



Repression Through Sharia Law: Criminal Law and Social Control Under the Taliban

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Abstract

This blog examines [the new penal code](#) introduced by the Taliban in Afghanistan in January 2026 and analyzes how criminal law is being used as a tool of social control and political repression. Rather than functioning as a system aimed at justice and the protection of basic human rights, the new code institutionalizes fear, gender-based discrimination, and authoritarian governance. This blog also touches on the distinction between Islamic Sharia and the Taliban's interpretation of it. Provisions concerning women, domestic violence and unequal punishment demonstrate how the penal code normalizes systemic oppression while weakening legal protection for society's most vulnerable groups. The blog further evaluates the code in light of international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and Islamic Human Rights Instruments, such as the Cairo Declaration on Human Rights in Islam.

Key words: Taliban, Afghanistan, New Penal Code, Misogyny, Sharia Law

Introduction

In 2020, the Taliban and the United States (US) signed an agreement intended to end the eighteen-year war in Afghanistan, yet by August 2021 the foreign troops had departed and the Taliban had returned to power.¹ Following their return to power, the Taliban suspended the 2004 Constitution of Afghanistan without replacing it, leading to severe consequences for Afghanistan's law, authority and politics.² On January 4 2026, a decree named "[The Criminal Procedure Code for Courts](#)" was issued by the Taliban and circulated to the courts at the provincial level in Afghanistan for implementation.³ This new penal code consists of 119 articles, divided into three sections and 10 chapters. It reflects an attempt to institutionalize Taliban ideology through

¹Lindsay Maizland and others, 'The Taliban in Afghanistan' (*Council on Foreign Relations*, updated 27 February 2026) <https://www.cfr.org/backgrounders/taliban-afghanistan> accessed 8 June 2026.

²William Maley, 'Taliban Rule and Anti-Constitutionalism' (*Australian Outlook*, 23 August 2023) <https://www.internationalaffairs.org.au/australianoutlook/taliban-rule-and-anti-constitutionalism/> accessed 8 June 2026.

³Rawadari, 'Press Release Regarding the Implications of the "The Criminal Procedure Code for Courts" Issued by the Taliban' (Rawadari, 21 January 2026) <https://rawadari.org/wp-content/uploads/2026/01/Criminal-Code-of-Taliban-English.pdf> accessed 8 June 2026.



criminal law. The new penal code strips individuals of basic human rights and erases the principle of due process.

Historical and Political Context

To understand and analyse the legal framework imposed by the Taliban, it is essential to distinguish between Islamic Sharia and the Taliban's interpretation and enforcement of penal regulations. *Sharia* means “the way” or “clear path” of Islam and is considered a set of ethical and moral principles from the Quran and the Sunnah. Sharia should theoretically aim to build a caring society; Sharia emphasizes mercy and ethics and should not force but rather invite individuals to follow its principles.⁴ Sharia can be interpreted in different ways, and the interpretation is usually heavily influenced by culture, a specific school of Islamic thought, *madhhab*, or other legal traditions. No two countries have the same Sharia implementation, but Afghanistan's laws are considered the strictest Sharia-based laws. There is no other country where women's basic human rights seem to have been as violated to the same extent as in Afghanistan at the hands of the Taliban.⁵

On August 21 2024, a new “Morality Law” was announced by the Taliban.⁶ According to Article 13 of this new law, women are duty-bound to hide their voices, face and body in public.⁷ Article 20 makes it illegal for women to take a taxi without being accompanied by a close adult male relative.⁸ Women who fail to abide by these rules are to be punished in a manner deemed appropriate by the “enforcer” (Taliban officials), based on Article 24.⁹ Girls are prohibited from attending school after Year 6, which imposes a burden on Afghan society and the economy.¹⁰ Georgetown University's Women, Peace, and Security Index reflects women's inclusion in society and is designed to hold governments accountable. Afghanistan ranks 181st out of 181 countries.¹¹

⁴ Roaa Saber, 'Sharia Law: A Clear Guide for Muslims Filled with Hope and Inspiration' (*Iqra Network*, 26 July 2025) <https://iqranetwork.com/blog/sharia-law/> accessed 8 June 2026.

⁵ Asylos, 'Afghanistan COI Repository: How is Sharia Law Interpreted and Applied?' (*Asylos*, last updated 2 April 2024) <https://asylos.libguides.com/c.php?g=708887&p=5113096> accessed 8 June 2026.

⁶ European Union Agency for Asylum, 'Afghanistan: An Update on the Taliban's New "Morality Law"' (EUAA, 11 November 2024) <https://www.euaa.europa.eu/news-events/afghanistan-update-talibans-new-morality-law> accessed 8 June 2026.

⁷ Islamic Emirate of Afghanistan, *The Propagation of Virtue and Prevention of Vice Law*, Official Gazette Serial No 1452 (31 July 2024), unofficial translation by Afghanistan Analysts Network (August 2024) <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2024/08/Law-on-Virtue-and-Vice-Basic.pdf> accessed 8 June 2026.

⁸ Ibid.

⁹ Ibid.

¹⁰ Matiullah Qazizada, 'The Continuing Ban on Girls' Education in Afghanistan' (*Devpolicy Blog*, 27 March 2025) <https://devpolicy.org/the-continuing-ban-on-girls-education-in-afghanistan-20250327/> accessed 8 June 2026.

¹¹ Georgetown Institute for Women, Peace and Security, 'Women, Peace and Security Index: Afghanistan' (GIWPS) <https://giwps.georgetown.edu/the-index/country/afghanistan/> accessed 8 June 2026.



The New Penal Code

The existing rules were already restrictive toward women and girls; the new penal code further worsens their situation. The new penal code institutionalizes domestic violence through Article 32. According to this article, a man is not punished for abusing his wife unless the violence results in a broken bone, an open wound, or severe bruising, and even then, only if the wife brings a complaint to a judge herself. The punishment in case of conviction of Article 32 is 15 days of imprisonment, despite the possibility that the husband could retaliate violently, or even kill his wife after his release, for reporting him in the first place. Rather than protecting victims, this article effectively protects abusers. The injustice toward women, institutionalised in Article 32, becomes even clearer when compared to Article 70, which states that a person who forces animals to fight each other can be sentenced to five months in prison. In effect, the new penal code grants animals greater protection than women.¹²

The new penal code also strikes at the very heart of freedom of religion, belief, thought, and expression in Afghanistan.¹³ Clause 8 of Article 2 brands any person holding beliefs contrary to Sunni Islam a heretic, a label that deepens the discrimination already crushing religious minorities under Taliban rule. Article 26 goes further, imprisoning for two years anyone who departs from the Hanafi School of Thought. Clause 3 of Article 17 further reinforces this: those who refuse to implement the rulings of Islamic jurists or reject the verdicts of Islamic scholars face the same fate. Article 59 reaches even further into daily life, criminalizing dancing and even watching someone dance, punishing both with two months of imprisonment. In this system, freedom of conscience seems to not merely be restricted but to be criminalized. To think differently is to break the law.¹⁴

The penal code does not only impose serious harm to women and minorities; it institutionalises political repression.¹⁵ The new penal code does not punish based on action; it punishes based on

¹² Islamic Emirate of Afghanistan, *Penal Code of Afghanistan* (2026), unofficial English translation (Afghanistan Analysts Network, February 2026) <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2026/02/Penal-Code-05.pdf> accessed 8 June 2026.

¹³ Amnesty International, 'The Taliban Must Immediately Revoke the Criminal Procedure Regulation of the Courts' (ASA 11/0782/2026, 6 March 2026) <https://www.amnesty.org/en/wp-content/uploads/2026/03/ASA1107822026ENGLISH.pdf> accessed 8 June 2026.

¹⁴ 'Afghanistan Analysts Network Unofficial AAN Translation' (Afghanistan Analysts Network) <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2026/02/Penal-Code-05.pdf> accessed 8 June 2026.

¹⁵ Ahmadi B, 'The Taliban's New Criminal Regulation Legalizes Slavery, Violence, and Repression of Women' (Georgetown Institute for Women, Peace and Security, 12 February 2026) <https://giwps.georgetown.edu/2026/01/30/taliban-regulation-legalizes-slavery-violence-repression->



social class. Article 9 establishes a formal hierarchy of four social classes: the *Ulama* (religious scholars), the *Ashraf* (elites, dignitaries, and tribal elders), the middle class, and the lower class. Punishment is then distributed along these lines, with those at the bottom of the hierarchy subject to lashings while those at the top face little or no sanction for the same conduct. The severity of punishment is thus determined not by the nature of the offence or the culpability of the offender, but by social standing.¹⁶

Criminal Law as Social Control

Afghanistan under the Taliban is widely seen as an authoritarian and totalitarian regime.¹⁷ Since the abolition of the 2004 Constitution, the decrees issued by the Taliban's leader have become the primary basis on which the state operates.¹⁸ Rather than protecting citizens or guaranteeing rights, these decrees function as tools of repression and social control.¹⁹ The Taliban use criminal law to intimidate the population, suppress dissent, and enforce obedience through punishments such as public floggings, arbitrary detention, and restrictions on freedom of expression and even movement.²⁰ In this way, law is no longer used as a safeguard for citizens, but as a weapon to consolidate power and autocracy.²¹

International Law violations

The new penal code is in violation of multiple international law principles and human rights laws. The punishments named in the new penal code are against the principle of proportionality. For example, beating a child as a teacher or instructor until the child's bones break, they bleed or are heavily bruised, leads to simply being removed from your post, whereas a person who commits "homosexual acts" can receive capital punishment.²²

women/ accessed 8 June 2026.

¹⁶ 'Afghanistan Analysts Network Unofficial AAN Translation' (Afghanistan Analysts Network) <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2026/02/Penal-Code-05.pdf> accessed 8 June 2026.

¹⁷ Omid, (Hasht e Subh, 13 May 2024) <https://8am.media/eng/taliban-totalitarianism-and-the-effort-to-homogenize-afghanistan/> accessed 8 June 2026

¹⁸ Samim B, 'The Taliban's Governance and Penal Codes: Repression and the Consolidation of Autocracy - Hasht-e Subh' (Hasht e Subh, 26 January 2026) <https://8am.media/eng/the-talibans-governance-and-penal-codes-repression-and-the-consolidation-of-autocracy/> accessed 8 June 2026.

¹⁹ Omid, (Hasht e Subh, 13 May 2024) <https://8am.media/eng/taliban-totalitarianism-and-the-effort-to-homogenize-afghanistan/> accessed 8 June 2026

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²¹ Ibid.

²² 'Afghanistan Analysts Network Unofficial AAN Translation' (Afghanistan Analysts Network) <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2026/02/Penal-Code-05.pdf> accessed 8 June 2026.



The principle of proportionality is not the only thing being violated by the Taliban; Afghanistan is a party to [the Cairo Declaration on Human Rights in Islam](#).²³ This declaration came into existence on August 5 1990. It was established as an Islamic system of human rights, based on the principles of Sharia.²⁴ The declaration states that fundamental rights and freedoms are an integral part of the Islamic religion and that no one shall have the right as a matter of principle to abolish them either in whole or in part or violate or ignore them. The Taliban has, however, violated almost every article in the declaration, including, but not limited to, the right to private life, human dignity and equal protection.²⁵

Afghanistan has been a party to the [International Covenant on Civil and Political Rights](#) since 1983.²⁶ The new penal code places it in breach of that commitment across multiple fronts. Article 2 of the ICCPR guarantees rights to everyone without distinction on grounds including religion, social origin, sex, property, and birth. Article 14 enshrines equality before courts and tribunals. Article 26 guarantees equal protection of the law without discrimination. The social hierarchy embedded in Article 9 of the penal code cuts through each of these guarantees in turn. When punishment varies not by conduct but by class, equality before the law is not merely undermined; it is structurally dismantled.

The assault on freedom of conscience is equally stark. Article 18 of the ICCPR protects the right to freedom of thought, conscience, and religion, including the freedom to adopt a religion or belief of one's choice. Any limitation on that freedom must be prescribed by law and necessary to protect public safety, order, health, or morals. Article 26 of the penal code criminalizes departure from the Hanafi school of thought, imposing up to two years of imprisonment on anyone whose abandonment of that school is proven before a judge. This provision does not regulate religious

²³ 'Economic and Social Rights in Afghanistan - May 2006' (*reliefweb*, 1 May 2006) <https://reliefweb.int/report/afghanistan/economic-and-social-rights-afghanistan-may-2006> accessed 8 June 2026.

²⁴ Noralla N, 'The Forgotten Islamic Human Rights Document' (Open Global Rights, 1 September 2021) <https://www.openglobalrights.org/the-forgotten-islamic-human-rights-document/> accessed 8 June 2026.

²⁵ Ahmadi B, 'The Taliban's New Criminal Regulation Legalizes Slavery, Violence, and Repression of Women' (Georgetown Institute for Women, Peace and Security, 12 February 2026) <https://giwps.georgetown.edu/2026/01/30/taliban-regulation-legalizes-slavery-violence-repression-women/> accessed 8 June 2026.

²⁶ United Nations Treaty Bodies 'Ratification Status for CCPR – International Covenant on Civil and Political Rights: Afghanistan' (OHCHR) https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en accessed 8 June 2026.



practice at the margins; it prohibits religious movement altogether. Read alongside the code's broader treatment of non-Sunni belief, it signals something more troubling still: that discrimination against religious minorities and those without religious belief is not an incidental consequence of the code, but a feature of its design.²⁷

The word “master” and “slave” are named in Article 4 of the new penal code; this terminology is in conflict with the prohibition of slavery in international law, specifically Article 8, Clauses 1, 2, and 3 ICCPR.²⁸ This article also points to risks of torture or ill-treatment, which are absolutely prohibited under human rights law.²⁹

Current international community actions

UN experts, including the UN Special Rapporteur on human rights in Afghanistan, released an [information note](#) on the Taliban’s Decree 12 “Criminal rules of courts”. In this note they state they have analyzed the decree for compatibility with international human rights and have sent a [Communication](#) to the de facto authorities in Afghanistan with a list of questions and their concerns on the international rights violations. In this note and communication, the experts call not only on the Taliban to immediately rescind the rules but also on the international community to act with urgency to prevent further strengthening of the repressive system. As of June 7 2026 there has not been a response from the de facto authorities.

Far from responding to international concern, the de facto authorities have continued to expand their legislative framework: on 14 May 2026, [Decree No. 18 on judicial separation of spouses](#) was published. Raising further concerns regarding child marriage and women's consent, and drawing immediate condemnation from the UN Assistance Mission in Afghanistan (UNAMA).³⁰

Conclusion

²⁷ ‘Afghanistan Analysts Network Unofficial AAN Translation’ (*Afghanistan Analysts Network*) <https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2026/02/Penal-Code-05.pdf> accessed 8 June 2026.

²⁸ ‘International Covenant on Civil and Political Rights’ (*OHCHR*) <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf> accessed 8 June 2026.

²⁹ Ahmadi B, ‘The Taliban’s New Criminal Regulation Legalizes Slavery, Violence, and Repression of Women’ (*Georgetown Institute for Women, Peace and Security*, 12 February 2026) <https://giwps.georgetown.edu/2026/01/30/taliban-regulation-legalizes-slavery-violence-repression-women/> accessed 8 June 2026

³⁰ United Nations Assistance Mission in Afghanistan, ‘UNAMA Statement on Afghanistan’s De Facto Authorities’ Decree No 18 “Code on Judicial Separation of Spouses” (*UNAMA*, 21 May 2026) https://unama.unmissions.org/sites/default/files/2026-05/21_may_2026_-_unama_statement_on_afghanistans_de_facto_authorities_decree_no.18_code_on_judicial_separation_of_spouses_english.pdf accessed 8 June 2026.



The Taliban's new penal code demonstrates how criminal law can be transformed from a system intended to protect society into a tool of fear, repression, and control. By institutionalizing discrimination against women, weakening protections against domestic violence, and punishing individuals based on social status, the code replaces justice with authoritarian governance. In this system, law no longer safeguards citizens from abuse of power but instead legitimizes coercion and restricts fundamental freedoms. All of this is justified by the Taliban in the name of Sharia law.

At the same time, the Taliban's interpretation of Sharia should not be confused with Islamic Sharia as a whole. Sharia is theoretically grounded in principles such as justice, mercy, and human dignity. The new penal code conflicts not only with international human rights law including the rights guaranteed under the ICCPR, but also with Islamic human rights instruments such as the Cairo Declaration on Human Rights in Islam. Ultimately, the code illustrates how law can be used not to protect rights, but to systematically take them away.



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