**Mandate of the Special Rapporteur** **in the field of cultural rights**

**Submission by** [**Rawadari**](https://rawadari.org/)**:** Rawadari is an Afghan human rights organisation that aims to deepen and grow the human rights culture of Afghanistan, ultimately reducing the suffering of all Afghans, especially women and girls.

Rawadari helps build an Afghan human rights movement, monitors human rights violations, and pursues justice and accountability for violations. Rawadari works with individuals and collectives inside and outside Afghanistan.

**Questions**

You may wish to answer all the questions or the ones that are closer to your work and/or experience.

General

1. What are the benefits and potential shortcomings of the exercise of sport and play in developing one’s identity? In developing groups’ identities and cultural diversity? To what extent are these benefits and potential shortcomings reflected in the policies and programs of your country?

Sport is a powerful tool for developing one's identity and sense of belonging. Participation in sports can improve teamwork, discipline, and self-esteem while also providing a platform for cultural expression and community building. However, the benefits of sports participation can be limited by factors such as access, discrimination, and restrictive policies. This is especially important considering the current situation in Afghanistan for women being erased from society, hindered from work opportunities, education, sports, and going to public gyms and parks. UN Women-Afghanistan reported a 69% increase in anxiety, isolation, and depression among women between April and June 2023.[[1]](#footnote-2) The two important developments in this period were a) the Taliban's crackdowns on women working for UN agencies on April 4, 2023, and b) the ban on international NGOs from providing educational programs on June 8, 2023.[[2]](#footnote-3) Moreover, on September 8, 2021, the de facto authorities (here, the Taliban) imposed a ban on all female athletes in Afghanistan, preventing them from pursuing their profession.[[3]](#footnote-4) This prohibition extends beyond sports, as Afghan women are also barred from enjoying public parks and gyms and engaging in recreational activities from November 10, 2022.[[4]](#footnote-5) As a result, government policies in Afghanistan do not facilitate women's participation in sports but extensively restrict women from any opportunities to take part in sports. The restrictions on women’s movement and women and girls’ education in Afghanistan further restrict women’s access to sports. The restrictions on movement and the requirement of being accompanied by a Mahram (male relative) restrict women’s ability to go for walks and hikes. The ban on girls’ secondary education restricts girls access to school playgrounds, gyms and school sports teams.

Governance

1. What measures exist in national legislation or elsewhere to ensure that human rights obligations, particularly those relating to the human rights / cultural rights of athletes and sports players, referees, judges as well as spectators, apply to sports governing bodies, organizers of private sporting events or sports companies? How could these frameworks be strengthened?

As documented by Rawdari's report following August 2021, the Taliban nullified all previous laws and regulations, including the constitution and the penal code, formerly aligned with Afghanistan's international human rights commitments; they were replaced by religious decrees (fatwas).[[5]](#footnote-6) The Taliban imposed bans and limitations on women, particularly in sports activities, leading many female athletes to flee the country. In September 2021, the President of the International Olympic Committee (IOC) announced that all Afghan athletes who had participated in the Tokyo 2020 Olympics had left the country due to threats to their lives. [[6]](#footnote-7) In addition, the Afghanistan Women’s Football team in exile petitioned the Fédération Internationale de Football Association (FIFA)to accept them as representatives for the country as Afghanistan remained a member of the FIFA, but the Taliban do not recognize them as a country team.

The Taliban's dismantling of national laws, independent human rights bodies such as the Afghanistan Independent Human Rights Commission, and unions and associations such as women athlete associations and clubs, has made it impossible to address specific human rights concerns within sports activities.

1. What institutions or mechanisms exist for persons whose right to participate in sports have been violated to make a claim and obtain an effective remedy?

There are currently no institutions or mechanisms in Afghanistan to address claims and remedy for persons whose right to participate in sports have been violated.

1. What is the role and impact of sports governing bodies or associations on the rights of all persons to participate in sporting life? How can these structures be improved to strengthen participation, governance or accountability?

Sports governing bodies can ensure everyone's right to participate in sports, especially in diverse countries like Afghanistan. These bodies can promote equal access to facilities, combat discrimination, and develop programs for underserved communities. However, in Afghanistan, the sports governing bodies lack independence and are complying with the bans on women’s access to and participation in sports. Since the Taliban takeover, women have been systematically denied opportunities to participate in sports. This includes bans on playing sports professionally on September 8, 2021, accessing sports facilities, and even using public parks for exercise on November 10, 2022.

Governments can improve accountability by ensuring diversity within leadership structures representing different voices and experiences. They should also implement stronger oversight mechanisms to ensure transparency, hold organizations accountable, and enforce stricter codes of conduct with clear consequences for violations, including those related to discrimination and abuse. However, the Taliban, as de facto authorities, systematically discriminate against female athletes based on gender, and because there is no monitoring mechanism and independent legal institutions, there is a complete lack of accountability for these violations of women’s rights to participate in sports.

Participation in sporting life

1. What are main obstacles in ensuring participation of all in sports? You may wish to discuss general obstacles that affect all (such as corruption) or obstacles that are set for specific sections of the population, including any discrimination based on age, colour, sex and gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, disability, birth or other status.

Since the Taliban took control of Afghanistan in August 2021, women have faced severe limitations on their rights and freedoms, including access to education, healthcare, employment opportunities, and public spaces such as parks, gyms, and restaurants. The Taliban's policies have systematically denied women ‘s fundamental human rights solely based on their gender. Following the Taliban's ban on women participating in sports on September 8, 2021, and their subsequent ban on women and girls accessing parks and gyms on November 10, 2022,[[7]](#footnote-8) female athletes have attempted to continue training through private trainings. However, in one incident in 2023, Taliban forces raided the gym where women were practicing and arrested and humiliated the participants. Following intervention by local elders, the girls were released but the fear remained.[[8]](#footnote-9)

In an interview with Rawdari, a female athlete residing outside of Afghanistan mentioned that the NGO who supported her and her fellow athletes had to switch from sports activities to mental health programs for women due to the restrictions on Afghan women's participation in sports and limitations on free movement. They also had to move all their sports equipment and supplies that they had bought for Afghan women to Pakistan. She added that some female athletes in Afghanistan still wanted to continue their sports in secret, even with the ban, but it came with a lot of risks. She was aware of a women’s sports centre that shut down by the Taliban. The organizers were resilient and relocated the activities to another location but did not stop.

1. What measures has your government/organization taken to limit or to facilitate the participation of athletes as a result of recent or ongoing conflict?

The Taliban have imposed more than 50 restrictions on women's rights since August 2021. They deny the rights to life, freedom of belief and religion, freedom of expression, free media and expression, education, free movement, sports, healthcare, and more. Additionally, they have shut down institutions that monitor, document, and report on human rights violations.

At Rawadari, we are committed to objectively monitoring the situation in Afghanistan and reporting on human rights violations, including the right to participate in sports in accordance with international standards. We share our findings and documented reports with institutions such as UN mandates, international organizations, governments, and others to raise awareness about the unjust situation in Afghanistan. For this particular submission, Rawadari aims to draw attention to the situation of female athletes in Afghanistan who are denied the right to participate in any kind of sports and use public parks and gyms just because of their gender under the Taliban's rule.

1. Please discuss any efforts by the State to promote culturally-diverse sporting programmes initiated by cultural communities?

Indigenous peoples and sporting life

1. Please discuss any positive or negative use of indigenous symbols, imagery and names in sport? Are these used with consent and respect?
2. Are traditional indigenous games and sports included in national and international sporting events? Are indigenous peoples included in planning, leadership or governance roles? Do they equally benefit from sporting events in which they participate?

Mega Sporting Events

1. Do you have any examples of positive and/or negative effect of large sporting events on cultural rights of local communities?

Commercialization of Sports

1. Please share any examples where commercial interests, marketing, or the pursuit of profit in sport has led to decisions or actions which are contrary to cultural rights.

1. UN Women Asia and the Pacific, Summary report of the September 2023 women consultations (September 2023), <https://asiapacific.unwomen.org/sites/default/files/2023-09/summary-report_september-2023-women-consultations.pdf>. [↑](#footnote-ref-2)
2. United States Institute of Peace, "Tracking Taliban's Mistreatment of Women," accessed April 2, 2024, <https://www.usip.org/tracking-talibans-mistreatment-women>. [↑](#footnote-ref-3)
3. Ibid [↑](#footnote-ref-4)
4. Ibid [↑](#footnote-ref-5)
5. Rawadari, "Justice Denied: An Examination of the Legal and Judicial System in Taliban-Controlled Afghanistan," June 2023. [↑](#footnote-ref-6)
6. Sparkles in the Darkness for Afghanistan's Girls and Women," International Olympic Committee, accessed [access date], <https://olympics.com/ioc/news/-sparkles-in-the-darkness-for-afghanistan-s-girls-and-women>. [↑](#footnote-ref-7)
7. United States Institute of Peace. "Tracking Taliban's Mistreatment of Women." Accessed April 2, 2024. [↑](#footnote-ref-8)
8. “Afghan Women Athletes Barred from Play, Fear Taliban Threats,” Los Angeles Times, January 13, 2023, <https://www.latimes.com/world-nation/story/2023-01-13/afghan-women-athletes-barred-from-play-fear-taliban-threats>. [↑](#footnote-ref-9)