

Shadow Report:

A response to the
United Nations Security
Council's independent
assessment report
on Afghanistan

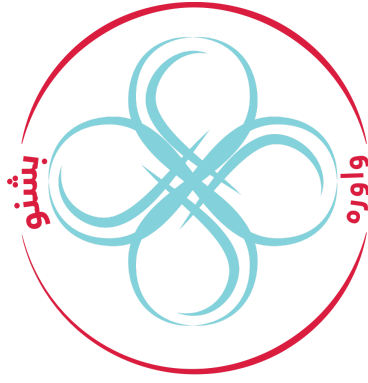
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DROPS

ORGANIZATION FOR POLICY RESEARCH
& DEVELOPMENT STUDIES





صداهای زنان برای صلح همه‌شمول و پایدار
د تۆل شموله او تلپاتی سولې لپاره د بنځو غږونه
Women's Voices for an Inclusive and Sustainable Peace

We would like to express our gratitude to the many legal experts, women human rights defenders, academics and other professionals who lent their time and knowledge to prepare this response. A comprehensive and objective response to the independent assessment report would not have been possible without their vital support.

Two and a half years after the Taliban took over Afghanistan, there is no clear path leading Afghans out of the current human rights, humanitarian, and political crisis. The Taliban's system of governance lacks inclusivity and legitimacy, and the Taliban are systematically violating the rights of Afghans, particularly women and marginalized groups. In response to this crisis, in March 2023, the UN Security Council adopted Resolution 2679, requesting the Secretary-General to provide the Council with an independent assessment including "forward-looking recommendations for an integrated and coherent approach ... to address the current challenges faced by Afghanistan." That report became available in November 2023. This is a response to that report, by and informed by Afghan women.

The assessment report makes two critical points, which we hope will guide all future action by international actors:

1. "Demonstration that the [Taliban] recognize and are able to carry out the state of Afghanistan's treaty obligations and commitments under international law is a key step within this roadmap and would be necessary for any forward progress on normalization and recognition."
2. "It is imperative that Afghan women participate in all fora impacting Afghanistan's future, and that options for Afghan women's meaningful and consistent participation are actively developed and implemented."
3. However, the report is problematic from a human rights and women's rights perspective in important ways. It dramatically understates the extent to which the Taliban are systematically violating the rights of women and girls and imposing gender apartheid. It neglects to mention that the Taliban attack on the rights of women and girls is ongoing and continues to deepen in alarming ways. The report seems to have been written based on the notion that given the right engagement and incentives, the Taliban may decide to respect human rights, including women's rights. This view is incomprehensible, given the enormous weight of evidence demonstrating the opposite.

The report lists areas where it says the Taliban have had achievements; these are overstated or simply false. The report's weak language on human rights risks undermining other UN actors, including the Special Rapporteur on the human rights situation in Afghanistan, the High Commissioner for Human Rights, the UN Working Group on discrimination against women and girls, and UNAMA, all of whom have specifically investigated the human rights situation and made much stronger statements. The report takes a harmful and legally erroneous approach by discussing the "basic rights" of women and girls and calling specifically for three of their rights – to education, work, and free movement – to be respected; there are no "basic rights" under international law, and Afghan women and girls are entitled to full equality in all aspects of their lives.

The report's roadmap to recognition for the Taliban is deeply alarming to Afghan women. Only 26% of Afghan women say that they are in favor of direct international engagement with the Taliban, and only 11% believe that recognition of the Taliban would yield any improvements to the situation of women and girls. The view of Afghan women is clear – as long as the Taliban fail to respect the rights of women and girls, there can be no path to recognition.

Key Recommendations

- Afghan women and girls have the right, under CEDAW and other international standards, to full equality. Nothing less than that is acceptable, and international actors should take care in using language that suggests otherwise.
- Human rights, including the rights of women and girls, can never be subsidiary to other interests such as counter-terrorism, counter-narcotics, or economic cooperation.
- The Taliban's ascendancy has already emboldened their ideological compatriots elsewhere. Normalizing the Taliban and moving toward full recognition absent an end to their violations of women and girls' rights could have dire consequences for women and girls' rights globally.
- The assessment report's call for engagement with the Taliban to happen in a "more coherent, coordinated, and structured manner, and with a clear understanding of the outcomes and commitments from all sides" lacks any mention of the centrality of human rights in any and all engagement or any call for engagement to be principled. It offers no guidance on what principled engagement could look like in this context.
- Afghan women we have consulted have called for all engagement with the Taliban to be principled engagement, which they have defined as engagement that prioritizes the following: adherence to the UN Charter; respect for women's rights, including the right to political participation, freedom of speech and media; and ensuring women's full mobility. Principled engagement also requires that those considering engaging do a rights-based risk analysis of their engagement beforehand.
- Plans for a structured process must be based on benchmarks rooted in Afghanistan's human rights obligations. Benchmarks could include: 1) repealing all decrees violating the rights of women and girls; and 2) ending abuses against women's rights defenders.
- Afghan women should be full participants in the UN-convened large group and fully involved in all meetings, tables, and discussions, not just consulted before or after or on the sidelines, or only when the Taliban are present.
- Members of the international contact group should be selected from countries with a commitment to and credible history of upholding human rights, particularly the rights of women and girls.
- The UN Special Envoy should have demonstrated expertise and commitment to human rights, particularly the rights of women and girls, and have a dedicated gender advisor who maintains open communication with Afghan women.
- The current mandate and staffing of UNAMA should be maintained, especially regarding human rights, despite any new mechanisms.
- **No steps should be taken toward recognizing or further normalizing the Taliban in the absence of a comprehensive and durable end to their systematic human rights violations, especially their imposition of a system of gender apartheid on women and girls.**

Introduction

Two and a half years after the Taliban took over Afghanistan, gaining control of the state and its institutions, there is no clear path leading Afghans out of the current human rights, humanitarian, and political crisis. The Taliban's system of governance lacks inclusivity and legitimacy. The Taliban are violating the rights of Afghanistan's diverse population, particularly those of women, minorities, youth, and marginalized groups. Their policies feature a hardline misogyny, with systematic assaults on the rights of women and girls a central part of their approach to governance.

In response to this crisis, on 16 March 2023, the United Nations Security Council (UNSC) adopted [Resolution 2679](#), requesting the Secretary-General to provide the Council with an independent assessment including "forward-looking recommendations for an integrated and coherent approach ... to address the current challenges faced by Afghanistan," by 17 November 2023.

The assessment report has not yet been formally published but has been widely distributed and is the subject of analysis and debate among various stakeholder groups.

The report concludes that "the status quo of international engagement is not working." This is obvious to even the most casual observers. However, the report makes various problematic assertions, such as its description of the Taliban military takeover of the country – the product of decades of violence and warfare – as a "political transition."

While the independent assessment does address the situation of women and girls in Afghanistan and enumerates Afghanistan's obligations under international law, it minimizes the severity of the situation in consequential ways and fails to articulate any actionable pathway for Afghan women to achieve their full spectrum of rights.

As the UNSC prepares to debate the findings of the independent assessment report and its roadmap to "reintegrate Afghanistan fully into the international community," it is important to reiterate the challenges facing Afghan women and girls in their struggle to achieve the full spectrum of their rights and to highlight the viewpoints of women inside Afghanistan.

This analysis of and response to the UN assessment report is informed, in part, by research conducted by The Organization for Policy Research and Development Studies (DROPS)¹, including research conducted specifically for this purpose. The women who shared their views in these forums have been consistently clear in saying that respect for all rights of women and girls should be an essential prerequisite to any recognition. It is notable that findings of interviews with Afghan women inside Afghanistan, both urban and rural, are closely aligned with views communicated by Afghan women, Women Human Rights Defenders (WHRDs) and activists inside and outside the country, including during consultations with the UN assessment team.²

¹ DROPS is an Afghan think tank founded in Afghanistan, now based in Canada. It has a long track record of informing policymakers and other stakeholders through evidence-based research. Its ongoing BISHNAW-WAWRA (which means listen in Dari and Pashto) initiative has been conducting regular surveys with women in Afghanistan to increase the number and diversity of women's voices feeding into the decisions and programs designed by the international community to mitigate the current political, humanitarian, economic and security crisis faced in Afghanistan. Since August 2021, DROPS has continued its work conducting remote surveys and virtual interviews, roundtables and focus group discussions.

² This report draws from the findings of the DROPS virtual roundtable held on 27 April 2023 with 60 Afghan women humanitarian and civil society actors in Afghanistan to discuss the future of the UN in Afghanistan following the Taliban's ban on women working for NGOs and the UN.

Since August 2021, Afghan women have been advocating not merely for their “basic rights,” as the report terms them, but rather for the full spectrum of women’s rights to which they are entitled under international law. This has been a key priority for women inside the country, who have ranked it as more important to them than access to public services, addressing poverty, security and improved access to humanitarian aid. In an August 2022 [survey](#), 38% of the 2,559 respondents from across Afghanistan identified women’s rights as a key priority for women and girls, compared to 11% who cited improved access to humanitarian aid.

Afghan women have called for all engagement with the Taliban to be based on accepted principles, which they defined in roundtable discussions as: adherence to the UN Charter and respect for women’s rights, including the right to political participation, which is protected by UNSC [Resolution 1325](#) and other relevant resolutions and international legal instruments. They have called on the international community to create spaces for them to discuss their rights directly with the Taliban and to include them as full participants in all discussions regarding the future of Afghanistan. This was reflected in their responses to an August 2022 survey, where [26% of respondents](#) said that in order to improve conditions for women, the international community should facilitate direct dialogue between Afghan women and the Taliban.

They believe that the way to ensure an Afghanistan for all Afghans is through an inclusive internal dialogue that brings all strata of Afghan society, including women, together. A plurality of views – including among Afghan women – is not a barrier to achieving political consensus; rather, it reflects the democratic society built in the last 20 years. Harnessing this in an inclusive, consultative, and transparent process is the only way forward, if it is to be considered acceptable and legitimate by Afghans.

International recognition without adequate human rights safeguards is unlikely to yield any long-term favorable outcome. Such an eventuality would remove any incentive for the Taliban to engage with the Afghan people, leaving a disenfranchised population excluded from decision-making tables and struggling to access their rights. In short, international recognition is no substitute for internal legitimacy.

Key Issues and Priorities

The independent assessment team, under the leadership of former Turkish diplomat Feridun Sinirlioğlu, traveled to Afghanistan and other countries and consulted with Afghan political actors and stakeholders, including the Taliban, Afghan women, and civil society, as well as states in the region and the wider international community, and those working with and within the United Nations system a process to:

Assess the challenges that exist in Afghanistan and the approaches that have been taken to respond so far; identify feasible pathways for the international community to respond to these challenges in the future; and to develop recommendations for a more integrated and coherent approach among relevant political, humanitarian, and development actors (within and outside the UN system).

Based on these consultations the assessment team identified four priorities:

- concerns regarding stability in Afghanistan and the region;
- the presence of terrorist organizations;

- inclusivity and human rights, particularly the rights of Afghan women and girls; and
- narcotics trafficking.

Many stakeholders also raised Afghanistan's challenging economic situation and its ability to meet the basic needs of the Afghan people as a priority.

UN Principles and Purposes

The women's rights crisis created by the Taliban has created an exceptional test of the international community's obligation to protect human rights and deliver humanitarian assistance in a principled manner. So far, the international community is mostly failing this test or, in the words of the Independent Assessment Report, the "status quo of international engagement is not working."

The United Nations should be guided by the fundamental principles and purposes of the UN Charter³, foundational documents such as the Universal Declaration of Human Rights, and all human rights instruments to which Afghanistan is a state party.⁴

UN Charter, Article 1(3) makes clear that the core purposes of the UN include "[t]o achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, *and* in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." (emphasis added) While this article does not elaborate on how conflicts between different purposes might be resolved, there is consensus that the most appropriate avenue is establishing what the authoritative Simma Commentary calls "a practical concordance."⁵ This, along with numerous resolutions, including UN General Assembly Resolution 2734, would mean that the UN is obliged to take a consistent and coherent approach to all issues in Afghanistan.

Several competing visions are in play in the international community's approach to Afghanistan. The first vision sees the country's situation primarily as a humanitarian crisis, to which the humanitarian response is paramount, taking priority over the human rights impact of that response or the ethics of the methodology employed for humanitarian delivery. The second vision consists of a view of the situation as primarily a political crisis; in this vision, human rights concerns are often downplayed, the humanitarian crisis is seen as an argument for normalization, and engagement is seen as the means to "moderate" the Taliban. This second view appears to be most closely reflected in the independent assessment report.

There is, however, a third view that considers both the impact of the humanitarian crisis on Afghans and the assault on global norms imposed by the unique and extreme human rights crisis that is unfolding in Afghanistan. This vision has been articulated by the

³ [United Nations Charter \(full text\)](#)

⁴ These include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was ratified in 2003 without any reservations), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights (ICCPR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR)), Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities (these can be found on the [UN Treaty Body Database](#)). The ICCPR, the ICESCR and the CEDAW convention all explicitly prohibit discrimination against women and require equality between women and men.

⁵ The Charter of the United Nations: A Commentary (Bruno Simma et al eds, 3rd Ed, page 108).

UN's High Commissioner for Human Rights, Volker Turk, who said, "Human rights in Afghanistan are in a state of collapse."⁶ Such a stark view has also been articulated by the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on Discrimination against Women and Girls:

[N]owhere else in the world has there been an attack as widespread, systematic and all-encompassing on the rights of women and girls as in Afghanistan. Every aspect of their lives is being restricted under the guise of morality and through the instrumentalization of religion. The discriminatory and restrictive environment, the climate of fear and the lack of accountability for the wide range of violations documented by the experts... make it impossible for women and girls to exercise their rights, restrains all persons and organizations from defending them, and emboldens further abuses. The pattern of large-scale systematic violations of women's and girls' fundamental rights in Afghanistan, abetted by the Taliban's discriminatory and misogynistic policies and harsh enforcement methods, constitutes gender persecution and an institutionalized framework of gender apartheid...

Gender apartheid framing emphasizes that exclusion of and discrimination against women and girls is institutionalized and, as such, is a grave and systematic human rights violation that breaches the Charter of the United Nations, the principle of equality and non-discrimination and the fundamental spirit and norms of international human rights law... Apartheid framing also highlights that other States and actors and the international community at large, have a duty to take effective action to end the practice, as was done to end racial apartheid in southern Africa.⁷

Experts have highlighted how the normalization of Taliban abuses poses a grave threat to the rights of women and girls globally, and the gender apartheid framing has also been echoed by the Secretary-General himself, the High Commissioner for Human Rights, and the Executive Director of UN Women. Although gender apartheid is not yet explicitly classified as a crime under international law, it has long been recognized as a concept, including with regard to Afghanistan during the period when the Taliban were previously in power from 1996 to 2001.⁸ An effort is underway to explicitly codify the crime of gender apartheid by including it in the draft UN Crimes Against Humanity treaty, which is currently being debated by states; this approach is outlined in a [legal brief](#) prepared for member states by the Atlantic Council's Strategic Litigation Project and the Global Justice Center, and signed by prominent international legal experts as well as a diverse group of leading Afghan women human rights defenders.⁹

This third vision demands a coordinated and principled international response to the crisis that prioritizes human rights, including the rights of women and girls. It requires a firm international response to the Taliban, an integrated, interlocking approach to human rights and principled humanitarian aid delivery, and human rights assessment (including women's human rights assessment) of all proposed engagement with the Taliban.

The slippage between these three points of view, within the international community and the UN system, and their failure to mainstream the messages coming from the UN's

⁶ [Afghanistan: Human rights 'in a state of collapse,' warns Türk | UN News](#)

⁷ [UN Doc. A/HRC/53/21](#), paras. 96-97

⁸ See, e.g., Abdelfattah Amor (Special Rapporteur on the elimination of intolerance and all forms of discrimination based on religion or belief), Civil and Political Rights, Including Religious Intolerance, ¶ 26, U.N. Doc. E/CN.4/1999/58 (Jan. 11, 1999).

⁹ [Gender apartheid is a horror. Now the United Nations can make it a crime against humanity](#), the Atlantic Council, October 5, 2023.

own human rights experts and from Afghan women human rights defenders (WHRDs) is leading to an inconsistent response that risks being unprincipled and contradictory and has no chance of being effective. Afghans, especially Afghan women and girls, deserve—and need—better.

Human Rights, in particular the Rights of Women and Girls

The situation in Afghanistan today is the most serious women's rights crisis in the world. Human rights organizations emphasize that this crisis is without precedent, with only one exception—the previous Taliban regime.

The Taliban's success at gaining and maintaining control and imposing these abuses through the structures of the state makes them, in the words of an Afghan women's rights defender, "the most successful terrorists in the world." The Taliban's deliberate obliteration of the rights of women and girls has been near total, with a significant number of decrees – well over 50 – codifying restrictions on women and girls. The Taliban's systematic violations of the rights of women and girls included, but are not limited to:

- Access to education – Women are banned from secondary education and higher education, with reports that in some areas, local authorities have extended the ban to girls over the age of ten. Women have also been prevented from leaving the country to study, even if accompanied by a mahram.
- Access to employment – Women's access to livelihood opportunities is severely curtailed by the Taliban's decision to exclude them from most government and civil service jobs, ban them from taking up most NGO and UN positions, and close all beauty salons at the cost of another 60,000 women's jobs.
- Protection and access to justice – The Taliban have systematically dismantled systems to prevent and respond to human rights violations, including gender-based violence: shelters, social and legal services, specialized prosecution units and courts, the 2009 Law on the Elimination of Violence Against Women, the Ministry of Women's Affairs, and the Afghanistan Independent Human Rights Commission.
- Freedom of movement – Women are required to be accompanied by a mahram for distances greater than 72 km, prevented from overseas travel without (and sometimes even with) a mahram, and taxi drivers are barred from transporting female passengers who do not follow Taliban rules.
- Access to healthcare – Restrictions on women's freedom of movement, compounded by requirements in some areas that women bring a mahram to healthcare appointments have severely compromised their access to healthcare and medical confidentiality. Women's access to healthcare is further threatened by a rolling reduction in the supply of women healthcare professionals as a result of the ban on women in education and the Taliban's ban on women being treated by male healthcare professionals.
- Freedom of expression and assembly – WHRDs and women's rights protesters, and their families are subject to surveillance, assaults, harassment, arbitrary detention, and torture. Many have been forced into exile.

- Access to public spaces – Women are banned from parks, public baths, gyms, and Band-a-Amir National Park.
- Strict dress code – The Taliban have imposed a strict dress code, including demanding that women’s faces be covered in public, and have imposed harsh punishments on both women and their male relatives for perceived infractions.

It is important to note that these abuses against women and girls happen in the context of a broader attack on human rights. Since taking power, the Taliban have also:

- Engaged in a widespread campaign of extra-judicial killings, often targeted against those associated with the former government, especially its security services.¹⁰
- Used cruel punishments prohibited by international law, including arbitrary detentions, enforced disappearances, torture, amputations and stoning.
- Silenced the Afghan media, including by arbitrarily detaining and torturing journalists; female journalists have been particularly targeted for intimidation and have been blocked from doing their jobs.
- Ethnic and religious minorities, especially the Hazara community, have been targeted with a series of devastating attacks. While these attacks have largely been attributed to Islamic State Khorasan Province (ISKP), there is little hope that help and protection will be made available to a community that has also suffered long-standing persecution at the hands of the Taliban.
- Engaged in abuses, including murder and rape, against LGBT people, and created an atmosphere of impunity for others to engage in violence against LGBT people.

The assessment report points to some allegedly positive steps taken by the Taliban on human rights; in doing so, it minimizes the evidence of how token they are and, in some cases, is simply inaccurate. It cites the Taliban’s general amnesty for members of the previous government and its armed forces; a decree safeguarding the rights of detainees; the establishment of human rights offices in several ministries, and a decree banning forced marriages and affording widows’ inheritance rights. It does acknowledge that there appears to be little evidence of compliance with these measures.

A deeper look into the Taliban’s actions points to how out of step this language in the assessment report is with ground realities. The same UN report cited by the assessment to cast the general amnesty as a positive step points to widespread violations of this purported amnesty, including over 200 extra-judicial killings of former members of the armed forces. Moreover, while the assessment heralds the Taliban’s stance on banning forced marriages, it ignores evidence that the number of child, early, and forced marriages has risen since the Taliban takeover and that Taliban members have been perpetrators of some of those forced marriages. It fails to mention how other edicts, such as the bans on education, work and mobility, have fueled that increase. In August 2023, we asked 2,848 women at what age they thought girls should be married, and 70% said between the ages of 18-25. However, when asked if they knew of cases where younger girls had been married, the same majority (70%) responded in the affirmative.

¹⁰See [A/HRC/54/21](#)

The assessment report discusses the rights of women and girls but frames them with an emphasis on what it calls the “basic rights of women and girls,” which it describes as constituting the rights to education, employment, and free movement. It is important to emphasize that under international law, including the CEDAW Convention, which Afghanistan ratified in 2003, women and girls have a right to full equality with men and boys in all aspects of their lives. Education, employment, and free movement are indeed important, but they account for only part of the full spectrum of rights.

By appearing to argue for a narrower set of rights than those provided for under international law, the report risks lowering the bar on the rights of women and girls in a perilous manner.

Counterterrorism, Counternarcotics and Regional Security

Afghanistan is increasingly becoming a safe haven for terrorist activities, notably with the substantial growth of both al-Qaeda and ISKP. A recent UN report on sanctions monitoring¹¹ suggests that these terror groups now operate with greater freedom under the Taliban, enabling them to expand their capabilities. The findings of our July 2022 survey and focus group discussions align with the UN’s conclusions, indicating a shift in the types of conflicts, with a decrease in Taliban-related attacks but a rise in incidents involving local armed groups and ISKP.

While 43.76% of respondents felt that traditional security threats had slightly improved in their provinces, 21.28% believed it had worsened. In-depth discussions revealed that, despite a reduction in violence related to armed conflicts, including explosions, other aspects of personal security, such as socioeconomic conditions and fear of the government and criminality, remained stagnant or had worsened. The existing counterterrorism laws and practices failed to address the gendered impacts of armed groups’ actions, undermining human rights, particularly for women and children.

Focus group participants highlighted a prevalent sense of fear, particularly regarding the Taliban, who were perceived to perpetuate women’s insecurity through constant harassment and interrogation.

Counterterrorism strategies contribute to this insecurity by prioritizing “security” over human rights. About 36% of respondents reported feeling unsafe in public spaces. Afghan women define security holistically, encompassing mental, psychological, and physical well-being, all of which remain scarce, according to participants. The assessment report fails to make any mention of the severity of the mental health impact that is having on half of the population.

Counterterrorism strategies often adopt a narrow and regressive perspective on gender, undermining the work of women’s rights activists by suppressing dissent and portraying women human rights defenders, peacebuilders, and civil society as security threats. Gender equality, addressing gender-based violence, and women’s meaningful participation should be pursued as goals in themselves and not instrumentalized as mere tactics in the women, peace, and security agenda. Counterterrorism efforts should comply with international human rights, refugee, and humanitarian laws and prioritize the protection of women’s rights, taking a broad and gender-competent view of human security.

¹¹ [Thirty-first report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2610 \(2021\) concerning ISIL \(Da’esh\), Al-Qaida and associated individuals and entities.](#)

Economic, Humanitarian and Development Issues

Over the past four decades, regardless of who ruled the country, much of the population has at least intermittently suffered from a lack of access to critical services, food insecurity, malnutrition, displacement, and lack of shelter. This already dire situation has been deteriorating since August 2021, when the regime change shocked the Afghan economy, crippled the banking sector and led to a near-complete halt in development funding.

The UN estimates that 29.2 million Afghan people require humanitarian aid, almost 50% of the population. Even before the devastating Herat province earthquakes in October 2023, which destroyed or severely damaged some 30,000 homes and left more than 175,000 people in need of humanitarian assistance,¹² the country hosted an estimated 3.3 million internally displaced people (IDPs).¹³ There is increasing pressure as Pakistan and Iran deport Afghans back to Afghanistan. This includes the ongoing expulsion of hundreds of thousands of Afghans by Pakistan, which has so far focused on undocumented Afghans but which the Pakistani government has indicated could be extended, in the future, to Afghans who are documented. There is also the mounting toll of the climate crisis, drought, and other natural disasters, such as floods and landslides.

All these factors and more have created a multi-dimensional crisis and made the country one of the most protracted humanitarian crises in the world. According to the latest humanitarian appeal, the total funding required to address immediate humanitarian needs is 3.27 billion USD¹⁴--but funding for Afghanistan is on a steep downward trajectory. The appeal has so far received only 1.47 billion USD, leaving millions of Afghans, particularly in remote areas, without adequate access to humanitarian assistance. After the World Food Programme (WFP) announced that it was unable to support 10 million food-insecure Afghans due to a funding shortfall, the Asian Development Bank stepped in with a 100 million USD donation to provide critical food assistance to more than 1.3 million acutely food insecure people across the country for up to one year.¹⁵

The Taliban's ban on female aid workers, coupled with their restrictions on women's mobility, has complicated the delivery of humanitarian aid, especially to widows and other female-headed households.¹⁶ National and international NGOs have sought creative ways of working around these bans and restrictions, but the most vulnerable female community members still struggle and do not receive equitable access to aid.

When DROPS asked women what the international community could do to support women civil society actors and organizations, nearly half (41%) of the respondents replied that they needed their full mobility restored and safe spaces to operate (21%). It is impossible for women to exercise their rights and even meet their most basic needs if they cannot move freely. 21% of respondents asked for the international community to finance and engage directly with civil society organizations, and (35%) believed that civil society organizations could help advocate their rights with the Taliban. A

¹² [UNOCHA Herat Earthquake Response Situation Report No. 2](#)

¹³ [Internal Displacement Monitoring Centre](#)

¹⁴ [Afghanistan Humanitarian Response Plan 2023](#)

¹⁵ See WFP 4 October 2023 [press release](#)

¹⁶ [Navigating Ethical Dilemmas for Humanitarian Action in Afghanistan. Humanitarian Outcomes](#), Bowden, M., Hakimi H., Harvey, P., Nemat, O., Moosakhel, G-R., Stoddard, A., Thomas, M., Timmins, N., Voight, T. (2023).

significant percentage also pointed to the significance of development aid as a lever for improving women's rights in the country (26%) and called on the international community to continue making development financing conditional on the removal of restrictions on women and girls.

A Roadmap for Reintegration, a view from the ground

Many Afghan women feel abandoned by the international community. Inaction and inadequate action by the UN in response to the Taliban's repeated [violations](#) of international law, the decimation of the rights of women, girls, and minorities, and the unprecedented step of banning Afghan women from working for the UN have sent mixed, contradictory and concerning messages to the people of Afghanistan, especially to Afghan women. The international community, including the UN, in key discussions such as the March 2023 envoys' meeting, has repeatedly excluded and sidelined Afghan women despite Security Council [Resolution 1325](#), which states that women must be full participants in all discussions about their country's future. These actions – or inactions – have eroded the legitimacy of the international community, including the UN, in the eyes of Afghan women. Afghan women are now questioning whether the UN should even stay to deliver humanitarian aid, and if so, what costs that may bring to their rights. They also question whether the UN should continue its engagement with the Taliban and, if so, under what principles. They fear that the UN is on a path toward recognizing the Taliban.

"In such a situation, I prefer starvation over continuing to be sidelined by all parties," said a participant in a virtual roundtable in April 2023.¹⁷ Other participants expressed doubt about whether the UN has the political capital, will and capability to advocate on its behalf on humanitarian delivery, engagement or the issue of recognition if it is unable to hold firm in respecting its own Charter even in the face of the Taliban ban on Afghan women working for the UN.

Many women at the roundtable suggested that the UN should have taken more serious measures when girls' secondary schools were first closed in 2021 or when the first bans on women's employment began. Instead, they argue, the UN contemplated withdrawing from Afghanistan only when its own female staff were banned. "Forgiving a first mistake is giving permission for a second mistake," said one participant. Participants expressed concerns that a continued UN presence so willing to make compromises on human rights would only serve to legitimize the Taliban regime.

After weighing the worsening economic and humanitarian situation, participants agreed that a continued UN presence is needed but insisted on criteria and benchmarks to measure progress and impact: "If we want the UN to stay at all costs, then please clarify for us the criteria upon which the world would measure their progress," said one participant. Roundtable participants agreed that the international community, including the UN, needed to change their 'soft' stance towards the Taliban and take a tougher one. This could be achieved, they said, by committing to principled humanitarian aid, which includes calls for the complete reversal of all restrictions on women and girls, with access to education, employment and restoring their full mobility being key indicators.

¹⁷ DROPS convened a virtual roundtable on April 20, 2023, titled "The Future of the United Nations in Afghanistan." Participants included 60 Afghan women representing humanitarian workers, civil society actors, activists, educators, and entrepreneurs from over 20 provinces.

Surveys conducted in March 2023 provide important insights into what Afghan women think about international engagement with the Taliban, with only 26% of women saying that they were in favor of direct international engagement with the Taliban and only 11% believing that recognition of the Taliban would yield any improvements to the situation of women and girls. The view of Afghan women is clear – as long as the Taliban fail to respect the rights of women and girls, there can be no path to recognition.

Recommendations

The assessment report outlines Afghanistan’s obligations under international human rights law, including CEDAW, and emphasizes that the Taliban demonstrating that they recognize and are prepared to carry out the state of Afghanistan’s treaty obligations and commitments under international law is a key step within this roadmap and would be necessary for any forward progress on normalization and recognition. The report also emphasizes the importance of Afghan women’s participation in all fora affecting Afghanistan’s future and the development and implementation of meaningful options for their involvement.

As mandated by UNSC Resolution 2679, the assessment takes a broad view of the situation in Afghanistan, considering a range of issues. By appearing to assign all issues equal weight, the report risks ignoring and eroding the centrality of human rights and the foundational role of human rights in addressing all other issues.

Obligations of the State of Afghanistan

- The report highlights the rights of Afghan women, highlighting three “basic rights – [to] study, work, and move freely” – which the Taliban should respect. This framing implies a hierarchy of rights of rights where none exists. Under CEDAW and other international standards, Afghan women and girls have the right to full equality in all aspects of their lives, and international actors should avoid using language that implies otherwise.
- The UN Special Rapporteur on human rights in Afghanistan has reported serious human rights violations, including a situation that can be characterized as gender apartheid, as well as violence against and arbitrary arrests of women protestors, human rights defenders, members of the media and minority groups. The assessment report provides a less accurate picture of the situation, and member states are urged to consult and act upon these other, more accurate, sources.

Engagement

- Over the past 27 months, there has been a high degree of engagement between the Taliban and the international community, where concerns about human rights, including assault on women and girls’ rights, have been raised. However, there is no evidence that these engagements have stopped or slowed the Taliban’s rights violations.
- Regional economic cooperation, trade, counter-narcotics, and counter-terrorism constitute a significant part of the international community’s engagement with the Taliban. Human rights, including the rights of women and girls, should never be subsidiary to these other interests.
- The current ad hoc and reactive political approach has severe consequences for

the Afghan people and the region. However, normalizing the Taliban and moving toward full recognition absent an end to their violations of women and girls' rights could have dire consequences for women and girls' rights globally. The Taliban's ascendancy and abuses have already emboldened their ideological compatriots elsewhere.

- The assessment report's call for a "more coherent, coordinated, and structured manner, and with a clear understanding of the outcomes and commitments from all sides" lacks any mention of the centrality of human rights in any and all engagement, the need for engagement to be principled, or, in fact, what principled engagement could look like in this context.
- Afghan women we have consulted defined principled engagement as: adherence to the UN Charter; respect for women's rights, including the right to political participation, freedom of speech and media; and ensuring women's full mobility. They recommend that all actors conduct a risk analysis of engagement before engaging, considering reasons, methods, benefits, costs, mitigation, and balance. These principles should guide international actors engaging with the Taliban, including implementing recommendations from the assessment report. This approach ensures the engagement is balanced and beneficial to all parties involved.
- Plans for a more structured process, with clear conditions and expectations for all sides, and coordination mechanisms to ensure greater coherence in engagement, must be grounded in clear benchmarks based on Afghanistan's human rights obligations, particularly under CEDAW. These could include: 1) repealing all decrees violating the rights of women and girls; and 2) releasing all detained women's rights defenders and refraining from any abuses including arbitrary detention, against women's rights defenders.
- The objective of any engagement process should be an Afghanistan where all Afghans – of all genders, ethnicities, ages, and identities–can enjoy their full spectrum of human rights, live decent lives, and have a say and a role in building a positive future for their country.

Measure to Address the Humanitarian and Economic Crises

- Measures to ease Afghanistan's current economic and humanitarian challenges must be designed and implemented with human rights as a top priority.
- Donors should heed concerns about Taliban interference in the delivery of aid and how this interference is disproportionately harming vulnerable groups such as women-headed households, marginalized ethnic groups, and LGBT people. Donor interventions should focus on supporting programming delivered by and to Afghan women, human rights monitoring by Afghan experts and credible media outlets, and advocacy by Afghan human rights defenders.
- The assessment report proposes that efforts to support economic, social, and cultural rights include "Specific support for women and girls, such as support for educational opportunities, including for online learning, employment, micro-finance, preventing gender-based violence and providing psycho-social support."

International actors are encouraged to support Afghans in achieving their political, economic, cultural, and social rights. However, the impact and adequacy of incremental steps to ease the Taliban-imposed rights crisis for limited women and girls should not be overstated. The Taliban's ongoing campaign to deny education beyond grade 6 is the root of the problem, not a lack of programming. While online learning can provide some opportunities, it cannot replace access to in-person schools and institutions. Micro-finance programming is not a substitute for respecting women's right to work. The best way to prevent gender-based violence is for the Taliban to restore all systems – shelters, social services, legal assistance, specialized prosecution units and courts, and the 2009 Law on the Elimination of Violence Against Women – that have been systematically destroyed.

- The assessment report calls on the international community to continue offering “sustainable assistance to women and girls and vulnerable Afghan groups and individuals who have sought protection and refuge outside Afghanistan.” Indeed, generous ongoing pathways for resettlement for women and girls who are facing persecution in Afghanistan is of paramount importance.

Regional and Global Security and Political Issues

- Human rights violations, especially those affecting women and girls, should not be subsidiary to issues such as global security, counter-terrorism, counter-narcotics, economic cooperation, and hostages. In Afghanistan, women and girls are living under a system of gender apartheid, which is exacerbated by other serious rights violations, causing severe consequences for Afghans, including death. Human rights, including women's rights, cannot be seen as one issue among many. Ending these abuses is the most important concern.
- Efforts to manage, mitigate and prevent threats to regional and global stability should not be seen as separate from human rights, including women's rights. The Taliban's human rights abuses, including against women and girls, are affecting regional and global security in various ways. Political exclusion breeds insurgency, and the normalization of rights violations encourages violations elsewhere, especially in neighboring countries. All security issues have a gendered aspect, with women and girls being actors in and affected by security matters.
- Women have the right to be full participants in any discussion on Afghanistan's future security and political discussions. Their systematic exclusion from these discussions should end, and all countries or bodies attending these meetings should be held responsible for ensuring the full inclusion and participation of Afghan women.
 - Any move to ease any sanctions on any Taliban leaders as long as the current state of extreme rights abuses and gender apartheid continues should be emphatically opposed by member states. Further, all Taliban leaders should be added to sanctions lists maintained by the UN, EU, US, and others and subject to a travel ban and other measures.
 - The assessment report suggests gradually resuming diplomatic engagement in Afghanistan, which presumably means reopening embassies. However, the reopening of diplomatic missions should not signal diplomatic recognition.

The EU's model – of placing a deputy ambassador in-country while the ambassador is elsewhere – is an example of a model that provides expertise on the ground while still signaling that the situation is far from normal.

An Intra-Afghan Dialogue

- The Taliban has shown no willingness to engage in inclusive dialogue despite the assessment's recommendation for an intra-Afghan dialogue. The assessment would be more effective if it accurately reflected current ground realities and Taliban actions.
- The assessment report calls for drawing on "traditional Afghan institutions/mechanisms...to frame and guide" engagement and suggests that "specific strategies should be considered to ensure meaningful participation of Afghan women in the process." It should be noted that these traditional mechanisms have usually excluded women and that UNSC Resolution 1325 requires more than just "meaningful" participation of women in processes such as an intra-Afghan dialogue. It requires full, meaningful, equal, and safe participation by women in every stage and every aspect of such processes.

Mechanisms to Support Engagement

Below are specific recommendations regarding the three mechanisms proposed by the assessment report to support engagement.

UN-Convened Large Group Format

- Afghan women should be full participants in this group and fully involved in all meetings, tables, and discussions, not just consulted before or after or on the sidelines, or only when the Taliban are present.

International Contact Group

- Members of the international contact group should be selected from countries with a commitment to and credible history of upholding human rights, particularly the rights of women and girls.

UN Special Envoy

- The UN Special Envoy should have demonstrated expertise and commitment to human rights, particularly women and girls, and have a dedicated gender advisor who maintains open communication with Afghan women.
- The current mandate and staffing of UNAMA should be maintained, especially regarding human rights, despite any new mechanisms.

Reintegration of the State of Afghanistan into the International System

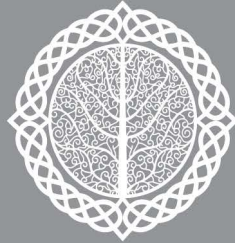
- The assessment report calls for "more coherent political engagement ... through a performance-based roadmap"; formulating specific benchmarks is presumably a next step. These benchmarks should be based on human rights, clearly defined, and publicly available, with a credible and transparent mechanism for measuring and tracking progress.
- Over the past 27 months, the Taliban have given virtually no concessions and have received a great deal – aid, informal recognition, flexibility on sanctions,

rapidly growing normalization – in return. Afghanistan is, and will always be, part of the international system, but the Taliban have done little to earn legitimacy. Any discussion on a roadmap toward recognizing the Taliban must acknowledge the severity of their ongoing abuses and view these abuses, as long as they continue, as insurmountable barriers to recognition or normalization.

- **No steps should be taken toward recognizing or further normalizing the Taliban in the absence of a comprehensive and durable end to their systematic human rights violations, especially their imposition of a system of gender apartheid on women and girls.**

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