1.2.2. Nature of issued instructions

1.2.2. Nature of issued instructions

The de facto government has not enacted a formal legal framework.178 Since their takeover in 2021, they have been ruling without a constitution,179 having immediately abolished the 2004 Constitution of the former government180 and not yet announced any replacement.181 Instead, they have indicated that a constitution is unnecessary asserting that *sharia* provides 'a comprehensive legal framework',182 although there is not one uncontested universal interpretation of *sharia*.183 The book 'The Islamic Emirate and Its System', authored by the de facto Chief Justice and endorsed by the Taliban Supreme Leader,184 'appears to be the blueprint' of the de facto government and its intellectual foundations.185

All laws in effect under the previous government have been undergoing a review to assess their compliance with *sharia*, but no announcement has been made on the final outcome of this review or which laws remain in effect.186 Rather, the de facto authorities have continued to broadly refer to *sharia* as the governing framework,187 and have issued verbal and written instructions based on their own interpretations.188 The UN Special Rapporteur on human rights in Afghanistan referred to the legal framework as a 'patchwork of so-called laws, decrees and edicts'189 highlighting the lack of legal certainty and consistency due to the unclear status of earlier legislation.190 Other sources similarly noted significant ambiguity regarding which laws have become redundant, as the de facto authorities have selectively applied laws of the previous government.191

The de facto authorities have, however, been formalising the issuance and communication of laws and other instructions,192 *inter alia* by compiling official gazettes.193 Nevertheless, the Taliban Supreme Leader has continued to mainly rule by decree issued from his base in Kandahar,194 and verbal communication of restrictions has also continued195 – with unclear legal status.196

Many instructions have moreover been vaguely formulated,197 and leave space for different interpretations.198 Some sources have indicated that instructions may be purposefully vague in order to, *inter alia*, increase policy ambiguity and leave space for adjustments.199 Some sources also stressed that some decrees are largely symbolic rather than enforceable laws.200 In this system, much is left to the interpretation of the individual enforcer of laws and instructions.201

- 178

AI, Friday 15ht of August marks four years since the Taliban’s takeover of Afghanistan., 15 August 2025, url; Austria, Staatendokumentation, Afghanistan: Afghan legal system under the Taliban, 9 April 2024, url, pp. 4–5, 7; UN General Assembly and UN Security Council, The situation in Afghanistan and its implications for international peace and security, 13 June 2024, url, para. 12

- 179

  Butt, J., A Taleban Theory of State: A review of the Chief Justice’s book of jurisprudence, AAN, 3 September 2023, url

- 180

  UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, url, para. 24

- 181

  Saleem, M. A. and Semple, M., Peace Matrix for Afghanistan, PeaceRep, 11 November 2024, url, p. 15; AI, Friday 15ht of August marks four years since the Taliban’s takeover of Afghanistan., 15 August 2025, url

- 182

  UN General Assembly and UN Security Council, The situation in Afghanistan and its implications for

- 183

  UN OHCHR, Any party in Afghanistan declaring it follows Islamic Sharia must uphold and protect the rights of women and girls, 24 August 2021, url

- 184

  Butt, J., A Taleban Theory of State: A review of the Chief Justice’s book of jurisprudence, AAN, 3 September 2023, url

- 185

  Zaland, F. M., The Conflicting Synthesis of the Taliban’s Religious and Cultural Identity, Taylor & Francis Journals, July 2023, url

- 186

  UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, url, para. 24

- 187

  Heinrich Böll Stiftung, Afghanistan: Ruling by Decree, April 2024, url

- 188

  UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, url, para. 25

- 189

  UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination, 16 June 2025, url, para. 25

- 190

  UN Human Rights Council, Study on the so-called law on the promotion of virtue and the prevention of vice, 12 March 2025, url, para. 32

- 191

  Saleem, M. A. and Semple, M., Peace Matrix for Afghanistan, PeaceRep, 11 November 2024, url, p. 15; See also: ACCORD, Afghanistan: Report on the impact of the Taliban's information practices and legal policies, particularly on women and girls, February 2025, url, p. 23

- 192

  Rahimi, H. and Watkins, A., Taliban Rule at 2.5 Years, CTC Sentinel, January 2024, url, p. 8; Heinrich Böll Stiftung, Afghanistan: Ruling by Decree, April 2024, url, pp. 3, 5

- 193

  Heinrich Böll Stiftung, Afghanistan: Ruling by Decree, April 2024, url, p. 5

- 194

  Saleem, M. A. and Semple, M., Peace Matrix for Afghanistan, PeaceRep, 11 November 2024, url, pp. 12, 15; Ibrahimi, N. et al., After 4 years of repressive Taliban rule, Afghans are suffering in silence. Is the world still watching?, Conversation (The), 14 August 2025, url

- 195

  UN Human Rights Council, Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination (Advance unedited version), 11 June 2025, url, para. 23

- 196

  Sweden, Swedish Migration Agency, Afghanistan. Restriktioner och begränsningar av personlig frihet under talibanstyret, 16 April 2024, url, p. 7; UNAMA, De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights, July 2024, url, p. 2

- 197

UN Human Rights Council, Study on the so-called law on the promotion of virtue and the prevention of vice, 12 March 2025, url, paras. 33, 68, 72; Sweden, Swedish Migration Agency, Afghanistan. Restriktioner och begränsningar av personlig frihet under talibanstyret, 16 April 2024, url, p. 7; ACAPS, Afghanistan: Taliban directives and decrees affecting human rights and humanitarian actors, 25 April 2023, url, p. 3

- 198

  ACAPS, Afghanistan: Taliban directives and decrees affecting human rights and humanitarian actors, 25 April 2023, url, p. 3; Obaidullah Baheer in: New Humanitarian (The), How the Taliban's vice and virtue law is impacting foreign aid and engagement, 22 October 2024, url; Afghan analyst, email, 5 January 2026

- 199

  Rahimi, H., online interview 8–9 June 2023, and email communication, 4 October 2023; ACAPS, Afghanistan: Taliban directives and decrees affecting human rights and humanitarian actors, 25 April 2023, url, p. 3

- 200

  Saleem, M. A. and Semple, M., Peace Matrix for Afghanistan, PeaceRep, 11 November 2024, url, p. 16; Afghan analyst, online interview 1 October 2024. The interview was conducted by the EUAA in cooperation with the Austrian, Norwegian and Swedish COI units.

- 201

  UN Human Rights Council, Study on the so-called law on the promotion of virtue and the prevention of vice, 12 March 2025, url, paras. 33, 68, 72; Obaidullah Baheer in: New Humanitarian (The), How the Taliban's vice and virtue law is impacting foreign aid and engagement, 22 October 2024, url; Afghan analyst, email 5 January 2026

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu