

# Afghanistan's HRDs in Exile: Navigating Challenges and Opportunities



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## List of Acronyms

CSOs	Civil Society Organisations
EU	European Union
FORUM-ASIA	Asian Forum for Human Rights and Development
HRDs	Human Rights Defenders
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
INGOs	International Non-Governmental Organisations
IOM	International Organisation for Migration
ISKP	Islamic State of Khorasan Province
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, and Intersex
MVV	Ministry of Vice and Virtue
NGOs	Non-Governmental Organisations
USA	United States of America
UN	United Nations
UNAMA	United Nations Assistance Missions Afghanistan
UNHCR	United Nations High Commissioners for Refugees
WHRDs	Women Human Rights Defenders

# Executive Summary

Afghanistan human rights defenders (HRDs), both within the country and in exile, face significant and myriad challenges. Inside Afghanistan, HRDs are not only restricted from continuing their human rights work, but also live under constant threats to their safety due to the Taliban's intensified violence and atrocities. In particular, women human rights defenders (WHRDs) grapple with an additional level of the Taliban's unprecedented misogynistic policies, targeting them with systematic discrimination and persecution, amounting to gender apartheid. Many HRDs have been forced into hiding or have managed to flee the country for their survival. Those who sought refuge in transit countries, mainly Iran and Pakistan, face innumerable risks such as deportation, harassment, and economic constraints to their livelihood. Meanwhile, HRDs

settled primarily in western countries with comparatively greater security face their own set of difficulties, including concerns about their overall well-being and the lack of a long-term support system to sustain their human rights work while in exile.

Against this backdrop, this research explains the circumstances of Afghanistan's HRDs both inside and outside Afghanistan. It will explore the problems they face, their needs, and provide workable recommendations to various stakeholders who are rightly positioned to fulfill those needs.

## **Problem Analysis**

The Taliban's re-control of Afghanistan on 15 August, 2021 marked a significant regression, especially in the area of human rights, plunging the country into a period of darkness and uncertainty. Since then, credible accounts have emerged attesting to the Taliban's systematic assault on fundamental human rights and freedoms, reminiscent of the regime's oppressive rule in the late 1990s when massive human rights violations took place. These violations include a wide range of abuses, on top of which stand severe restrictions on civic space, combined with targeted attacks on civilians, the deprivation of women and girls of their fundamental rights, forced and collective evictions of members of certain ethnic groups and religious minorities, oppression of media workers and peaceful protesters, mainly women's rights advocates who risked to resist the Taliban's misogynistic conducts.

HRDs and particularly women who dared to question the status quo, as well as the Taliban's derogatory policies have and continue to face detention and threats to their lives. The Taliban's violent response to peaceful protests has, through excessive use of power, crushed peaceful demonstrations, forcing protesters to seek alternative venues by

holding indoor or home protests, sharing statements and concerns. However, the Taliban intelligence have, too, tracked down indoor protesters, leading to further harassment and detention of activists. It has caused a severely restricted civic space in Afghanistan, rated as "closed" by the CIVICUS Monitor.<sup>1</sup>

The Taliban's campaign to silence dissents and activists, characterised by heavy crackdowns, has created a continued climate of fear and intimidation, forcing many HRDs and activists into hiding or exile, with many of them taking refuge in neighbouring countries. In addition to these massive human rights violations, Taliban fighters have also raided media outlets, detained and tortured journalists for reflecting on the country's dire situation, with those who remain active, applying extensive self-censorship to protect their lives.<sup>2</sup> Given the ongoing atrocities, all legal and institutional mechanisms providing protection for HRDs and those vulnerable groups, have been effectively abolished by the Taliban.

HRDs who have taken refuge in transit countries like Iran and Pakistan experienced a new set of challenges, taking a heavy toll on their well-being. These problems include, among other things, deportation and security risks, economic constraints, psychological trauma, harassment by local establishments, with police authorities playing a prominent role. Those who settled in Western countries enjoy comparatively greater security, however, language and bureaucratic barriers, combined with the lack of long-term financial commitments from the donor community have adversely affected their human rights work in exile. Concerns about the safety of their family members back in Afghanistan also persist,

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<sup>1</sup> CIVICUS, 'Afghanistan: Taliban Continues its Persecution of Women's Rights Activists, Journalists and Artists', 7 February, 2024, <https://shorturl.at/5Z78c>  
<sup>2</sup> Ibid.

as their human rights work in exile may expose them to threats and retaliation by the Taliban.

The Taliban's repressive interpretation of Islamic Sharia law has led to severe gender discrimination against women and girls. In fact, women and girls in Taliban-controlled Afghanistan have now been completely stripped of their very fundamental rights, including the rights to education, employment, and free movement. Most recently, on 22 August, 2024, the Taliban imposed a new range of restrictions, as an attempt to control people's lives and behaviours.<sup>3</sup> Article 13th of the new morality law extends the already intolerable restrictions on women and girls, requiring them to fully cover not only their faces and bodies but also hide their voices in public.

The new measure also provides the Taliban's appointed morality police with what the UN Special Representative, Roza Otunbayeva described as "discretionary powers" to threaten and detain anyone for non-compliance.<sup>4</sup> Therefore, an increasing body of evidence suggests that the nature and scope of persecution against women and girls by the Taliban is a clear indication of the crime against humanity of gender persecution under Article 7 of the Rome Statute of the International Criminal Court (ICC).<sup>5</sup>

Likewise, Afghanistan's LGBTI community now lives in growing fear of violence and persecution. Although Afghanistan society has traditionally had little tolerance for homosexuality, the Taliban's comeback has subjected the country's LGBTI individuals largely to detention, torture, and gang

rape.<sup>6</sup> Since mid-August 2021, a small number of Afghanistan LGBTI individuals have been relocated to countries such as Canada, Ireland, and the United Kingdom. However, a large number of them are still stranded in Afghanistan, being at risk of heightened violence and discrimination and being rendered voiceless without any legal protection.

Moreover, credible reports show Taliban's systematic discrimination and repression of certain ethnic groups, including Hazaras, Tajiks, and Uzbeks. Based on the evidence, hundreds of families belonging to these ethnic communities have faced forced eviction, with their lands and other properties being taken and given to the Taliban affiliates and members.<sup>7</sup> Evidence also attests to the Taliban's massive targeted killings, enforced disappearances, and other ethnically motivated persecution.<sup>8</sup> Meanwhile, the Hazaras are reportedly being disproportionately subjected to extreme violence and dehumanisation by the Taliban and affiliates of the Islamic State of Khorasan Province (ISKP) alike because of their distinct ethnic and religious identity.

The Hazaras are historically the most persecuted ethnic group in Afghanistan, with their long-standing suffering continuing into the present, aggravated alarmingly by the Taliban's rise to power. Numerous findings by international rights groups indicate that hundreds of Hazaras have been killed in suicide attacks in their education centers, marketplaces, religious sites, and public transports since the

3 BBC Persian, Ali Hussaini, 'Talibans' New Law Provides Morality Police Broad Power of Enforcement', 23 August, 2024, <https://rb.gy/tvqk6y>

4 UNAMA, 'Statement from Special Representative of the Secretary-General and Head of UNAMA', 25 August, 2024, <https://rb.gy/xn6qrx>

5 Amnesty International, 'The Taliban's War on Women', 26 May, 2023, <https://rb.gy/a216lv>

6 Foreign Policy, Lynne O'Donnell, 'Millions of Afghans Want to Flee, LGBTQ Afghans Have to', 22 May, 2022, <https://shorturl.at/oLVGJ>

7 Human Rights Watch, 'Afghanistan: Taliban Forcibly Evict Minority Shia', 22 October, 2021, <https://rb.gy/x9r6zg> / Atlantic Council, Natiq Malikzada, 'Afghanistan's Future after the Taliban Takeover: Civil War or Disintegration?', 1 March, 2022, <https://rb.gy/ejvbie>

8 Afghanistan Analysts Network, 'Rawadari Report: Targeted and Extrajudicial Killings Surge under Taliban Rule', Updated on 19 April, 2024, <https://shorturl.at/zDqLQ>

Taliban takeover.<sup>9</sup> The attack on a Shia-Hazara mosque in western Herat province on 29 April, 2024 was one of its kind that killed six people, including a child. While taking responsibility for the terrorist attack, ISKP had previously announced to have conducted a “kill them wherever you find them” campaign against infidels (Hazaras).<sup>10</sup>

The condition for the country's already dwindling non-Muslim minorities, such as Hindus and Sikhs, has also deteriorated since 2021. These tiny communities have faced constant attacks and harassment from both the Taliban and ISKP. The harassment of Sikhs at their central temple (place of worship) in Kabul by the Taliban in late 2021 highlights the vulnerability of this small minority.<sup>11</sup> In the 1980s, Afghanistan was home to over 100,000 Hindus and Sikhs. However, due to years of conflict, their numbers have drastically dwindled, and with the Taliban now in power, only a few families, primarily men, remain in the country to safeguard their temples. Tragically, Afghanistan's last-known Jew also fled the country soon after the Taliban regained power.<sup>12</sup>

Against this backdrop, this study underscores the importance of a holistic approach to effectively support Afghanistan's HRDs, both inside and outside the country. This approach should not only help them to adapt to their evolving circumstances, but also ensure they have the capacity to continue their

human rights work, despite the myriad challenges they face. This research put great emphasis on data collection with an aim to provide a thorough situational analysis of Afghanistan's HRDs, along with their existing and emerging needs to navigate an effective sustainable support mechanism. A key aspect of the data collection was gathering insights directly from Afghanistan's HRDs based in transits and countries in Europe, as well as those in Canada, and United States of America (USA) through interviews and focus group sessions.

In addition to HRDs, a considerable number of donor representatives and international human rights organisations (INGOs) were also part of the interviews and focus group sessions, to provide fresh inputs on the existing challenges of Afghanistan's HRDs and the possibilities for future support. Parallel to that, an extensive body of literature, combining relevant research work, policy and reports have also been reviewed to ensure a thorough understanding of the situation. It is worth mentioning that interviews were conducted between April and July 2024, while a one-day focus group session took place on 21 June of the same year.

## Research Objectives

The overall objective of this research is to establish a baseline knowledge related to the unfolding human rights situation in Afghanistan, with a view to mobilise and enhance possible support for the HRDs, particularly those in exile, seeking ways for long-term venues to continue their human rights work. More specifically, this study intends to establish the key needs of and challenges faced by Afghanistan's HRDs inside the country and in exile, and provide practical recommendations to enhance the relevance and effectiveness of support offered to them by various international stakeholders.

9 The Diplomat, Gul Hassan Mohammadi., 'The Plight of Hazaras under the Taliban Government', 24 January, 2024, <https://shorturl.at/orz1g>

10 Human Rights Watch, Fereshta Abbasi., 'Attacks Target Afghanistan's Hazaras: Inadequate Protection Provided for Community Long at Risk', 30 April, 2024, <https://shorturl.at/jp5xO>

11 European Union Agency for Asylum, "Afghanistan: Hindus and Sikhs," May 2024, <https://shorturl.at/6Mw8M>

12 Freshta Negah and Abubakar Siddique, "Forced To Dress Like a Muslim: Taliban Imposes Restrictions on Afghanistan's Sikh, Hindu Minorities," 22 August 2023, <https://shorturl.at/PjY15>

Studying fundamental civic space rights and freedoms following the Taliban's return to power in mid-August 2021, as well as open-ended interviews with Afghanistan's HRDs, along with support networks, such as donors and INGOs are key aspects of this research.

## **Research Design**

This research involved a range of data collection methods as follows:

**Desk Research:** includes extensive review of critical literature, such as research reports from civil society and think-tanks, and the Taliban's policies and directives since its rise to power.

**Open-ended Interviews:** have been conducted with 32 HRDs from Afghanistan residing in transit countries, i.e. Iran and Pakistan, as well as those who have been relocated to various Western countries, such as EU, Canada and USA.

Participants were screened and selected in close consultation with the Asian Forum for Human Rights and Development (FORUM-ASIA), focusing on HRDs with strong background in human rights. Priority was given to those who have been continuing their activism in exile since being relocated. It also included HRDs with experience in establishing human rights organisations in exile. This approach reflected diverse perspectives from HRDs, ensuring gender and geographical balance. Interviews were also held with eight key donor communities and major INGOs. It included those donor entities and INGOs, which have been actively involved in providing relocation and emergency assistance to at-risk HRDs following the regime change in mid-August 2021.

**Interview Questions:** A separate set of questions was designed for each category of interviewees to roll up an exhaustive

understanding of their unique journeys and perspectives. One set of questions targeted donor communities and INGOs, while another focused on exiled HRDs in countries across Europe, Canada and USA. In addition to a distinct list of questions for HRDs with experience in establishing organisations in exile, an exclusive category of questions was designed for HRDs in transit countries such as Iran and Pakistan.

**Focus Group Session:** In the third phase of the research, a one-day interactive group session was conducted in Geneva, bringing together twenty participants, including 12 Afghanistan's HRDs in exile and eight representatives of, both donor communities and INGOs. The group session aimed at reflecting on the existing and emerging needs of HRDs in exile, in transit, and those inside Afghanistan. The session provided the attendees an avenue, not only to exchange their views and experiences, but also articulate their needs and recommendations to respond to those needs more effectively. During the group session, representatives of donor communities and INGOs presented their own organisational position in support of Afghanistan's HRDs in exile. Their inputs during the session contributed greatly to navigate possible long-term assistance, as well as the existing challenges around these efforts.

## **Research Significance**

Given the evolving social, economic, political, and security circumstances in Afghanistan, this research is contextually relevant and timely. It highlights the existing, emerging, and long-term needs of Afghanistan HRDs in exile, in transit, and those inside the country alike. Understanding the HRDs situation is important for developing and undertaking targeted interventions and introducing long-term support mechanisms that help them continue their human rights work



inside and outside Afghanistan.

Additionally, this study would inform donors, INGOs, and international policy makers through recommendations, ensuring that Afghanistan's HRDs are assisted in their human rights efforts, not only financially, but also politically and institutionally. While shedding light on HRDs' specific needs and vulnerabilities in exile, this research, finally, serves as a tool of advocacy for support and accountability.

# **Literature Review: Civil Rights and HRDs under the Taliban since 2021**

## 1. The Collapse of Afghanistan's Civic Space

For over two decades since 2001, Afghanistan's civil society organisations (CSOs) have played important roles in advocating for human rights, supporting the rule of law, and public sector transparency. Since the Taliban's return to power in mid-2021, however, space for civil rights have drastically diminished, characterised by severe restrictions on freedom of expression, assembly, and association. Most media outlets have been shut down, journalists face constant threats, violence, and detentions, and peaceful public protests are being crushed with excessive use of force.<sup>13</sup> WHRDs have been, particularly, targeted for raising their voices against the Taliban's strict forced dress codes (hijab) and bans on their education, employment, and daily movement outside their homes.<sup>14</sup> The space for CSOs to operate has effectively contracted, with the law regulating civic activism being nullified by the Taliban. HRDs who attempt to exercise their basic right face intense surveillance and live in constant fear of retribution by the Taliban. This oppressive environment has effectively stifled dissent and civic engagement, leaving Afghanistan people with limited avenues to voice their concerns and advocate for their fundamental rights.

## 2. Rights to Association and Human Rights Organisations/NGOs under the Taliban

The rights to association have been significantly curtailed, with the Taliban imposing severe restrictions on non-governmental organisations (NGOs), and more broadly, on the CSOs. The Taliban

has revised the then Republic's NGOs Law and finalised an NGO Code of Conduct known as Layeha, in order to regulate the activities and legal obligations of NGOs, with significant implications for them.<sup>15</sup> Based on the Code of Conduct, each NGO is required to register with the Ministry of Economy and sign memoranda of understanding with them before proceeding with any project. Credible accounts indicate this move as a "pretext to coerce NGOs to comply with other demands, including the Taliban's use of aid as patronage. It also includes the regime's demands of a pie from aid to permit project implementation, interfering in the distribution of aid, pressuring NGOs to issue contracts to Taliban-affiliated companies, forcing NGOs to hire Taliban's relatives and their favored individuals and so forth."<sup>16</sup>

In addition to these malicious acts, the Code of Conduct practically blocks the registration of NGOs deemed critical or undesirable by the Taliban.<sup>17</sup> Various reports also demonstrate that NGOs face constant surveillance from the Taliban's General Directorate of Intelligence (GDI), which frequently accuses NGOs' representatives of espionage or other subversive activities.<sup>18</sup> It goes without saying, such a climate of fear and control limits the ability of CSOs to function freely and independently and advocate for human rights.

CSOs advocating for human rights and HRDs have borne the brunt of the Taliban's oppressive measures in three years since mid-2021. Credible findings attest to the

<sup>13</sup> CIVICUS, 'Afghanistan: Detention, Criminalisation, and Torture of Activists Continue as the UN Human Rights Council Reviews its Record', 23 May, 2024, <https://rb.gy/v5pz9u>

<sup>14</sup> Aljazeera, 'Afghan Women Stage Rare Protests, Braving Taliban Reprisals', 8 March, 2024, <https://rb.gy/7ck0bj>

<sup>15</sup> Special Inspector General for Afghanistan Reconstruction (SIGAR), 'Hearing Before the Committee on Foreign Affairs U.S. House of Representatives: Testimony of John F. Sopko Special Inspector General for Afghanistan Reconstruction', 14 November, 2023, pp. 12, 13, <https://rb.gy/j0idt6>

<sup>16</sup> Ibid.

<sup>17</sup> Freedom House, 'Afghanistan: Political and Civil Liberties', 2023, <https://rb.gy/j1gx3a>

<sup>18</sup> SIGAR, "Hearing Before the Committee on Foreign Affairs U.S. House of Representatives," p.14.

Taliban's draconian conduct against rights groups, including arrests, torture, or killings of HRDs, forcing them to go into hiding, live under surveillance, and or flee the country.<sup>19</sup> Women-led NGOs and CSOs have been particularly targeted by the Taliban. In December 2022, for instance, the Ministry of Economy ordered NGOs and INGOs, including the UN agencies, not to allow female employees to work, threatening to revoke their registration for non-compliance.<sup>20</sup> Several INGOs operating in the country paused their operations as a result. Later, some INGOs partially resumed their operations, however, this system of exclusion has negatively affected women staff in the context of a severe economic and humanitarian crises.

Likewise, political parties have no legal ground to operate now under the Taliban, with the previously enacted Parties Law being abolished altogether. In fact, Afghanistan is now an effective one-party structure ruled by a group of (radical) men, the vast majority of whom are from the Pashtun ethnic group.<sup>21</sup> Other ethnic communities and even moderate individuals belonging to the Pashtun community cannot exercise their political choice under the Taliban. After seizing power, the Taliban have effectively re-established their enigmatic outdated political system known as the Islamic Emirate of Afghanistan that is ruled by a life-long supreme leader, holding absolute authority.

This political system is mainly characterised by autocratic and patriarchal-totalitarian tendencies, personalised governance, combined with a systematic disregard

for the rule of law and human rights. All major decisions, policymaking, allocation of resources, and selection of officials are opaquely undertaken by the supreme leader. Due to its primarily Pashtun ethnic-based structure, the Islamic Emirate has effectively disenfranchised and sidelined other ethnic groups from key decisions and political participation.

Meanwhile, individuals who have called for equal rights, including the right to political participation have been forcibly silenced. A notable example is the peaceful protests, often led by women demanding political rights and equalities, which have been effectively quelled by the Taliban. In this context, the absence of legal frameworks and protection mechanisms have severely diminished the ability of ethnic groups, religious minorities, women and individuals outside the Taliban's system of governance to have a voice in political processes and decisions. The existing circumstance reinforces the country's already long-standing cycle of marginalisation, impunity, and injustice.

### **3. Freedom of Expression and Beliefs**

The rights to freedom of expression and belief are among fundamental human rights, guaranteed under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). For example, Article 19 of the ICCPR reiterates, "Everyone shall have the right to freedom of expression; this rights shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."<sup>22</sup> Article 18 of ICCPR insures the right to freedom of thought, conscience, and religion, which includes both the

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19 Freedom House, Anne C. Richard., 'A Year after Taliban's Return, Afghanistan's Civil Society Vanguard Still Needs the World's Help', 11 August, 2022, <https://shorturl.at/BCenz>

20 Global Protection Cluster, 'Afghanistan Protection Analysis Update', 7 March, 2023, <https://shorturl.at/rEM3y>

21 Freedom House, 'Afghanistan: Political and Civil Liberties', 2023, <https://rb.gy/j1gx3a>

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22 UN: Human Rights Office of the High Commissioner, 'International Covenant on Civil and Political Rights', 19 December, 1966, <https://shorturl.at/eW8RI>

right to hold and to freely adopt a religion or belief.<sup>23</sup> These fundamental rights are, therefore, an inevitable precondition for the realisation of other fundamental rights. Thus, every government has the obligation to preserve and responsibility to protect this right within its national territory.

### 3.1. Freedom of Expression

Afghanistan is also a state party to the ICCPR; however, the right to freedom of expression is now severely restricted in the country. The de facto Taliban regime, now as duty bearer, disregards its obligations to comply with Afghanistan's international human rights commitments. Since taking power, the Taliban has largely abolished certain national legal and institutional mechanisms protecting the rights to freedom of expression, including the country's constitution enacted in 2004 - which guaranteed largely the rights defined under ICCPR - the Mass Media Law, and the Rights to Information Law.

Media outlets have been increasingly subjected to intrusive treatment and guidelines by the Taliban, often reinforced through violence, arrest, and torture. While practically suspending the country's previously exited law on media, on 19 September, 2021, the Taliban unilaterally introduced the so-called "11 Journalism Rules", which have been called by the Reporters Without Borders (RSF) "vaguely worded, dangerous, and liable to be used to persecute" Afghan media workers.<sup>24</sup> These 11 Rules, among other restrictions, prevent all Afghan journalists and media workers from broadcasting news and stories that are "contrary to Islam", "insult to national figures", as well

as should be confirmed with the Taliban-run Government Media and Information Center (GMIC) prior to publication.<sup>25</sup> Yet, the directive fails to indicate how and who should determine that a comment or a report contradicts Taliban's version of Islam and or disregards national figures, opening the door to censorship, repression, and inevitably persecution for non-compliance.

The media sector suffered not only from the Taliban's direct attack and crackdown, but also from the loss of state patronage and foreign funding. A large number of journalists have fled the country, and sought refuge in neighbouring countries or asylum in Western world. Those remaining inside Afghanistan are now suffering from growing violence at the hand of the Taliban. According to a report released by RSF, since August 2021, around two-thirds of Afghanistan's 12,000 journalists have been forced out of their jobs, including 80 per cent of its women journalists.

More than half of the 547 media outlets that were registered before the regime change have now closed their operations.<sup>26</sup> In 2022, the regime also banned international broadcasters, including the U.S. Congress-funded Radio Free Europe/Radio Liberty also known as Radio Azadi, and the Voice of America.<sup>27</sup>

The subsequent events suggest that these repressive measures have not quenched the Taliban's persistent thirst to further restrict the media sector and freedom of expression. In May, 2024, the Taliban's Media Complaints and Rights Violations Commission banned journalists, analysts, and experts from participating in discussions or cooperation with

23 UN: Human Rights Office of the High Commissioner, 'International Standards: Special Rapporteur on Freedom of Beliefs and Religion', 23 March, 1976, <https://shorturl.at/q0lto>

24 Reporters Without Borders, 'Afghanistan: "11 Journalism Rules" Imposed by Taliban Open Way to Censorship and Arbitrary Decisions, RSF Warns', 22 September, 2021, <https://shorturl.at/3leva>

25 Ibid.

26 Committee to Protect Journalists, 'Taliban Orders Shutdown of Broadcaster Tamadon TV', 7 June, 2024, <https://shorturl.at/ASISV>

27 Reporters Without Borders, 'The Taliban Step up War on Media by Silencing FM Broadcasts of Radio Azadi and VOA's', 2 December, 2022, <https://shorturl.at/IWnOk>

London-based Afghanistan International broadcast.<sup>28</sup> Most private TV and radio stations, largely funded by and affiliated with different political parties have also been banned by the Taliban.

The termination of Tamadon TV, Barya and Noor private TV stations was part of a broader ban imposed by the Taliban, citing “their political affiliations and breach of Islamic and journalistic principles” as the reason.<sup>29</sup> Before the Taliban seized power, numerous private media outlets, both print and broadcasting networks were established and funded by various Afghanistan’s political parties. Furthermore, many media workers were subjected to threats and harassment, primarily by the Taliban’s Intelligence Directorate. Self-censorship is used as a surviving means as a result. All these imposed restrictions are an indication of a systematic trend and pattern being carried out.

### 3.2. Freedom of Religion and Beliefs

The space for religious freedom, which was already contracted by discrimination and violence under the fallen Republic, has now been effectively curtailed by the Taliban, who rules based on their radical interpretation of Hanafi Sunni Islamic jurisprudence. The country’s religious minority groups, such as Shia Muslims, Hindu and Sikhs, as well as a handful of oppressed Jewish and Christian families are suffering the most from multiple restrictions. On 22 August, 2024, the Taliban introduced a new set of restrictions, known as Morality Law, comprising 35-Articles, which among other things, greatly restricts religious freedoms. For example, Article 6 of this newly imposed Morality Law reiterates the Islamic

Hanafi Jurisprudence as the only source, whereby the regime’s Ministry of Vice and Virtue (MVV) “is obliged to rejoin good and forbid wrong.”<sup>30</sup>

It indicates that followers of other faiths, including Shia Muslims, do not have rights to act based on their own religious beliefs. Previously, the Taliban banned the annual commemoration of the month of mourning, Muharram, a religious ritual, primarily practiced by the Shia branch of Islam. Those who have resisted the ban, have been arrested and beaten, and killed by the Taliban’s Intelligence Agency.<sup>31</sup> All the victims belonged to the ethnic Hazaras. Like the Hazaras, other religious minorities, such as Hindu and Sikhs, as well as Christians, who are few in number, have, too, experienced arrest and violence.<sup>32</sup>

While reinforcing previous restrictions imposed by the Taliban, the newly imposed 35-Article Morality Law also imposes a new set of restrictive provisions on women and girls, such as prohibiting women speaking outside the home and in public. The new provisions provide the so-called moral police wide and unquestionable authority to punish people for any acts of non-compliance, including confiscating their properties.<sup>33</sup> On 20 September, 2024, they also issued an eight-point statement, warning religious figures to avoid engaging in religiously controversial topics and discourses in public. The statement, however, failed to spell out what these

28 Committee to Protect Journalists, “Taliban Orders Shutdown of Broadcaster Tamadon TV.” 7 June 2024, <https://shorturl.at/ASISV>

29 Kabul Now, Besmellah Zahidi, “Taliban Shut Down a Shia TV Channel, Media Watchdog Says it is Politically Motivated”, 7 June, 2024, <https://shorturl.at/Y2xLc>

30 Voice of America, Ayaz Gul., ‘Taliban Enact Law that Silences Afghan Women in Public, and Curbs Their Freedom’, 22 August, 2024, <https://shorturl.at/DNj29>

31 Etlaat-e-Roz Newspaper, ‘Taliban’s Restrictions on Ashura, Protesters Got Killed’, 13 July, 2024, <https://shorturl.at/QXcTm>

32 US Commission on International Religious Freedoms, ‘Annual Report Afghanistan: Recommendations to Countries of Particular Concern’, 2024, <https://shorturl.at/07Rwc>

33 The Economic Times, ‘Taliban Imposes New Restrictions on Women, Bans Public Speaking’, 24 August, 2024, <https://shorturl.at/U23zV>

controversial areas are.<sup>34</sup> Some moderate religious figures had recently criticised the Taliban's aforementioned Morality Law, which bans women and girls' from speaking outside the home.

Previously, in 2023, the Taliban's MVV assigned a team of missionaries in all the country's 24 provinces to preach and enforce the regime's code and quote moral verdicts.<sup>35</sup> Elements of the moral code included, among other things, male attendance at congregational prayers, both day and evening, closure of businesses at prayer time, holding quranic recitation instead of music and dance at weddings, refraining from listening to music, approved beard length and hair styles for men, dress codes for both men and women, preventing women movement outside of home without a male chaperone or Mahram.<sup>36</sup> In a nutshell, the Taliban is expanding its ferocious grip to extinguish further the rights to freedom of expression and beliefs.

#### **4. Taliban's War against HRDs and the Lack of Protection Mechanisms**

Although the situation for HRDs had been deteriorating before August 2021, the Taliban's rise to power dealt a dramatic blow to human rights efforts. It foreshadowed a return to the regime's dark era of the mid-90s, when many segments of the society were stripped of their fundamental rights. Since mid-2021, the Taliban fighters have continually engaged in an unrelenting reprisal campaign against HRDs, civil society, and critical voices, mainly those from ethnic and religious minorities.<sup>37</sup> Media workers were

regularly targeted for their investigative or independent reporting, and for covering the Taliban's abuses. The situation for WHRDs became particularly dire due to the Taliban's misogynistic mentality in the broader sense. Many women protesters who have put their lives on the line to hold out against the regime's gender-based discriminatory conducts and policies have faced disproportionate harsh responses.

Women and girls faced systematic repression, among which intimidation, arrest, and physical violence, as well as reprisal against their family members, when staging peaceful protests to demand the upholding of their fundamental rights, including the right to education and employment.

Many WHRDs and journalists have been arbitrarily arrested and imprisoned. Some key cases include Nida Parwani and Zhulia Parsi, the two WHRDs were arrested on 19 and 27 September, 2023, together with members of their family. Prominent HRDs Matiullah Wesa, Parisa Azada Mubariz, and education rights activist Nargis Sadat have been among many activists who spent weeks or months in the Taliban's prison, while several other activists and journalists remain still imprisoned.<sup>38</sup> Those have been arrested "suffered torture and other ill-treatment, including sexual abuse," according to UN reports.<sup>39</sup>

This climate of fear and repression against HRDs have forced them to flee the country or go into hiding to avoid reprisal. Those who remain inside Afghanistan face immense gaps in physical and legal protection, as well as psycho-social risks and a lack of financial resources. This isolation hinders their fight for human rights and creates a significant void in the

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34 Amu TV, Sharif Amiri, 'Taliban's Ban on Religious Debates Triggers Outcry Among Clerics', 21 September, 2024, <https://shorturl.at/hxesD>

35 Amu TV, 'Review of Taliban's Morality Police (Persian)', 23 August, 2024, <https://shorturl.at/hYnx4>

36 Freedom House, 'Afghanistan: Political and Civil Liberties', 2023, <https://rb.gy/j1gx3a>

37 Human Rights Watch, Tirana Hassan, 'Afghanistan: Events of 2023', 2023. <https://shorturl.at/4HRTe>

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at/4HRTe

38 Ibid.

39 Amnesty International, 'Afghanistan 2023', 2023, <https://shorturl.at/qEAgR>

country's civil society landscape. Certain former legal and institutional protection mechanisms have been dissolved by the Taliban. On 16 May, 2022, the Taliban disbanded Afghanistan's Independent Human Rights Commission.<sup>40</sup>

Other protection bodies, including the Republic's national constitution, the Joint Commission for HRDs' Protection, the Access to Information Commission, and the Commission of Anti-Torture were also dissolved, causing a full-blown rule-of-law crisis. Moreover, most human rights-oriented CSOs, especially those led by women have been forced to completely halt their human rights operations, while a small number of them have either underground operations or shifted their human rights approach to humanitarian aid, in order to remain active.

The HRDs who escaped persecution at the hands of the Taliban and sought refuge in transit countries, namely Pakistan and Iran, face new difficulties. Some of these problems are similar to those inside Afghanistan, while others are context specific. In 2023, for example, the Pakistani authorities announced plans to deport Afghan refugees from this country. The decision created concerns among human rights groups that it would also target individuals at risk who have fled the Taliban's persecution and that their deportation will endanger their lives. Later, human rights watchdogs reported of "arbitrary detention, arrest, and threat of deportation" against Afghan refugees, including Afghan human rights activists and journalists in Pakistan.<sup>41</sup>

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40 Reuters, Mohammad Yunus Yawar., 'Taliban Dissolved Afghanistan's Human Rights Commission, Other Key Bodies' 16 May, 2022, <https://shorturl.at/bDlyG>

41 Amnesty International, 'Pakistan: Government Must Stop Ignoring Global Calls to Halt Unlawful Deportation of Afghan Refugee', 4 April, 2024, <https://shorturl.at/4uddg>



# **Interview and Focus Group Sessions Data Analysis**

## 1. HRDs in Transit Countries (Iran and Pakistan)

HRDs and activists in transit recounted distressing experiences from their time in Iran and Pakistan. They highlighted economic constraints as a primary concern for themselves and their families, particularly due to the lack of work permits and high unemployment rates for Afghanistan nationals in these countries. WHRDs face greater financial risks when compared to their male counterparts, largely due to existing gender-based discrimination in these countries. Afghanistan's WHRDs often endure exploitation, such as receiving significantly lower wages than men for similar work. One WHRD shared her experience of daily gender-based discrimination in Iran, noting "Iranian employers unlawfully withhold wages from Afghanistan workers, especially when they are undocumented, who lack largely legal and institutional protection and they cannot raise their concerns or lodge legal complaints."<sup>42</sup> Consequently, many HRDs struggle to pay rent, bills and living expenses, and are unable to send their children to school.

Difficulties surrounding getting visas, mainly to Pakistan, has and continues to be a painstaking journey for many HRDs, putting them in a tight financial position. For example, during the focus group session, one HRD described that "skyrocketing cost of the visas - rising from 60 USD prior to the Taliban takeover to 600 USD - have now turned their plight into a business model for relevant Pakistani authorities."<sup>43</sup> This often results in many HRDs entering this country through irregular ways and

without visas. Those who manage to get visas and take refuge in countries such as Pakistan and Iran, have their visas getting expired shortly after a few months of stay. Difficulties in getting extensions pose fresh significant risks of deportation.

This issue has been unanimously described by all HRDs as a "nightmare" that threatens their daily life. They often resort to using informal channels, such as the black market in Pakistan, to extend their visas, which demands substantial amounts of money. Given their already diminishing financial capacity, many HRDs with several family members cannot afford these costs, putting them at greater risk of exploitation and deportation. Lack of valid visas also undercuts their access to mobile SIM cards and internet services, which automatically leads to their further isolation. Those who seek asylum while in transit countries meet growing uncertainties that further exacerbate their situation.

During the interviews, HRDs have also shared troubling stories of health issues. For instance, one WHRD, who has been residing in Pakistan for over two years stated, "The uncertainty surrounding our lives in Pakistan has led to numerous mental health problems for many families, particularly WHRDs."<sup>44</sup> Living conditions, such as shared accommodations with unsanitary toilet facilities and lack of proper insulation, heating, or air-conditioning, further deteriorate their well-being. Interviewees also reported of increasing rate of suicides among HRDs in the transit countries.<sup>45</sup> In addition to health concerns, many HRDs are worried about their security.

High-profile HRDs with extensive human rights experience or sensitive records often

42 Anonymous, "Women Human Rights Defenders in Iran," In an Interview with the Author, May 15, 2024.

43 Anonymous, "Afghan Human Rights Defenders in Germany," In a Focus Group Session, June 21, 2024.

44 Anonymous, "An Afghan Journalist and Human Rights Activist in Pakistan," In an Interview with the Author, May 17, 2024.

45 Anonymous, "Afghanistan HRDs in Pakistan," In an Interview with the Author, April 2024.

live in hiding or maintain a low profile due to the unfriendly environment for them in transit, and the Taliban's significant influence in Pakistan. One HRD during the interview described the risk in Islamabad as such: "Every second, we are concerned when (local) police come behind our doors."<sup>46</sup> Many HRDs remain at risk of the Taliban's reprisal in Pakistan due to the regime's influence in this country. An activist cited alarming incidents, including the assassination of an Afghan journalist in Islamabad and the kidnapping and murder of six former members of the Afghan security force. These events have raised significant concerns among HRDs in both Pakistan and Iran.

And yet, there is little to no legal and organisational support for HRDs in transit countries. Most interviewees in Iran and Pakistan reported receiving very limited assistance from local and international human rights organisations. They also mentioned facing corruption and extortion from local institutions, which target Afghanistan nationals in general and its HRDs in particular. For example, one HRD, who wished to remain anonymous, shared his experience as such: "I was referred to a local CSO in Islamabad, partnered with the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), to support Afghan refugees in Pakistan. This local CSO provided me with a monthly 100 USD for three months. They paid me for the first month but asked me to sign for the entire three-month payment and told me to wait for their message for the next monthly payment. I was happy because this could help me financially. However, one and a half months passed from that moment. I have not heard back from them about the next payment. I contacted them several times, but they did not reply to me and ultimately blocked my number and

my email address alike, even though they had my signature for the three-month payment."<sup>47</sup>

Meanwhile, the space for civic rights remains highly precarious in these countries, where Afghanistan's HRDs struggle to raise their voices through public protests or to continue their human rights work. An Afghanistan's WHRDs based in Iran, who preferred to remain anonymous, said, "Regardless of being online or offline, both spaces are closed for our human rights work, preventing us from taking to the streets or advocating on social media."<sup>48</sup> She further added, "Threats against our family members back in Afghanistan, forces us to give up to our efforts, especially amid a growing lack of political and financial support from the international community."<sup>49</sup> While expressing her frustration, she stated that the ongoing state of limbo gives them the feeling of "being forgotten and often betrayed."<sup>50</sup>

The graph below shows the types and severity of challenges faced by Afghanistan's HRDs based in Iran and Pakistan. Interview findings in this regard demonstrate distinct problems, highlighting both similarities and differences. For example, in Pakistan, economic constraints and mental health concerns remain as the most severe problems. On the other hand, Afghanistan's HRDs based in Iran face comparatively more difficulties with visa extensions, presenting a lack of stable legal status, forcing many Afghanistan nationals, including Afghanistan's HRDs, to either risk illegal stay or face deportation. Also, the civic space remains highly precarious, with limited local support for Afghanistan's

<sup>46</sup> Anonymous, "An Afghan Journalist in Pakistan," In an Interview with the Author, April 28, 2024.

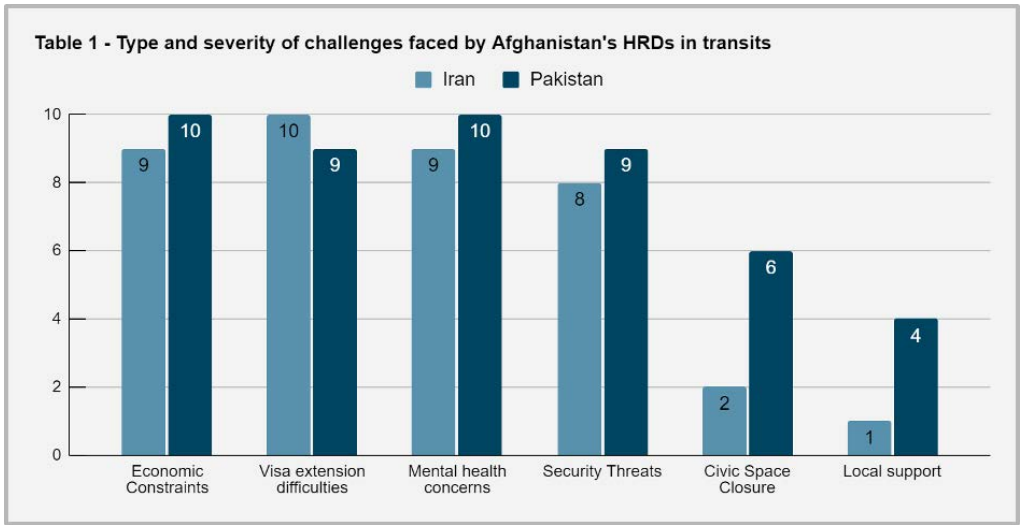
<sup>47</sup> Anonymous, "Afghan Human Rights Defender in Pakistan," In an Interview with the Author, May 10, 2024.

<sup>48</sup> Anonymous, "Afghan Women Activist in Iran," In an Interview with the Author, May 15, 2024.

<sup>49</sup> Anonymous, "Afghan Women Activist in Iran," In an Interview with the Author, May 15, 2024.

<sup>50</sup> Ibid.

**Table 1 - Type and severity of challenges faced by Afghanistan's HRDs in transits**



Source: Author generated using data from interviews with Afghan HRDs in transit (Iran and Pakistan)

HRDs based in Iran in comparison with those in Pakistan. It is partly due to the government's tight control over human rights work, which keeps the civic environment in Iran largely repressed.

## 2. HRDs in Exile

A large number of Afghanistan's HRDs who have been evacuated to EU countries, as well as Canada and the USA, are in a comparatively better position than those living in transit countries such as Pakistan and Iran. Therefore, these HRDs are having more opportunities to continue their human rights work from abroad. Few of them have organised to register and establish new human rights organisations in exile, while some have regrouped themselves in other local and international coalitions to advance their human rights work in exile.

However, the road has not been so straightforward for them either. They struggle to adapt with their new

environment in their host countries, not only to meet the integration expectations, but also to create a space for their human rights advocacy for Afghanistan. Below is a thematic interview analysis of challenges faced by and protection needs of Afghanistan's HRDs in exile.

### 2.1. HRDs and Practical Challenges to Their Work in Exile

The vast majority of HRDs interviewed expressed the lack of an adequate and responsible source of funding<sup>51</sup> as the primary impediment to their work while in exile. They also cited that sometimes small grants exist, but these only cover limited and short-term projects, and do not target necessary organisational costs

<sup>51</sup> Responsible funding refers to long-term, direct, dedicated, and flexible funding, supporting both institutions and individuals in a way that is context-specific. Responsible funding also speaks to a decolonized model of funding that is participatory, inclusive, and that promotes downwards accountability. Source: Final Evaluation of 'Institutional Support and Advocacy in Favour of Afghan CSOs Working with Afghans at Risk' Program, Conducted by: SWEN Stichting.

or long-term initiatives. With this small-sized, short-term funding assistance, HRDs are highly restricted, only to operate on ad-hoc basis and without adequate resources required for staff capacity building and strategic human rights work.

It has also been stressed that a large portion of this small financial support covers only emergency and relocation costs, and dries up beyond that. Some HRDs also shared the challenges surrounding registering or establishing their organisations in exile, where legal restrictions, combined with lengthy bureaucratic processes have largely limited their capacity. After successful registration of their entities, opening bank accounts remains another problem. For example, a WHRD based in Norway said, "After successful negotiation, the donor agreed to offer me a small grant to fund my project, but due to problems surrounding opening a bank account, I failed to start the project in the first place."<sup>52</sup>

An increasing consensus of HRDs in exile indicates a lack of a well-structured coordination mechanism to facilitate effective collaboration, communication, and joint action among HRDs in exile and INGOs and other stakeholders. They believed that a well-structured coordination mechanism also helps with information and resource sharing, and networking with relevant local stakeholders within the host countries. HRDs interviewed also stressed that effective coordination will also bridge the existing gap between exiled HRDs and those inside Afghanistan. For example, a WHRD described communication problems as such: "Being outside of Afghanistan, we face limitations in accessing accurate and primary information, often relying on secondary sources and social media and there is a risk that it might occasionally convey

misinformation to us."<sup>53</sup> HRDs during the focus group sessions put forward similar issues, expressing their deep concerns over an increasing disconnection from HRDs and first-hand information from inside Afghanistan.

The reasons are primarily two-fold. First, there is an unprecedented level of repression on civic space and fears of retaliation at the hands of the Taliban. Many HRDs worry that if their phones, computers or other devices were seized by the Taliban, whether on the street or during a house search, it could put them in danger. Additionally, they often lack knowledge on how to collect, store, and share data securely, and how to use digital tools for safe communication. Meanwhile, limited access to and the inability to afford high-speed internet also remains a significant barrier. Secondly, there is a lack of a holistic protection mechanism, not only to safeguard in-country HRDs but also streamline their channel of communication and flow of information with those in exile. In doing so, HRDs suggested that international stakeholders such as the United Nations Assistance Mission in Afghanistan (UNAMA) should establish a protection mechanism to safeguard in-country HRDs and advocate for and protect them when they face difficulties, including getting arrested by the Taliban.

Many HRDs also highlighted the necessity of receiving training in certain areas, including among other things, secure digital communication tools, risk assessment, advocacy, and topics related to human rights education for HRDs inside Afghanistan. It would help both HRDs in exile and those inside Afghanistan to establish and maintain secure contact, exchange and share resources. Differences

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52 Anonymous, "Afghanistan Women Human Rights Defender based in Norway," In an Interview with the Author, May 9, 2024.

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53 Anonymous, "Afghanistan Women Human Rights Defender in Sweden," In an Interview with the Author, May 12, 2024.

in time zones also make communication difficult, both among exiled HRDs living in different countries and between them and HRDs still in Afghanistan. The lack of sufficient language proficiency has also been pointed out as a practical communication challenge for many HRDs operating in exile, hindering their ability to establish meaningful contacts with relevant networks in their host communities.

Although language barrier remains a short-term problem that could be solved by attending language courses, HRDs agreed that it has presently impacted their personal well-being in exile, leading to their isolation from the host community. This problem is more visible among HRDs settled in countries where English is not the first language in comparison to those residing in English-spoken countries, such as Ireland, Canada and the USA.

Given the challenges stemming from lack of or limited language proficiency, many HRDs also faced difficulties in getting their academic diplomas and professional qualifications recognised in host countries, leading to barriers in securing employment or continuing their human rights work. The lack of recognition of academic diplomas obtained from Afghanistan not only limits HRDs' professional opportunities but also undermines the valuable experiences and expertise they bring to human rights work that isolate them further and diminish their positive impacts. For instance, a WHRD based in Canada, narrated her problem as such, "I feel like having lost my identity in Canada, especially when my academic documents and certificates were not recognised."<sup>54</sup> These degrees and qualifications often fail to fulfill the academic requirements and standards of job markets as cited by the relevant

authorities in host countries.

During interviews and focus groups discussions, HRDs also emphasised that the politicisation of human rights work has had negative implications on national and global commitments to human rights, as a broader context. Countries, often in the West, previously considered to be vanguards of democracy and human rights, now speak of human rights when it suits their political interest. This instrumental notion of human rights, combined with regional conflicts like those in Ukraine and the Middle East, largely derailed global attention from the ongoing miseries in Afghanistan.

Additionally, the rise of anti-refugee sentiments and Islamophobia in the wider context of radical right-wing revival in Europe has also impacted Afghanistan's HRDs in these countries. Some of the HRDs and their families are financially dependent on local state-funded social benefits, and therefore, local housing companies and property owners are unwilling to offer them accommodation. As a result, they live in refugee camps or in crowded shared-room apartments, lacking the proper space and resources to continue their human rights work. One HRD based in Germany shared his experience of living in a refugee camp: "I live in a refugee camp sharing my room with three others. After I settled in Germany, I was asked several times to talk to the media but the 'living condition' in my room did not allow me to do so."<sup>55</sup>

## **2.2. Security Threats and Discrimination Against HRDs in Exile**

The experiences shared by most of HRDs in exile also shows a growing discrimination in their host countries, as well as great security risk of reprisals against their family

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54 Anonymous, "Afghanistan Women Human Rights Defenders," In an Interview with the Author, May 20, 2024.

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55 Anonymous, "Afghanistan Human Rights Defender based in Germany," In an Interview with the Author, June 25, 2024.

members still in Afghanistan. The fear of retaliation against their family members by the Taliban has led to self-censorship among HRDs in exile, by avoiding public spaces, media appearances, and social media engagement. For example, some HRDs said they have “reduced their public profiles, despite the critical significance of their work” due to possible revenge against their relatives back in Afghanistan.

They also expressed a strong need for family reunification, not only to save the lives of those at risk but also to be able to strongly advocate for ending violations of human rights in Afghanistan without any fear of retaliation.

The rise of far-right movements across different countries in Europe has already left many migrants and people with migration backgrounds at disadvantage, with many people having concerns over increased discrimination and restrictive policies as the large majority in the continent is shifting rightward.<sup>56</sup> On 30 August, 2024, amid the rise of far-right extremism, Berlin authorities announced they would reverse the policy of halting migrants' return to Afghanistan and Syria. This decision followed a knife attack in Solingen, Germany, in which the perpetrator had a refugee background. Soon after, authorities in Austria and Netherlands announced to follow the same suit, deporting Afghanistan and Syrian nationals who are deemed to pose security threats to these countries.<sup>57</sup> International rights groups expressed concerns that this would significantly endanger asylum seekers, including HRDs taking refuge in these countries.<sup>58</sup>

The circumstance created concern among Afghanistan's HRDs in the EU, with some of them having already experienced discriminatory behaviors in their host countries. For example, a WHRD based in Austria described her observation as such: “There is reluctance of locals to interact with migrants. I have noticed most locals do not prefer to sit on a seat of a train or a bench of a park when a migrant is there.”<sup>59</sup> Another HRD expressed the rise of a “colonial mentality across many countries in Europe, with a prejudicial thinking or perception whereby all refugees from certain countries are equally violent, uneducated, and lack expertise.”<sup>60</sup>

Many HRDs also expressed their deep concern over preferential treatment given to activists and refugees from other certain countries, as a sign of discrimination. This preferential treatment by host countries towards certain refugees marginalises individuals and groups, particularly Muslim communities like Afghanistan nationals and HRDs. It not only diminishes their ability to effectively advocate for human rights in exile, as their voices are often dismissed or undervalued, but also weakens the sense of solidarity they experience. Meanwhile, HRDs in exile have expressed growing concerns over online threats and harassment, against themselves and their family members still in Afghanistan, often by the Taliban affiliates and their sympathisers. Women activists and defenders are the primary target of harassment, gender-specific insults, and smear tactics on social media.

### **2.3. Local Assistance and Need for Support in Exile**

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56 DW News, David Ehl, ‘Europe’s Far-Right Gains Raise Migrant Fears for Future’, 11 June, 2024, <https://shorturl.at/xnXdx>

57 Euro News, ‘Austria Joins Germany in Deporting Afghans with Criminal Records Back Home’, 1 September, 2024, <https://shorturl.at/ti8rj>

58 Amnesty International, ‘Germany: Deportations to Afghanistan Risks Government Becoming an Accomplice to the Taliban’, 30 August, 2024, <https://>

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[shorturl.at/X3bgD](https://shorturl.at/X3bgD)

59 Anonymous, “Afghanistan Women Human Rights Defender based in Austria,” In an Interview with the Author, May 11, 2024.

60 Anonymous, “Afghanistan Human Rights Defender based in Italy,” Attended the Focus Group Session in Geneva, June 21, 2024.

The data from HRDs' interviews and focus group session presents mixed results in terms of local assistance and support from the government entities in host countries. HRDs have argued that their human rights work receives some level of support as long as it aligns with and meets the local and foreign policies of host countries.

This support, however, weakens when HRDs question the politicised nature of this assistance. This selective approach by host countries has led to a growing sense of disillusionment, with certain countries across the EU, as well as those in Canada and USA who have largely failed to uphold consistent and principled human rights support. For example, recently countries such as Germany in the EU and beyond, are considering resuming diplomatic ties with the Taliban, despite the regime's systematic human rights violations. While expressing their frustration over this decision, many of these HRDs describe this move as "a betrayal of themselves and a collaboration with the Taliban."<sup>61</sup>

It has also been found that the disparity in the treatment of HRDs from different countries further complicates their situation while in exile. For example, Afghanistan's HRDs based in Ireland reported receiving adequate, need-based support from both state and non-state sources, including proper accommodation, counseling services, trauma and other well-being. In contrast, those in Norway, Germany, or Austria encounter greater challenges and lack cooperation from state authorities and local solidarity networks, such as local CSOs. These HRDs also highlighted double standards that exist, where Afghanistan's HRDs are often deprioritised in favour of activists and defenders from other certain countries riddled with conflict in the region. This approach created a

fragmented support network, making it difficult for Afghanistan's HRDs in their host countries to build effective networks and communication with relevant local entities, and or secure funding to engage in meaningful advocacy.

Additionally, HRDs in exile also called for tailored support such as psycho-social services while living in their host countries. The exiled HRDs are facing pressure from both the demands surrounding their integration in their host countries, as well as the expectations from their family members and HRDs inside Afghanistan. They are often considered to be in "safe physical space," and therefore, are expected to do more for HRDs inside Afghanistan. While struggling to fulfill expectations in host communities, such as learning the language, adapting to their new environment, and finding a career amid limited financial resources for their human rights work, high expectations from HRDs based in Afghanistan puts more pressure on them.

Therefore, the provision of psycho-social services is critical for the well-being and professional development of exiled HRDs, enabling them to improve the quality and effectiveness of their human rights work. Meanwhile, one WHRD based in Canada spoke of negative cultural perception and stigmas towards individuals who receive and seek trauma and psycho-social services. According to this WHRD, individuals in need of trauma and psycho counseling are often labeled and or judged for seeking such help, and thus, have later negative impacts on their career and professional life. Therefore, many people, including her, who were in need of such help, did not refer to health centers to avoid such social stigmas.

HRDs in exile also expressed a strong need for relevant educational support programmes from their host countries.

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<sup>61</sup> Anonymous, "Afghan Women Human Rights Defender in Germany," In an Interview with the Author, September 25, 2024.



Providing such programmes in the forms of capacity building in areas such as effective funding proposal writing, data collection, advocacy, EU and UN human rights mechanisms, stress management and digital security. HRDs also demanded that host countries should provide them with short-term entry-point positions within relevant local organisations to help them build their capacities and create a network for their work. It will avoid their isolation and accelerate their integration into local communities.

Their responses also demonstrate a poorly tailored social integration programme in some host countries. For example, HRDs based in Germany spoke of a systematic challenge in the country's national integration programme for refugees whereby the diverse capacities of refugees are not accounted for, lumping educated and skilled Afghanistan's HRDs and professionals into generic integration programmes that do not match their expertise and integration needs. The respondents have also placed great emphasis on the importance of political support by the host countries to involve HRDs in any talks on Afghanistan, including to put pressure on the Taliban to respect rights and halt crackdown on the civic environment.

#### **2.4. INGOs and Donors' Support of Exiled CSOs and HRDs**

Most Afghanistan's HRDs appear to be highly concerned and frustrated about the unclear prospect of an effective support mechanism and commitment on the part of the international community in general, and donor organisations in particular. HRDs, thus, pointed out a great need for more flexible funding and long-term support to be provided by donors and INGOs. This requires a holistic long-term investment, as well as political and financial commitment beyond the emergency

phase, which took place following the Taliban's control of Kabul in mid-August 2021.

HRDs also mentioned that key entities with resources, which include but not limited to Protect Defenders.eu (PDeu),<sup>62</sup> as the European Union HRD protection mechanism, the EU, Freedom House, the Swedish International Development Cooperation Agency, National Endowment for Democracy, Open Society Foundations, and other funders should introduce a new initiative or programme support with capacities, mandates and resources for Afghanistan just as they did for relocation and emergency assistance in the early periods of the Taliban's capture of the country. Likewise, they suggested that an inclusive approach should also recognise HRDs an increased and meaningful involvement in shaping these initiatives and policies. By actively involving HRDs in policy and program development, it ensures that INGOs and donors' initiatives are well-aligned with HRDs' needs and realities on the ground, which improves support effectiveness.

Moreover, lack of security and protection mechanisms is said to be a major problem for HRDs inside Afghanistan. The absence of robust protection measures nowadays, especially when HRDs and or journalists who are arrested in the country, leaves them highly vulnerable and often without recourse. HRDs, therefore, suggested that INGOs, UN bodies including UNAMA and other stakeholders should work to establish a strong mechanism of holistic protection and work simultaneously with diplomatic channels to ensure the safety of HRDs and their families inside Afghanistan. Meanwhile, given the huge waves of brain drain of HRDs since mid-August 2021, there

<sup>62</sup> ProtectDefenders.eu is the European Union (EU) Human Rights Defenders mechanism, led by a consortium of 12 NGOs working in the field of human rights. FORUM-ASIA is also among this consortium. Available at: <https://shorturl.at/tN440>

is a growing need for emerging civil society actors inside Afghanistan, not only to fight for human rights, but also to work closely with their exiled counterparts, sharing knowledge and first-hand information from on the ground to meet advocacy purposes at the global arena.

Yet, the respondents suggested that donors and INGOs are positioned rightly to help them identify and recruit these new defenders and civil society actors to ensure that activism continues, albeit limited, under the Taliban.

There is also a widely shared perception from the Afghanistan's HRDs in exile that INGOs are often hesitant in providing systematic, long-term support, mainly financial assistance, to exiled HRDs. It is primarily because INGOs perceive exiled defenders and their diaspora organisations as potential rivals. While INGOs recognise exiled defenders' significant roles in advocacy and human rights work in general, they are also reluctant to fully empower them, fearing competition over resources and opportunities in the long run. For example, an Afghanistan's HRD leading a diaspora organisation, and a representative from an INGO both equally described the existing context as such: "Donors and INGOs often hesitate to provide strategic funding to exiled HRDs, because possible competitions over resources among them would be unavoidable in the future. They also fear that such support could lead to rivalries, divert funds, and create conflicts among them."<sup>63</sup>

As a result, INGOs and donor communities find themselves in a paradoxical position: they neither want to lose the invaluable contributions of exiled HRDs, nor are they willing to offer these defenders

strategic and long-term funding to thrive independently. Responses from donors' and INGOs' interviews indicated a mixed understanding. Some respondents believed that they have traditionally had a policy to put resources inside the country rather than support diaspora groups, while other INGOs and donors' representatives placed more emphasis on the exiled HRDs to be supported and given a significant level of ownership to manage and implement the relevant human rights initiatives, mainly in a context when human rights work inside the country is a nearly impossible task.

## Conclusions

The analysis and literature review demonstrate the sweeping closure of civic space as a result of the Taliban's power seizure and repressive policies and directives since mid-August 2021. The repression has forced many HRDs to escape reprisals, seeking refuge in neighbouring countries, and some resettled in the EU, Canada, and USA. In transit countries, such as Iran and Pakistan, Afghanistan's HRDs face deteriorating conditions, which among others include limited resources, heightened security and legal risks, forced deportation, and psycho-social hardships. These challenges are, yet, compounded by inadequate capacity of local and international organisations, including the UN agencies to support the defenders, leaving many of HRDs and their families in a state of limbo, unable to even send their children to school.

The findings also show that those HRDs who have managed to resettle in the EU, Canada, and USA have their own set of problems with their human rights work, despite having a comparatively better security situation. The lack of a strategic financial support, combined with the absence of a strong political will from the host countries have placed the exiled HRDs

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<sup>63</sup> Anonymous, "Afghanistan Exiled Human Rights Defender," in an Interview with the Author, May 11, 2024. / Anonymous, "Representative of an INGO," in an Interview with the Author, July 19, 2024.

in uncertainty to further their human rights advocacy. In addition to the rise of far-right movements across different host countries, fresh regional conflicts have largely diverted international attention away from Afghanistan, isolating Afghanistan's HRDs in exile. It has also been found that most exiled HRDs are restricted in their capacity to advocate publicly due to reprisal threats against their family members back in Afghanistan.

The Taliban's systematic and widespread repression of HRDs created a climate of fear, forcing many of HRDs to flee the country. This exodus has caused a significant brain drain of experienced and well-trained HRDs, undermining the prospects for human rights work in Afghanistan. As a result, there is a great need to address these challenges through targeted interventions. This includes, among others, improving communication and coordination among exiled HRDs and those inside Afghanistan and providing tailored capacity-building programmes.

With support from donors and INGOs, emerging HRDs should also be identified and trained to fill the gap as a result of brain drain. Likewise, in-country HRDs should also be provided adequate protection mechanisms, enhanced security, and human and financial resources to undertake tasks with minimum security concerns.

To conclude, the prospect of long-term holistic support from Afghanistan's HRDs in exile hinges largely on the commitments of diplomatic channels, INGOs and donor community. This commitment is often diminished by an existing competitive attitude of INGOs and donor organizations towards HRDs in exile to address the current protection gaps. By providing flexible, accessible and strategic financial support, including the involvement of HRDs in key decision-making, improving

security protection and fostering strong collaboration between diaspora groups and INGOs, we can significantly enhance and sustain the impact of human rights efforts by Afghanistan's exiled HRDs. It will help ensure that the Taliban's human rights violations remain in the global spotlight and those fighting for justice and accountability are empowered to continue their work, both from exile, and inside Afghanistan.

## **Recommendations**

The following section presents a critically concise list of recommendations derived from a wide range of sources, including stakeholder interviews and focus group session, on top of which donors, INGOs, and Afghanistan's HRDs of various backgrounds, as well as relevant literature. The recommendations are, of course, made to different stakeholders, including donors, INGOs, Afghanistan's human rights groups, and others to offer short-term and long-term support for Afghanistan's HRDs inside and outside the country.

### **Short-term Recommendations**

- Facilitate Safe Communication and Human Rights Work

Since the majority of experienced HRDs have already left Afghanistan, it is highly important that donors and INGOs provide a particular set of training for remaining or emerging HRDs in the country. This set of training, among other things, shall include:

- ◊ Safe and secure communication tools;
- ◊ Digital security and risk assessment;
- ◊ Stress management and coping mechanism strategies; and

◊ Needs-based psycho-social assistance.

Similar training should also be provided to HRDs in exile, as safe communication must work both ways. This training will enable both exiled HRDs, in transit, and those in the country to adapt to safe human rights protection practices in conflict and high-risk areas by analysing and managing potential threats and risks.

Importantly, such a space will enable HRDs to bring in their personal experiences and share subsequent coping mechanisms with their fellow HRDs. Each of these experiences, despite their uniqueness, will be inspiring to someone else with similar experiences and living conditions.

#### Human Rights Education and Relevant Capacity Building Initiatives

◊ INGOs should create a human rights handout/toolkit incorporating critical human rights topics, including key UN human rights mechanisms, available regional and international protection mechanisms, advocacy tools, and documentations in conflict or hotspot areas.

◊ INGOs and donors should offer funding, training in proposal writing and establish standards for HRDs both inside the country and in exile, along with thematic mentorship in human rights.

◊ INGOs and Afghanistan diaspora groups should facilitate peer-learning platforms, bringing in and exchanging experiences from other conflict or crisis-riddled countries. Despite the uniqueness of each situation, peer-learning fosters collaborative knowledge sharing, enabling HRDs to

learn from each other's experiences, perspectives, and expertise, which in turn, enhances problem-solving skills.

#### Stakeholders Should Enhance Protection Measures

◊ INGOs should continue their work to provide temporary protection and legal assistance for HRDs at risk of deportation and harassment in transit countries i.e. Iran and Pakistan.

◊ Donors and diplomatic channels should offer humanitarian assistance, streamlined humanitarian visas, or simplified visa corridors and other HRD-specific protection, to those at greater risk, including their family members. The protection measures should prioritise the most vulnerable groups, including women and those belonging to ethnic and religious minorities, as well as LGBTI and other gender-specific individuals.

◊ INGOs, donors and other relevant stakeholders should communicate with UNHCR and IOM to expedite the resettlement of HRDs, especially those based in neighbouring countries who are unsafe or at risk of deportation.

◊ Donors and INGOs should provide essential mental and psycho-social support to HRDs inside Afghanistan and in transit, particularly those suffering from trauma and mental health challenges. HRDs based in transit and inside Afghanistan should be prioritised in receiving such assistance due to their living conditions and vulnerabilities, including financial shortfalls.

◊ Donors should provide evacuees in transit countries with sufficient resources to be able to live a dignified life, including access to appropriate

accommodation.

- ◇ INGOs should communicate with local NGOs in transit countries, particularly in Pakistan, to enhance support for Afghanistan's HRDs. This collaboration should provide Afghanistan's HRDs with resources and networking opportunities.

- ◇ Given the human rights atrocities committed by the Taliban, EU countries should halt deportations to Afghanistan. The decision recently made by countries such as Germany and Austria to resume deportation to Afghanistan will endanger vulnerable groups such as HRDs, journalists, and those from ethnic and minority groups.

- ◇ Host countries' governments should resume and expedite issuing humanitarian visas for at-risk individuals, HRDs and journalists in Afghanistan, including through already established resettlement programmes. Additionally, they should allocate adequate financial resources to support this effort.

- Enhancing Coordination and Networking Among HRDs to Improve Effectiveness

- ◇ Donors and INGOs should facilitate and support the development of networks and coordination between HRDs inside Afghanistan and those in exile. This helps HRDs to learn how to work in a coordinated manner, share knowledge and findings given the repressive civic space in Afghanistan.

- ◇ Exiled HRDs should work to strengthen mutual trust and overcome any trust deficits among themselves.

- ◇ Donors and INGOs should support, facilitate, and coordinate

the establishment of sector-specific working groups in exile, such as working groups for women, minorities, LGBTI and others, as well as within Afghanistan. Each group should collaborate to share updates and findings.

- Advocate for Consistent Diplomatic Pressure

- ◇ INGOs and donors should work together to influence diplomatic channels to put pressure on the Taliban to uphold Afghanistan's international human rights obligations.

- ◇ INGOs, in coordination with UN mechanisms and Afghanistan's HRDs and CSOs, both in exile and within Afghanistan, should advocate and apply pressure on diplomatic channels to withhold recognition of the Taliban regime until demonstrable progress on human rights is verified.

- Protect Family Members of HRDs

- ◇ INGOs and donors should push diplomatic channels, including host countries, to create protective mechanisms for the families of exiled HRDs still in Afghanistan. They should be offered safe passage and resettlement options to mitigate the risk of reprisals.

- ◇ Host countries should maintain and fully implement their committed humanitarian programmes, ensuring continued third-country resettlement assistance for at-risk HRDs and vulnerable groups in Afghanistan. Host countries should allocate adequate resources to such initiatives, supporting Afghanistan's HRDs at risk and their family members in Afghanistan.

## Long-Term Recommendations

- Long-Term and Strategic Support for HRDs in Exile

- ◊ Donor communities should offer flexible, accessible, and core funding mechanisms to HRDs in exile, enhancing their readiness, resilience, and sustainability. This support should cover a wide range of programme activities, including capacity building, advocacy efforts, legal assistance, and organisational support, enabling them to address the systematic and widespread human rights violations occurring inside Afghanistan.

- ◊ Given the gravity of the situation and human rights violations in Afghanistan, stakeholders, such as donor communities and INGOs, should introduce a joint-funding box or streams for Afghanistan. The fund-box should cover thematic human rights areas, such as documentation and emergency assistance for Afghanistan's HRDs in exile and inside the country over a long-period of time. This should also include funding Afghanistan's exiled established human rights organisations.

- ◊ Donors and INGOs should support exiled HRDs and organisations to adapt with their new environments in host countries, with efforts to re-establish their work and entities. This includes, among other things, providing support and consultation on navigating new language, administrative bureaucracy, legal advice, and expertise in re-strategising. It also includes connecting with relevant local NGOs and human rights entities, not only for solidarity purposes but also supporting exiled HRDs in re-establishing their organisations and integration issues.

- ◊ Donors and INGOs should allocate budget lines for team building, networking, and knowledge sharing between Afghanistan's exiled HRDs and other human rights movements in exile.

- ◊ Donors and host countries, in collaboration with INGOs, should create more fellowships and academic programmes for Afghanistan's HRDs in exile to enable them attain training on human rights, and share their knowledge with their counterparts and defenders within Afghanistan.

- Create a Space for Knowledge and Capacity Sharing

- ◊ INGOs and donors should facilitate the exchange of knowledge among various groups of exiled Afghanistan's HRDs, diaspora groups, and those still in Afghanistan, as well as HRDs from other conflict-affected regions beyond Afghanistan. For example, it should include and facilitate peer-learning from other HRDs working in similar countries where the civic space is closed or highly repressed. This examines how HRDs operate in various contexts and how those inside and outside the country communicate, share knowledge, and exchange updates. The experiences of HRDs from countries like Iran, Russia, and Myanmar, among others, would be particularly relevant in this regard.

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