



21 October 2025

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Submission on Proposed Amendment to the Sanctions Regulations

Amnesty International Australia welcomes the proposed amendments to the *Sanctions Regulations 2011*, which will enable the Australian Government to impose autonomous sanctions on the Taliban authorities for its ongoing serious human rights breaches. The amendments will provide Australia with a unilateral mechanism, complementing the existing UN sanctions regime, to increase pressure on the Taliban to improve the appalling, and worsening, human rights situation in Afghanistan, one that has been further exacerbated by ongoing multiple humanitarian crises that affect almost half the population.

We strongly support the Amendment's proposed prohibition on the export of arms and related matériel to Afghanistan, together with related services. As a party to the *UN Arms Trade Treaty*, Australia is obliged to prevent the transfer of such items:

... if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party. (Article 6.3)

Any action to ensure that Australia's practice is fully consistent with this clear prohibition, thereby avoiding complicity in serious breaches on human rights and humanitarian law outside Australia, is most welcome.

The other operative provision of the proposed amendment, which would enable the Foreign Minister to impose targeted financial sanctions, and travel bans, on individuals and entities associated with the Taliban authorities, provides a welcome complement to the existing UN

multilateral sanctions regime. Australia should progress the early development and implementation of autonomous sanctions to target the serious and systemic human rights violations being perpetrated by the Taliban in Afghanistan.

Since resuming power in August 2021, the Taliban regime has imposed a brutal system of gender persecution and repression in Afghanistan. Women and girls have been deliberately erased from public life, denied education, work and voice; journalists, activists and minorities silenced through arbitrary detention, torture and enforced disappearance; and brutal corporal public punishments and executions used as tools of fear. Afghanistan's legal framework has been entirely dismantled and replaced with a religiously grounded system shaped by the Taliban's strict interpretation of Islamic Sharia law.

The systematic oppression of women has continued to impact all aspects of women's and girls' lives. Women and girls remained banned from attending education beyond primary school. They remained banned from participating in sporting activities, visiting parks and public baths, and travelling more than 72km or appearing in public without a male chaperone. The Taliban's gender apartheid has severely degraded women's financial independence, plunging women-headed households deep into poverty and creating difficulties for women running home-based businesses. Bans remain on women working in the public sector, except in areas such as primary education, healthcare and certain security institutions. Women are banned from working with UN agencies and NGOs.

The Taliban regime continues to carry out public executions of individuals who have been sentenced to death by their courts, despite serious concerns regarding compliance with fair trial rights. The UN Assistance Mission in Afghanistan (UNAMA) reported that three men were publicly executed in February 2024 and one man in November 2024. In July 2024, reports further indicated that between 300 and 600 prisoners were sentenced to death by the Taliban courts. In March 2024, the media reported that the Taliban may resume "stoning to death" as punishment for "adultery".

LGBTIQ+ people continue to face severe discrimination and other human rights violations, including threats and arbitrary detention. Same-sex consensual relations remain illegal and punishable by death.

The Taliban have radically suppressed freedom of expression, banning media outlets from operating and restricting their programming. Reporters Without Borders ranked Afghanistan the sixth worst country in the world for media freedom in 2025. Last month the Taliban initiated a total internet shutdown across Afghanistan under the pretext of preventing the "misuse of internet" and spread of "immoral acts". This will have far-reaching consequences for delivery of aid, access to healthcare and other essential services during the severe humanitarian situation.

Poverty, which was exacerbated after the Taliban takeover in 2021, deepened in response to extreme weather events and ongoing internal displacement and economic crisis. The UN Development Program reported that about 85 per cent of Afghans lived on less than one US Dollar

a day. According to the UN Office for the Coordination of Humanitarian Affairs, 23.7 million people, more half the country's population, needed humanitarian assistance. Of those, 12 million people were food insecure, while 2.9 million experienced emergency levels of hunger. UNICEF estimated that 2.9 million children faced acute malnutrition in 2024, with 850,000 experiencing life-threatening malnutrition. The humanitarian assistance programme remains severely underfunded.

The International Organization for Migration is concerned about “a near-collapse of the national public health system”, with the EU noting that “basic health services are available to just 10 per cent of women”. UNAMA has warned that restrictions on access to contraception violated women and girls' right to sexual and reproductive health.

Amnesty welcomes Australia's significant humanitarian commitment to Afghanistan since 2021, with \$213 million in humanitarian assistance to the people of Afghanistan, comprising \$173 million to meet immediate humanitarian and basic services needs in Afghanistan, and \$40 million to support internally displaced people in Afghanistan and neighbouring countries hosting Afghan refugees. Australia should ensure that any autonomous sanctions subsequently implemented do not impact upon the delivery of humanitarian aid, consistent with the approach adopted by the UN Security Council Resolution 2664 (2022), approving a humanitarian exemption to asset freeze measures of UN sanctions regimes, thereby ensuring that the timely delivery of humanitarian assistance, or support to other activities that support basic human needs, are permitted.

The recent establishment of a UN-mandated evidence gathering mechanism for Afghanistan is a vital step towards advancing accountability for the Taliban regime's past and ongoing crimes under international law and paves the way for victims and survivors to access justice, reparation, and truth. The mechanism, by investigating, collecting, and preserving evidence of past and ongoing human rights violations and crimes under international law, will provide a vital complement to the work of UN Special Rapporteur on Afghanistan.

While the people of Afghanistan continue to suffer in the dark depths of a human rights and humanitarian crisis that should be unthinkable in the 21st century, we welcome this step being taken by Australia to enable our greater contribution to the global community's ongoing efforts to address this appalling situation.

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