



# POLICY NOTE

## **ACCESS TO JUSTICE AND PROTECTION FOR WOMEN AND GIRLS IN AFGHANISTAN: WORKING ON THE FRONTLINE**

**JUNE 2025**

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## SUMMARY AND RECOMMENDATIONS

This policy note is based on a submission by the HAMRAH Initiative<sup>1</sup> to the UN Special Rapporteur on the Situation of Human Rights in Afghanistan for his report on access to justice and protection for women and girls for the UN Human Rights Council 59th Session.<sup>2</sup> It draws on the experience of HAMRAH cohort members (10 Afghan civil society organisations (CSOs), working in exile but with programs and other activities in Afghanistan), and includes recommendations to the international community.

The briefing highlights the devastating consequences of the dismantling of pre-2021 legal and institutional justice and protection frameworks by the Taliban, and the way in which women and girls are deliberately and systematically prevented from accessing justice and protection under the de facto authorities.

Taliban-run courts and fragmented justice institutions operate without transparency, due process, or accountability. The application of “justice” is often arbitrary and is frequently used to punish dissent, enforce discriminatory edicts, or enable extortion. Complaints by women, especially in cases involving domestic violence, forced marriage, or sexual abuse, are routinely ignored or dismissed by de facto judicial authorities.

Simultaneously, protection mechanisms for women and girls have largely collapsed. Shelters for survivors of gender-based violence are now closed, and female survivors of abuse must remain in or are forced to return to abusive households. The Taliban's policies, including the mandatory male guardianship (mahram) for travel requirement, expose women to yet greater risks by restricting their ability to move freely and independently, even in emergencies. Women and girls with disabilities face additional barriers to accessing services and support due deeply entrenched discrimination and exclusion.

Under the Taliban, LGBTQ women and others with diverse sexual orientation or gender identity have no possibility of accessing justice and few options for protection other than to leave the country. However, this route is closed to most including because of the prohibitive financial costs, the difficulties in obtaining travel documents and visas, and the increasingly restrictive evidentiary requirements on Afghan asylum seekers being imposed by countries of asylum.

In this context, grassroots CSOs are playing a critical role. They are effectively serving as “shock absorbers” by advocating for and mobilising local communities and using their unique ability to leverage deep community knowledge and relationships to deliver services and provide meaningful protection and legal assistance. HAMRAH cohort members are showing how Afghan CSOs can successfully navigate and hold civic space in an increasingly hostile environment to provide quality education, healthcare, legal assistance, emergency financial and other assistance to women, girls, people with disabilities, LGBTIQ+ persons and other marginalised groups.

Based on the demonstrated success of the work of Afghan CSOs under the most challenging of circumstances, HAMRAH makes the following recommendations:

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<sup>1</sup> The HAMRAH Initiative was launched in 2024 to strengthen Afghan civil society, particularly women-led organisations, which were forced into exile after the Taliban takeover of 2021. Through financial and organisational support, shared learning, and influence, HAMRAH enables its cohort members to build resilience, effectively transition and adapt to their host countries. HAMRAH is hosted by [Global Dialogue](#) and supported by the Open Society Foundations. HAMRAH cohort members include Afghanistan LGBTIQ+ Organisation (ALO), Charmaghz, Development Research Group, Empowerment for Her, Learn Afghan, Nimrokh Media, Rahyab Initiative, Support for Afghan Girls Education (SAGE) and Zan Times.

<sup>2</sup> See, UN Special Rapporteur on Afghanistan: [Call for input: Access to justice and protection for women and girls](#), April/May 2025.

**(i) International actors, including UN agencies, donors and INGOs, should recognise and support the critical role of grassroots Afghan CSOs in navigating the limited civic space available to deliver protection and justice that respond to the varied and complex needs of women and girls in all their diversity by:**

- Consulting with and learning from the experience of grassroots CSOs in Afghanistan and in exile to ensure gender-responsive and gender-inclusive strategies, plans and programs that take account of differing needs according to identity (inter alia, age, sexual orientation and gender identity, ability/disability, ethnicity and religion) and other factors. A structured approach to integrating people with disability into all programs should be taken.
- Investing in innovative community-based projects and initiatives that are providing, or have the potential to provide, protection and justice for women and girls and other marginalised groups at a local level.
- Adapting strategies and reducing bureaucratic requirements to make funding applications, grant management and reporting more accessible to grassroots Afghan CSOs.

**(ii) The international community must simultaneously intensify efforts to ensure the protection of human rights of all Afghans without discrimination, including by:**

- Increasing diplomatic pressure on the de facto authorities to reverse laws and policies that discriminate against women and girls, people with disabilities, LGBTIQ+ people and other marginalised groups.
- Supporting international accountability processes including investigations by the International Criminal Court and potentially the International Court of Justice; endorsing calls for the establishment of a new UN investigative mechanism with a mandate to collect and preserve evidence of and advance accountability for past and ongoing crimes in Afghanistan; supporting efforts to codify gender apartheid as a crime against humanity; and ensuring that all accountability processes are fully gender-inclusive and involve the meaningful participation of Afghan civil society and victims/survivors of gender persecution under the Taliban.

**(iii) Pending any demonstrable change in the de facto authority's policy and practice, the international community should recognise that for some, including women human rights defenders and LGBTIQ+ people, there is currently no possibility of justice or protection in Afghanistan. States must therefore increase refugee resettlement and create better pathways to safe and durable solutions for Afghans in need of protection.**

## **JUSTICE AND PROTECTION UNDER TALIBAN RULE**

Since August 2021, the meaning of "justice" and "protection" in Afghanistan has altered drastically. Justice is no longer perceived as a process ensuring fairness or addressing grievances through independent and impartial courts and other institutions. Today, it is seen by many Afghans as a *tool of punishment and repression*. Protection is also narrowly defined by the de facto authorities based on their interpretation of religion which serves as a *policy tool to legitimise the systematic exclusion and segregation of women and girls from public life*.

The dismantling by the Taliban of legal and institutional justice and protection frameworks has been devastating for all women and girls. However, the way in which the impacts are experienced, and therefore how, and the extent to which they can be mitigated, differs according to multiple factors. These include intersecting diversity factors such as gender, age, sexual orientation and gender identity, ability/disability, ethnicity, and religion, as well as geographic location.

Indeed, in today's Afghanistan, a person's gender as well as their religious, ethnic and tribal identity has become more pronounced, influencing the ability to access justice and secure protection (both formal and informal). For certain communities, including religious minorities (for example, Ismailis in Badakhshan forcibly converted to Sunni Islam) and LGBTIQ+ people, there is no possibility of seeking protection or accessing justice through official channels.<sup>3</sup>

## **A JUSTICE SYSTEM THAT IS CLOSED TO WOMEN**

The Taliban's justice system is intentionally designed to be inaccessible to women, compounding pre-existing social norms that have traditionally prevented them from seeking justice through formal routes. Taliban-run courts and fragmented justice institutions operate without transparency, due process, or accountability. The application of "justice" is often arbitrary and is frequently used to punish dissent, enforce discriminatory edicts, or enable extortion. Local Taliban actors and groupings exercise significant discretion, resulting in inconsistent practices and the erosion of legal certainty, which disproportionately work against marginalised groups and communities.

Complaints by women, especially in cases involving domestic violence, forced marriage, or sexual abuse, are routinely ignored or dismissed by de facto judicial authorities.<sup>4</sup> HAMRAH cohort members have reported cases in which women seeking divorce from abusive husbands are unable to file legal papers. In one case, a woman from Baghlan who attempted to file for divorce from a physically and mentally abusive husband in 2024 was reportedly told that if she was "...a good woman, I wouldn't seek a divorce."<sup>5</sup> Similarly, a woman in her forties from Herat who went to the Taliban's police department in 2022 to file a complaint against her husband, a drug addict who routinely beat her and their children was told that, "he's [her husband] not a murderer; he has a substance use disorder, he will quit. You women complain too much."<sup>6</sup>

Another documented case involved a 25-year-old woman who was seeking to secure three plots of land that she had inherited from her deceased father but which her uncles refused to transfer to her. She was initially refused entry to a Taliban judicial office where she went in

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<sup>3</sup> See report by HAMRAH cohort member, Afghanistan LGBTIQ+ Organization (ALO), *In the Shadow of The Taliban: Untold Stories of LGBTIQ+ Persecution in Afghanistan*, 1 February 2024.

<sup>4</sup> For example, the eligibility of complaints is at the discretion of Taliban officials who can tell a woman complainant to cover her entire face with a veil, conceal her voice, and then come back with her male guardian to register the complaint. See article by HAMRAH cohort member, Zan Times, "The Taliban's manifesto of oppression", 28 August 2024.

<sup>5</sup> Zan Times, "Locked in suffering: Taliban's stance on divorce leaves Afghan women in despair", 3 September 2024.

<sup>6</sup> Zan Times, "The Taliban judiciary refuse to address women's legal complaints", 2 February 2024.

early 2022 to seek information about the progress of her complaint. When she visited a Taliban judicial office again in April 2023, the Taliban official responsible for handling complaints tore up her file in front of her and told her to leave.<sup>7</sup>

Other barriers to justice encountered by women, girls and other marginalised groups include the imposition of Sharia law which is not understood by communities including by informal community justice providers such as tribal chiefs and community elders, and in which independent legal practitioners have neither training nor experience; the disbanding of the independent bar association and effective suspension of legal aid services; the ban on women's legal education and legal practice; and regulations that severely restrict the mobility of women and girls outside their homes.

## **THE COLLAPSE OF PROTECTION FOR WOMEN AND GIRLS**

Simultaneously, protection mechanisms for women and girls have virtually collapsed. Shelters for survivors of gender-based violence are now closed, and female survivors of abuse must remain in or are forced to return to abusive households. The Taliban's policies, including the mandatory guardianship travel requirement, expose women to yet greater risks by restricting their ability to move freely and independently, even in emergencies.

HAMRAH cohort members working in the education and literacy sector have reported a significant increase in forced marriage and/or early marriage and domestic violence. Women and girls who flee such situations risk being accused of immorality, which is punishable by stoning under Taliban interpretations of Sharia law.

In one case documented by a HAMRAH cohort member, a young woman from Herat and who was married in 2021 at the age of 18 to avoid the risk of a forced marriage to a member of the Taliban, was forced into sexual slavery by her new husband and his family, but was unable to access protection services.<sup>8</sup> In another case dating from October 2024, a women seeking protection from domestic violence was not permitted to seek protection unless she was accompanied by a male family member.<sup>9</sup> In a legal system that only recognises immediate family as mahram, and blames, shames and actively discourages women from seeking assistance, these women and hundreds of others like them are trapped between abusing mahram (husbands or other male family members) and their need for protection.

Women and girls with disabilities face additional challenges to accessing protection and other vital services. The work of one of HAMRAH's cohort members with visually impaired girls and boys highlights the importance of specialised, ongoing support to the children, their families, teachers and others to ensure their participation in formal education, without which they are ill-equipped to access other services and support, including protection where needed. However, meaningful inclusion of people with disabilities in education or any other aspect of

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<sup>7</sup> Zan Times, "[The Taliban judiciary refuse to address women's legal complaints](#)", 2 February 2024.

<sup>8</sup> Zan Times, "[If you don't submit, the Taliban will stone you to death: Life behind closed doors](#)", 8 March 2023.

<sup>9</sup> Confidential case, details on file with HAMRAH cohort member.



life involves planning, sustained investment and close collaboration between the authorities, families, service providers and other key stakeholders, all of which are lacking in Afghanistan.

LBTQ women and others with diverse sexual orientation or gender identity likewise face a multitude of identity-specific barriers to accessing protection or justice. Under the Taliban de facto authorities, LGBTIQ+ persons have few options for protection other than to leave the country.<sup>10</sup> However, this route is closed to most including because of the prohibitive financial costs involved, the difficulties in obtaining travel documents and visas, and because many LBTQ women and trans men lack the support of their families and are therefore unable to fulfil the mandatory mahram requirement when travelling.

Simultaneously, countries that could offer safety are imposing more restrictive evidentiary requirements on Afghan asylum seekers which are particularly difficult for LGBTIQ+ people to meet, while the crackdown on undocumented Afghans by Iran and Pakistan puts them at risk of deportation and of persecution on their return to Afghanistan.

Impediments are compounded by protection sector responses that are often characterised by short-term, project-based approaches which discourage innovation, create siloed projects and fragmentation of efforts. They also prevent broader mobilisation and the development of community ownership and leadership and are vulnerable to interference by the de facto authorities.

## **THE LIMITATIONS OF ALTERNATIVE ROUTES FOR JUSTICE AND PROTECTION**

In some regions, out of desperation and lack of access to formal justice processes, women are increasingly turning to traditional and informal mechanisms, such as jirgas and shuras. In some cases, these can offer some justice and a level of protection. For example, in the experience of HAMRAH cohort members, these mechanisms have shown some success in protecting marginalised groups, particularly in areas where there is relatively strong community mobilisation along tribal and other identity lines (such as in Bamiyan, Farah, Nimruz provinces). Similarly, where communities have been pro-active in setting up informal councils to bridge between local administration and communities, there is evidence of better informal protection and a degree of accountability.

However, informal processes are generally unsuited to addressing domestic and other forms of gender-based violence. Informal justice systems are heavily influenced by Taliban ideology, and they often reinforce patriarchal decisions that deprive women of rights to property, divorce, or protection from violence, rather than serving as neutral dispute resolution channels. Moreover, access to community-based protection mechanisms is dependent on social and kinship connections.

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<sup>10</sup> For further information about discrimination and other human rights abuses against LGBTIQ+ people see, ALO, *In the Shadow Of The Taliban: Untold Stories of LGBTIQ+ Persecution in Afghanistan*, 1 February 2024, and Zan Times, "Afghanistan is a living hell for religious, sexual, and gender minorities: Fereshta Abassi", 14 June 2023.

## THE CRITICAL ROLE OF GRASSROOTS CSOS

In this highly restricted environment, grassroots CSOs are playing a critical role, serving as “*shock absorbers*” by advocating for and by using their unique ability to leverage deep community knowledge and relationships to deliver services and provide meaningful protection and legal assistance. Through adaptability and strong local ties, grassroots CSOs can build trust, negotiate access, and implement programs in ways that larger, more visible organisations are often unable to.

As such, grassroots CSOs are mitigating the worst impacts on women and girls and other marginalised communities of Taliban repression, international economic sanctions, and funding cuts through cushioning the effects by providing quality education, healthcare, protection and other essential services, even as the operational environment grows increasingly hostile.

HAMRAH cohort members are demonstrating the critical role of exile CSOs in sustaining this work and providing a bridge between sub-national and international efforts to provide protection and access to justice for women, girls and other marginalised communities. By circumventing national authorities and working directly with grassroots organisations, trade associations and other informal community groups and leaders (such as village mullahs, district-level tribal elders), they have cultivated entry points for dialogue and collaboration that enables them to provide services and support.

These locally driven initiatives and programs are helping to ensure that interventions are relevant to and address the specific needs of women and girls and other marginalised groups. Through conscious diversification of civic collaboration and building of new strategic partnerships with organisations deeply embedded in the fabric of Afghan society, (for example with teachers’ associations, sports clubs, community councils, and syndicates), HAMRAH cohort members are maintaining some degree of civic space, negotiating access for services for women and girls, and fostering resilience.

HAMRAH cohort members have so far been able to keep private girls’ schools open, run mobile libraries, provide online education, support children with disabilities to access education, and promote literacy and quality education as fundamental rights. They have strategically partnered with local community structures to provide legal awareness, legal aid, access to civil documentation and other legal assistance to thousands of women and people forcibly returned from Pakistan and Iran.

In the absence of meaningful avenues for protection within Afghanistan for LGBTQ women and girls, HAMRAH cohort members are also providing case management, financial and other assistance to support international relocation, as well as guidance and training on digital security to help minimize risks to them. Likewise, cohort members have provided emergency financial assistance and support for the relocation for women human rights defenders at risk of arbitrary detention, torture, and other serious human rights violations due to their resistance to gender persecution.

The success of HAMRAH cohort members in navigating, carving out and holding civic space in an increasingly hostile environment to provide quality education, healthcare, legal assistance and other support to women, girls and other marginalised communities underscores ***the importance of investing in approaches to justice and protection that are locally led and deeply rooted in the communities that they serve and support.***

At the same time, it must be recognised that for some people, including LGBTIQ+ people, there is currently no possibility of justice or protection within Afghanistan. Pending any demonstrable change in the de facto authority's policies and practices, ***the international community must provide sanctuary for those for whom the risk of remaining in Afghanistan is too great, while simultaneously intensifying pressure on the de facto authorities to reverse laws and policies that discriminate against women and girls, LGBTIQ+ people, and other marginalised communities.***

