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Against All Odds

Supporting Civil Society and Human Rights
in Taliban-Controlled Afghanistan

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Executive Summary

Eighteen months after taking power, the Taliban is intensifying its repression of Afghan civil society and cracking down on the rights and freedoms of all Afghans, especially those of women and girls. The Taliban's harsh approach to governing the country is repressing millions of people and fueling civil unrest, promoting extremism, and laying the foundation for the reemergence of a terrorist hotbed that will almost undoubtedly become a threat to global peace and security in the years to come.

Humanitarian needs in Afghanistan remain immense, and the country will require large amounts of international aid for the foreseeable future to avoid famine and other health challenges. Twenty-three million Afghans (or nearly 60 percent of the population) currently require food assistance, and unusually cold winter temperatures this year have caused further hardship and death. The Taliban's December 2022 order barring Afghan women from working for nongovernmental organizations led some international humanitarian organizations to suspend operations, complicating aid distribution, especially to women-headed families.

The abolition of democratic institutions—the Parliament, judiciary, free press—and key government ministries and departments charged with protecting human rights demonstrates that the Taliban is adhering to the same extremist policies that marked their first stint in power from 1996 to 2001. The Taliban rules by fear and intimidation; torture, kidnapping, illegal detention, and extra-judicial killings are part of daily life in Afghanistan.

The Taliban's rollback of women's rights has been swift and comprehensive. Among the most devastating anti-female policies, which will have far-reaching negative impacts on Afghanistan's social and economic development and relations with the world, are the edicts forbidding girls from attending secondary school or university. Women and girls in today's Afghanistan also are prohibited from accessing parks or gyms, leaving home without a male companion, and working outside the home—except in the health sector—and have been publicly flogged for not adhering to the strict behavioral edicts. Women demonstrators have been arbitrarily jailed and subject to torture and death.

The international community's response to the situation in Afghanistan is starting to coalesce around specific principles and actions as the Taliban's approach to human rights becomes more intolerant. While far from playing its leading role of the past, the United States still controls levers of influence, such as holding Afghan financial reserves, donating the largest sum of humanitarian assistance of any country, and maintaining a powerful voice at the United Nations (U.N.) Security Council. U.S. diplomatic leadership on Afghanistan has been compromised following the 2020 Doha Agreement and August 2021 troop withdrawal and subsequent disengagement by senior officials at the State Department and White House. Moving forward, the United States could be a catalyst for addressing the human rights disaster befalling the country if it chooses.

The United States will have the greatest chance of impacting human rights inside Afghanistan if it works closely with European players committed to protecting

The United States will have the greatest chance of impacting human rights inside Afghanistan if it works closely with European players committed to protecting Afghan women and preserving civil society gains.

Afghan women and preserving civil society gains. As part of the long-standing U.S.–European Union (EU) partnership on Afghanistan, the EU may be poised for greater influence in impacting the country's political and human rights situation. The EU is increasingly motivated by the threats it will face due

to its greater proximity to Afghanistan from uncontrolled terrorist, drug, and migrant flows out of the country. EU entities have issued clear human rights benchmarks about future political relations with the Taliban and are nesting Afghanistan policy within multiple action plans on human rights and gender equality.¹ U.N. entities have uniquely strong credibility, capacity, and reach inside the country but would benefit from a more clearly articulated strategy.

The United States, therefore, must join the EU and U.N. in sending a clear signal that it will continue to prioritize support for Afghan human rights alongside its efforts to achieve counterterrorism objectives. Washington must avoid policy arguments that pit human rights and counterterrorism objectives against each other since the two issues are directly linked. The Taliban's control of the population through its repressive and extremist policies and its narrative victory over the United States inspire jihadi groups worldwide. That inspiration would be heightened by U.S. cooperation with an unbending Taliban regime. In addition, the

more women are abused and denied their rights and opportunities to work and go to school, while boys are indoctrinated with the Taliban's extremist interpretation of Islam, the greater the likelihood Afghanistan will become a locus of radical ideologies and terrorism once again.

The Taliban may well stay in power for some years; therefore, the international community will need to maintain some level of engagement with the group to prevent a humanitarian disaster and to influence their behavior, if only in minor ways. But the international community must continue to use its leverage with the Taliban to improve human rights, especially for women and girls, conditioning its engagement and applying calibrated penalties on the Taliban, even if it risks losing diplomatic access to the Taliban leadership.

More specifically, to support the protection of human rights and the development of Afghan civil society, the United States should:

Limit its engagement with Taliban leadership and maintain support for keeping the Taliban travel ban in place.

U.S. senior-level engagement with the Taliban is one of the few diplomatic levers Washington holds to negotiate for better human rights conditions. Therefore, Washington should suspend it in favor of technical-level and issue-specific contact. Another step the United States can take to show the Taliban their human rights violations come with a price is for Washington to continue to back the U.N. travel ban on Taliban leaders.

Empower diplomats of the former Afghanistan regime to support the Afghan diaspora and exile communities, including reopening the Afghanistan embassy in Washington.

This would facilitate consultative gatherings of Afghans and serve diaspora members, including evacuees and refugees who need consular services. Washington should authorize the Afghan Fund to support the reopening of the Afghanistan embassy in Washington with a limited diplomatic presence and pay for new passport books for this mission and Afghan diplomatic missions worldwide. Many key Afghan diplomatic missions across the world remain open and staffed by members of the previous government.

Engage robustly with the Afghan diaspora and exile communities, including the political opposition.

This will put pressure on the Taliban, which still craves international recognition. The November 2022 participation of U.S. Charge d'Affaires of the U.S. Mission to Afghanistan Karen Decker at an international conference that featured Afghan political opposition leaders in Dushanbe, Tajikistan, was a step in the right direction.

Support the opening of an office for the Afghan political opposition in a country near Afghanistan.

Washington should back the establishment of a political office for the Afghan opposition in a third country near Afghanistan, which could serve as the central location for the groups' activities and engagement with the Taliban and international community. Several members of the political opposition already engage individually with Taliban leaders; however, establishing a formal opposition office would give more weight to those discussions and facilitate a negotiation process among Afghans.

Maintain U.S. Treasury sanctions on individuals involved in terrorism, resist Taliban demands to lift the sanctions merely because these leaders now hold positions of power, and add new human rights-related sanctions.

Washington should apply Global Magnitsky Act sanctions on Taliban leaders guilty of egregious human rights abuses, including the torture and killing of protesters, journalists, and former government officials.

Work through the U.N. Security Council to designate as terrorists additional Taliban leaders involved in terrorist acts and prevent unsanctioned travel by listed Taliban members.

The United States, France, and the United Kingdom, along with like-minded partners, should ensure the U.N. Security Council 1988 sanctions regime, including the blanket travel ban against listed Taliban leaders, stays in place and propose listing additional Taliban members who have been involved in acts of terrorism.

Formally and publicly abrogate the Doha Agreement, which most Afghans view as favoring and legitimizing the Taliban and which the Taliban has violated.

Most Afghans view the Doha Agreement as a U.S. withdrawal agreement that favored the Taliban and provided it legitimacy. Moreover, the deal has neither led to a peace process among Afghans nor the Taliban breaking ties to terrorists, which was underscored by the July 31, 2022, killing of al Qaeda leader Ayman al-Zawahiri by a U.S. drone strike in Kabul at a home associated with Taliban acting Interior Minister Sirajuddin Haqqani. U.S. Secretary of State Antony Blinken has said the Taliban's harboring of Zawahiri was a clear violation of the Doha deal.

Support human rights and civil society activists inside Afghanistan.

The United States and the international community must utilize all diplomatic tools to ensure the release of political prisoners and the end of Taliban harassment and attacks on activists, media, and women and girls for exercising their fundamental human rights to employment, mobility, education, and speech.

Develop a joint plan of action with the EU to promote the rights of women and girls, and support EU-U.N. joint programs to protect and assist Afghan women and girls.

The United States and EU should ensure their efforts to promote human rights reinforce one another. Working through U.N. agencies in Afghanistan and with the World Bank, donors should support community-level programs that afford women educational and employment opportunities. These efforts could also include funding private schools that allow school-aged girls to attend.

Leverage its new role as a member on the U.N. Human Rights Council to push for action on Afghanistan.

The United States should support the creation of a commission of inquiry, which is a robust mechanism for documenting human rights abuses.

Increase funding for U.N. efforts in Afghanistan that promote human rights.

Washington should help empower the special rapporteur for Afghanistan and the U.N. rapporteur on violence against women to enhance their work in Afghanistan.

Help protect and strengthen the U.N. Assistance Mission to Afghanistan (UNAMA) mandate to include a role in facilitating an intra-Afghan peace process.

Washington should ensure that the mandate for UNAMA is not weakened during its renewal in March 2023. In addition to reinforcing UNAMA's role in advocating for the promotion and protection of human rights, the United States should ensure existing language authorizing it to "facilitate dialogue between all relevant Afghan political actors and stakeholders, the region and the wider international community, with a focus on promoting inclusive, representative, participatory and responsive governance" remains in the UNAMA mandate.² Finally, Washington should encourage Special Representative of the Secretary-General Roza Otunbayeva to use her office to vigorously promote and protect such dialogue.

Offer alternative forms of education for girls until the Taliban allows them to attend school.

Alongside pressure on the Taliban to formally reopen schools, the United States and international community should pursue parallel efforts in support of girls' education. For instance, Washington should encourage the World Bank to fund alternative education mechanisms, including online models, and ensure salaries are paid to Afghan women teachers in rural areas, so that Afghan girls can continue to learn.

Press regional countries to use their influence with the Taliban to address human rights issues, noting that the Taliban's repression and backward policies will lead to instability and regional insecurity.

Iran, Russia, China, Turkey, Pakistan, India, Qatar, the United Arab Emirates, and Central Asian states have varying degrees of influence on Taliban leaders but have so far not prioritized the issue of human rights in their interactions with and policies toward the Taliban. These countries regard the treatment of women and civil society as "internal matters," which ignores the clear risk of state failure and burgeoning instability.

For its part, the U.S. Congress should:

Require the administration to report on Afghanistan with a focus on its centrality to U.S. global policies on counterterrorism, democracy promotion, protection of women's rights, atrocity prevention, the fight against

human trafficking, and countering China's growing influence in Central Asia.

While the Afghanistan War Commission will examine U.S. actions and policies in Afghanistan from 2001 to 2021, the U.S. Congress must remain actively engaged in overseeing U.S. policy toward Afghanistan. Congressional members must hold the administration accountable regarding current human rights and counterterrorism concerns and how U.S. policies in Afghanistan will impact broader U.S. geostrategic interests.

Finally, the Afghan diaspora, exile, and civil society communities should:

Develop common platforms and advocacy strategies for governments of the countries where they reside and with the U.N.

The Afghan opposition and diaspora must establish a unified statement of purpose and a process for agreeing on goals if the community wants to successfully lobby foreign governments and the broader Afghan population on its agenda and vision for the future of Afghanistan. There is a concern that if foreign governments provide material resources to Afghan diaspora groups, they will spend time competing against one another for those resources, rather than developing common positions and a clear roadmap for a path forward.

Introduction

The international community must remain closely engaged with Afghanistan to protect Afghan civil society and human rights, especially those of women and girls, which have sharply deteriorated since the Taliban took control of the country in August 2021. The Taliban's extreme policies are destroying the country's socioeconomic and political development, repressing millions of women and girls, fueling civil unrest, and laying the foundation for the reemergence of a terrorist hotbed that will almost undoubtedly become a threat to global peace and security.

The United States will have the greatest chance of impacting the human rights situation inside Afghanistan if it works closely with the United Nations (U.N.) and European players who are also committed to protecting Afghan women and preserving civil society gains achieved in the country during the last two decades. There is strong will among the European Union (EU)

and most of its member states to support Afghan human rights. The United States must join the EU and U.N. in sending a clear signal that it will continue to prioritize support for Afghanistan human rights, alongside its efforts to achieve counterterrorism objectives. Washington must also develop a clear and consistent approach, in close consultation with its European and U.N. partners, on how it will support the Afghan people and human rights under the current Taliban regime. While engaging with regional countries like India, China, Pakistan, and the Central Asian states also remains important, these countries do not prioritize human rights in their Afghan strategies.

The Taliban may stay in power for some years; therefore, it is necessary for the international community to maintain some level of engagement with the group to prevent a humanitarian disaster and influence their behavior, if only in minor ways. For instance, the International Committee of the Red Cross (ICRC) has insisted on the participation of women in the health sector, which it is largely funding. The ICRC manages 33 hospitals in Afghanistan, including six teaching hospitals, where 30 percent of the trainees have been Afghan women.³ The U.N., for its part, requires that Afghan women must be integrated into every aspect of aid delivery in the country, a critical precondition that is under attack by the Taliban's December 2022 announcement forbidding Afghan women from working for humanitarian organizations. An uncompromising U.N. position will help ensure that women maintain jobs and active roles in the country's economic development and that aid is fairly distributed.

The international community must continue to use its leverage with the Taliban to improve human rights, especially for women and girls. It should condition its engagement and apply calibrated penalties on the Taliban, even if this risks losing diplomatic access to the Taliban leadership. The benefits of international engagement with the Taliban have so far been limited. Eighteen months after taking power, the Taliban is intensifying its repression of Afghan civil society. Continued crackdowns on the rights and freedoms of Afghans will eventually provoke civil unrest and support for violent resistance.

This paper addresses the deteriorating human rights situation in Afghanistan and the Taliban's harsh crackdown on women and girls. It looks at the international community's response to the human rights crisis and the increasingly important roles of the U.N. and the EU in standing up for Afghan women and civil society actors. It explores the prospects for the Afghan diaspora and civil society inside Afghanistan to impact the situation and

International Response to the Humanitarian Crisis

The international community prevented the humanitarian disaster and massive loss of life that many feared would occur in 2022 following the sudden takeover by the Taliban in August 2021.⁴ However, the needs remain immense, donor fatigue is setting in, and Afghanistan will require large amounts of international aid for the foreseeable future to avoid famine and other health challenges. According to the U.N., Afghanistan has the highest number of food insecure people in the world. Twenty-three million Afghans (or nearly 60 percent of the population) currently require food assistance, and unusually cold temperatures in January caused further hardship and death.⁵ The Taliban's December 2022 order barring Afghan women from working for nongovernmental organizations (NGOs) led international humanitarian organizations to suspend operations, further exacerbating the humanitarian situation.⁶ The United States has provided over \$1 billion in humanitarian aid since the collapse of the previous government in August 2021 and issued general licenses to allow for the flow of assistance, despite U.S. sanctions on the Taliban.⁷ The Biden administration requested just under \$300 million for health, education, and other aid for Afghanistan in the fiscal year (FY) 2023 budget.⁸

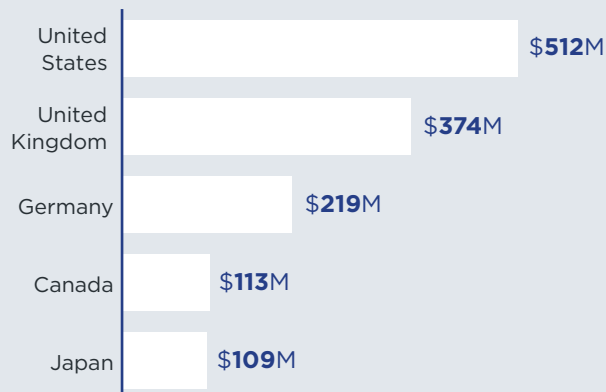
Sanctions that impact the Afghanistan Central Bank, including freezing \$7 billion in bank assets, has undoubtedly contributed to the economic crisis. However, the virtual certainty that the Taliban will use the funds for its own purposes prevents Washington from handing control of the funds to the Taliban-controlled Central Bank. Instead, Washington has established the Afghan Fund, which is a trust fund based in Switzerland that will disburse \$3.5 billion of the frozen assets for use in Afghanistan.⁹ The board of trustees of the Afghan Fund met for the first time in late November 2022 and established an Afghan Advisory Committee, agreed to develop an executive secretary, and adopted robust safeguards to prevent illegal use of the funds.¹⁰ The other \$3.5 billion of the Afghan frozen assets is tied up in the U.S. judicial system, where families of the victims of the September 11, 2001, attacks have laid claim to the funds. In late February 2023, a federal judge in New York ruled that federal courts did not have legal jurisdiction to seize the Afghan assets, thus denying claimants the ability to access the funds. However, the families are likely to appeal the ruling.¹¹

Meanwhile, there is no transparency regarding how much money the Taliban is acquiring through tax collection and illegal trade in narcotics and how that money is being distributed. Taliban income should go toward meeting the needs of the vulnerable population; international donors should not indirectly subsidize the Taliban by shouldering the burden of social spending.

how the United States can most effectively support these actors. Finally, the paper lays out a series of policy recommendations aimed at pressuring the Taliban to reverse its

crackdown on women, empowering Afghan civil society and the political opposition, and ensuring the United States leverages its role on the U.N. Security Council and works with like-minded nations to show the Taliban the world will not stand by as it destroys the lives of millions of women and girls.

TOP PROVIDERS OF HUMANITARIAN ASSISTANCE¹²



The United States, United Kingdom, Germany, Canada, and Japan were the top five pledging nations at the March 31, 2022, High-Level Pledging Event for the Humanitarian Crisis in Afghanistan. The United States is the single largest provider of humanitarian aid to Afghanistan, having contributed more than \$1 billion since August 2021 for vulnerable Afghans inside the country and Afghan refugee communities in neighboring states.

Rapidly Declining Human Rights

There has been a rapid erosion of human rights and suppression of civil society under Taliban rule, and there is no reason to believe this erosion will end. The Taliban has disbanded the Afghanistan Independent Human Rights Commission (AIHRC), banned political activities, and arrested and interrogated the leaders of civil society organizations.¹³ The Taliban authorities have shut down the activities of human rights activists, women's advocates, grassroots democracy supporters, and any individual or organization working toward an open and inclusive civil society. Upon taking power, the Taliban immediately disbanded the Ministry for Women's Affairs and established the Ministry of Vice and Virtue to enforce its harsh and repressive policies.

The abolition of democratic institutions—the Parliament, judiciary, and free press—and key government ministries and departments charged with protecting human rights demonstrates that the Taliban is adhering to the same backward and dictatorial policies



Members of the Hazara diaspora in Berlin gather by the Chancellery in December 2022 to demonstrate solidarity with Hazaras and women inside Afghanistan. The Hazara are a Shia ethnic minority group in Afghanistan that has faced persecution for over 200 years. In recent years, the Hazaras have suffered numerous attacks at the hands of the Islamic State-Khorasan Province, and they are likely to face repression under Taliban rule. (Omer Messinger/Getty Images)

that marked their first stint in power from 1996 to 2001. As an extremist group, the Taliban rules by fear and intimidation; torture, kidnapping, illegal detention, and extra-judicial killings are part of daily life in Afghanistan.

The human rights situation is particularly fraught for those who worked in the previous government or national security forces, with hundreds of documented killings of former civil and military officials. In its most recent human rights report in July 2022, the U.N. reported that it had documented at least 237 extra-judicial killings of former Afghan officials and members of the security forces.¹⁴ However, most observers believe the number is far higher. Rawadari, an Afghan human rights organization launched in October 2022 by the former head of the AIHRC and other civil society leaders, claimed in a January 2023 report that from August 2021 through November 2022 in four provinces alone the Taliban had killed 634 civilians, including former members of the security forces, Salafis (members of a strictly orthodox Sunni sect of Islam), members of the National Resistance Front, and others.¹⁵

A significant challenge to accounting for human rights abuses and targeted killings is the lack of credible information and data coming out of Afghanistan due to the severe media clampdown. The Taliban has shut down nearly half of all media outlets since it took power in August 2021.¹⁶ In early December 2022, the Taliban closed FM radio broadcasts of Radio Free Europe/

Radio Liberty and Voice of America, two of the few remaining credible radio stations that had been able to reach millions of Afghan listeners. Informal networks of citizens on the ground continue to share information internationally as they seek to mitigate this information deficit.

Hazaras Face New Threats

The Shia Hazara minority in Afghanistan, which makes up about 10 to 15 percent of Afghanistan's population, has long suffered targeted attacks and persecution, but there is concern that the Taliban's harsh Sunni ideology and lack of inclusive government will increase their vulnerability to attacks and further marginalization within Afghan society. Targeted attacks against Hazaras have been on the rise and become increasingly brutal since 2015 when the anti-Shia Islamic State-Khorasan Province (ISKP) terrorist group emerged in the country. However, discrimination against Hazaras goes back over 200 years when religious scholars in Kandahar in 1801 declared them as infidels, leading to mass genocide of the Hazara population, with survivors being sold into slavery in Kabul and Kandahar.

The Hazara community has suffered numerous brutal attacks since the Taliban took power, especially in Kabul's Hazara neighborhoods, including a September 30, 2022, bombing of a school in western Kabul, which killed over 50 students (mostly girls).¹⁷ In mid-October, the Taliban expelled 60 female students—mostly Hazaras—from Kabul University, apparently in retaliation for Hazara public protests following the September school attack.¹⁸

U.N. Special Rapporteur for Afghanistan Human Rights Richard Bennett, in a statement made after his visit to Afghanistan in May 2022, highlighted the plight of the Hazaras, noting the systematic attacks against their mosques, schools, and medical facilities, as well as arbitrary arrests, torture, and evictions that warrant further investigations. The U.N. Human Rights Council has pointed to Taliban unwillingness and/or inability to protect the Hazaras and its discrimination against them as contributing to a worsening situation for the minority group.

Women and Girls Bear Brunt of Taliban Crackdown

The Taliban's atrocities against women and girls require urgent intervention by the international community. Since returning to power in August 2021, Taliban leaders have issued dozens of edicts placing restrictions on women and girls' ability to participate in the socioeconomic life of the country.¹⁹ As former Afghan Parliamentarian Fawzia Koofi said in early November

The more women and girls are denied their rights and opportunities to work and go to school, the greater the likelihood Afghanistan will become a hotbed of global terrorism once again.

2022, “The Taliban have created an ecosystem of violence aimed at strengthening their gender apartheid regime to eliminate women and girls from all realms of public life.”²⁰ The U.N. High Commissioner for Human Rights Michelle Bachelet in June 2022, after having visited the country in March, called the situation for women and girls “critical” and the “worst-case scenario many feared.”²¹ The increasing restrictions and repression are taking an enormous toll on the mental health of Afghan women, and one expert told a U.N. panel that female suicides have increased over the last 18 months.²²

The Taliban’s rollback of women’s rights has been swift and comprehensive. The most devastating anti-female policies, which will have far-reaching negative impacts on Afghanistan’s social and economic development—not to mention its relations with the rest of the world—are the edicts forbidding girls from receiving a secondary education and women from attending university. While Afghan girls in some regions of the country were reportedly attending privately owned secondary

schools or receiving education secretly inside homes, the U.N. reported in mid-2022 that the Taliban policy had resulted in 80 percent of Afghanistan’s secondary school age girls being prevented from going to school.²³ In December 2022, the Taliban went even further with their policies against women by banning them from working with NGOs. As a result, several international NGOs halted their operations, proclaiming that it was impossible to effectively deliver aid to the population without female workers. In mid-January, the Taliban agreed to some exemptions to the ban in the health and education sectors, allowing international aid organizations to resume some of their assistance programs, but the broader issue of women’s participation remains unresolved.²⁴

Women and girls in today’s Afghanistan are essentially restricted to their homes without personal rights. They are prohibited from accessing parks or gyms, leaving home without a male companion, and working outside the home, except in the health sector. They must adhere to strict dress codes, including wearing full Islamic hijab and covering their faces outside the home. There has already been an increase in forced child marriage—a form of human trafficking—and Afghan women and girls are on a path to suffer unprecedented domestic abuse without legal and social protections to prevent it. In a stark reflection of the Taliban’s lack of respect for female dignity, Taliban authorities have instituted “puberty checks” to inspect elementary school girls’ bodies for signs of puberty that would disqualify them from



Groups of Afghan women rally in Kabul against the December 2022 ban on women attending university. Many Afghan activists who champion the basic rights of women and girls have been detained, tortured, and murdered by the Taliban since August 2021. (Stringer/Getty Images)

remaining in school.²⁵ Demonstrating barbaric enforcement of their policies, Taliban authorities are publicly flogging women who disobey their edicts. Such incidents are becoming familiar: in early December 2022, a video captured Taliban authorities whipping women in Takhar province for shopping without a male companion.²⁶ Indeed, since November 2022, dozens of women have been publicly lashed for “moral crimes,” including trying to escape from forced marriage and domestic abuse.²⁷

The United States has a moral obligation and national security interest in standing up for Afghan women and girls. Washington spent hundreds of millions of dollars over the past 20 years supporting NGOs that promoted women’s rights. The same women and girls the United States supported through its funding—not a supposed privileged elite, but millions of Afghans who attended secondary school and held jobs—are now in fear for their lives, forced into marriage, and losing opportunities to get education and work outside the home. From a national security perspective, there is a direct link between terrorism and extremism trends in the country and the status of women.²⁸ The more women and girls are denied their rights and opportunities to work and go to school, the greater the likelihood Afghanistan will become a hotbed of global terrorism once again.

U.S. Policy Debate on Engagement with the Taliban

There is an ongoing U.S. policy debate on whether and to what extent the United States should engage with the Taliban. Some in President Joe Biden’s administration reportedly argue that the United States should continue high-level engagement with the Taliban, despite its egregious human rights abuses, for the larger cause of geopolitical stability. According to this argument, the alternative to the Taliban is not greater human freedom but civil war and chaos and an even greater security headache for the West. Another argument used in favor of U.S. engagement with the Taliban rests on the need to compete with Chinese and Russian influence in the region.²⁹ Finally, yet another argument in favor of engagement with the Taliban is to enlist greater cooperation from them on countering terrorism, especially regarding activities of the Islamic State-Khorasan Province (ISKP).³⁰

But these arguments are not convincing when viewed in the context of how engagement strengthens the Taliban’s narrative that it is a legitimate power that has conquered its enemies. That narrative further cements its control over the country, weakens the non-Taliban

civil opposition, and demoralizes the Afghan people while providing inspiration to other extremist groups. So far, there have been few gains from engaging the Taliban and more costs, which will only grow over time.

The argument that the Taliban is bringing stability is undermined by the lack of inclusive governance and growing dissatisfaction with their rule. The Afghan people will increasingly resist infringement of their rights and freedoms and could gravitate toward violent resistance to defy the Taliban. The international community must consider the voices of opposition to the Taliban as legitimate expressions of national will. As one Afghan opposition leader told the authors, “The Taliban is a reality—and so are we.”

The counterterrorism argument for engaging the Taliban is equally fallacious. Exchanging information might allow the United States to achieve tactical advances against ISKP, but at the expense of helping to legitimize Taliban leaders who are U.S.- or U.N.-designated terrorists and providing a strategic boost for extremism. Moreover, the July 31, 2022, killing of al Qaeda leader Ayman al-Zawahiri by a U.S. drone strike in Kabul at a home associated with Taliban acting Interior Minister Sirajuddin Haqqani—who also has an FBI bounty on his head for involvement in terrorist acts that killed U.S. citizens—demonstrates the Taliban has not broken ties to al Qaeda. While the elimination of Zawahiri represents a counterterrorism win for the United States and vindicates to some degree President Biden’s argument that Washington can still address terrorism threats without U.S. troops on the ground, it also demonstrates that the Taliban and al Qaeda remain allied and that al Qaeda is likely to take advantage of the Taliban being in power to rebuild its base in Afghanistan.

The Taliban is inculcating children through new school curriculum that teaches its extremist brand of Islam, which negates both the stability and counterterrorism arguments in favor of greater engagement with the Taliban. Indeed, many view Taliban rule as representing a five-year ticking time bomb of a new generation of Islamist extremists who will pose a global threat. According to Matthew Parkes of the United States Institute of Peace, the Taliban is rewriting curricula in public schools and universities to conform to their interpretation of Sharia, which will indoctrinate a new generation to fuel support for terrorism.³¹

The question of engagement was critical to the debate last year over the Taliban travel ban. Allowing the Taliban to travel internationally to attend conferences and meet foreign officials at the same time they are committing gross human rights abuses at home legitimizes their

Taliban's Hardline Policies Maintain Movement Unity

The Taliban leadership uses its hardline policies to maintain unity among the rank and file. The issue of movement unity is paramount for the Taliban to maintain its grip on the country and to justify its 20-year brutal insurgency to wrest power. While they eschew governing representatively, Taliban rulers are employing modern state systems to maintain control. They have maintained revenue-generating government systems, particularly customs and taxation. While cutting back on “retail” corruption, corrupt practices are returning, according to eyewitness accounts by businesspeople conveyed to the authors. More importantly, a “wholesale” version of corruption is underway; the Taliban have captured the state without providing benefits to the population, who instead must rely on the international community for basic needs. Indeed, Taliban Prime Minister Mullah Hassan Akhund said feeding the poor is God’s responsibility, not the government’s.³³

Taliban leadership is divided between those who do and do not want to create a viable state, especially as more of their local leaders face Afghan citizens who want government services in return for their taxes. As the Afghan Analyst Network has recently reported, while the current revenue collection process is generally less corrupt than that of the previous government, “one of the problems facing Afghan citizens today is that they do not know how the government is spending their money. The Taliban have released the barest details of their budget.”³⁴ In addition, the question of girls’ education has occasioned public criticism by a few Taliban leaders and by many local communities. Still, Taliban discipline within its ranks remains tight; even those with aspirations of international recognition mostly shelve their dissent in favor of movement unity.

behavior, undermines the Afghan opposition, and makes it more challenging to galvanize international support for promoting a human rights agenda in the country. Unfortunately, the United States has taken a weaker position than some other countries on the Taliban travel issue, giving the impression Washington will no longer take a leadership role when it comes to protecting human rights in Afghanistan. A waiver of the U.N. Taliban travel ban lapsed in August 2022 when members of the U.N. Security Council could not come to consensus on the issue.³² Ireland led the handful of countries that opposed

rather than make concessions to gain international legitimacy. China, Pakistan, Russia, Japan, and others, including India, have opened diplomatic missions in Kabul and initiated commercial contacts.

Key International Players Coalesce

The international community’s response to the situation in Afghanistan is starting to coalesce around specific principles and actions as the Taliban’s approach to human rights becomes more intolerant. While exceptions to this cohesion are both notable and important, over the past 18 months the “on-the-record” positions taken by the U.N. Security Council, General Assembly, and Human Rights Council (HRC) are strong, unified, and principled on the topic of the Taliban’s human rights obligations and the need for a stable and inclusive government that does not harbor terrorists. Some key examples include:

- the multiple rejections of the Taliban’s applications for U.N. credentials;
- the robust March 2022 U.N. Assistance Mission in Afghanistan (UNAMA) mandate to document and respond to human rights abuses, coordinate and facilitate humanitarian assistance, support rule of law and the fight against corruption, and use the U.N.’s good offices to promote conflict resolution;
- the November 2022 U.N. General Assembly resolution, which expressed deep concern over the ongoing volatility, support for terrorism, and abuse of human rights in Afghanistan;
- the August 2022 ending of travel ban exemptions for the Taliban under U.N. Security Council Resolution (UNSCR) 1988;

The Taliban is counting on the U.S. proengagement adherents to prevail, as well as creeping normalization in the region, and thus maintains its hardline positions rather than make concessions to gain international legitimacy.

maintaining the waiver, while the United States favored waiving the ban for six Taliban leaders and Russia and China supported lifting the ban on 13 Taliban leaders. Although the blanket waiver—which had been in place since 2019 to facilitate U.S.-Taliban peace talks—has lapsed, listed Taliban leaders can still apply for individual waivers for single international trips, and international officials, including Americans, are meeting with them.

The Taliban is counting on the U.S. proengagement adherents to prevail, as well as creeping normalization in the region, and thus maintains its hardline positions

- the December 2022 renewal of UNSCR 1988 sanctions; and
- the refusal by even the Taliban's apologists to recognize them as the government.

But at the national level, the gaps in how different governments approach the situation play into the Taliban's waiting game.

The United States: The United States still controls key levers of influence, such as holding Afghan financial reserves, donating the largest sum of humanitarian assistance of any individual country, and maintaining a powerful voice at the U.N. Security Council regarding UNAMA and the UNSCR 1988 sanctions against the Taliban. However, the historic leadership role of the United States in Afghanistan has been compromised due to lack of U.S. credibility following the 2020 Doha Agreement and August 2021 troop withdrawal, and disengagement on the issue by senior officials at the State Department and White House. U.S. policy on Afghanistan is directed in Washington by a special envoy's office led at the level of a deputy assistant secretary, while the promotion of women and minority rights is represented by a special envoy within the Office of Global Women's Issues. President Biden's last statement on the Afghanistan human rights situation was in August 2021, and there appears to be no regular interagency process on Afghanistan human rights spearheaded by the National Security Council. The United States has not applied Global Magnitsky Act sanctions to Afghanistan. This calls into question its commitment to the act's purpose of sanctioning human rights abuses that threaten national security, despite the clear threat posed by the Taliban's espousal of gender apartheid and extremist indoctrination of Afghan youth.

The European Union: Within the long-standing U.S.-EU partnership on Afghanistan, the EU may be poised for greater importance within a clear division of complementary efforts. Accustomed to waiting for signals from the United States, the EU is increasingly motivated by the real threats it will face due to its proximity to Afghanistan from uncontrolled terrorist, drug, and migrant flows out of the country. There are several different policy positions among EU member states regarding how to support human rights, especially in responding to Afghanistan's humanitarian emergency, and the EU has not led consistently on the issue. Still, the EU member states' combined political and economic weight makes them important players.

EU entities have issued clear human rights benchmarks about future political relations with the Taliban

and are nesting Afghanistan policy within multiple action plans on human rights and gender equality.³⁵ At the same time, some member countries are pushing to expand humanitarian aid and dialogue in an effort that the Taliban may see as creeping normalization. In November, the European Commission reportedly discussed a policy to "refine" the "basic needs approach" agreed to in late 2021 (in which EU assistance could only be implemented by NGOs and international organizations to "address people's basic needs, such as health care, education, and nutrition, and to support human rights, including women's rights.")³⁶ The new proposed policy would assist the private sector with a medium- to long-term approach focused on livelihoods, businesses, and vocational training.

The United Nations: U.N. entities continue to have the most credibility, capacity, and reach of international actors but would benefit from a more clearly articulated strategy. The U.N. Security Council, General Assembly, HRC, High Commissioner for Refugees, specialized agencies, and special rapporteurs have remained unified about the need for the Taliban to observe international human rights norms and to enable women, minorities, and other members of civil society to participate in the political, social, and economic life of the nation. Furthermore, donor nations are using U.N. entities to deliver humanitarian aid to the populations most in need while avoiding bilateral aid relationships with the Taliban.

The United States has a new opportunity as a member of the HRC in Geneva to push for action on Afghanistan. There is a working group within the HRC on discrimination against women and girls, where Washington can raise Afghanistan issues. While China and Russia continually try to exploit language in HRC resolutions to criticize the United States, there is broad consensus among HRC member states on the need to protect Afghan women's rights. In September, the HRC mandated a report on women in Afghanistan. However, several human rights experts familiar with HRC procedures say it is necessary to establish a formal commission of inquiry to bring meaningful attention to the issue. There is reportedly concern that launching a commission of inquiry will prevent senior U.N. officials from being able to travel to the country to assess the situation firsthand. This concern must be weighed against the need to exercise international leverage to affect the human rights situation that is rapidly deteriorating and threatening to destroy a generation of Afghan women and the socioeconomic future of the country.

It is worth singling out the current and potential contributions of the special rapporteur on the situation of human rights in Afghanistan.³⁷ Richard Bennett assumed his duties on May 1, 2022, and has traveled several times to Afghanistan, the United States, European capitals, and the region. He has issued seminal public reports and statements about the dire state of human rights in Afghanistan and has been instrumental in the strong statements in late 2022 of the HRC and General Assembly supporting human rights and civil society. Bennett's mandate was further strengthened in September 2022 to include documentation of human rights abuses. He has worked effectively with colleagues in the U.N. system, for example, issuing a statement in November in tandem with 10 other independent rapporteurs covering issues such as violence against women and freedom of assembly, which called Taliban treatment of women and girls a possible "crime against humanity."³⁸ Bennett also is in frequent contact with Afghan civil society groups, working to empower them by reporting on his findings and gathering information for his public statements and private discussions with the Taliban and U.N. member states. His office has a small budget and staff, as is customary for rapporteurs, which has impeded his ability to investigate ongoing human rights abuses more widely.

The U.N.'s many instruments converge on the ground in UNAMA. As a political mission mandated to advance human rights, conflict resolution, and humanitarian relief, UNAMA has the authority to convene Taliban and civil society on behalf of the international community. UNAMA's true potential derives from a unique blend of the strategic weight of the Security Council with the practical impact of humanitarian assistance. These factors, along with its multiple field locations and the ability of its personnel to move freely throughout the country, make it a powerful tool.

In practice, however, UNAMA's abilities may be limited by a tight budget, personnel shortages, and experience deficits due to the evacuation of its local staff in 2021, along with Taliban intransigence to abide by even basic international humanitarian precepts that rest on need-based aid delivery and the involvement of women aid workers. Some observers describe the mission as overly deferential to the Taliban, in part due to concern by Special Representative of the Secretary-General (SRSG) Roza Otunbayeva that she needs to maintain good relations with the ruling authorities to protect U.N. employees and the existence of the mission itself. The crisis begun by the December 2022 decree against Afghan women working for international humanitarian

NGOs has put UNAMA in a more confrontational stance with the Taliban. How the SRSG perceives her role matters a great deal; historically, some SRSGs have taken bold steps to defend U.N. principles and prerogatives. There is concern that she may be hesitant to take a firm stance on human rights in the lead-up to the March 2023 mandate renewal, given concerns about hostility to the mission from Russia and China (who abstained in the 2022 renewal).

Regional Approaches Remain Fractured

The best geographically poised players to press for more stable and humane Taliban governance are Afghanistan's regional neighbors, due to their influence over the economic and security needs of the Afghan state. Ultimately, their effectiveness depends on whether they act as a unit or cut separate deals with Taliban leaders. Russia's gesture of disinviting the Taliban to the November 2022 Moscow Format meeting (and referring to the Taliban in official press as a movement "outlawed in Russia" and "radical")³⁹ nettled Taliban leadership.⁴⁰ The meeting communique urged the Taliban to increase the representation of other ethnic groups in the government.

Central Asia: Uzbekistan and Tajikistan are potentially significant power centers for action to influence events inside Afghanistan. Uzbekistan and Tajikistan fear terrorists inspired by extremist ideologies will spill across the borders and cause security problems in their countries. Calculating that the Taliban authorities were likely to become more moderate in their approach to governance, Uzbekistan initially took a soft approach toward the Taliban and held out incentives like the Uzbekistan-Afghanistan-Pakistan rail link and other economic benefits. However, more recent concerns about human rights and the Taliban's failure to curb the recruitment of Central Asians into ISKP terrorist ranks may be leading the Uzbekistani leadership to reconsider its policies toward the Taliban.⁴¹

Tajikistan President Emomali Rahmon adopted a more skeptical approach toward the Taliban's return to power due to his country's ethnic links to the Afghan Tajik resistance forces and his personal experience dealing with a Tajik Islamist insurgency in the 1990s. Tajikistan has hosted the Afghan National Resistance Front leadership in Dushanbe since the Taliban took over and allowed the ambassador and embassy of the Republic of Afghanistan to continue their representation. More recently, an international conference including Afghan

leaders opposed to Taliban rule took place in Dushanbe in November 2022. Notably, in what was likely an effort to register the international community's disapproval of recent Taliban actions on human rights, Charge d'Affaires of the U.S. Mission to Afghanistan Karen Decker and EU Representative for Afghanistan Tomas Niklasson, along with several other international officials, attended the conference.

Pakistan: Pakistan's ability to influence the Taliban may be eroding. Tensions between the Taliban and Pakistani leadership have heightened over the growing Tehrik-e-Taliban (TTP) threat inside Pakistan and Islamabad's belief that the Taliban could do more to curb the group inside Afghanistan. There have also been an increasing number of cross-border shelling incidents between Afghan Taliban and Pakistani army forces and new threats to Pakistani officials inside Afghanistan. In addition to ongoing attacks in Pakistan by a newly energized TTP, there was an unsuccessful assassination attempt on the Pakistani charge d'affaires in Kabul in early December 2022.⁴² The Taliban claimed a few days after the attack to have arrested the perpetrators—two gunmen operating on behalf of ISKP—and stated that the assassination marked an effort by ISKP to sow distrust between the Taliban and Pakistan.⁴³

Pakistan's influence within the Taliban stems from the long-held ties of its military intelligence service (the Inter-Services Intelligence Directorate) to old-guard Taliban leaders like Supreme Leader Haibatullah Akhunzada and the Haqqanis, who hold key positions

within the Taliban cabinet and remain on U.S. terrorism designation lists for their involvement in terrorist attacks on U.S. citizens. Islamabad's priorities in Afghanistan—namely, to weaken Indian influence in the country—leave it unmotivated to support less extremist Taliban leaders.

China: China, which has both economic capacity and an interest in pressing the Taliban on terrorism, is seeking investments in Afghanistan's extractive industries while engaging in transactional bilateral diplomacy to contain the East Turkistan Islamic Movement (ETIM), an extremist group fighting for the independence of China's western Xinjiang province. China's relationship with the Taliban has cooled somewhat from its high point of the Chinese foreign minister's visit to Kabul in March 2022, particularly after the December 2022 terrorist attack on a Kabul hotel frequented by Chinese citizens, which further undercut the Taliban's claim of providing security.⁴⁴ The early January signing of a major oil deal between a Chinese company and the Taliban for oil extraction in the Amu Darya basin in northern Afghanistan shows the Chinese may be willing to weather the security threats for eventual economic opportunity.⁴⁵

India: Seeing an opportunity in the newly tense relations between the Taliban and Pakistan, India appears interested in moving beyond its historically antagonistic relationship with the Taliban, acting early to reopen its embassy in Kabul and holding discussions with Taliban leaders on economic investment.⁴⁶

Iran: One observer noted to the authors that Iran is playing a hedging game with the Taliban. This game includes continuing relatively good relations with the regime, despite its anti-Shia agenda, while also allowing large numbers of anti-Taliban refugees to take shelter in Iran, including many former Afghanistan security forces members who might eventually pose an armed threat to the Taliban regime. In a demonstration of goodwill, the Taliban has allowed the release of water to Iran from the Kamal Kam Dam in western Nimroz province.⁴⁷

While not adhering to the same human rights-based agenda that the United States, EU, and U.N. advocate for countries in the region remain essential to the current international consensus to deny the Taliban diplomatic recognition. In general, regional calls for "inclusivity" or



From left to right, Ambassador of the Islamic Republic of Afghanistan to Austria Manizha Bakhtari; former Afghan parliamentarian and women's rights activist Fawzia Koofi; Special Envoy for the EU on Afghanistan Tomas Niklasson; and a journalist from Tajikistan speak at the 10th Herat Security Dialogue in November 2022. After a hiatus in 2021, the dialogue was moved from Herat, Afghanistan, to Dushanbe, Tajikistan. The attendance of both Niklasson and Charge d'Affaires of the U.S. Mission to Afghanistan Karen Decker was likely an effort to register the international community's disapproval of recent Taliban actions on human rights. (Suhasini Haidar/The Hindu)

“greater representation” in the Taliban regime, captured in communiqués such as that of the July 2022 Tashkent Conference,⁴⁸ have little specificity or substance. Some observers dismiss “inclusivity” as another word for the kind of elite bargain Afghanistan has seen in the past, in which ethnic leaders divide power in rough proportion to their share of the population.⁴⁹ However, it is more likely that the region’s call for inclusivity is based on a valid concern that the lack of ethnic and religious diversity within the Taliban regime is a recipe for national and regional instability. This bottom-line assessment is probably why the Taliban lacks regional recognition.

Increasingly Important Role of Afghan Diaspora, Exiles, and Civil Society

The strengths of the Afghan diaspora, exile community, and civil society rest with the human talent they represent and, in a few cases, their placement in positions of international influence or public prominence. However, past resources, such as a wide network of international supporters and consistent media interest, are no longer available. Many in the Afghan diaspora who left before 2021 are well-established, with some working in international organizations or the business sector. At the same time, members of the exile community who left following August 2021, while representing a wealth of knowledge and ability, are often struggling to find a stable position for themselves, rescue their families, and manage personal trauma.⁵⁰ Meanwhile, civil society members still inside Afghanistan are facing relentless economic hardships and government repression. There is little international funding allocated for human rights promotion for civil society; in any event, a steadily increasing set of Taliban regulations prevents foreign-affiliated NGOs from doing anything beyond doling out lifesaving aid.

Unfortunately, the Afghan opposition and diaspora suffers from a range of internal divisions. High-profile personalities have emerged and been given international and media platforms. Still, there are no accepted or established mechanisms for deciding who can be the spokesperson, and no single entity is empowered to set priorities or parameters for engagement with the international community or the Taliban.

The most important barrier to the effectiveness of the diaspora and internal civil society groups is the lack of unity of purpose beyond non-recognition of the Taliban. Other divisions include historical differences

that separate non-Pashtuns and Pashtuns; generational divides; gaps between those who served with the government of former Afghan President Ashraf Ghani and those who believe such service should prohibit them from taking a future role; and logistical divisions between those who are based in the United States, Canada, EU, or Australia and those who remain in the region. The “government in exile,” as declared by former Afghan Vice President Amrullah Saleh in late 2021, did not garner support, while efforts to bring together former leaders⁵¹ are often disparaged or boycotted by other prominent Afghans. Even apolitical members of the Ghani government can be considered guilty by association with the tarnished former president. Former Afghan President Hamid Karzai and Chief Executive Abdullah Abdullah, who have remained in Afghanistan and can now travel internationally, will likely remain part of future discussions. Even discredited former politicians continue to have followings that must be considered. Establishing a political office—perhaps in Doha, taking advantage of embassies exiled there, or in Dubai, where there is a significant Afghan expatriate community—could help this disparate community coordinate its efforts, although doing so will require substantial groundwork.

Unfortunately, the Afghan opposition and diaspora suffers from a range of internal divisions.

The opposition groups also are somewhat divided about the end-state they seek for Afghanistan. Some non-Taliban Afghans are questioning the status of Afghanistan as a unitary state or, at the very least, calling for a more decentralized, federal structure. Another issue under debate is Afghanistan’s external relations; for example, whether it should maintain regional neutrality. A critical division also exists between those supporting an armed resistance and those who oppose it. The National Resistance Front, which characterizes itself as “fighting for a democratic, decentralized Afghanistan” via a “classic Maoist insurgency,”⁵² does not count on majority support but intends to use the 2023 spring fighting season to galvanize widespread resistance. Finally, opposition groups need to secure external funding and protection and garner support among the wider Afghan populace.

Some Afghan diplomats who worked abroad in the previous Afghan government have been forced to leave their roles due to the closure of embassies and consulates

(notably in the United States), while others were forced out in nations, like Pakistan, by new Taliban-appointed ambassadors. However, in many posts, particularly Afghanistan's missions in Geneva and New York, former professional diplomats play key roles within international structures in voicing opposition to normalizing Taliban rule and perform an organizing and convening function for the disparate Afghan exiles in their regions. They are hindered by an uncertain economic future, which could be mitigated by the ability to collect passport fees from passport books purchased and donated to these missions by the Switzerland-based, U.S.-controlled Afghan Fund.

The civil society groups within Afghanistan that promote peace and reconciliation and a handful of leaders who are free to travel to and from Afghanistan represent important actors with legitimacy, capability, and will—but little freedom. A “bottom-up” effort over time could, in theory, produce viable young leaders untainted by association with previous governments or former “warlords.” In addition, traditional and tribal elders are essential political actors in Afghanistan and could play a future role, although many of those not affiliated with the Taliban have been killed or detained since August 2021. Elements for a social uprising exist, potentially fueled by the inability of the Taliban to disconnect young Afghans from the internet, the small but real cracks in Taliban unity that undermine its aura of control, and the continued failure of the Taliban regime to provide basic social services to the people.

But for now, stringent Taliban control over the media and public assembly and outright brutality against those considered to be speaking out or otherwise undermining the regime are stifling civil society actors. Protesters, YouTube bloggers, tribal leaders, and members of the moderate *ulema* (religious leaders) have been arrested, tortured, and killed. The chilling impact of Taliban surveillance has kept many Afghans unhappy with the regime out of direct participation in any form of protest. One observer noted in a private conversation that there is a belief that the Taliban will conduct reprisals on daughters of those considered to be dangerous through rape and other acts of dishonor, an extraordinarily effective method of repressing outright opposition by heads of households.

Afghan women within diaspora communities and inside the country are speaking out and using important platforms to express their concerns and proposals. For example, the EU is funding the Afghan Women Leaders Forum, which united more than 60 Afghan leaders in a hybrid event in November 2022, and the



From top to bottom, the report authors and CNAS colleagues meet with teachers from an Afghan school in Dushanbe, Tajikistan; refugees living in the nearby suburb of Vahdat; and Ambassador of the Islamic Republic of Afghanistan to Tajikistan Mohammad Zahir Aghbar. The authors traveled to Dushanbe to hear from the local Afghan community as part of an international research trip for this project in January 2023. (Embassy of Afghanistan in Tajikistan)

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State Department launched in July 2022 a consultative platform⁵³ for Afghan women, which is operating in close coordination with the EU effort. These and NGO-sponsored formats, if harmonized, could help create a trusted network of women leaders who can use political openings to press for specific demands of women's inclusion in public life, education and services, and peace negotiations. Afghan women leaders regularly address the U.N., airing their concerns, and have kept the issue of women's rights alive despite considerable obstacles.

Another influential civil society group is the Hazara community, which rose from the despair of multiple school bombings targeting its young people to assert that the attacks were a form of genocide. The hashtag #stophazaragenocide gained international resonance, particularly in Europe, and protesters demonstrated in over 100 cities in early October 2022 in solidarity.⁵⁴ The World Hazara Council is a well-organized coalition group that regularly engages in social media campaigns and other activism; for example, testifying in December 2022 to a U.N. forum on "systematic persecution" and genocide.⁵⁵

The Afghan private sector is a vital element of the civil society and diaspora community. In theory, it has an interest in promoting rule of law, government transparency, and fairness for investors as well as Taliban concessions (in both human rights and counterterrorism) that would allow Afghanistan to participate in international trade and banking systems. In the near term, however, international private sector actors do not appear interested in pushing the Taliban to make significant concessions and instead want assistance widened to include the banking sector without human rights conditionality. They are also pursuing contracts (such as solar energy and coal mining) with the Taliban authorities, regardless of the lack of investment safeguards under the law. Unfortunately, the private sector is divided along ethnic lines and lacks unity of message. While a few outspoken private sector actors are willing

to stand up against Taliban policies, the majority prioritize their businesses over human rights and women's rights.

The Afghan-American Chamber of Commerce has repeatedly urged the immediate return of frozen assets of the Afghan commercial banks and their beneficiary account holders, as well as security assurances for correspondent banks. The chamber also is calling for the creation of market-led, private sector-implemented stabilization programs to improve the livelihoods of poor Afghans through large private sector employers.

Meanwhile, Afghan businesspeople and traders are grappling with an increasing tax burden as the Taliban makes up for the withdrawal of international assistance. While there is less corruption, there are also fewer services. An October 2022 report on Afghanistan from the Stimson Center noted that, according to private sector interlocutors, "the increase in tax collection is not sustainable. The Taliban are insisting on full payment of every tax despite the economic crash, sanctions on the central bank that have brought trade to a halt, and lack of credit and currency. Businesses are likely to go bankrupt or leave Afghanistan."⁵⁶

Recommendations

To support the protection of human rights and the development of Afghan civil society, the United States should:

Limit its engagement with Taliban leadership and maintain support for keeping the Taliban travel ban in place.

U.S. senior-level engagement with the Taliban is one of the few diplomatic levers Washington holds to negotiate for better human rights conditions. Therefore, Washington should be suspended in favor of technical-level and issue-specific contact. Another step the United States can take to show the Taliban their human rights violations come with a price is for Washington to continue to back the U.N. travel ban on Taliban leaders.

Empower diplomats of the former Afghanistan regime to support the Afghan diaspora and exile communities, including reopening the Afghanistan embassy in Washington.

This would facilitate consultative gatherings of Afghans and serve diaspora members, including evacuees and refugees who need consular services. The United

States should authorize the Afghan Fund to support the reopening of the Afghanistan embassy in Washington with a limited diplomatic presence and pay for new passport books for this mission and Afghan diplomatic missions worldwide. Many key Afghan diplomatic missions across the world remain open and staffed by members of the previous government.

Engage robustly and publicly with the Afghan diaspora and exile communities, including the political opposition.

This will put pressure on the Taliban, which still craves international recognition. The November 2022 participation of U.S. Charge d'Affaires of the U.S. Mission to Afghanistan Karen Decker at an international conference that featured Afghan political opposition leaders in Dushanbe, Tajikistan, was a step in the right direction.

Support the opening of an office for the Afghan political opposition in a country near Afghanistan.

Washington should back the establishment of a political office for the Afghan opposition in a third country near Afghanistan, which could serve as the central location for the groups' activities and engagement with the Taliban and international community. Several members of the political opposition already engage individually with Taliban leaders; however, establishing a formal opposition office would give more weight to those discussions and facilitate a negotiation process among Afghans.

Maintain U.S. Treasury sanctions on individuals involved in terrorism, resist Taliban demands to lift the sanctions merely because these leaders now hold positions of power, and add new human rights-related sanctions.

Washington should apply Global Magnitsky Act sanctions on Taliban leaders guilty of egregious human rights abuses, including the torture and killing of protesters, journalists, and former government officials, because the Taliban's actions threaten U.S. national security and foreign policy interests.

Work through the U.N. Security Council to designate as terrorists additional Taliban leaders involved in terrorist acts and prevent unsanctioned travel by listed Taliban members.

The United States, France, and the United Kingdom, along with like-minded partners, should ensure the U.N. Security Council 1988 sanctions regime, including the

blanket travel ban against listed Taliban leaders, and propose listing additional Taliban members who have been involved in acts of terrorism.

Formally and publicly abrogate the Doha Agreement, which most Afghans view as favoring and legitimizing the Taliban and which the Taliban has violated.

Most Afghans view the Doha Agreement as a U.S. withdrawal agreement that favored the Taliban and provided it legitimacy. Moreover, the deal has neither led to a peace process among Afghans nor the Taliban breaking ties to terrorists, which was underscored by the July 31, 2022, killing of al Qaeda leader Ayman al-Zawahiri by a U.S. drone strike in Kabul at a home associated with Taliban acting Interior Minister Sirajuddin Haqqani. U.S. Secretary of State Antony Blinken has said the Taliban's harboring of Zawahiri was a clear violation of the Doha deal.

Support human rights and civil society activists inside Afghanistan.

The United States and the international community must utilize all diplomatic tools to ensure the release of political prisoners and the end of Taliban harassment and attacks on activists, media, and women and girls for exercising their fundamental human rights to employment, mobility, education, and speech.

Develop a joint plan of action with the EU to promote the rights of women and girls and support EU-U.N. joint programs to protect and assist Afghan women and girls.

The United States and EU should ensure their efforts to promote human rights reinforce one another. Working through U.N. agencies in Afghanistan and with the World Bank, donors should support community-level programs that afford women educational and employment opportunities. These efforts could also include funding private schools that allow school-aged girls to attend.

Leverage its new role as a member of the HRC to push for action on Afghanistan.

The United States should support the creation of a commission of inquiry, which is a robust mechanism for documenting human rights abuses.

Increase funding for U.N. efforts in Afghanistan that promote human rights.

Washington should help empower the special rapporteur for Afghanistan and the U.N. rapporteur on violence against women to enhance their work in Afghanistan.

Help protect or strengthen the UNAMA mandate to include a role in facilitating an intra-Afghan peace process.

Washington should ensure that the mandate for UNAMA is not weakened during its renewal in March 2023. In addition to reinforcing UNAMA's role in advocating for the promotion and protection of human rights, the United States should ensure existing language authorizing it to "facilitate dialogue between all relevant Afghan political actors and stakeholders, the region and the wider international community, with a focus on promoting inclusive, representative, participatory and responsive governance" remains in the UNAMA mandate.⁵⁷ Finally, Washington should encourage the SRSG to use her office to vigorously promote and protect such dialogue.

Offer alternative forms of education for girls until the Taliban allows them to attend school.

Alongside pressure on the Taliban to formally reopen schools, the United States and international community should pursue parallel efforts to support girls' education. For instance, Washington should encourage the World Bank to fund alternative education mechanisms, including online models, and ensure salaries are paid to Afghan women teachers in rural areas, so that Afghan girls can continue to learn. Additionally, the United States should seek ways to guarantee the provision of the internet for distance learning in Afghanistan.

Press regional countries to use their influence with the Taliban to address human rights issues, noting that the Taliban's repression and backward policies will lead to instability and regional insecurity.

Iran, Russia, China, Turkey, Pakistan, India, Qatar, the United Arab Emirates, and Central Asian states have varying degrees of influence on Taliban leaders but have so far not prioritized the issue of human rights in their interactions with and policies toward the Taliban. These countries regard the treatment of women and civil society as "internal matters," which ignores the clear risk of state failure and burgeoning instability.

For its part, the U.S. Congress should:

Require the administration to report on Afghanistan with a focus on its centrality to U.S. global policies on counterterrorism, democracy promotion, protection of women's rights, atrocity prevention, the fight against human trafficking, and combating China's growing influence in Central Asia.

While the Afghanistan War Commission will examine U.S. actions and policies in Afghanistan from 2001 to 2021, the U.S. Congress must remain actively engaged in overseeing U.S. policy toward Afghanistan. Congressional members must hold the administration accountable regarding current human rights and counterterrorism concerns and how U.S. policies in Afghanistan will impact broader U.S. geostrategic interests.

Finally, the Afghan diaspora, exile, and civil society communities should:

Develop common platforms and advocacy strategies for governments of the countries where they reside and with the U.N.

The Afghan opposition and diaspora must establish a unified statement of purpose and a process for agreeing on goals if the community wants to successfully lobby foreign governments and the broader Afghan population on its agenda and vision for the future of Afghanistan. There is a concern that if foreign governments provide material resources to Afghan diaspora groups, they will spend time competing against one another for those resources, rather than developing common positions and a clear roadmap for a path forward.

Conclusion

The abrupt and poorly managed U.S. withdrawal from Afghanistan in August 2021, coupled with the 2020 Doha Agreement's preferential treatment of the Taliban, led to the Taliban's rapid ascension to power. Since then, the humanitarian and human rights situation has badly deteriorated, leaving a stain on U.S. policy toward the region and its reliability as an ally and posing a security threat. Moving forward, the United States must work more closely with its like-minded European and U.N. partners to improve the human rights situation inside Afghanistan and bolster civil society actors. By working to protect Afghan human rights and civil society, Washington will also help fulfill its counterterrorism objectives. Fighting for Afghan women and girls to remain involved in the country's social, economic, and political life will help inoculate Afghanistan from extremist and terrorist influences and improve the socioeconomic stability of the country and the region. Failure to remain closely engaged with the situation in Afghanistan, or worse, ignoring the country altogether, would almost certainly have far-reaching negative impacts on U.S. national security in the coming years.

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