

Update on Taliban decrees and directives affecting the humanitarian response

OVERVIEW

This report provides an update on the Interim Taliban Authority (ITA) decrees and directives (edicts) relevant to the Afghanistan humanitarian response. The analysis covers the period between the publication of ACAPS' *baseline report* in April 2023 and October 2023. It maps and analyses ITA policies and decisions to support humanitarian responders' understanding of the context and the operating environment.

ITA decisions have targeted sectors and activities relevant to different humanitarian clusters and working groups, affecting aid delivery modalities by INGOs and NNGOs and the everyday lives of Afghans. Some decrees or directives have affected education and health sectors, while others have further restricted work and employment. Some edicts form part of a wider array of social control measures, including restrictions on media content, public congregations, music at weddings, access to parks, and the public exercise of religion. Several decisions seek to improve citizens' access to ITA officials.

In conclusion, ITA decisions demonstrate a pattern of increasing control over the lives of Afghan citizens and the operational environment of humanitarian responders. New regulations are shaping various aspects of daily life and increasingly restricting women's access to education, health, and work and the modalities and content of aid delivery. While Afghans' everyday lives are still not as restricted as during the first Islamic Emirate (1996–2001), the trend of ITA decisions suggests that Afghan society is gradually inching towards the same situation.

KEY FINDINGS

- Fourteen of the ITA decisions covered in this update were an expansion or tightening of previous decisions restricting education, work, or health access or of social control measures. Examples include further limitations on women's education (e.g. community-based primary education, medical studies), women's access to jobs (e.g. the closing of beauty parlours), and access to healthcare facilities and information relevant to female health.
- No ITA decree or directive has rolled back a previously taken decision; announcements on easing restrictions on women's access to higher education have been symbolic and made prior to international summits on Afghanistan (e.g. the Doha summit in May 2023).
- ITA decisions are communicated in decrees and directives, which contain one or more issues. Decisions expected to generate a broader national and international response (e.g. economic impact of the ban on beauty parlours) are typically communicated in single-issue decrees or directives; less significant issues (e.g. banning men from playing cards or flying kites during Eid) are usually bundled together in a directive containing several topics.
- Of the 11 provincial directives analysed in this report, two were initially applied at the provincial level (e.g. in Helmand, Kandahar, and Uruzgan) and subsequently generalised into national directives. These include, for example, the transfer of community-based education (CBE) programmes from INGOs to NNGOs.
- Out of the 23 decrees and directives, 6 directly affected the modalities of the humanitarian response in the education and health sectors. Examples include the forced transfer of CBE from INGOs to NNGOs and the prohibition of cash payments and house visits in humanitarian healthcare support programmes.
- Fourteen of the decrees and directives exclusively targeted women, while nine affected both men and women, demonstrating the centrality in the ITA's political agenda of the curtailing of women's role in public life. ITA decisions banning women from education and public life are both a reflection of their religious ideology and a bargaining chip with the international community.
- The persistent targeting of women has a direct effect on women's mental and physical health – resulting in cases of anxiety, depression, and suicide, rising domestic violence levels, and additional stress for women-headed households, and supporting family networks, which the humanitarian response should consider in its planning processes.

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PURPOSE OF THE REPORT

Since the publication of ACAPS' first report on *ITA decrees and directives* in April 2023, the ITA has issued dozens of decisions affecting Afghans' everyday lives and access to aid. This report provides an update on these decisions, covering the period between the publication of ACAPS' baseline report in April 2023 and October 2023, and situates them within the ITA's wider approach to governance and international engagement.

Few public reports have produced a systematic mapping of ITA decisions affecting the operating environment for humanitarian responders. Some reports have timelines, including visualisations, of ITA decrees and directives (RFE/RL 14/08/2023). Most discussions of ITA decisions focus on individual edicts, human rights, or a specific sector (e.g. girls' education and women's rights) (Malala Fund accessed 21/11/2023; VOICE 09/28/2022; USIP 08/12/2022; USIP accessed 23/11/2023; BBC 15/08/2023). With a few exceptions, these reports provide little analysis and contextualisation of ITA decisions within their interactions with international organisations (CSIS 16/02/2023; USIP 20/12/2022). This report contributes to filling this gap by providing an update on ITA decrees and directives relevant to the Afghanistan humanitarian response since the publication of the April 2023 ACAPS baseline report.

METHODOLOGY

The report analysed a dataset of 23 national- and provincial-level ITA decrees and directives issued between April–October 2023. All edicts were identified via a scan of media reports, UN sources, and WhatsApp messages from the ITA, except for two decrees (on equal access to public services and instructing Taliban members to obey the Amir's orders) retrieved from official ITA X accounts, as most government ministry websites remained inoperative or were not regularly updated.

The study does not provide a comprehensive analysis of all ITA decisions (e.g. policymaking relevant to agriculture and taxation). It focuses on decrees and directives relevant to the humanitarian response selected through a systematic scan of news and social media (e.g. X, Facebook) and reports mapping ITA decisions (RFE/RL 14/08/2023; Malala Fund accessed 21/11/2023; VOICE 09/28/2022; USIP 08/12/2022; USIP accessed 23/11/2023; BBC 15/08/2023; CSIS 16/02/2023; USIP 20/12/2022). Directives aimed at specific organisations operating in Afghanistan are excluded because of their sensitive nature and ethical considerations.

LIMITATIONS

The research team was able to obtain the official text of the respective decrees or directives in ten cases and the paraphrased version from media outlets in the other 13 cases. The analysis of the latter cases was, strictly speaking, an analysis of the journalists' account of ITA decisions, which could introduce bias through selective reporting or interpretation of what a directive might mean. This risk was mitigated to a certain extent by cross-referencing multiple sources where available and conducting background checks on the credibility of media outlets. Lastly, the research team encountered difficulties in cross-referencing eight directives issued by provincial authorities but still included these directives given the credibility of the reporting source.

ANALYSIS OF ITA DECREES AND DIRECTIVES

This section provides a brief descriptive analysis of the 23 national- and provincial-level ITA decrees and directives issued between April–October 2023 covered in this report (Figure 1). ACAPS grouped the 23 ITA edicts, which contained a total of 29 issues given six decrees covered multiple issues, into five categories, providing the headings structuring this report.

	EDICTS	ISSUES REGULATED
Social control	9	12
Education access	5	5
Employment access	7	9
Health access	1	1
Access to government services	1	2
Total	23	29

Source: ACAPS

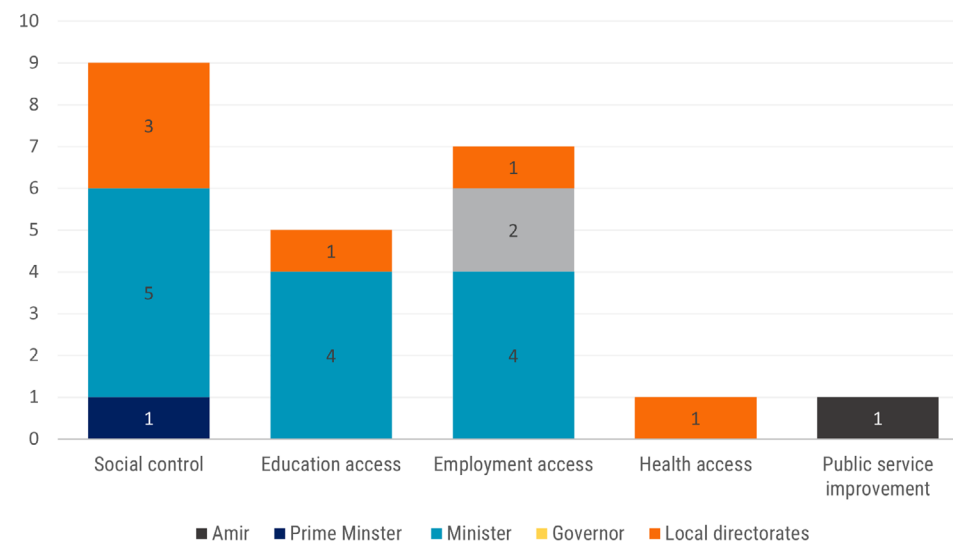
Fourteen edicts (61%) explicitly targeted women, while nine (39%) targeted men and women. This demonstrates the centrality of curtailing women's role in public life for the ITA's plans to shape Afghan society and the role they see for women. The ITA's decisions banning women from education and public life not only serve as a reflection of their religious ideology but are also used as a bargaining chip with the international community (Al Jazeera YouTube 21/01/2023; ACAPS 21/04/2023).

Twelve decrees and directives (52%) targeted the national level from the beginning, while 11 (48%) were initially provincial-level decisions, some of which were later expanded to the national level. Of the twelve national-level decisions, ministries issued ten, including one by the leader of the ITA, Amir Mullah Haibatullah, and one by the Prime Minister. This demonstrates that institutions seated in Kabul issued most of the national-level decisions covered in this report.

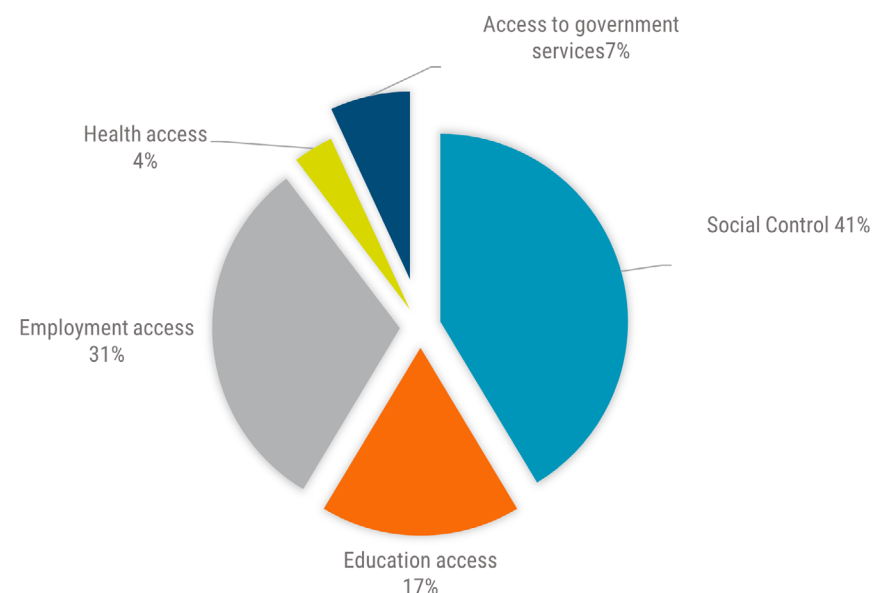
At the provincial level, local directorates (provincial departments of line ministries) issued seven (64%) of the eleven provincial-level decisions, while the provincial governor issued two (18%). This suggests that in terms of subnational legislation, provincial directives (by line ministries) are more important than those by provincial governors.

Eleven (48%) edicts were conveyed verbally, while twelve (52%) were communicated in written form. The Amir or ministries typically issued written decisions, whereas provincial authorities tended to issue decisions in verbal form. Decrees and directives with the potential to evoke widespread criticism and that lacked religious justification, such as the ban on women from visiting health facilities in Kandahar, were typically issued verbally.

ITA directives by topic and signatory

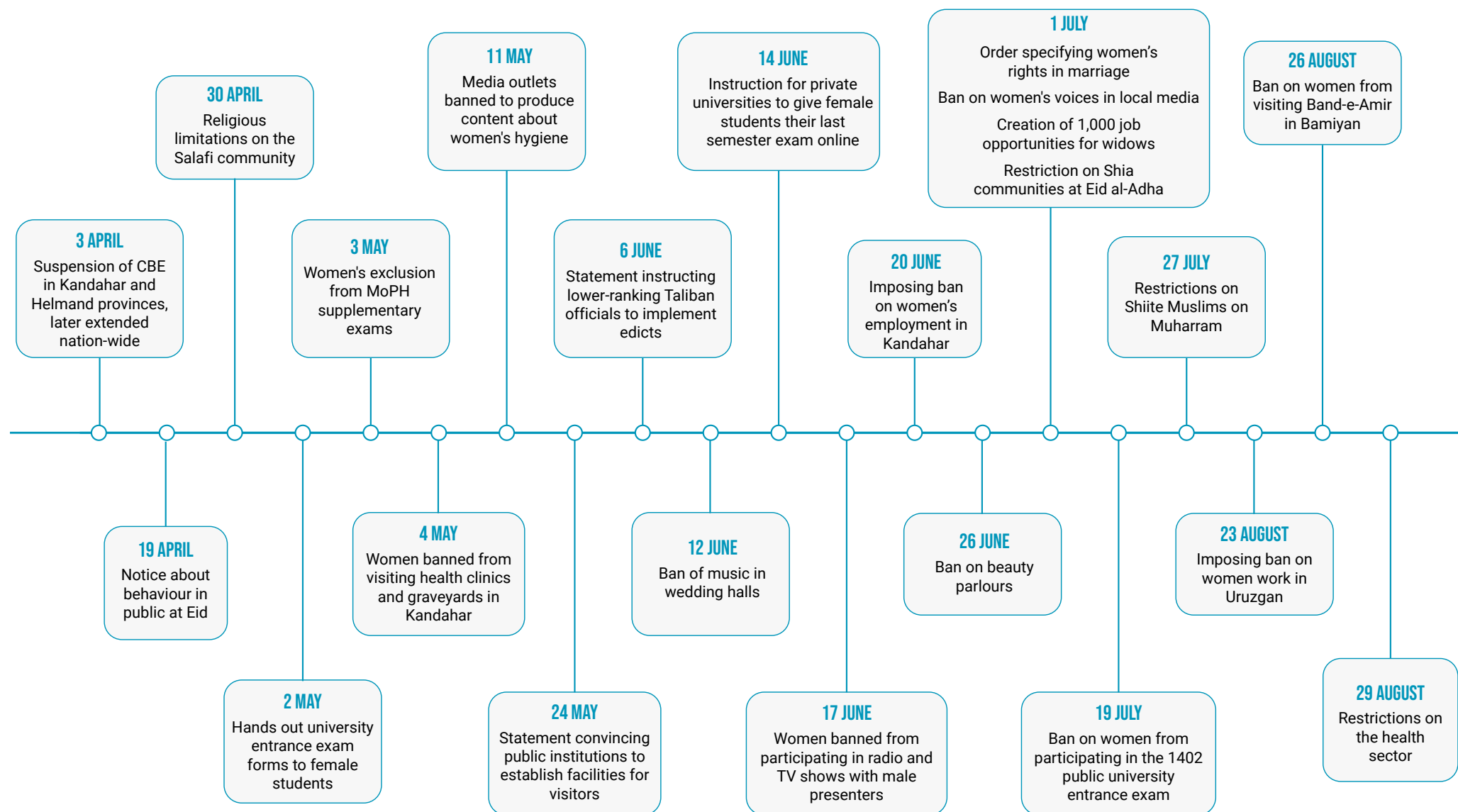


Number of issues regulated



Source: ACAPS

TIMELINE OF ITA DECREES AND DIRECTIVES BETWEEN APRIL–OCTOBER 2023



Access to education

As highlighted in the April 2023 ACAPS baseline report, ITA decisions on the education sector have generated much international attention and debate within humanitarian organisations for restricting women’s and girls’ future employment opportunities and chance to play an active role in society beyond the home. Education has been a crucial policy field for the ITA, whose decisions are part of an incremental process of curtailing access, including the closure of public and private secondary schools (beyond the sixth grade) and the ban on women’s access to higher education (ACAPS 21/04/2023).

Between April–October 2023, the ITA made at least five decisions relevant to the education sector, four of which concerned access to higher education and continued the incremental process of restricting women’s access to education. The temporary suspension and transfer of CBE classes from INGOs to NNGOs ordered in April is discussed separately in the section below.

- in May, women were banned from participating in the MoPH supplementary exams (KP 03/05/2023),
- in July, the ITA tightened restrictions by prohibiting girls from taking part in public university entrance exams (TOLOnews X 19/07/2023),
- in July, women were banned from participating in the 1402 public university entrance exam (TOLOnews X 19/07/2023),
- instruction for female private university students enrolled in their last semester to be given their final semester exams online (Pajhwok Afghan news agency 19/06/2023).

Together, the measures effectively block women’s access to advanced studies in the medical field, preventing them from offering specialised services to patients in the future. The prohibitions targeting women’s participation in MoPH supplementary exams and Medical University exit exams have a direct consequence on the availability of female healthcare personnel in the community, ultimately resulting in challenges for women in accessing quality health services in the country, or any health care at all. Afghanistan is already suffering from a lack of qualified and specialist doctors in many fields. For example, National Statistics and Information Authority data revealed that there were no urologists available in the provinces in 2021, with all 20 urologists in the country being predominantly male and located in the capital city (NSIA 05/2022). The prohibition on women from participating in the medical exit exams and MoPH supplementary exams will not only further diminish the number of female urologists but also restrict women’s access to health and subsequently impact the entire population, in particular children.

The ITA decisions on education reflect the views of the ITA’s most conservative constituency, which believes that prohibiting women from accessing secular education will protect them

from non-religious thinking and immoral ideals. At the same time, the ITA uses these regulations on the education sector as leverage in interactions with the international community (Al Jazeera YouTube 21/01/2023). For example, the ITA made verbal concessions on women’s access to education a few days prior to the UN summit on Afghanistan held in Qatar in May 2023, with the Ministry of Education distributing university entrance exam forms to women who had completed their 12th grade (The Diplomat 02/05/2023; Amu TV 02/05/2023). The act was symbolic, as the ban on women from attending universities remained in effect (Amu TV 02/05/2023). In July 2023, the ITA issued a decree prohibiting public universities from allowing new female students to enrol (TOLOnews X 19/07/2023).

Edicts regulating community-based education

The edict relating to community-based education programmes generated much debate within humanitarian organisations was the ITA’s decision related to CBE classes (RFE/RL 09/06/2023; SIGAR 13/10/2023). Since these programmes were suspended temporarily until transferred to NNGOs, they will not limit access per se and are discussed separately from the other decisions on education above.

CBE programmes were established in homes or community spaces in areas where there were no public schools to teach girls and boys ages 6–13 the Ministry of Education curriculum (SIGAR 13/10/2023). CBE programmes had existed under the Republic government (2002–2021) and saw an increase in funding after the regime change of August 2021 until they were suspended in April 2023 (SIGAR 13/10/2023).

In April 2023, the Ministry of Education issued a letter to educational institutions in Kandahar and Helmand provinces and instructed them to suspend all CBE activities (TOLOnews 17/04/2023). The ITA’s initial decision was later modified towards directing (through a WhatsApp message) all INGOs nation-wide to transfer CBE programmes to NNGOs (AP 08/06/2023). At the same time, the ITA agreed with INGOs to a handover process until April 2024 during which CBE would remain open.

There were two justifications for the closure and transfer of CBE classes. According to a SIGAR report, the ITA temporarily suspended and transferred CBE programmes because they “promoted Western values and were staffed by anti-Taliban teachers and administrators who encourage girls to educate themselves in defiance of Taliban polices” (SIGAR 13/10/2023). Other sources referred to “unspecified complaints by locals”, prompting the ITA to mandate a transfer of the implementation of CBE classes from INGOs to NNGOs (RFE/RL 22/06/2023). In meetings, the MoE appears to frame its decision on CBE in reference to ‘localisation’, which is also a key concept of the Global Education Cluster’s policy on the localisation of education programmes that emphasises prioritising local NGOs in the implementation of educational projects (Global Education Cluster accessed 23/11/2023). However, the ITA’s rather idiosyncratic

understanding of ‘localisation’ appears to have little in common with the Global Education Cluster’s policy, which emphasises on transferring responsibility to local responders with better contextual knowledge and who are often better accepted by communities (ACAPS 31/07/2023).

Access to employment

ITA 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 movement restrictions and the shaping of the workplace for both women and men. The prohibition on women from working for NGOs and UN organisations has been met with widespread international condemnation (TOLOnews 24/12/2022; VOA 04/04/2023). Between April–September 2023, the ITA issued additional decisions concerning women’s and men’s access to employment.

- A national ban on beauty parlours provided a more stringent update on restrictions on beauty parlours imposed immediately after the regime change of August 2021 (BBC 02/09/2021). The authorities stated that households were wasting money in beauty salons, especially before weddings, and argued that such expenses were unnecessary (BBC 19/07/2023). A ban on beauty parlours was also enforced during the first Islamic Emirate (1996–2001).
- In Uruzgan province, the ITA banned NGOs from paying salaries to female employees working remotely from home as justified by the prohibition on women from working in NGOs (KII 11/09/2023).
- Provincial ITA officials in Balkh province instructed female journalists to stop participating in TV and radio programmes with male presenters. Subsequently, female journalists penned a letter to the ITA and UNHRC, expressing their concern that such restrictions jeopardise their job security. They emphasised that media channels might be compelled to dismiss female journalists given these limitations (Rukhshana Media 17/06/2023).

However, the ITA has not generally banned women private-sector economic activity and has not disallowed foreign funded support to women-led businesses (Kabul Now 31/10/2023). Rather, they have focused on banning specific economic activities such as the nation-wide ban on beauty parlours, which caused widespread reactions and concerns given the adverse financial impact it has on a significant number of women depending on these establishments as their primary source of income (Afghan Analyst X 02/07/2023). The ITA based this restriction on compliance with religious teachings and found beauty salons as an unnecessary luxury in a struggling economic environment, causing economic hardship and increasing wedding costs. However, the decision was estimated to threaten the jobs of 60,000 women, affecting approximately 12,000 beauty parlours (Reuters 24/07/2023). This aggravated the strain on an already crisis-ridden Afghan economy.

One ITA decision has primarily affected men and, by extension, their households. In June, the Ministry for the Propagation of Virtue and the Prevention of Vice prohibited military institutions in the provincial capitals of the south and southeast regions from hiring military personnel previously affiliated with the Republic Government (MOPVPE X 06/06/2023). This decision, which could not be triangulated with other sources, targets specific population groups that had been affiliated with the Republic and put further strains on Afghan households living in these regions.

Exemptions and uneven implementation of decrees and directives

The ITA ban on women from working in NGOs remains in effect. Certain NGOs have managed to obtain exemptions based on their activities being linked to the health sector or for other reasons, although the status of these exemptions remains precarious. On 20 June, the Kandahar Provincial Directorate of Refugees and Repatriation issued a letter instructing NGOs operating in the sector to adhere to the Amir’s decree and prevent female staff members from attending the office (Abdullah Khenjani X 21/06/2023). The incident serves as a reminder for humanitarian organisations to exercise caution when operating under exemptions, which do not equate to a complete lifting of the ban and anticipate situations where ITA officials may be unaware of an exemption or disagree with it.

There have also been discrepancies in the implementation of directives at the provincial level. Provincial authorities enforce the implementation of directives to different degrees or actively circumvent granted exceptions. For example, some provincial administrations understood the December 2022 ban on women from working for NGOs as conditional on the organisation of segregated workspaces, while others actively sought out ways to impose further restrictions to diminish women’s presence in the country’s workforce. For example, a 23/08/2023 WhatsApp message attributed to the Governor of Uruzgan province ordered NGOs to prohibit women from working without any exceptions. The message also prohibited NGOs from providing salaries to female staff working from home and maintaining personal contact with their female employees. The message specified that women were not allowed to work even in vaccination and health education programmes and semi-higher education institutes in Uruzgan province, whereas these were permitted at the national level to train female nurses and midwives.



Access to health

Between April–September 2023, the ITA made several decisions that limited health access particularly for women. The directives affected access to health facilities, the modalities of healthcare support by humanitarian responders, or limited men's and women's access to information about women's health issues.

One decision was the MoPH order distributed through a letter to all sectoral NGOs prohibiting cash payments to patients and household visits. The MoPH cited policy misalignment and lack of effectiveness as reasons behind the restriction. That said, house visits play a crucial role in the implementation of different health-related projects, such as providing health education and follow-up on treatment programmes (e.g. tuberculosis). Consequently, the ban on visiting homes has a direct impact on the quality of programme implementation, making it challenging to improve public health.

In Kabul, the ITA prohibited media stations from broadcasting content pertaining to gynaecological diseases on television and radio, arguing that such content promoted prostitution. A significant number of women used to seek information about gynaecological problems through these programmes. The ban deprives them of such programmes, and hosts and guests have been restricted to discussing general issues, such as anaemia and vitamin deficiencies. The ban has repercussions on women's access to health-related information and contributes to an increase in gynaecological problems, with a particularly detrimental impact on women who lack alternative resources (Nimrokh 11/05/2023), as well as all children regardless of their sex.

In Kandahar province, the ITA imposed a ban on women's access to health clinics, arguing that many of the girls visiting clinics were not genuinely ill but making the visits for leisure and amusement and that these visits involved inappropriate dress and makeup (Rukhshana Media 04/05/2023). The ACAPS research team was unable to verify the ban and the reasoning behind it as it was reported by only one source.

Social control measures

Restrictions in the access and implementation of education and health programmes and limitations on economic activity are part of a wider ITA policy that aims to reshape Afghan society. This policy involves different social control measures, which tend to receive less international attention. Since April 2023, the ITA has communicated several such measures at the national and provincial levels, primarily targeting women and including decisions on public assembly, music, and visiting parks. These directives exhibit a consistent pattern, as the ITA initially imposed general bans (e.g. prohibition of playing music in public) but have extended these prohibitions to specific occasions, such as playing music in wedding halls. In other cases, bans initially restricted to urban areas (e.g. Kabul amusement parks) have been extended to rural areas, such as the Band-e-Amir National Park.

- In April, the ITA banned women in Takhar province from congregating in groups and going out for walks during Eid (M. Ashraf Haidari X 19/04/2023). This may appear as a minor and temporary restriction, but it highlights the ITA's determination to further specify and impose bans and curtail even small opportunities for women to participate in social life.
- In June, the authorities enforced a ban on playing music in wedding halls in accordance with their belief that this goes against Islamic teachings (Al Jazeera 12/06/2023). Following the prior prohibition of music in other contexts, the Taliban shifted their focus to wedding halls, where music is traditionally played as an integral part of the ceremony and cultural expression.
- Since August, women have been banned from visiting Band-e-Amir National Park (TOLOnews 26/08/2023).

These directives follow a consistent pattern of the ITA narrowing the space for ordinary citizens, particularly women, to participate in public life.

Regulations of religious practice

One aspect not touched upon in ACAPS' April 2023 baseline report involved decrees or directives regulating religious practices. During Ramadan, the ITA issued a directive instructing Afghan Salafis to strictly adhere to the Hanafi school of thought in their prayers (Afghan Analyst X 30/04/2023). The Taliban government also instructed Shia Muslims to observe the Mahram (male guardian) requirement according to the guidelines and instructions provided (The Independent 19/07/2023). The Taliban continued to expand the range of directives issued and imposed additional restrictions across various aspects of social life during the reporting period.

CONCLUSION

The cumulative impact of ITA policy decisions on the daily lives of Afghans, especially women, primarily caters to the ITA's ultraconservative constituency, which holds extremely rigid views, particularly on the role of women in society. The effects of this worldview can be profoundly negative, particularly in terms of women's their mental and physical health, particularly contributing to higher rates of violence within society (Nimrokh 24/02/2022; Etilaatroz 13/12/2022). These directives create additional stress for women, women-headed households, and supporting family networks, which the humanitarian response must consider in its planning processes. Women, for example, widows, who used to fend for their immediate families by themselves, have become more dependent on wider supporting family networks, which can become a burden on relatives. Furthermore, it is important to recognize that women's health are a crucial aspect of family health and that by prioritizing women's health, the well-being of families and communities as a whole can be strengthened.