the Taliban denied involvement, the provincial police chief reported the lead attacker, whom they arrested, was connected to the Taliban. The then-government suspected the Taliban of killing four out of the ten women who worked at the same television station in the span of a few months.¹⁶⁵

161 Sodaba Haidare, “[Afghanistan: How one TV presenter became a refugee](#)”, *BBC* (August 1, 2022).

162 Sheena McKenzie, “[The Taliban have seized control of Afghanistan. What does that mean for women and girls?](#)”, *CNN* (August 22, 2021).

163 Anna Coren, Sandi Sidhu, Abdul Basir Bina and Hilary Whiteman, “[The Taliban knocked on her door 3 times. The fourth time, they killed her](#)”, *CNN* (August 18, 2021).

164 Anna Coren, Sandi Sidhu, Abdul Basir Bina and Hilary Whiteman, “[The Taliban knocked on her door 3 times. The fourth time, they killed her](#)”, *CNN* (August 18, 2021).

165 “[Three female journalists killed by gunmen in Afghanistan in latest wave of violence](#)”, *CNN* (March 2, 2021); Secunder Kermani, “[Afghanistan: The women killed for working at a TV station](#)”, *BBC* (March 23, 2021).