

Taliban's Return Threatens Past Gains for Aghanistan's Women and Girls

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Abstract

n the midst of the chaotic withdrawal of the US-led forces from Afghanistan, the Taliban swept back to power in Kabul on 15 August 2021. Since then, the Taliban have repeatedly attempted to project a more moderate brand of governance. However, the Taliban leaders have yet to enunciate clear policies on issues such as women's and girls' access to education, employment, and political participation. Early indications

nonetheless suggest that the group has not shed its fundamentalist vision of Islamic society, and is pursuing an approach to governance, political pluralism, and female freedoms that will threaten past gains. With the Taliban now approaching six months of their rule, this report aims to analyse their actions and pronouncements so far, and their impact on the lives of women and girls in Afghanistan.

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Introduction

efore the 1970s, women in Afghanistan enjoyed their essential rights and freedoms. They attained the right to vote as early as 1919, only a year after women in the United Kingdom, for example, won the right to exercise adult franchise. In the 1950s, gender segregation—which was historically determined by patriarchal kinship arrangements—was abolished Afghanistan in and the 1960s saw women entering the country's political mainstream. In the 1970s, rising instability in the region resulted in the gradual peeling back of these rights. The December 1979 Soviet invasion exacerbated an already widening conflict with those against the anti-communist reforms. Two decades later, the emergence of the Taliban—a fundamentalist militant group—resulted in a collapse of Afghanistan's values and infrastructure, with the group's restrictive rules obliterating women's advancement in the country.

The Taliban enforced an extremist version of the Sharia law, which reduced the rights and freedoms of Afghan women, subjecting them to strict dress codes, banning them from educational and employment opportunities, and prohibiting them from appearing in public without a male relative companion. The punishments for breaking any of these rules were strict and swift, ranging from public humiliation, to beating and execution.

These gender-specific restrictions eased when a US-led military coalition invaded Afghanistan in 2001, resulting in the Taliban being ousted from power, the installation of a civilian government, and a 20-year-long military occupation by international forces in Afghan territories. Even as war raged, there was a surge in local commitment to protect women's rights and improve their welfare. The efforts—which also included the creation of new legal protections for women—were often backed by international groups and donors.



For instance, the post-Taliban Constitution of 2004 provided for the protection of Afghan women's rights, including granting them a substantial role in the country's proposed parliament, devising educational programs for female students, and ensuring equal access to employment. In 2009, the government passed a law on the Elimination of Violence Against Women (EVAW), criminalising forced marriage, rape, and battery, and making it illegal to prohibit women and girls from participating in educational or employment opportunities. The law removed restrictions to women's movement in public places as well as prescriptions on wearing the burqa.

Since then, Afghan women have achieved great strides, with their freedoms restored and opportunities for mobility opened up. The number of girls enrolled in primary schools increased from nearly 67 percent in 2003 to more than 82 percent in 2019.² There was also an increase in the life expectancy of women, from 56 years in 2001 to 66 in 2017.³ Women also actively participated in political life: they made up one-third of voters in 2019;⁴ 27 percent of parliamentary members in 2020; and 21 percent of civil servants in the same year.⁵

To be sure, girls and women in Afghanistan continue to face massive challenges to their safety and security. According to a report by UN Women in 2021, 87 percent of Afghan women have been exposed to at least one form of physical, sexual or psychological violence in their lifetime, and nearly 62 percent have experienced it in multiple forms.6 The 2019-2020 Women, Peace and Security index ranked Afghanistan as the second worst country for women;⁷ and the 2019 gender inequality index ranked Afghanistan 157th out of 162 countries.8 The risk of child marriage remains prevalent for Afghan girls: according to the United Nations Children's Fund (UNICEF) and its partners, 183 child marriages and 10 cases of trafficking of children were registered over 2018 and 2019 in Herat and Baghdis provinces alone.9

The fall of Kabul to the Taliban in August 2021 poses a direct threat to the hard-won gains achieved by the Afghan women in the past two decades. This time, the Taliban have been attempting to appear that their government would be different from their previous rule. During a call with a BBC anchor—just after they took over Kabul—a Taliban spokesperson, Suhail Shaheen said, "The Taliban will respect the rights of women and allow them access to education." ¹⁰



This pronouncement was reiterated during the group's first press conference where Zabiullah Mujahid, another Taliban spokesperson, gave an assurance that the rights of women would be protected, albeit "within the limits of Islamic law." ¹¹

The question, however, is which version of Islamic law the group plans to follow—will it be their own strict interpretation of the Sharia law, or will it incorporate elements of other Islamic

jurisprudences? As a result, respect for women's rights and freedoms continues to operate within what for outsiders appear to be a vague Islamic framework where they are offering rhetoric with little action on the ground. As the Taliban complete six months since winning their insurgency and beginning their transition to a governing power, their early pronouncements about women's rights need to be put to test.

Girls and women in Afghanistan continue to face massive challenges to their safety and security; but gains have been made, and they are threatened by the return of the Taliban.

A Neither the teachings of Islam nor the predominant Islamic culture prohibits the education of girls. See: Sumaira T. Khan, "Islam and Girl's Education: Obligatory or Forbidden," Cultural and Religious Studies 4, no. 6 (2016) http://www.davidpublisher.com/Public/uploads/Contribute/578f351fcd1fb.pdf



Enduring Challenges to Afghanistan's Women

Ban on Female Education

Within months of regaining control, the Taliban imposed limitations on girls' education. While private and some public universities began functioning, the group ordered the segregation of classes on the basis of gender, and for the teaching of female students to be done only by women; women attending educational institutions were also told to wear an *abaya* (robe) and *niqab* that covers most of their face. There have been reports of the Taliban intimidating and threatening female students and teachers, and this has had an impact on the number of girls that end up attending classes. The result is clear: At Herat University, for example, there are several hundred fewer teenage girls today compared to last year.

Meanwhile, at the secondary school level, the Taliban Ministry of Education issued an order for students and teachers to report back to schools but limited re-entry to male students and made no mention of bringing back the schoolgirls. Access to school for young girls in the initial months of the Taliban's takeover has thus remained erratic: in some provinces like Herat and Balk, girls have been seen attending secondary school, but in most, including Kabul, they have not been allowed to attend school after the sixth grade. Amidst this confusion, teachers in Afghanistan have also been reporting a worrying drop in female attendance at the primary-school level. 16



On 8 December 2021, the Taliban issued a formal statement imposing a ban on girls' secondary education. In an interview with the BBC, Acting Deputy Education Minister Abdul Hakim Hemat said, "Girls would not be allowed to attend secondary school until a new education policy is approved in the New Year." ¹⁷

The lack of education for girls will have farreaching ramifications not only for the female students themselves, but also in terms of the lost opportunities for these women to contribute in shaping Afghanistan's future. Moreover, international donors have historically given utmost importance to the education of Afghan girls; the Taliban's policy will influence the donor community's decision-making.

Barriers to women's education are also likely to aggravate the prevailing problems of gender inequality, male dependency, and lack of self-autonomy. There are reports that in the past six months of the Taliban's rule, the exclusion of girls from formal education has placed Afghan females at a much higher risk of gender-based violence, child marriage, exploitation, and abuse.¹⁸

Lack of education will also make it difficult for Afghan women to overcome financial insecurity and deal with the economic turmoil facing the country. Taliban's gender-specific restrictions on access to education will eventually push an even greater number of women and their families to the brink of poverty.

Prohibition on Paid Work

The Taliban have been asking female employees—with the exception of those in the medical sector—to leave their jobs; the resultant vacancies will be filled solely by men. This prohibition on women from participating in the workforce began as early as July 2021, when the militant group was still in its final offensive to seize territory from the government forces across Afghanistan. Media reports have highlighted how the Taliban members stormed bank offices in the southern city of Kandahar, escorting women home, ordering them to never return.¹⁹



Shortly after coming to power, in a September 2021 interview with *Reuters*, a senior Taliban figure took an even stronger position on the issue by suggesting that women should not work alongside men.²⁰ The statement was followed by another decree, issued by the interim mayor of Kabul, instructing female employees of the city government to stay at home.²¹ As a result, although women comprised over 27 percent of the workforce in the previous civilian government, ²² the new Taliban administration is made up of only male officials.

Other rules were then announced. In November 2021, the Taliban government banned women actors from appearing in TV shows and movies, and ordered women journalists to wear headscarves while presenting.23 A Taliban spokesperson was also quoted by a television news program as saying that Afghan women are now forbidden from playing sports.²⁴ Female players have been warned to delete their pictures on social media showing them playing sports, and have also been ordered to burn their kits. Amidst this succession of restrictions imposed by the Taliban government, many professional Afghan women have had to give up their careers, or else flee the country.25 This will have a clear impact on household incomes and, in turn, on the country's economy.

Even before the Taliban seized power, poverty and food insecurity had been widespread in Afghanistan owing to the prolonged La Niña climatic episode, multi-year drought, protracted conflict, and in the past two years, the outbreak of the COVID-19 pandemic that only exacerbated the economic difficulties. The 2020 Global Hunger Index ranked Afghanistan 99th out of 107 countries evaluated on the basis of food availability and access to resources. In early 2021, the World Food Programme estimated that nearly one-third of the Afghan population were experiencing the worst levels of food insecurity—more than 5 million people every year have been relying on emergency food aid since 2014. The prolonged the second state of the prolonged that the prolon

Six months since the Taliban's takeover, the crisis has rapidly worsened. The international community has paused all aid to Afghanistan and frozen the country's assets abroad, owing to reservations and uncertainty regarding whether or not to recognise the Taliban as the legitimate government of Afghanistan.



For an economy that has relied on foreign funds for 75 percent of its public spending,²⁸ the withdrawal of international support has contributed to hyperinflation of the Afghan currency, cash shortages, and spiking food prices.

Afghan women, who own only about 3 percent of land,²⁹ rarely have livestock to their name and now do not even have the opportunity to look for other jobs. They are thus at the forefront of this massive food and economic crisis. Already facing obstacles to obtaining food, healthcare and financial resources given restrictions on their mobility, the women will find it even harder to make ends meet for their families, in turn heightening the risk of extreme hunger.

The Taliban's restrictions on women's employment also come with grave consequences for women's agency over their health and nutrition. As women make up nearly one-third of the rural labour force,³⁰ with them suffering ill health, the economic and humanitarian crises threaten to only worsen. Moreover, given how social norms assign childrearing to women, unhealthy mothers themselves are at risk of not being able to provide proper nutrition for their children, increasing the threats of stunting and wasting, and high disease burden. The

UNICEF has warned that unless interventions are introduced soon, approximately 1.1 million children are at risk of dying due to acute malnutrition.³¹

Mobility in Public Spaces

The Taliban have not decreed the *burqa* as a mandatory piece of clothing for women; however, they have ordered women to wear *hijabs*. It remains unclear how the group defines a *hijab*, which can be a hair covering, a face veil, or full-body covering. Outside the capital—in provinces such as Balkh, for example—women have been strictly instructed to not leave their homes without a *burqa*.³² In January, the Taliban's Ministry for the Promotion of Virtue and Prevention of Vice, put up posters across Kabul showcasing the wearing of *burqas* and ordering women to keep to the code.³³

Media reports also suggest that the Taliban have been prohibiting women from leaving their homes without a *mahram* (close male relative). On 26 December 2021, the group issued new official guidelines for women wanting to travel longer distances, asking drivers not to offer them a ride unless they were being accompanied by a male relative and were wearing a *hijab*.³⁴



Shortly after, the Taliban also barred women—particularly in the northern regions—from using communal bathhouses or *hammams*, which for many is their only chance for a warm wash during the country's harsh winter season.³⁵ Afghan women also regularly use these bathhouses for ritual cleaning and purification required under Islamic law. Their inability to access *hammams* will not only interfere with their religious obligations, but also their personal hygiene, in a country where a majority of households do not have direct access to water and will now have to rely on public pumps or water trucks—that is, if they have the financial ability to do so.

The restrictions, meant to re-engineer public spaces, are causing women to lose their most basic freedoms and choices. Unlike previous generations of Afghan women, however, who were largely fearful of the Taliban, today's youth—many of the women among them having been educated during a time when progress was recorded in female education—are choosing not to keep silent. Despite being threatened, women in Afghanistan have been seen widely protesting in the streets.³⁶ They are standing in solidarity against the monolithic version of Islam that is being propagated by the Taliban, and protesting the restrictions that women are facing under the Taliban's newly established rule.

These protests have, unfortunately, rarely lasted long. Women participating in these demonstrations are roughed up by Taliban escorts, whipped and attacked with chemical irritants.³⁷ In Kabul, Taliban gunmen have raided the homes of women's rights activists,³⁸ beating and arresting female campaigners in a string of actions apparently triggered by recent demonstrations. To further tighten their grip, the group has effectively banned unsanctioned protests,³⁹ closing down the spaces that were once available for women to express themselves.

As the Taliban have continued to block demonstrations, Afghan women and activists have also been seen changing their modes of protest, adopting innovative ways to ensure that their voices are being heard. For instance, to reduce violence, women activists and protestors have adopted a unique way to continue calling for the restoration of all fundamental rights: they write slogans and demands on public walls at nights,⁴⁰ hold protests within their homes, and wear men's clothing.⁴¹



Women have also been using social media widely to collectively raise their voices and call attention to their issues and causes by collaborating with other activists. For instance, protesting against the strict new dress code prescribed by the Taliban for female students, Afghan women from within the country and from different parts of the world started an online campaign posting photos of themselves wearing colourful traditional dresses using hashtags like #DoNotTouchMyClothes and #AfghanistanCulture.⁴²

Thus armed with these platforms, today's Afghan women have more agency than just a generation earlier. Yet, for now, despite their constant efforts to highlight their plight, the extremely muted response from the international community, coupled with the crackdowns on the local news media is only emboldening the Taliban.

Taliban's Special Decree

In December 2021, the Taliban issued a special decree laying down rules governing marriage and property rights for women. The decree states that adult women should not be forced into marriage and widows should have a share in their late husband's property.⁴³ Despite being celebrated as a welcome move, the decree, in its practical form,

remains extremely conservative, failing to comply with established and accepted human rights standards.

To begin with, although consent of adult women has been specified as a prerequisite for marriage, the decree does not mention any minimum age of marriage, which had previously been set at 16 years. It is, therefore, ambiguous as there is no clarity regarding who can be categorised as an 'adult woman'. Moreover, the decree does not explicitly talk about the widespread problem of child marriage that has been long prevalent in Afghanistan and has only been aggravated with the recent political instability and the ongoing COVID-19 crisis. The special decree also fails to specify Taliban's intention to implement these new provisions, especially in provinces where impoverished families consider the marriage of their daughters as one of the most viable and normalised options to overcome their recurring financial hardships.

The decree also contains no information about women's right to work, right to education or the right to political and civic participation as the most basic rights of any Afghan woman.



Decimation of Essential Services

The Taliban have vowed to protect women in a country where the rates of gender-based violence continue to be among the highest globally.⁴⁴ And like elsewhere in the world, the onset of the COVID-19 pandemic has only amplified the rates of violence against women. In 2020 alone, the UN Assistance Mission in Afghanistan (UNAMA) documented 271 cases of sexual and gender-based violence, 18 of which were verified as conflict-related sexual violence, affecting nine boys, five women, and four girls.⁴⁵

Under the previous democratic government, survivors of gender-based violence had access to a network of shelters and other essential services, including psychological support, medical treatment, and pro bono legal representation. Although these systems were far from being perfect, they served thousands of Afghan women survivors each year.

Following the Taliban's takeover in Kabul, these systems have collapsed. Shelters have been closed and, in some cases, Taliban members have been harassing or threatening staff to cease their work.⁴⁶

Moreover, the group has also released several detainees from prison, including those convicted of gender-based violence offences, thereby putting the lives of the survivors in danger.⁴⁷ By abolishing the Ministry of Women's Affairs—a key body that worked towards the promotion of women's rights—and repealing the 2009 Elimination of Violence Against Women law,⁴⁸ the Taliban have denied Afghan women the protection that could be accorded by formal legislations.

Survivors of gender-based violence used to have access to shelters and services; the Taliban have ordered the closure of these homes.



International Community Response

he Taliban's rule in the 1990s turned the group into an international pariah. After taking back Kabul in 2021, their early rhetoric that they will not revert to such brand of governance is being proven false by its actions that are only steadily erasing women and girls from public life in Afghanistan. Afghanistan observers have labeled the group's promises with respect to women's rights as mere propaganda to fulfill its desire for legitimacy and assistance from different governments across the world.⁴⁹

Yet, while the image revamp has not helped with international recognition of the new status quo, the Taliban's continued human rights abuses have also not been able to bring the international community together to address the critical questions facing Afghanistan. This is surprising given how the US and other allies had once used the improvement

of women's rights and the creation of a stable and just society as particularly important justifications for intervening in Afghanistan and the subsequent launch of military operations to defeat the Taliban. Today, these countries are yet to make their position clear.

Ever since the Taliban seized Kabul, the international community's approach has focused predominantly on evacuations and the migrant crisis. Yet, the evacuation of women's rights activists, journalists, lawmakers and other public figures—who are being directly targeted by the Taliban—has not been expedited. Although the Biden administration in the US did accelerate the processing of special immigrant visas to Afghans who helped the US military or government, many of these jobs, like interpreters and cultural officers, were filled by men.⁵⁰



As a result, despite the centrality of women's rights issues to the US project in Afghanistan, tens of thousands of women visa applicants have remained stranded across the country.

Furthermore, by suspending foreign aid payments and imposing sanctions on Afghanistan which has pushed the country's economy further down-the global community has also paused the provision of vital services that earlier helped millions of women in Afghanistan access healthcare and education. These international donors have made no effort to safeguard humanitarian systems or assist in the creation of a safe environment for foreign aid workers—who are in a better position to access communities—despite knowing that any national or localised constraints on these workers would greatly jeopardise humanitarian assistance. In turn, this makes Afghan women more vulnerable to health crises and food insecurity.

The international community has also ended up excluding Afghan women-led organisations, and women in general, from full participation in the needs assessments as well as in negotiations, design and implementation of decisions on Afghanistan. The Oslo talks in January 2022—where Western allies met the Taliban for the first time after their return to power—serves as a prominent example of this neglect. Delegates failed to establish any preconditions for the group's participation—such as guaranteeing women's rights and women access to critical humanitarian assistance or ceasing the detention of Afghan women's rights defenders. The talks were instead rushed, and conducted in an opaque manner, with no priority given to addressing the Taliban's treatment of women and girls. While there were women attendees in the talks, similar to the trends that emerged during the Doha process in 2020, the Norway discussions also failed in ensuring a broad and robust inclusion of women civil society members and providing them with a platform to raise their voice, which could have facilitated a comprehensive discussion on issues related to Afghan women and girls.



Conclusion

he women of Afghanistan achieved great strides in the past two decades and were seen actively participating in the country's political and public life. Since the Taliban's retaking of power in August 2021, the Afghan women's hardwon gains have experienced a rapid reversal, and their rights and freedoms are being curtailed. This is despite the Taliban's repeated pronouncements that they would uphold the rights of Afghan women and girls. Evidence emerging from the ground indicates that the group's promises are mere rhetoric. In the six months of their newly established rule, a series of decrees and regulations have been announced that only serve to shrink women's fundamental rights and economic opportunities. With their ban on female education, prohibition of women's participation in the workforce, limitations on women's engagement in public spaces, and a breakdown in protective services for women survivors of violence, the persistently and have systematically reduced women's ability to exercise their liberties.

The international community has a moral obligation to help reverse the state of the lives of women and girls in Afghanistan. Therefore, at the outset, international donors must review the continuing deterioration of the Afghan economy. This is not only negatively impacting women in the country but has also come with a risk of heightening extremism, which can potentially result in even greater violations of women's rights. It is therefore important to explore options that will allow supporting countries to keep humanitarian aid and financial assistance flowing but also provide them with the space to continue with the imposition of targeted sanctions and build political pressure. The global community should not add to the hardships faced by Afghanistan's women by taking away the aid that has supported and helped in their development for the past 20 years.



The international community should work towards the establishment of a humanitarian corridor to provide a safe passage for women who are no longer willing to reside in the country. Also considering that there are currently no diplomatic or consular services in Afghanistan, countries should expand and accelerate the implementation of electronic filing and remote consular interviews, with special expedition windows available for women.

Without further delay, donor countries must hold the Taliban accountable for past and ongoing violations of women's rights. Greater efforts need to be made to set up an inclusive platform for negotiations where women have a respectful place. The international players also need to push hard for the development of independent and impartial monitoring mechanisms that incorporate the perspectives of women survivors of Taliban's abuse, the investigation of Taliban's political imprisonment of female protesters and other acts that might rise to the level of war crimes or grave human rights abuses. ©RF

The international community should keep humanitarian aid and financial assistance flowing to Afghanistan, while imposing targeted sanctions and building political pressure on the Taliban.



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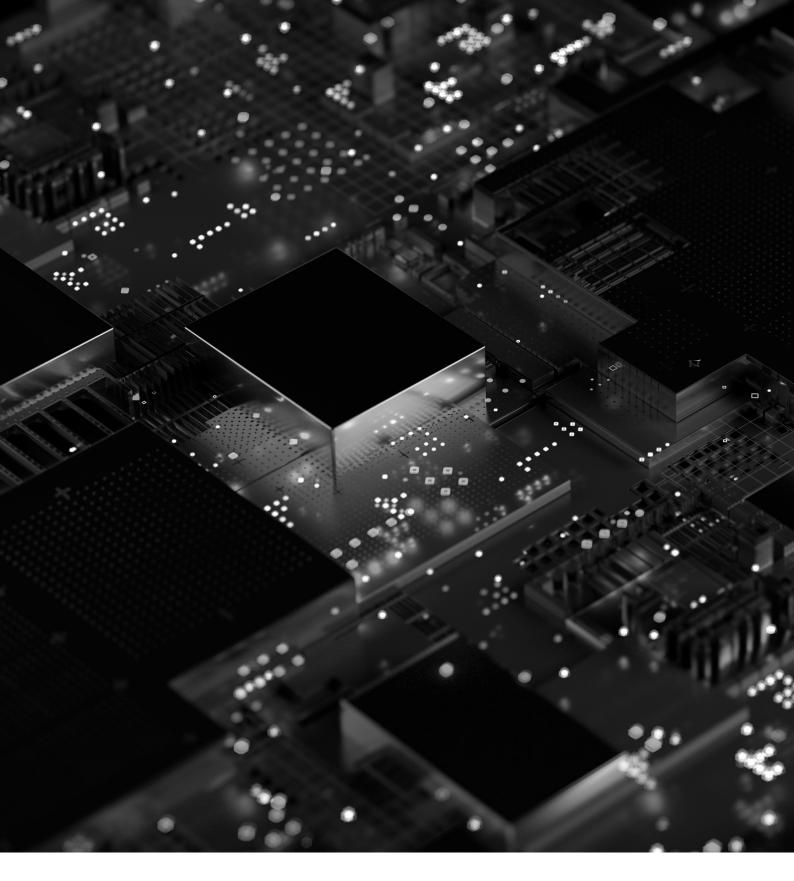


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