

Taliban directives and decrees affecting human rights and humanitarian actors

OVERVIEW

Since taking over in August 2021, the Interim Taliban Authority (ITA) has issued numerous decrees and directives infringing on human rights. These decrees are affecting education, work, dress codes, appearances, mobility, and leisure, especially for women in Afghanistan. Only a few measures protect human rights, such as the decrees on the marriage rights of women and widows, as well as the prevention of torture and regulation of pre-trial detention.

ITA decisions have strongly affected the daily lives of Afghans, the operating environment for humanitarian responders, and the modalities of aid delivery. As a result, the directives have provoked widespread condemnation. The announcements on 4 April 2023 to ban Afghan women from working with the UN and on 17 April 2023 to close all private education institutions for boys and girls (grade schools, high schools and post-secondary education) in Kandahar and Helmand come as the latest ITA decision undermining aid organisations' ability to effectively reach all Afghans in need (*Tolo News* 17/4/2023). These follow other decrees and directives that have forced INGOs, national NGOs (NNGOs), women-led NGOs, and UN agencies to suspend or adapt their programmes.

Many Afghan women – particularly those living in urban areas – face increasing obstacles in making a living in the short term, as well as greatly diminished future prospects. UNICEF estimates that the ban on girls' secondary school is affecting a cohort of three million girls, depriving them of fundamental rights and future employment opportunities while increasing anxiety, exploitation, and forced marriage. The inability of girls and women to pursue an education and enter the job market also reduces the country's annual gross domestic product by an estimated 2.5% (*UNICEF* 14/08/2022). While ITA measures are less likely to target Afghan men, they also have to manoeuvre around new rules on dress, appearance and public behaviour, and are forced to participate in the implementation of restrictive measures against women.

The speed and breadth of these increasingly restrictive ITA decisions, which are quick to expand into new aspects of life, seem to have caught international entities and humanitarian responders by surprise. This may be due, at least in part, to an initially overly optimistic assessment by the humanitarian and international communities, which hoped for and looked for signs that the 'new Taliban' of 2021 would be different from earlier iterations of the group, as well as a misreading of Taliban ideology, a lack of attention to the broader political environment.

Purpose of the report

This report aims to support humanitarian responders and policymakers in better understanding ITA decision-making. To improve humanitarian planning and preparedness, it is crucial to understand the motivations behind the trajectory of ITA policy and possible triggers behind their decisions. This report systematically maps and analyses ITA human rights policies and decisions between August 2021 and March 2023 and situates these within the ITA's wider approach to governance and international engagement. To learn from history, this report also compares the current Taliban policy environment with the Taliban's first period in government (1996–2001) and assesses the implications for current humanitarian response.

To date, few public reports (e.g. *USIP*, *VOICE*) have produced a systematic mapping of ITA decisions affecting the human rights of Afghan citizens. Most focus narrowly on the impact of individual edicts or directives or only in a very specific sector (e.g. girl's education, see *Malala Foundation*). With a few exceptions (such as these studies by *CSIS* and *USIP*), these reports lack contextualisation within the broader context of the diplomatic efforts of the ITA and international responders, the internal dynamics of the ITA, the experience of the first Islamic Emirate (1996–2001), and the context of policies made as an insurgency. This report contributes to filling this gap by supporting a stronger and more holistic understanding of and response to Taliban policies moving forward.

Methodology

The report uses qualitative methodology to analyse ITA policy decisions. The decrees and directives included in this analysis were selected based on their relevance to the humanitarian context and mostly relate to human and women's rights issues. They were identified through a systematic scan of news and social media (e.g. Twitter, Facebook), public archives (including this one from *USIP*), and other efforts mapping ITA decisions (such as this timeline from *VOICE*). The final dataset includes 42 ITA national-level policymaking decisions between August 2021 and March 2023, some with decrees and directives covering multiple issues. The thematic analysis of decrees and directives is supported by a literature review of current ITA policymaking as well as during the first Islamic Emirate (1996–2001). This review, as well as other partial mapping efforts, was used for triangulation and validation.

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Limitations

The study focuses on decrees and directives immediately relevant to humanitarian needs and that mostly relate to human rights and the rights of women and girls; it does not aim to provide a comprehensive analysis of all ITA decisions. It does not include policymaking relevant for agriculture (e.g. the poppy ban), economic development or taxation, or changes to the structure of the government (e.g. the abolishment of the Ministry of Women's Affairs and the Afghanistan Independent Human Rights Commission, and reinstatement of the Ministry for the Propagation of Virtue and the Prevention of Vice or MPVPV), even though these indirectly shape the operating environment of humanitarian responders. Other ITA decisions, such as the granting of amnesty to individuals associated with the previous Government, are only briefly mentioned, as they have been extensively covered elsewhere (e.g. in this [Human Rights Watch study](#)). This report primarily focuses on national-level decisions and makes only passing reference to provincial-level directives, reserving a more in-depth discussion of subnational policymaking or policy adaptation for a future follow-up. Finally, we excluded directives aimed at specific organisations operating in Afghanistan given their sensitive nature and ethical considerations.

KEY FINDINGS

- The ITA's decisions relating to human rights and women's rights are not single policy moments but follow an incremental process of curtailing rights. Initial decisions following the August 2021 takeover tended to be vague and framed as temporary measures, which were then elaborated and expanded, becoming permanent fixtures over time.
- Many ITA policy decisions seem to be targeted primarily at Afghan women (and men) living in urban areas, which the Taliban view as places of moral corruption.
- No decree or directive has reversed or softened a previously taken decision.
- It is unclear if ITA policy is intentionally ambiguous to allow space for regional adaptations by subnational leadership. That said, many initial decisions have been framed in vague, general language, leaving space for interpretation and/or the reading of needs within a very specific understanding of Shari'a law.
- Most ITA policies focus on restricting women's rights in the areas of employment, access to education, justice, services, and public spaces and on regulating the behaviour and appearance of men and women in public spaces. These decisions are frequently framed in a language of protection and assertion of men's authority over women.
- Only few decrees aim at safeguarding rights, such as women's rights in marriages, prevention of torture in custody and indefinite pre-trial detention, as well as 'amnesty' for former government officials.
- Key policymaking decisions are committed to paper, but other directives are often communicated verbally. There are several possible explanations for this: a tradition of oral culture, testing policy acceptance, allowing plausible deniability, or increasing policy ambiguity and the space for subsequent adjustments.
- Some decrees and directives representing stricter measures than initial regulations (e.g. women's ban from NGO employment and access to amusement parks) explicitly refer to non-compliance with existing regulations as justifications, applying general bans even if only a small minority does not follow them.
- ITA policymaking is not yet entirely centralised, and some decisions by the ITA's Kandahar-based leadership (e.g. decisions on women's education) undermine statements by other ITA leaders and are not universally embraced by the movement.
- Some decisions (e.g. on education, NGO employment) follow, and possibly could be a response to, international diplomatic actions by the US or the UN SC (e.g. expiry of travel ban exemption, maintaining sanctions, freezing of Afghan central bank assets).

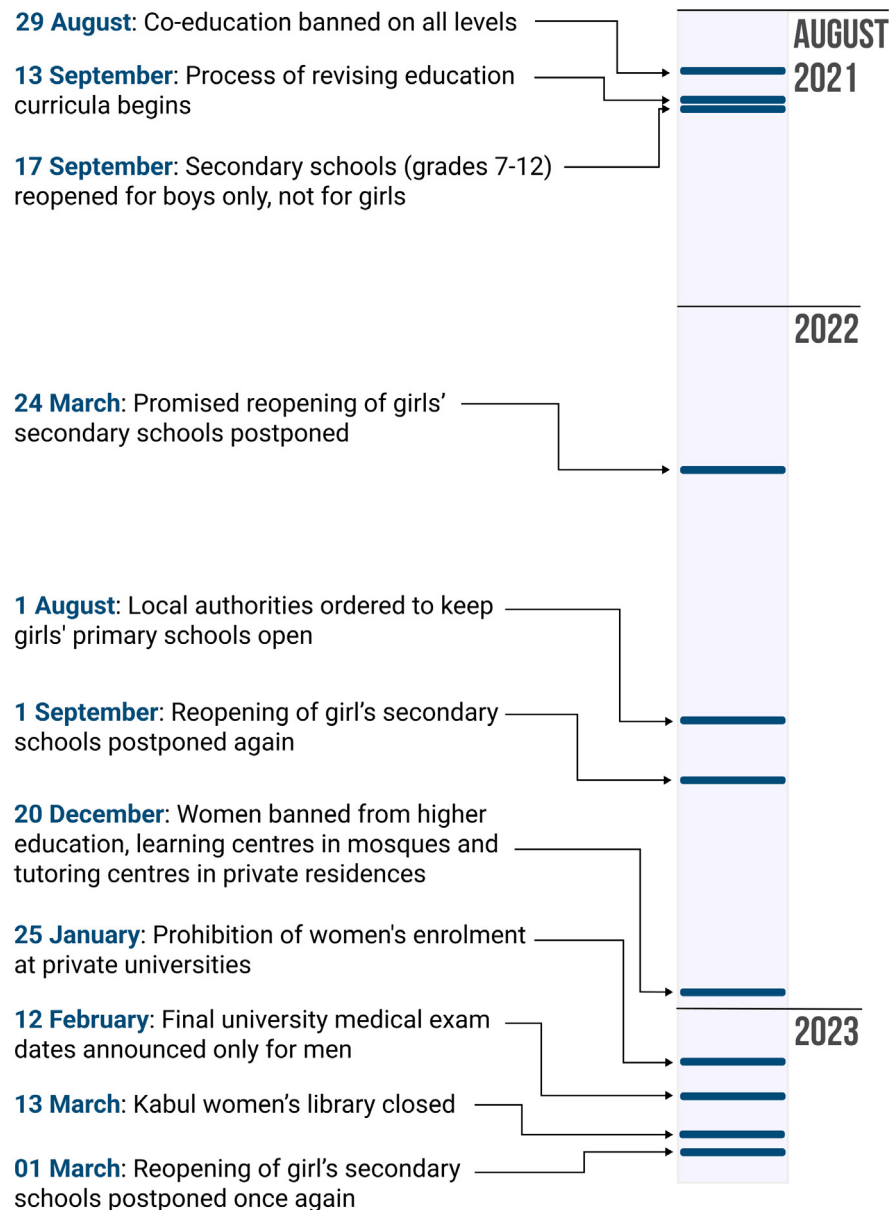
- Some ITA restrictions on women are primarily oriented towards satisfying a domestic ultra-conservative constituency, which differs from mainstream religious tradition, or towards managing Taliban fighters unaccustomed to the urban realities of contemporary Afghanistan.
- Many decisions have precedents from the first Islamic Emirate (1996–2001). This is consistent with the Taliban's slogan over the last twenty years to restore the Islamic Emirate.

ANALYSIS OF ITA DECREES AND DIRECTIVES

The ban on Afghan women from working with the UN, accessing employment in NGOs, and receiving secondary and higher education are four of the most widely reported upon ITA decisions ([VOA 04/04/2023](#); [Tolo News 24/12/2022](#); [The Guardian 20/12/2022](#)). That said, they represent only a fraction of the national-level decrees and directives affecting the lives of Afghans. ACAPS research has identified a total of 42 ITA national-level policy decisions targeting different issues relating to women's and human rights. Most decrees and directives aim to restrict, with only a few (three) granting or protecting rights.

The ITA policy decisions on women's access to education and employment, as well as other measures of social control (e.g., women's mobility), intend to reshape Afghan society, particularly urban areas, according to the ITA leadership's understanding of morality and what it means to be a Muslim. They are part of longstanding social and cultural struggles between progressive and conservative views on Afghan society and find resonance with a domestic ultra-conservative constituency and other radical currents ([Strick Van Linschoten and Gopal 01/06/2017](#)). They are strongly rejected by much of the country's urban population, which has become more strongly integrated into NGO, UN, and government employment over the last twenty years and is testing the ITA's resolve of strict enforcement.

Access to education



For the detailed timeline directives, please see Annex 1.

Education, especially for women, has been a crucial policy field for the ITA. It is an issue that has generated international attention and activated internal debate within humanitarian organisations. Initial reassurances that the ITA would protect the rights of women and girls have not been sustained (HRW 09/03/2023; UNAMA 07/2022). Arguably, the initial statements made by Taliban spokesperson Zabihullah Mujahid in Kabul on 17 August 2021 on the new government's support for human rights, including the rights of women and girls, were intended as reassurances, as ways of buying time and keeping the door for engagement open (Al Jazeera 17/08/2021; HRW 18/08/2021).

Decisions on education are part of an incremental process of curtailing rights rather than a single policy moment (see Annex I for the full list of decrees and directives). Initial measures and decisions (e.g. the ban on co-education in higher education institutions, the reworking of the curriculum, and the ban on girls from secondary education) have been vague, leaving room for interpretation, and were announced as temporary but upheld over time to become permanent fixtures. There have also been measures expanded from initially regulating only one sector to application in other areas (e.g. from secondary education to higher education), or loopholes have been inserted through further specification (for example, initially banning women from attending higher education classes and then prohibiting the enrolment process).

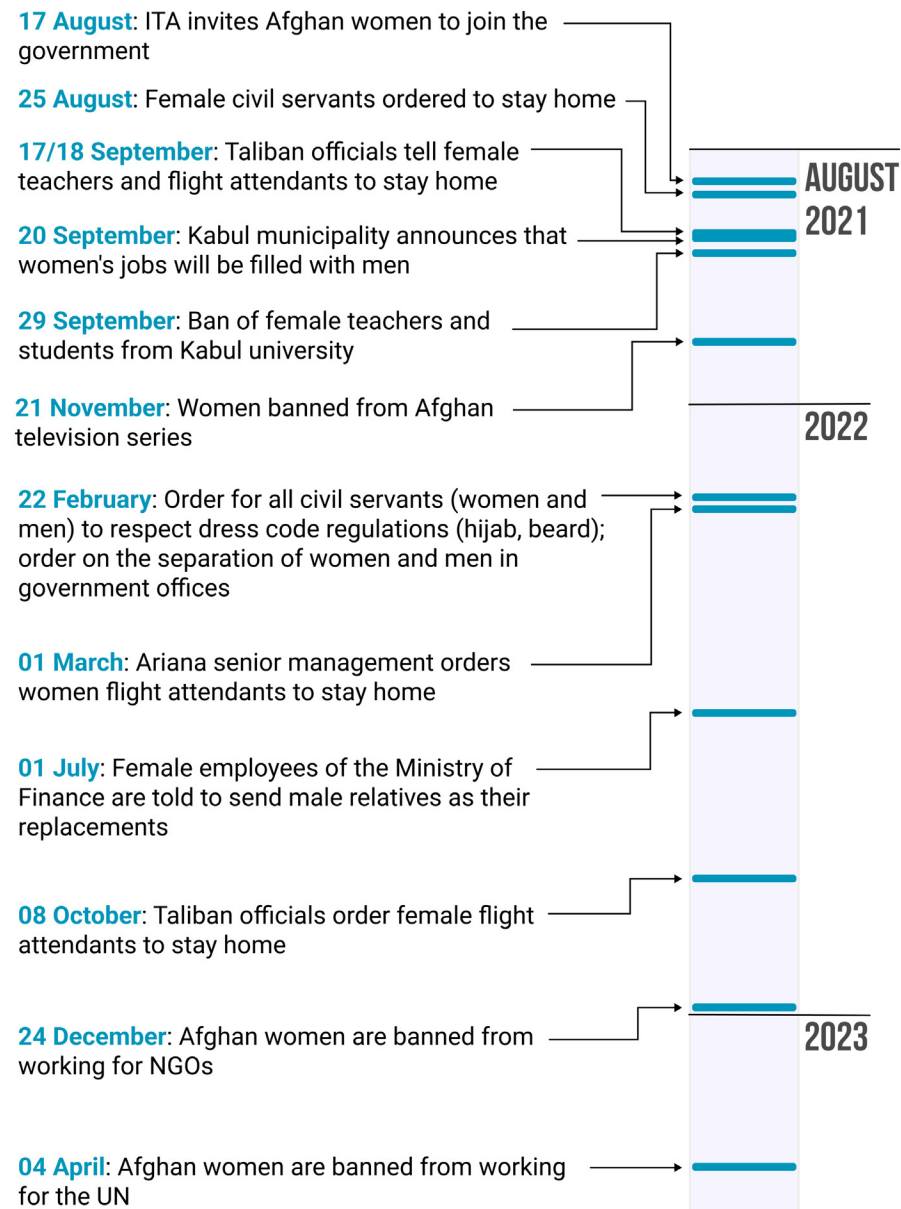
Regulating state curricula and banning women's access to secondary and higher education take on special significance for the ITA leadership for reasons relating to internal and external dynamics. The ban on access to education for women and girls is tied to the views of those parts of the ITA and the Afghan population who view education as enabling demands for women's employment and independence and ultimately undermining the dominant social, economic, and political position of men (Strick Van Linschoten and Gopal 01/06/2017). Conservative forces also see girls in a marriageable age in public spaces, including education institutions, as a potential source of social unrest and thus consider ITA measures to remove girls and women from such areas as justified (Jackson 29/03/2022). Finally, the timing of the ITA's delivery of decrees and directives frequently coincide with continued deteriorations in relations with the international community. International responders support access to education as a yardstick for women's rights, making education policy an easy target for the ITA to put pressure on international decision makers.

The general direction of the ITA's policy decisions on education is consistent with regulations under the first Islamic Emirate, communications after the signing of the Doha agreement and the book written by ITA Chief Justice of the Supreme Court Mawlawi Abdul Hakim Haqqani called *The Islamic Emirate and Its System* (USIP 08/12/2022; Sheikh-Al-Hadith Neda Mohammad Nadim Twitter 28/02/2023; Hasht e Subh 17/12/2022, MEMO 06/01/2023; NUS 26/07/2022). For example, in December 2020, the Taliban began reviewing the republic-era education curriculum and presented a list of 26 changes based on the view that the previous curriculum was designed by foreigners and did not adequately promote or even go against the ITA's values and beliefs.

By all accounts, these changes are already being gradually implemented at present (Hasht e Subh 17/12/2022).

The ITA leadership's decisions on education are not supported or embraced by the entire movement, as the recent statements by Minister of Interior Sirajuddin Haqqani show (TOI 17/02/2023). Some factions within the Taliban apparently see no religious justification for banning girls' and women's access to education. That said, dissenting opinions are usually kept out of public discussions, since the ITA stresses the notion of obedience to the Amir as key to avoiding internal conflict leading to disunity (*fitna*) (EAF 03/09/2022).

Access to employment and regulations of the workplace



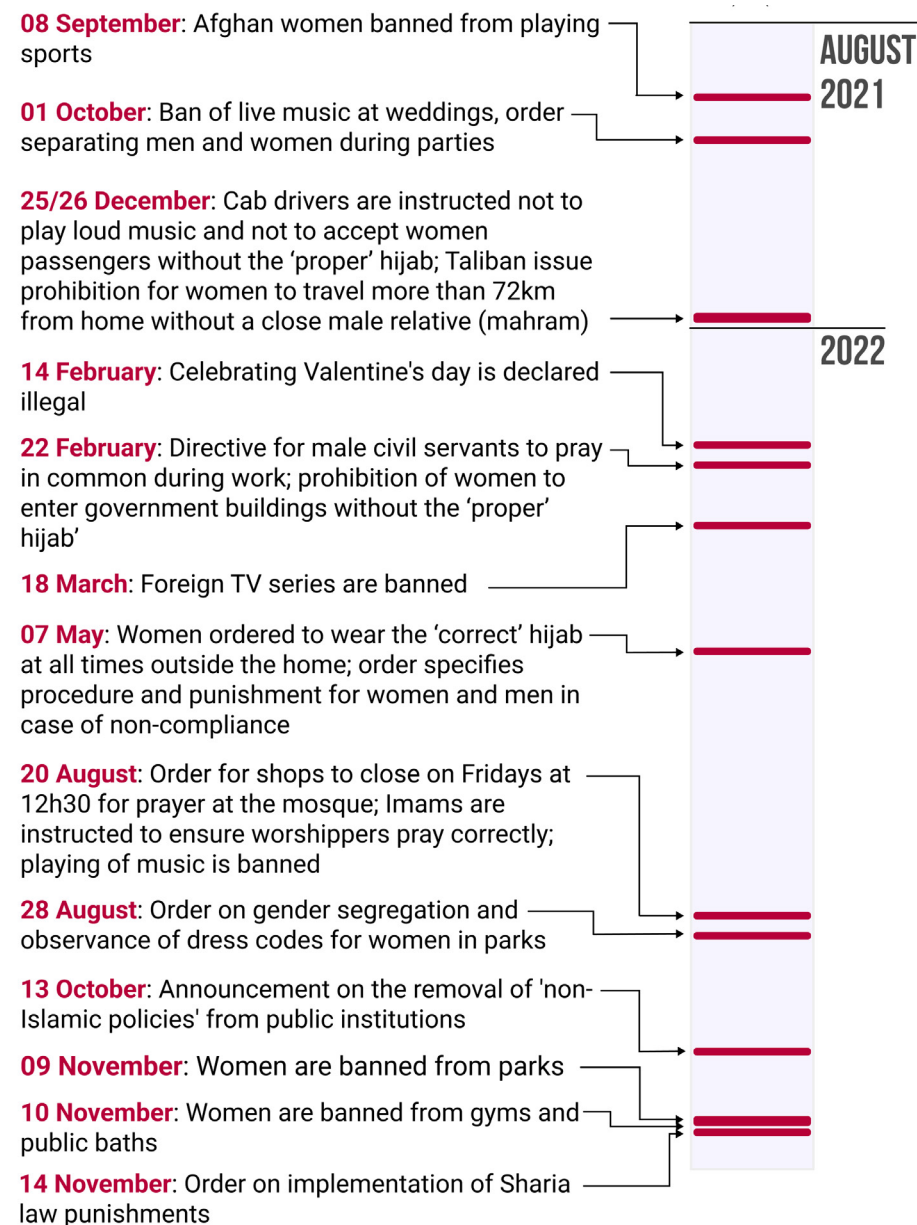
For the detailed timeline directives, please see Annex 1.

Decrees and directives regulating access to work include limitations on women's access to jobs in public organisations (the public sector), INGOs, NNGOs, and the UN, as well as criteria about shaping the workplace for both women and men. As in the case of education, the Taliban's policy decisions relating to women's access to work and the regulation of the workplace demonstrate that their actions rarely come in one-policy moments but in a slow and incremental fashion; the Taliban started with restrictions in workplaces before introducing work bans for women. Two edicts affecting women's ability to work have received more attention than others: the Mahram policy, which prohibits women to travel more than 75 km without a male guardian, and the ban on Afghan women's ability to work for NGOs (RFE/RL 26/12/2021; Tolo News 24/12/2022). The most recent ban of Afghan women's employment in the UN has received similar international attention and wide-spread condemnation (VOA 04/04/2023).

Initial restrictions (e.g. gender-segregated workplaces, asking women ministerial staff not to come to work) were implemented shortly after the Kabul takeover in August 2021. In the chaotic situation, the vague and entirely non-committing reassurances made by the Taliban calling for women to join the government may have been intended as an appeasement to international entities and stem the exit of Afghans (Al Jazeera 17/08/2021). The Taliban justified their restrictive measures as a way of protecting women from Taliban foot soldiers utterly inexperienced in seeing women outside their family, let alone working alongside women (CNN 25/08/2021; Al 27/07/2022; AAN 02/02/2023). Decisions to exclude women from working in ministries may have also been driven by the widespread rumours about sexual harassment in public offices under the republic government (POSH at Work 27/09/2021; BBC 11/07/2019; HRW 14/10/2014). The policy process also shows that the Taliban initially targeted institutions under state control or considered public, such as administration, secondary and higher education, media, and the state-run Ariana Afghan Airlines (CNN 21/11/2021; BBC 19/09/2021). Finally, restrictions on Afghan women's access to employment were extended to NGOs on 24 December 2022 and to the UN on 4 April 2023 (Tolo News 24/12/2022; VOA 04/04/2023).

Altogether, limiting women's inclusion in the economy outside of the household is intended to benefit men, as illustrated by a recent Twitter post by the Minister of Higher Education shows, which underscores the goal of systemically replacing women with men in matters of education and in economic development (Sheikh-Al-Hadith Neda Mohammad Nadim Twitter 07/03/2023). Such measures also have the effect of curbing women's economic independence, which is perceived in conservative circles as a source of disobedience to the husband's authority. The measures taken also echo the extending restrictions on women to access jobs implemented under the first Islamic Emirate (Inter-Agency TETF 06/02/2001)

Measures of social control



For the detailed timeline directives, please see Annex 1.

While restricting women's access to education and the workplace are all measures of social control, they are only a small part of a wider ITA policy aimed at reshaping Afghan society, with others receiving far less attention. The ITA has implemented increasingly restrictive regulations on dress codes, appearances, mobility, and access to public spaces, affecting both women and men and, by extension, humanitarian organisations. These dress code directives include school uniforms, which function as a way of controlling how students, but also members of official institutions should appear and behave. Measures of social control, including the present examples of freezing women out of public spaces and into state-forced seclusion (purdah), were taken with regularity throughout the period considered in this report (August 2021 to March 2023).

Restrictions on freedom of movement

Taliban authorities have also issued decisions regulating mobility, affecting both women and men, with wide-ranging implications for their ability to work, seek medical assistance, or access government services and public spaces. Initial Taliban measures were taken shortly after the Kabul takeover in August 2021 in a context of great insecurity on all sides and justified by the Taliban as a way of protecting women from Taliban foot soldiers (CNN 25/08/2021).

Later measures could no longer be justified by the chaos of the initial days following the Kabul takeover but can only be framed as reinforcing a husband's authority over his wife, thereby affecting both women and men. These rules also make women more dependent on male relatives and enforce the tradition that men are the protector of women's honour and that husbands should exercise authority over their wives. A widely discussed example of such a decree was the decision taken on 26 December 2021 by the ITA to forbid women to travel over a distance of more than 45mi or 72km without a mahram (male guardian, usually husband or other close relative) (CNN 28/12/2021).

The first Islamic Emirate was notorious for restrictions on women's mobility, preventing women from leaving the house without a Mahram. Compared to the confinement of women to the house, the restriction on travel distance appears more lenient. That said, if we assume that all Taliban policies follow an incremental process of curtailing rights, the Mahram policy of the first Islamic Emirate may be a glimpse of the future to come, implying yet new adaptations and tough decisions for women, men, humanitarian responders present in the country, and policymakers. If the ITA decides to demand that women always travel with a Mahram, the impact will be particularly strong on widows, reducing their access to government services and increasing men's power over women's life, by extension enhancing the risk of domestic violence and coercive control. Reports discussing similar measures under the first Islamic Emirate point out that it will most certainly lead to a decline in women's health and wellbeing, especially their mental health (Physicians for Human Rights 24/04/2001). The

Special Representative of the Secretary-General for Afghanistan and Head of UNAMA added that women are feeling increasingly hopeless, with women respondents openly voicing thoughts about suicide (UN SC 08/03/2023).

Dress code and appearances

International media has generally focused on dress code directives for women (particularly the hijab) but far less on directives telling men on how to dress and appear, at least in public office (The Leaflet 09/03/2023). The ITA justifies these directives based on what the Taliban consider pious Muslims should do. These dress code and appearances directives, though possibly minor in comparison to other restrictions, are important because they set certain criteria that can be used to 'measure' the population's behaviour and compliance. Cases of non-compliance can in turn be used to justify other decisions that further restrict access to rights and opportunities.

The five-point directive issued by the MPVPV on 22 February 2022 for government departments is instructive insofar as it demonstrates how the Taliban's decisions on dress codes for women also has implications for men (Solh News Facebook 24/03/2022). Two points target women, two target men, and one targets both. The order specifies that:

- all female civil servants who come to the office should observe the Islamic hijab (dress code)
- male and female workspaces in government offices should be separated
- male civil servants should make their appearance (e.g., dress and facial hair) according to the prophetic way
- prayer should be performed with the congregation
- female visitors without a hijab should not be allowed to enter government offices.

According to the directive, the first step after a woman fails to observe the rule is locating her residence, issuing a verbal warning and informing her wali (the male household head). The second step is summoning the wali to the relevant department. The third step is detaining the woman for three days, and the fourth step is bringing her to court.

To enforce women's dress code, the MPVPV also chaired an inter-ministerial ad hoc committee that produced an "Explanatory and implementation note for sharia hijab", which was announced on 7 May 2022 (AAN 1/6/2022). The note defines and describes different types of hijabs and how the order should be implemented. While these dress code and appearance regulations for men and women are harsh compared to the last twenty years, they are more lenient than under the first Islamic Emirate (1996–2001).

Access to parks, gyms, public baths and regulations on music in public spaces

ITA policymaking includes other measures of social control, such as the regulation of access to parks, sports venues and public baths, as well as restricting the playing of music in public. Most regulations in this area come from the MPVPV. The regulations on women's access to parks are examples of a process enforcing stricter measures in response to or justified with perceived violations of existing regulations, even if only by a few people. Some of the stricter measures that came later were justified in reference to non-compliance with existing regulations on the dress code (*The Guardian* 10/11/2022).

Other decisions have targeted certain practices (such as women's cricket and access to gyms) that Taliban officials have simply described as potentially indecent, involving inappropriate dress, or unnecessary activities for women. The case of banning the women's cricket team is a case in point, since the justification for the measure was made in reference to the potential of sports revealing female body parts via photography or social media (*SBS News* 08/09/2021).

Several other decrees and directives should be considered as part of wider attempts at social control and signal the political commitment to move towards a stronger implementation and regulation of behaviours and practices in public administration and public life. These include restrictions on protests/demonstrations, the regulation of the opening hours of shops, and instructions about the proper form of prayer and of playing music in public, at weddings, and in cabs (*The Guardian* 08/09/2021). A series of additional directives concerns women's access to places, such as coffee shops, without a Mahram and the banning of Valentine's day (*Gulf Today* 07/01/2022; *Bahar News* 13/02/2022). These are instructive because they reflect the general concern of the Taliban with 'dating' and the profession of affection in public spaces and primarily concern urban areas.

Rights protection

Decisions protecting the women and human rights are rare, but they do exist and are worth examining. At least three decrees are drafted in such a way as to strengthen people's rights. These include the 'amnesty' for former government officials, women's rights in marriage, and the rights of arrested people (*Al Jazeera* 17/08/2021; *Reuters* 03/12/2021; *Etilaatroz* 15/03/2022). That said, it is worth highlighting that firsthand observations suggest that the decrees, which strengthen the rights of men and women, are frequently violated and/or not seriously enforced. For example, the declaration of amnesty for former government officials was verbally communicated on 17 August 2021, shortly after the Taliban takeover. Violations of the decree have since been documented, with Taliban officials rejecting the allegations, describing them as isolated incidents linked to personal animosities (*HRW* 30/11/2021; *AI* 15/08/2022; *Human Rights Watch* 30/11/2021).

On 15 March 2022, the Amir and the Office of the Leadership issued a decree about the rights and responsibilities of security officials and arrested people. The order specifies that during pre-trial detention, security officials have no right to abuse or torture the arrested. It further specifies that the maximum length of investigative detention without a court order should be ten days (*Etilaatroz* 15/03/2022). There is limited evidence as to whether this is being followed and or enforced.

The decree on women's rights in marriage and divorce was communicated on 3 December 2021 (*Reuters* 03/12/2021). It is the only decree published in English on the Taliban's website, possibly aimed at demonstrating their good will to external entities (*Islamic Emirate of Afghanistan* 03/12/2021). This is one of the Taliban decisions welcomed by those parts of the population that otherwise might object to most other decrees and directives. It is also a case where there is a divergence between Shari'a law and customs, although some practices are much more widespread than others. For instance, depriving widows of their legal right of inheritance is a common practice, but the exchange of women in conflict resolution is not. The edict contains six articles (*Islamic Emirate of Afghanistan* 03/12/2021):

- "Adult women's consent is necessary during nekah/marriage. (Though both should be equal with no risk of sedition. No one can force women to marry by coercion or pressure)
- A woman is not a property, but a noble and free human being; no one can give her to anyone in exchange as part of a peace agreement or to end animosity.
- After the death of her husband, 'Sharaie Adat' (four months and ten nights or pregnancy) passes, no one can marry a widow by force including her relatives. A widow has the right whether to marry and/or to determine/choose her future. (Though the principle of equality and preventing sedition should be kept into consideration)
- It is the sharia right of a widow, to obtain Mahar [widow's rent] from her new husband.

- A widow has heritage right and fixed share in the property of her husband, children, father, and relatives, and no one can deprive a widow of her right.
- Those with multi marriages (more than one wife) are obliged to give rights to all women in accordance with sharia law, and maintain justice between them.”

Despite the strengthening of the rights of women and widows through this decree, other areas, such as matters of divorce, are still a big problem for many women, and cases are often adjudicated against women (TWP 04/03/2023).

IMPACT

The cumulative impact of ITA policy decisions on the daily lives of the Afghan population, the operating environment for humanitarian responders, and modalities of aid delivery has been profound and provoked widespread condemnation (MEE 10/01/2023). Of 129 organisations with a presence in the country, including INGOs, NNGOs, women-led NGOs, and UN organisations, 15 have fully suspended their activities, 75 are partially operational, and 37 continue to be fully operational (UN Women 26/03/2023).

For humanitarian responders working on education, ITA policies imply adaptations on the scale and modalities of their programmes (UN Women 26/03/2023 and 31/12/2022; UNICEF 28/03/2022). UNICEF estimates that the ban on girls from entering secondary school is affecting a cohort of three million girls, not only depriving them of fundamental rights, worsening cases of anxiety and exploitation, and increasing incidents of forced marriage but also reducing the country’s annual gross domestic product by an estimated 2.5% (UNICEF 14/08/2022). In the midterm, regulations restricting women from secondary and higher education also reduce the availability of qualified women in the workplace and imply their replacement with men.

Decrees and directives regulating access to work include limitations on women’s access to jobs in public organisations (the public sector), INGOs, NNGOs, and the UN and criteria about shaping the workplace for both women and men. The impact is felt stronger by urban women, who are disproportionately working in international and national NGOs as well as UN agencies. For those working in the public sector, the immediate impact is unemployment and a reduction in household income; for those working in INGOs, NNGOs, and UN agencies, the effect is a change in work modalities, with 67% no longer coming to work, 21% only going to the field, and 12% no longer working. 44% of female Afghan aid workers have also shifted to working remotely from home (UN Women 26/03/2023).

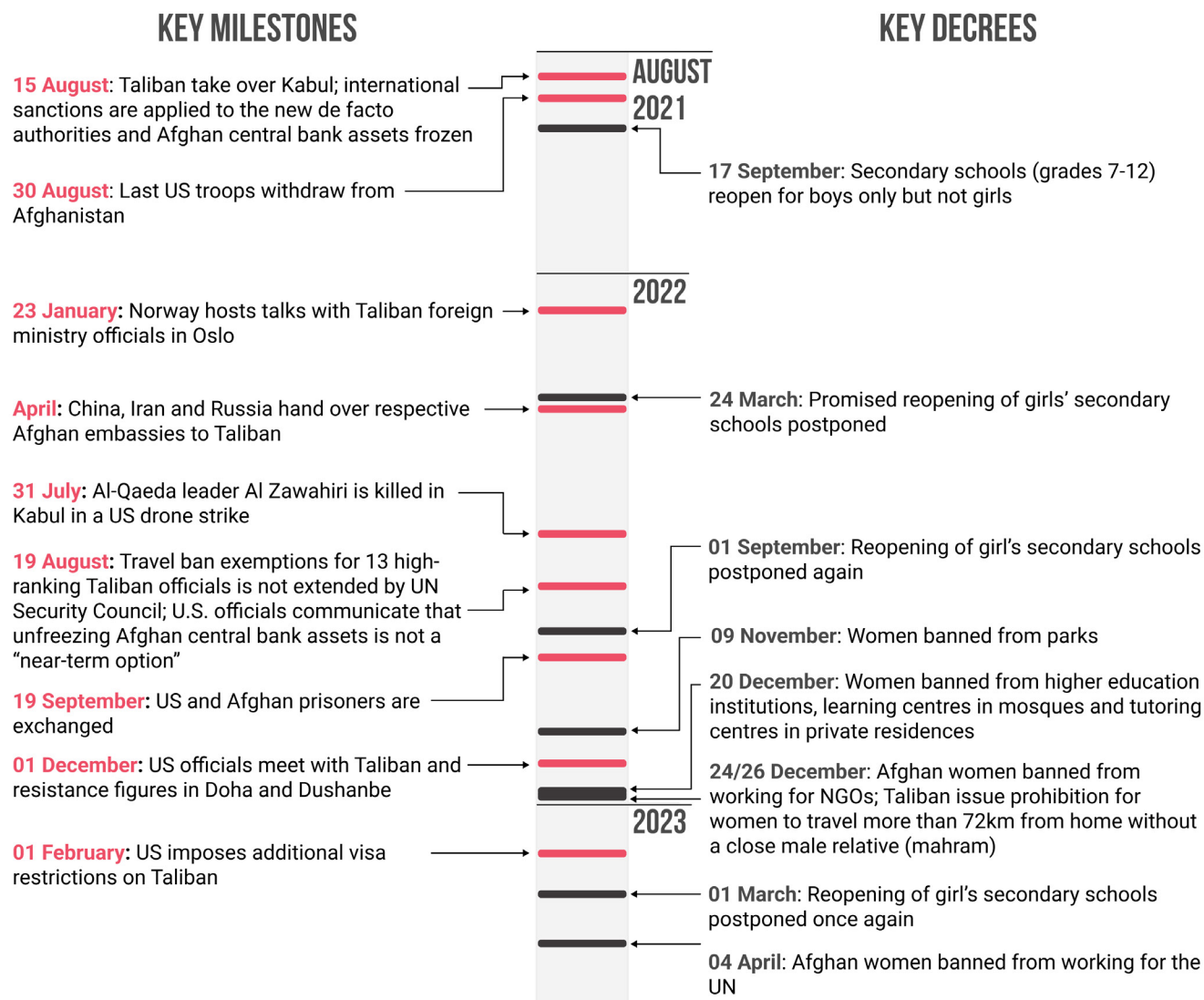
Women’s ability to work for humanitarian organisations and the public sector further suffers from ITA measures restricting freedom of movement. They could no longer travel

freely, affecting their (and organisations’) ability to access remote rural areas located in some distance from their homes without a close male relative accompanying them, in turn affecting beneficiaries at least in the short term. As noted earlier, the restrictions will affect women’s health and wellbeing and, by association, children’s health.

EXPLAINING ITA POLICY DECISIONS

Two overarching dynamics shaping ITA policymaking were identified as relevant and plausible:

- international and Taliban diplomacy and engagement
- the Taliban's moral economy.



For the detailed timeline directives, please see Annex 1.

International and Taliban diplomacy

The first explanation focuses on interactions between the Taliban and international responders and sees increasingly restrictive Taliban policymaking as reactive to unsuccessful diplomatic efforts in achieving formal recognition, relieving sanctions, and unfreezing Afghan central bank assets. Even though a causal link is difficult to establish, this is a plausible explanation insofar as many Taliban decrees and directives are close to official communications by international entities, including the UN Security Council, and the US.

The second explanation focuses on dynamics internal to the Taliban, where primary importance is accorded to the Kandahar leadership's prioritisation of its domestic ultra-conservative constituency and re-establishing all aspects of what it considers crucial parts of an Islamic Emirate. The second explanation is particularly relevant, because the Amir appears to harbour strong doubts about the effectiveness of the Taliban's diplomatic efforts (USIP 20/12/2022). More generally, the Kandahar-based leadership appears to be at odds with more pragmatic currents within the Taliban on several policy decisions, including women's access to education and work (EAF 03/09/2022). That said, the two dynamics do not exclude each other and may work in concert to explain the temporal clustering of some policy decisions as well as the Taliban's overarching policy trajectory.

Two examples can illustrate this point. The first period of reactive policymaking could be situated between January–April 2022. Initially, the Taliban and some Western governments took steps to intensify their engagement, albeit accompanied by critical voices and statements by UN human rights experts (OHCHR 17/01/2022). For instance, on 23–25 January 2022, Norway hosted talks with Taliban foreign ministry officials in Oslo. However, the Western overtures made in Oslo did not have a significant impact on either side in terms of advancing their interests or achieving a compromise. From the Taliban's perspective, the US had blocked any substantive steps towards formal recognition, with sanctions remaining in place and Afghan central bank assets still frozen (VOA 20/12/2022). This may have encouraged the ITA's Kandahar-based leadership to decide on 24 March 2022 against prior reassurances by other Taliban officials, postponing the return of Afghan girls to secondary school knowing that girls' and women's education is a sore point for Western countries (HRW 18/08/2021; *The Diplomat* 24/03/2022). This decision proved crucial in leading to a deterioration of relations between the Taliban and many international responders. From the perspective of Western countries, ITA policies only become more restrictive, particularly for women, and 'promises' on safeguarding women's and human rights were not kept.

The second period follows the killing of al-Qaeda Al Zawahiri in Kabul on 31 July 2022 in a US drone strike (Open Secrets 29/09/2022; Brookings 02/08/2022). Subsequently, on 19 August 2022, the UN Security Council did not extend travel ban exemptions to 13 high-ranking ITA officials, and US officials communicated that the unfreezing of Afghan assets was

not "a near-term option" (VOA 25/08/2022; NYT 15/08/2022). Apparently frustrated with the ITA, U.S. Chargé d'Affaires to Afghanistan Karen Decker and U.S. Special Representative for Afghanistan Thomas West met with prominent anti-Taliban figures in separate events in Tajikistan and in the United Arab Emirates in November and early December 2022 (VOA 20/12/2022). Furthermore, on 19 December 2022, U.S. State Department spokesman Ned Price indicated that an improvement of US-ITA relations was preconditioned on the Taliban fulfilling "commitments they've made to the Afghan people", and that additionally sanctions were a possibility (U.S. Department of State 19/12/2022). Soon thereafter, the Taliban issued several restrictive decrees and directives with substantive impact on the Afghans population, particularly women, as well as humanitarian responders. These decisions include the ban on Afghan women studying in universities on 20 December 2022 and working in NGOs on 24 December 2022 and maintaining the ban on girls' secondary education in March 2023 (ABC 11/09/2022; *The Guardian* 20/12/2022; *Tolo News* 24/12/2022).

The moral economy of the Taliban

The second explanation focuses on the Taliban's intention to reshape Afghan society, particular regarding the place and role of women. The context within which ITA policymaking takes place is that of a post-war and shrinking Afghan economy. From this perspective, limiting women's inclusion in the economy outside of the household benefits the Taliban's male constituency (such as the decisions to replace women with men in the Ministry of Finance and Kabul municipality) in the context of a strongly contracting Afghan economy and increasing competition over scarce resources induced by international sanctions. Restricting women's access to education provides administrative excuses to deny women jobs on the grounds of lacking qualifications and serves to curb women's economic independence, which is seen by conservatives as a source of disobedience to the authority of husbands.

In this sense, adapting to new economic circumstances is done not only through an economically rational lens but in consideration of the Taliban's domestic ultra-conservative constituency, with the first Islamic Emirate as the primary model. One articulation of the Kandahar leadership's perspective on reshaping Afghan society is articulated in the book *The Islamic Emirate and Its System* written by Chief Justice of the Supreme Court Mawlawi Abdul Hakim Haqqani (MEMO 06/01/2023; NUS 26/07/2022). Of primary importance is the Kandahar leadership's prioritisation of re-establishing all aspects of what it considers essential elements of an Islamic Emirate, eradicating Western and other influences, and imposing the worldview of its reactionary/ultra-conservative constituency on all parts of the Afghan population, particularly people living in urban areas, as it centres on notions of permissibility and not rights (NUS 26/07/2022). Other elements are frequently found in the verbal statements of Taliban officials, which seek to justify certain measures justified through the need to protect women from sexual harassment and violence (as an extension of

men's honour). Some analysts find that the ITA policymaking conflates religion with elements of the particular pre-1979 rural milieu local culture of rural Pashtun villages in of southern Afghanistan from where much of the Kandahar leadership stems from (AAN 29/03/2022; Strick Van Linschoten and Gopal 01/07/2017).

Many insights can also be drawn from literature on the first Islamic Emirate (1996–2001). Similar to the experience since August 2021, during the first Islamic Emirate, decrees and directives tended to become more restrictive on women's and human rights as Taliban officials faced an increasingly difficult economic situation, including protracted drought, the perception that international aid organisations were not being sensitive to their views on women in the public space, and international diplomatic inaction (Fielden and Azerbaijani-Moghadam 06/02/2001). Together, these contexts appeared to have triggered the Kandahar-based leadership to impose more restrictive measures as part of a larger process of establishing control over aid organisations' activities in the country and the activities of Taliban line ministries. It did so through a flurry of decrees and statutes issued by different institutions on women's employment in a short period from July–August 2000 (Fielden and Azerbaijani-Moghadam 06/02/2001).

IMPLICATIONS FOR HUMANITARIAN RESPONDERS

ITA's decisions concerning women's education and employment in public organisations has led to widespread international and domestic outrage (VOA 12/04/2022). Some of the shock at Taliban policymaking also stems from an overly optimistic assessment of the Taliban based on 'promises' made during the Doha process, reassurances by senior Taliban figures (primarily in Kabul and Doha) and lacking direct engagement with the ITA's Kandahar-based leadership, who are the ultimate decision makers.

What humanitarian responders and policymakers should expect in 2023

- The human and women's rights situation in Afghanistan is likely to deteriorate. The humanitarian space will be increasingly restrictive and difficult to manoeuvre.
- The ITA has not gone back on any decisions made so far, and the current trajectory towards increasing restrictions and regulations seems most likely, which could include targeting women in the private sector and restricting girls from attending primary school.
- The inconsistent approach to policy implementation is likely to continue, with lenient interpretations and non-binding exemptions possible through in-person negotiations with Kabul-based officials on a case-by-case basis.

- The ITA may start squeezing out Western NGOs and push for their replacement with Afghan and/or Muslim NGOs, who are more sensitive to Afghan culture, customs, and religion.
- The international recognition of the ITA is unlikely, but there are options for increased international engagement based on UN SC requests for an independent assessment.

What humanitarian responders and policymakers should watch for in 2023

- Watch for the pace of economic shrinking and the increase in security incidents. Under pressure, it is realistic to assume that the ITA will take increasingly restrictive measures.
- Monitor subnational policy restrictions, especially in the Taliban heartland of southern Afghanistan, as an important early warning sign. Taliban decisions in Kandahar province, where, for example, on 30 January 2023 the MPVPV ordered women in the health and education sectors to be accompanied by a male guardian while they are at work, can be considered a policy-test case, foreshadowing national-level policymaking (BBC 30/01/2023).

What humanitarian responders and policymakers should do in 2023:

- Think of alternative ways to benefit and include women and abide by the principles of inclusiveness and equality, focusing on needs-based approaches and on working with and through the private sector and communities.
- Review the engagement strategy with the ITA, particularly the question of who to interact with and what to expect from that engagement. The southern Taliban see themselves as the victors in the war against the US and see no need to compromise. The influence that Western responders have over Taliban policymaking is limited. Kabul-level engagement may lead to an inaccurate assessment of substantive differences within the Taliban movement, ultimately leaving humanitarian responders and policymakers unprepared for coming decisions.

ANNEX I: DECREES AND DIRECTIVES

List of decrees and directives on education

- On 29 August 2021, the ITA banned co-education, including in higher education institutions (ANI 29/08/2021).
- On 13 September 2021, the ITA Ministry of Higher Education announced that subjects going against Islamic Shari'a law would be dropped from the curricula (Tolo News 13/09/2021).
- On 17 September 2021, the ITA Ministry of Education reopened boys' high schools but not girls' high schools (The Guardian 17/09/2021). Accompanying statements by Taliban officials suggested that their return to school was just a matter of time (ABC 23/03/2023).
- On 24 March 2022, the ITA Ministry of Education once again postponed the reopening of girls' secondary schools (The Diplomat 24/03/2022).
- On 1 August 2022, the ITA Ministry of Education announced that girls' primary education should be continued (Tolo News Twitter 09/01/2023).
- In September 2022, the Ministry of Education again postponed the reopening of girls' secondary schools (ABC 11/09/2022).
- On 20 December 2022, women were banned from higher education by the ITA Ministry of Higher Education and from learning centres in mosques by the Ministry of Hajj and Religious Affairs and from tutoring centres in private housing (Al Jazeera 20/12/2022; DW 24/12/2022; Tolo News 22/12/2022).
- On 25 January 2023, the Taliban outlawed private universities from allowing women to enter the enrolment process for the new semester (DW 25/01/2023).
- On 12 February 2023, the National Examination Authority of Afghanistan specified the date of the final medical exam only for men (Tolo News 13/02/2023).
- On 13 March 2023, the women's library in Kabul was closed (Hasht e Subh 13/03/2023).
- Later in March 2023, the closure of girls' secondary schools was once again upheld.

Work and the workplace

- On 17 August 2021, a member of the ITA's cultural commission urged women to join the government (Al Jazeera 17/08/2021).
- One week later, on 25 August, ITA spokesperson Zabiullah Mujahid stated that women should not go to work but stay at home, because their safety could not be guaranteed,

and Taliban foot soldiers did not know how to treat women (CNN 25/08/2021). According to him, the ban was temporary and would be lifted once soldiers were taught how to treat women. The edict was announced on the same day that the World Bank communicated its decision to stop sending aid to Afghanistan, because the future of women in the country was uncertain.

- On 17 September 2021, the ITA education ministry extended the restrictions to the education sector, ordering women teachers to stay at home; on the same day, they announced that boys' high schools would be reopened (The Guardian 17/09/2021).
- On 18 September 2021, Taliban officials controlling Kabul airport ordered female flight attendants to return home (BBC 19/09/2021).
- On 20 September 2021, the acting mayor of the capital Kabul stated that virtually every municipal city job held by women would be refilled by men, except for jobs where women could not be replaced by men, including some skilled jobs in technical fields and the positions of female public toilet attendants (CBS 20/09/2021).
- On 29 September 2021, the ITA acting Ministry of Higher Education banned female teachers and students from Kabul University (TWP 29/09/2021).
- On 21 November 2021, the MPVPV banned women from Afghan television dramas under new Taliban media rules (CNN 22/11/2021).
- On 22 February 2022, the MPVPV issued instructions that where it was unavoidable to ban women in public institutions, women's and men's offices should be separated (Azadi Radio 20/02/2022). It also urged women to observe hijab rules and ordered male staff to follow the Islamic dress code and to arrange their appearance in accordance with the instructions of the religion.
- In March 2022, senior staff of state-run Ariana Afghan Airlines order female flight attendants to stay home (AFINTL 08/10/2022).
- In July 2022, the ITA ordered women working at the Ministry of Finance to send their male relatives as replacement (The Guardian 18/07/2022; Washington Examiner 18/07/2022).
- On 8 October 2022, Taliban officials order women flight attendants to stay home (AFINTL 08/10/2022).
- On 24 December, the ITA leadership banned women from working in national and international NGOs (Azadi Radio 25/12/2022). They justified the measure by pointing to lacking compliance and remained silent on when and under what conditions women can return to work.
- On 4 April 2023, the ban was extended to include Afghan women working for UN organisations (VOA 04/04/2023).

Measures of social control

- On 8 September 2021, the deputy head of the ITA's cultural commission, Ahmadullah Wasiq, announced in an interview that Afghan women, including the country's women's cricket team, will be banned from playing sports (SBS News 08/09/2021).
- In October 2021, the MPVPV banned live music at weddings and ordered men and women to engage in celebratory parties in separate halls (Republic World 26/12/2021).
- On 25 December 2021, the MPVPV provided a written directive banning cab drivers from playing loud music in their vehicles (Republic World 26/12/2021).
- On 26 December 2021, the MPVPV instructed drivers no to take female staff passengers without a hijab (Republic World 26/12/2021).
- On 14 February 2022, the Prime Minister's Office published an edict declaring the celebration of Valentine's day illegal (Bahar News 13/02/2022).
- On 22 February 2022, the MPVPV ordered government departments to implement their five-point order, with two points targeting women, two targeting men, and one targeting both (Solh News Facebook 24/03/2022). The order specifies that:
 - all female civil servants who come to the office should observe the Islamic hijab (dress code)
 - male and female workspaces in government offices should be separated
 - male civil servants should make their appearance (e.g., dress and facial hair) according to the prophetic way
 - prayer should be performed with the congregation
 - female visitors without a hijab should not be allowed to enter government offices.
- On 18 March 2022, all foreign TV series were officially banned, primarily affecting widely viewed Indian productions (The Print 18/03/2022).
- On 7 May 2022, the MPVPV announced a directive concerning the hijab (SWN 07/05/2022).
- On 20 August 2022, the MPVPV ordered that on Fridays at 12:30, all shops must close, shopkeepers must come to mosques, and the imam of the mosque must examine worshippers to ensure that they know how to pray and read the surahs of the Holy Quran (Aria Press 20/08/2022).
- Also on 20 August 2022, the MPVPV banned the publishing and playing of music, among other things (Aria Press 20/08/2022).
- On 28 August 2022, the MPVPV announced that gender segregation will be applied in Kabul amusement parks, with women required to observe the Islamic hijab (Roushd News 28/08/2022).

- On 13 October 2022, the Amir ordered the removal of all non-Islamic policies from public institutions (BBC 13/10/2022).
- On 9 November 2022, the MPVPV completely banned women from entering amusement parks (DW 11/09/2022; Hasht e Subh 09/11/2022).
- On 10 November 2022, the MPVPV banned Afghan women from gyms and public baths (Al Jazeera 10/11/2022).
- On 14 November 2022, the Amir ordered the implementation Shari'a law punishments (BBC 14/11/2022).

ANNEX II: MILESTONES IN INTERNATIONAL ENGAGEMENT

Following the fall of Kabul in August 2021, international responders and the Taliban have repeatedly stated what they expected from each other (USIP 28/09/2021). The common interest of Western countries, Afghanistan's neighbours, and regional powers is a stable and predictable Afghanistan, and five demands have been made on the ITA authorities (with different emphases from different countries):

- substantive counterterrorism actions
- unhindered and safe access for UN and humanitarian responders in aid delivery
- respect for human rights, including for women and minorities
- the pursuit of an inclusive political negotiated settlement
- safe passage for those who wish to travel abroad (U.S. Department of State 07/03/2023; EURACTIVE 03/09/2021; ISW 14/01/2022).

The main aims of the ITA's diplomacy are international recognition; the removal of UN, US, and other sanctions, including the delisting of Taliban members; eased travel restrictions against 135 Taliban members; and the unfreezing of Afghan central bank assets (VOA 25/08/2022).

Initially, the Taliban and some Western governments took steps to intensify their engagement, albeit accompanied by critical voices and statements by UN human rights experts (OHCHR 17/01/2022):

- On 19 January 2022, a conference on Afghanistan's economy was held in Kabul and attended by Taliban officials, UN officials, representatives of 20 countries, and members of civil society (UN SC 25/01/2022).
- On 23–25 January 2022, Norway hosted talks with ITA foreign ministry officials in Oslo (Norwegian Government 21/01/2022).

- In February 2022, the US Department of State established the Afghanistan Affairs Unit in Doha, Qatar, as the US diplomatic mission to Afghanistan, and officials of the Swiss National Bank visited Afghanistan's central bank, among other things (U.S. Department of State 15/08/2022; TWI 15/08/2022).
- On 13 February 2022, the Islamic Development Bank approved the establishment of the Afghanistan Humanitarian Trust Fund (IsDB 13/02/2022).
- Between March–April 2022, China, Iran, Russia, Turkey, and several Central Asian and Gulf Arab states accredited ITA diplomats and handed over embassies to the ITA.
- That said, the Western overtures made in Oslo did not have a significant impact on either side in terms of advancing their interests or achieving a compromise. In the year since, the ITA and the West seem to have moved further apart. From the ITA's perspective, the US had blocked any substantive steps towards formal recognition, as sanctions remain in place, exemptions for travel bans have expired, and Afghan central bank assets remain frozen (VOA 20/12/2022). From the perspective of Western countries, ITA policies have become increasingly restrictive, particularly for women, and 'promises' on safeguarding women's and human rights have not been kept.
- On 31 July 2022, the head of al-Qaeda, Al Zawahiri, was killed in Kabul in a US drone strike; this event was used as evidence of the ITA's non-compliance with the Doha agreement and to argue that the Taliban was unwilling to implement substantive counterterrorism actions (Open Secrets 29/09/2022; Brookings 02/08/2022). Since the killing of Al Zawahiri in Kabul on 31 July 2022, relations between the ITA and the US have deteriorated further.
- In August 2022, the UN SC extension of a waiver granting 13 high-ranking ITA officials' exemptions from the travel ban expired, and US officials communicated that the unfreezing of assets was not "a near-term option" (VOA 25/08/2022; NYT 15/08/2022).
- On 19 September 2022, US (Mark Frerichs) and Afghan (Haji Bashir Nurzai) prisoners were exchanged, but this did not open "a new chapter in the bilateral relations between the United States and Afghanistan", as Taliban foreign minister Muttaqi expected (TWP 19/09/2022).
- Between 30 November and 1 December 2022, US Chargé d'Affaires to Afghanistan Karen Decker and EU representatives travelled to Tajikistan for the Herat Security Dialogue, meeting with anti-Taliban figures (VOA 20/12/2022).
- On 8 December 2022, US Special Representative for Afghanistan Thomas West met with the Taliban's acting defense minister Mullah Yaqoob as well as prominent anti-Taliban commander Ata Mohammad Noor in the United Arab Emirates (VOA 20/12/2022).
- On 1 February 2023, the US imposed additional visa restrictions on Taliban members (CNN 01/02/2023).
- On 7 March 2023, the US Department of State communicated a joint statement with Special Representatives and Envoys for Afghanistan from Western countries following a meeting on the Taliban and the Afghanistan situation in Paris (U.S. Department of State 07/03/2023). The meeting included Australia, Canada, the EU, France, Germany, Italy, Norway, Switzerland, the UK, and the US. See the [Joint Statement on Afghanistan - United States Department of State](#).