



GENDER ALERT NO. 4



Back to the 1990s? Women's rights under the Taliban

3 March 2023

Photo: UN Women/Sayed Habib Bidel

Introduction

Since August 2021, the Taliban have implemented a consistent and continuously expanding assault on women's rights in Afghanistan. An assault which, with each passing day, decree after decree, sees the Taliban move closer to approximating their period of rule in Afghanistan during the 1990s. Decrees issued by the de facto authorities (DFA) since August 2021 have been rationalized as 'temporary', put in place for 'protection' of women and 'morality', and accompanied by many unfulfilled promises regarding the formulation of plans and guidelines to remove decrees that impact the lives of Afghanistan's women and girls.

This Gender Alert brings together publicly available gender data and analysis covering the period between August 2022 and February 2023.¹ Its findings show that: 1) DFA decrees are not only rolling back decades of hard fought advances in gender equality and women's rights, but also **putting the brakes on Afghan development prospects and future prosperity**; 2) Incremental closure of political, social, and economic spaces for women in the face of international condemnation provides a dangerous model for other groups seeking to systematize misogynistic and oppressive ideals.

Humanitarian assistance

Some 13.8 million women and girls in Afghanistan will need humanitarian assistance to survive in 2023.² Yet Afghanistan is a context in which the DFA cut spending on social services by 81 per cent in 2022 and continue to limit delivery of humanitarian aid to women.³ On 24 December 2022, women were banned from working for national and international non-governmental organizations (NGOs). As a direct result of the ban, on 12 January 2023, 83 per cent of UN, international or national NGOs, and women-led civil society organizations either fully or partially

¹ UN Women. 2023. Priorities and recommendations of Afghan women inside Afghanistan. October 2022.

² OCHA (United Nations Office for the Coordination of Humanitarian Affairs). 2023. Humanitarian Needs Overview: Afghanistan. Humanitarian Programme Cycle 2023.

³ IRC (International Rescue Committee). 2022. "Afghanistan: An entire population pushed into poverty." Watchlist 2023, 22 December 2022.

ceased operations, affecting all programming, particularly those in the areas of gender-based violence and social cohesion.⁴

Afghan women continuously raise concerns about the implications of removing women from the humanitarian response, highlighting that humanitarian needs assessments and distribution carried out solely by men excludes Afghan women from selection as aid recipients, reinforcing the barriers to women accessing distribution sites. Giving men exclusive control over humanitarian aid contributes to asymmetrical power relations between Afghan women and men. Taken together with existing sociocultural norms in Afghanistan which dictate gender segregation, a ban on women aid workers in effect excludes women, particularly the most vulnerable women, from receiving aid.

In a recent study, 79 per cent of Afghan women surveyed stated that it was important for them to receive humanitarian assistance from an aid worker of the same gender. Yet, in practice, this only occurred for 34 per cent of women (compared with 74 per cent of men).⁵ Negative coping mechanisms that already disproportionately affect women are also likely to increase,⁶ alongside heightened risk of sexual exploitation and abuse during aid selection and delivery, impacting the quality of assistance, and more broadly, equality between men and women for generations to come.⁷

Civic space

The Taliban continue to crack down on women human rights defenders (WHRDs), men, and journalists protesting restrictions on women's rights.⁸ The diminished civic space and desperate economic crisis lead to a low number of opportunities for collective resistance (and the individual cost of resistance is high), especially in the

absence of a functioning, inclusive legal system. Some 90 per cent of WHRDs or human rights defenders reported experiencing multiple risks and threats – including kidnapping, imprisonment, torture, defamation, threats, and violence, including murder.⁹ The fraught civic space is further contributing to the erasure of women's voices from Afghan life – 42 per cent of whom already feel that they have little to no influence in their wider family (increasing to as high as 93 and 96 per cent at the provincial and national level, respectively).¹⁰

Censorship and repression of the media has continued unabated. Between October 2022 and February 2023, the Taliban shut down the websites of numerous major media outlets – for allegedly spreading 'propaganda' and 'unbalanced' information.¹¹ A further reduction of the number of women working in the media has been foretold by DFA officials in Kandahar Province, who recently reinforced gender segregation among media staff, *hijab* requirements, and bans on women participating in non-religious programming.¹² Afghanistan's civic landscape no longer features women – which will impact trust in authorities for decades to come.

Education

The DFA has now blocked girls and women from receiving formal education beyond grade six (or above the age of 13 years); most recently banning, in December 2022, women from attending university.¹³ Contravention of gender segregation and *hijab* requirements were cited as reasons for enacting the university ban.¹⁴ The DFA continues to emphasise that the bans on education are temporary, until 'technical issues' can be resolved.¹⁵ Similar promises were made by the Taliban in the 1990s. During that period of Taliban rule, the ban on girls' access to education was not removed, and recent UN reports show no progress has been made to return girls to school.¹⁶

⁴GiHA (Gender in Humanitarian Action) and HAG (Humanitarian Access Working Group). 2023. Tracking Impact Report on the recent ban on women working with NGOs and INGOs in Afghanistan: Third Snapshot (13 - 30 Jan 2023).

⁵Survey of 1,974 Afghan women and men, spanning diverse population groups and including information on people living with a disability, as well as aid reciprocity status, household size and literacy level.

⁶Women were more likely than men to resort to coping mechanisms such as borrowing money: Global Protection Cluster. 2022. Protection Analysis Update: Q2 2022. November 2022. The REACH Whole of Afghanistan Assessment 2022 found that Female Headed Households were more likely to use high-risk negative coping strategies, with 29 per cent of FHHs having at least one child engaged in child labour (up from 19 per cent in 2021).

⁷The scale of forced, early, and child marriage – mainly of girls – as a coping mechanism has been continuously highlighted by humanitarian aid organizations, putting numbers at between two and six per cent of households affected: Protection Cluster Afghanistan. 2022. Protection Analysis Update; Save the Children. 2022. Breaking Point: children's lives one year under Taliban rule; REACH. 2022. VVoAA 2021: Female Voices. Women are twice as likely as men to sacrifice their own meals so that other family members can eat: WFP (World Food Programme). 2022. WFP Afghanistan Situation Report. 22 December 2022.

⁸Kabul Now. 2022. "Taliban arrests women's rights activist in Takhar province." 11 February 2023; HRW (Human Rights Watch). 2022. "Afghanistan: women protesters detail Taliban abuse." News, 20 October 2022; Noori, H. 2023. "Our sisters deserve better": Afghan men quit university jobs after ban on female students." The Guardian. Global Development, 4 January 2023; Wertheimer, T. 2023. "Ismail Mashaal: Taliban arrests Afghan professor who backed girls' education." BBC News. News, Asia, 3 February 2023.

⁹Freedom House. 2023. A needs assessment of Afghan human rights defenders; WHRDs protection needs and recommendations are further outlined in: VOICE. 2022. Taking Myself out of the Darkness: Afghan Women Human Rights Defenders' Fight for Recognition. ADD UN Women publication.

¹⁰UN Women. 2023. Priorities and recommendations of Afghan women inside Afghanistan. October 2022.

¹¹The websites of Voice of America (VOA) and Azadi Radio's Farsi and Pashto news were shut down on 11 February 2023: AMU TV. 2023. "Taliban blocks VOA, Azadi Radio websites across Afghanistan." 11 February 2023. The websites of Hasht e Subh (8am) and Zawia Media were shut down on 23 October 2022: AFJC (Afghanistan Journalists Center). 2022. "Taliban shuts down two news websites in Afghanistan." Kabul Province News, 3 October 2022.

¹²AMU TV. 2022. "Taliban officials in Kandahar to media: Be prepared for more restrictions." 29 December 2022.

¹³Secondary schools had until that time remained partially open for girls in only 12 provinces, with schools fully open in 5 provinces and partially open in 7 provinces for most of 2022: UNICEF (United Nations Children's Fund). 2022. Afghanistan: Humanitarian Situation Report. 1 January – 31 December 2022; RFE (Radio Free Europe). 2022. "Taliban Inspects Girls' Schools, Expels Hundreds of Pubescent Students." 6 October 2022.

¹⁴Reuters. 2022. "Taliban minister defends closing universities to women as global backlash grows." Asia Pacific, 23 December 2022.

¹⁵Associated Press. 2022. "Taliban minister defends ban on women's university studies." 23 December 2022.

¹⁶United Nations General Assembly and United Nations Security Council. 2022. "Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2022/916)." 7 December 2022.

Evidence now points to the multigenerational impact of banning girls from school. It could cost Afghanistan's economy up to US\$5.4 billion in lifetime earnings potential among the current cohort of three million secondary schoolgirls.¹⁷ Failure to educate girls will have other intergenerational consequences linked to early, forced and child marriages, increased domestic violence, and risky dependency on male relatives, while severely weakening the long-term trajectory of the national labour force and the performance of the Afghan economy.¹⁸

Health services

Analysis of the impact of restrictions targeting women shows that women without a *mahram* are turned away from health clinics with increasing frequency. Meanwhile, women doctors and health workers have been ordered to wear the full *hijab*, which limits their ability to perform tasks, including surgery, while enforced gender segregation between health workers and patients continues.¹⁹ Further, bans on girls' education effectively stem the pipeline of new women health workers – which will negatively impact health indicators for Afghan women across generations, given the gender segregation of health services in Afghanistan.²⁰

The mental health crisis affecting women and girls in Afghanistan is worsening. Women are regularly stopped in public and subjected to verbally abusive and threatening behaviour, further coercing women to remain confined to the home. In this context, reports abound of an increasing sense of hopelessness, anxiety, depression, alongside a rise in the number of suicides, among women and girls. It is notable then that formal mental health support is almost totally absent from this situation, with up to 86 per cent of Afghans not aware of any dedicated mental health services in their area.²¹

Employment

The limitations on women's access to services, combined with gender segregation requirements, have led to **reduced demand for – and thus the number of – women staff** across the various sectors. Onerous gender segregation and mobility requirements on employers disincentivise the hiring of women and push those women who are still employed into marginal, non-public facing roles. Despite needing skilled women, 17 per cent of businesses reported being unable to hire candidates from this population because of DFA restrictions.²² These barriers risk forcing women, particularly female-headed households (FHHs), into exploitation and abuse²³ and boys are being sent out to work to compensate for loss of earnings among women family members.²⁴

Those women who continue to work outside the home mainly do so in health care and education, whereas those inside the home in many cases take on work in dress-making, embroidery, and carpet weaving – sectors that ultimately reflect sociocultural norms in line with the Taliban view of women and work, but also activities that struggle to lift households out of poverty.²⁵ Both groups of women remain equally dependent on a *mahram* to access their workplace or market, which puts logistical and economic strain on households and reduces women's influence, which in turn brings increased risk of domestic abuse. **The disregarding of women's right to work will hold severe intergenerational consequences** for Afghanistan's development as women's full human potential to equally participate in economic life is hampered.

Justice and accountability

The number of women in the judiciary remains low, and women defence lawyers cannot practice in most provinces of Afghanistan due to **challenges faced in renewing their legal licences.**²⁶ Women's engagement with the police,

¹⁷UNICEF (United Nations Children's Fund). 2022. "Depriving girls of secondary education translates to a loss of at least US\$500 million for Afghan economy in last 12 months." Press release, 14 August 2022.

¹⁸UN Women, Gender Alert No. 3: "Out of jobs, into poverty – the impact of the ban on Afghan women working in NGOs." 13 January 2023.

¹⁹Some 34 per cent of women reported being denied access to services, compared to 25 per cent of men: Protection Cluster Afghanistan. 2022. Protection Analysis Update.

²⁰Malnutrition disproportionately affects women and girls, with girls making up 55 per cent of admissions to MSF therapeutic feeding programmes, with the mortality rate almost 90 per cent higher for girls than for boys: CARE International. 2022. Economic and Food Crisis in Afghanistan: The Impacts on Women and Girls. August 2022. As noted, women are also twice as likely as men to sacrifice their own meals so that other family members can eat: WFP (World Food Programme). 2022. WFP Afghanistan Situation Report. 22 December 2022. Taken together, reported bans on birth control medicine for women, rising early marriage (and the related likelihood of early pregnancy), and inaccessible emergency reproductive, maternal and child health services risk increasing the infant and maternal mortality rates, which are already among the highest in the world (46.5 per 1,000 live births; and 638 deaths per 100,000 live births, respectively): Health Cluster Afghanistan. 2022. Health Cluster Bulletin. October 2022. The Taliban also barred women from taking medical entrance exams; see Binesh, B. 2023. "Reactions to Ban on Women Taking Medical School 'Exit Exam'." Health, 13 February 2023.

²¹REACH. 2022. Humanitarian Situation Monitoring. November 2022.

²²Some 53 per cent of businesses do not have gender-segregated office space: IOM (International Organization for Migration). 2022. Labour Market Assessment Findings.

²³FHHs average 30 per cent less income than male-headed households: OCHA (United Nations Office for the Coordination of Humanitarian Affairs). 2023. Humanitarian Needs and Planned Response 2023. This compounds the effects of bans such as the August 2022 ban on begging – a similar ban on female beggars in the 1990s correlated with an increase in exploitation and abuse, particularly among FHHs with children: Eqbal, S. 2022. "Prospects of employment; Taliban Supreme Leader issues order to round up beggars in Kabul." Khaama Press, 8 August 2022; ACAPS Analysis Hub. 2022. Spotlight on social impact: July-October 2022. December 2022.

²⁴IOM (International Organization for Migration) Afghanistan. 2022. Synthesis of four briefs on displacement trends and challenges in Afghanistan since August 2021. Research Series on Return and Reintegration in Afghanistan.

²⁵IOM (International Organization for Migration). 2022. Labour Market Assessment Findings.

²⁶Lehmann, C. 2023. "Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover." International Legal Assistance Consortium.

lawyers, courts, and relevant de facto departments is dependent on their ability to secure the accompaniment of a *mahram*. Inside the courtroom, **testimony from women is either deemed inadmissible or given less weight** than that provide by men.²⁷ Although the number of cases of violence against women have reportedly increased, opportunities for justice through formal and informal channels continue to decrease, in a context where the services for women survivors of violence have been decimated since August 2021.²⁸

Hudud and *qisas* punishments have been systematically implemented across various provinces since November 2022. These **public corporal punishments and executions** are often publicly announced on social media and enacted in football stadiums in front of thousands of onlookers, particularly in cases of crimes such as theft, drug trafficking, adultery, and homosexuality.²⁹ The **criminalization of adultery** (or ‘moral crimes’) disproportionately targets women and girls, and reports suggest that investigations are not thoroughly conducted prior to punishment being administered. In many cases, stigmatization of those whom have received punishment may also bring various consequences, such as hampering their access to health services.

The dismantling of the Republic’s judicial system and its replacement with the Sharia Law has implications beyond corporal punishments. Recent reporting shows that the Taliban might deem divorce obtained before the imposition of Sharia Law as invalid, creating the possibility of forced marriage and further abuse. Remarried women fear arrest for adultery because their divorce proceedings under the previous Afghan government do not comply with the version of Islamic law adopted by the Taliban.³⁰ The Sharia Law imposition also means that women who experience gender-based violence cannot seek justice in the absence of their abuser – under the Republic’s judicial system, women were able to go before a judge to testify that her husband was physically abusive and obtain divorce, even if he refused to go to court.

Conclusion

The focus of most of the Taliban decrees targeting women and girls since the takeover of Afghanistan in August 2021 were also the subject of **similar Taliban decrees in the 1990s, cornerstones of Taliban rule** during that period.

The de facto ‘Ministry for the Propagation of Virtue and Prevention of Vice’ is once again implementing public corporal punishment and executions, using *mahram* and *hijab* requirements and gender segregation to justify removal of the right to work and receive an education, and offering but vague and discordant justifications for these actions.³¹ Human rights experts now report that the systematic denial of women and girls’ human rights may amount to gender persecution, which is a crime against humanity.³²

While the Taliban introduced a decree in December 2021 on women’s rights, safeguarding women’s inheritance and banning forced marriage, the tenets of the decree have yet to be implemented; and the broader set of decrees targeting women ultimately negate the worth of the decree.

The cost of gender inequality, as seen in the 1990s, has been laid out in the **economic loss caused by excluding half of the population’s labour, ideas, and potential**. Corporal punishment has been reintroduced and continues in the background, while the world zeroes in on the consequences of the NGO ban. Gender inequality markers – such as the prevalence of cases of early marriages, gender inequality under the law, and violence against women – which have also been linked to violent political instability and poverty,³³ are likely to show increases on each of these fronts.

Not one of the Taliban decrees or directives impacting women and girls has been removed, and these actions taken by the group are set to impact the development of Afghanistan for generations to come. Beyond Afghanistan, **other extremist groups have paid heed** to these developments, with *mahram* requirements increasingly enforced in Houthi-controlled Yemen over the past year, leading to comparable restraints on women’s movement and access to services, employment, and humanitarian aid.³⁴

²⁷Ibid.

²⁸The ongoing law review process has removed the Elimination of Violence Against Women Law, and currently cases are reportedly mainly settled through mediation with community elders: Comment by international expert in Rule of Law.

²⁹These include floggings, cutting off hands and fingers, lashings, and public execution. Reports suggest that punishment is sometimes carried out without sufficient investigation and allegations of adultery have been used to cover up rape: UN.org, “Afghanistan: Taliban urged to halt public floggings and executions.” Human Rights, 16 December 2022.

³⁰George, Susannah. 2023. Afghan women who were divorced under prior government fear for their status. Washington Post.

³¹Middleton, S. 2001. “Women’s Rights Unveiled: Taliban’s Treatment of Women in Afghanistan” Indiana International & Comparative Law Review 11(2), pp. 421-468; Vale, G., Margolin, D. and F. Akbari. 2023. “Repeating the Past or Following Precedent? Contextualising the Taliban 2.0’s Governance of Women.” International Centre for Counter Terrorism.

³²Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General (A/HRC/52/84). 2023.

³³Hudson, V.M et al. 2012. Sex & World Peace. Columbia University Press: New York.

³⁴Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths - Statement for the Security Council Briefing on Yemen, 16 January 2023.

Annex – Timeline of decrees impacting women and girls and other major events



21 April 2022

The Taliban issue a ban on TikTok, announced via Twitter, citing "immoral content" leading Afghan youth astray.

20

23 April 2022

Universities are segregated by timetable – three days of the week for female students and three days of the week for male students.

21

3 May 2022

Driving schools are ordered via letter to no longer issue driver licences to women.

22

4 May 2022

The Afghan Independent Human Rights Commission is officially dissolved.

23

7 May 2022

Women are advised to stay home, except in cases of necessity – when they are required by decree to wear a hijab, covering the face in its entirety apart from the eyes.

24

21 May 2022

Women TV presenters are ordered to cover their faces when on air.

25

29 May 2022

Women in Kandahar are prohibited from using public transport if unaccompanied.

26

1 June 2022

Schoolgirls in Ghazni in grades 4-6 are ordered to cover their faces when commuting to school – or face expulsion.

27

26 June 2022

Students at Kabul University are banned from listening to music and playing games in their dormitory or dining hall.

28

30 June 2022

The Taliban holds an all-male gathering of 4,500 clerics and leaders in Kabul, issues an 11-point declaration which includes a call for the DFA authorities to "pay attention to the rights of minorities, children and women."

29

6 July 2022

Private secondary schools in Samangan ordered to close girls' classes above grade six.

30

7 July 2022

Statement issued banning women from visiting parks if the park authorities cannot ensure partition between men and women.

31

30 July 2022

Men and women health care workers are prohibited from communicating with each other or treating patients of the opposite gender in Kabul hospitals.

32

1 August 2022

The de facto acting Minister of Virtue and Vice accuses the international community of trying to violate Afghan women's dignity under the guise of human rights, including by making them indecent and exposed.

33

23 August 2022

The Taliban announce the establishment of a female moral police department.

34

20 September 2022

The Taliban order women medical students to not take photos or videos on campus.

35

26 September 2022

The Taliban announce that female TV guests must cover their faces.

36

6 October 2022

The Taliban expel girls who are 13 or older from primary schools in Kandahar.

37

14 October 2022

The Taliban block young women from studying for university degrees deemed "too difficult for women to handle", including engineering, economics, veterinary medicine, agriculture, geology, and journalism.

38

10 November 2022

The de facto Ministry of Vice and Virtue announces a ban on women attending parks or gyms across Afghanistan.

39

13 November 2022

The de facto Ministry of Vice and Virtue orders public baths to be closed to women.

40

20 December 2022

The de facto Higher Education Ministry instructs all universities to suspend access to female students.

41

42

24 December 2022

International and national NGOs are ordered by the de facto Ministry of Economy to immediately suspend (Afghan) female staff from work.

43

44

6 January 2023

Morality police in Balkh order women-run market businesses to cease trading within one week.

45

46

30 January 2023

The de facto Ministry of Vice and Virtue bans female health workers in Kandahar from travelling to work without a mahram.

47

48

17 February 2023

Pharmacists in Kabul and Mazar-i-Sharif are ordered by the Taliban to stop stocking birth control medicine.

49

14 November 2022

The Taliban Supreme Leader announces the reintroduction of hudud and qisas – public corporal punishments and executions.

22 December 2022

The Taliban ban girls from attending any educational courses beyond grade six.

27 December 2022

The Taliban ban women-run bakeries in Kabul.

28 January 2023

The de facto Higher Education Ministry issues an order via letter that private higher education institutions ban female students from registering or sitting entrance exams.

1 February 2023

All female doctors and health workers in Kabul are ordered by the Taliban to wear full hijab and cover their faces when working.