



The Afghanistan Human Rights Movement Post-Taliban Takeover: NGOs and Social Media

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I. Background on Human Rights in Afghanistan

The human rights situation in Afghanistan was fundamentally altered on August 15th, 2021, when a military offensive by the Taliban overtook Kabul and marked the end of a nearly twenty year long war that began shortly after the United States invasion of Afghanistan in 2001. While human rights in Afghanistan prior to the Taliban takeover were tenuous, the new regime rolled back two decades of progress for women and girls, education, the LGBTQ+ community, and religious minorities, among others.¹ By the end of 2021, 25% of Afghan asylees and refugees were women, 48% were children, and in total 2.3 million Afghans were refugees or asylum seekers.² Additionally, most civil society organizations have collapsed in the face of Taliban demands and threats. As a result, traditional methods of human rights advocacy appear largely unavailable, and advocates have altered their strategies to continue supporting human rights efforts inside the country, often behind-the-scenes and through social media and other digital platforms.

Keeping in mind the recent and drastic changes to human rights discourse in Afghanistan and the limitations of advocacy from thousands of miles away, the International Justice Clinic (IJC) at University of California, Irvine, School of Law (UCI Law), prepared this paper in an effort to consider how to promote meaningful human rights work in the current hostile environment of a Taliban-run Afghanistan. This paper begins with an analysis of the most vulnerable groups under threat, specifically former U.S. allies, women and girls, the LGBTQ+ community, and ethnic and religious minority groups. The paper then examines the barriers to effective advocacy for these groups given the current social and political circumstances. Next, the paper examines the positive and negative role of social media in Afghanistan. Finally, a series of recommendations is given for further human rights advocacy and the use of social media.

II. International Response to the Afghanistan Human Rights Crisis

The international response to the Taliban takeover has lacked any direct or meaningful accountability. President Biden announced plans for a full U.S. withdrawal on April 14th, 2021, but the administration did not provide a comprehensive evacuation plan to ensure the safety of Afghans put at risk by the withdrawal.³ The European Union also failed to develop a resettlement plan for Afghan refugees.⁴ As a result, many human rights defenders, activists, journalists, LGBTQ+ individuals, and other minority groups were left behind and put at risk.⁵ Since the takeover, the UN has addressed the crisis in Afghanistan through the special procedures of the Human Rights Council, Council resolutions, and the UN High Commissioner for Human Rights. In October 2021, the Human Rights Council adopted resolution 48/1 which established the

¹ AMNESTY INTERNATIONAL, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/> (last visited Nov. 20, 2022).

² *Afghan Situation 2021*, U.N. HUMAN RTS. COUNCIL (2021), <https://reporting.unhcr.org/afghansituation>.

³ Afghanistan Events of 2021, HUMAN RTS. WATCH (2021), <https://www.hrw.org/world-report/2022/country-chapters/afghanistan>.

⁴ Laurence Norman, *EU Offers No New Pledges to Take in Afghan Refugees*, WALLSTREET J., (Oct. 7, 2021, 12:32 PM), <https://www.wsj.com/articles/eu-offers-no-new-pledges-to-take-in-afghan-refugees-11633624363>

⁵ *Id.*

mandate of a Special Rapporteur on the situation of human rights in Afghanistan.⁶ However, the Special Rapporteur did not officially assume his duties until six months later. In September 2021, the prosecutor for the International Criminal Court (ICC) filed an application seeking to resume an investigation in Afghanistan.⁷ On October 31st, 2022, the ICC judges authorized the prosecution to resume its investigation, with the focus of its investigation on the Taliban.⁸ The investigation is further limited to alleged crimes that existed at the time of the Appeals Chamber decision in March 2020.⁹ Around the same time, the UN Security Council authorized a renewal of the UN Assistance Mission in Afghanistan (UNAMA) for a period of six months.¹⁰ UNAMA is a UN Special Political Mission engaged in political affairs, development, and humanitarian assistance.¹¹ UNAMA offers on-the-ground reporting and analysis in addition to the 20 agencies, funds, and programs it runs in Afghanistan.¹²

International funding has also been halted or significantly altered by the New York Federal Reserve, the International Monetary Fund, and the World Bank-administered Afghanistan Reconstruction Trust Fund, which contributed to Afghanistan's swift economic collapse following the takeover.¹³ Despite these responses, Afghan human rights advocates remain frustrated with the international community's response and have repeatedly called for additional support and more definitive actions than those that have been forthcoming. As the country's economic and political conditions continue to deteriorate and rule of law is eroded, human rights strategies and international responses must also evolve and adapt to meet evolving needs.

Afghanistan human rights experts are disappointed by the U.S. government's response during and after withdrawal from Afghanistan and the government's failure to take responsibility for the role it has continued to play. The Biden Administration announced its plan to withdraw in April, 2021, stating all troops would be withdrawn by September, 2021.¹⁴ American views were mixed, with only about half of Americans supporting the withdrawal at the time.¹⁵ However, "[b]oth during and after the troop withdrawal, large majorities of Americans expressed negative views of the Biden administration's handling of the situation in Afghanistan."¹⁶ Human rights

⁶ *Special Rapporteur on Afghanistan*, OFF. OF THE HIGH COMM'R FOR HUM. RTS., <https://www.ohchr.org/en/special-procedures/sr-afghanistan> (last visited Nov. 20, 2022).

⁷ Press Release, Int'l Crim. Ct., ICC Judges Authorise Prosecution to Resume Investigation in Afghanistan (Oct. 31, 2022), <https://www.icc-cpi.int/news/icc-judges-authorise-prosecution-resume-investigation-afghanistan>

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *About*, U.N. ASSISTANCE MISSION IN AFG., <https://unama.unmissions.org/about> (last visited Nov. 20, 2022).

¹² *Id.*

¹³ *Id.*

¹⁴ Teri Moon, Cronk, *Biden Announces Full U.S. Troop Withdrawal From Afghanistan by Sept. 11*, U.S. DEP'T OF DEF. (April 14, 2021), <https://www.defense.gov/News/News-Stories/Article/Article/2573268/biden-announces-full-us-troop-withdrawal-from-afghanistan-by-sept-11/>.

¹⁵ Katherine Schaeffer, *A Year Later, a Look Back at Public Opinion About the U.S. Military Exit from Afghanistan*, PEW RSCH. CTR. (August 17, 2022), <https://www.pewresearch.org/fact-tank/2022/08/17/a-year-later-a-look-back-at-public-opinion-about-the-u-s-military-exit-from-afghanistan/>.

¹⁶ *Id.*

experts from Afghanistan are disappointed by President Biden’s refusal to “offer any sort of mea culpa” as he has continued to assert that he “believed with ‘all of [his] heart’ that [he] had made a wise decision.”¹⁷ President Biden has been criticized for creating a false dichotomy for U.S. decision-making, between completely withdrawing from Afghanistan or escalating the war.¹⁸

III. Vulnerable Groups Under Attack by the Taliban

Several vulnerable groups have been placed at risk following the Taliban takeover, including former U.S. allies, women and girls, the LGBTQ+ community, and ethnic and religious minorities. While these groups previously faced varying levels of persecution and social ostracization in Afghanistan due to their marginalized status, targeted attacks and restrictive decrees have significantly increased since the Taliban takeover. Despite the Taliban previously insisting these groups would not be persecuted, human rights organizations have observed and recorded serious restrictions of Afghan human rights. Significant attention and advocacy is needed for these groups due to specific characteristics that place them at an increased risk of harm.

a. *Former U.S. Allies*

Government officials, military personnel, and translators allied with the U.S. have been under attack since the Taliban takeover. Almost 500 government officials and members of the Afghan security forces allied with the U.S. were killed or forcibly disappeared during the Taliban’s first six months in power.¹⁹ Despite Taliban leaders’ insistence that amnesty would apply to these former allies, revenge killings have become widespread throughout the country leaving many fearful for their lives. While exact numbers are not available, estimates suggest between 78,000 and 250,000 Afghans who may be eligible for expedited American visas remain in Afghanistan.²⁰ Even for those who have been evacuated, Afghan immigrants are only guaranteed an initial two-year grant of humanitarian parole and face the enormous backlog of pending immigration cases when seeking permanent status.²¹ Congress is currently debating the Afghan Adjustment Act

¹⁷ Michael D. Shear & Jim Tankersley, Biden Defends Afghan Pullout and Declares an End to Nation-Building, N.Y. TIMES (Oct. 7, 2021), <https://www.nytimes.com/2021/08/31/us/politics/biden-defends-afghanistan-withdrawal.html>.

¹⁸ *Id.*

¹⁹ Barbara Marcolini et al., Opinion, *The Taliban Promised Them Amnesty. Then They Executed Them.*, N.Y. TIMES (last visited Nov. 20, 2022), <https://www.nytimes.com/interactive/2022/04/12/opinion/taliban-afghanistan-revenge.html>.

²⁰ Dan De Luce, *U.S. ‘left behind’ 78,000 Afghan Allies in Chaotic Withdrawal: NGO Report*, NBC NEWS (March 1, 2022, 1:58 PM), <https://www.nbcnews.com/investigations/us-left-78000-afghan-allies-ngo-report-rcna18119>; Lauren Leatherby & Larry Buchanan, *At Least 250,000 Afghans Who Worked With U.S. Haven’t Been Evacuated, Estimates Say*, N.Y. TIMES (August 25, 2021), <https://www.nytimes.com/interactive/2021/08/25/world/asia/afghanistan-evacuations-estimates.html>.

²¹ Danilo Zak, *Explainer: Options for Evacuated Afghans*, NAT’L IMMIGR. F. (April 8, 2022), <https://immigrationforum.org/article/explainer-options-for-evacuated-afghans/>.

(AAA) which, if passed, would bypass refugee or Special Immigrant Visa (SIV) application procedures that cannot process applications fast enough in an emergency context.²²

b. *Women and Girls*

Since the Taliban takeover, women and girls have experienced a consistent erosion of their rights. While initially the Taliban claimed women and girls would be permitted to work and study within the frameworks of Islam, this claim was quickly disproven by ensuing Taliban actions.²³ Taliban regulations and policies systematically prevent women and girls from education, employment, and freedom of movement.²⁴ On September 18th, 2021, the Taliban announced the reopening of secondary schools for boys only.²⁵ On December 22nd, 2022, the Taliban's higher education minister suspended university education for women.²⁶ Guidelines for higher education now require separate teaching for male and female students, but the lack of female teachers creates de facto exclusion of female students.²⁷ Female humanitarian workers have been dismissed from employment in many regions in addition to nearly all female government employees.²⁸ Prior to the takeover, 30% of seats in parliament belonged to women.²⁹ Further, the Taliban eliminated the Ministry for Women's Affairs and converted the department into the Ministry for the Propagation of Virtue and Prevention of Vice, which now polices how women dress and ensures they are accompanied by a male relative.³⁰ Additionally, significant rollbacks on protections for women fleeing domestic violence have occurred and many lawyers and judges previously advocating for these protections are now in hiding themselves.³¹ Despite prior statements, Taliban actions have clearly restricted the rights of women and girls.

²² Danilo Zak, *Bill Summary: The Afghan Adjustment Act*, NAT'L IMMIGR. F. (August 11, 2022), <https://immigrationforum.org/article/bill-summary-the-afghan-adjustment-act/>.

²³ *Afghanistan: Taliban Rights Pledges Raise Concerns*, HUM. RIGHTS WATCH (August 18, 2021), <https://www.hrw.org/news/2021/08/18/afghanistan-taliban-rights-pledges-raise-concerns>.

²⁴ Afghanistan Events of 2021, *supra* note 3.

²⁵ *Taliban Say Afghan Boys' Schools to Reopen, No Mention of Girls*, REUTERS (September 17, 2021), <https://www.reuters.com/world/asia-pacific/taliban-say-afghan-boys-schools-reopen-no-mention-girls-2021-09-17/>.

²⁶ *Taliban Suspend University Education for Women in Afghanistan*, CNN, (Dec. 20th, 2022, 9:10 PM), <https://www.cnn.com/2022/12/20/asia/taliban-bans-women-university-education-intl/index.html>.

²⁷ Afghanistan Events of 2021, *supra* note 3.

²⁸ *Id.*

²⁹ Annie Banerji, *Young Afghan Women Defiant as Taliban Bring Back Moral Police*, THOMAS REUTERS FOUNDATION NEWS (Sept. 8, 2021), <https://news.trust.org/item/20210908145953-lht6q/>

³⁰ Heather Barr, *For Afghan Women, the Frightening Return of 'Vice and Virtue'*, HUM. RTS. WATCH (Sept. 29, 2021, 10:00 AM), <https://www.hrw.org/news/2021/09/29/afghan-women-frightening-return-vice-and-virtue>

³¹ Fereshta Abbasi, *Afghan Women Fleeing Violence Lose Vital Protection*, HUM. RTS. WATCH (Sept. 24, 202, 8:00 AM), <https://www.hrw.org/news/2021/09/24/afghan-women-fleeing-violence-lose-vital-protection>.

c. *LGBTQ+ Community*

The LGBTQ+ community in Afghanistan has experienced increased violence and dangerous conditions since the Taliban gained control. In a comprehensive series of interviews with 60 LGBTQ+ Afghans, Human Rights Watch and OutRight Action documented the lived experiences and struggles of LGBTQ+ Afghans, including those that remain in the country and who are part of the diaspora. Prior to the Taliban takeover, the penal code was interpreted vaguely to criminalize same-sex relations, but in 2018 the government officially criminalized same-sex acts.³² While Afghanistan was never a “safe” place for those with non-traditional gender identity or sexual orientation, the risk of “sexual violence, child and forced marriage, physical violence from their families and others, expulsion from schools, blackmail, and being outed” have significantly worsened since the Taliban took control.³³

Prior to the takeover, LGBTQ+ Afghans were at least partially protected by social norms and the penal code that expressly prohibited murder. However, the erosion of the rule of law has significantly impacted the LGBTQ+ community in Afghanistan. For example, one interviewee recalled that “No one could kill [her] easily” but after the interviewee’s family members joined the Taliban, they told her “[They] have the authority” to kill her.³⁴ Additionally, LGBTQ+ refugees and asylum seekers face unique risks because they must hide their identity and have often conformed to the heteronormative society around them in order to survive, thus making it more challenging to prove fear of persecution.³⁵ The Taliban takeover and actions by the de facto regime have dramatically affected the LGBTQ+ community, placing them at an even greater danger than under the preexisting government.

d. *Ethnic and Religious Minorities*

Like the climate surrounding the LGBTQ+ community, the persecution of ethnic and religious minorities has also intensified since the Taliban takeover. Before August 15th, 2021, violence against religious and ethnic minority groups was not uncommon. For example, two Shia-Hazara mosques in the cities of Kandahar and Kunduz were targeted by suicide bombers, resulting in dozens of deaths and hundreds of injuries.³⁶ Despite promising to protect religious and ethnic minorities, the de facto Taliban regime has engaged in extrajudicial killings of ethnic and religious minority groups since it has taken

³² *Afghanistan: Taliban Target LGBT Afghans*, HUM. RTS. WATCH (Jan. 6, 2022), <https://www.hrw.org/news/2022/01/26/afghanistan-taliban-target-lgbt-afghans>.

³³ AMNESTY INTERNATIONAL, *supra* note 1; *Even If You Go to the Skies, We’ll Find You*, HUM. RTS. WATCH (Jan. 26, 2022), https://www.hrw.org/report/2022/01/26/even-if-you-go-skies-well-find-you/lgbt-people-afghanistan-after-taliban-takeover#_ftn3.

³⁴ *Afghanistan: Taliban Target LGBT Afghans*, *supra* note 32.

³⁵ *Even If You Go to the Skies, We’ll Find You*, *supra* note 33.

³⁶ AMNESTY INTERNATIONAL, *supra* note 1.

over.³⁷ For example, in July 2021, the Taliban killed nine ethnic Hazara men in the Ghazni province, and one month later killed 11 ethnic Hazara persons in the Daykundi province.³⁸ One human rights defender explained that while the prior regime was apathetic towards ethnic and religious minorities, the de facto government is now proactively targeting them in violent attacks.³⁹ Estimates suggest that since the Taliban overtook Afghanistan, at least 700 religious and ethnic minorities have been killed or injured as a result.⁴⁰ The persecution and targeted attacks on ethnic and religious minorities has increased significantly as a result of the de facto government.

IV. Barriers to Effective Advocacy

The IJC conducted several interviews with key human rights leaders working on issues related to Afghanistan. Human rights advocates articulated numerous advocacy struggles unique to the circumstances in Afghanistan including: (1) Loss of internal human connections; (2) Inaction and slow progress at the international level (within UN mechanisms and the ICC); (3) Negative residual effects of U.S. involvement; and (4) Destruction of civil society and the shift to grassroots activism and; (5) Divided international attention due to the international overload of human rights crises. These factors are compounding and highlight the complexities of human rights advocacy in Afghanistan.

(1) Loss of Internal Connections

Human rights advocates outside Afghanistan have struggled to maintain connections to people inside the country given the grave danger to human rights activists and journalists inside Afghanistan. These connections are crucial for updating organizations on current happenings inside the country and contributing to their advocacy strategies. By the end of 2021, nearly six million Afghans were forcibly displaced from their home.⁴¹ Many journalists and human rights defenders are part of the six million who were forced to flee or lost their platforms after the Taliban regained control. A human rights advocate from Human Rights Watch said the organization lost contacts they had previously worked with for 10-15 years.⁴² Loss of long-term relationships is devastating, particularly because language and cultural competency is crucial for human rights capacity building.⁴³ Applications such as Signal and other secure connection applications are used by human

³⁷ *Afghanistan: ISIS Group Target Religious Minorities*, HUM. RTS. WATCH (Jan. 6, 2022), <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities>.

³⁸ AMNESTY INTERNATIONAL, *supra* note 1.

³⁹ Interview with human rights expert (Oct. 6, 2022).

⁴⁰ *Afghanistan: ISIS Group Target Religious Minorities*, *supra* note 37.

⁴¹ *Afghanistan Refugee Crisis Explained*, U.N. HUM. RTS. COUNCIL (JUNE 29, 2022), <https://www.unrefugees.org/news/afghanistan-refugee-crisis-explained/>.

⁴² Interview with Afghanistan human rights expert (Oct. 6, 2022).

⁴³ *Id.*

rights activists in Afghanistan to protect their identity and other personal information.⁴⁴ Even with these platforms, some internal activists do not feel safe remaining in contact with human rights organizations outside of the country, and this loss of capacity makes it incredibly challenging for organizations to effectively advocate.

(2) *Inaction at the International Level*

Action through UN mechanisms has also been slow and insufficient to combat Taliban action. The UN, the Security Council, and other human rights mechanisms have failed to meet the demands of Afghan human rights advocates. A human rights defender from an international NGO expressed frustration that, despite advocacy directed towards the UN and the Security Council, the response has been limited.⁴⁵ Despite numerous advocacy attempts to stress the severity of the crisis and the humanitarian funding gap that remains as winter is fast approaching, the only tangible human rights advocacy action has been appointment of the Special Rapporteur on Afghanistan established in April 2022.⁴⁶ Advocates at Amnesty International released a statement following the establishment of the position, expressing disappointment that the “resolution fell short of the robust response [they] had hoped to see from the Human Rights Council.” Instead, Amnesty International called for “[a]n independent, international investigative mechanism, with powers to document and gather evidence for future prosecutions... to ensure justice, truth and reparation for the crimes under international law and human rights violations that are being committed.”⁴⁷

Similarly, until very recently there was a lack of accountability for the Taliban’s culture of impunity in the ICC. The ICC’s investigation into war crimes in Afghanistan was put on pause in 2020 when the former government requested deferral to its own investigations.⁴⁸ The ICC is considered a court of last resort and thus deferral requests can only be overridden if the judge finds the government is not willing or able to investigate the same crimes.⁴⁹ In September 2021, the prosecutor requested permission from ICC judges to resume an investigation, which was not granted for over a year.⁵⁰ In this request, the prosecutor stated he would deprioritize investigation into alleged crimes by U.S. and Afghan forces. However, Human Rights Watch and other civil society organizations have

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ AMNESTY INTERNATIONAL, *supra* note 1; see *UN Relief Chief Stresses Need to Stay and Deliver for All Afghans*, UN NEWS (August 29, 2022), <https://news.un.org/en/story/2022/08/1125672>.

⁴⁷ *Afghanistan: Appointment of Special Rapporteur an Important First Step Towards Robust UN Oversight of Human Rights Situation*, AMNESTY INT’L (Oct. 7, 2021), <https://www.amnesty.org/en/latest/news/2021/10/afghanistan-appointment-of-special-rapporteur-an-important-first-step-towards-robust-un-oversight-of-human-rights-situation/>.

⁴⁸ *ICC: Afghanistan Inquiry Can Resume*, HUM. RTS. WATCH (Oct. 31, 2022), <https://www.hrw.org/news/2022/10/31/icc-afghanistan-inquiry-can-resume>.

⁴⁹ *Id.*

⁵⁰ *Id.*

criticized this decision due to the lack of accountability for crimes against humanity and war crimes committed by entities unrelated to the Taliban.

(3) *Negative Residual Effects of U.S. Involvement*

Human rights defenders heavily criticized the Biden administration for failing to take responsibility for the U.S.'s role in Afghanistan and for subsequently mischaracterizing the human rights crisis. The U.S. government has perpetuated the damaging narrative that Afghanistan is a fragmented, undemocratic nation that requires excessive resource allocation from the U.S. to sustain itself.⁵¹ In President Biden's speech about U.S. withdrawal, he attempted to direct the focus away from a collaborative human rights focus by stating: "Our mission in Afghanistan was never supposed to have been nation building. It was never supposed to be creating a unified, centralized democracy. Our only vital national interest in Afghanistan remains today what it has always been: preventing a terrorist attack on American homeland."⁵² As evidenced by the U.S. withdrawal, the twenty-year partnership between the U.S. and Afghanistan was disregarded, resulting in significant civilian casualties and the many subsequent human rights violations.⁵³

Instead of acknowledging the U.S.'s shortcomings, President Biden dug in his heels by arguing that ending U.S. involvement when he did was the right decision.⁵⁴ He also perpetuated the harmful narrative that Afghan response to the Taliban takeover was apathetic by stating: "American troops cannot and should not be fighting in a war and dying in a war that Afghan forces are not willing to fight for themselves."⁵⁵ This sentiment disregards the multitude of Afghan human rights defenders that have been risking their lives fighting to establish rule of law the last two decades. Additionally, Biden's statement ignores the security complexities and nuances of the internal power structures that make it difficult for Afghans to challenge Taliban leadership without some form of external support. Further, U.S. involvement in Afghanistan has been deprioritized politically on an international scale. For example, the ICC refused to expend resources investigating alleged war crimes perpetrated by the U.S. since its initial invasion.⁵⁶ As one expert explained, "we

⁵¹ Interview with Afghanistan human rights advocate (Oct. 10, 2022).

⁵² Joe Biden, President, Remarks by President Biden on Afghanistan (August 16, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/16/remarks-by-president-biden-on-afghanistan/>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Anthony Deutsch & Stephanie van den Berg, *War Crimes Prosecutor Would Not Focus on U.S. Forces in New Afghanistan Probe*, REUTERS (Sept. 27, 2021, 12:32 PM), <https://www.reuters.com/world/asia-pacific/icc-prosecutor-seeks-authorisation-resume-afghanistan-war-crimes-investigation-2021-09-27/>; *ACLU Statement on International Criminal Court Prosecutor's Decision to "Deprioritize" Investigation Alleged U.S. War Crimes in Afghanistan*, AM. CIV. LIBERTIES UNION (Sept. 27, 2021), <https://www.aclu.org/press-releases/aclu-statement-international-criminal-court-prosecutors-decision-deprioritize>.

cannot talk about peace without justice, and we cannot talk about justice without talking about the civilian harm that occurred.”⁵⁷

(4) Destruction of Civil Society

After the Taliban takeover many civil society organizations collapsed as those who worked for NGOs and small nonprofits, many of which were funded by the State Department or U.S. agencies, have been targeted by the Taliban.⁵⁸ As a result, remaining civil society organizations are in dire need of resources and support. Many people who worked for these organizations have been evacuated or gone into hiding to protect themselves.⁵⁹

Support for human rights NGOs in Afghanistan was traditionally underfunded even before the Taliban takeover.⁶⁰ Now, “donors are concerned that de facto authorities are benefiting from humanitarian assistance.”⁶¹ The United Nations has documented Taliban interference with funding.⁶² Many systems of humanitarian aid, such as the United Nations Assistance Mission in Afghanistan (UNAMA), depend on engagement with the Taliban and are seen by the broader human rights community as complying with the de facto regime.⁶³ For example, a report issued by UNAMA on Human Rights in Afghanistan in July 2022 even claims some Taliban actions were “seemingly aimed at the protection and promotion of human rights.”⁶⁴ Due to this lack of trust in larger organizations and the lack of security for funds, human rights experts have expressed the need to shift towards supporting grassroots activism.⁶⁵ A human rights advocate who works with grassroots organizations in Afghanistan stressed the importance of growing grassroots capacities and encouraging donors to fund projects that are entirely disconnected from the Taliban.⁶⁶

⁵⁷ Interview with Afghanistan human rights advocate (Oct. 10, 2022).

⁵⁸ Miriam Jordan, *A Dangerous Scramble to Evacuate Afghan Nonprofit Workers*, N.Y. TIMES (Sept. 24, 2021), <https://www.nytimes.com/2021/09/24/us/afghan-workers-evacuation-nonprofits.html>.

⁵⁹ *Id.*

⁶⁰ Pushkar Sharma & Tenzin Dolker, *Afghan Women’s Rights Activists Have Long Been Underfunded. This Must Change*, OPEN DEMOCRACY (Sept. 7, 2021, 2:35 PM), <https://www.opendemocracy.net/en/5050/afghan-women-donors-leadership/>.

⁶¹ Hardin Lang, *Fit For Purpose: Getting Humanitarian Aid Right in Afghanistan One Year After the Taliban Takeover*, REFUGEES INT’L (August 18, 2022), <https://www.refugeesinternational.org/reports/2022/8/16/fit-for-purpose-getting-humanitarian-aid-right-in-afghanistan-one-year-after-the-taliban-takeover>.

⁶² *Id.*

⁶³ Shakiba Mashayekhi, *The Limits of the UN Assistance Mission in Afghanistan Under Taliban Rule*, STIMSON (Oct. 6, 2022), <https://www.stimson.org/2022/the-limits-of-the-un-assistance-mission-in-afghanistan-under-taliban-rule/>; See generally UNAMA Human Rights Service, *Human Rights in Afghanistan*, UNAMA (July 2022), https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf (report compiled by UNAMA relying on Taliban compliance).

⁶⁴ UNAMA Human Rights Service, *supra* note 63, at 3.

⁶⁵ *Women’s Activism in Afghanistan is Still Alive and Needs All the Support it Can Get*, CORDAID INT’L (June 7, 2022), <https://reliefweb.int/report/afghanistan/womens-activism-afghanistan-still-alive-and-needs-all-support-it-can-get>.

⁶⁶ Interview with Afghanistan human rights advocate (Oct. 10, 2022).

(5) *International Overload of Human Rights Crises*

Human rights advocates have noted that divided attention caused by various human rights crises, including the Russian war on Ukraine and the Women’s Movement in Iran, have compounding negative effects on advocacy and awareness raising efforts for Afghanistan. Due to limited resources and the multitude of prominent international human rights crises that all demand attention, Afghan human rights defenders feel that issues in Afghanistan have been cast outside the international spotlight. For example, activists are frustrated by the inequitable treatment of Afghan and Ukrainian refugees. An expert from an international NGO explained that “the Ukraine war took all of the attention off of Afghanistan” and highlighted the differential treatment of Ukrainian and Afghan refugees.⁶⁷ The U.S.’s limited, weak support for Afghan refugees highlights the racist and Islamophobic nature of U.S. migration policies. The U.S. recently passed the Additional Ukraine Supplement Appropriations Act, which authorized more than \$40 billion in emergency funding to the Ukrainian people.⁶⁸ Conversely, USAID has provided a total of \$1.1 billion in humanitarian assistance to Afghanistan since August, 2021.⁶⁹ The Biden Administration also unrolled the special immigration program, Uniting for Ukraine, an initiative that streamlines the immigration process for Ukrainian citizens who fled due to Russia’s invasion.⁷⁰ The U.S. government was slow to revise its immigration policies and only recently proposed revisions to its Afghan Resettlement policy through the Afghan Adjustment Act, though the beneficiaries of the Act are narrowly constructed to include Afghan military personnel and others previously brought over during U.S. withdrawal.⁷¹ In five months since the Russian attack, the U.S. has accepted 100,000 Ukrainians.⁷² In contrast, 76,000 Afghans were evacuated before the U.S. left the country, but only 9,000 Afghans have been admitted since U.S. forces left over a year ago.⁷³ Put another way, almost 50,000 Afghans have applied for humanitarian parole since July 2021, but only 410

⁶⁷ Interview with Afghanistan human rights advocate (Oct. 6, 2022).

⁶⁸ Additional Ukraine Supplemental Appropriations Act, H.R. Res. 7691, 117th Cong. (2022).

⁶⁹ Press Release, Office of Press Relations, *The United States Has Provided More Than \$1.1 Billion to Respond to Humanitarian Crisis in Afghanistan Since August 2021*, USAID (Sept. 23, 2022), <https://www.usaid.gov/news-information/press-releases/sep-23-2022-united-states-provided-more-11-billion-humanitarian-assistance-afghanistan>.

⁷⁰ Press Release, Department of Homeland Security, *President Biden to Announce Uniting for Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing Russia’s Invasion of Ukraine*, HOMELAND SECURITY (April 21, 2022), <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>.

⁷¹ Brian Osgood, *Afghan Adjustment Act: What Does it Mean for Refugees in US?*, ALJAZEERA (Sept. 9, 2022), <https://www.aljazeera.com/news/2022/9/9/afghan-adjustment-act-what-does-it-mean-for-refugees-in-us>.

⁷² Camilo Montoya-Galvez, *U.S. Admits 100,000 Ukrainians in 5 Months, Fulfilling Biden Pledge*, CBS (July 29, 2022, 6:26 PM), <https://www.cbsnews.com/news/us-admits-100000-ukrainians-in-5-months-fulfilling-biden-pledge/>.

⁷³ Glenn Kessler, *Numbers Behind Afghanistan Evacuation Come into Focus*, WASHINGTON POST (May 25, 2022, 3:00 AM), <https://www.washingtonpost.com/politics/2022/05/25/numbers-behind-afghan-evacuation-come-into-focus/>.

have been accepted to date.⁷⁴ These huge discrepancies in funding and migration policies are a reflection of the US's de-prioritization of Afghanistan.

Human rights experts have also expressed frustration with the lack of reciprocal support for the movement in Afghanistan since the Taliban takeover, particularly due to increased crackdowns by the Iranian authorities.⁷⁵ However, despite these frustrations, advocates are overall inspired by the joint feminist solidarity and are hopeful that attention on the Iranian protests will also cast light on the protests in Afghanistan.⁷⁶ Protests against the government of Iran have been active since the theocratic regime was established in 1979.⁷⁷ Recently, protests have erupted following the death of Mahsa Amini, a young Kurdish-Iranian woman who died in police custody after being detained by the morality police for allegedly violating Iran's hijab laws.⁷⁸ The human rights movements in Iran and Afghanistan share many similarities. For example, both regimes target women and other minorities in violent protest crackdowns that have left hundreds killed or seriously injured.⁷⁹ Human rights experts recognize the connection and solidarity between Afghan and Iranian activists as both groups fight against misogynistic regimes.⁸⁰ However, despite the solidarity, the media's short attention span has resulted in the diversion of attention away from the human rights movement in Afghanistan.⁸¹

V. The Role of Social Media in Afghanistan

(1) *The Benefits of Social Media*

Social media plays a valuable role in raising awareness and support for the human rights movement in Afghanistan while still protecting human rights leaders. Social media platforms are a useful organizing tool for uniting minority groups that have common goals but are otherwise unable to connect due to security concerns or physical barriers.⁸² In Afghanistan, Facebook and Twitter are the most used social media platforms.⁸³ Given the privacy and security concerns of many Afghan human rights defenders, applications like Signal, that offer secure connections to users, are useful. Human rights leaders in

⁷⁴ Brian Osgood, *supra* note 71.

⁷⁵ Interview with Afghanistan human rights advocate (Oct. 10, 2022); Interview with Afghanistan human rights advocate (Oct. 7, 2022).

⁷⁶ *Id.*

⁷⁷ Mona Tajali, *Iranian Women Have Been Protesting Mandatory Hijab for Decades*, WASHINGTON POST (Oct. 3, 2022), <https://www.washingtonpost.com/politics/2022/10/03/iran-protests-hijab-women-mahsa-amini/>.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Interview with Afghanistan human rights advocate (Oct. 6, 2022); Interview with Afghanistan human rights advocate (Oct. 7, 2022).

⁸¹ Interview with Afghanistan human rights advocate (Oct. 7, 2022).

⁸² Interview with Afghanistan human rights advocate (Oct. 6, 2022).

⁸³ Abdul Mujeeb Khalvatgar, *Afghanistan*, MEDIALANDSCAPES, <https://medialandscapes.org/country/afghanistan/media/social-networks> (last visited Nov. 20, 2022).

Afghanistan can continue their advocacy, communicate with external organizations, and receive current information, while still protecting their identities, locations, and other sensitive information.⁸⁴ At the same time, the current situation has heightened the risks for all human rights defenders, no matter how secure their digital environment may be.

In an interview with IJC, an Afghanistan human rights expert emphasized the importance of social media and its use by those outside Afghanistan including individuals who are now part of the Afghan diaspora.⁸⁵ Connection to the external world is crucial to keep the movement alive and facilitate the spread of current information. Additionally, information online can easily be translated and disseminated, thus making it accessible to large numbers of people.⁸⁶

Given the range of languages spoken in Afghanistan, translation into local languages is particularly important for those still in Afghanistan and can be done by the diaspora community through online platforms.⁸⁷ The need for relevant information in local languages is particularly acute because local radio stations, television programs, and other media sources are under heavy surveillance and restriction by the Taliban.⁸⁸ Journalists in the country have received death threats from Taliban members and are now required to submit all reports for approval before publication.⁸⁹ Additionally, the Taliban's Ministry for the Promotion of Virtue and Prevention of Vice prohibited films from being broadcast that go "against Islamic or Afghan values."⁹⁰ Since the implementation of these new Taliban directives, spaces on social media have become increasingly important sites for information sharing and communication across languages.

Social media can also serve as a tool to document and share human rights abuses. Evidence of human rights violations is often reported to NGOs through tagging, hashtags, or direct messages on social media platforms.⁹¹ NGOs then work to verify the information through geolocation and temporal identification.⁹² Additionally, the international community can react to these abuses and raise awareness on a larger scale. Collecting and preserving evidence of human rights abuses perpetrated by the Taliban is especially important for documentation if the ICC or other mechanisms of accountability are later pursued.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Interview with Afghanistan human rights advocate (Oct. 10, 2022).

⁸⁷ *Afghanistan*, BRITANNICA, <https://www.britannica.com/place/Afghanistan/Languages>, (last visited Nov. 20, 2022); Interview with Afghanistan human rights advocate (Oct. 7, 2022).

⁸⁸ *Afghanistan: Taliban Crackdown on Media Worsens*, HUM. RTS. WATCH (Nov. 22, 2021, 11:02 AM), <https://www.hrw.org/news/2021/11/22/afghanistan-taliban-crackdown-media-worsens-0>

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ Interview with Afghanistan human rights advocate (Oct. 7, 2022).

⁹² *Id.*

Social media platforms provide a space for the diaspora community to connect, engage, and campaign. For example, on Twitter, the #StopHazaraGenocide has surpassed 11 million tweets.⁹³ To date the #StopHazaraGenocide is the largest trending hashtag from Afghanistan.⁹⁴ Additionally, Hazara diaspora communities have used social media to help organize rallies across multiple cities in the United States and across 120 cities internationally.⁹⁵ Through these platforms, people from around the world can keep an eye on Afghanistan and continue to engage and share what is happening.

(2) *The Disadvantages of Social Media*

The Taliban has a substantial presence on social media that it uses to spread misinformation and to glorify violence. By posting on social media, the Taliban “has the ability to communicate directly with the rest of the world, as well as to control the narrative around events....”⁹⁶ These deceptive tactics are aimed at “deceiving the West and vying for legitimacy on the international stage.”⁹⁷ As part of their legitimacy scheme, Taliban leaders release messages in English and livestream press events.⁹⁸ The U.S. State Department has not designated the Afghan Taliban a Foreign Terrorist Organization, a label that would more explicitly violate the terms of service on social media platforms.⁹⁹ Because private companies often rely on governmental designations, Twitter has not banned the Taliban which allows them to post videos celebrating their security forces and their violent acts by spreading propaganda.¹⁰⁰ Taliban spokesmen Mujahid and Suhail Shaheen each have active, unverified accounts with more than 300,000 followers.¹⁰¹ While Facebook has banned the Taliban, their sympathizers and supporters still use the platform to organize.¹⁰² Taliban members often employ evasive tactics such as misspelling hashtags, using encrypted apps, and asking volunteers to translate posts into multiple languages to avoid detection by monitors.¹⁰³ Additionally, dragnet style monitoring often mistakenly labels content as related to the Taliban when it is instead written in opposition to the

⁹³ #StopHazaraGenocideCampaign, BAMYAN FOUNDATION, <https://bamyanfoundation.org/stophazaragenocide-campaign>.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ Catherine Thorbecke, *How the Taliban Uses Social Media to Seek Legitimacy in the West, Sow Chaos at Home*, ABC NEWS (August 19, 2021, 3:02 AM), <https://abcnews.go.com/Technology/taliban-social-media-seek-legitimacy-west-sow-chaos/story?id=79500632>.

⁹⁷ *Id.*

⁹⁸ Paul Mozur & Zia ur-Rehman, *How the Taliban Turned Social Media into a Tool for Control*, N.Y. TIMES (AUGUST 20, 2021), <https://www.nytimes.com/2021/08/20/technology/afghanistan-taliban-social-media.html>.

⁹⁹ *Foreign Terrorist Organizations*, U.S. DEPARTMENT OF STATE, <https://www.state.gov/foreign-terrorist-organizations/> (last visited Nov. 20, 2022).

¹⁰⁰ Catherine Thorbecke, *supra* note 96.

¹⁰¹ Rishi Iyengar, *The Taliban’s Social Media Dilemma*, CNN BUSINESS (August 29, 2021, 11:04 AM), <https://www.cnn.com/2021/08/29/tech/taliban-afghanistan-social-media/index.html>.

¹⁰² Interview with Afghanistan human rights advocate (Oct. 10, 2022).

¹⁰³ <https://www.nytimes.com/2021/08/18/technology/taliban-social-media-bans.html>

Taliban. Recently, the news website HumSub published an article countering a local newspaper column supporting Mullah Muhammad Omar, a Taliban founder, but the article was mistakenly removed by Facebook.¹⁰⁴ Thus, even attempts to regulate the Taliban’s social media presence pose a threat to free speech.

Social media can also be used to target and provoke human rights activists and others that oppose the Taliban. One human rights organizer told IJC she was directly targeted by a Taliban member over Twitter in which he repeatedly requested her whereabouts and insisted she meet him in person for a “dialogue.”¹⁰⁵ Other minority groups such as the LGBTQ+ community have been directly targeted through social media applications, particularly messaging platforms such as WhatsApp, where imposters seek to entrap LGBTQ+ individuals.¹⁰⁶ One bisexual man began receiving extortion threats after someone he was in a relationship with shared their private messages with his friends and exposed his identity.¹⁰⁷ Personal information and identity is put at risk through social media platforms, highlighting the need for data security and advanced privacy settings to ensure the protection of minorities.

VI. Recommendations: Human Rights Advocacy

After conducting several interviews with Afghanistan human rights experts, several key areas in need of strengthening emerged including: (1) UN Advocacy; (2) Refugee and Asylum Advocacy; (3) Economic Advocacy; and (4) Grassroots Advocacy. By addressing these gaps in advocacy, human rights defenders can ensure their efforts are complementary rather than duplicative and aim for an active advocacy model that incorporates the dynamic and evolving nature of movement lawyering. These gaps should be the starting point for any new advocacy efforts, particularly those undertaken by advocates with less direct connection to Afghanistan.

1. UN Advocacy

- (a) Push the UN Security Council to add more Taliban members to the official sanction list
- (b) Continue advocating for the UN and member states to recognize the Taliban as an official terrorist organization and prevent state party governments from engaging with Taliban leadership
- (c) Encourage the UN Security Council to reject any renewal of the travel ban’s exemption for Taliban leaders
- (d) Assist NGOs in filing cases before UN mechanisms

2. Justice for Victims of Human Rights Violations

¹⁰⁴ Sheera Frenkel & Ben Decker, *Taliban Ramps Up on Social Media, Defying Bans by the Platforms*, N.Y. TIMES (August 18, 2021), <https://www.nytimes.com/2021/08/18/technology/taliban-social-media-bans.html>.

¹⁰⁵ Interview with Afghanistan human rights advocate (Oct. 7, 2022).

¹⁰⁶ *Even If You Go to the Skies, We’ll Find You*, *supra* note 33.

¹⁰⁷ *Id.*

- (a) Train and enlist researchers with diverse language competence to conduct Open-Source Investigation into the human rights abuses in Afghanistan
 - (b) Preserve the digital evidence of human rights violation for future claims
3. Economic Advocacy
- (a) Develop humanitarian aid implementation strategies that creatively subvert Taliban access and ensure equitable access to humanitarian aid and resources
 - (b) Educate donors on the changes to funding strategies that are necessary to avoid Taliban control of funds including the need for micro-loans and other localized funding projects
 - (c) Encourage donors to remove traditional funding criteria that cannot realistically be achieved by NGOs in Afghanistan due to the oppressive Taliban control of civil society
4. Grassroots Advocacy
- (a) Center women’s voices (and other human rights defenders) in the movement and provide them with necessary resources to continue advocating for themselves, including trainings on digital security, UN mechanisms, and potential avenues for litigation.
 - (b) Continue to grow human rights coalitions and cross-movement support for human rights violations occurring in Afghanistan

VII. Recommendations: Social Media

After conducting interviews with human rights specialists from various social media companies, several areas that require strengthening emerged including digital safety, content moderation, and platform policies. By addressing these gaps, social media companies can ensure they are doing their part to protect human rights defenders, the diaspora, and Afghans put at risk by Taliban. These recommendations should be adopted by social media companies and any online platforms that store Afghan user data.

1. Digital Safety
 - (a) Relax real name policies and other policies that require identification
 - (b) Offer education and information on how to manage digital history and protect against digital surveillance by the Taliban
 - (c) Provide instructions and access to VPNs and other digital security mechanisms
2. Content Moderation
 - (a) Source content moderators with expansive cultural and language capacities, particularly Pashto, Dari, and local dialects
 - (b) Develop comprehensive content monitoring policies for short-term, medium-term, and long-term priorities that are regularly updated to meet the changing needs of the human rights crisis and the communities affected
 - (c) Include Afghan diaspora and human rights activists in the process of creating and updating content moderation policies
3. Platform Policies

- (a) Ensure human rights policies comply with international digital rights obligations
- (b) Engage with the Afghan diaspora and human rights defenders on the ground to ensure the application of policies is
- (c) Monitor internet shutdowns and blockages and adapt policies based on user access and connection capabilities

VIII. Conclusion

Since the Taliban takeover, vulnerable groups such as former U.S. allies, women and girls, the LGBTQ+ community, and ethnic and religious minorities, have experienced increased rates of violence and persecution. Several barriers to effective advocacy have emerged as human rights defenders began mobilizing to address the crisis in Afghanistan. International human rights NGOs have struggled with the loss of internal connections, which makes it difficult to receive current news and disseminate information. Most civil society organizations have collapsed due to the Taliban's targeted attacks and restrictive decrees that target human rights defenders and women, among others. Additionally, the U.S.'s overall failure to take responsibility for the consequences of its withdrawal from Afghanistan has contributed to the international community's slow reaction to the crisis. International human rights crises, such as the war on Ukraine and the women's movement in Iran, have divided international attention and left many issues in Afghanistan unattended. To combat these challenges, human rights activists are using social media to transcend Afghanistan's internal limitations and language barriers. However, the use of social media is a double-edged sword and is also weaponized by the Taliban to advance their mission. To bring justice and restore the rule of law in Afghanistan, a comprehensive and nuanced approach to advocacy is necessary.