

## 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.<sup>178</sup> Since their takeover in 2021, they have been ruling without a constitution,<sup>179</sup> having immediately abolished the 2004 Constitution of the former government<sup>180</sup> and not yet announced any replacement.<sup>181</sup> Instead, they have indicated that a constitution is unnecessary asserting that *sharia* provides ‘a comprehensive legal framework’,<sup>182</sup> although there is not one uncontested universal interpretation of *sharia*.<sup>183</sup> The book ‘The Islamic Emirate and Its System’, authored by the de facto Chief Justice and endorsed by the Taliban Supreme Leader,<sup>184</sup> ‘appears to be the blueprint’ of the de facto government and its intellectual foundations.<sup>185</sup>

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.<sup>186</sup> Rather, the de facto authorities have continued to broadly refer to *sharia* as the governing framework,<sup>187</sup> and have issued verbal and written instructions based on their own interpretations.<sup>188</sup> The UN Special Rapporteur on human rights in Afghanistan referred to the legal framework as a ‘patchwork of so-called laws, decrees and edicts’<sup>189</sup> highlighting the lack of legal certainty and consistency due to the unclear status of earlier legislation.<sup>190</sup> 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.<sup>191</sup>

The de facto authorities have, however, been formalising the issuance and communication of laws and other instructions,<sup>192</sup> *inter alia* by compiling official gazettes.<sup>193</sup> Nevertheless, the Taliban Supreme Leader has continued to mainly rule by decree issued from his base in Kandahar,<sup>194</sup> and verbal communication of restrictions has also continued<sup>195</sup> – with unclear legal status.<sup>196</sup>

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

<sup>178</sup>

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

<sup>179</sup>

Butt, J., A Taliban 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 15th 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 Taliban 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