

Challenges Faced by Women Under the Taliban Regime in Afghanistan

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Afghanistan is a highly traditional, orthodox, religious, and patriarchal society. It is a parochial society that has put women's rights always at risk. Being the 'pivot state' because of its geography it has always been in turmoil and crisis. It has been occupied by several forces, ranging from USSR troops to Mujahideen, Taliban, US, and now again Taliban. The different rulings have impacted the rights of women differently. In some of the regimes there has been some improvement, but most of the time their rights have been violated. This paper is an attempt to bring to light the deplorable condition of women in Taliban's Afghanistan by casting a brief look into the history as well as anticipating the future for women in Afghanistan.

Keywords: Afghanistan, Culture, Islam, Taliban, Violence, Women.

Afghanistan is a weak country with a strong history. It has got a sobriquet, 'Graveyard of Empires'. Geographically, it is a well-defined country called the 'heart of Asia', but because of its location on the world map, it has been designated as a 'pivot state'. That is the reason why it has always been a 'breeding ground of conflict'. The continuous turmoil has plagued the country with insecurity, corruption, poverty, unstable government, and mismanagement. There are numerous examples of foreign powers who have attempted to invade and occupy the region and fallen short of their objectives. But during this process of coming to the place, disturbing its political system, and reaching its fate, there used to be huge political upheavals that affected the people of Afghanistan disproportionately.

This research paper sets the context of the study on the situation of women in the Taliban regime in Afghanistan. It addresses the following research questions like what are the specific problems faced by women in the Taliban regime in Afghanistan? And what role has the international community played to handle this issue?

The research paper aims to use mixed methods which include inductive, deductive, qualitative, and quantitative methods. The observations are used to address the research question and then a conclusion is drawn. The research has made use of primary sources in the form of reports by the United Nations, government reports and data and statistics prepared by major international governmental organisations. The research uses secondary sources, such as books, reports, journal articles, academic papers, newspaper articles, and internet sources.

It is a well-known fact that war and conflicts always have a devastating effect, whether it is fought between countries or within a country between different sections of society. They bring immeasurable sorrow and pain. They destroy lives, livelihoods, the economy, and families, and more than that they exacerbate the pre-existing

patterns of discrimination against women and girls, exposing them to heightened risks of violations of their human rights (UN, n.d.). Conflict can result in higher levels of gender-based violence against women and girls, including arbitrary killings, torture, sexual violence and forced marriage.

Violence Against Women in Afghan Society

Violence against women, both direct, structural, and cultural (Galtung, 1990) is ingrained in every part of Afghan society (Giles & Hyndman, 2004). Different regimes have treated women differently. But one thing has been common. Women have always been commodified by different groups over different periods, whether during peace or war. Cynthia Cockburn (2004), throws light on the 'gendered continuum of violence' concept. She emphasises that it is "meaningless to make a sharp distinction between peace and war, pre-war, and post-war" because "gender links violence at different points on a scale from the personal to the international, from the home and the back street to the manoeuvres of the tank column and the sortie of the stealth bomber: battering and marital rape, confinement, "dowry" burnings, honour killings, and genital mutilation in peacetime; military rape, sequestration, prostitution, and sexualised torture in war" (Cockburn, 2004, p.43).

In Afghanistan, sometimes for establishing ethnic prominence, sometimes for pleasing the orthodox groups, and oftentimes to establish their legitimacy, the atrocities against women had been done by various state as well as non-state actors (Ghosh, 2003). In this trajectory periodically, there is a tug-of-war of progression and reversal of women's rights between the different power holders. As per the Thomson Reuters Foundation expert poll conducted in 2011, "Afghanistan is one of the most dangerous and difficult countries in the world for women" (Anderson, 2011). Domestic violence, sexual abuse, child marriage, forced marriage, honour killing, and high maternal mortality rates are predominant in the country. This was the condition in 2011 when the US claimed that it is winning the 'War against Terrorism' and it was being avouched that Afghanistan is in safe hands. Whatever has been the regime, the fact cannot be denied that women's rights have always been at peril in Afghanistan. Different tribal groups, ethnic groups, and rulers have always ordained 'what women should do and should not do without having any concern regarding what women want to do'. As per a survey conducted by Promundo, US-based Non-profit organisations, and UN Women (Elks, 2019), Afghan men strongly oppose giving women more freedom - two in three think they have too much already - and young men are even more reluctant than their elders...there is a feeling among men that more rights for women mean that men lose out.

Gender discrimination in Afghanistan has a detrimental effect on the overall well-being of women including their health (Acerra et al., 2009). The high rates of gender-based violence, sexual abuse, forced marriage, early childbirth, and maternal mortality are some of the repercussions of gender-based violence (Samar et al., 2014) which in turn has a detrimental effect on women's health. Afghanistan is a country with one of the world's highest maternal mortality rates (UNICEF, 2015). The country still believes in the age-old practices where women used to deliver babies at home. This is more prevalent in rural areas. If in an emergency, the need is felt for proper medical care then most families prefer to receive medical care from female health workers, and as in Afghanistan, trained midwives are rarely in attendance. So, this luxury, which in actuality is a necessity, can be afforded by a very small number of women.

Furthermore, because of the patriarchal mindset, in Afghan society, the idea of “honour” has a very important role to play in governing the life of women. The values and norms to maintain the honour of the family are decided by men, and women have to follow those norms. If a woman does something that is not aligned with the values and norms of this community, it can affect the reputation of the entire family and this may lead to “honour killings” i.e. “the murder of women for dishonoring the family”. The reason could be acts such as eloping with men or committing adultery (Ahmadi & Bezhan, 2020). Honour killings, forced marriage, child marriage, and giving away girls to settle disputes, are common in Afghanistan (UN, 2010). These acts have put women’s positions in distress.

To maintain the honour of the family, women have always been excluded from the public sphere. Rousseau’s famous dictum that “Man is born free but everywhere he is in chains”, applies aptly to the condition of women in Afghanistan. They are racked by the chains of culture, religion, and gender. They are struggling to live with dignity. The tribal laws and cultural practices have perpetuated the complexities leading to gender-based violence, and when it gets combined with a war-torn society loaded with the wrath of illiteracy, ignorance, and penury it makes women doubly jeopardised. Najia Nasim, Executive Director at Women for Afghan Women opined that conflict, physical and financial insecurity, and lack of education act as drivers of harmful gender attitudes and practices in Afghanistan, and perpetuate the cycles of violence against women in Afghanistan (Elks, 2019).

According to a survey carried out by The Asia Foundation (2017, p.6), 22% of Afghans think that “domestic violence is one of the biggest problems in Afghanistan”. Most women consider domestic violence a part of their daily life. As per a survey conducted by UNICEF (2013), 92% of women in Afghanistan feel that if a woman disobeys her husband, goes out without telling him, does not give proper attention to her children and her in-laws, refuses sex with her husband, and does not cook well, she is committing a crime and her husband is justified if he beats her for these acts. Most women don’t consider it as a matter that should be taken out of the four walls of the house. It is considered a huge stigma. One major reason for this attitude among women is that most of them are financially dependent upon their husbands. Dr. Sima Samar, the former chairperson of the Afghanistan Independent Human Rights Commission, United States Senate Foreign Relations Committee, remarked on (23 February 2010) that ‘a culture of impunity exists for sexual violence in the country. It is always seen as a private matter of the family. State institutions refuse to intervene in some cases. In other cases, they promote the ownership of females in the family by men.’

Violence against women in Afghanistan is not only limited to beating and verbally abusing them. Sexual assault is also very rampant in Afghanistan. It is committed in various forms such as an illegitimate sexual affair, forced prostitution, sexual degradation and ill-treatment, forced abortion, etc. These assaults have a very adversarial and tormenting effect on women. It makes women feel socially and culturally alienated. Women who are victims of sexual violations tend to suffer other problems such as psychological problems, receptors of sexually transmitted diseases such as AIDS, and the most common problem ‘unwanted pregnancy’ (Saramad & Sultani, 2013). It violates the human dignity and self-esteem of women and even takes away their right to live freely in society. In most cases, women are advised by their near and dear ones to maintain silence and not to raise their voices

because it will bring shame to the family. For victims who dare to take it to court, their access to justice remains limited because very few perpetrators are ever prosecuted and convicted. In many cases, victims will face threats such as further abuse, disgrace, social boycott, abandonment, and deprivation of social and economic rights which will result in further violation of their other rights. These after-effects have also limited women's access to justice. These are the common problems faced by women in their daily life. Although they make up half of the population and contribute to economic growth, development, and reconciliation, their contribution hardly gets noticed. From 'cradle to grave' women in Afghanistan tend to suffer for the sake of the honour of the family, society, culture, religion, etc. This condition got aggravated because Afghanistan is a war-torn society. However, the condition of women in Afghanistan had not always been like this. History reflects the fact that Afghan society was not as closed as it is today.

The Back Story

Historically, women in Afghanistan had rights and freedom at par with men. The 20th Century offered them much space in both the public and private spheres. The credit for the advancement of women in the 20th century goes to Amanullah Khan who ruled as emir from 1919 to 1926 and as king from 1926 until 1929 when he abdicated. He was the first potentate who took a genuine interest in the rights of women in Afghanistan. He treated women at par with men and gave them the right to vote in 1919 when even the so-called developed countries were reluctant to give universal adult franchises. Amanullah Khan removed regulations on dresses. He set the example by making his wife, Queen Soraya remove her veil. He worked at great lengths for the education of women. During his regime, many educational institutions were established in both rural and urban areas. He interdicted forced marriages and strived to end the practice of polygamy.

After Amanullah, a brief period of reversal took place regarding the freedom granted to women, but again Mohammed Zahir Shah, the last King of Afghanistan, carried forward the legacy of Amanullah Khan. In 1939, the High School for Girls was established (Watkins, 1963). In the 1950s, 'purdah' which was the biggest obstacle to women's progression was abolished. In the 1960s a new constitution was promulgated which stated 'equality to all, including women'. There was no restriction based on gender. This was the "Golden Period" in the history of women's rights in Afghanistan. The participation of women in political, educational, social, cultural, and economic fields was increasing. In 1965, Anahita Ratebzad became one of the first women to be a parliamentarian. To give this progression a rapid pace, a 'democratic organisation' of Afghan women was also established during this period. By the 1970s, over 60% of the students enrolled at Kabul University were women (Sablok, 2021). But things reversed with the Soviet occupation of Afghanistan.

When the Soviet Union intervened in Afghanistan in 1979, there was a group called 'Mujahideen' supported by Western countries that began to counter the USSR. Due to this 'great power politics,' Afghanistan witnessed a decade-long war that ultimately led to the rolling back of the rights of women. Although the communist government was not against the rights of women, the conflictual situation in Afghanistan made them suffer massively. The Communist government tried to work for the empowerment of women by introducing many social reforms such as compulsory education for girls and deciding the minimum age for marriage (Nehan,

2022). These reforms provoked the orthodox groups and other conservative factions. These groups accused the Soviet policies of being anti-Islamic and against their tradition and culture.

In 1989, when the Soviets left Afghanistan, the country was in total disorder, leading to civil war, and finally, the transfer of power took place in 1992. 'Mujahideen' came to power and declared Afghanistan an Islamic state. They ruled from 1992 to 1996 and this period witnessed extensive brutality and cruelty. Murder, rape, sexual assault, forced marriages, and brutal punishments became a daily affair. To avoid these atrocities women had no option left but to commit suicide. As per the US Department of State (1995), in conservative areas in 1994, many women could appear in public only if dressed in a complete head-to-toe garment with a mesh-covered opening for their eyes. Very few women were visible on television and in professional jobs. Women were increasingly precluded from public service. According to Follain & Cristofari (2002), Mujahideen gave a forceful setback to the educational system of Afghanistan. They burnt down schools, colleges, universities, libraries, and bookstores.

Later in 1996, the Taliban, an Islamic fundamentalist group, predominantly Pashtun came to power to counter the Mujahideen. The literal meaning of Taliban in the Pashto language is "students" who followed a rigid form of Sunni Islam (BBC News, 2010). They promised to restore peace and security in the country and cover up all the social, cultural, political, and economic damages done by the USSR and Mujahideen. Taliban intended to "restore peace, disarm the population, enforce Sharia law and defend the integrity and Islamic character of Afghanistan" (Rashid, 2010, p.22). They vowed to enforce the austere version of Sharia and make Afghanistan an Islamic state. Afghans were disgusted because of the savagery of the Mujahideen and they embraced the Taliban. Taliban's attempt to succeed in wiping out corruption and establishing law and order initially received a very positive response from the common people. Their propaganda for peace was so appealing that they legitimately moved from 'gun to government'. These acts extended the influence of the Taliban, and by September 1995, the Taliban was successful in capturing the province of Herat, and within a year they captured Kabul by toppling the regime of President Burhanuddin Rabbani. By 1998, the Taliban controlled almost 90% of Afghanistan.

With the increasing power, the atrocities of the Taliban increased. There were rampant cases of flagrant violations of the human rights of people. They were making extensive social and cultural abuses. Radio was used to broadcast their brutal laws and remind people regarding their duty towards their country and religion. They banned all means of entertainment such as television, cinema, drama, and music. There was a range of changes that men and women were required to inculcate in their day-to-day life. For example, men were required to grow beards and women had to be in veils from head to toe. They introduced or supported punishments in line with their strict interpretation of Sharia law - such as public executions of convicted murderers and adulterers, and amputations for those found guilty of theft. They set up Amar Bil Maroof Wa Nahi An al-Munkar (Department for the Promotion of Virtue and Prevention of Vice) to monitor and control women's behaviour (Maizland, 2022).

The Taliban rule from 1996 to 2001 was a kind of reverse wave in terms of the rights of women in Afghanistan. Gender discrimination became the official policy of the Taliban. Quoting the title of a report released by the Bureau of Democracy, Human Rights and Labor on November 17, 2001, the period from 1996 to 2001 was the

Taliban's War against Women. The brutal laws, regressive policies, execution, and intolerance against women became detrimental to the very existence of women. Women and girls were discriminated against in multiple ways, for the 'crime' of being born a girl. UNFPA Representative in Afghanistan Dr. Aleksandar Sasha Bodiroza remarked that "even before the Taliban takeover, the needs of women and girls were staggering. Over half of Afghan women experience violence during their lifetime, and one Afghan woman dies from a pregnancy-related complication every two hours" (Tolo News, 2021). Taliban's rule intensified the deplorable state of women.

The Taliban tried to control women's lives in the name of Islamic Sharia law. They considered themselves the guardian of Sharia law and thus legitimised their rule (Sarkhel, 2022). Through this law, they made women invisible in public life and imprisoned them in their homes. Their basic rights to movement and access to employment were denied. Women were not allowed to cross the boundaries of their homes without any chaperone and full-body veil (burqa). They should not wear white shoes or socks as it was the colour of the Taliban flag and no woman should dare to do that. Women are the honour of their family and society hence they should behave with dignity. They should walk calmly on the road and refrain from hitting their shoes on the ground which makes noises and distracts men (Nojumi, 2002). People were ordained to cover their ground and first-floor windows so that women inside the house could not be seen from the street. Women were banned from almost all education. They were forced to live in the world of work close to them. Forced to quit their jobs, women were helpless, especially those who were poor and did not have any male members in their families. No one could dare to breach these orders as the penalty for disobeying was harsh (Sablok, 2021). The situation was pathetic to the extent that children were dying because of hunger as single mothers could not go out to work and get food for themselves (Paik, 1996). Taliban's dictates made life unbearable for them and no one could resolve their problem. Due to this situation in many families where there were no male members, women resorted to begging and selling their jewellery and other household items to provide support to their families (U.S. Department of State, 2000). The ferociousness of the atrocities committed by the Taliban was unsurpassable. As per a report by Amnesty International (2022): A 15-year-old girl in Kabul expressed her grief in the following words: "Taliban killed my father right in front of me because he allowed me to go to school...I cannot describe what they did to me after killing my father...". Another case was that a woman in Kabul was compelled to cut off her thumb for wearing nail varnish". Punishments like stoning to death in front of a large crowd of men and children, acid attacks, and multiple cuttings of hands and feet for the crime of adultery were common.

A journal of American University Washington College of Law written by Stephanie Dubitsky (1999) mentions how the restriction imposed on the movement of women-led during the healthcare crisis adversely affected the women of Afghanistan. Dubitsky wrote that in the name of the medical facility where women were permitted, there were only 35 patient beds. It was lacking clean water, electricity, oxygen, and surgical and diagnostic equipment. Male doctors were not allowed to diagnose and treat female patients effectively because of prohibitions on male-female contact; those who dared to do that suffered severe punishment, including beatings and imprisonments, for treating female patients. By the year 1999, the condition of females under Taliban rule became so dreadful that the UN Security Council passed a resolution and expressed deep concern regarding the violation of the rights of women. It was

the “dark age” for women. Taliban justified their act of excluding women from a public appearance on the pretext of safety of women. They opinionated that women should not be seen or heard in public places as they will distract men away from the proscribed Islamic path (Alvi, 2022) and will be a threat to the women themselves. However, putting women inside the four walls of the house didn’t curtail the instances of violence against them. Rape forced marriages, and sexual enslavement of women by Taliban soldiers were common acts. This condition forced some to send their daughters to neighbouring countries such as Pakistan or Iran leading to another vicious cycle of violence against them.

Inter-Taliban Period

In 2001, women activists got a ray of hope when the US intervened in Afghanistan in search of Osama Bin Laden. Taliban lost and retreated and the US along with its international forces promised to bring a new dawn of liberty, equality, democracy, and freedom to the country deprived of these values for decades. The US flaunted itself as the *messiah*, who will end all the sufferings of Afghanis and is a single solution to all their problems. It was widely held that now the age of intimidation, injustice, discrimination, and totalitarianism will end and the new era will open up many opportunities for Afghan women. This hope got authenticated when the then First Lady, Laura Bush addressed the nation through radio and declared that Afghanistan’s future government should include both genders, saying that the Taliban’s repression of women had crippled the country by cutting the wing off a bird...but now the dignity and opportunity will be secured for all the women and children of Afghanistan (The Washington Post, 2001). The focus of the international community was also on the restoration of the rights of the women that were curtailed during the regime of the Taliban. The then UN Secretary-General Kofi Annan also stated that: ‘there cannot be true peace and recovery in Afghanistan without a restoration of the rights of women.’ (Amnesty International, 2011)

In 2001, the Ministry of Women’s Affairs was founded to execute the government’s policy towards securing the rights of women. It was the lead agency for promoting women’s rights and their advancement in Afghanistan. Although it was not very powerful, at least it was giving a glimmer of hope for the women’s rights activists. Its existence was a kind of remembrance to the government that they need to ensure gender equality as per the norms of international human rights law. Afghanistan also ratified the Convention on the Elimination of All Forms of Discrimination against Women in 2003. The international community also held the view that the participation and support of women are essential for making the country free from radical forces.

The position of women in the country was improving significantly. Their participation in the social, political, and economic fields was increasing. They were coming out of their shackles. The restrictions posed on women in the name of tradition, religion, and cultural reasons were gradually withering away. The number of women serving the nation as doctors, lawyers, teachers, engineers, activists, politicians, journalists, bureaucrats, business owners, police officers, and military personnel were increasing. Those who were reluctant to send their daughters outside were also getting inspired by watching the success stories of women and gradually allowed their girls to study and work. In 2004, the constitution of Afghanistan enshrined women’s rights into it and laid special emphasis on them.

However, this progress didn't receive equal welcoming responses from all sections of society. Some conservative sections were getting annoyed because of this happening. The more the women got advanced, contributing to the development of the country, and making their presence significant, the more these extremist groups opposed women's rights and triggered people against the progress of women. Initially, these groups were not noticeable, but gradually they gained prominence with the help of regional countries such as Pakistan and Iran. These countries wanted these extremist groups to be powerful so that the situation of extremism and insurgency in Afghanistan remain intact. They vehemently criticised the women's rights movement. They popularised the notion that women's rights is nothing but an elite Western urban white women's movement which has nothing to do with the Islamic, rural and common women, it is a tool of the West to subvert Afghanistan's Islamic culture and traditional values (Nehan, 2022).

Gradually, Taliban also started resurfacing in 2005 (Congressional Research Service, 2021). With its emergence, the freedom of women came under attack once again. People were feeling intimidated by sending their girls outside. Slowly women's position again began to dwindle. The declining position of women's rights came to light when the Shia Personal Status law got passed by the Afghan Parliament in 2009. It regulated the personal affairs of Shia Muslims, including "divorce, inheritance, and minimum age of marriage" (Hassan, 2009). This law was the miniature of the Taliban's draconian laws against women as it markedly abridged the rights of Shia Muslim women and restricted their basic freedoms. Provisions such as requiring women to take permission from male members of the family before leaving the house, be presentable before their husband, and the right of a husband to take back the financial and other material support to his wife, if she fails to fulfil his sexual demands, granted unlimited rights to the husband over his wife (Human Rights Watch, 2009).

The provisions of the law were in contradiction with the constitution of Afghanistan as well as the Convention on Elimination of Violence Against Women to which Afghanistan was the party. When Afghanistan became a signatory to the Law on the Violence against women in 2009, it was cheered as a hard-won victory by the women's rights activists, but Shia Personal Law escalated the anxiousness of women's rights activists. They protested against this law. The international community also made a lot of hue and cry. The US and its allies such as UK, France, NATO, etc. vehemently criticised the law. Then-President Barack Obama called the law "abhorrent" (Human Rights Watch, 2009). But nothing was done for the protection of the rights of women. The sluggishness of the global community can be reflected in the statement given by Wazhma Frogh, activist, Global Rights in 2009. She said: "We welcomed the international community's words on the Shia law—really—they said many beautiful things, as they did in 2001. We have the promises of the world. But still, we wait to see what more they will do" (Human Rights Watch, 2009).

The saga of women's suffering does not cease with the Shia Personal Law. Many stories were happening daily. Some of the stories by default were out in the public domain but most of them remained inside the four walls of the house. As per the account of Human Rights Watch, 2018

A woman named Soraya was attacked by her husband with a knife, and her father-in-law raped her, she went to the police. When she tried to file charges, an officer told her, "We are not going to register your case – it is not important enough. You should resolve this with your family (Barr, 2018).

Despite the serious efforts made by the government of Afghanistan as well as the international donor agencies since 2001 towards improving the literacy level among women, an estimated two-thirds of Afghan girls do not attend school (Human Rights Watch, 2017). This reality does not deny the fact that there was a significant improvement in the education level and empowerment of women, but these gains were partial and fragile because of the fear of the Taliban, even in government-controlled areas. The government made sincere efforts with the help of donor agencies to improve the numbers of girls in school, but due to the re-emergence of the Taliban, Afghanistan once again got lashed into bigotry, lack of security, corruption, and insufficient funds. The number of girls in school began to drop after 2014 (Human Rights Watch, 2017). As per a report by Amnesty International (2011), “Eighty-seven per cent of Afghan women were illiterate, while 70-80 per cent face forced marriage, many before the age of 16”. This report reflects that even after the intervention of the US and its allied forces, people were not free from the intimidation of the Taliban and the international community now took this situation for granted. Their focus was on fighting terrorists rather than securing the rights of the people.

Shinkai Karokhail, Member of Parliament, Kabul, June 4, 2009, remarked in one of her statements that “when the Taliban retreated, everyone wanted to come and work for women’s rights, Slowly, this disappeared. Maybe the international community saw that we had two or three women in the cabinet, and thought, now women have got their rights. But the reality is different: we have lost everything. Women are not a priority for our government or the international community” (Human Rights Watch, 2009). Even before the Taliban formally took over Afghanistan in August 2021, women were not immune to their draconian dictates. In some areas like Mazar-i-Sharif, the dictates of the Taliban were governing the lives of women before August 2021. There was a nasty story published in National News daily (2021). Gulpari, a mother of two, narrated her story to the daily *National News*. “Things became beyond handling when the Taliban came for our daughters. The Taliban asked us to marry our daughters to them. They said if a house had two daughters, at least one should be given in marriage to the Taliban. My girls were terrified when they heard this. They were scared and wouldn’t stop crying till we had fled the district”. It reflected the fact that the Taliban not only restricted women’s movement rather they were also hunting for women (Kumar, 2021).

When the influence of the Taliban was expanding and women activists were becoming fearful because of their ruthless dictates, the then US secretary of state Hillary Clinton 2010 assured the activists that “We will not abandon you, we will stand with you always ... it is essential that women’s rights and women’s opportunities are not sacrificed or trampled on in the reconciliation process” (Aroon, 2010). But all these promises remained verbiage. The ghastly episode of the US retreating from Afghanistan and the takeover of Kabul by the Taliban is still fresh in the mind of the world. Despite the rhetorical commitment of the U.S. and international community towards the rights of women and their emancipation from the atrocities of the Taliban and other extremist forces women didn’t get what they were entitled to get. They lost all the gains made in the last two decades.

Taliban 2.0 and the Future of Women in Afghanistan

In 2020, Sarajudding Haqqani, the deputy leader of the Taliban wrote an article in the *New York Times*. This article tried to convey a message to the world that now

the Taliban has changed. It is the 'New Taliban' which aspires to "build an Islamic system supporting 'the rights of women that are granted by Islam', from the right to education to the right to work -are protected, and where merit is the basis for an equal opportunity" (Haqqani, 2020). When they formally took over the power on August 15, 2021, they promised that they would respect the freedom of women but a few days after that, they were back to their original position.

Taliban crushed women's right to free movement on the pretext that women are not safe from their soldiers. They dictated women stay at home because their soldiers need to learn how to respect women (OpIndia, 2021). They dictated that women cannot go out in public without a hijab and a male chaperone. It clearly instructed the local taxi drivers in the Afghan cities that they should not ferry solo women travelers and women without hijabs. This order was applicable for women travelling across the cities in general and long-distance travelers in particular. There had been cases where solo women travelers were denied entry at the airport.

Heather Barr, associate director of the Women's Rights Division at Human Rights Watch says, "the order shuts off opportunities for women to be able to move about freely or to be able to flee if they are facing violence in the home" (BBC News, 2021).

Taliban 2.0 is abridging the rights of women in every possible way. They abruptly ended the Ministry of Women's Affairs and replaced it with the Ministry for Propagation of Virtue and Prevention of Vice. The existence of this ministry in itself is very frightening for women as its track record during Taliban 1.0 was very uncongenial towards women. It publicly punished women because of violations of rules such as women going out without a male chaperone or not wearing a Hijab. After its resurgence in 2021, the Ministry of Propagation of Virtue and Prevention of Vice made the hijab compulsory for all women citing it as dignified attire. They were of the view that women should be out of the glance of men for their safety and security. They prohibited women's appearance on the celluloid and ordered female journalists and presenters to wear hijab on screen. Since March 29, 2022, it has been instructed by the Taliban that all working women should cover their bodies completely at work (Hein, 2022). They issued clear instructions that women who violate the Taliban's dictate by not covering their faces in public will have their fathers or closest male relatives held responsible for their actions. They will be imprisoned or will be fired from government jobs.

Taliban also banned women's access to healthcare without a male chaperone (Ahad & Kumar, 2022). Citing a report published by Rukhshana Media, The Fuller Project, and Foreign Policy, the Taliban issued a clear directive that from now on (December 2021), that "No women can come to health centres without a mahram..." Those who were found without chaperon, Taliban "forced them out of the clinic and beat them with the butts of their rifles" (Nader & Amini, 2022). Health and education are basic necessities of life but under the Taliban regime, women are not allowed to access these basic facilities on their own. They have to be guarded by men because the Taliban want it to be like that. In fact, the discrimination that Afghan women face is cumulative and so overwhelming that it is life-threatening for many Afghan women (Human Rights Watch, 2001).

When the Taliban came to power, Abdul Baqi Haqqani, Taliban's nominated acting minister for higher education, stated that 'the people of Afghanistan will continue their higher education in the light of Sharia law in safety without being in a mixed

male and female environment (Ahmadi & Ebadi, 2022). They declared that they will allow education for women but there will be no “mixed-gender classes”, that is, no two opposite genders will interact with each other (Mehrdad, Shih & Berger, 2021). Primary schools are open for girls up to class 6 but beyond that, girls are still waiting for the next orders as they got closed just hours after opening on March 23, 2022. The acting Deputy Education Minister Abdul Hakim Hemat, in an interview with BBC, gave the pretext that there is a need for a new education policy that will be in line with Sharia law. Until and unless that gets prepared and approved, girls should stay at home (Williams & Hamedani, 2021). Public universities are now open for both males and females with strict gender segregation (Amnesty International, 2021)

Women are encouraged to remain inside their houses as that is their actual domain. This is reflected in the fact that in the new Taliban cabinet there are no women. They are completely erased from governance. Taliban is of the view that women should take care of their families well and be virtuous, the public domain is not their sphere. These policies have also affected the dignity and self-esteem of women. The prohibition of women from the workplace has affected the lives of women who are widows and those households where there are no men. It has pushed them further into poverty and has made them vulnerable to exploitation (UN News, 2022). As per UN News (2022), Taliban leaders are attempting to erase women & girls from public life through systematic gender-based discrimination & violence. They enforce these rules through intimidation and inspections. There is no place where women can go to get redressal. All the specialised courts and prosecution units that were created for enforcing the Law on the Elimination of Violence Against Women, 2009 are now defunct, thus limiting the chances of redressal. These atrocities have paved the way for the women’s resistance movement in Afghanistan. Despite Taliban’s trepidation women are running underground schools secretly (Sarkhel, 2022) but how long women will be able to resist the unlawful dictates of Taliban is unknown since the atrocities are increasing day by day.

Role of International Community

In the case of the Taliban’s resurgence in Afghanistan, the role of the international community has been like a big cat with no teeth. Taliban leaders have time and again guaranteed the international community that they will never roll back the rights of women and would give them their due including their right to education and work. But most of the policies of the Taliban like limiting their freedom of movement, curbing their public appearance, banning their right to education and other discriminatory policies violate their commitments. The rules and regulations imposed on women by the Taliban openly challenge many principles of international human rights law.

International Legal framework and Women Rights in Afghanistan

Afghanistan has ratified several key treaties relating to women rights and liberties. These treaties include the Convention on the Political Rights of Women of 1953, which provides that women shall have all the political rights that are given to men, including the right to vote in all elections as well the right to run for, and to hold public office. Afghanistan was one of the first nations to ratify this treaty. It has also ratified the international Covenant on Civil and Political Rights. Both of these covenants provide that the set forth rights shall be granted equally without regard to sex, religion, or race. These two treaties provide rights in broad areas and because

Afghanistan has ratified these agreements, they provide Afghan women equal legal rights as to men in those areas. Afghanistan is also a member of the International Labour Organisation and ratified the Convention Concerning the Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951, which provides that men and women must earn equal pay for equal work. Moreover, Afghanistan ratified the Convention Concerning Discrimination in Respect of Employment and Occupation of 1958, which provides that parties agree to undertake programs to stem all discrimination (both race and sex-based) with respect to employment. These rights set up the fact that the international community always presses on freedom of expression, movement, association, and assembly, the right to education, the right to work, freedom of movement, and the right to health care for both men and women but there is no place for these rights in the Taliban's Afghanistan.

Taliban has changed its stand of respecting the fundamental human rights of people. They are well aware that they are annoying the international community by announcing the retrograding policies and depriving women of livelihood, but they have stopped giving any pretense of appeasing the international community. They are even least concerned about the aid and recognition by the international community, even though they are receiving condemnation from international organisations. For example, the UN Security Council had remarked that the Security Council members reaffirmed the right to education for all Afghans, including girls, and called on the Taliban to respect the right to education and adhere to their commitments to reopen schools for all female students without further delay (UN Press Statement, 2022).

The Organisation of Islamic Cooperation (OIC), also condemned the Taliban's decision to close secondary schools and even issued a warning that this decision would have serious consequences (OIC, 2022). But it seems that the Taliban is hardly concerned about those consequences. They are not even giving a thought to the fact that nearly 80 percent of its budget comes from external aid. There is already a significant reduction in the aid provided by other countries to Afghanistan for development, after the Taliban takeover in August 2021 so the Taliban doesn't have enough funds to propagate their unlawful activities, but the situation on the ground as per UN Secretary-General António Guterres, remarks to the high-level pledging event on Afghanistan, in New York on 31st March 2022 is that nearly 95 per cent of people do not have enough to eat. Nine million people are at risk of famine. UNICEF [United Nations Children's Fund] estimates that a million severely malnourished children are on the verge of death, without immediate action. Afghanistan's economy is virtually collapsing. More than 80 per cent of the population is in debt. The salaries of the employees are not getting dispatched for months (Thomson Reuters Foundation, 2018). The dire condition of the Afghan people led the Human Rights Council to appoint experts to survey the condition of Afghanistan and they highlight the fact that "the international community must step up humanitarian assistance responsive to women's needs" (UN News, 2022). But the international community is doing nothing except condemning the atrocities of the Taliban and blocking the aids. However, this blockade is not going to solve any problem. UN Secretary-General António Guterres' also says that "there is no rationale for Blocking Humanitarian Aid Due to Bias against Girls' Learning. Women are suffering even more because of the blockade". There is a need for the international community to respond responsibly. Dr. Aleksandar Sasha Bodiroza, UNFPA Representative in Afghanistan has also

remarked that the situation will get worse if the international community does not act, and act soon (Bodiroza, 2021).

Conclusion

The assault propagated on women by the Taliban is unprecedented and unacceptable. To restore women's rights, Afghans along with the international community must stand up collectively and show resistance to the atrocities of the Taliban. The international community should develop extraordinary will and tools to pressure the Taliban then only women will get what is due to them. Sadly, at this stage, the future of women's rights in Afghanistan seems to be very perilous.

There is no doubt about the fact that Afghanistan is a patriarchal society and it is very difficult for them to let women rule over them. In the last 20 years, women got what was due to them but all the achievements of their struggle had been thrashed by the Taliban. The restrictions posed on women's mobility and crimes committed against them not only degrade the dignity of women, but also the ability of the nation as a whole to achieve peace, stability, security, and development because the quality of life of a nation's women correlates directly with the progress of the society.

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