

sections that the SR paid the greatest attention to measures imposed by the Taliban on women to enforce strict compliance with its interpretation of Islamic law: the prohibition on the employment of women; the closing of all girls' schools in Kabul and the banning of female education; and the severe restriction on the freedom of movement of women which Afghan women have described as "virtual imprisonment". According to the SR, gender-based discrimination (described by some foreign observers as amounting to gender apartheid) and the non-recognition of some of women's basic rights has led to women's marginalization and the "feminization of poverty". He noted that one of the most degrading measures with potential serious health consequences was the closing of female bathhouses, since the "hammams" were often the only places where women could wash in hot water.

Other subjects covered in the report include cultural issues (in particular, the restoration of destroyed and damaged cultural sites); self-determination; the situation of internally displaced persons and refugees; and humanitarian concerns including land mines, health care and opium production.

In his concluding observations, Special Rapporteur commented that, on the basis of evidence he had, it did not appear that the Taliban were genuinely interested in arriving at a negotiated political solution to the civil war. They had shown little willingness to compromise, stating that a precondition for the cessation of hostilities was the acceptance of their version of Islam; that they appeared to favour a military solution to the conflict aimed at conquering the whole of the territory; and that armed hostilities resumed only hours after the UN halted its efforts to bring about a cease-fire.

Gravely preoccupied by the implications that such an attitude might have for the overall situation of human rights in the country, the SR put forward the following recommendations.

He urged the United Nations to:

- ▶ speak with one voice and apply a single system-wide policy on the issue of gender equality and take an active and consistent approach in dealing with all authorities regarding the gender issue; reaffirm the rights of UN female staff in Afghanistan and refuse to tolerate any interference by authorities in this matter; ensure that the human rights of women form an integral part of the UN human rights activities in this region;
- ▶ strengthen system-wide coordination to devise a strategy for the creation of an infrastructure to promote and protect human rights in Afghanistan;
- ▶ develop a strategy which makes human rights a permanent activity in Afghanistan, and includes a permanent human rights monitoring presence in the field; and
- ▶ affirm that, while local traditions, social norms and culture are significant, they should not take precedence over the country's international obligations to uphold basic human rights, including women's rights to education and employment;

To the Taliban leaders, the Special Rapporteur recommended that:

- ▶ human dignity be restored in Afghanistan: all Afghan parties should protect all human rights; take measures to ensure the effective participation of women in civil

society; restore women's right to security of person; and, open all bathhouses for women;

- ▶ establish a coherent system of administration of justice consistent with international human rights norms and rules of international law;
- ▶ consider successful examples of integrating women in society, particularly in the area of employment and with respect to segregated education instituted in other Islamic countries;
- ▶ continue to make efforts to halt the production of dry opium and provide further incentives to farmers to produce other crops;
- ▶ halt the displacement of populations from areas north of Kabul and allow those displaced to return to their homes; and
- ▶ give priority to efforts to preserve and protect the cultural heritage of Afghanistan, with the assistance of UNESCO and qualified experts;

The SR's report contains three appendices.

Appendix I (E/CN.4/1997/59, Appendix 1) reproduces a notice issued by the "Department for enforcement of right Islamic way and prevention of evils" which sets out eight articles which should be followed by "all pious sisters and brothers" in order "to prevent occurrence of evils". These articles stipulate that: (1) women cannot go out and travel unless escorted by a legal close relative (Mahram); (2) if they leave their homes with a legal escort, women should use the veil (burqa); (3) women are forbidden to sit in the front seat of a cart or vehicle unless accompanied by a legal relative; (4) shopkeepers have no right to buy from or sell to women who do not cover their faces; (5) it is forbidden to cover cars with flowers for a wedding ceremony or to drive around the city; (6) it is forbidden to invite women to hotels and to hold wedding parties in hotels; (7) unless accompanied by a legal close relative, women may not use taxis; and, (8) the person in charge of collecting fares from women in buses, minibuses and jeeps should be under 10 years of age. The notice states that the professional delegates of the Department are in charge of punishing violators according to Islamic principles.

Appendix II (E/CN.4/1997/59, Appendix II) reproduces the Taliban's "Rules of work for the State hospitals and private clinics, based on the principles of the Sharia." There are 11 rules stipulate, inter alia, that: female patients should go to female physicians or be accompanied by a close male relative (mahram) if a male physician is needed; during an examination, both the female patient and the male physician should be dressed "with Islamic hejab"; male physicians may not touch or see areas of the bodies of female patients except for those affected; during night duty, a male doctor may not enter the hospital room of a female patient unless she calls for him; male and female doctors are not allowed to sit and speak to each other, and any discussions that are required must be done with hejab; female doctors are forbidden to wear stylish clothes and to use cosmetics or makeup; and female doctors and nurses are not allowed to enter the rooms of male patients. The religious police are allowed to enter a hospital or clinic at any time; and anyone they find violating these rules of work is to be punished according to Islamic regulations.