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55° SESSION ON THE WOMEN OF AFGHANISTAN

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PRELIMINARY STATEMENT

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1. Context

The public hearings of the Permanent Peoples' Tribunal (PPT) for the session of the People's Tribunal for Women of Afghanistan were held in Madrid, at the ICAM, located at Calle de Serrano, 9, from October 8 to 10, 2025.

The hearing followed the planned program. However, it is important to note that the accused parties, including individual Taliban leaders, the Taliban as a group, and the State of Afghanistan under the Taliban's *de facto* control, did not exercise their right to defence. The procedures outlined in the Statute of the PPT for the proper and timely notification of the accused parties were observed. An official communication, including the text of the indictment and a formal invitation letter requesting the exercise of the right to defence in any form, was sent to the parties on September 16, 2025, to the email address of the Human Rights Directorate at the Ministry of Foreign Affairs of the Taliban, including the names of the accused individual leaders of the Taliban. They were also offered assistance in the proceedings and ensured a timeslot for an oral presentation. However, the PPT has not received any response from the parties. The President of the Panel of Judges also made announcements during both days of the hearings, requesting members of the defence to identify themselves if present at the hearings. However, no representatives of the defence were present at the hearings.

The period considered in this hearing includes more directly the facts, the jurisdiction, the actors, and responsibilities that have occurred from 2021, when the Taliban took full control of the country following the withdrawal of the international forces, and the collapse of the then Government.

This statement represents a preliminary statement of the panel of judges composed by: Rashida Manjoo (South Africa), President of the panel, Elisenda Calvet-Martínez (Spain), Mai El-Sadany (Egypt/United States), Marina Forti (Italy), Araceli García del Soto (Spain), Ghizaal Haress (Afghanistan) Emilio Ramírez Matos (Spain), and Kalpana Sharma (India).

A formal verdict, based on available factual evidence and on the basis of the provisions of international law will be made available within the next two months.

First of all, we wish to pay tribute to the courage of the women of Afghanistan, and to express our gratitude particularly to those who have shared their lived experiences with us. We thank the team of prosecutors, witnesses, and requesting organizations for the diligence and commitment with which they have assembled and presented an extraordinary wealth of evidence for this Tribunal.

The requesting organizations, namely Rawadari, Afghanistan Human Rights and Democracy Organization (AHRDO), Organization for Policy Research and Development Studies (DROPS), and Human Rights Defenders Plus, noted that they petitioned the Tribunal to be held to illustrate the relentless pursuit for justice, dignity, and equal rights by the women of Afghanistan. They hoped that the establishment of the tribunal would give survivors, the courageous women of Afghanistan, a day in court and mobilize global public opinion. They believe that the process of the Tribunal can bear witness, seek accountability, and challenge tyranny and its normalization. They also hope that this Tribunal will enable the Afghan women to claim their right to be seen, to speak, and to demand justice in the face of the world's most extreme system of gender-based oppression. The requesting organizations urged the Tribunal to deliberate on the allegations of crimes and violations in Afghanistan, the generational impact of the current situation, and its implications for women's rights beyond Afghanistan.

They further stated that the context that brought them to the Tribunal is the national system of persecution in Afghanistan. This was out of necessity, and not by choice. Despite ongoing multiple efforts at the international level for accountability, including the International Criminal Court investigations on Afghanistan, a potential case at the International Court of Justice, the existing mandate of the Special Rapporteur on Afghanistan, the work of the relevant UN treaty bodies, a campaign to codify gender apartheid, and a new independent investigative mechanism to collect and safeguard evidence for future prosecutions, the judgement of the Tribunal is potentially an additional and immediate accountability tool.

The prosecutors identified the Taliban not merely as the *de facto* governing authority, but as a perpetrator of a coordinated, state-level campaign of gender persecution, carried out with the intent to erase women from public life and to restructure Afghan society around male supremacy. The prosecutors further asserted that the Taliban's campaign is enforced through violence, coercion, and alleged religious justification based solely on the Taliban leadership's perception of Islam and Sharia, which was further supported by witness testimonies.

The Panel of Judges heard from prosecutors and witnesses that during the first Taliban rule, the insurgency period (2001-2021), and since their return to power in 2021, the imposition of harsh gender restrictions reflects a pattern of violence against women, demonstrating the underpinning of a patriarchal ideology. The prosecutors posited that evidence from survivors, witnesses, and international bodies reveals a coordinated campaign to exclude, silence, and control women, banning their education, barring them from work, erasing them from public life, enforcing a strict dress code, restricting access to health, and punishing dissent with cruelty. They further asserted that these acts were not isolated but were integral to the Taliban government's policies.

2. The Law

The prosecutorial team argues that the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, constitutes gender persecution as defined under Article 7(1)(h) of the Rome Statute. Article 7(1)(h) of the Rome Statute defines the crime against humanity of gender persecution as follows: "For the purpose of this Statute, 'crimes against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: [...] (h). Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court." The prosecutorial team also argues that the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, constitutes "other inhumane acts" under Article 7(1)(k) of the Rome Statute. Article 7(1)(k) of the Rome Statute references "other inhumane acts of a similar character intentionally causing great suffering" within the enumerated crimes against humanity.

Additionally, the prosecutorial team argues that the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, constitutes violations of numerous binding international human rights treaties to which Afghanistan is a State Party: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention Against Discrimination in Education (CADE); the Convention on the Political Rights of Women (CPRW); the Convention on the Rights of the Child (CRC); the Convention against Torture and other Cruel, Inhumane, Degrading Treatment or Punishment (CAT); and the Convention on the Rights of Persons with Disabilities (CRPD). As affirmed by the UN Human Rights Committee,

international treaty obligations remain binding upon successor authorities, regardless of political or regime changes. As a result, the Taliban, as the de facto governing entity in Afghanistan, is obligated to uphold these legal commitments.

3. The tools and tactics used by the Taliban against Afghan Women and Girls

During the hearings this Tribunal heard testimonies of the most extreme system of oppression against Afghan women and girls. The Taliban have institutionalized the discrimination and repression of Afghan women and girls by issuing more than 100 binding edicts and decrees. The testimonies shared exemplify the reality of women oppressed not only through these decrees and bans but also through the enforcements mechanisms that subjugate and control Afghan women and girls, individually and collectively. These tools and tactics include death threats (e.g., being stoned and beheaded), sexual violence and threats to family members. The Taliban dehumanize and stigmatize Afghan women and girls by using specific language that frequently includes labels such as “prostitute” and “bad woman”. These edicts have banned Afghan women and girls from secondary education and universities, thereby denying women the right to be educated and pursue careers. By requiring Afghan women always be accompanied by a close male member of the family (*Mahram*), the Taliban has not only restricted their freedom of movement but also their access to health facilities and doctors, obstetric and dental care, among others. Women’s testimonies also illustrate how discrimination affects them in different ways, depending on whether they live in urban or rural areas.

Since 2021, the Taliban have excluded women from almost all areas of work, banning and restricting Afghan women from working at government institutions, NGOs and International Organizations, among others. These measures have devastating economic and social consequences for Afghan people leaving men as the only breadwinners and denying women economic independence. Moreover, Afghan women’s political participation has been banned, excluding women from their civil and political rights.

Additionally, the Taliban are systematically targeting Afghan women activists by using surveillance systems and repressing those participating in protests. Afghan women are detained and abducted by the Taliban for protesting, not covering their body, going out without their *Mahram*, and posting critical posts on social media. According to the witnesses, these are often arbitrary detentions in which women are subjected to torture, ill treatment, sexual violence while in custody and forced confessions. Afghan women and girls are also object of extrajudicial killings, enforced disappearances, suicide attacks, and stoned to death, putting at risk their right to life with human dignity.

4. Witness testimonies

"This is not just my story, this is the story of all women and girls in Afghanistan." Such were the words of one witness as she spoke to the Tribunal, a sentiment that would be repeated numerous times throughout the two days of hearings. Indeed, as the Tribunal listened to each of the witness testimonies, numerous recurring themes emerged.

Witnesses described the Taliban's conduct toward the women and girls of Afghanistan since August 15, 2021, as repressive and worsening over time. When the Taliban targeted education, for example, they began by first denying women and girls a secondary, then university education, then further expanded the restrictions. *"Education is the heartbeat of human rights,"* said the prosecution, as they detailed what these bans have meant in practice: economic exclusion, social dehumanization, structural violence, and an impact on bodily autonomy. Witnesses questioned why the pursuit of

education was a crime and juxtaposed the Taliban's bans and restrictions on education with the Quranic commandment "to read."

As the Taliban set forth requirements that women be accompanied by a *Mahram* to access healthcare and as restrictions were placed on the ability of a female health workers to work, witnesses narrated how this affected their access to healthcare. Here, witnesses highlighted the connection between the ban on education and access to health; with women no longer allowed to study medicine, a shortage of doctors and first responders will follow. As counselling centers have closed across the country, women who seek mental health interventions are told to: "*Be patient and surrender to your destiny.*" Numerous witnesses expressed suicidal thoughts and described how self-harm had increased since the Taliban took de facto control. They also pointed out that women were suffering and dying from preventable diseases. In one example, a pregnant woman who was in labour was turned away from a hospital as she did not have a *Mahram* present with her.

Women with disabilities are isolated and confined to the home. The 2004 Constitution of Afghanistan had guaranteed constitutional protection for people with disabilities, offering them a pathway to access education and employment. The Taliban have since voided these provisions, leaving women and girls with disabilities facing compounded impacts. One witness described how she was targeted by the morality police for wearing a dress that did not drag on the floor so as not to interfere with her wheelchair; she also explained that traveling to see a doctor can be difficult, as taxis are often afraid to stop for women and girls with disabilities.

Though the Taliban decree stipulates that a *Mahram* is needed for journeys of more than 72 kilometres, the practice has been more restrictive. Witnesses describe how public transport and taxi drivers often turn women away who are without a *Mahram* even in cases of emergency. One witness described how she was one of seven sisters and only had her father to serve as a *Mahram* for all seven of them, severely restricting their movement and confining them to the home as a result.

Afghan women are repeatedly told, "*Your place is in the home.*" Witnesses explained that they faced restrictions on their right to work; in addition, working for the government, civil society organizations, or international agencies has been entirely banned by the Taliban. One witness said: "*Before 2021, I had a job and could go outside. Now I have no job, can't go out. My spirit is broken. Everything in my life has multiplied by zero. God never said to confine people to their homes. Why do you put women in solitary confinement?*"

When women and girls took to the streets to peacefully protest the conduct of the Taliban, they were subjected to violent repression. This has included hitting women protesters with the backs of AK-47s, using pepper spray, and beating up those who were present to film these protests. Witnesses also described the closing space for women to appear in broadcast media and to participate in the media space more generally. The Taliban has used the excuses including security and public morals to repress women's expression and assembly.

Often, when women were detained, they were held in unofficial detention centres, without a warrant resulting in de facto enforced disappearance and incommunicado detention. In custody, they have experienced brutal beatings, torture, and have been interrogated until they agreed to forced confessions. Numerous witnesses described that most forced confessions involved admitting that they were being misled by Western influence. In other cases, male relatives of detained women were mistreated as a form of punishment or to establish a form of leverage over the women. Witnesses released from Taliban custody following such forced confessions or pressure on their families described how they viewed this apparent freedom: "*As a result, I was released from the prison cell of the Taliban, but I was confined to another prison cell: that of my home.*"

Collectively, witnesses described the Taliban's policies and actions as closing all doors on them. "*We are alive, but we are not living; we can barely breathe.*"

5. The impact on individuals, women, and society at large

By suppressing Afghan women and girls' rights to move around, express freely, and even to meet to give each other mutual support and plan collective action strategies, to have access to education and health, the Taliban has reduced women's life options and freedom.

Witnesses described the psychosocial impacts of these extreme violent situations and spoke about their feelings of isolation, profound sadness and pain that spans across generations, desperation about the lack of future and the loss of opportunities they had in the past. These are clearly reflected in the increased suicide rates and self-harm attempts. Erasing the possibility of women protesting to defend their rights and limiting their social interactions is one of the most effective ways of eroding individual well-being and stripping the individual and collective feeling of autonomy and agency for women.

6. Conclusion

The Panel of judges assures the women of Afghanistan that they have been heard. Based on the testimonies of the witnesses and the submissions of the requesting organizations and the prosecutors, the Panel of judges will consider the following, amongst others.

- Asses the Taliban's conduct as crimes against humanity of gender persecution.
- Remind Afghanistan of its obligations under international human rights law.
- Support the codification of gender apartheid as a crime against humanity.
- Advance global jurisprudence on sex and gender persecution to address impunity and the lack of accountability.
- Call for global accountability, restitution, and the restoration of human rights for all Afghan women and girls.
- Reiterate that normalization and engagement with the Taliban by the international community has severe implications for the rights of equality and non-discrimination of women and girls, not only in Afghanistan, but globally.

COMPOSITION OF THE PANEL OF JUDGES

CALVET MARTÍNEZ ELISENDA (SPAIN)



Elisenda Calvet-Martínez is an Associate Professor of International Law and Associate Vice-Dean for Research and International Relations at the University of Barcelona. She co-directs the Legal Clinic for the Fight against Impunity and Human Rights. Calvet-Martínez has worked for the Spanish Red Cross, the Inter-American Court of Human Rights, and the United Nations Human Rights Office of the High Commissioner. She is a member of the International Association of Genocide Scholars (IAGS), where she has also served on the Executive Board. Her research interests include transitional justice, enforced disappearances, genocide, human rights, international humanitarian law, and international criminal law. Calvet-Martínez is also involved in the Ukraine Peace Settlement Project at the Lauterpacht Centre for International Law, University of Cambridge. In addition, she has trained Spanish judges and prosecutors on topics such as transitional justice and human rights, and has provided strategic legal advice to the Spanish Ministry of Foreign Affairs regarding the situation of women in Afghanistan.

EL-SADANY MAI (UNITED STATES/EGYPT)



Mai El-Sadany is a human rights lawyer with a focus on the Middle East and North Africa (MENA) region. She is currently the Executive Director of the Tahrir Institute for Middle East Policy (TIMEP), an organization dedicated to centering the insights and expertise of advocates from and in the MENA region in the policy discourse to foster transparent, accountable, and just societies. Throughout her career, she has worked to expand creative pathways to accountability, to leverage international and regional mechanisms to advance human rights, and to publish accessible analysis and scholarship on legal, judicial, and constitutional issues. She has previously worked at the International Center for Not-for-Profit Law, Robert F. Kennedy Human Rights, and the Carnegie Endowment for International Peace, among other organizations. She is on the Advisory Network for the Human Rights and Business Award and she is a Board Member of HuMENA for Human Rights and Civic Engagement. She holds a J.D. and certificate in refugees and humanitarian emergencies from the Georgetown University Law Center, and a B.A. in political science from Stanford University.

FORTI MARINA (ITALY)



Journalist and writer, is the director of the Scuola di giornalismo Lelio Basso, in Rome. Formerly Foreign editor at the daily newspaper Il Manifesto, she covered immigration, the environment, and international current affairs. She traveled extensively in Iran, the Indian subcontinent, and Southeast Asia. For her column "terraterra," stories about the environment and conflicts over natural resources, she won the 1999 "Premiolino" award. Her book "La signora di Narmada" (Feltrinelli 2004) was awarded the Elsa Morante Prize for Communication. Her latest book is "Malaterra. Come hanno avvelenato l'Italia" (Laterza, 2018). She was selected and ruled as judge in the PPT session on the murder of journalists in 2021.

GARCIA DEL SOTO ARACELI (ARANCHI) (SPAIN)



Currently engaged in Emotional Safety projects to promote "HolisticSecurity" within Human Rights organizations. A Spanish Psychologist with a Ph.D in Sociology, she started her work in 1993 by accompanying refugee groups in the Balkans. In the past, she worked in West Africa and Sri Lanka. She collaborates with different organizations: from community based (i.e., families of the missing or women in exile) to the ICC, International Criminal Court. Also, with the Truth Commission and the Special Jurisdiction in Colombia, where she has also been part of EQUITAS (forensic and psychosocial support to the families of missing persons) since its foundation in 2004. In the European Union she has been working for the last 2 years with OSCE-ODHIR, Office for Democratic Institutions and Human Rights, delivering migration workshops. She supports migrant women arriving on the Mediterranean coast and accompanies organizations of Human Rights Defenders in Central America, Colombia and Spain (Observatoire international des avocats en danger). She teaches in Masters and Ph.D programs in México, Colombia, the US and Spain on psychosocial, psycho-legal and trauma-informed approaches when working with victims of war and violence.

HARESS GHIZAAL (AFGHANISTAN)



Ghizal Haress is a constitutional lawyer, scholar, and human rights advocate from Afghanistan. She served as the first Ombudsperson and as a Commissioner on the Independent Commission for Overseeing the Implementation of the Constitution in Afghanistan, where she exposed corruption and misuse of state resources, and safeguarded constitutional principles and fundamental rights, despite immense political pressures and personal risks. For over 13 years, she taught at the American University of Afghanistan, where she continues to teach remotely to Afghan women banned from education by the Taliban. Now in exile, she is an Adjunct Professor at the University of Toronto and collaborates with the International Human Rights Program on documenting the suppression of women under the Taliban rule. She is the Director of the Afghan Women's Fellowship Program at Massey College, which enables Afghan women to remain engaged in academic life. Her work has long focused on women's empowerment and participation in public life, peacebuilding, and constitutional debates, bringing Afghan women's voices to national and international platforms, including the United Nations.

MANJOO RASHIDA (SOUTH AFRICA)



Professor emeritus at the University of Cape Town, South Africa, where she taught for many years in the Faculty of Law and convened the LLM program on human rights. From 2009 to 2015 she was the UN special rapporteur on violence against women, its causes and consequences. Professor Manjoo was a parliamentary commissioner on the Commission for Gender Equality, an institution established by the South African Constitution to oversee the promotion and protection of gender equality and women's rights. She was also involved in the social context training for judges and lawyers, designing both the content and methodology.

RAMÍREZ MATOS EMILIO (SPAIN)



Emilio Ramírez Matos is a lawyer with more than 25 years of practice, specializing in Foreign Law, Civil and Historical Heritage. Doctor of Law by the UCM (Outstanding cum laude), also has training in criminology, canon law and security management. Since 1999 he has run his own firm Ramírez & Crespo Asociados and advises, among other institutions, the Fundación Casa de Alba, the Museo del Palacio de Liria and the Museo de las Dueñas; he has collaborated with diplomatic bodies, including the Chinese Embassy in Spain. Vice-President of the Arbitration Court of ICAM, elected member of its Governing Board and Chairman of its Human Rights Observatory. In the academic field he has been a professor at URJC, IEB, European University and ISDE -where he directed the Master's degree in Foreign Law-, and is a speaker and author on subjects of nationality, family and technological transformation. He participates as an observer in international judicial proceedings and collaborates with media such as El País, El Mundo and Lawyerpress, as well as appearing on television as an expert on foreigners.



SHARMA KALPANA (INDIA)

Kalpana Sharma is an independent journalist, columnist and author based in Mumbai, India. In over five decades as a journalist, she has worked with *Himmat Weekly*, *Indian Express*, *Times of India*, *The Hindu* and *Economic & Political Weekly*. Currently, she writes a column on the media in *NewsLaundry.com*. As a journalist, she has focused on environmental, urban and developmental issues, gender, human rights and the media. She has written two books: "The Silence and the Storm: Narratives of violence against women in India" and "Rediscovering Dharavi: Stories from Asia's Largest Slum. In addition, she has edited "Single by Choice: Happily Unmarried Women" and "Missing Half the Story: Journalism as if gender matters".