

The State of Women's Rights and Freedoms after the Taliban Take-Over: Afghan Women Face the Worst Human and Women's Rights Crisis in the World

Roqia Samim¹

Senior Research Associate, Notre Dame Law School Human Rights LL.M. Program

"Afghanistan was always a hard place to be a woman, and now under the Taliban rule, it's the worst place to be a woman."⁴



Afghan women were beaten by the Taliban for demanding their rights (Photo: [BBC News](#))

ABSTRACT:

Since the US-led invasion of Afghanistan in 2001 and owing to multi-stakeholder efforts, Afghanistan achieved appreciable progress in women's rights until the Taliban forcibly overturned the democratically elected Afghan government in 2021. Afghan women earned many rights which the Taliban had taken away from 1996 to 2001.¹ In the past two decades with the support of the international community, schools opened for girls, and women had the right to work. There was significant progress toward gender equality's advocacy and mechanisms; the new [Constitution of 2004](#) enshrined women's rights in it, and in 2009 Afghanistan adopted the [Elimination of Violence Against Women \(EVAW\)](#) law which was an important step toward the elimination of violence and discrimination against women in Afghanistan after the Taliban were ousted from power in 2001.² However, the status of women's rights retrogressed after the Taliban takeover in Afghanistan since August 15, 2021. The constitutional, legal and policy commitment to ensure women's rights including the right to education is now being expunged by the Taliban, ultimately denying women and girls many of their fundamental rights.³ The Taliban's hardline gender discrimination makes this insurgent group one of the harshest groups toward women in Afghanistan. Their policies and actions limiting girls and women's access to their fundamental

¹ LLM in International Human Rights Law, Class of 2022. The author previously worked as Human Rights Assistant and Associate Political Affairs Officer at the United Nations Assistance Mission to Afghanistan (UNAMA), and Human Rights Advocate at the Afghanistan Independent Human Rights Commission.

rights, threaten to reverse all hard won achievements in the past two decades on gender equality and women's rights, particularly on the right to education.

The sadness in Afghan women stories and their fight for their rights is endless. This policy brief reviews and analyzes women's rights situation, including their mobility, the right to education, employment and political participation in Afghanistan under the Taliban rule. Considering the right to equality and non-discrimination enshrined in international human rights instruments including Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on Elimination of Discrimination Against Women (CEDAW) among other international human rights law treaties, Afghan women should have access to their fundamental rights equally and without any discrimination. Afghan women should not be denied from their basic human rights merely based on their gender. More restrictions on women's rights by the Taliban magnifies the gender rights gap, deepening inequality and increasing instances of normalized violence against women.

Women's Rights in Afghanistan One Year After the Taliban Take-Over: "Afghan Women Confined to the Home": The Human Rights to Equality and Non-Discrimination



Afghan women demanding their basic rights (Photo: [DW News](#))

The principle of non-discrimination and the principle of equality are among the core principles of human rights, and both together provide the foundation for enjoyment of the human rights.⁵ The principle of "non-discrimination" is a key provision in the UDHR, serving both as a foundational principle that informs the reading of all other human rights in the UDHR, as well as a substantive right itself.⁶ As stated in Article 1 of UDHR "all human beings are born free and equal in dignity and rights." Article 2 of the UDHR proclaims that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."⁷

The principal clause on non-discrimination in Article 26 of the ICCPR reads: "All persons are equal before the law and are entitled without any discrimination to equal protection of the law. In this respect, the law shall prohibit discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."⁸

ICESCR in Article 2 (2) and Article 3 provides general and specific non-discrimination clauses, which are similar to the ICCPR.⁹ In this regard, General Comment No. 18 on non-discrimination also affirms that non-discrimination and equality before the law as well as equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.¹⁰

Accordingly, taking into account all of the above-mentioned international provisions on equality and non-discrimination, restricting policies against women and their exclusion from the social, economic, and political spheres by the Taliban constitute a collective punishment of women and girls, grounded on gender-based bias which results in increase of inequality and violence against women and is a blatant infringement of international human rights law by the Taliban. CEDAW condemns discrimination against women in all its forms and in the Article 1 defines “discrimination against women” as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹¹ While Afghan women are living in a very chaotic situation under the suppression of the Taliban. The Taliban are institutionalizing large scale and systematic gender-based discrimination and violence against women and girls in Afghanistan by many strict rules policies.

The Taliban insists that they protect women's rights and that women would be allowed to enjoy and exercise their rights within [Sharia law](#), including the right to education and the right to work. **But the evidence on the ground flatly contradicts the Taliban's claim and show that the Taliban have not substantively changed their position and hardline laws on women since their rule in 1990s.**¹² During their rule in the 1990s in Afghanistan, girls and women were denied from all their fundamental human rights.¹³ **The Taliban ‘s new strict and harsh policies and decrees today, ordering the segregation and exclusion of women from public life shows a return to their former hardline rule in the 1990s. Afghan women are systematically excluded from political and public life, as well as denied from many fundamental human rights, including the right to education, right to work, right to free movement, right to access to justice and health services.** In March 2022, the Taliban abruptly reversed plans to allow girls to resume secondary school education which is defined as grade seven and upwards in Afghanistan, while secondary schools for boys reopened on schedule. This decision or decree by the Taliban leaves graduating from sixth grade as the highest level of educational attainment possible for Afghan women.¹⁴ In July 2022, the Taliban advised female employees in the country's finance ministry to suggest a male relative to replace them so that the women could be dismissed from their positions.¹⁵ **Afghan women's lives and futures are now wholly controlled by the Taliban, with women imprisoned and isolated in their own homes again.**



Afghan women asking for their basic human rights under the Taliban rule (Photo: [The New York Times](#))

POLICY RECOMMENDATIONS:

Ensure women’s fundamental rights, including the right to education, through supporting Afghan women’s movements for equality and establish an independent international human right monitoring and investigation mechanism.

Despite the Taliban assurance on respecting and protecting human rights, particularly women's rights, the past year of their rule in Afghanistan and their restrictive policies on women's rights and freedoms (as well as eliminating all structures and mechanisms which were set up and established based on the Constitution provisions to protect and promote human rights and women rights) – all suggest that they have never changed their hardline laws on women rights and human rights.¹⁶ The exclusionary and discriminatory policies by the Taliban after their takeover in Afghanistan are being enforced through a wave of measures such as barring women from the right to education, right to work; requiring a male relative to accompany them in public spaces, prohibiting women from using public transport on their own; as well as imposing severe dress regulations for all women and girls.¹⁷ These series of measures and policies extremely limit women's freedom of movement, expression, and association, as well as their participation in public and political affairs. **These policies further impede the ability of women to work and to make a living, pushing them further into poverty and financial dependence on men. It is not coincidental that gender-based violence has risen since the Taliban takeover.** From

contacts on the ground, we are now witnessing the unfolding of a more insidious, systematic, and institutionalized exclusion of women from public life in Afghanistan, forcing women to confined spaces in the household, denying them any opportunities to learn, engage with their communities, pursue professions and vocations --- hollowing out any prospect for individual and group self-determination to freely pursue one's own economic, social, and cultural development.¹⁸ Women are not allowed to access the courts to seek redress. Women judges and lawyers have been expelled from the courts. As evidence shows currently there are no indications that the Taliban will remove the restrictions on women's rights or restore their fundamental rights and freedoms which creates grave concerns on the human right situation in Afghanistan. The imposed restrictions on women's freedoms and rights have created an environment of fear and hopelessness among all Afghan women.¹⁹

We urge an immediate restoration of denied rights by the Taliban and recommend the following concrete actions to meaningfully support Afghan women's fundamental rights and freedoms in Afghanistan under the Taliban rule:

- The international community and particularly the United Nations must stand by their long-term commitment to support women's rights in Afghanistan and support the women not as victims but as equal partners of the community. Afghan women should not be forgotten.
- Including women in decision-making process. We believe that any policy, humanitarian response or development efforts in Afghanistan will fail if women-led organizations and women in general continue to be excluded from full participation in the needs assessments, policy making as well as in the decision-making, implementation and monitoring of these policies and measures.
- Establishing an independent international monitoring and investigation mechanism to monitor the human rights situation in Afghanistan as well as investigate, document and record human rights violation in a comprehensive database in order to hold the Taliban regime accountable for the gross human rights violations going on in Afghanistan.
- On the right education, in the current situation, ensure access to education for all girls through online education systems to save the time for all those girls who are missing out on school. Moreover, the international community should increase the efforts to push the de facto Taliban government to adhere to human rights principles and a strong commitment to a central and nation-based policy for equal access to education for all girls and boys.

- Other Muslim countries, Muslim scholars, Organization of Islamic Countries, and Islamic Human Rights organizations should speak up and support women's rights in Afghanistan and advocate for Afghan women's rights and freedoms.
- The international community should continue on diplomatic isolation of the de facto Taliban government in order to force them to abide by the international human rights law to respect and protect human rights and women's rights in Afghanistan.
- In order to address the increased violence and discrimination against women, the international community should set up efforts to urge the de facto Taliban government to provide a clear policy on women's rights based on Sharia law and international human rights law as well as immediate restoration of the restricted women fundamental rights and freedoms.

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