Scholars at Risk’s Submission to the Fourth Cycle of the Universal Periodic Review of Afghanistan
46th Session of the United Nations Human Rights Council
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Introduction

1. Scholars at Risk (SAR) is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide. SAR has Special Consultative Status with ECOSOC (2013) and welcomes the opportunity provided by the UN Office of the High Commissioner on Human Rights to comment on conditions relating to academic freedom and attacks on higher education communities in Afghanistan.

2. This submission is the result of a joint effort between Scholars at Risk’s Academic Freedom Monitoring Project and the Strategic Litigation International Humans Rights Legal Clinic of the University of Turin, Italy. SAR gratefully acknowledges the substantial research and drafting work of Turin faculty and students.

3. This submission focuses on Afghanistan’s compliance with its obligations under international law to protect and promote academic freedom and related rights within its territory. During this review period, and especially following the Taliban’s government takeover in August 2021, the higher education community has witnessed an escalation of attacks and violence that threaten academic freedom within the country. Violent attacks on higher education spaces, arrests and imprisonment of scholars, and terminations have occurred at an alarming rate. And since the Taliban took power, women and girls in Afghanistan have been systematically stripped of their right to education at all levels, erasing decades of progress, and doing immeasurable damage to the country’s future.

Applicable Legal Standards

4. The Taliban has not been recognized by States or the UN as the legitimate successor to the previous government, but is considered the de facto authority in Afghanistan. Accordingly, the Taliban is obligated to comply with obligations arising from international human rights and humanitarian treaties to which Afghanistan is a party.

5. Afghanistan has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social, Economic and Cultural Rights (ICESCR) and the Convention on Elimination of Discrimination against Women (CEDAW) and is therefore bound by the international human rights obligations contained therein.

6. Academic freedom is independently and interdependently grounded in the rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as protected under the Universal Declaration of Human Rights and codified, respectively, in ICCPR Article 19 and ICESCR Article 13 and Article 15(3).

7. With particular regard to Article 13, the Committee on Economic, Social and Cultural Rights (CESCR) has clarified in General Comment No. 13 that “the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.”

8. Violations of academic freedom also frequently result in violations of other rights, including the right to non-discrimination (Art. 2 ICCPR), the right to liberty and security of person (Art. 9 ICCPR), freedom of movement (Art. 12 ICCPR), the right to a fair trial (Art. 14 ICCPR), freedom of assembly (Art. 21 ICCPR), and freedom of association (Art. 22 ICCPR).
9. The United Nations Special Rapporteur on the promotion and protection of freedom of opinion and expression explicitly recognized that academic freedom involves protections for institutional autonomy and self-governance: “States are under a positive obligation to create a general enabling environment for seeking, receiving and imparting information and ideas. Institutional protection and autonomy are a part of that enabling environment.”

10. The CESCR’s General Comment No. 25 likewise requires States parties to eliminate all forms of discrimination against groups that have experienced systemic discrimination in the enjoyment of the right to participate in and to enjoy the benefits of scientific progress and its applications, e.g. on basis of gender, sexual orientation and ethnicity.

11. In addition to the above obligations, “the Special Rapporteur stresses that legislation discriminating against individuals or groups on any prohibited ground, including sex, in the field of education violates Article 10 of the CEDAW, by which the de facto authorities are bound.”

**Discussion**

12. According to the most recent update of the Academic Freedom Index, which assesses the level of respect for academic freedom in 175 countries and territories based on surveys of more than 2,000 country experts around the globe, academic freedom in Afghanistan has declined precipitously during this review period, leaving the country in the bottom quintile among all countries globally. This period spans the end of the previous government’s rule, and the Taliban’s takeover of the country.

13. SAR has identified 53 attacks on higher education and violations of academic freedom in Afghanistan during this review cycle (January 2019-October 2023). These include, most prominently, violent attacks on higher education spaces, frequently targeting large numbers of people; wrongful imprisonments; losses of position; and other actions severely curtailing academic freedom or university autonomy – especially policy-level violations of women’s and girls’ academic freedom and right to education.
Violent Attacks on Higher Education

14. The number of targeted, violent attacks on higher education in Afghanistan – including attacks aimed at inflicting mass casualties, both before and after the Taliban’s takeover – raises grave concerns. These incidents include the following:

- **On April 25, 2019**, an unidentified individual attempted to plant a bomb in a bathroom on Jahan University’s campus in Kabul’s eastern Kārte Naw neighborhood. The bomb exploded prematurely, killing the individual and severely injuring three students.⁹

- **On June 2, 2019**, individuals identifying themselves as members of the Islamic State carried out a targeted bombing of a bus transporting students to the Kabul Education University of Rabbani. The attack reportedly left two dead and twenty-four injured.¹⁰

- **On July 19, 2019**, at least eight people were killed and thirty-three injured after at least one explosive device was detonated near the south entrance to Kabul University. No information is available regarding the identities of victims and attackers.¹¹

- **On August 27, 2019**, a Nangarhar University professor of language and literature was killed, and three of his colleagues were injured, in an apparently targeted attack on their vehicle. Reports indicate that their vehicle was rigged with an explosive device. As of this submission, the identity of the attackers, and their motive, is not clear.¹²

- **On October 8, 2019**, a bomb exploded in a classroom at Ghazni University, Faculty of Arts, while classes were in session. The explosion injured at least twenty-one students; thirteen were hospitalized.¹³

- **On June 2, 2020**, Dr. Mohammad Ayaz Niazi, a professor in the Faculty of Sharia at Kabul University, was killed after an explosive device was detonated inside the Wazir Akbar Khan Mosque, located in Kabul city. Security experts have concluded that this was a targeted attack, and part of a pattern of attacks on religious scholars and others seen as part of the country’s intellectual elite. One other person was killed and three others were reportedly injured in the attack.¹⁴

- **On October 24, 2020**, a suicide bombing outside the Kawsar-e Danish Educational Center in Kabul left at least 24 people dead and 57 injured. The attacker appears to have targeted members of the Shia Muslim minority – the majority population in that part of the city. An Islamic State-affiliated group claimed responsibility for the attack. The victims were between 15 and 26 years old, most of them were students waiting to enter the center.¹⁵

- **On November 2, 2020**, three gunmen stormed the campus of Kabul University, where they took around 20 students hostage, detonated
explosive devices, and engaged in a firefight with Afghan police. At least 19 people were killed and around 50 injured in the attack.16

- **On March 16, 2021,** unidentified gunmen opened fire on a Baghlan University bus carrying students and faculty members, killing the bus driver and one student, and reportedly injuring six others.17

- **On April 24, 2021,** gunmen targeted and killed Rafi Osmani, a lecturer from Peshgam Institute of Higher Education in Kabul, on his way to work. The attack occurred amid a series of targeted attacks around the city.18

- **On May 29, 2021,** a remote-controlled explosive device was detonated on a minibus carrying students and faculty members from Al-Beroni University, killing four people, including at least two university lecturers, and injuring 17 others. No group claimed responsibility for the attack.19

- **On or about November 12, 2021,** armed assailants, believed to be affiliated with the Taliban, abducted Professor Sayed Asif Mubtahij Hashemi, the Dean of Faculty of Sharia Law at Ghazni University. On February 10, 2022, he was found dead. At least one professor stated that the abductors were university students who were associated with the Taliban and that they had contacted Professor Hashemi prior to the abduction. Taliban officials denied involvement in his abduction.20

- **On April 6, 2022,** two members of the Taliban reportedly entered a dormitory on the campus of the Badakhshan University, where they beat students – two of whom were hospitalized – for allegedly not attending evening prayers.21

- **On September 30, 2022,** a suicide bomber carried out an attack on the Kaaj Educational Center, a private education center located in a minority Shi’a Hazara area of Kabul. Following the Taliban’s assumption of power, public education was inaccessible to women and girls, and institutions like the Kaaj Center were among the few institutions where they could access education. The bomber reportedly entered a gender-segregated classroom and targeted the women’s side, killing 53 and injuring 110; 46 of those killed were girls and young women.22

- **On October 30, 2022,** Taliban forces locked women students in their dormitory on the Balkh University campus in an apparent effort to prevent them from participating in a protest against the September 2022 attack on the Kaaj Educational Center.23

- **On December 24, 2022,** following the Taliban’s decision to ban women from higher education, male students at Mirwais Neeka University refused to take final semester exams and left classrooms in protest. Taliban forces shot into the air and beat several students in response.24
● On February 2, 2023, Taliban security forces detained a journalism professor, apparently for his public criticism of the Taliban and their ban on women attending higher education institutions.  

**Loss of position**

15. Following the Taliban’s takeover, there has been an alarming rise in cases of loss of position experienced by academics whose teaching and research were considered not in line with Taliban ideology. These include:

● On February 2, 2022, a writer and professor of Persian literature and language at Al-Beroni University announced that he had resigned after his colleagues accused him of blasphemy, apparently in response to his criticism of the Taliban.

● On April 27, 2022, the Taliban reportedly dismissed fifty professors and eight staff members from Balkh University, apparently due to their ethnic – non-Pashtun – identity.

● From October 9-18, 2022, the Ministry of Higher Education ordered the evictions of dozens of female students from the dormitory of Kabul University in apparent retaliation for their alleged participation in protests.

**Imprisonment**

16. During the reporting period, a number of scholars and students have been arbitrarily arrested, under circumstances that raised grave due process concerns. In most cases, the bases for arrest appeared political or related to religious opinion. These incidents include the following:

● On January 8, 2022, the Taliban arrested a University of Kabul lecturer after he publicly criticized the Taliban for its new restrictions on free speech. Following an international public outcry, he was released from detention.

● On March 4, 2022, a university professor disappeared after protesting against the restrictions imposed on free speech by the Taliban. He was freed shortly thereafter.

● On April 2, 2022, the Taliban reportedly arrested and interrogated 11 women who had disrupted a Taliban event at Bamyan University to protest against restrictions on access to education for girls and women. Women demonstrating on the streets of Kabul against the ban to access university were beaten or arrested by female Taliban officers. Three journalists were also arrested.

● On June 17, 2022, the Taliban reportedly arrested 30 female students at Takhar University for leaving their dormitory without the Taliban’s
permission. The students were reportedly arrested during a campus event, where they criticized new rules on acceptable clothing for women, including mandatory hijabs and face coverings.33

- On October 4, 2022, Taliban forces arrested 40 students during a protest at Al-Biruni University in response to the bombing of an educational facility.34

- On December 22, 2022, Taliban forces beat and detained at least five women and two men who participated in a peaceful protest by students and activists responding to the Taliban’s recent ban on women enrolling in higher education.35

- On January 31, 2023, Taliban forces reportedly arrested a university professor, writer, and researcher who had written a book on the 2020 Doha Agreement relating to the US withdrawal from Afghanistan. The circumstances of the arrest, and any charges, were unclear.36

- On February 2, 2023, Taliban forces beat and arrested a professor who had publicly opposed Taliban policies relating to women’s education, as he distributed free books to girls and women in Kabul’s Dehbori Park. He was reportedly released in early March.37

- On March 8, 2023, the Taliban reportedly arrested a scholar of Islamic law and former lecturer at Herat University, allegedly for social media posts criticizing the Taliban. The circumstances of the arrest, and any charges, were unclear.38

- On March 28, 2023, the Taliban arrested a professor of English literature at Badakhshan University, in apparent connection to his opposition to the Taliban’s educational policies concerning women and girls. He was reportedly released after two weeks in detention.39

**Institutional and Policy-Level Violations of Women’s and Girls’ Right to Education**

17. According to UNESCO, between 2001 and 2021, “Women’s presence in Afghan higher education increased almost 20 times, from 5,000 female students in 2001 to over 100,000 in 2021. Literacy rates for women doubled during the period, from 17% of women being able to read and write in 2001 to nearly 30% for all age groups combined.”41 Following the Taliban’s assumption of power in August 2021, this progress was reversed, through a series of decisions at the institutional level, and then at the national level, which, if not reversed, would strip Afghan women and girls of their right to an education permanently. These include the following:

- On August 17, 2021, Taliban forces prevented female students and professors from entering Herat University’s campus.42

- On August 21, 2021, the Taliban issued an order banning the co-education of males and females in Herat province’s universities.43
On August 29, 2021, the Taliban’s Higher Education Minister, Abdul Baqi Haqqani, announced that classes would be gender-segregated going forward. While the order did not officially prohibit women from accessing higher education, experts report that, with few female instructors in higher education and males unable to instruct female students, a large number of women will be excluded from higher education opportunities.

On April 4, 2022, it was reported that Afghanistan’s Ministry of Higher Education required higher education institutions to enforce gender segregation in scientific conferences and programs.

On May 18, 2022, the Taliban reportedly prevented a group of female students from entering the Kabul Polytechnic University campus because they were wearing colorful hijabs.

On October 14, 2022, the Taliban barred women from selecting a wide range of subjects for their studies, including agriculture, economics, engineering, geology, journalism, and veterinary science.

On October 30, 2022, the Taliban prevented female students from entering Badakhshan University for not wearing burqas.

On December 20, 2022, the Taliban government’s Ministry of Higher Education ordered an indefinite ban on higher education for women. Discussing the ban on Afghan television, Higher Education Minister Neda Mohammad Nadeem stated that women’s education is against Afghan and Islamic views and that women students had failed to abide by Taliban policies on women’s education. On January 28, 2023, the Taliban reinforced its ban on women’s higher education in a note sent to private universities stating that women could not take university entrance exams. The ban remains in effect as of this writing.

Recommendations

18. SAR respectfully urges UN Member States to demand that Afghanistan take concrete steps to reverse the catastrophic erosion of academic freedom and access to higher education that has occurred during this review period, including by:

   a. Reversing policies barring women and girls from accessing education at any level;

   b. Implementing policies to protect educational institutions from violent attack, and ensuring accountability – including thorough investigations and prosecution of perpetrators of such attacks;

   c. Taking concrete steps toward full and substantial implementation of the ICCPR, the ICESCR, and the CEDAW, to which Afghanistan is bound; and
d. Releasing and reversing charges against scholars and students detained based on nonviolent exercise of protected rights, including freedom of expression and association, and academic freedom.

19. SAR likewise urges States, members of the international higher education community, and other stakeholders to support international efforts to ensure women’s access to education in Afghanistan – especially those undertaken by UNESCO⁵⁰ – aimed at reversing current restrictions and taking measures to provide for women’s education while restrictions are in place.

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1 This submission may not reflect the views of the University of Turin International Human Rights Legal Clinic, University of Turin faculty and students, or individual Scholars at Risk Network members, institutions, or participating individuals.


4 CESCR, General Comment No. 13: The Right to Education (Article 13) (December 8, 1999), para. 38.

5 A/75/261, 28 July 2020 at para. 9.

6 CESCR, General comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights), paras. from 28 to 33


8 Academic Freedom Index available at https://academic-freedom-index.net/


26 SAR AFMP, https://www.scholarsatrisk.org/academic-freedom-monitoring-project-index/?_snk_keyword=&taxes%5Bregions%5D%5Bafghanistan%5D=on&taxes%5Breports%5D%5Bloss-of-position%5D=on&snk dr%5Bstart%5D=2019-01-01&snk dr%5Bend%5D=2023-06-16


38 SAR AFMP, March 8, 2023, https://www.scholarsatrisk.org/report/2023-03-08-unaffiliated/
40 SAR AFMP, https://www.scholarsatrisk.org/academic-freedom-monitoring-project-index/?_snk_keyword=&taxes%5Bregions%5D%5Bafghanistan%5D=on&taxes%5Breports%5D%5Border%5D=on&snk_dt%5Bstart%5D=&snk_dt%5Bend%5D=
41 https://www.unesco.org/en/articles/let-girls-and-women-afghanistan-learn
50 https://www.unesco.org/en/articles/let-girls-and-women-afghanistan-learn