



08/27/2024

The Afghanistan Human Rights Center (AHRC) strongly opposes the recent decree by the Taliban, which imposes severe restrictions on the freedoms of the Afghanistan people and subjects women to cruel and inhumane treatment without due process. The decree, titled the "Law on Propagation of Virtue and Prevention of Vice," directly contradict both international human rights standards and Afghanistan's own legal traditions.

This issuance of the law as subsequent to the Doha III meeting indicates the Taliban hardline stand in defying the international call for respect for human rights and the hostile nature of the group towards the people of Afghanistan and international community.

The law consisting of a preamble, four chapters, and 35 articles, degrades women status, effectively treating them as objects to be veiled and silenced. It introduces discriminatory measures that target women, minority groups, and the broader public. The vague and broad nature of the law permits arbitrary actions by Sharia Inspectors (Mohtasebin), allowing them to impose punishments based on personal judgment or mere suspicion, without any requirement for evidence or due process.

The AHRC reviewed the law and would like to state its key concerns as follows:

1. Article three of the law define the terminology used in the law and provides scary and vague accounts for definition of vice. Article 3, paragraph 6. states” vice is any saying or doing that sharia deemed bad” This definition of vice include an infinite range of actions or statements made by people in daily life and could be misused and contradict the principle of legality of the law.
2. The law places overwhelming power to Sharia or religious inspectors to act based on hearsay, observation and suspicion alone. Article 7 allows anyone in a position of power to enforce the law, while placing specific responsibility on the Sharia Inspectors. No verification mechanism is provided for identifying vice or for the appointment of these inspectors, who can act based on observation, hearing and hearsay or the testimony of two people (Article 10, Paragraph 5). This opens the door to severe violations of privacy, allowing the inspectors to interfere with people’s private lives at home or outside without any court order. The law states they can do so according to Sharia. The law provisions contradict many Sharia principles and is in stark breach with international laws, human rights norms and legal tradition.

3. The law permits physical punishment, including beating, intimidation, and imprisonment, without due process. The provisions for "prevention by hands" are vague and could lead to unchecked violence. In addition the list of punishment that are authorized to be enforced by a sharia officer or their department promotes the arbitrary punishment, imprisonment and torture, degrading and inhumane treatment of people. Article 24 provides a list of sharia sanctions which includes, advice, intimidation, verbal punishment, confiscation and destruction of property, detention and imprisonment. The law provide for the sharia inspectors to resort to threats, intimidation, verbal and bodily punishment, 24-hour detention, up to three days of imprisonment, and other penalties without due process or court involvement. Repeated violations by individuals or groups can lead to prosecution before a court, which based on the Sharia criminal law verdicts include detention, long-term imprisonment, stoning, flogging, execution, or being thrown from a mountain and other punishments.
4. The law's definition of hijab includes covering all parts of a woman's body, hiding the face to prevent sedition, and restricting women's voices and call it (Aurat). It mandates that women veil themselves from all men, and even from non-Muslim women, and forbids women from looking at men. Women are also required to cover up and wear veil and hid their voices when they need to go out for necessary needs. This exacerbate the already dire situation for women in Afghanistan and is a heinous method of persecution against women as a gender group.
5. According to Article 17, the Sharia inspectors can dictate to the media, and apply censorship. They are tasked to prevent the broadcast or print of anything disapproved by Sharia and religion, and banning images of living beings, including people and animals.
6. Article 18 states that Sharia inspectors is responsible to inspect markets and force shopkeepers, farmers, and other industry workers to pray in congregations on time and pay their taxes, "Usher" dues, and other financial responsibility and dues. They are required to follow Hanafi sect of Islam while doing business. Usage of pictures, mannequin and any body figures resembling a living being is forbidden in business.
7. Article 19 of the law mandates the sharia inspectors to make the owner of recreation, sport facilities, restaurants and parks to construct mosques and requires all visitors and passengers to pray in congregations on time.
8. Article 20 require the Sharia officer to instruct drivers to refrain from broadcasting musics, providing rides to unveiled women or to women without a Mahram. Women traveling with strange men should not be allowed to use transportation and mix of men and women are not allowed. The law dictates that men's bodies must be properly covered during swimming and bathing. It enforces a strict dress code for men, including during sports, and assigns the officer the responsibility of enforcing the code. It disapproves of out-of-marriage relations, forbids the Shia practice of temporary marriage, and uses the term "Zanaka bazy" to dehumanize women, a term commonly used as an offense.

9. The law identifies homosexuality as a preventable vice and bans traditional games like playing with marble balls, and walnuts, declaring them Haram. Anything facilitating immorality, including misusing radios and tape recorders for listening to music, creating or watching photos and videos of animals or human-like species, and keeping such content on computers or mobile devices, is punishable. Broadcasting a woman's voice outside house or gatherings is forbidden. The law imposes punishments for not following the hijab, abandoning prayers, not performing all or some parts of prayers, not praying in congregations, breaking fast, shaving or keeping beards short, having un-Islamic haircuts, befriending non-believers, celebrating festivals like Nowruz and Yalda, wearing ties or Western clothes, and engaging in any other acts deemed vice according to Hanafi jurisprudence. Even non-Muslims are subject to these restrictions.

The AHRC condemns this law in the strongest terms. It not only undermines basic human rights but also subjects the Afghan population to a regime of fear and oppression. The law's vague and sweeping provisions grant unchecked power to Sharia inspectors, leading to potential abuses and severe violations of human dignity. This law interfere in every aspects of Afghanistan peoples life and persecute women. Punishing people for not praying in congregation and enforcing women to not speak as a human is outrageous and deplorable.

We call on Taliban to stop oppressing Afghan women and violating human rights. Taliban must follow International human rights law and allow women to study, work and freely take part in public affairs. We demand immediate annihilation of this draconian law, so the Afghan people live in peace without fear. We call for immediate international action to pressure the Taliban to revoke this decree and restore the fundamental rights of the Afghan people. World peace and security is dependent to observation and respect for human rights specially women rights. Women rights are indivisible and interconnected and interrelated to other human rights, the world must not wait and see the annihilation and destruction of women under the gender apartheid regime.

The Islamic world and the brave Islamic Ulema should take a strong stand against the Taliban. They should not allow the Taliban to misuse Sharia and resort to Sahria to oppress women.