

Submission to the UN Special Rapporteur on Torture

# Sexual torture of women's rights defenders in Taliban prisons



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## Introduction

This submission is designed to provide anecdotal evidence to the UN Special Rapporteur on Torture on the use of sexual torture by the Taliban against women human rights defenders in prisons in Afghanistan. There has been significant, valuable international reporting on the Taliban's treatment of women in Afghanistan leading to the description of gender apartheid. But this reporting has not included the treatment of women in prisons. The sexual torture of Afghan women in prisons was not discussed during the recent Open Debate of the UN Security Council on conflict related sexual violence, and was insufficiently covered in the Annual Report of the Secretary General on Conflict Related Sexual Violence.<sup>1</sup>

Azadi-e Zan would like to do a comprehensive study of this issue and are currently seeking funds for such a project. In the meantime, this submission is a collation of reports we have received from women who have been released from detention about

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<https://documents.un.org/doc/undoc/gen/n24/062/41/pdf/n2406241.pdf?token=0lCOOUI0T7B93KFf4e&fe=true>

their various experiences of sexual torture by the Taliban. Although this submission is not based on a large sample size, all the women we have spoken to about their time in prison were subjected to sexual torture. We do believe this to be a systematic practice and hope to be able to undertake further research, expanding the sample size for the purposes of public awareness, advocacy and justice. We estimate over a hundred of Afghan women have been subject to sexual torture in Taliban prisons.

## Azadi-e Zan

Azadi-e Zan's network of volunteers has been helping Afghan women's rights defenders escape the Taliban since August 2021. We have helped well over 300 women's rights defenders and their families resettle in final destinations around the globe including Australia, Brazil, Canada, Germany, Greece, Ireland, New Zealand, Spain, Sweden, and the United States of America. We have provided advice to hundreds of other people who worked for international organisations allowing them to flee to safety and still have hundreds of Afghan women's rights defenders on our list in need of assistance in Afghanistan, Pakistan and Iran. We are incorporated in Australia, with board members from around the world. The majority of our board are Afghan women with significant community development and human rights experience. Our board includes representation from across Afghanistan's ethnic communities, people with disabilities, men and women, as well as young people.

## Patterns of detention

Azadi-e Zan's engagement on women in detention increased as the Taliban began increasing its arrests in the Afghan winter of 2023. We began campaigning on the cases of five publicly known women who had been arrested for their women's rights work and were detained or disappeared for many months.<sup>2</sup> Other women had been arrested, but their families were not prepared to publicly admit the fact. The security situation for these women and their families remains incredibly dire. After paying for the release of a prisoner, many families are forced to sign agreements with the Taliban promising the former detainee will, for example: not talk about their time in detention, not talk to the press, not leave the country and/or cease their prior activism. Even so, the families are still likely to be subject to increased surveillance from local or higher-level Taliban. The case studies used in this submission come from women who are inside Afghanistan and those who have been resettled to other countries.

The experiences included in this report include those of women detained in facilities in Kabul and Takhar. It is difficult to determine other patterns with a small sample size, but

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<sup>2</sup> <https://www.aspistrategist.org.au/as-the-taliban-pursue-women-activists-australia-must-prioritise-visas-for-human-rights-defenders/>

there seem to be differences in the way women are treated depending on what their family or the public know about their location and detention situation, as well as the Taliban's perception of their threat against them. For example, all may be interrogated about their women's rights work. They are also criticised by the Taliban who blame these detained individuals for the international community's refusal to recognise the Taliban as the legitimate government of Afghanistan. However, some of the women may face specific abuses based on their ethnicity, marital status or other activism, such as work on the Hazara genocide. It is possible that some of these patterns are reflective of geographic location, specific interests, and/or behaviours of Taliban cells in relative areas of the country.

The case studies included in this report were only either Hazara or Tajik. In line with the 1996 findings of the Inter-American Commission on Human Rights, the focus on ethnic minorities could indicate that the Taliban is using rape as a method of psychological torture that often has as an objective the humiliation of the victim as well as the victim's family and community.<sup>3</sup> No Pashto women were reported as detained by the Taliban for defending women's rights. Some may be arrested, but Pashtun cultural values may affect the way this is communicated in families and community. Similarly, the Taliban's Pashto dominance may mean Pashto women are not being arrested at all. We presently have no case studies of women from other smaller ethnic groups being arrested for their women's rights activism.

## Sexual torture

The Taliban uses both physical and psychological sexual torture. In our experience the Taliban have used forced nudity, fondling, genital electrocution, rape, gang rape, and sham marriage. They have also forced women to watch these acts performed on other women,<sup>4</sup> and recorded them on video with the expectation of perpetuation of social shame and stigma.

The Taliban seem to treat married and unmarried women differently in prison. Both married and unmarried women experience sexual torture. The purposes seem to vary from obtaining information to shaming women and discouraging further acts of in defence of women's rights. Married women who were detained for their human rights activism reported being detained with their underage children. During her months in detention, one woman reported being forced to watch other female detainees being raped and experiencing other sexual torture.

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<sup>3</sup> Inter-American Court of Human Rights, Miguel Castro-Castro Prison v. Peru, para. 330.

<sup>4</sup> We believe the Taliban change their torture practices for SOGI women but the case studies included in this report do not include the experiences of SOGI women. We also believe that sexual torture may be used against certain men, but have no exposure to this issue.

We have received several reports of sexual torture from unmarried women as part of the broader torture perpetrated against them. One young woman who had been disappeared for months told us after her release she had been detained in a small cold room. The Talibs threw water on her over and over again<sup>5</sup> while they questioned her about her protests. They refused medical treatment. The jailers stripped her naked and beat her with sticks and a whip. Her hands were restrained as her male jailers fondled her genitals.

They told her she was their *sigha*, or wife of a temporary religious marriage, and each of them repeatedly raped her. Someone recorded the gang rape on his phone. She has never seen the video, but knows it exists. When she was released from prison, she was worried, unsure of her marital status. Too scared to speak to an imam about the issue, we undertook religious research and found that for a *sigha* to be valid, the prospective husband would have had to seek permission from the father of the virgin. No imam was present for such an act, and we know of no permission being sought from the father so we informed the survivor the marriage was a sham and she was under no obligation to consider herself married and did not need to attempt any divorce proceedings.

Another woman was kept in a room with one small, barred window that had blood on the walls. She described the prison as one of the secret or hidden prisons where people weren't able to contact their families, they tortured and killed people. When she was first taken to the prison, she was taken there to be stoned to death. She was denied medical treatment. When she told a military leader of the Taliban she was on her period her stoning was delayed until after her period so she could pray before her death. She was released as a result of international pressure, negotiations with UNAMA and her family.

In addition to being stripped of clothing, fondled and raped or being forced to watch this happen to other women and girls, some women reported having electrodes attached to their genitals and being subject to electrocution. One woman also described being beaten with a makeshift weapon made of hard balls stuffed into a sock.

## Social stigma

There is an extremely high degree of social stigma attached to issues of sexual violence against women in Afghanistan. This is overwhelmingly directed at survivors of violence. Even in progressive Afghan circles, women may not be directly blamed for the violence, but are vicariously subject to blame by people who say they put themselves on the line by championing the rights of women/democracy/freedom in the current socio-political context. Victim blaming has a long sociocultural history in Afghanistan. It would seem that there is widespread belief in the community that women human rights defenders are

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<sup>5</sup> Upon her release this individual was diagnosed and treated with pneumonia

summarily subject to sexual violence in prison and this is a primary reason for underreporting of arrest and detention.

The negative consequences of this social stigma cannot be underestimated. Although many women reported great strength and resilience during their time in prison, and a phenomenal desire to survive and be free, there has been a high number of reports of suicides<sup>6</sup> of women who have not been able to manage the social consequences of that stigma after their release.

## Challenges

When these women are finally released from prison, they go into hiding. Health care in Afghanistan has deteriorated rapidly in the past few years, and women's health has fallen to historic lows. Even if these women were able to safely get to a health facility, the healthcare they could receive is severely limited. Some women's groups have been providing women's health care to those in great need via a volunteer group. But the risks are extremely high. Women's groups are vastly underfunded and in some parts of the country, the Taliban have specifically harassment of women's health groups above and beyond their edict against unmarried women working in hospitals and health centres.<sup>7</sup> Married women must have a *mahram* to be able to work in a hospital. They have banned women from attending medical facilities without a *mahram* since 2021. Many women do not want any man to know they have survived sexual violence because of the extreme social stigma. This often also applies to male family members because it can be considered a stain of family honour which can have significant flow on consequences. Without access to proper medical facilities, it is not possible to gather forensic evidence of the crimes perpetrated against these women. To be truly free of the impediments to full and prompt investigations and prosecutions into the crimes perpetrated against them, these women need assistance leaving Afghanistan, and they need somewhere safe to go.

## Victim participation

The current protection framework for these women is not acceptable, it is completely failing these women. There is little to no support for Afghan women's human rights supporters in the current global climate. Azadi-e Zan is an unfunded organisation. We have tried to seek funding to support specific women's human rights defenders who have been detained for their work. Despite repeated calls at the UN Security Council and other global fora, for support for women's led organisations and women human rights

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<sup>6</sup> <https://8am.media/eng/homa-a-protesting-woman-commits-suicide-after-release-from-taliban-prison-in-mazar-i-sharif/>

<sup>7</sup> <https://foreignpolicy.com/2022/03/02/the-taliban-are-harming-afghan-womens-health/>

defenders.<sup>8</sup> Donors aren't actually providing funding, protection or even safe passage for these women.<sup>9</sup> We need multilateral agreement that will allow these women to be resettled in a safe country, in a timely fashion and be provided with appropriate medical and psychosocial care. If they are to report what happened to them, it is not safe for them to remain in Afghanistan and it is not possible for them to receive suitable physical and mental healthcare.

Due to historic discrimination in Afghanistan's passport policies, it is common for women to not own a passport. At present it often costs over \$1000USD to be issued a passport, if one can find an effective broker to get the papers through the passport office at a time the office is sufficiently functioning. In addition to that, visas for Pakistan cost approximately \$1000USD per person given that country's restrictions on visas for Afghans. But Pakistan visas don't last long and it is virtually impossible for Afghans to find work in the country. Iranian visas are somewhat less expensive, but resettlement options from Iran are fewer and current geopolitics with Israel have many families more concerned about long term security in that country. Visas for Iran presently cost around \$450USD and some Dari speaking Afghans have been able to find work in Iran's informal economy to provide less than subsistence living. However, many Afghans are terrified of the possibility of an American war with Iran. Consular support in Iran is also less than in Pakistan, providing fewer resettlement options. The United States, for example, has a rule to not resettle Afghans from Iran. Afghans have experienced arbitrary violence at the hands of both civilians and police in Iran for years. UNHCR has been able to offer little practical protection for women human rights defenders in either country.

## Conclusions

We want to note that countries who contributed to the International Security Assistance Force in Afghanistan are now failing in their obligations under the Security Council resolutions on Women, Peace and Security to offer protection to women human rights defenders and survivors of conflict related sexual violence. This is especially the case for those who continue to fight for equality and what is right under the defacto authorities governing Afghanistan with a gender apartheid regime.

The obligations under the UN Security Council resolutions to offer protection, support women's organisations and women human rights defenders cannot simply be words but must be negotiated into multilateral agreements offering practical protection in the form of timely resettlement, safe passage and funding for women human rights defenders, especially those in the greatest need.

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<sup>8</sup> <https://www.aspistrategist.org.au/time-for-more-action-on-women-peace-and-security/>

<sup>9</sup> <https://www.opendemocracy.net/en/north-africa-west-asia/how-west-failing-afghan-women-under-threat/>