

"In the Gutter"

Women's Rights in Afghanistan after 45 Days of Taliban's Rise to Power Position Paper

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Overview

Women in Afghanistan fear that with Taliban's assumption of power, the country will return to the darkest days of its modern history. Under the Taliban rule from 1996 to 2001, women were not only deprived of their basic rights guaranteed to them by international instruments and conventions, but also the rights granted to them by the Islamic Sharia (Islamic Law) that Taliban claims to apply. Women were forcibly prevented from work, attending school and participating in public and political life. At the same time, they were prevented from leaving their houses without a male guardian and were forced to wear a burqa. Women who violated such instructions were subjected to flogging and sometimes stoning. Apparently, history repeats itself, as Taliban began to implement the strict measures it has taken before against women as soon as it assumed power on August 15, 2021, which makes the struggle of women in Afghanistan during the past two decades in vain.

Over the past years, women in Afghanistan struggled to secure their rights and were able to obtain a broad range thereof. They obtained wide participation in political and public life, headed non-governmental organizations to support women's rights, joined the army and police forces and worked as translators, judges and journalists. Given the efforts made by female human rights defenders, Afghanistan acceded to a range of international human rights instruments to protect women, such as the Convention on the Elimination of All Forms of Discrimination against Women ratified by the Afghan Parliament in 2003. All the aforementioned hard-won gains are seriously in jeopardy, as shown by the first weeks of Taliban's rule. Taliban has prevented girls at the secondary level from returning to school and has abolished the Ministry of Women's Affairs. Furthermore, women were not represented in the government composition of Taliban announced on September 7, 2021, in light of stereotypical views that limited the role of women to specific traditional roles such as staying at home.

This paper covers the period from August 16 to September 30, 2021 and focuses on the violations suffered by women in Afghanistan following Taliban's assumption of power. These violations include women's denial access to work and school, in addition to the violations suffered by rural women and female human rights defenders against a background of major concerns about the complete exclusion of women from political participation and the growing phenomenon of child marriage under Taliban rule. Thus, the international community must take urgent measures to prevent the marginalization of Afghan women and guarantee their enjoyment of their basic rights based on equality and non-discrimination.

First: Extensive Restrictions on Women's Work:

Similar to their peers, Afghan women faced endless restrictions that limited their abilities to access employment. According to the World Bank, the 21.6% representation by women in the workforce in Afghanistan was considered an unprecedented achievement¹. Moreover, the presence of more than 200 female judges in Afghanistan and about 4000 women in law enforcement was viewed very positively². However, unfortunately, Taliban's assumption of power has ended all these hopes. On August 25 2021, Taliban spokesman Zabihullah Mujahid said that women will not be allowed to work at the present time, in reference to women in the workforce and those working in different government posts as well as women working in public and private banks and women broadcasters in satellite and public channels, who were told that they could no longer return to their work³.

During its early reign, Taliban assured women that they would return to work after creating the proper conditions of their return. Nevertheless, the actual practices of Taliban confirmed the fears of working women, as they

¹ Afghanistan - Labor Force, Female, Trading Economics, <https://bit.ly/3oiaff>

² With Taliban Government Announcement Looming, Afghanistan's Women Worry and Protest, The Diplomat 3 September 2021, <https://bit.ly/3B8Svgo>

³ Taliban ask working women to stay at home in Afghanistan, India Today, 25 August 2021, <https://bit.ly/3kSgyuu>

were suspended from work and were told that they could not return to perform their duties in certain jobs. In Herat city, for example, Taliban members demanded female journalists not to go to work. Moreover, only 100 out of 700 journalists in Kabul, the capital of Afghanistan, are still at work, according to Reporters Without Borders, with the possibility that all of them will be prevented from practicing journalism.

Only 76 out of 510 female journalists who worked in eight different media outlets are still at work. In addition, two women working in two different banks in Herat and Kandahar were beaten and were told that their male relatives should replace them at work⁴. Shabnam Khan Dawran, an anchor at Radio Television Afghanistan (RTA), was not allowed to enter her office. The new Taliban administration justified this denial of entry by saying that the regime has changed and she cannot work anymore⁵.

On September 19, 2021, the Mayor of Kabul city, Hamdullah Nomani, who is listed on the Security Council Sanctions Committee⁶ and was temporarily appointed as mayor following Taliban's assumption of power, said that more than 3000 female employees in the administrative apparatus of the Kabul city government have been told to stay home, with few exceptions for those who cannot be replaced by men⁷. Maat Association believes that the continuation of the policies aimed at dismissing women from work in Afghanistan widens the gender gap and makes the hard-won gains acquired by women in the past two decades at risk of being lost forever.

According to the new decision of the Taliban government, it apparently yearns for the past decades, from 1990s until the beginning of the millennium, when it prevented women from participating in political and public life and

⁴ 'I don't dare to go out anymore': Women in Kabul live in fear after Taliban return, The observes, 17 August 2021, <https://bit.ly/3m2G7sc>

⁵ 'Won't relinquish our rights': Afghan women protest, say haven't been allowed to work by Taliban, Hindustan Times, 20 August 2021, <https://bit.ly/3utCteO>

⁶ United Nations Security Council, Hamdullah Normani, <https://bit.ly/3CQOgXi>

⁷ Kabul government's female workers told to stay at home by Taliban, RAWA News, 19 September 2021, <https://bit.ly/3B71G1f>

from engagement in the workforce not to mention their non-enrolment in school education at all its various stages. Upbringing generations of girls only capable of playing the stereotypical roles assigned to them will not benefit Taliban nor Afghanistan and will make Afghanistan a heterogeneous and undiversified country. Furthermore, preventing women from work will also increase poverty, particularly among women. Through its monitoring of the situation of women's rights in Afghanistan, Maat noted that a huge number of working women are the breadwinners for their families, given the fact that their husbands were killed because of the US raids or the war between Taliban and the former Afghan government. Taliban has not issued any decisions determining the status of women after being deprived of work, which may exacerbate the suffering of the families of these women who depend on work to buy the essentials of life and to survive. Moreover, Taliban's prevention of women from working is inconsistent with a broad spectrum of international treaties, including Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women, which obligates the state parties to take all appropriate measures to eliminate discrimination against women in the workplace on the basis of equality with men. Notably, Taliban is still not a party to such convention. Article 3 of the International Covenant on Economic, Social and Cultural Rights also guarantees equality between men and women in all economic, social and cultural rights.

Second: Obscurantism of Girls

On September 28, 2021, Taliban issued a decree suspending the Afghan Constitution, which granted women a broad spectrum of rights and ensured their access to education⁸. Thus, the number of girls enrolled in basic education increased to about 3.6 million, including 2.5 million in primary schools and more than one million in secondary level. Secondary education, for example, recorded a noticeable increase from 6% in 2003 to about 40% in 2018. However, Taliban does not seem to care about such numbers, as

⁸ Taliban To "Temporarily" Adopt Monarchy Constitution, With Caveats, 28 September 2021, <https://bit.ly/3zQ0SMI>

manifested in the restrictions that it began to impose once it assumed power. These restrictions included the prevention of girls in secondary schools from completing their education as well as preventing women working in basic education schools from attending the weekly meetings of the Ministry of Education. A headmistress of a girls' school in Kabul said that she could not attend the weekly meetings of Taliban committee on education after a decision was issued to limit the attendance at such meetings to men only⁹.

On September 2, 2021, Taliban issued a decree that included the reopening of all educational institutions, including the Islamic religious institutes, and asked all teachers and students to return to school, without any reference to girls. To date, there is no official decision that prohibits girls' education. Some girls were able to enroll in some primary schools and universities with them being separated from boys, following the issuance of a decree by Taliban on September 12, 2021 to prevent gender mixing. However, preliminary indications confirm that Taliban will impose more restrictions on girls' education and will confine the freedom of education that girls once had.

For example, Taliban announced that girls will not be taught by male teachers, at a time when the country suffers from a shortage of female teachers, as they represent only 20% of the total teaching cadre. Obviously, there will not be enough female teachers for gender-disaggregated classes, which will affect girls' education even if Taliban has not officially abolished it¹⁰. According to the UNICEF, Afghanistan is the fourth worst country in education. However, should these restrictions on education continue, Afghanistan will rightly reach the top of the list. With the acquiescence of Taliban once it took control of the university administration, Kabul University canceled the master's degree in gender and women's studies, deeming this type of study unfeasible at the present time¹¹. Given all the arbitrary practices of depriving

⁹ What will happen to girls' education in Afghanistan under Taliban rule? Thomson Reuters News Foundation, 17 September 2021, <https://tmsnrt.rs/2ZLGIfS>

¹⁰ Ibid

¹¹ Ibid

girls of education and the discriminatory restrictions imposed on their enrollment, Afghanistan violates Article 10 (c) of the Convention on the Elimination of All Forms of Discrimination against Women, which provided for eliminating any stereotypical concept of the roles of men and women at all levels and in all forms of education, in addition to violating Article 1 of the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO)¹².

Third: Threats to Rural Women

The rural population of Afghanistan accounts for about 70% of the population. In a poor country where 47.3% of its population live below the poverty line, and this figure may even exacerbate to reach 97% in mid-2022, forcing women to stay at home and being deprived of work can exacerbate the number of women living in extreme poverty.¹³ Women constitute about one-third of the rural labor force and work in agriculture and handicrafts. The Taliban will marginalize rural women from other women, as many will not work, placing additional burdens on the family provider. Women's economic empowerment begins with their control over family allocations and expenditures, even in patriarchal and tribal societies. Giving money to women leads to good practices such as equality, well-being, and savings, as noted in some World Bank technical reports. On the contrary, women's lack of economic empowerment exacerbates malnutrition, contrary to general comment No. 12 of the International Covenant on Economic, Social, and Cultural Rights, which recognized the need for all resources necessary to secure food to be financially available to rural women¹⁴.

¹² اتفاقية مكافحة التمييز في مجال التعليم، منظمة الأمم المتحدة للتربية والعلوم والثقافة، على الرابط التالي: <https://bit.ly/3I27Qd9>

¹³ Starvation Is as Much a Threat to Afghan Women as the Taliban, The Washington Post, 19 September 2021, <https://wapo.st/3F22ruG>

¹⁴ الدراسة النهائية المقدمة من اللجنة الاستشارية لمجلس حقوق الإنسان بشأن المرأة الريفية والحق في الغذاء، ص 5، على الرابط التالي: <https://bit.ly/3mhohli>

Malnutrition among women decreases by about 43% when women control family income and increases when women enter education. The Taliban's control of governance has led the United States to ask international financial institutions such as the Monetary Fund and the World Bank to end their activities immediately. That has led to an increase in the number of projects financed by these institutions, particularly for rural development¹⁵. Rural women are the primary victims of the Taliban unless they allow women-led community organizations to continue their work in rural and remote areas.

After the Taliban came to power, some literacy campaigns were stopped in rural and remote areas, such as the "Door to Door" campaign by pen Path, a Kandahar - based NGO that supports girls' enrolment in rural education. When the organization director was asked about the return of this campaign, he had no answer. He hoped that the Taliban would understand that education was a cause of the rise of nations, especially in the light of previous threats received by the Taliban, which had evolved into the burning down of some schools founded by the organization.

The situation of rural women under Taliban rule will remain contingent on the ability of local communities to negotiate with new local leaders and engage or isolate internationally. Community support in rural areas can lead to gains in education, health, and cultural rights. In Ghazni province in 2019, a school for girls was reopened after it closed from Taliban fighters after local leaders were able to negotiate with the Taliban. Rural women's access to certain gains also depends on the ideas adopted by Taliban leaders in each region develop. All Taliban leaders are not homogeneous in culture and understanding. There are pragmatic and more moderate leaders in terms of ideas and primarily economic issues. But others are tougher in religious faith and who are less negotiable and who, once empowered by local institutions, are expected to double the suffering of rural women in Afghanistan.

¹⁵ Ibid, <https://wapo.st/3F22ruG>

Fourth: Women Human Rights Defenders

Women defenders could not enjoy the gains they won during the previous rule. After marches led by women in the capital, Kabul, and other cities to demand women's rights, women participating in these gatherings were subjected to assault and physical violence. They were taken to police stations, severely beaten, and warned against re-organizing any subsequent gatherings. The Taliban also pursued women's rights defenders who expressed their views on the media; they didn't have to change their place of residence.

The Taliban has also stopped and restricted women-led civil society organizations. The Afghan Women's Network, a non-governmental organization of some 120 women's groups from all provinces stops work one day after the Taliban entered Kabul; it doesn't know her future status. Reports said that since the Taliban took office women's rights defenders and social activists have been prosecuted.

On September 20, 2021, the Taliban dissolved the Afghan Independent Human Rights Commission and is a prominent member of the Global Alliance of National Human Rights Institutions, chaired by women's rights advocate Shahrazad Akbar, days after its acquisition of the Commission's headquarters and use of its computers, which hampered the Commission's normal functioning¹⁶. The closure of independent human rights institutions not only threatens human rights in Afghanistan but reduces the comprehensive national reconciliation. The largest women's organizations in Afghanistan were also forced to suspend their work; Because of the threats.

Women for Afghan Women, which does relief work for millions of women, girls, and children across Afghanistan, has decided to suspend temporarily. The headquarters vacated the head of the organization after some Taliban fighters knocked on the homes of some of the organization's

¹⁶ The Taliban dissolve the Afghan Human Rights Commission, Young Journalists Club, 20 September 2021, <https://bit.ly/3mecEM8>

workers and threatened them that they would be punished if they did not follow Taliban instructions¹⁷

Women human rights defenders and women's rights activists may suffer from reduced support even before the Taliban came to power. Previously, women's activities in Afghanistan were underfunded. Only about 2% of the funding that flowed into the former Afghan government went to infrastructure and poverty reduction activities. After the Taliban's arrival, human rights organizations that support women's activities and projects whose primary goal is to support gender equality will only receive donor crumbs if the Taliban allow these funds to go to women's organizations.

The latest data from the Organization for Economic Co-operation and Development says that of the \$4.3 billion those donors spent in Afghanistan in 2019. Only 0.3% went to activities on women and gender equality, which is just 1%. Maat is deeply worried about the situation of the Afghan Independent Human Rights Commission members and staff because they are still unable to get out of Afghanistan. It is also concerned about the Taliban's pursuit of women who expressed their objection to the abuses suffered by women throughout Afghanistan. These practices undermine any progress of the state. The exclusion of women, who make up about half of the country's population of more than 18.9 million women, is an uncalculated risk by Taliban leaders. These risks may exacerbate discrimination and may make women inferior groups in society¹⁸. These recent measures against human rights defenders are in complete contradiction with Resolution No. 21/15 adopted by the Human Rights Council, which stipulates the right of NGOs to form and operate without any interference in their work, and Article 22 of the International Covenant on Civil and Political Rights. In addition to the Declaration on Human Rights Defenders adopted by the United Nations General Assembly in 1998. Although

¹⁷ 'We're All Handcuffed': What It's Really Like for Women in Afghanistan, as They Brace for What Comes Next, People, 18 September 2021, <https://bit.ly/3D9AcZr>

¹⁸ Ibid

the Declaration does not constitute a binding instrument, it does include many standards on the rights of human rights defenders stipulated in international treaties and agreements to which the Taliban are supposed to comply.

Fifth: Women's Major concerns under Taliban Rule

Women are the worst affected in times of disorders and transitional periods. They suffer from marginalization, exclusion and various forms of discrimination, under radical regimes seeking to restrict women's roles to the mainstream stereotypical functions. With Taliban's rise to power on August 15, 2021, the future of women appears to be fraught with unapologetic intentions. We believe in Maat for Peace, Development and Human Rights that women under the rule of the Taliban will be affected on two main levels in the short term:

1. Exclusion from political and public participation.

Under the administration preceding the Taliban, women made ambitious political gains, taking about 27% of the total seats in the House of Representatives - roughly the same percentage as women in the US Congress, as well as 17% of the Senate¹⁹, and taking 6.5% of ministerial positions before the Taliban's arrival. However, the new government formed by the Taliban on September 7, 2021, was devoid of any female component. Against the backdrop of stereotypical views sought by some Taliban leaders after taking control of the rule, women cannot be ministers or even representatives in Parliament, and their role is to give birth only²⁰. This will be reflected in the situation of Afghan women and will limit their presence to specific traditional roles, contrary to the rights accorded to women in a wide range of international treaties and Security Council resolutions, in particular resolution 1325 on the participation of women in the political process and in peace and

¹⁹ THE REALITY FACING WOMEN IN A TALIBAN-RULED AFGHANISTAN—AND THE DILEMMA FOR US POLICY, Modern War Institute, 13 September 2021, <https://bit.ly/3D3XCiP>

²⁰ "شرطة الأخلاق" بدلاً من وزارة شؤون المرأة بأفغانستان.. وعودة المدارس للذكور فقط، الشرق، 17 سبتمبر 2021، على الرابط التالي: <https://bit.ly/3kXkp9u>

security, especially since the involvement of women in past issues is a key condition for gender equality and the fight against gender discrimination.²¹

2. The growing phenomenon of child marriage

Taliban approves underage marriage and doesn't view it as a harmful phenomenon that needs to be curbed. During the rule of President Ashraf Ghani, the number of girls married before the age of 18 was 28%, while the number of those married before the age of 15 reached 4%²², according to unofficial statistics. Forced marriage was prohibited by law, but under Taliban control, it is obvious that the statistics of forced marriage will unprecedentedly increase, especially after Taliban elements took promises from their leaders to marry them once the rule is , in September 2021, the Taliban's Cultural Committee issued a decree that "All imams and elders in areas where stability has been established must provide the Taliban with a list of girls over the age of 15 and widows under the age of 45 to marry Taliban fighters.²³" Also, in Herat Province, there have been local reports of underage girls marrying and those who have refused to be whipped. A number of families who managed to flee to Pakistan also reported that the primary motive for their escape was their fear that the group's fighters would marry their girls²⁴, after the Taliban has gathered information about girls and widows who have not been married.²⁵ The escalation of this phenomenon, in conjunction with the Taliban's rise to power, may create a generation of Afghan mothers who are physically, psychologically and mentally sick, as s result of the early marriage and the other violations that the Taliban have initiated since their domination.

مديرة هيئة الأمم المتحدة للمرأة تعرب عن استيائها وأسفها لإقصاء النساء من الحكومة الأفغانية الجديدة، أخبار الأمم المتحدة، 7 سبتمبر 2021، على الرابط <https://bit.ly/3CYN9F2> التالي:

²² Child marriage & solutions through the eyes of Afghanistan, Pleaders intelligent legal solution, 4 September 2021, <https://bit.ly/3ilHLnB>

²³ No good future for Afghan women under the Taliban, East Asia Forum, 4 September 2021, <https://bit.ly/3B1DRYD>

²⁴ Taliban: Afghan families flee to Pakistan over forced marriage fears, DW, 9 September 2021, <https://bit.ly/3F0ScHb>

²⁵ Ibid

Sixth: Key Findings Extracted

- During the reporting period, Taliban did not fulfill any promises regarding the non-infringement of women's rights, particularly with regard to their access to education, employment, freedom of movement and movement. On the contrary, additional restrictions have been imposed and women who have violated militant instructions and successive Taliban restrictions have been subjected to violence.
- The gains that have been achieved in Afghanistan during the past decades, particularly with regard to girls' education, have not been matched by similar gains at the employment level, and all these gains may get lost if Taliban policies continue unchanged.
- Rural women will suffer disproportionately from the discriminatory policies against women in Afghanistan, and in the short term, rural women will be deprived of projects funded by the World Bank and other international institutions, after these institutions have suspended their activities, especially rural development projects.
- It seems with a high degree of confidence that the space granted to civil society in the past will be restricted and reduced to the minimum, in light of the arbitrary measures instructed by the Taliban leaders once they came to power, such as the suppression of peaceful assemblies, the detention of human rights defenders and the closure of the Afghan Committee Independent Human Rights and other independent women's organizations.

Based on the foregoing, the international community, led by the United States and the European Union, as well as donors, should explicitly inform Taliban that humanitarian aid, material support and other forms of assistance will not continue unless Taliban demonstrate that they will not return to the previous policies they pursued during the previous reign, which confined women to stereotypical roles in the service of men while denying them basic rights.

The Organization of Islamic Cooperation, of which Afghanistan is a member, urged Taliban to grant women their full rights in the coming era and to disregard extremist interpretations of Islamic law as a pretext for the continuation of abusive practices against women in Afghanistan.

Human rights in general and the rights of women and vulnerable groups in particular must be respected, in accordance with international human rights law and the treaties and conventions to which Afghanistan is a party. It is also necessary for the international community to work on a long-term joint strategy, which includes specific themes for providing education, especially for girls, increasing the flow of funding for educational activities, and ensuring comprehensive protection for women and girls, especially those belonging to ethnic minorities in Afghanistan.

It would be very useful to develop a new mechanism of the Human Rights Council or the Security Council, whether it be a fact-finding mission or an independent investigative mechanism with a mandate for years to come to monitor, document and report on all human rights violations from all actors in Afghanistan.

At present, as a matter of urgency, it is necessary to comply with the call of the Office of the High Commissioner for Human Rights to establish safe paths for Afghan refugees and migrants who are most vulnerable to reprisals, especially human rights defenders, civil society workers, former members of the Afghan Government and all women who have worked in decision-making positions. Closing the border to them would not only cause serious damage to them, but will also have serious consequences in the long run.

Conclusion:

Through this comment, Maat for Peace, Development and Human Rights sought to draw attention to the various violations committed by the Taliban against women in Afghanistan during the first 45 days of the group's rule. Therefore, we didn't think twice before using the phrase "in the Gutter" to describe the tragic situation that women has ended up living in a very short

period of time. All of these violations that have been documented by Maat, is only a drop in the sea of countless violations that women will bear exclusively in Afghanistan if no clear and binding strategy that empower women to participate in all fields and fully enjoy all the rights guaranteed to them by the Islamic law and all international conventions ratified by Afghanistan is immediately put in place. At the beginning of their rule and during negotiations, Taliban showed cooperation and good intentions to commit itself to these charters; therefore, they are urgently called upon to eliminate all forms of discrimination against women, promote their enrollment in education and employment, allow freedom of movement and travel between states, and provide reasonable space for the work of civil society organizations, especially those led by women, so that this country would stand up again and not be left lagging behind.