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AFGHANISTAN AFTER AUGUST 2021:

APPRAISAL & WAY FORWARD

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ORGANIZATION FOR POLICY RESEARCH & DEVELOPMENT STUDIES

Afghanistan After August 2021: Appraisal &Way Forward

Edited by

Mariam Safi and Rajeshwari Krishnamurty

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Contents

PREFACE

The Taliban's attacks on women's rights are intended to silence women critical of its long-term project of building a blatantly misogynist state and society. This collection of nine articles by Afghan women experts—lawyers, print and broadcast journalists, human rights activists, academics and business leaders—is in itself an act of defiance, a refusal to be silenced.

The collection is an important contribution to building a body of feminist documentation and critique of the Taliban's actions and intentions. The writers assess how Taliban 'de facto authorities' have affected women and minorities in a range of sectors such as media, justice, security, business, agriculture, and social services for the vulnerable. The essays are rigorously factual, providing evidence-based documentation of the Taliban's abuses and misgovernance.

This is vital work.

A sustained effort of ongoing research and documentation must be part of the resistance to the Taliban, because, like any authoritarian project, it seeks to prevent and repress independent analysis, reporting, and oppositional voices. Above all, the Taliban seek to prevent feminist analysis and critique, which is why this volume of the Women and Public Policy Journal is so significant.

At the heart of the Taliban's systematic assaults on women's rights is a drive to reduce women to second class citizens with no options, and eventually, no capacity, to challenge men's social prerogatives and power over women. The August 2024 'Law on the Promotion of Virtue and Prevention of Vice' passed after the papers in this collection were written, broadens and deepens the restrictions imposed since the Taliban's August 2021 return. It introduces additional restrictions, such as prohibiting women not only from being seen but also from being heard in public. There is even a prohibition on women speaking to each other—an extraordinarily revealing measure, which shows the Taliban's insecurities about women's collective action, about the conclusions women can reach about the injustice of patriarchy when given the opportunity for free reflection.

The Taliban's many misogynistic decrees add up to what some have called 'gender apartheid'—a structured denial of equal rights to half the population because of their

female gender.[1] Human rights groups, as well as the United Nations' (UN) Working Group on discrimination against women and girls, have argued that gender apartheid should be considered a crime against humanity.[2]

There have been reversals in women's rights in many parts of the world since the turn of the century, but none as comprehensive, or as cruel, as under the Taliban. Yet in the face of this massive women's rights crisis, in the face of what is in effect a crime against humanity, the international response has been inconsistent and has in no way dented the Taliban's campaign of shutting down women's and girls' freedoms. The authors in this collection express frustration, and even bewilderment, at the seeming willingness of the UN and individual states to engage with a regime that makes no secret of its contempt for women.

Some of the authors call for the international community to uphold women's rights as non-negotiable priorities, denying the Taliban recognition and financing until misogynist decrees, particularly on girls' schooling, are repealed. They point out that ongoing foreign aid disproportionately benefits Taliban supporters, providing a fall-back to cover up the consequences of the regime's misgovernance. Instead of challenging the regime, outsiders seem to be tolerating it.

The analyses in this volume show that it is not just women and minority ethnic groups and particularly vulnerable groups like orphans who are suffering. The economy has contracted dramatically, hundreds of thousands of jobs have been lost, splinter insurgent groups continue to bring violence, and many of the so-called achievements touted by Taliban apologists—such as improved tax collection, opium eradication, and greater security—are exaggerations.

1. A/HRC/56/25: The phenomenon of an institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls - Report of the Special Rapporteur on the situation of human rights in Afghanistan. (2024). [online]UN Office of the United Nations High Commissioner for Human Rights. Available at: https://documents.un.org/doc/undoc/gen/g24/075/00/pdf/g2407500.pdf.
2. A/HRC/WG.11/40/1: Draft articles on prevention and punishment of crimes against humanity - Input from the Working Group on discrimination against women and girls. (2024). [online] UN Office of the United Nations High Commissioner for Human Rights. Available at: https://documents.un.org/doc/undoc/gen/g24/016/54/pdf/g2401654.pdf.

They also provide a perspective on key aspects of economic life that receive little media attention. For instance, the impacts of Taliban restrictions have been under-analyzed in agriculture and in small businesses, where women play a much more significant role than is usually recognized. They show how Taliban restrictions have disrupted food crop production, while the targeted attacks on businesses run by women for female clients have created an additional constraint on women's capacity to generate income, exacerbating poverty.

The work of women researchers and writers in bearing witness to the Taliban's methods and the impacts on women and girls must be supported and expanded. A key feature of the Taliban's gender apartheid is that it seeks to eliminate women's resistance in the future, by denying girls and women education today. Eventually, this will lead to a loss of historical memory, to a loss of capacity to imagine alternatives. The Taliban's objective is not just to make women completely subordinate to men, but to eliminate the very thought of equality.

Authoritarians are threatened by free thought and speech. Support for Afghan women researchers, and for sustained data collection and documentation of how the regime has affected women and girls, is essential to keep memory and hope alive.

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November 2024

Introduction

This volume of the Women and Public Policy Journal (WPPJ) arrives at a time of profound crisis for Afghanistan, particularly for its women and girls. The country, once cautiously optimistic about progress toward gender equality and human rights, has found itself thrust back into an era of systemic discrimination, oppression, and exclusion since the Taliban's return to power in August 2021. The hopes that had been nurtured over two decades—through the tireless efforts of Afghan women, civil society organizations, and international partners—are now rapidly slipping away as the Taliban de facto authorities impose draconian restrictions on nearly every aspect of women's public and private lives.

In the years before the Taliban's August 2021 takeover, Afghanistan had witnessed remarkable strides in the empowerment of women. Afghan women had taken on leadership roles in governance, civil society, economy, and the media. Their voices were instrumental in peace negotiations, and they actively contributed to rebuilding their country's institutions. Despite the challenges that remained, women's participation in the public sphere had become an undeniable force for progress. However, within a span of just two years, much of this progress has been reversed.

This volume of the WPPJ brings together a collection of voices and analyses that delve into the myriad of challenges Afghanistan faces today, particularly through the lens of women experts, academics, journalists, and civil society members. These contributions are both a testimony to the resilience of Afghan women and a vital call for sustained and principled international engagement in their fight for dignity, equality, and rights. Essays in this volume analyze the current socio-political landscape, offering not only a critical appraisal but also an examination of what must be done to prevent the complete erasure of women from public life.

Anisa Shaheed's 'Freedom of Press in Afghanistan Before and After August 2021' provides a stark reflection of how the Taliban's policies have devastated

Afghanistan's once vibrant media landscape. The severe restrictions imposed on press freedom disproportionately affect women journalists, who now face targeted violence, harassment, and silencing. Similarly, Behishta Arghand's 'The Impact of Taliban Rule on Pashtun Women and Media in Southern Afghanistan' offers an in-depth look at the intersection of gender, ethnicity, and media, underscoring how women from Pashtun communities in Taliban strongholds experience even greater repression.

In 'The Impact of Taliban Rule on Afghanistan's Judicial and Legal Sector', Farah Elyaskhil analyzes the Taliban's dismantling of Afghanistan's legal system, particularly its implications for women's rights. Under the Taliban rule, the marginalization of women from the judicial process has deprived them of basic legal protections, leaving them vulnerable in matters of family law, inheritance, and personal safety. Fatema Mohammadi's 'Impact of the Security Situation on Women in Afghanistan since the Taliban's Return' further elaborates on the security challenges faced by women, from rural provinces to urban centers, illustrating the specific threats of violence and insecurity that women endure daily.

The economic marginalization of women under Taliban rule is highlighted in Hilda Sahar's 'The Gendered Impact of Taliban Rule on the Labor Market and Entrepreneurship', which explores how economic opportunities for women, including access to work and entrepreneurship, are being systematically dismantled. Without the ability to work or run businesses, women have been pushed into poverty and dependency. Meena Sadr's 'The Taliban's Culpability for Collective Punishment: The Case of Afghanistan's Ethnic Tajiks' adds a powerful dimension by documenting how ethnic minorities, particularly women from Tajik communities, are subjected to collective punishment that intertwines both ethnic and gender-based repression.

In 'The Impact of Taliban Rule on Afghanistan's Agricultural Sector', Muzhda Ahmadi highlights the crucial role women play in agriculture—a sector that remains the backbone of Afghanistan's economy. Under the Taliban rule, women farmers face restrictions that undermine food security

and economic stability. Sonika Aryan's 'The Impact of Taliban Rule on Afghanistan's Orphan Children, At-Risk Women, and Social Services' paints a distressing picture of the humanitarian crisis affecting the most vulnerable, detailing how social services are crumbling, leaving at-risk women, orphan children, and social workers in perilous conditions. Finally, Yalda Royan's 'Religion, Ethnicity, and Gender: The Taliban's Inter-Sectional Attack on Hazara Women' explores the intersectional oppression faced by Hazara women, illustrating the layered discrimination based on religion, ethnicity, and gender.

This volume is not merely a collection of scholarly articles; it is a call to action for the international community. The experiences shared within these pages reveal a deepening humanitarian and human rights crisis that cannot—and should not—be ignored. The narratives and analyses presented in these essays serve as a reminder of the immense suffering endured by Afghan women and the pressing need for coordinated, global effort, to address their plight.

Against this backdrop, the concept of gender apartheid has emerged as a defining framework for understanding and framing the Taliban's policies toward women. The international community must recognize that engaging with the Taliban without addressing the group's systemic violations risks legitimizing their actions and further entrenching the oppression of Afghan women. Humanitarian aid, often manipulated and weaponized by the Taliban, must be delivered with transparency, ensuring that it reaches those most in need without reinforcing the structures of gender-based oppression.

Yet, this volume also holds a message of resilience and hope. The strength of Afghan women, their continued advocacy for their rights, and their refusal to be silenced are testaments to their courage.

As readers explore the pages of this volume of the WPPJ, it is our hope that they are inspired not only to understand the gravity of the situation but also to act. Whether through policy, advocacy, or support for Afghan-led civil society organizations, each of us has a role to play in ensuring that the voices of Afghan women are heard, their rights defended, and their futures secured.

Together, we must chart a path forward that is rooted in justice, equality, and unwavering solidarity with the women of Afghanistan and the international rule of law.

Mariam Safi
Executive Director
The Organization for Policy Research and Development Studies

Freedom of Press In Afghanistan Before and After August 2021

By Anisa Shaheed[1]

Free press, freedom of expression and speech were among the most significant achievements of Afghanistan's democratic journey from 2001 to 2021. The August 2021 collapse of the Islamic Republic of Afghanistan and the accompanying return of Taliban rule has undermined these hard-earned gains to a devastating effect. This essay examines the trajectory and nature of these effects and contextualizes their big picture implications. In doing so, this essay considers the pre- and post-August 2021 state-of-affairs in relation to each other. To do so, the essay builds on primary and secondary sources, supplemented by this author's first-hand experiences as an award-winning investigative journalist in Afghanistan.

The essay begins by contextualizing the evolution of news media and press freedoms in Afghanistan between 2001 and 2021, and the nature and scale of challenges faced by Afghanistan's media during this period. The subsequent section examines the patterns of attacks on the media alongside the timeline of the US-Taliban talks. How press freedoms and news media overall have been affected under the Taliban's *de facto* rule is analysed next, coupled with a discussion on the Taliban's treatment of media professionals, particularly female journalists. The essay concludes with four policy recommendations.

1. **Anisa Shaheed** is a veteran television journalist and a recipient of the 2022 Knight International Journalism Award, known for her fearless coverage of human rights, violence and corruption in Afghanistan.

In Context: News Media And Press Freedoms In Afghanistan (2001–2021)

Freedom of press is essential for the proper functioning of democracy because "[o]n one side it provides people active in journalism with an individual right to inform and to express opinions. On the other, press freedom gives the press guarantees appropriate to an institution inherent to the democratic process."[2] Together, these features enable individuals to make informed decisions, which in turn helps advance human rights, good governance, accountability, and the rule of law. Thus, when press freedoms are threatened via censorship, intimidation of and violence against journalists, (in)direct attacks on the media institutions, obstructing the reporting of facts, and persecution for reporting facts, it severely obstructs the rule of law and prevents people from holding those in power accountable for their actions.

Until 2001, Afghanistan did not have a free, independent press, and the news media was virtually all state-run. The Ministry of Information and Culture administered the media, which was operated exclusively by *National Television, Afghanistan Radio, Bakhtar News Agency,* and branches of *Afghanistan National Radio*. It was only after the first Taliban regime (1996–2001) collapsed in 2001 that free, independent media (audio-visual, radio, print, and digital) began emerging in the country. *Ayane TV, Afghan TV, Ariana TV,* and *Tolo TV* were among the earliest independent media that commenced operations during this period.

These media outlets began broadcasting news and related programmes critical of the government's shortcomings, human rights violations, administrative corruption, and crimes for the first time. The public at large welcomed these broadcasts, but the media nonetheless faced strong opposition from government officials and political leaders who detested having to deal with criticism and/or resistance from anyone. Although Afghanistan did not have

2. Poptcheva, E.-M. (2015). *Press freedom in the EU Legal framework and challenge*. [Online] European Parliamentary Research Service, p.2. Available at: https://www.europarl.europa.eu/EPRS/EPRS-Briefing-554214-Press-freedom-in-the-EU-FINAL.pdf.

prior experience of free, independent media, and these early examples of news programming were nascent steps on the path to freedom of expression and democracy, the burgeoning media sector made remarkable breakthroughs and steadily expanded operations.

According to some statistics, there were about 1000 visual, audio, and print media actively operating in the country during the Republic era.[3] However, beginning in 2014, some of these media outlets, especially print media, ceased operations due to reduction in aid projects and institutions. This was a consequence of the reduction of US and NATO troops in 2011 which brought with it a reduction in reconstruction funding as well.[4] This was done to help the US reorient its programs to the reality that the Afghan government and security forces would have to take over the many functions that donors and their contractors had assumed."[5]

By 2014, the total reconstruction spending was approximately 40% of its peak as compared to the spending of three years prior.[6] Nonetheless, by 2015 Afghanistan still had 174 radio stations, 68 private television stations, and 22 state-owned provincial channels. And, as of August 2021, around 547[7] media outlets were not only active but had also become strong enough to be truly considered Afghanistan's fourth estate. For example, the Moby Group was established in 2003 as a diversified portfolio claiming 59% market share in Afghanistan's media market with news, entertainment and children's programming.[8] The Killid Group, which began its first radio station in Herat in 2005, was managing 11 radio stations in 17 provinces by 2015. Afghan

3. Gallagher, A. (2023). *Event Extra: Afghanistan's Media Landscape Amid Taliban Rule*. [online] United States Institute of Peace. Available at: https://www.usip.org/publications/2023/01/event-extra-afghanistans-media-landscape-amid-taliban-rule.
4. Special Inspector General for Afghanistan Reconstruction (2021). *What We Need to Learn: Lessons from Twenty Years of Afghanistan Reconstruction*. [online] p.34. Available at: https://www.sigar.mil/pdf/lessonslearned/SIGAR-21-46-LL.pdf.
5. (Special Inspector General for Afghanistan Reconstruction, 2021)
6. (Special Inspector General for Afghanistan Reconstruction, 2021)
7. Afghanistan has lost almost 60% of its journalists since the fall of Kabul. (n.d.). *Reporters Without Borders.* [online] Available at: https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul.
8. Procter, A.J. (2015). *Afghanistan's Fourth Estate Independent Media.* [online] United States Institute of Peace. Available at: https://www.usip.org/sites/default/files/PB189-Afghanistans-Fourth-Estate-Independent-Media.pdf.

media programming played a crucial role in shaping public attitudes.[9]

Additionally, in 2012, the BBC Media Action pioneered a live discussion public affairs program called Open Jirga, which brought Afghans together to discuss and debate directly with government leaders and policymakers. *Salaam Watandar*, produced by Internews, was another such program which offered a mix of news and entertainment, mixing Dari and Pashto as a means to promote national unity.[10] Beyond these, there were shows like *TOLO TV's* Afghan Stat, and Voice of Afghanistan, which showcased young musical talent featuring men and women from across the country, along the lines of America's Got Talent. Although several government officials and politicians were unhappy with press criticism, the freedom of press and of expression was hailed as Afghanistan's most significant achievements by all political and diplomatic circles within and outside Afghanistan.[11]

Advancements made by Afghanistan's free media in the decade after the collapse of the first Taliban regime was unprecedented in the history of journalism in the country. Veteran journalists, media experts, and professors of journalism felt empowered. They were able to keep the public informed, hold the government accountable and push for much needed laws to protect and preserve an independent Afghan media.[12] This included the 2004 Constitution, which guaranteed the right of freedom of expression and access to information, and the 2009 Mass Media Law, which promoted the right of freedom of thought and speech, defended the rights of journalists, and ensured an environment for their free operation.[13]

According to the managing director of Nai, a media watchdog, the Mass Media Law was unprecedented in the region but unfortunately, its implementation by the government created several difficulties for journalists. For example, the government replaced the Media Violations Investigations Committee with

9. (Procter, 2015)
10. (Procter, 2015)
11. President Ghani's Message On World Press Freedom Day. (2016). *Bakhtar News Agency.* [online] 4 May. Available at: https://www.bakhtarnews.af/en/president-ghanis-message-on-world-press-freedom-day/.
12. (Gallagher, 2023)
13. (Procter, 2015)

the Mass Media Commission, vesting authority for monitoring alleged media violations strictly with the Ministry of Culture and Information Technology and nine commission members, none of whom were from the media sector.[14]

From 2001 to 2010, Afghanistan's free media played a significant role in advancing freedom of expression and democracy. "Hello and good evening. I want to welcome you to the first presidential debate," stated television journalist Mujahid Kakar in 2009, as he commenced the first ever televised presidential debate in Afghanistan.[15] Produced by *TOLO TV*, this kick started a television tradition where presidential candidates were questioned about their policies and campaign promises, and was widely watched all over the country.[16] Its success saw its replication in both the 2014 and 2019 presidential elections. While this itself is a noteworthy achievement, the quantum of its significance is even higher when compared with the performance of their counterparts in Afghanistan's neighbourhood.

For instance, in 2020, the Reporters Without Borders (RSF) Index, also known as the World Press Freedom Index, an annual ranking that evaluates the state of press freedom in 180 countries and regions worldwide, ranked Afghanistan in the 122nd place, while neighboring countries Pakistan and Iran ranked 145th and 173rd respectively.[17] The Index assesses the level of freedom available to journalists, as well as the efforts made by governments to respect and ensure this freedom, by considering a range of criteria like media pluralism, media independence, environment and self-censorship, legislative framework, and transparency, among others.

Nevertheless, even as Afghanistan's independent media grew and consolidated in strength and impact, the challenges journalists faced also tended to increase with it.

14. (Procter, 2015)
15. Medley, D. (2009). Afghanistan: First TV debate in presidential campaign. *UN Assistance Mission in Afghanistan.* [online] 24 Jul. Available at: https://reliefweb.int/report/afghanistan/afghanistan-first-tv-debate-presidential-campaign.
16. (Medley, 2009)
17. *Reporters Without Borders*. (2020). *World Press Freedom Index*. [online] Available at: https://rsf.org/en/index?year=2020.

Challenges Faced By Afghanistan's Media (2001–2021)

Barring a handful of the initial post–2001 years, the past two decades were replete with challenges for journalists in Afghanistan. Beyond suppression of information and similar obstacles, Afghanistan's journalists also faced verbal abuse and security threats like physical assault and assassinations.[18] Thus, Afghanistan's free press related achievements were hard won over 20 years, and made possible due to journalists' courage, persistence, and sacrifices.

Between 2010 and 2020 alone, 136 journalists lost their lives in service of press freedoms and freedom of speech.[19] Individuals and groups such as the Taliban who viewed the media and freedom of expression as dangerous for themselves and their futures began killing journalists. In December 2014, the Taliban issued a fatwa against media outlets stating that 'fighters will use any possible ways to conduct suicide attacks and destroy such movements'.[20] However, media directors also faced an equal if not at times a more serious threat from government officials, law enforcement, and power brokers during this period.[21] Most slain journalists and media workers were killed in targeted attacks in the last ten years.

The first significant attack on the media occurred in 2015 at the peak of media activity when the Taliban intensified attacks in the northern provinces and seized control of Kunduz city for the first time since their regime was overthrown in 2001. Reporters, especially those from *TOLO News* reported amid bullets and fire inside and outside the Kunduz city, informing the public about the conflict and the helplessness of Kunduz's residents. At the time, *TOLO News* broadcast a news report on the rape of female students in a Kunduz University dormitory by Taliban soldiers.[22] Both *TOLO TV* and

18. AJSC 2020 Annual Report. (2021). [online] Afghan Journalists Safety Committee. Available at: https://safety-committee.org/211/ajsc-2020-annual-report.
19. Sadat, F. (2020). Concerns Grow over Journalists' Safety Amid Recent Attacks. *TOLONews*. [online] 11 Dec. Available at: https://tolonews.com/afghanistan-168425.
20. (Procter, 2015)
21. (Procter, 2015)
22. Taliban 'Rape' Girls At Hostel After Kunduz Attack. (2015). *TOLONews*. [online] 8 Oct. Available at: https://tolonews.com/afghanistan/taliban-rape-girls-hostel-after-kunduz-attack.

TOLO News faced grave threats from the Taliban who claimed no one was raped in Kunduz.

In January 2016, a suicide bomber targeted a car ferrying Moby Group[23] employees on Kabul's Darul Aman road, killing seven media employees, including three women.[24] The Taliban publicly accepted responsibility for this attack. International institutions widely condemned it as the deadliest attack on the media. This attack was a warning to Afghanistan's media and journalists. It caused several media professionals—especially from Moby Group—to quit working for the press and/or leave Afghanistan. This was the first major attack on a media organization since the collapse of Taliban regime in 2001.[25] Media watchdog Nai named 2018 the bloodiest year for Afghan journalists with 20 media workers killed and over 200 incidents of violence reported against the press.[26]

A Comparative Timeline: Us–Taliban Talks And Attacks On The Media

Targeted killings of journalists escalated after the talks between the US and the Taliban intensified in 2019.[27] A United Nations (UN) report claims that 33 Afghan media professionals were killed between 2018 and 2021 and both the Taliban and groups linked to the Islamic State admitted responsibility for many of these attacks, while perpetrators of various other attacks continue to remain unknown.[28] In 2019 alone, 20 cases of murders of journalists and media workers were recorded in Afghanistan.[29] The Islamic State 'Khosaran Province' (ISKP) was also said to be responsible for some of these attacks. These targeted attacks on journalists and media professionals continued

23. The Moby Media Group is Afghanistan's largest private media company. It is the parent organization of various broadcast media outlets including *TOLONews* and TOLO TV.
24. Shaheed, A. (2019). Black Wednesday Victims Remembered. *TOLONews*. [online] 20 Jan. Available at: https://tolonews.com/index.php/afghanistan/black-wednesday-victims-remembered.
25. (Shaheed, 2019)
26. Ebrahimi, B. (2019). Prominent Afghan Journalist Assassinated. I*RANWIRE*. [online] 13 May. Available at: https://iranwire.com/en/features/66014/.
27. (AJSC 2020 Annual Report, 2021)
28. Gossman, P. (2022). No Justice in Afghanistan for Slain Journalist 2 Years On. *Human Rights Watch.* [online] 7 Nov. Available at: https://www.hrw.org/news/2022/11/07/no-justice-afghanistan-slain-journalist-2-years.
29. (AJSC 2020 Annual Report, 2021). **Also see:** AJSC 2019 Annual Report. (2020). [online] Afghan Journalists Safety Committee. Available at: https://safety-committee.org/210/ajsc-2019-annual-report.

through 2020 and 2021 and became the deadliest years for journalists. 11 journalists were killed just between the end of 2020 and the first half of 2021 alone, some of whom were murdered under mysterious circumstances. These include the November 2020 killing of a prominent former *TOLO News* presenter Yama Siawash, who was killed in a car bombing by assailants who continue to remain unidentified.[30]

Attacks on women working in the media also soared, leading some Afghan women's rights activists at the time to argue that women had become particularly vulnerable during the US–Taliban talks as they were entirely excluded from the discussions.[31] For example, on 02 March 2021, three female Enikass TV employees were killed in two separate shootings in Nangarhar.[32] This was the second attack on female employees of this private media firm in Nangarhar. Three months earlier, *Enikass TV* anchor Malala Maiwand had been shot dead by armed men in Nangarhar,[33] and the ISKP claimed responsibility for that attack.

Around 136 journalists and media workers were killed in Afghanistan between 2001 and the collapse of the Republic in August 2021. Several of them were killed in targeted assassinations after the commencement of the US–Taliban talks starting in 2018. According to the Brussels-based International Federation of Journalists, in 2018, armed conflict and militant extremism accounted for most deaths among journalists in Afghanistan.[34]

Journalists and political analysts believed that the Taliban wanted to create a conducive environment for their presence in power as they wished before

30. (Gossman, 2022)
31. Graham-Harrison, E. (2019). Mena Mangal: journalist and political adviser shot dead in Kabul. *The Guardian.* [online] 11 May. Available at: https://www.theguardian.com/world/2019/may/11/afghan-journalist-mena-mangal-shot-dead-in-kabul.
32. 3 Female Media Workers Shot to Death in Nangarhar. (2021). *TOLONews.* [online] 2 Mar. Available at: https://tolonews.com/afghanistan/attack-mediajournalists-170399.
33. (3 Female Media Workers Shot to Death in Nangarhar, 2021)
34. 2018 Reverses Downward Trend in Killings of Journalists and Media Staff with 94 Victims of Violence. (2018). *International Federation of Journalists.* [online] 31 Dec. Available at: https://www.ifj.org/media-centre/news/detail/category/campaign-against-impunity-2018/article/2018-reverses-downward-trend-in-killings-of-journalists-and-media-staff-with-94-victims-of-violence.

they came to power. The Taliban does not tolerate freedom of expression and criticism. Therefore, before seizing power, they prepared the space for their presence. By targeting journalists, the Taliban were able to instill fear among media agencies, showing them their fate if they did not self-censor. Thus, after they seized power, the Taliban were able to swiftly issue and implement decrees restricting content that was critical of the group; enforce punitive measures for not following their guidelines; and remove women from all TV and radio programs.[35] For instance, in May 2022, the Taliban *de facto* authorities (DFA) ordered female TV presenters to cover their faces while presenting; in September 2022, they removed the women's seat from the Commission of Media Violations; and in May 2023, Taliban officials verbally[36] directed media outlets to not produce content about women's hygiene issues.[37]

At the provincial level, *ad hoc* instructions were given to the media by Taliban provincial authorities, adding further limitations on the media. For instance in the southern Helmand province, the Department of Information and Culture, through *mullahs* in mosques, instructed media outlets not to feature women in their programs without prior approval from the department.[38] In northern Kunduz province, the Taliban instructed[39] media outlets to submit drafts of their content for review and approval prior to publication.[40] The governors of the southern Kandahar, Helmand, and Farah provinces issued audio directives barring DFA employees from participating in video interviews with media

35. Siddique, A. And RFE/RL's Radio Azadi (2024). This Is What It's Like To Be A Journalist Under Taliban Rule. *RFE/RL.* [online] 3 May. Available at: https://www.rferl.org/a/afghanistan-taliban-press-freedom-journalists-media/32925395.html.

36. طالبان: آگاهی‌دهی در مورد بهداشت زنان ترویج فحشا است ['Taliban: Raising awareness about women's health is promoting prostitution']. (2023). *Nimrokh Media.* [online] 11 May. Available at: https://nimrokhmedia.com/raising-awareness-about-women-hygiene/.

37. United States Institute of Peace. (n.d.). Tracking the Taliban's (Mis)Treatment of Women. [online] Available at: https://www.usip.org/tracking-talibans-mistreatment-women.

38. (United States Institute of Peace, n.d.)

39. طالبان در قندوز: رسانه‌ها محتوای نشراتی خود را قبل از نشر با ما شریک کنند ['Taliban in Kunduz: The media should share their broadcast content with us before publication']. (2023). *Rukhsana Media*. [online] 14 Oct. Available at: https://rukhshana.com/taliban-in-kunduz-the-media-should-share-their-broadcast-content-with-us-before-publication.

40. (United States Institute of Peace, n.d.)

outlets, only allowing audio interviews.[41]

The targeted killing of journalists and decrees issued by the Taliban in the last three years reveal the group's deep fear of the media and the power it holds, and they are scared to let the society know of their true intentions and what they are doing. By systematically targeting the media, the Taliban were, and continue to be, able to silence critics, while projecting a false narrative that a) they have brought security and stability in the country; and b) that citizens are not only supporting them in their decrees but also in their system of governance lodged within an Islamic Emirate framework.

Impact of Taliban Rule On Free Press And (Female) Media Professionals In Afghanistan

When the Taliban seized power in August 2021, one of their first actions was conducting door-to-door searches for journalists, former government officials, and those who collaborated with foreign forces.[42] In Kabul, just days after taking over, the Taliban DFA began turning away women news presenters coming to work. Journalist Shabnam Dawran shared a video on social media about how she was turned away from her job at *Radio Television Afghanistan*.[43] "They told me that the regime has changed. You are not allowed, go home," she said.[44]

Approximately 250 media outlets shut down after the Taliban takeover.[45] Only a handful of independent media outlets continue to operate under the Taliban rule, but their journalists face strict restrictions, often leading to self-censorship. There are multiple cases where the Taliban DFA have imprisoned and/or beat journalists, when they were reporting on women's demonstrations

41. (United States Institute of Peace, n.d.)
42. Khurram, Z. (2021). Taliban carrying out door-to-door manhunt for Afghans on blacklist, report says. *NBC News*. [online] 20 Aug. Available at: https://www.nbcnews.com/news/world/taliban-carrying-out-door-door-manhunt-afghans-blacklist-report-says-n1277231.
43. (Khurram, 2021)
44. (Khurram, 2021)
45. Moradi, K. (2022). Afghan Media Under the Taliban: Restrictions and Violations. [online] Afghanistan Human Rights and Democracy Organization, p.9. Available at: https://www.ictj.org/sites/default/files/2023-01/AHRDO_Report_Afghan-Media-Under-Taliban.pdf.

in Kabul. The media are no longer allowed to broadcast music and have been instructed to replace such content with 'sermons or readings from the Quran'.[46] They have also been warned to refer to the Taliban as the 'Islamic Emirate of Afghanistan' in all news and programs.

In the run up to August 2021, in every province, after capturing power, the Taliban instructed female media sector employees to stay at home. When they seized Kabul, they did not allow female reporters of the state-run *Afghanistan National Television* to go to office. Now they treat female reporters with immense discrimination and even violence. They do not answer phone calls from female journalists; are unwilling to provide information to and speak with women; and berate women who attend interviews or news conferences, asking them why men are not coming to meetings or interviews.[47] The Afghan National Journalists Union's 2022 survey on the situation of women journalists found that 87% have experienced gender discrimination since the Taliban takeover.[48] The survey shows that an alarming 60% of female journalists lost their jobs and 79% indicated being insulted or threatened by the Taliban.[49]

As a result, numerous journalists and media professionals have left the industry due to increasing instances of reporters being arrested, beaten, or imprisoned for violating Taliban guidelines.[50] Some have been displaced to other countries, and some are either unemployed or have taken up other jobs. Some are doing odd jobs on the road. The collapse of the government, extensive Taliban restrictions on the media, and the dire economic situation have also placed immense psychological pressure on journalists. There are also reports of media workers committing suicide due to

46. Saber, S. (2023). 'I Feel Suffocated': Taliban Intensifies Clampdown On Music In Afghanistan. *RFE/RL*. [online] 17 Aug. Available at: https://www.rferl.org/a/taliban-intensifies-crackdown-music-afghanistan/32551971.html.
47. Afghanistan: Taliban Threatening Provincial Media. (2022). *Human Rights Watch.* [online] 7 Aug. Available at: https://www.hrw.org/news/2022/03/07/afghanistan-taliban-threatening-provincial-media.
48. For women journalists in Afghanistan, showing up for work is an act of resistance! (2024). *International Media Support.* [online] 1 Mar. Available at: https://www.mediasupport.org/news/for-women-journalists-in-afghanistan-showing-up-for-work-is-an-act-of-resistance/.
49. (For women journalists in Afghanistan, showing up for work is an act of resistance!, 2024) a
50. (Siddique and RFE/RL's Radio Azadi, 2024)

unemployment and poverty.

Conclusion

The August 2021 collapse of Afghanistan's government and political system, and the accompanying return of Taliban rule have produced an extremely challenging and treacherous situation for the country's media, which had thus far played an essential and influential role in documenting corruption, human rights violations, security, political and social problems for 20 years. Since 15 August 2021, Afghanistan has been experiencing some of the worst economic, political, and human rights crises but there is no free media and free professional journalists to report on and document this situation. The system's collapse and Taliban rule has destroyed 20 years of efforts and sacrifices for the freedom of expression in Afghanistan.

Policy Recommendations

- **Develop a Specialised Mechanism to Regularly Consult Afghan Journalists:** All UN agencies, international organizations, and governments must regularly meet and hold consultations with journalists in Afghanistan and those living in exile by creating a specific mechanism for this purpose. Concerns shared/raised by journalists during these consultations must be formally factored in when formulating engagement strategies and agendas *vis-a-vis* Afghanistan. These concerns must also be included as key agenda points during any external actor's engagement with the DFA.

- **Establish a Specialized, Integrated Rapid Response Mechanism:** The UN must partner with international organizations and journalists' associations within and outside Afghanistan to establish an integrated rapid response mechanism to tackle violence and threats against journalists in the country. This could help streamline protection related actions, thereby providing timely relief to at-risk journalists (especially women) not just in Kabul but also in other provinces.

Such a mechanism could also prove crucial for documenting crimes committed by the Taliban, and for holding the Taliban accountable.

- **Support Resettled Afghan Journalists to Continue Practising Journalism:** Several journalists who previously worked in the country are now based overseas after being evacuated following the Taliban takeover of August 2021. These journalists' careers have been disrupted in a very severe manner, but as trained, skilled professionals, they must be provided with adequate and timely support to continue in their professions. The UN, its member states, and international organizations must therefore simplify the resettlement processes of evacuated journalists and ensure that tangible measures are put in place to enable them to continue working as journalists in their current countries of residence.

- **Enable Afghan Media in Exile to Strengthen Press Activities Inside Afghanistan:** The UN and international organizations must work together with Afghan journalists in exile to develop platforms and facilitatory mechanisms that enable them to continue reporting on developments in Afghanistan. Such support could also include providing material and financial assistance to train new journalists inside the country, and to scale up reporting activities and related infrastructure in different parts of the country.

The Impact of Taliban Rule on Pashtun Women and Media in (Southern) Afghanistan

By Behishta Arghand[1]

How has the predominantly ethnic Pashtun Taliban's power capture in Afghanistan affected ethnic Pashtun women and the (news) media in those regions of the country that have traditionally been the Taliban's 'cultural heartland' and where their grip on power is most concentrated? To explore this aspect, this essay investigates how the Taliban's return has impacted ethnic Pashtun women in southern Afghanistan by analyzing the context-specific socio-economic consequences and examining them in relation to news media (professionals). To do so, the essay relies on extant knowledge from primary and secondary sources, supplemented by interviews conducted with media professionals and artists in southern Afghanistan in 2023. In doing so, this essay focuses on the time frame between August 2021 and August 2023.

Section 1 situates the overarching question within the wider national context. Section 2 provides the background of women's empowerment in Pashtun communities between 2001 and 2021. Section 3 traces the impact on women's socio-economic outcomes/prospects and their near and long-term implications. Section 4 examines the specific impact on the news media sector and female media professionals in southern Afghanistan. The essay concludes by distilling the big picture aspects of the findings and ends with four policy recommendations.

Overview

Women's empowerment and free media were among the most noteworthy success stories of Afghanistan's democratic journey between 2001 and 2021. These crucial successes helped advance the prospects of human development and good governance as they facilitated an improved quality of life, especially

1.**Behishta Arghand** is a journalist and a former news presenter and anchor for TOLO News in Afghanistan.

for women, and helped enable accountability and civic action through quality public information.[2]

Upon seizing power in August 2021, the Taliban launched a full-fledged campaign to undo these gains by systematically dismantling and erasing women's and girls' agency in all aspects of life all over Afghanistan, and by targeting the (news) media sector. As *de facto* authorities (DFA), the Taliban's pattern of actions is virtually identical to their actions during their first stint in power in the 1990s.

The media sector, especially female journalists, were among the first to be targeted after 15 August 2021.[3] Even in capital Kabul city, female journalists did not go to their offices for two days and were waiting in their homes to hear from their firms about their future in media organizations. Within 15 days of the Taliban takeover, fewer than 100 of over 700 female journalists in Kabul were still working.[4] Meanwhile, several female journalists and media sector professionals in other provinces went into hiding, fearing for their safety. Reports[5] show that over 80% of Afghanistan's journalists, especially women, lost their jobs after the Taliban seized control of Afghanistan in August 2021, with 40% of job losses occurring in 2021 itself.[6] The situation is significantly worse in provinces other than Kabul. Media firms have been categorically instructed to fire all female employees; a prohibition has been imposed on broadcasting female voices, even on the radio; and sweeping censorship rules

2. Afghanistan Media: A Tragic End to the Golden Era. (2022). [online] Heart of Asia Society. Available at: https://heartofasiasociety.org/wp-content/uploads/2022/05/Media-in-Afghanistan-a-tragic-end-HAS.pdf.
3. Noorzai, R. (2021). What Taliban's Publishing, Broadcasting Directives Mean for Afghan Media. *VOA.* [online] 1 Oct. Available at: https://www.voanews.com/a/what-taliban-s-publishing-broadcasting-directives-mean-for-afghan-media-/6253972.html. **Also see:** Butler, S. (2022). Afghanistan's media faces crisis—and opportunity. Committee to Protect Journalists. [online] 11 Aug. Available at: https://cpj.org/2022/08/afghanistans-media-faces-crisis-and-opportunity/.
4. Willsher, K. (2021). Afghanistan: fewer than 100 out of 700 female journalists still working. *The Guardian*. [online] 1 Sep. Available at: https://www.theguardian.com/world/2021/sep/01/afghanistan-only-handful-of-female-journalists-still-working.
5. Gul, A. (2022). Survey: Journalism Is 'Decimated' in Taliban-Ruled Afghanistan. *VOA*. [online] 12 Aug. Available at: https://www.voanews.com/a/survey-journalism-is-decimated-in-taliban-ruled-afghanistan/6698917.html.
6. Afghanistan has lost almost 60% of its journalists since the fall of Kabul. (2022). *Reporters Without Borders.* [online] Available at: https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul.

have been introduced.[7]

Afghanistan's mass media sector has also faced security, economic, and cultural obstacles following the Taliban takeover, resulting in particularly severe consequences.[8] According to a collaborative study by Reporters Without Borders (RSF) and the Afghan Independent Journalists Association (AIJA),[9] approximately half of all news media organizations in Afghanistan have ceased operations. The Taliban regime's censorship and repressive restrictions played a significant role in the collapse of these media houses. Other RSF reports have found that roughly 7,000 of the media sector's 12,000 strong workforce had suffered job losses, and that 80% of female media sector employees had lost their jobs.[10]

Broadly, gender-relevant risks affect women from all walks of life in Afghanistan in comparable ways. However, the country's socio-cultural diversity and politico-economic dynamics also mean that the nature and complexity of the consequences of the Taliban's return manifest and mutate in ways that are often unique to the respective contexts. These particularities are shaped by how a variety of societal, political, economic, developmental, and security dynamics interact. Therefore, the three subsequent sections discuss how the Taliban's return has impacted ethnic Pashtun women in southern Afghanistan by:

- Contextualizing women's empowerment in Pashtun communities

7. Rahmani, W. and Butler, S. (2022). Afghanistan's intelligence agency emerges as new threat to independent media. Committee to Protect Journalists. [online] 2 Aug. Available at: https://cpj.org/2022/03/afghanistans-intelligence-agency-emerges-as-new-threat-to-independent-media/.
8. Siddique, A. (2024). This Is What It's Like To Be A Journalist Under Taliban Rule. *Radio Free Europe/Radio Liberty.* [online] 3 May. Available at: https://www.rferl.org/a/afghanistan-taliban-press-freedom-journalists-media/32925395.html. **Also see:** Afghanistan: Media landscape suffocated by repressive Taliban directives that target women in particular. (2024). *Reporters Without Borders*. [online] 13 Mar. Available at: https://rsf.org/en/afghanistan-media-landscape-suffocated-repressive-taliban-directives-target-women-particular
9. Almost half of Afghan media closed since Taliban takeover: Survey. (2021). *Al Jazeera*. [online] 24 Dec. Available at: https://www.aljazeera.com/news/2021/12/24/afghanistan-media-rsf-survey-taliban-takeover-journalists.
10. Afghan journalism still resisting after two years of Taliban persecution. (2023). *Reporters Without Borders*. [online] 15 Aug. Available at: https://rsf.org/en/afghan-journalism-still-resisting-after-two-years-taliban-persecution.

between 2001 and 2021;

- Situating the socio-economic impact of the Taliban takeover on Pashtun women in southern Afghanistan; and
- Analyzing the impact on the media and female media professionals in southern Afghanistan.

Women's Empowerment In Pashtun Communities (2001-2021)

According to statistical estimates, Pashtuns constitute the largest ethnic demographic in Afghanistan's multi-ethnic society.[11] The wider Pashtun society is a complex tribal confederacy, traditionally characterized by conservative social mores, especially in the community's ethno-cultural heartlands that span Afghanistan's south and east, and the tribal areas in Pakistan across the Durand Line boundary. Southern Afghanistan is also at the heart of the Taliban movement's origins, cultural identity, and 'political' history. The Taliban's composition also features men who overwhelmingly hail from ethnic Pashtun backgrounds, and intra-ethnic dynamics of the wider Pashtun society also often play a role in intra-Taliban dynamics.

Ethnic Pashtun women were victims of a heavily gender-biased culture even before the Taliban seized power in August 2021. For instance, forced marriages of women have persisted virtually everywhere in Afghanistan, across all communities. In the case of ethnic Pashtun women, they were especially also vulnerable to being bartered[12] away like inanimate objects of compensation to settle disputes. Such practices were deemed criminal offences and prohibited under Afghan law (2004-2021) but on the societal/community level, such practices are often not considered crimes. Moreover, in Afghanistan's southern provinces, it is commonplace to encounter ultra-

11. Lamer, W. and Foster, E. (2011). Afghan Ethnic Groups: A Brief Investigation. NATO Civil Military Fusion Center, pp.1–5.
12. Jacinto, L. (2009). Bartered for 'justice', abused women seek shelters (Part II). *France 24*. [online] 15 May. Available at: https://www.france24.com/en/20090515-bartered-%E2%80%98justice%E2%80%99-abused-women-seek-shelters-part-ii-. **Also see:** Rzehak, L. (2011). Doing Pashto. [online] Afghanistan Analysts Network. Available at: https://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/20110321LR-Pashtunwali-FINAL.pdf.

conservative clerics deciding what is and not permissible for a human being to do. Even before August 2021, large numbers of school-aged girls were barred from attending classes.[13]

Between 2001 and 2021, the front lines of the 20-year-long global effort to end terrorism in Afghanistan were in the Pashtun ethno-cultural heartlands. The country's southern regions are regarded as the cradle of the Taliban movement. Unfortunately, the international community did not do enough to raise awareness in the southern regions.[14] This was in part due to the disconnect between the core objectives of the Women Peace and Security agenda and its implementation strategies that were not adequately adapted to navigate the diverse and particularistic local dynamics crucial for enabling positive change.[15]

Nevertheless, despite challenges, Pashtun women pursued education and strived for a brighter future, propelling change in, and from within, their communities. Numerous grassroots initiatives helped promote awareness on women's rights among local communities in predominantly ethnic Pashtun areas like the southern and eastern provinces, and among Pashtun communities in other provinces.[16] These efforts bore tangible, measurable results. Slowly but steadily, more Pashtun families began allowing their daughters and sisters to access (higher) education and employment.[17] Many Pashtun women travelled to different provinces to study at universities and resided in hostels. As professionals too, they were rising to positions of authority in the public and private sectors.

"Let's embrace the truth that Pashtun society was always a patriarchal society,

13. Chishti, M. (2010). Gender and the Development Battlefield in Afghanistan: Nation Builders versus Nation Betrayers. *Comparative Studies of South Asia, Africa and the Middle East,* 30(2), pp.258–261.
14. (Chishti, 2010, pp.250–261)
15. Akbari, F. and True, J. (2024). Bargaining with Patriarchy in Peacemaking: The Failure of Women, Peace, and Security in Afghanistan. *Global Studies Quarterly*, [online] 4(1), pp.1–12. Available at: https://academic.oup.com/isagsq/article/4/1/ksae004/7618596.
16. Peacemakers' Tales from Afghanistan. (2014). [online] Research Institute for Women Peace and Security. Available at: https://swarnar.com/storage/app/media/portfolio/peacemakers-tales.pdf.
17. Green, M. (2016). Girls gain ground in Kandahar culture wars as education prospects improve. *The Guardian.* [online] 31 Oct. Available at: https://www.theguardian.com/global-development/2016/oct/31/girls-gain-ground-in-kandahar-culture-wars-as-education-prospects-improve.

and women have always led a difficult life in Pashtun dominating provinces," said 'H.F.', a Pashtun artist and translator, in an interview with this author. She noted that "despite all cultural, security, and economic challenges, Pashtun women have come a long way, but the Taliban takeover has wiped out all their efforts" and lamented that now these educated Pashtun women are living their nightmares, with most of them suffering from psychological disorders.

Socio-Economic Impact On Pashtun Women In Southern Provinces

Following the August 2021 Taliban takeover, violence against women in the southern provinces has skyrocketed.[18] For example, a female student was shot dead on her way home from university in November 2022. The DFA have prohibited girls from attending secondary schools, women from employment, and severely restricted women's movement and travel beyond their homes. In an interview with this author, Kandahar-based journalist, 'A.H.', provided an illuminating account of how this has percolated to affect all areas of life for Afghan women in the southern regions.

She detailed how since the Taliban barred girls from attending secondary schools and colleges, families are forcing adolescent girls to marry now more than ever. Although women were getting married at a young age while still in school prior to 2021 too, families now see no future for their daughters in continuing even primary schooling. Since the Taliban began imposing draconian rules for women, most Pashtun families have banned their female relatives from working, citing cultural and security issues.

The Taliban have also begun a campaign against organizations that provide trainings to women in various fields. They have also forbidden female health professionals from administering polio vaccinations and other critical childhood immunizations. In instances where they have permitted female vaccinators to carry out immunizations, they have mandated that those

18. Afghanistan COI Repository. (n.d.). *Violence against Women.* [online] Available at: https://asylos.libguides.com/c.php?g=708887&p=5113118.

women must be accompanied by their *mahrams*[19] while traveling.[20] Female healthcare workers play a critical role in eradicating polio in Afghanistan, which—along with Pakistan—is one of the only countries in the world where the disease is still prevalent.[21] The success of such efforts hinge on a improving and sustaining various social change enabling factors like enhanced levels of education and literacy, sustained multi-format awareness campaigns, and crucially, women's agency to navigate and overcome socio-cultural and other barriers at the community-level.

Although precise data on this is scant and comprehensive surveys are difficult to conduct under the current circumstances, the numbers of ethnic Pashtun women in the NGO sector too have severely dwindled since August 2021. This has in turn severely limited the availability of, and access to, crucial support and resources for women in socially conservative communities within the wider Pashtun society, particularly in southern Afghanistan. These restrictions have been compounded by the Taliban's decree prohibiting the broadcast of women's voices on TV and radio even on awareness programs covering healthcare, education, and unexploded munitions threats.[22]

This affects all areas of life, ranging from healthcare, education, financial independence, and shelters for victims of violence and other harms, to access to legal aid and justice. Thus, the Taliban's policies disenfranchising women of their agency are designed to prevent human development and socio-economic progress. This also derails health security outcomes and increases the likelihood of large-scale public health consequences in the long run.

19. Close male relative chaperone.

20. دیورن هفیظو هب مرحم نودب :رادهدنق رد نز یحص نادنمراک هب ناباط [‘Taliban to female health workers in Kandahar: Do not go to work without Mahram’]. (2023). *Hasht-e Subh*. [online] 30 Jan. Available at: https://8am.media/fa/taliban-to-female-health-workers-in-kandahar-do-not-go-to-work-without-muharram/. **Also see:** Taliban health ministry launches annual polio vaccination drive. (2023). *Reuters.* [online] 13 Mar. Available at: https://www.reuters.com/world/asia-pacific/taliban-health-ministry-launches-annual-polio-vaccination-drive-2023-03-13/.

21. World Health Organization. (2023). [Fact Sheet] *Poliomyelitis*. [online] Available at: https://www.who.int/news-room/fact-sheets/detail/poliomyelitis.

22. Monthly Report August 2023. (2023). [online] Nai Supporting Open Media in Afghanistan, pp.11–12. Available at: https://nai-af.org/monthly-report/monthly-report-august-2023/.

Impact on the Media and Female Media Professionals in Southern Afghanistan

In the immediate aftermath of the Taliban takeover, most female Pashtun journalists either left the country or their jobs at media firms. All female media professionals were forced to abandon their jobs. Some feared the Taliban's draconian policies and felt enormous pressure to leave, while others were coerced into leaving. In an interview with this author, a senior official of a local FM radio channel in Kandahar who spoke on the condition of anonymity said that, at present, there are no female journalists or female media professionals in southern Afghanistan 'due to immense Taliban pressure', adding that he was specifically commanded to ban all women from his radio station.

Various studies[23] show that most media firms in Afghanistan have shut down due to censorship and enormous pressure from the Taliban, in addition to economic difficulties. Comparative data from two RSF–AIJA surveys[24] (one conducted before August 2021, and the other, between November and December 2021) demonstrate the immense scale of the impact the Taliban takeover had on the media and female journalists in Southern Afghanistan within a span of three months, a snapshot of which is provided below (see **Table 1** and **Table 2**).

23. Moradi, K. (2022). *Afghan Media Under the Taliban: Restrictions and Violations*. [online] Afghanistan Human Rights and Democracy Organization, pp.9–11. Available at: https://www.ictj.org/sites/default/files/2023-01/AHRDO_Report_Afghan-Media-Under-Taliban.pdf. **Also see:** The International Association of Women in Radio & Television - Kabul (IAWRT Afghanistan Chapter) (2023). Lives, Jobs, Homeland: Afghan Women Journalists Lose All. [online] The International Association of Women in Radio & Television. Available at: https://iawrt.org/wp-content/uploads/2023/01/English_Report-of-Afghan-Survey.pdf.

24. *Reporters Without Borders*. (2021). *Since the Taliban takeover, 40% of Afghan media have closed, 80% of women journalists have lost their jobs.* [online] Available at: https://rsf.org/en/taliban-takeover-40-afghan-media-have-closed-80-women-journalists-have-lost-their-jobs.

Table 1

Province	Number and percentage of women working in the media before the Taliban takeover who lost their jobs between 15 August and 8 December 2021
Kandahar	51 (94,4 %) of 54 women
Helmand	11(100%) of 11 women
Nimroz	18(100%) of 18 women
Farah	42 (87,5 %) of 48 women
Paktika	10 (100%) of 10 women

Source: *RSF–AIJA* Survey

Table 2

Province	Number and percentage of media outlets active before the Taliban takeover that shut down between 15 August and 8 December 2021
Kandahar	5 (23.8%) of 21 active media outlets
Helmand	5 (41.7%) of 12 active media outlets
Nimroz	2 (25.0%) of 8 active media outlets
Farah	2 (22.2%) of the 9 active media outlets
Paktika	2 (22.2%) of 9 active media outlets

Source: *RSF–AIJA* Survey

First–hand accounts too shed light on the situation and its effects. In an interview with this author, 'K.H.', a media professional who worked at a provincial radio station in the southern Uruzgan province, said that once the Taliban took control of the area, she had no choice but to evacuate to Kabul with her family. Days thereafter, Kabul fell into Taliban hands, and the group seized administrative control of the whole country. Although working in media organizations in the southern provinces was replete with hurdles for Pashtun women like 'K.H.' traditionally too, the Taliban specifically targeted female media professionals in southern provinces. Pashtun women are now

facing safety and security challenges as well. According to 'K.H.', the status quo has pushed her to quit her job as a media professional in Uruzgan province.

Some female ethnic Pashtun media professionals did courageously return to their jobs in southern provinces. For example, 'A.H.' retained her job as a presenter and producer at a provincial radio station in southern Kandahar for another month but was under tremendous strain. The Taliban even raided her home thrice, but she managed to reach a secure hiding place prior to the raids. She was ultimately given a verbal warning to quit her job and to not resume until the Taliban issued an edict permitting women to work in the media. Three years on, the DFA have yet to issue any such directive. Consequently, there are no female professionals employed in the media in Kandahar province. "The Taliban has successfully suppressed the voice of Afghan women in Kandahar province," 'A.H.' said.

Consequently, there are no women working in media organizations in Afghanistan's southern regions since the Taliban seized power.[25] The Taliban have imposed a blanket prohibition on broadcasting female voices on regional and local FM radio stations.[26] In an interview with this author, a regional radio program director in Kandahar province stated that they are under immense pressure from the Taliban and that their programming is often banned. Speaking on the condition of anonymity due to concerns of harsh Taliban retaliation for speaking the truth, he said local Taliban figures and commanders visited their office several times and had also (via a phone call) ordered them to expel all female journalists from that FM radio station and to not air female voices on any radio programs.

Conclusion

Between 2018 and 2021, the international community repeatedly assured

25. Brief No. 1: Media Restrictions and the Implications for Gender Equality in Afghanistan. (2022). [online] UN Women, pp.17–18. Available at: https://asiapacific.unwomen.org/sites/default/files/2022-10/afg_Periodic-Briefing-no1_Media_Oct22-s.pdf.
26. Taliban authorities detain 2 journalists, ban women's voices from broadcasts in Helmand. (2023). *Committee to Protect Journalists.* [online] 15 Aug. Available at: https://cpj.org/2023/08/taliban-authorities-detain-2-journalists-ban-womens-voices-from-broadcasts-in-helmand/.

Afghan women that two decades of their painstakingly gained achievements and basic rights would be preserved during and through the negotiations with the Taliban. However, the Taliban did not budge on any of their demands, even refusing to allow women to participate in peace negotiations, claiming that it was against Sharia law. Thus, it was evident from the Doha talks that the Taliban had not changed at all and that they would take the same course *vis-a-vis* women's rights and governance that they did during their first stint in power in the 1990s.

Women's empowerment and free media were among the most noteworthy success stories of Afghanistan's 20-year democratic journey, which the Taliban have systematically upended since their return. By disenfranchising women from extant opportunities, services, support, and resources by imposing and reinforcing structural barriers and eliminating avenues for institutional recourse, the Taliban have manufactured a socio-economic vacuum in addition to a political vacuum. Simultaneously, by eliminating the prospects for future generations' access to objective news, informational resources, education, employment, healthcare, and other forms of support and services, they are implementing measures that protract and entrench this vacuum.

The cumulative effect is geared solely towards deepening and sustaining the Taliban's control by isolating and segregating the country's society, and by systematically suppressing pathways that can organically enable any desire for change from within and through social structures. In this regard, examining the Taliban's conduct and extrapolating what they consider important for self-preservation in regions that are considered their traditional 'heartlands' could provide practical insights for transforming the prevailing state-of-affairs.

Policy Recommendations

- **Uphold Women's Rights as Non-negotiable Priorities:** The international community should support Afghan women and only consider granting any semblance legitimacy to the Taliban after they

restore all the rights of all Afghan women. Any supply of aid/financing that reaches or passes through the hands of the Taliban administration should be suspended until the regime reopens girls' secondary education institutions and universities and lifts the ban on girls' education and women's employment in all sectors, including the media.

- **Develop a Real-time Reporting Mechanism on Rights Violations:** The international community should develop a broad-based system for (real time) monitoring and reporting human rights violations committed by the Taliban against Afghan women. Women inside Afghanistan should be consulted to the widest extent for this. Moreover, the international community should not merely denounce the Taliban's persecution and mistreatment of Afghan women, but also take concrete steps to hold them accountable.

- **Leverage the Power of Digital Media and Empower NGOs and Journalists:** The international community must work cohesively to ensure that all women's rights advocacy organizations and NGOs focused on women's capacity building that have worked with Afghan women over the past 20 years be reopened. International organizations operating in Afghanistan should prioritize recruiting Afghan women. In doing so, strategically leverage the power of digital media platforms like YouTube, social media, (digital) radio news etc., which can also help support and empower the media and female journalists in (southern) Afghanistan. The Taliban DFA have introduced several obstacles to digital journalism, such as by imposing license requirements to run YouTube channels. The international community, media advocacy organizations, and social media platforms must collaborate to help Afghan journalists overcome such hurdles.

- **Invest In and Develop a Long-term Effort to Build a Comprehensive Knowledge Base:** Due to diverse, overlapping inter-sectional factors, the nuances of how the return of the Taliban rule is affecting women

across Afghanistan's diverse communities and lived experiences are not identical or uniform. There is an urgent need for a comprehensive knowledge base on this vast, multi-dimensional topic. Such a resource is crucial for formulating and implementing agile, context-responsive strategies that can nimbly produce lasting, equitable, and sustainable change. The civil society and academia must mobilize to develop such a knowledge base as priority, and the international community must facilitate such efforts.

The Impact of Taliban Rule on Afghanistan's Judicial and Legal Sector

By Farah Elyaskhil[1]

The legal order vacuum resulting from the 2021 Taliban capture of Afghanistan has produced far-reaching practical consequences, affecting the country's diverse peoples multi-dimensionally. This essay examines the impact of the Taliban's *de facto* rule on Afghanistan's legal system and its effects on access to (and quality of) justice, public trust in institutions, and (inter)national rule of law. The essay draws on primary and secondary source materials, including legal instruments, extant research, news reports, and first-hand accounts of lived experiences.

Section 1 contextualizes Afghanistan's post-2001 legal system. Section 2 examines how Afghanistan's legal order has been impacted since the return of the Taliban rule. Practical consequences—especially as it relates to gender justice, rule of law, and governance—are analyzed in Section 3. This is followed by a discussion on near and long-term implications for global governance and the (inter)national rule of law, in Section 4. The essay concludes with four policy recommendations to address these challenges.

In Context: Afghanistan's (Contemporary) Legal System and Justice Sector

Afghanistan's post-2001 legal system (2004-2021) is often regarded as an illustration of legal diversity and pluralism. In Afghanistan's context, legal pluralism refers to the "equal presence and implementation of state law, Islamic law, and customary law."[2] Historically too, Afghanistan's legal systems have by and large featured a combination of State or statutory law,

1. **Farah Elyaskhil** is a trained lawyer from Afghanistan, where she practised as a defence lawyer till August 2021.

2. Qudrathashimy, S. (n.d.). Overview Of Afghanistan Legal System: prior to the Taliban Regime. Legal Service India e-Journal. [online] Available at: https://www.legalserviceindia.com/legal/article-7467-overview-of-afghanistan-legal-system-prior-to-the-taliban-regime.html.

Islamic rules of Sharia, and customary law,[3] albeit their composition ratios changed with changes in the country's political system.

Afghanistan's 2004 constitution is the eighth and newest since 1923. Promulgated after the first Taliban regime (1996–2001) was overthrown, it restructured Afghanistan's government as an 'Islamic Republic' (IR) by adapting the monarchy-era constitution of 1964 to feature both Islamic and contemporary, progressive ideas. Crucially, it defined[4] structures, powers, rules of procedure, and oversight provisions indispensable for rebuilding Afghanistan's legal system and justice sector that had been destroyed by civil wars, coups, the Soviet invasion, and the first Taliban regime over 25 preceding years.

Subsequently, with the assistance of (inter)national legal experts and practitioners, several laws and legal processes compliant with global standards and contemporary society were enacted in concordance with the new constitution. Large numbers of qualified personnel, especially youth, began (re)entering the legal profession in Afghanistan. Many had worked, studied, and/or trained overseas, gaining expertise and insights into various legal systems.[5] They went on to serve in trial and non-trial roles like judges, prosecutors, lawyers, clerks, and administrators. By 2007, Afghanistan had 1,500 judges and 2,500 prosecutors.[6] By 2013, women accounted for 19.3% and 8.4% of lawyers and judges respectively.[7]

In 2007, taking cognizance of the widespread public reliance on 'informal' justice or alternative dispute resolution (ADR) mechanisms, a hybrid model

3. (Qudrathashimy, n.d.)
4. (2004). *The Constitution of the Islamic Republic of Afghanistan.* [online] Available at: https://www.diplomatie.gouv.fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pdf.
5. Hazim, M. (2022). Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing Under the Taliban Regime. *JURIST News.* [online] 7 Mar. Available at: https://www.jurist.org/commentary/2022/03/mahir-hazim-afghan-legal-judicial-system-collapsing-taliban-regime/.
6. Ferrero-Waldner, B. (2007). [Speech] EU Commitment to the Governance and Rule of Law in Afghanistan. [online] 3 Jul., p.3. Available at: https://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/droi20080110_afghanistan_008/droi20080110_afghanistan_008en.pdf.
7. Out of the Shadows, Onto the Bench: Women in Afghanistan's Justice Sector. (2014). [online] International Development Law Organization, p.7. Available at: https://www.idlo.int/sites/default/files/IDLO_Afghan%20Legal%20Professionals%20summary.pdf.

for Afghanistan's formal justice system was also proposed.[8] It sought to improve justice delivery by enabling "…constructive and complementary interaction between the formal district courts, ADR institutions, and the Human Rights Unit,"[9] thereby enhancing harmonization, collaboration, and interoperability across 'formal' and 'informal' justice mechanisms. However, due to opposition from various quarters, it could not be pursued in earnest.

Afghanistan's Supreme Court—which had a stake in the country's judicial and justice system—as well as certain women's and human rights organizations opposed the law's implementation since 2008, arguing that the recommendations for the new model violated women's rights and that they were anti-women.

Despite these reservations, organizations like the United States Institute of Peace, the United States Agency for International Development, The Liaison Office, and the Cooperation for Peace and Unity tested the concepts and approach in several regions of Afghanistan. According to preliminary findings from pilot projects conducted in a few Afghan regions, this model provided "workable solutions to most of the problems that Afghan state and non-state justice systems currently face."[10]

In 2009, Afghanistan's Ministry of Justice reviewed the 'hybrid model' and utilized it to draft the restrictive 'Law on Dispute Resolution Jirga and Shura' (2010). The proposed legislation was further changed by Afghanistan's Ministry of Justice in 2016, 2017, and 2019 in response to criticism from human rights and women's rights organizations in the country. As a result, the document came to be known as the 'Law on Conciliatory Jirgas in Civil Disputes'. At the time of the Taliban's August 2021 takeover, this draft was

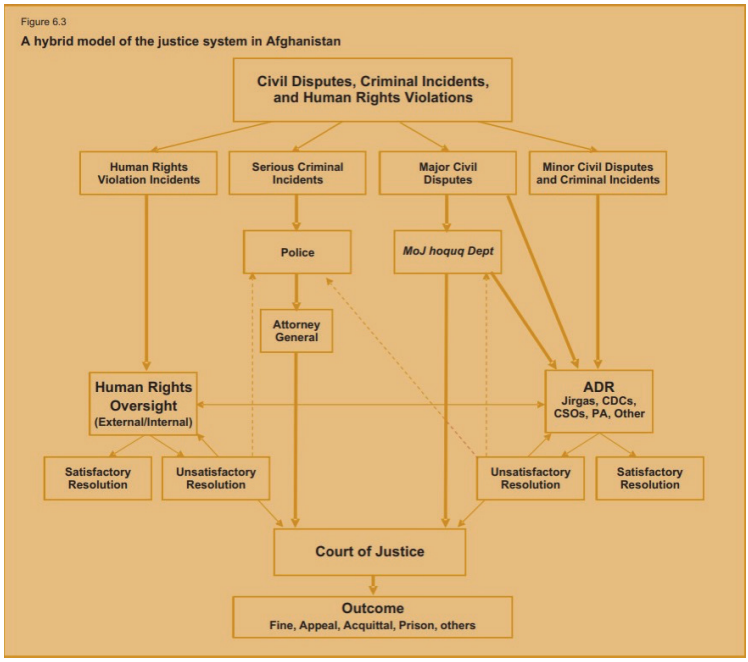
8. Center for Policy and Human Development, Kabul University (2007). *Afghanistan Human Development Report 2007 (Bridging Modernity and Tradition: Rule of Law and the Search for Justice).* [online] UNESCO Planipolis, p.129. Available at: https://planipolis.iiep.unesco.org/sites/default/files/ressources/afghanistan_hdr2007.pdf.

9. (Center for Policy and Human Development, Kabul University, 2007, p.131)

10. Wardak, A. and Hamidzada, H. (2012). The Search for Legitimate Rule, Justice and a Durable Peace. *Journal of Peacebuilding & Development,* 7(2), p.84.

yet to be enacted into law by the parliament.[11]

Figure 1. Hybrid Model for Afghanistan's Justice System Proposed in 2007



Source: *Afghanistan Human Development Report (2007)*

Notwithstanding the fate of the hybrid model, various other initiatives were successfully implemented to enhance personnel capacity at justice sector institutions, facilitate institutional changes, and modernize the legal system. Examples include the promulgation of the Advocates Law, and the creation of the Afghanistan Independent Bar Association (AIBA) and the Independent National Legal Training Centre.

The parliament had passed the Advocates Law to enhance public access to fair trials, trust in the legal profession, collaboration among justice sector

11. Wardak, A. (2024). Putting the Hybrid Model of Justice in Afghanistan into Practice: Challenges and Prospects. [online] Paper presented at the Welsh Centre for Crime and Social Justice Annual 2024 Conference. Available at: https://wccsj.ac.uk/images/j3wccsj_all_content/conferences/2024/Paralle%20Session%204/Ali%20W%20WCCSJ_April_2024.pdf.

entities, nurture future generations of devoted legal professionals, and combat administrative corruption.[12] AIBA's establishment (2008) was a direct outcome.[13] It served as a "…statutory body to oversee the licensing and regulation of lawyers independent of the executive branch, to promote professional excellence and equal opportunity in the legal profession, and to champion the rule of law and social justice."[14]

It improved public access to timely (pro bono) legal assistance, lawyer licensure practices, and capacity-building. Between 2008 and 2021, AIBA's membership grew from less than 500 to nearly 6000, of which approximately 1500 (25%) were female.[15] Crucially, AIBA was among the few bar associations globally whose by-laws had self-imposed requirements of at least one female vice president, and three of the 15 Leadership Board positions reserved for women.[16] Every AIBA member was also required to take up at least three *pro bono* cases annually.[17]

Critical Changes in Afghanistan's Legal Order After August 2021

As *de facto* authorities (DFA), the Taliban have systematically dismantled Afghanistan's legal framework and justice system. They suspended the constitution, voided the Advocates Law, seized control of AIBA, and replaced

12. Grassroots Justice Network. (n.d.). Afghanistan Independent Bar Association. [online] Available at: https://grassrootsjusticenetwork.org/connect/organization/afghanistan-independent-bar-association/.
13. (Grassroots Justice Network, n.d.)
14. New York City Bar Association (2022). [Press Release] Taliban Takeover of Afghanistan Independent Bar Association. [online] 6 May. Available at: https://www.nycbar.org/press-releases/taliban-takeover-of-afghanistan-independent-bar-association/.
15. Council of Bars and Law Societies of Europe (2023). [Press Release] The Afghanistan Independent Bar Association relaunches its activities in exile from Brussels. [online] 24 Jan. Available at: https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Pressreleases/2023/EN_HR_20230124_PR_0123.pdf. Also See: Wafayi, M. (2021). دش نانتسناغفا عفادم یالکو یربخ تسشن یرازگرب عنام ،نابلاط ['The Taliban prevented Afghan defence lawyers from holding a press conference']. *The Independent Persian.* [online] 5 Dec. Available at: https://www.independentpersian.com/node/197646/%D8%B3%DB%8C%D8%A7%D8%B3%DB%8C-%D9%88-%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%DB%8C/%D8%B7%D8%A7%D9%84%D8%A8%D8%A7%D9%86%D8%8C-%D9%85%D8%A7%D9%86%D8%B9-%D8%A8%D8%B1%DA%AF%D8%B2%D8%A7%D8%B1%DB%8C-%D9%86%D8%B4%D8%B3%D8%AA-%D8%AE%D8%A8%D8%B1%DB%8C-%D9%88%DA%A9%D9%84%D8%A7%DB%8C-%D9%85%D8%AF%D8%A7%D9%81%D8%B9-%D8%A7%D9%81%D8%BA%D8%A7%D9%86%D8%B3%D8%AA%D8%A7%D9%86-%D8%B4%D8%AF.
16. (Grassroots Justice Network, n.d.)
17. (New York City Bar Association, 2022)

judges, ministers, and university leaders with their appointees. They have imposed cherry-picked, fundamentalist perversions of the Hanafi school of Islamic jurisprudence with utter disregard for the variety and nuance within these texts/codes, Afghanistan's ethno-cultural diversity, and contemporary ground realities.

- **Constitutional and Legal Vacuum:** The Taliban claim adherence to Sharia law but have neither codified nor articulated their interpretation of those laws. Ironically, they consider the 2004 constitution 'un-Islamic' even though it unambiguously recognizes Islam as the state religion and Islamic principles as the core source and touchstone of Afghan laws. Curiously, the DFA has thus far not mentioned the *Dastor,* a brief rudimentary document the group had commissioned during its first stint in power. The *Dastor* had featured some basic rules and is to date the closest the Taliban have ever come to drafting a constitution.

  The Taliban's continued characterization of their *de facto* administration as an 'interim' cabinet is likely a calculated move to manage (inter) national perceptions since they do not enjoy (formal) recognition or legitimacy anywhere. That said, they do not seem eager to develop a coherent, long-term politico-legal framework either. Despite claiming that work on a new constitution is underway,[18] senior DFA leaders have dismissed the need for a constitution, arguing that Islamic law is sufficient for the purpose.

  This indicates a lack of intra-Taliban consensus. In the absence of a constitution and a coherent legal framework, even the Taliban's own political and administrative procedures, policies, and enforcement is mired by confusion, with Taliban leaders erratically overruling and contradicting each other. For example, in 2022, a DFA official announced that girls' secondary schools would reopen in the new academic year, but this statement was retracted within hours, and girls' schools remain

18. Ziaei, H. (2022). Officials: Afghanistan Does Not Need a Constitution. *ToloNews.* [online] 4 Sep. Available at: https://tolonews.com/afghanistan-179697.

shut.[19]

- **(Judicial) Institutions, Leadership, and Personnel Changes:** The Taliban DFA have methodically drained the judiciary of qualified personnel who possessed contemporary legal education and training in Afghan state law, putting an end to the judiciary's integrity, independence, and plurality.[20] Immediately after overthrowing the Afghan government and legislature, the Taliban implemented measures to disenfranchise women from the full spectrum of their rights. Simultaneously, they disbanded several institutions, including the Ministry of Women's Affairs (MoWA), the Afghanistan Independent Human Rights Commission, and agencies in charge of managing parliamentary affairs.[21]

  'Interim' appointments[22] were made across all branches of government, and several ministries' internal organizational frameworks were changed. In 2021, the MoWA was replaced with the Taliban's revived 'Ministry of Propagation of Virtue and Prevention of Vice'—which was extremely telling of the things to come.[23]

  Around 2000 judges[24] appointed during the IR era have been summarily dismissed and replaced with Taliban members holding titles like *'Akhund'*, *'Shaykh'*, *'Mufti'*, and *'Molavi'* that traditionally denote advanced theological training in Islamic law.[25] 250 female judges and hundreds of female lawyers have been removed from the judicial system

19. The Taliban closes Afghan girls' schools hours after reopening. (2022). *Al Jazeera*. [online] 23 Mar. Available at: https://www.aljazeera.com/news/2022/3/23/taliban-orders-girls-schools-shut-hours-after-reopening.
20. Rahimi, H. (2022). Remaking of Afghanistan: How the Taliban are Changing Afghanistan's Laws and Legal Institutions. ISAS Working Papers. [online] 26 Jul. Available at: https://www.isas.nus.edu.sg/wp-content/uploads/2022/07/ISAS-Working-Paper-361-2022.pdf.
21. Hakimi, H. and Price, G. (2022). Afghanistan: One year of Taliban rule. *Chatham House.* [online] 15 Aug. Available at: https://www.chathamhouse.org/2022/08/afghanistan-one-year-taliban-rule.
22. All males and—barring a handful of exceptions—only ethnic Pashtuns.
23. During the first Taliban regime, the 'Vice and Virtue' ministry was the barbaric 'morality police' that enforced draconian rules on social, cultural, and religious conduct, using inhuman methods including floggings, summary public executions, and amputations.
24. Green, R. (2023). Afghanistan: Male judges and prosecutors left behind in 'forgotten crisis'. International Bar Association. [online] 17 Jan. Available at: https://www.ibanet.org/Afghanistan-Male-judges-and-prosecutors-left-behind.
25. (Green, 2023)

and forced into hiding or to evacuate overseas for safety.[26] Personnel from the previous administration's legal departments have also been replaced with militants lacking (formal) education, legal training, or even knowledge of Sharia law.

- **AIBA:** Within three months of capturing power, Taliban gunmen stormed AIBA's premises and seized control of the association,[27] its bank accounts, and funds; merged it with the *de facto* Ministry of Justice (MoJ);[28] and revoked AIBA's authority to issue lawyer licenses. They also ordered AIBA to verify all the contracts it had made with foreign nationals. This has gravely imperiled AIBA's independence, reputation, and professionalism; AIBA members' safety and privacy; and public trust in institutions.[29]

  2500 defence attorneys financially supported by AIBA were also stripped of their funding. The Taliban has also gained full access to AIBA's database containing sensitive personal information and professional records of around 2500 Afghan attorneys, staff, committee members, and case and client files.[30] The safety of all those lawyers is in grave danger. Those who had previously investigated or prosecuted Taliban members are especially vulnerable.[31]

  Moreover, the Taliban now regulate lawyer licensure and registration, placing lawyers and their clients both at serious risk of persecution.[32]

26. Ochab, E.U. (2023). The Collapse Of The Legal System In Afghanistan. *Forbes.* [online] 6 Feb. Available at: https://www.forbes.com/sites/ewelinaochab/2023/02/06/the-collapse-of-the-legal-system-in-afghanistan/.
27. Moyo, S., Yabuki, K. and Ellis, M. (2021). *International Bar Association's Letter to the UN Secretary General on the Taliban Takeover of AIBA*. Available at: https://www.ibanet.org/document?id=/IBA-letter-to-the-UN-on-Taliban-takeover-of-AIBA-2021Nov30.
28. (Wafayi, 2021)
29. Council of Bars and Law Societies of Europe. (2021). *Call for the recognition of an independent bar in Afghanistan.* [online] Available at: https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Afghanistan/2021/EN_HRL_20211125_Afghanistan_Letter-Call-for-the-recognition-of-an-independent-Bar-in-Afghanistan.pdf.
30. (New York City Bar Association, 2022)
31. Eñano, K. (2022). International Bar Association expresses concern on Taliban takeover of Afghanistan bar association. *Canadian Lawyer.* [online] 13 Jan. Available at: https://www.canadianlawyermag.com/news/general/international-bar-association-expresses-concern-on-taliban-takeover-of-afghanistan-bar-association/363150.
32. Afghanistan: The Afghanistan Independent Bars Association stormed by the Taliban. (2021). *International*

> Every (AIBA-licensed) attorney is now obligated to get (re)certified by passing exams conducted by the Taliban-run MoJ as a precondition to continue practicing law.[33] Problematically, in February 2023, the Taliban also reorganized AIBA as a 'directorate' within the *de facto* MoJ.[34]

Practical Consequences For Gender Justice, Rule Of Law, And Governance

The fate of the large body of laws and rules governing diverse issues—including criminal law, criminal process, family law, juvenile law, and women's rights—is unclear and at risk.[35] Despite giving assurances of respecting women's rights (including education and employment), and of considering women's political involvement, DFA structures continue to feature all-male setups. This, together with the systematic decimation of the country's legal system and purge of female professionals (in the legal sector), has erected and entrenched multi-dimensional gender apartheid.

These challenges affect Afghanistan's diverse peoples in shared as well as discrete ways because inter-sectional aspects[36] of one's identity and lived experiences are significant determinants of one's vulnerability to different risks. For example, the Taliban's land grabs from minority Hazara communities leave the latter with no (fair) chance of justice. The Taliban's deliberate erasure of women from Afghanistan's justice sector has produced a monumental divide in terms of who has access to justice,[37] subjecting people to "…an absence rather than a plurality of legal orders"[38] that otherwise

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Observatory of Lawyers. [online] 26 Nov. Available at: https://protect-lawyers.org/en/afghanistan-the-afghanistan-independent-bars-association-stormed-by-the-taliban/.

33. (Afghanistan: The Afghanistan Independent Bars Association stormed by the Taliban, 2021)

34. Shinwari, N. (2023). Association of Defence Lawyers is Now Directorate: Acting Justice Minister. T*oloNews.* [online] 12 Feb. Available at: https://tolonews.com/afghanistan-182029.

35. (Hazim, 2022)

36. Including but not limited to factors like gender, ethnicity, (local) social power dynamics, wealth, literacy, and urban-rural dimensions.

37. Kumar, R. and Hakimi, O. (2022). Afghan women's long and hard struggle for the right to divorce. *Al Jazeera.* [online] 20 Oct. Available at: https://www.aljazeera.com/news/2022/10/20/afghan-women-long-and-hard-struggle-for-right-divorce.

38. De Lauri, A. (2023). *Is there legal pluralism in Afghanistan?* [online] Norwegian Centre for Humanitarian Studies. Available at: https://www.humanitarianstudies.no/resource/is-there-legal-pluralism-in-afghanistan-

characterized Afghanistan's legal paradigm.

At present, there are no[39] practicing female attorneys. Female judges have not been permitted to resume in their roles, their bank accounts have been frozen, and those who had delivered verdicts against Taliban members are being hunted.[40] This has also derailed women's access to justice, and agency *vis-a-vis* exercising their fundamental rights and liberties, including those such as divorce rights guaranteed to them under Islamic law. Female victims/plaintiffs seeking judicial remedies are unable to officially request assistance and relief from courts if there are no women in the judiciary.

Courts have stopped admitting civil matters, especially family law cases involving divorce, domestic violence etc. In the aftermath of their takeover, the Taliban claimed to have "settled" over 341 divorce cases in Kabul but have not yet furnished details.[41] They have annulled several women's divorces and forcibly returned many to their (abusive) ex-husbands.[42] Women whose divorce verdicts were pending when the Taliban captured power are in a limbo. Women who divorced and remarried during the IR era are facing retributive violence from vengeful ex-husbands and families. They also fear being deemed adulterers since their IR era divorce proceedings did not comply with the Taliban's brand of Islamic law currently in force.[43]

Forced marriages (including child marriages) have sky-rocketed, and women's shelters have been shut down. In rural areas, most family (law) and

notes-on-injustice-and-access-to-justice/.

39. There have been reports of one northern province where female justice sector staff have been able to work albeit in a more restricted manner, but details are scant and unclear. See: Lehmann, C. (2023). *Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover*. [online] International Legal Assistance Consortium, p.17. Available at: http://ilacnet.org/wp-content/uploads/2023/01/ILAC_Afghanistan_Report_2023-2.pdf.

40. Babarkhail, M. (2023). Afghan Women Judges Trapped in the Country Are Desperately Seeking Sanctuary. PassBlue. [online] 13 Jun. Available at: https://www.passblue.com/2023/06/13/afghan-women-judges-still-trapped-in-the-country-desperately-need-sanctuary/.

41. (Kumar and Hakimi, 2022)

42. Divorced Afghan women forced back to abusive ex-husbands. (2023). *Agence France-Presse.* [online] 6 Mar. Available at: https://www.france24.com/en/live-news/20230306-divorced-afghan-women-forced-back-to-abusive-ex-husbands.

43. George, S. (2023). Afghan women who were divorced under prior government fear for their status. *The Washington Post.* [online] 4 Mar. Available at: https://www.washingtonpost.com/world/2023/03/04/afghanistan-taliban-women-marriage-divorce/.

property (law) related matters are handled and decided upon by male elders and the Taliban. Unsurprisingly, decisions in matters involving women favor the male party. Such multi-dimensional risks have rendered women grievously vulnerable to (domestic) violence and other harms, with victims increasingly forced to endure in silence.[44] Safety concerns and restrictions on their rights have compelled many women and their families to flee.[45] Justice delivery and dispute resolution now overwhelmingly take place via traditional/'informal' justice mechanisms that are typically gender-biased and unregulated by checks and balances.

Without an overarching legal framework, verdicts delivered through such modalities end up having a *de facto* 'binding' effect, without the possibility for appeal. This was not the case during the IR era during which only verdicts by the state's formal judiciary were binding, and appeal provisions existed. Inter alia, the 2004 constitution guaranteed women's right to work and study. It provided the legal backbone that helped improve women's (access to) employment, financial security prospects, agency, and individual liberties in Afghanistan for nearly 20 years. Thousands of women joined the workforce within the first decade, with thousands more joining as years progressed. By 2010, 18% of all students graduating from law faculties (including Sharia law) at Afghanistan's universities were women.[46]

By 2013, 180 (10%) judges in Afghanistan were women—up from 41 just six years prior—albeit an overwhelming majority were based in Kabul.[47] Numerous large and small legal aid organizations also came into being, providing crucial legal support to those in need, especially women in rural

44. Ahmadi, B. and Parks, M. (2022). *After a Year of Taliban Rule, Advances for Afghan Women and Youth Have All but Evaporated.* [online] United States Institute of Peace. Available at: https://www.usip.org/publications/2022/08/after-year-taliban-rule-advances-afghan-women-and-youth-have-all-evaporated.
45. Afghanistan Crisis Update: Women and Girls in Displacement. (2022). [online] UN Women. Available at: https://asiapacific.unwomen.org/sites/default/files/2022-03/af-Afghanistan_factsheet-s2.pdf.
46. (Out of the Shadows, Onto The Bench: Women in Afghanistan's Justice Sector, 2014)
47. Wardak, A. (2016). *A Decade and a Half of Rebuilding Afghanistan's Justice System: An Overview.* [online] Van Vollenhoven Institute for Law, Governance & Society, University of Leiden, p.9. Available at: https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-metajuridica/afghanistans-justice-system-vs-2016.10.04.pdf.

areas. The burgeoning presence of female legal professionals made it possible for thousands of women all over Afghanistan to understand, access, and exercise their legal rights and protections.[48]

However, since August 2021, women's ability to exercise and enjoy their fundamental rights in their own country has been severely curtailed. Women's involvement in the political sphere has been rendered virtually non-existent—a stark contrast to the pre-August 2021 period, which saw a sharp rise in female public engagement and 28% of parliamentarians were women.[49]

Countrywide, women have been disenfranchised from their rights, chosen careers, education, employment, income, security, healthcare, and judicial remedies. Exams for Taliban-issued lawyer licenses are only accessible to males; female professionals in both trial and non-trial work have been replaced with males, whose appointments too are influenced by nepotism and trade-offs.

Sustainable Development Goal 16 and the (Inter)National Rule of Law

The DFA's progressively worsening conduct in the two years it has held the country hostage has prompted criticism[50] of the UN's (and the international community's) inability to uphold the UN charter and existential questions regarding the future of international law. Following the Taliban takeover, the United Nations Security Council (UNSC) expressly asked the UN Assistance Mission in Afghanistan (UNAMA) to engage (sub)national stakeholders, CSOs, (inter)national NGOs and donors "to defend and promote human rights and to provide humanitarian assistance."[51] Since then, the UN and other

48. (Out of the Shadows, Onto The Bench: Women in Afghanistan's Justice Sector, 2014)
49. Bahesh, H. (2021). TOWARDS EQUALITY: How Afghan women conquer 27% share in parliament after decades of war. *The Asahi Shimbun.* [online] 30 Jun. Available at: https://www.asahi.com/ajw/articles/14377179.
50. O'Donnell, L. (2024). The U.N. Knows Afghanistan Is Messed Up. But It's Keeping Mum. *Foreign Policy.* [online] 24 Jun. Available at: https://foreignpolicy.com/2022/06/24/taliban-afghanistan-un-human-rights-humanitarian-crisis/.
51. Mashayekhi, S. (2022). The Limits of the UN Assistance Mission in Afghanistan under Taliban Rule. *The Henry L. Stimson Center.* [online] 6 Oct. Available at: https://www.stimson.org/2022/the-limits-of-the-un-

(international) actors/entities have held several meetings with the Taliban.

None of these have yielded meaningful systemic changes towards securing and restoring the full spectrum of all Afghans' rights and protections. On the contrary, the Taliban restricted access and freedom of movement of humanitarian actors and organizations, causing critical delays resulting in funding transfer problems, and shortage of in-country cash to conduct relief operations to name a few. To address the problems of funding transfer and cash-availability, the UN responded by importing and disbursing cash to 19 UN agencies and 15 NGOs.[52]

Since the Taliban's August 2021 takeover of Afghanistan, 197 female judges have been evacuated from Afghanistan and relocated to 33 countries, with 24 of these evacuees relocated to the US.[53] Moreover, most male judges, prosecutors, and legal academics were excluded from the evacuation cohorts, who along with their families are now facing violent persecution.[54] At least 26 prosecutors have been killed and around 2500 have been fired since August 2021.[55]

Three years since the Taliban seized power, no country has (formally) recognized the DFA as Afghanistan's legitimate government. However, the lackluster international response to the Taliban's blatant violation of rights and international obligations has immensely emboldened the Taliban. In 2023, the Taliban even reprimanded UN Deputy Secretary-General Amina Mohamed and UN Women's Executive Director Sima Bahous for traveling without their mahrams (close male relative chaperones).[56]

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assistance-mission-in-afghanistan-under-taliban-rule/.

52. (Mashayekhi, 2022)

53. National Association of Women Judges. (2023). Escape from Kabul – and Those Left Behind: The Harrowing 'Life-or-Death' Saga of Afghan Women Judges and What the Future Holds . [online] Available at: https://www.nawj.org/past-webinars/escape-from-kabul-and-those-left-behind.

54. (Green, 2023)

55. Collapse of Afghanistan's Judiciary as Over 2,000 Prosecutors Fired. (2022). *Afghanistan International.* [online] 18 Jul. Available at: https://www.afintl.com/en/202207185576.

56. Security Council Emphasizes That Punitive Restrictions on Women's Rights, Escalating Hunger, Insecurity Taking Devastating Toll in Afghanistan. (2023). *UN Security Council.* [online] 8 Mar. Available at: https://press.un.org/en/2023/sc15222.doc.htm.

Under such circumstances, making—or even considering—unconditional concessions (big or small) for the Taliban is counterproductive, and not just for Afghanistan. It also sets a dangerous precedent for global governance and (international) rule of law because it severely devalues accountability and jeopardizes the prospects of Sustainable Development Goal 16—Peace, Justice, and Strong Institutions—in Afghanistan and beyond.

Conclusion

Despite flaws and numerous overdue improvements, structural reforms initiated during the IR era were delivering meaningful outcomes for the rule of law and good governance—all of which have been decimated since August 2021. For the people of Afghanistan, especially women and minorities, the Taliban's systematic dismantling of Afghanistan's legal framework and justice sector has exacerbated several complex (pre-existing) challenges while also producing new ones.

In January 2023, AIBA relaunched its activities in exile from Brussels, but its capacity to effect positive change in Afghanistan from outside remains understandably constrained.[57] Meanwhile, the apparent lack of international priority given to holding the Taliban accountable through the numerous international legal obligations to which Afghanistan is still a party, raises troubling questions regarding the regulatory power of international law and the UN's relevance and credibility. The Taliban-induced legal vacuum in Afghanistan is more than just an effect of the group's power capture. It also doubles as a strategic tool whose effects reinforce manifest arbitrariness, which in turn bolsters the group's control over Afghanistan and its ability to entrench (and normalize) gender apartheid.

Policymaking, law enforcement, and judicial processes all derive their legitimacy, authority, and obligations from legal instruments, systems, and frameworks that govern them. Consequently, injustice, (organized)

57. (Council of Bars and Law Societies of Europe, 2023)

crime, criminality, and strife flourish in vacuums—especially legal ones—as evidenced in several cases worldwide, including Afghanistan's own contemporary history. As the common lynchpin connecting all aspects of governance, remedying the legal and justice sector vacuum on a priority basis is not merely necessary; it is an indispensable first step towards sustainably resolving the current crisis in Afghanistan.

Policy Recommendations

The UN and the wider international community must:

- **Push to Enforce Afghanistan's Legal Obligations:** Utilize Afghanistan's international legal obligations to pressure the Taliban regime into upholding human rights and legal standards. Advocate for the invocation of mechanisms under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to hold the Taliban accountable.

- **Support AIBA in Exile:** Provide financial, technical, and logistical support to AIBA. In a positive step, in 2024, the International Bar Association formally granted 'AIBA in Exile' a member status.[58] To sustain AIBA's activities in exile, help secure funding from international donors, including governments and NGOs. Facilitate virtual training sessions and legal workshops for Afghan lawyers focusing on international human rights law and legal advocacy. Moreover, support AIBA in creating a secure database to document human rights abuses and legal violations under the Taliban regime.

- **Expedite Protective Action for At-risk Legal Professionals Inside Afghanistan:** Create specialized programs to support and

58. The Afghanistan Independent Bar Association in Exile is officially welcomed to the IBA Council. (2024). *International Bar Association.* [online] 17 Jun. Available at: https://www.ibanet.org/The-Afghanistan-Independent-Bar-Association-in-Exile-is-officially-welcomed-to-the-IBA-Council.

protect female legal professionals who are still inside Afghanistan, including the judges awaiting evacuation assistance. Coordinate with international organizations to provide emergency financial assistance, secure accommodations, and safe transportation for at-risk female legal professionals. Lobby for expedited visa processing and asylum applications for female legal professionals at risk, in collaboration with embassies and consulates.

- **Impose Punitive Measures like Sanctions Against the Taliban:** Advocate for targeted international sanctions against Taliban leaders and entities responsible for undermining the rule of law and violating human rights. Work with the UN, EU, and other international bodies to identify and impose travel bans and asset freezes on Taliban leaders involved in rights violations. Collaborate with international human rights organizations to launch global awareness campaigns highlighting the Taliban's abuses and the need for sanctions.

Impact of The Security Situation on Women in Afghanistan Since the Taliban's Return

By Fatema Mohammadi[1]

Security related developments in Kabul tend to get more (international) media coverage and therefore come more into public attention outside Afghanistan. This is not the case with other provinces, where the state-of-affairs is considerably worse. After the August 2021 Taliban takeover of Afghanistan, the security situation in the country has improved in some respects, but this has primarily been due to the drop in terror attacks that the Taliban themselves were carrying out in the preceding 20 years. In many other respects, however, the security situation has worsened since 15 August 2021.

This essay contextualizes the security and law-and-order situation in Afghanistan since the Taliban's return to power in Afghanistan and maps the multi-dimensional consequences it has produced for women's safety, security, and freedoms. Section 1 presents a contextual overview of key patterns seen in the country's security situation since 15 August 2021. Section 2 discusses the ways in which the Taliban rule is affecting the overall human security of women in the country, and their rural-urban nuances. The essay concludes with three policy recommendations aimed at mitigating the effects and responsibly remedying the prevailing state-of-affairs. In doing so, the essay relies on primary and secondary data, including field observations.

Nature Of Changes In Afghanistan's Security Situation Since 15 August 2021

Since seizing power in Afghanistan in August 2021, the Taliban *de facto* authorities (DFA) have frequently claimed that they have achieved complete territorial control, improved security, and removed 'islands of illegitimate power'.[2] Physical security has improved by some yardsticks, and aid agencies

1. **Fatema Mohammadi** is a researcher and women's rights activist focusing on the impact of the Taliban's return on women's security in Afghanistan.
2. Country Guidance: Afghanistan. (2023). [online] European Union Agency for Asylum, p.10. Available at: https://euaa.europa.eu/sites/default/files/publications/2023-01/2023_Country_Guidance_Afghanistan_

have occasionally reported[3] improved access to some provinces. However, the stark rise in attacks by the Islamic State 'Khorasan Province' (ISKP) targeting Shi'ites and other minority communities in Afghanistan is one of several reminders that Afghanistan is far from secure.[4] The complex mutation underway in the armed conflict is also underscored by the targeted killings of high-profile Taliban supporters and members in suicide attacks that mimic Taliban tactics, for some of which the ISKP has claimed responsibility.[5]

Deliberate Erosion of Human Rights and Civil Liberties

It is crucial to understand that the concept and lived experience of 'security' does not solely pertain to the defense of the country but that it also—and especially—pertains to the security and safety of individuals and their human rights and civil liberties. In this regard, the civilian population of Afghanistan is facing threats not just from attacks by terrorist groups like the ISKP, but also from the Taliban DFA's own heavy-handed and brutal actions, corruption, and regressive ideological imposition that characterize their 'governance model'. The effects of deterioration in human security in these aspects are felt more acutely in remote areas—where media presence is limited, and in small provinces where everyone knows one other—given how anyone who speaks out against the Taliban can be easily tracked down.

Since 15 August 2021, the Taliban DFA have been relentless in their campaign to wipe out women's presence in society through a slew of draconian policies and violence.[6] They have banned girls and women from accessing school and university education, coerced firms to fire female employees, pressured women-run businesses to cease operations, forcibly shut down

EN.pdf.

3. Annual Results Report Afghanistan. (2022). [online] United Nations High Commissioner for Refugees, p.4. Available at: https://reporting.unhcr.org/files/2023-06/Asia%20-%20Afghanistan.pdf.

4. Afghanistan: ISIS Group Targets Religious Minorities. (2022). Human Rights Watch. [online] 6 Sep. Available at: https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities.

5. SOFREP News Team (2023). Military Intelligence Report: Global Update on the Salafi-Jihadi Movement. *SOFREP*. [online] 11 Mar. Available at: https://sofrep.com/news/military-intelligence-report-global-update-on-the-salafi-jihadi-movement.

6. United States Institute of Peace. (n.d.). *Tracking the Taliban's (Mis)Treatment of Women*. [online] Available at: https://www.usip.org/tracking-talibans-mistreatment-women.

women's shelters, obliterated legal aid and access to justice, imposed sweeping restraints on women's movement and presence outside their homes, and have even made access to healthcare extremely difficult and dangerous. The Taliban have also imposed other anti-women policies that tend to be less widely known outside the country, such as banning women from parks, gyms, and public baths.

There have also been several documented instances of forced displacement[7] of minority ethnic communities like the Hazaras, and targeted massacres of residents in specific regions (such as ethnic Tajiks in provinces like Panjshir).[8] Experts have expressed concern, highlighting that such incidents and practices can be interpreted as homogenization and ethnic cleansing.[9] The Taliban DFA have also committed retributive violence, relentlessly targeting former government employees, especially those who served in police and armed forces, and those who had worked with the international community.[10] The Taliban have also been making lists containing details of widows and unmarried girls aged 15 and above,[11] and details of their forced marriages to Taliban soldiers in the name of *'Jihad al-Nikah'* ('jihad by marriage') have also come to light.[12] Yet, there is little to no evidence of the Taliban leadership holding its members accountable for harassing civilians, which in

7. Graham-Harrison, E. (2021). Taliban 'forcibly evicting' Hazaras and opponents in Afghanistan. *The Guardian*. [online] 23 Oct. Available at: https://www.theguardian.com/world/2021/oct/23/taliban-forcibly-evicting-hazaras-and-opponents-in-afghanistan.

8. Afghanistan: Taliban's cruel attacks in Panjshir province amount to war crime of collective punishment – new report. (2023). *Amnesty International*. [online] 8 Jun. Available at: https://www.amnesty.org/en/latest/news/2023/06/afghanistan-talibans-cruel-attacks-in-panjshir-province-amount-to-war-crime-of-collective-punishment-new-report.

9. آیا طالبان به دنبال یکدستسازی قومی در افغانستان هستند؟ ['Are the Taliban looking for ethnic unification in Afghanistan?'].(2021). *Euronews Farsi*. [online] 11 Aug. Available at: https://parsi.euronews.com/2021/08/11/are-the-taliban-seeking-ethnic-unification-in-afghanistan. **Also see:** Special Inspector General for Afghanistan Reconstruction (2023). *Quarterly Report to the United States Congress*. [online] p.98. Available at: https://www.sigar.mil/pdf/quarterlyreports/2023-07-30qr.pdf.

10. UN says over 200 former Afghan military, officials killed since Taliban takeover. (2023). *Reuters*. [online] 22 Aug. Available at: https://www.reuters.com/world/middle-east/un-says-over-200-former-afghan-military-officials-killed-since-taliban-takeover-2023-08-22/.

11. Ray, M. (2021). Taliban ask for list of girls above 15, widows under 45 to be married to their fighters: Reports. *Hindustan Times*. [online] 16 Jul. Available at: https://www.hindustantimes.com/world-news/taliban-asks-for-list-of-girls-widows-to-be-married-to-their-fighters-reports-101626413987086.html#:~:text=The%20Taliban%2C%20fighting%20with%20Afghanistan.

12. Atif, S. (2022). Children as young as 7 forced to marry Taliban members. *Zan Times*. [online] 15 Nov. Available at: https://zantimes.com/2022/11/15/children-as-young-as-7-forced-to-marry-taliban-members.

turn contributes to continued insecurity and distrust among the population.

Deteriorating (Counter-)Terrorism and Law-and-Order Situation

The law-and-order situation in Afghanistan has been tumultuous since August 2021, marked by a mix of Taliban assertions of control and ongoing violence, particularly by the ISKP targeting Shi'ites and minorities. The ISKP's escalating attacks have been challenging Taliban control and impacting civilian security in various regions. The nature and scale of security threats have also varied across urban and rural areas.[13] ISKP attacks in urban areas have tended to be more sophisticated, targeting high-profile individuals and infrastructure, while attacks in rural areas have often involved intimidation and control of local populations.[14] The ISKP's activities, including targeted killings and attacks, are exacerbating insecurity, with regions like Kabul and Nangarhar experiencing heightened violence and instability, particularly affecting minority communities and other vulnerable populations.

In addition to the ISKP, several other big and small terror outfits, including remnants of al Qaeda, as well as various local militias, continue to operate in Afghanistan, adding complexity to the security landscape. There have been several reports[15] indicating that groups like al Qaeda have even been able to establish and operate training camps in various provinces across the country.[16] There have also been (unverified) reports of new terror outfits emerging in the country, albeit specific information about their agendas, composition,

13. Tracking Disorder During Taliban Rule in Afghanistan. (2022). [online] Armed Conflict Location & Event Data Project and Afghan Peace Watch, pp.5–12. Available at: https://acleddata.com/acleddatanew/wp-content/uploads/2022/04/ACLED_APW_JointReport_Tracking-Disorder-During-Taliban-Rule-in-Afghanistan_WebFin2022.pdf.

14. UK Visas and Immigration. (2022). Country policy and information note: security situation, Afghanistan, April 2022. [online] Available at: https://www.gov.uk/government/publications/afghanistan-country-policy-and-information-notes/country-policy-and-information-note-security-situation-afghanistan-february-2022-accessible.

15. Roggio, B. (2023). Al Qaeda actively operating training camps in 5 Afghan provinces. *Long War Journal*. [online] 13 Jun. Available at: https://www.longwarjournal.org/archives/2023/06/al-qaeda-actively-operating-training-camps-in-5-afghan-provinces.php

16. Fourteenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2665 (2022) concerning the Taliban and other associated individuals and entities constituting a threat to the peace stability and security of Afghanistan. (2023). [online] UN Security Council, p.14. Available at: https://documents.un.org/doc/undoc/gen/n23/125/36/pdf/n2312536.pdf?token=hLPbqaDxvLqkx5J8Gw&fe=true.

and linkages are still scant. Thus far, barring the ISKP, other domestic and international terrorist groups present inside Afghanistan are not conducting attacks inside the country.

The Taliban DFA have struggled to manage these threats effectively, with limited success in containing the ISKP and other insurgent activities. It is plausible that the divisions[17] between the Taliban's 'Haqqani Network' faction (led by the Taliban's *de facto* Interior Minister, Sirajuddin Haqqani) and the 'Kandahari' faction (led by Taliban Chief, Mullah Haibatullah Akhundzada) may be among the factors[18] contributing to the DFA's (in)ability to tackle these terrorist threats. For example, thus far, the ISKP's attacks targeting Taliban members seem to have focused more on the Kandahari faction members and strongholds and less on those of the Haqqani faction.

Although the Taliban DFA incessantly claim that they are Afghanistan's government, they have not demonstrated an ability or interest in ensuring security in all parts of the country. On the contrary, the Taliban DFA have prioritized regions of strategic and political importance for themselves, such as Kabul and Kandahar, over other/remote areas, often neglecting the latter. Moreover, the Taliban DFA do not yet seem to have any security policy or strategy to address terrorism. Rather, their conduct reflects a fragmented and reactionary approach to counterterrorism, lacking a coherent and comprehensive strategy.

Taliban Corruption and Misuse of International Aid

The Taliban's misuse of international aid is also a major issue that has been

17. Anderson, J.L. (2022). The Taliban Confront the Realities of Power. The New Yorker. [online] 21 Feb. Available at: https://www.newyorker.com/magazine/2022/02/28/the-taliban-confront-the-realities-of-power-afghanistan.

18. Siddique, A. (2022). 'Unprecedented Differences': Rifts Within The Taliban Come Out In The Open. *Radio Free Europe/Radio Liberty*. [online] 2 Jun. Available at: https://www.rferl.org/a/taliban-rifts-exposed-afghanistan/31880018.html. **Also see:** Afghanistan's Security Landscape under the Taliban and its Effects on Regional and International Stability. (2023). [online] United Nations Interregional Crime and Justice Research Institute, pp.16–19. Available at: https://unicri.it/sites/default/files/2023-05/Afghanistan%E2%80%99s%20Security%20Landscape%20under%20the%20Taliban.pdf.

compounding the deteriorating human security situation in the country. International aid amounting to USD 1.2 billion pledged to Afghanistan at various fora is being distributed by the Taliban to their own members,[19] whereas the poor and needy people are being neglected. According to reliable reports[20] by international institutions and the media, during the distribution of aid, the Taliban transport their people by vehicles to other cities to get aid to benefit more from the aid quota. This has affected aid impact and has further exacerbated poverty levels in the underprivileged sections of Afghanistan's society. For example, food aid often gets exhausted before it reaches the intended beneficiaries, leaving many without essential supplies.

The misuse of international aid and the Taliban's policies have impacted the security and law-and-order situation by increasing poverty and food insecurity, which in turn fuels instability and resentment among the population, creating a vicious cycle of insecurity and deprivation. The Taliban's misuse of international aid may not directly affect the security situation but is indirectly making the situation worse by increasing poverty among the masses and simultaneously filling up the Taliban regime's coffers. Protracted and widespread poverty stands to fuel public unrest and criminality, which in turn enables the deterioration of the law and order and overall security.

Meanwhile, Afghanistan remains heavily import reliant, including in agricultural products and raw materials. This is due in no small part to the Taliban-induced spike in insecurity, the group's obstruction of food crop cultivation in most provinces, and (forced) cultivation of opium in fertile lands. Despite the Taliban's claims of banning opium cultivation after capturing power, reports indicate that this ban has not been consistently enforced.

19. Elham, M., Atef, S. and Hashemi, S.M. (2023). Zan Times exclusive: How the Taliban pilfer humanitarian aid. *Zan Times*. [online] 24 Apr. Available at: https://zantimes.com/2023/04/24/zan-times-exclusive-how-the-taliban-pilfer-humanitarian-aid/.

20. Kumar, R. (2023). Charities say Taliban intimidation diverts aid to Taliban members and causes. *NPR*. [online] 23 Jun. Available at: https://www.npr.org/sections/goatsandsoda/2023/06/23/1180464339/charities-say-taliban-intimidation-diverts-aid-to-taliban-members-and-causes.

Moreover, not only does opium production continue in many areas, but on the contrary, the Taliban also seem to be diversifying their involvement into other types of illicit drugs, like methamphetamine.[21]

Fallouts of the Taliban Rule on Women's Safety and Human Security

Since the return of the Taliban, women's involvement and roles in social and economic aspects of life have been drastically reduced, with bans on employment, business operations, and education severely limiting their social and economic agency.[22] The nature and scale of knock-on effects this state-of-affairs has produced varies significantly, with (women from) minority communities like ethnic Hazaras facing more severe persecution, including forced displacement and targeted violence.

Violence against women and girls (VAWG), and gender-based violence (GBV) more broadly, has skyrocketed, with varying intensity, higher numbers, and more severe forms of violence reported nationwide.[23] While VAWG has risen in both urban and rural areas, the bulk of the violence is recorded in villages. In addition to the increase in GBV by the Taliban, VAWG in general (including by influential conservative tribal leaders) has also increased due to the hostile environment the Taliban have created against women. Essentially, the Taliban have normalised VAWG and GBV in the country.

Women who protest or speak out against the Taliban are arbitrarily arrested, detained, and subjected to custodial torture by the Taliban.[24] Taliban courts

21. O'Donnell, L. (2023). The Taliban Have a New Drug of Choice. *Foreign Policy*. [online] 13 Sep. Available at: https://foreignpolicy.com/2023/09/13/taliban-afghanistan-drugs-ban-economy-opium-poppy-meth-heroin-trade/. **Also see:** (Afghanistan's Security Landscape under the Taliban and its Effects on Regional and International Stability, 2023, pp.36–37)

22. Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett. (2023). [online] UN General Assembly. Available at: https://documents.un.org/doc/undoc/gen/n23/258/87/pdf/n2325887.pdf?token=SQHeE7mCTKLaaj6yHX&fe=true.

23. Tsui, K. (2022). Violence against women rampant under Taliban, new report finds. *The Washington Post*. [online] 27 Jul. Available at: https://www.washingtonpost.com/world/2022/07/27/afghanistan-women-taliban-rights-violence-amnesty-international/.

24. Afghanistan: Women Protesters Detail Taliban Abuse. (2022). *Human Rights Watch*. [online] 20 Oct. Available at: https://www.hrw.org/news/2022/10/20/afghanistan-women-protesters-detail-taliban-abuse. **Also see:** Khorasani, A. (2024). From Sexual Assault to Torture: Women's Plight in Taliban Prisons Across Northeastern Provinces of Afghanistan. *Hasht-e-Sobh Daily*. [online] 6 Feb. Available at: https://8am.media/eng/from-sexual-assault-to-torture-womens-plight-in-taliban-prisons-across-northeastern-provinces-of-afghanistan/.

have subjected several women to whiplashes, and public stoning solely on accusations of engaging in pre- or extra-marital relationships.[25] Several women have also been arrested and/or severely reprimanded for donning headscarves that deviate from the Taliban prescribed style of hijabs.

The effects and pressures of restrictions and Taliban policies affect members of all ethnic groups and all women in similar ways for the most part. However, there are also key distinctions between the nature and specific impacts due to multiple inter-sectional factors such as religious, gender, and ethnic, identities as well as socio-economic and/or socio-political backgrounds. For example, minority ethnic groups such as Hazaras are facing more severe persecution, including forced displacement, and targeted violence by the Taliban and the ISKP.

Similarly, women in rural areas face more severe restrictions and reduced access to services, including in healthcare and education, compared to their urban counterparts, due to increased Taliban control over women's lives, and lack of infrastructure. Key threats to women's safety in rural areas include forced marriages, lack of healthcare, and extreme restrictions on movement, while women in urban areas face targeted violence, harassment, and exclusion from employment.

The impact on women's health and access to healthcare is a useful aspect to understand how the Taliban rule and their sweeping restrictions on women is multi-dimensionally affecting the full spectrum of women's safety and security. For a brief period in the immediate aftermath of 15 August 2021, numerous women continued working at domestic and foreign (non-/governmental) institutions, especially the United Nations (UN), media outlets, and other international aid organizations. However, this was short-lived as the Taliban-run Ministry of Economy ordered domestic and foreign non-governmental organizations (NGO) to suspend female employees' duties

25. Afghanistan: UN experts appalled by Taliban announcement on capital punishment. (2023). *Office of the United Nations High Commissioner for Human Rights*. [online] 11 May. Available at: https://www.ohchr.org/en/press-releases/2023/05/afghanistan-un-experts-appalled-taliban-announcement-capital-punishment.

until further notice and made compliance delays punishable by revocation of those institutions' activity licenses.[26] Even UN agencies were not spared.[27]

As Afghanistan's society is largely conservative, lack of women in the NGO sector directly prevents women in Afghanistan from being able to access crucial support, especially in healthcare. Studies have found that over 71% of women in Afghanistan want to consult a doctor[28] but accessing health services and going to the clinic or hospital has become difficult after August 2021.[29] Mounting restrictions on women's freedom of movement significantly affect their ability to access healthcare and education, generate income, and to seek protection and liberation from violent environments.

These restrictions not only obstruct healthcare outcomes but also exacerbate healthcare needs, especially due to negative effects on the mental health of women and girls. Investigations[30] conducted by various organizations, including Human Rights Watch, have found that shortages and/or absence of hospitals in the provinces, economic challenges, Taliban-imposed restrictions on women's travel, and male chaperone requirements, contribute to this deprivation. Taliban-enforced restrictions on women health workers have also exacerbated this problem.

Women-headed households, elderly women, and women with disabilities are particularly vulnerable, facing heightened risks of poverty, violence, and exclusion from basic services. Yet, across the country, women have engaged in various forms of resistance, including protests, secret schooling, and covert professional activities, despite facing violent reprisals from the Taliban. Although women are out protesting, demanding their basic and fundamental

26. (Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, 2023)
27. (Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, 2023)
28. The Hologic Global Women's Health Index. (2021). [online] HOLOGIC, pp.71–75. Available at: https://hologic.womenshealthindex.com/sites/default/files/2024-01/Hologic_2021-Global-Womens-Health-Index_Full-Report_1.pdf. **Also see:** [‘Millions of Afghan women lack access to necessary health care – survey’]. (2022). *Voice of America Dari*. [online] 21 Sep. Available at: https://www.darivoa.com/amp/afghan-womens-health-and-lives-on-the-brink-survey/6757292.html.
29. Hasan, W. (2022). Women's Access to Health Facilities Decreased Over Last Year: GWHI. *Tolo News*. [online] 22 Sep. Available at: https://tolonews.com/health-179966.
30. Afghanistan: Aid Cutbacks, Taliban Abuses Imperil Health. (2024). *Human Rights Watch*. [online] 12 Feb. Available at: https://www.hrw.org/news/2024/02/12/afghanistan-aid-cutbacks-taliban-abuses-imperil-health.

rights, there appears to be no real support from the international community to help push for these human rights and women's rights agendas. Among Afghan women and the people of Afghanistan at large, there is a palpable sentiment of having been betrayed by the international community.

Conclusion

The Taliban DFA have repeatedly claimed that they are Afghanistan's legitimate rulers. However, they have not only failed to provide security to all the regions of the country equally but have also failed half the population by entrenching and normalizing GBV and gender apartheid. Under the Taliban rule, women's physical, economic, social, and developmental security has been deeply affected. Additionally, by marginalizing and persecuting various ethnic communities and disenfranchising them from their rights, the Taliban have failed most of the country's population. The DFA do not seem to have any coherent counter-terrorism strategy either. On the contrary, they seem to be turning a blind eye to various international terrorist outfits' presence and activities in the country.

Despite these dire circumstances, Afghan women have mounted strong resistance against the Taliban to ensure their voices are heard. They have staged numerous protests, to which the Taliban DFA have responded with violent reprisals and crackdowns. This shows that the Taliban seek to quash any form resistance or opposition at all costs. Three years since they seized power in Afghanistan, it is abundantly clear that nothing about the Taliban has changed in the 20 years since their first regime collapsed in 2001. They do not have a healthy vision for progress, and their actions only stand to entrench backwardness in all regions and provinces. The Taliban's views have remained virtually the same since the 1990s. They do not have good and bad. They do not accept women at all, and their support for international terrorist groups remains unchanged.

The Taliban's decrees and draconian conduct do not come as a surprise to many citizens who lived through the Taliban rule during the 1990s and witnessed

the group conduct itself in the same way. However, the present situation is especially concerning because the Taliban's discriminatory decrees come despite the February 2020 US–Taliban agreement, and peace talks involving several other countries who were trying to push for women's rights and human rights. Experiences and discourse on Afghanistan in the post–August 2021 period reflect a dilution of emphasis on universal values and fundamental rights; concern for women's rights or human rights is feeble at best.

Policy Recommendations

- **Prioritize Human Rights and Implement Holistic Strategies:** Given the egregious and all–encompassing impact of the Taliban's return on women in Afghanistan, a holistic approach to international intervention is necessary. In all its engagements with the Taliban, the international community must prioritize safeguarding human rights, with a special focus on women and children. Afghan women from all walks of life from Afghanistan must be included in the negotiating/engagement teams in all conferences/meetings of the international community with the Taliban. Women's rights and human rights must be a non–negotiable, core agenda point in all discussions with the Taliban.

- **Do Not Overlook Emerging Security Risks:** The international community must treat (domestic and international) security risks emerging from Afghanistan's territory with utmost urgency and seriousness. International aid should be better monitored and directed to ensure it reaches those in need, with strict measures to prevent its misuse by the Taliban and their affiliates/proxies. Furthermore, diplomatic efforts should be bolstered to hold the Taliban accountable for their actions and ensure compliance with international human rights standards, and security related laws and standards. Support for local and international NGOs working in Afghanistan should be strengthened to provide much–needed services and advocacy for women's rights.

- **Support and Amplify Voices of Women Inside Afghanistan:** It is imperative that the international community support and amplify the voices of Afghan women, providing them with platforms to share their experiences and advocate for their rights. This includes supporting women's resistance movements and ensuring their protection from Taliban reprisals. The international community must act in solidarity with Afghan women, recognizing their resilience and courage in the face of profound adversity. Continuous and all-round pressure should be applied on the Taliban to ensure the protection of women's rights, including the right to education, work, and freedom of movement.

The Gendered Impact of Taliban Rule on the Labor Market and Entrepreneurship

By Hilda Sahar**[1]

Two years since the Taliban's August 2021 takeover, Afghanistan is further away from achieving its gender equality related Sustainable Development Goals[2] (SDG) than ever before. Currently, Afghan women and girls are being forced into a situation where they cannot experience or exercise social, legal, and economic gender equality. They are being prevented from benefiting from any type of support for empowering their rights, skills, and businesses, and are actively deprived of opportunities to educate themselves and become self-sufficient. This state-of-affairs is in direct contravention to SDGs 1, 2, 3, 4, 5, 8, 10, and 16.

With the 2030 SDG deadline just six years away, this essay examines how the Taliban's *de facto* rule has affected the labor market and business environment for women in the country. In doing so, the essay builds on extant research, including primary and secondary literature. Section 1 contextualizes the overall economic fallout of the Taliban's return. Sections 2 and 3 analyze how the Taliban rule is affecting women's labor market participation and women-run businesses respectively. Extrapolating from this, Section 4 discusses two operative features discernible in the Taliban's strategy for eliminating women's economic agency. The essay concludes with a discussion on current and long-term consequences, and four policy recommendations.

Overall Economic Fallout

Within four months of the Taliban's August 2021 return, Afghanistan's economy contracted by 20%,[3] imports fell by 66%, wages shrank, demand

1. **Hilda Sahar** (**Alias) holds a degree in business administration from Kabul University.
2. Afghan economy contracted by 20pc in 2021: WB. (2022). *Pajhwok Afghan News*. [online] 19 Oct. Available at: https://pajhwok.com/2022/10/19/afghan-economy-contracted-by-20pc-in-2021-wb/.
3. Afghanistan Development Update. (2022). [online] The World Bank, p.1. Available at: https://thedocs.worldbank.org/en/doc/d7d49962c0c44fd6bb9ba3bfe1b6de1f-0310062022/original/Afghanistan-Development-Update-October-2022.pdf. **Also see:** ACAPS Analysis Hub (2023). A forward-looking snapshot of the Afghan economy. [online] ACAPS. Available at: https://www.acaps.org/fileadmin/Data_Product/Main_

for labor dropped, inflation skyrocketed, and prices of basic household goods rose by over 40%.[4] By early 2022, around 700,000 job losses had occurred, with twice as much decline in female employment levels (16%) than those of males (8%).[5] Purchasing power continued to nosedive and by August 2022, per capita income had dropped to a 14-year low.[6] The poverty rate nearly doubled to 95%, triggering a 100% rise in food insecurity, rendering 70% of the population unable to afford and/or access basic needs.[7] This state-of-affairs neither reflects nor is conducive for sustainable and inclusive economic growth with productive employment for a well-delivered economy.

The fallouts in economic activity and the business environment have been immense, with small and medium sized businesses most affected in consumer demand in the immediate aftermath of August 2021. A World Bank Survey found that by early 2022, small businesses had lost 100% of their customers, medium sized businesses had lost 76%, and large businesses had lost 74%. The services sector—the largest and most active sector—saw an 85% decline in consumer demand after August 2021.[8] Wide-ranging banking sector disruptions, including sanctions, have added to the liquidity and confidence crises, forcing reliance on informal banking mechanisms in many cases.[9] These economic fallouts have had devastating and multidimensional consequences for women, and the Taliban-imposed restrictions on women's lives are exacerbating these effects further.

media/20230105_acaps_afghanistan_analysis_hub_forward_looking_analysis_snapshot_of_the_economy.pdf

4. Afghanistan Private Sector Rapid Survey: A Snapshot of the Business Environment—Round 1. (2022). [online] The World Bank, p.1. Available at: https://thedocs.worldbank.org/en/doc/ced9ff1a094dd92886271f532f3c9754-0310062022/original/AFG-Private-Sector-Rapid-Survey-Report-Apr-2022-Final.pdf.

5. Employment prospects in Afghanistan: A rapid impact assessment. (2022). [online] International Labour Organization, p.1. Available at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/documents/briefingnote/wcms_834525.pdf.

6. Madadi, S. (2022). Dysfunctional centralization and growing fragility under Taliban rule. *Middle East Institute*. [online] 6 Sep. Available at: https://www.mei.edu/publications/dysfunctional-centralization-and-growing-fragility-under-taliban-rule.

7. (Madadi, 2022)

8. (Afghanistan Private Sector Rapid Survey: A Snapshot of the Business Environment—Round 1, 2022, p.1)

9. Afghanistan Private Sector Rapid Survey: An Assessment of the Business Environment—Round 2. (2022). [online] The World Bank, p.6. Available at: https://thedocs.worldbank.org/en/doc/25bc69f199bac8b41cc393c9d964e40f-0310012022/original/AFG-PSRS-R2-Report-Final.pdf.

Impact on Women's Labor Market Participation

Since August 2021, the Taliban have been systematically erasing women from Afghanistan's labor market. By imposing wide-ranging restrictions on women's economic activities, the Taliban *de facto* authorities (DFA) are upending women's current and future labor market participation and socio-economic development.

Some of the Taliban's first actions included disbanding the Ministry of Women's Affairs, and banning women's public sector employment (i.e., at national ministries, provincial bodies, and the judiciary). By disbanding the Ministry of Women's Affairs, the DFA have eliminated a vital state-citizen bridge for addressing gender-relevant matters in a gender-sensitive way. According to the Office of the United Nations High Commissioner for Human Rights, "…women have been wholly excluded from public office and the judiciary."[10] The DFA have permitted exceptions only for specific roles that men cannot carry out, such as healthcare professionals treating female patients.[11]

Taliban directives have also severely restricted women's private sector employment. The non-profit sector is a case in point. In December 2022, the DFA banned women from working at private (inter)national (non-profit) organizations. The Agency Coordinating Body for Afghan Relief and Development (ACBAR) condemned this ban and reported[12] that several of its 183 domestic and international member organizations had had to suspend their relief activities. In a statement, ACBAR said its members employ "55,249 Afghan nationals, of whom 28% are women. Many women

10. UN Office of the High Commissioner for Human Rights. (2023). *Afghanistan: UN experts say 20 years of progress for women and girls' rights erased since Taliban takeover*. [online] Available at: https://www.ohchr.org/en/press-releases/2023/03/afghanistan-un-experts-say-20-years-progress-women-and-girls-rights-erased#:~:text=Since%20the%20takeover%20of%20Afghanistan,compelled%20to%20stay%20at%20home.
11. Najafizada, E. (2021). A Taliban ban on women in the workforce can cost economy $1bn. *Al Jazeera*. [online] 1 Dec. Available at: https://www.aljazeera.com/economy/2021/12/1/talibans-ban-on-women-in-the-workforce-can-cost-economy-1bn.
12. Agency Coordinating Body for Afghan Relief and Development. (2022). Statement by ACBAR on Suspension of Women Staff working in NGOs, 26 December 2022. [online] Available at: https://www.acbar.org/articles/375/statement-by-acbar-on-suspension-of-women-staff-working-in-ngos-26-december-2022.

employed provide support for women and girls, and these activities must be provided by women staff working in NGOs."[13]

By early 2023, female employment fell 25% below levels seen in early 2021, accounting for 18% more than the 7% decline in male employment levels.[14] According to the International Labor Organization (ILO), "[h]ome-based self-employment has become the predominant form of women's participation in the labour market."[15] This coping strategy has prevented the decline in women's employment from dropping further so far but is nonetheless only a stop gap measure whose long-term feasibility and transformative power is uncertain and limited.

As women constitute 20% of Afghanistan's economic labor market, these restrictions directly caused a 3.6% decline in the GDP in 2022.[16] This has worsened the economic crisis and has amplified a multitude of other challenges. By December 2022, female employment levels dropped by 25% as compared to the previous year.[17] This has affected women-led households the most, resulting in an increase in child labor. The 2019-20 ILO survey[18] estimated that around 1.06 million children were involved in child labor, and these numbers have skyrocketed since the return of the Taliban regime.

Since 24 December 2022, it has been nearly two years since female staff have been banned from working in national and international NGOs. As of 4 April 2023, the Taliban expanded the scope of this ban, making it applicable to female staff at UN agencies as well. Certain international organizations, particularly UN agencies, have managed to secure temporary exemptions

13. (Agency Coordinating Body for Afghan Relief and Development, 2022)
14. Women bear brunt of Afghanistan job losses. (2023). *International Labour Organization*. [online] 7 Mar. Available at: https://www.ilo.org/resource/news/women-bear-brunt-afghanistan-job-losses.
15. (Women bear brunt of Afghanistan job losses, 2023)
16. Restrictions on women's employment can reduce Afghanistan's GDP by an additional 5 percent, UNDP report finds. (2021). *United Nations Development Programme*. [online] 1 Dec. Available at: https://www.undp.org/press-releases/restrictions-womens-employment-can-reduce-afghanistans-gdp-additional-5-percent-undp-report-finds. **Also see:** Afghanistan Socio-economic Outlook 2023. (2023). [online] United Nations Development Programme in Afghanistan. Available at: https://www.undp.org/sites/g/files/zskgke326/files/2023-05/SEO%202023_full%20report.pdf.
17. (Women bear brunt of Afghanistan job losses, 2023)
18. (Employment prospects in Afghanistan: A rapid impact assessment, 2022)

from this rule, but the rule itself is still in force, and most organizations, especially national NGOs, do not enjoy such exemptions. Problematically, this state-of-affairs has become increasingly normalized, with women—especially those who are the sole earners in their families—bearing the brunt of these restrictions.[19]

The wide-ranging impact of the Taliban-imposed restrictions on women's employment is palpable in the 2023 survey[20] conducted by the International Organization for Migration (IOM) and the United Nations Assistance Mission in Afghanistan (UNAMA), which featured interviews with 407 women from different socio-economic backgrounds, ages, and geographic and developmental contexts (e.g., rural and urban areas). 99% of the survey participants (80% observed the situation in their community, and 19% in their family) believed that the Taliban's restrictions had led to negative effects like child labor, child marriage, and/or displacement.

Furthermore, 81% of the participants responded that work restrictions had decreased their income generating activities, in turn diminishing their social influence and decision-making agency. Moreover, Afghan women are experiencing a severe mental health crisis where most of them are suffering from anxiety, depression, and isolation. There is a big question mark in their minds regarding their own future and those of their children.[21]

Impact on the Business Environment for Women

The Taliban's impact on the business environment is unmistakably gendered and has produced multidimensional challenges for women, especially in terms of accessibility, viability, and other operational aspects. For instance, women-owned businesses are affected by the deteriorating security situation

19. Summary of country-wide women's consultations across Afghanistan: Perspectives on recent rollbacks on women's rights. (2023). [online] UN Women. Available at: https://asiapacific.unwomen.org/sites/default/files/2023-06/af-Consultation-report-UNWomenIOMUNAMA-130623.pdf.
20. (Summary of country-wide women's consultations across Afghanistan: Perspectives on recent rollbacks on women's rights, 2023)
21. (Summary of country-wide women's consultations across Afghanistan: Perspectives on recent rollbacks on women's rights, 2023, p.4)

twice as much as male-owned ones.[22] This was borne out in the World Bank's report as well, which found that as of early 2023, two-thirds of all women-owned businesses (twice that of male-owned businesses) had ceased operations.[23]

Female business-owners' ability to influence business related policies/ circumstances has also reduced sharply, affecting their ability to cope with problems. To illustrate, a 2022 report indicated that businessmen and traders have "...demonstrated the ability to exert some degree of influence over tax rates and other business issues that directly affect their profits, and thereby how much tax they can afford to pay."[24] However, this has not been the experience of their female counterparts. Even as of 2024, businesswomen have no access or avenues for meaningfully engaging with the DFA. This has severely limited businesswomen's options *vis-a-vis* viable coping strategies.

Complicating matters, the Taliban DFA have also modified the tax regime. Specifically, in addition to collecting standard income and business taxes like the republican governments used to, the DFA have begun collecting additional taxes[25] like zakat and ushr. These two additional taxes are traditional Islamic taxes but the DFA impose and collect it by misusing Islamic terminologies to make it applicable to everyone rather than just those sections of society that Islamic prescriptions recommend for these taxes.[26] Moreover, as these additional levies were not part of the previous tax regime, they are an added source of financial strain for the already impoverished populace reeling from the dire economic crisis that the Taliban's return has triggered and sustained.[27]

22. Afghanistan Development Update-: Uncertainty After Fleeting Stability. (2023). [online] The World Bank, p.25. Available at: https://thedocs.worldbank.org/en/doc/210d5f24dc33a3460beff3447fceadcf-0310012023/original/Afghanistan-Development-Update-20231003-final.pdf.
23. (Afghanistan Development Update-: Uncertainty After Fleeting Stability, 2023)
24. Byrd, W. (2022). Let's Not Kid Ourselves: Afghanistan's Taliban Regime Will Not Become More Inclusive. *Lawfare*. [online] 24 Oct. Available at: https://www.lawfaremedia.org/article/lets-not-kid-ourselves-afghanistans-taliban-regime-will-not-become-more-inclusive.
25. Clark, K. (2022). *Taxing the Afghan Nation: What the Taleban's pursuit of domestic revenues means for citizens, the economy and the state*. [online] Afghanistan Analysts Network. Available at: https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2023/06/Taleban-Taxation-revised-.pdf.
26. *Zakat* is a wealth tax, traditionally intended for charity. *Ushr* is a harvest tax.
27. (Clark, 2022)

Women are especially affected by this, as they constitute half the overall national agriculture sector workforce, and especially so in the livestock sector.

Moreover, the DFA have been fiscally opaque, publishing little (if any) data on policies, revenues, expenditure, or budgets.[28] Businesswomen and women-run businesses are facing challenges like uncertain prospects, rising restrictions on women, security problems, low demand, limited liquidity and financing options, smaller networks, and lower levels of education, experience, and expertise. This is in addition to major constraints affecting Afghanistan's overall businesses environment, like uncertain future conditions, demand decline, insecurity, high restrictions on women, brain drain, new tax rules, unstable public services, and unclear policies.

Notwithstanding all the restrictions, Afghan women and girls have remained resilient, refusing to be passive spectators. Even as various aspects of their lives are being decimated, they have kept up the fight for their rights. Young girls who have been prevented from attending school and universities have begun to learn crafts and run home-based businesses. They have taken to virtual learning and teaching, painting, and running small businesses like manufacturing and selling tailoring, knitting, and weaving clothes.

However, the DFA have forcibly shut down or severely limited even those business spaces that cater exclusively to female entrepreneurs and workers. For example, in January 2023, the Taliban forcibly shut down a women-only handicrafts market featuring 37 shops in Kandahar province's Aino Mina.[29] This closure directly affected the livelihoods of over 250 female (small) business owners and hundreds of other women who were involved in the production and sales of handicrafts.

On a practical level, however, imposing limitations on the business environment for Afghan women and increasing restrictions could result

28. (Clark, 2022, pp.44–50)
29. Samsour, A. (2023). Kandahar women-only market closed, hundreds lose jobs. *Pajhwok Afghan News*. [online] 7 Jan. Available at: https://pajhwok.com/2023/01/07/kandahar-women-only-market-closed-hundreds-lose-jobs/.

in shifting their business context from formal to informal ('underground' economy). To illustrate, limitations on beauty salons forces women to conduct their legitimate business activities in secret, which in turn prevents these economic activities from being recorded in the national revenue matrices. This situation could damage both the economy of Afghanistan and women's business, as they lose numerous customers.

Operative Features of the Taliban's Strategy for Erasing Women's Economic Agency

The Taliban's restrictions on other aspects of women's lives multiply the effects of employment and economic agency related restrictions imposed on women. The DFA are using a two-pronged strategy to erase the economic agency of current and future generations of women in Afghanistan:

- **Introducing Structural Changes** *(e.g., removing access to education, employment etc.)*: By eliminating essential structural elements and building blocks like women's access to education, skills, employment, and mobility, they are structurally preventing women's ability to gain the skills and knowledge necessary for participating in the labor market or to run businesses.

- **Introducing Legal Impediments** *(e.g., prohibiting education, employment etc.):* By obstructing women from exercising their agency and rendering them completely dependent on men, they are creating a future status quo wherein it would be extremely difficult (if not impossible) to reverse these effects and/or revive women's labor market participation and female entrepreneurship.

For instance, the Taliban have banned girls' access to education (and skill development) beyond primary schooling. Around 80% (850,000 of 1.1 million in 2021) of girls have been disenfranchised from access to secondary

schooling, in utter violation of their basic right to education.[30] Preventing girls from completing secondary schooling directly impedes their ability to access university education in the future even if/when the situation improves.

The Taliban have also prevented female graduates from receiving their diplomas and transcripts. This in turn also obstructs women from seeking educational opportunities outside Afghanistan. Besides being barred from appearing for the Kankor exam (university entrance exam), since 14 October 2022, female students have also been barred from selecting their field of study by their own choice and interest. The Taliban have banned female students from studying and training to become professionals in fields like civil engineering, journalism, veterinary studies, agriculture, economics, and geology.[31]

Consequently, future generations of women will be unable to become financially and socially independent. Given the prevalence of conservative sociocultural mores in Afghanistan, particularly in the rural areas, preventing girls' education severely increases the risk of exploitation, abuse, forced marriage, and other harms.[32] Consequently, UN SDGs on inclusive and equitable quality education by 2030 will remain a pipe dream for Afghans, especially for Afghan girls.

Although remote working and distance learning has emerged as an option, for Afghan women, there are questions about the validity of this process in the long term. Several women and girls have switched to virtual work and learning but many of them are also facing numerous limitations including unstable networks, expensive data packages, electricity shortages, and even lack of devices like laptops—all of which makes the process more challenging.[33]

30. 80% of Secondary School Girls in Afghanistan Missing Out on Education, One Month Since Taliban Ban Extended. (2022). *Save the Children*. [online] 21 Apr. Available at: https://www.savethechildren.org.uk/news/media-centre/press-releases/majority-of-school-girls-in-afghanistan-missing-education.
31. (Afghanistan Socio-economic Outlook 2023, 2023)
32. Gender Alert No. 2: Women's rights in Afghanistan one year after the Taliban take-over. (2022). [online] UN Women. Available at: https://www.unwomen.org/sites/default/files/2022-08/Gender-alert-2-Womens-rights-in-Afghanistan-one-year-after-the-Taliban-take-over-en_0.pdf.
33. Dawi, A. (2023). Can Online Education, Work Bypass Taliban Barriers for Afghan Women? *VOA*. [online] 12 May. Available at: https://www.voanews.com/a/can-online-education-work-bypass-taliban-barriers-for-afghan-

Restrictions on women's travel, mobility, and presence in public spaces is another major Taliban policy instrument that stands to produce immense, negative implications in the long run. Taliban decrees prohibit and/or severely restrict women from going to parks, restaurants, and gymnasiums. Even leaving one's home is not permitted except in necessary cases such as medical appointments and participating in weddings or funerals. Women's use of public and private transport has also been curtailed and traveling beyond a certain distance is permitted only if accompanied by a *mahram.*[34]

The DFA have threatened that failure to comply with these draconian rules would result in the arrests of those women themselves as well as severe punishments for those women's (male) relatives like their father, brother(s), husband, or son(s). Such punitive measures have had a direct, negative impact on women's freedom of movement and their participation in decision-making. Transferring the risk of punishment onto (male) family members insidiously coerces compliance at the family level, thereby systematically bringing women under the control of men.[35]

This has created immense challenges for women and children in Afghanistan.[36] Women, women-headed households, and disabled women are the most vulnerable sections of society and are most deeply affected. For instance, as of 2023, `unemployment levels among female jobseekers aged 14 to 24 is twice that of males from the same age cohort.[37] Unemployment levels among women who are older is considerably higher due to restrictions on their activities in addition to pre-existing barriers like illiteracy, limited skill development and experience, and a lack of "…familiarity with the labor market."[38] Meanwhile, due to the Taliban's ban on women's employment at (inter)national NGOs, female NGO staff and women who need their help are

women/7089323.html.
34. A close male relative chaperone.
35. (Gender Alert No. 2: Women's rights in Afghanistan one year after the Taliban take-over, 2022)
36. Taliban banning women from higher education and from working with humanitarian organizations. (2022). *United Nations Population Fund*. [online] 27 Dec. Available at: https://asiapacific.unfpa.org/en/news/taliban-banning-women-higher-education-and-working-humanitarian-organizations.
37 (Afghanistan Development Update-: Uncertainty After Fleeting Stability, 2023, p.47)
38 (Afghanistan Development Update-: Uncertainty After Fleeting Stability, 2023, p.47)

unable to access each other.

Conclusion

Afghanistan is facing a specter of colossal economic, social, and cultural setbacks in the long term.[39] 2030 is the global SDG deadline for closing the gender gap in all aspects of life, including employment and economic opportunities.[40] However, the Taliban are actively pursuing the opposite through their two-pronged strategy. They are using structural obstructions to methodically undo Afghanistan's advancements *vis-a-vis* women's participation in the economy and labor market. Simultaneously, by using introducing legal impediments, they are creating a new paradigm by excluding girls from schooling and higher education to structurally change the labor market and (female) entrepreneurship in the long term.[41]

Women constitute 50% of the society and if half the society is marginalized and disenfranchised from contributing to the development of a country through their skills and abilities in various sectors, the society is faced with underemployment. Throughout the past two decades, Afghan women were involved in recognizing their identity as active members in Afghanistan's social and economic culture to promote justice and gender equity. The current restrictions imposed by the Taliban make women's pathways tougher and dismantles their achievements. This is producing large scale negative consequences for women's physical and psychological wellbeing, obliterates their ability to be economic actors, and erases their agency as human beings.[42]

Policy Recommendations

- **Adapt UN Hiring Practices to Enable Afghan Women's Employment:**

39. (Employment prospects in Afghanistan: A rapid impact assessment, 2022)
40. UN Women. (n.d.). *Facts and Figures: Economic Empowerment*. [online] Available at: https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures.
41. Gender Alert No.1: Women's Rights in Afghanistan: Where Are We Now. (2021). [online] UN Women. Available at: https://www.unwomen.org/sites/default/files/2021-12/Gender-alert-Womens-rights-in-Afghanistan-en.pdf.
42 (Gender Alert No.1: Women's Rights in Afghanistan: Where Are We Now, 2021)

The UN must establish a clear framework that makes women's employment an essential requirement in its contracts with implementing partners in Afghanistan (both domestic and international NGOs). The framework must cover facilitation to overcome employment restrictions on women, policies on requisition processes, safeguarding and security issues. This will help build a sense of job security for those women who are currently working with UN organizations and NGOs both remotely and in-person. Additionally, during recruitment processes, job requirements must be sufficiently flexible to accommodate the practical problems women face due to the restrictions (such as obtaining documentation). Equally, practical aspects of jobs must also be structured such that the restrictions (such as on travel) do not impede women from performing their roles.

- **Launch Purpose-Driven Business Capacity-building Programs:** The UN and their partner organizations must launch purpose-driven capacity-building programs to foster and empower women-led (small) businesses. The programs could pertain to developing skills in strategies for building business models, e-commerce knowledge, social and business entrepreneurship, blogging, and pathways to becoming freelancers with global companies like Microsoft, Google, Facebook etc. During the trainings, the trainers could assign project related assignments on business frameworks and observe the development of participants' business acumen by testing their products/services. Finally, they can ask participants to develop their business proposals and provide qualified participants who meet the criteria with the required project funding.

- **Network and Digitize Education Provision and Accreditation:** The UN Educational, Scientific and Cultural Organization (UNESCO) must provide virtual creditable courses from schools and universities across the world to women in Afghanistan. The UNESCO can identify female school students—from the most vulnerable groups, especially those who do not have access to computers, mobile devices, and network

connections—and provide them with digital tools and empower them by launching high school materials and lectures online as an alternative to their in-person school lessons.

- **Harness the Potential of the UNICEF-ITU GIGA Initiative:** To support Afghan girls to acquire essential education and labor market skills, the UNESCO could partner with the UN Children's Fund (UNICEF) and the International Telecommunication Union (ITU) and implement their new GIGA initiative in Afghanistan. This UNICEF-ITU collaborative initiative is a global initiative to connect every school to the Internet by 2030. It aims to connect every school to their students digitally and foster a multi-connection environment for schools as well. Leveraging this initiative for girls' education in Afghanistan would be an excellent opportunity for Afghan girls to continue their education with creditable hours. This would result in three types of benefits: a) it can help those women and girls who want to teach, to find a job; b) school students can continue their education by bypassing the Taliban restrictions; and c) it can help provide a pathway to alleviate the harsh mental pressure and trauma women are facing by empowering women through mental health related training as well as supporting small mental health business and training courses to empower women by engaging women.

The Taliban's Culpability For Collective Punishment: The Case Of Afghanistan's Ethnic Tajiks

By Meena Sadr[1]

This essay investigates the socio-political and international legal implications of the Taliban's actions since August 2021, particularly as it relates to 'state' responsibility, culpability, and accountability *vis-a-vis* human rights. To do so, it takes an exploratory case study approach and examines the Taliban's conduct towards the country's ethnic Tajik community, which was one of the communities the group targeted after seizing power. In doing so, the essay relies on primary and secondary data, extant research, and (inter)national legal texts.

The essay begins by situating the politico-legal effects of the Taliban's power capture and its implications for (inter)national rule of law. Section 2 traces the Taliban's imposition of collective punishment on the ethnic Tajik community, from August 2021 to 2022. Section 3 discusses the nature of rights violations the Taliban have committed against the country's diverse communities, and particularly against women. The concluding section recapitulates the findings, following which the essay ends with three policy recommendations.

The Politico-Legal Effect of the Taliban's Power Capture

After the Islamic Republic of Afghanistan (IRA) fell to their control in August 2021, the Taliban as *de facto* authorities (DFA) unilaterally restructured it as an 'Islamic Emirate' (IE)—a political system based on Pashtun ethnonationalism and Islamic fundamentalism. One of the major consequences of the IRA's dismantlement is the deliberate dismantlement of Afghanistan's legal system and the nullification of the IRA's 2004 constitution.[2]

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1. **Meena Sadr** holds an LLM in International and Comparative Law from the University of Pittsburgh's School of Law.

2. Hazim, M. (2022). Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing Under the Taliban Regime. *JURIST.* [online] 7 Mar. Available at: https://www.jurist.org/commentary/2022/03/mahir-hazim-afghan-legal-judicial-system-collapsing-taliban-regime/. **Also see:** Rahimi, H. (2022). *Remaking of*

This unilateral change in regime and political system does not exempt Afghanistan from its international legal obligations because, as a state, Afghanistan has an international legal personality.[3] Accordingly, in their role as the DFA, the Taliban have an obligation to comply with all the international treaties and conventions to which Afghanistan is a party. However, the Taliban's policies and edicts have summarily violated fundamental international laws, including, most notably, the human rights conventions.[4] Since capturing power, the Taliban DFA have issued over 100 directives[5] that systematically deprive all women of their fundamental right to mobility, education, employment, healthcare, justice, and association, to name a few. Such policies amount to gender persecution and—as legal scholars like Ann Mayer have argued—gender apartheid.[6]

The Taliban DFA have not just deliberately refused to create an inclusive government but have also violated the human rights of all the citizens of Afghanistan. They have also relentlessly committed atrocities ranging from ethnic profiling to extrajudicial killings of ethnic groups like the Tajiks, Hazaras, Uzbeks, and others, coupled with the profiling of minority groups like the Sikhs and Hindus.[7] Although the United Nations (UN) and other extant (non-)government international actors have condemned these extensively documented atrocities and human rights violations, no remedial action has been taken so far.

Considering this backdrop, the following section analyzes the allegations of

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Afghanistan: How the Taliban are Changing Afghanistan's Laws and Legal Institutions. [online] ISAS NUS. Available at: https://www.isas.nus.edu.sg/papers/remaking-of-afghanistan-how-the-taliban-are-changing-afghanistans-laws-and-legal-institutions/.

3. Rahimi, H. and Hazim, M. (2023). International Law and the Taliban's Legal Status: Emerging Recognition Criteria? *Washington International Law Journal*, 32(3), p.245.

4. (Rahimi and Hazim, 2023)

5. United States Institute of Peace. (n.d.). T*racking the Taliban's (Mis)Treatment of Women.* [online] Available at: https://www.usip.org/tracking-talibans-mistreatment-women.

6. Mayer, A.E. (2000). A 'Benign' 'Apartheid': How Gender 'Apartheid' Has Been Rationalized. UCLA Journal of International Law and Foreign Affairs, 5(2), p.238.

7. Office of International Religious Freedom (2022). 2022 Report on International Religious Freedom: Afghanistan. [online] US Department of State. Available at: https://www.state.gov/reports/2022-report-on-international-religious-freedom/afghanistan/#:~:text=According%20to%20Hazara%20representatives%2C%20while,the%20Taliban%27s%20%E2%80%9Ccaretaker%20government.

collective punishment to pinpoint the human rights violations committed by the Taliban against Afghanistan's ethnic Tajik community between 2021 and 2022. Although the Taliban's mistreatment of ethnic Tajiks has continued beyond this period too, this essay limits its focus to this timeframe to ensure feasibility of the research, and because it covers the first year of the Taliban rule since their August 2021 takeover.

The Taliban's Use of Collective Punishment: A Case Study of Ethnic Tajiks

International Humanitarian Law (IHL) instruments such as the Geneva Conventions and its additional protocols and customs have declared an absolute prohibition on imposing collective punishment.[8] However, none of these instruments define collective punishment. Nonetheless, the Statute of the International Criminal Tribunal for Rwanda (ICTR) enumerates collective punishment as a war crime, and specifically as a 'violation of Article 3 common to the Geneva Conventions and of Additional Protocol II', where the Tribunal has jurisdiction.[9]

The scope of this prohibition can be established by considering two elements defined by the appeals chamber of the Armed Forces Revolutionary Council (AFRC) in the Special Court for Sierra Leone (SCSL):[10]

- ***actus reus:*** "the indiscriminate punishment imposed collectively on persons for omissions or acts for which some or none of them may or may not have been responsible," and
- ***mens rea:*** "the specific intent of the perpetrator to punish collectively."

Breach of this prohibition infringes on the rules of IHL and International

8. Serralvo, J. (2022). Concomitant Prohibitions: Collective Punishment as the Origin of Other Violations of the Rights of Civilians under Belligerent Occupation. Israel Law Review, 55(2), p.179.
9. (Serralvo, 2022, p.178). **Also see:** Darcy, S. (2010). Prosecuting the War Crime of Collective Punishment: Is It Time to Amend the Rome Statute? Journal of International Criminal Justice, 8(1), pp.29–51.
10. (Darcy, 2010, p.43)

Human Rights Laws due to the interplay of rules in international law.[11] Unlike that of other ethnic groups in Afghanistan, the deprivation of the ethnic Tajik community's rights is not limited to the deprivation of political and social rights alone. Rather, under the Taliban regime, Afghanistan's ethnic Tajiks have faced brutal forms of the war crime of collective punishment (such as collective extrajudicial killings or collective arbitrary arrests) because a group of ethnic Tajiks actively participated in armed resistance against the Taliban in the northern provinces after Kabul's collapse in August 2021.

In the case of Afghanistan's ethnic Tajiks, the Taliban have committed the following acts that constitute the war crime of collective punishment, some examples of which are discussed in this essay:

1. Arbitrary mass arrests of civilians based solely on their ethnic Tajik identity and perceived association with anti-Taliban resistance group/s comprised of ethnic Tajik combatants.

2. Arbitrary, mass extra-judicial executions of ethnic Tajik civilians and combatants.

3. Arbitrary, collective harassment of ethnic Tajiks civilians through house-to-house searches, displacement, and property capture.

The Taliban's animosity toward ethnic Tajiks is fueled in large part by the instrumental role played by the late Commander Ahmad Shah Massoud-led anti-Taliban forces that the Taliban were unable to eliminate between 1996 and 2001.[12] The Taliban's animosity is also rooted in their views, interpretation and use of religion, in that the Taliban have turned religion into a rigid, ethno-culturally defined ideology—and this differs considerably from how ethnic Tajiks in the country engage with religion and social practices.

Following the Taliban takeover of Afghanistan in August 2021, the National

11. (Serralvo, 2022, p.178)
12. Maley, W. (2002). The Afghanistan Wars. New York: Palgrave Macmillan, p.231.

Resistance Front (NRF), comprised of local militia fighters and remnants of the Republic's security forces began to confront the Taliban based in Panjshir province, and in Baghlan province's Andarab and Khost districts, eventually extending to other provinces like Takhar and Badakhshan.[13] Two major clashes occurred, of which the first was in August 2021, immediately after the fall of Kabul, culminating in the Taliban's capture of Panjshir, the last IRA holdout. The second occurred in mid-2022 due to the military advancements made by NRF in some districts of Panjshir province.

In both time periods, to quell the armed resistance, the Taliban resorted to militarized means of suppression, which also included creating terror among civilians by imposing collective punishment on local ethnic Tajiks. The Taliban have deprived ethnic Tajik civilians of their social and political rights such as the right to life, right to due process, and right to a fair trial to levels that amount to the war crime of collective punishment. The collective torture of civilians in Panjshir is documented in a June 2022 Human Rights Watch report,[14] and a June 2023 Amnesty International report[15] provides detailed accounts of war crimes and crimes against humanity committed by the Taliban that can also be considered war crimes of collective punishment.

In March 2022, the Taliban commenced violent and aggressive house-to-house searches in the northern parts of Kabul city, where the residents are predominantly ethnic Tajiks, because the Taliban perceived they might have links with the NRF.[16] In another instance, the Taliban forcibly displaced ethnic Tajiks from their homes because of their family members' affiliation

13. The situation in Afghanistan and its implications for international peace and security[A/76/667–S/2022/64]. (2022). [online] UN General Assembly, p.4. Available at: https://unama.unmissions.org/sites/default/files/sg_report_on_afghanistan_january_2022.pdf. **Also see:** Anti-Taliban resistance group says it has thousands of fighters. (2021). BBC. [online] 23 Aug. Available at: https://www.bbc.com/news/world-asia-58239156.
14. Afghanistan: Taliban Torture Civilians in Panjshir. (2022). *Human Rights Watch.* [online] 10 Jun. Available at: https://www.hrw.org/news/2022/06/10/afghanistan-taliban-torture-civilians-panjshir.
15.Afghanistan: 'Your sons are in the mountains': The collective punishment of civilians in Panjshir by the Taliban. (2023). [online] Amnesty International, p.5. Available at: https://www.amnesty.org/en/documents/asa11/6816/2023/en/.
16. Afghanistan – Targeting of Individuals [Country of Origin Information Report]. (2022). [online] European Union Agency for Asylum. Available at: https://euaa.europa.eu/sites/default/files/publications/2022-09/2022_05_COI_Report_Afghanistan_Targeting_of_Individuals_EN.pdf.

with the NRF. For example, in May 2022, the residents of Takhar province's Versaj district were forcibly displaced because of their family members' association with resistance forces, and their houses were turned into military bases of the Taliban.[17]

Between May and August 2022, the Taliban arbitrarily arrested, tortured, and extrajudicially executed civilians and prisoners of war (POW) in Panjshir province. Amnesty International's report found that NRF fighters who had ceased to partake in hostilities had been collectively tortured and executed.[18] Such extrajudicial executions reveal the Taliban's intent to purge the members of NRF without following due process.

In June 2022, the Taliban arrested 80 residents of Panjshir province's Khenj district. After beating them up, they released 70 detainees but the remaining 10 were kept captive because they were relatives of NRF fighters and not because they bore any criminal responsibility.[19] Reports that emerged in May 2022 also stated that the Taliban had announced their plans to punish locals collectively if anyone fired on the Taliban.[20]

Later that year (between 12 and 14 September 2022 alone), at least eight instances of mass arbitrary arrests of civilians were documented in Panjshir province's Darah, Abshar, and Khenj districts.[21] The detained civilians spent months in the Taliban's custody because the Taliban suspected them of association with the NRF.[22] Moreover, the Taliban also destroyed and seized personal property, imposed curfews, and destroyed Panjshir's public schools and university infrastructure.[23]

17. Forced Displacement in Versaj District, Taliban Starts Evicting the Residents of Takhar. (2022). *Hasht-e Subh.* [online] 22 May. Available at: https://8am.media/eng/force-displacement-taliban-starts-evicting-the-residents-of-versaj-takhar/.
18. (Afghanistan: 'Your sons are in the mountains': The collective punishment of civilians in Panjshir by the Taliban, 2023, p.5)
19. (Afghanistan: Taliban Torture Civilians in Panjshir, 2022)
20. Panjshiri, A. (2022). *[Petition] Stop Tajik Genocide.* [online] Change.org. Available at: https://www.change.org/p/stoptajikgenocide-stop-tajik-genocide.
21. (Afghanistan: 'Your sons are in the mountains': The collective punishment of civilians in Panjshir by the Taliban, 2023, p.24-30)
22. (Afghanistan: 'Your sons are in the mountains': The collective punishment of civilians in Panjshir by the Taliban, 2023, p.25)
23. (Afghanistan: 'Your sons are in the mountains': The collective punishment of civilians in Panjshir by the

Be it in the case of POWs or arrested civilians, the Taliban DFA did not investigate or follow due process to prove the individual's criminal liability. Taliban officials like their Spokesperson, Zabihullah Mujahid, are on record confirming that in an operation in Panjshir province's Rekha, Dara, and Afshar districts, the Taliban killed 40 rebels, and captured over 100 others.[24] The Taliban are also on record stating their intent to impose collective punishment on the entire ethnic Tajik community as a retaliatory measure.[25] None of the detained civilians bore individual criminal responsibility but were arrested and tortured for information about the NRF, solely because they were ethnic Tajiks.

The extrajudicial killing of the POWs took place merely because they participated in armed resistance against the Taliban. For instance, on 13 September 2022, footage of a Taliban leader became viral, in which their commander can be seen ordering the extrajudicial execution of the POWs without conducting any trial.[26] If the contents of this video evidence are authenticated through further investigation, it can establish both the Taliban's intent to impose collective punishment and the lack of the criminal responsibility of the victims, and the Taliban can thereby be held culpable for the war crime of collective punishment.

Among other atrocities, the Taliban have kidnapped and/or detained women as a means of retaliation in conflict. For instance, while the Taliban were able to recapture some villages in Panjshir, in August 2022, the group kidnapped women from Abdullah Khel district.[27] Witness reports from Panjshir state

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Taliban, 2023, p.25)

24. Gul, A. (2022). Taliban Claim Killing 40 Insurgents in Turbulent Northern Afghan Province. *VOA.* [online] 14 Sep. Available at: https://www.voanews.com/a/taliban-claim-killing-40-insurgents-in-turbulent-northern-afghan-province-/6746865.html.

25. Farmer, B. and Yousafzai, S. (2022). Dozens of Taliban fighters killed in Afghan military resistance uprising. *The Telegraph.* [online] 12 May. Available at: https://www.telegraph.co.uk/global-health/terror-and-security/dozens-taliban-fighters-killed-afghan-military-resistance-uprising/.

26. Malikzada, N. (2022). *'[Video] Here, Mullah Shirin Kandahari orders for extrajudicially execution of the captives of the #NRF.'* [online] X [formerly, Twitter]. Available at: https://x.com/natiqmalikzada/status/1569603012116750336.

27. Taliban Kidnap Women and Children in Panjshir Province. (2022). Hasht-e Subh. [online] 15 Aug. Available at: https://8am.media/eng/taliban-kidnap-women-and-children-in-panjshir-province/.

that in mid-2022 too, the Taliban kidnapped 17 girls.[28] No information is available on the whereabouts of the kidnapped women. Despite these challenges, women from Afghanistan's ethnic Tajik community have been at the forefront of resisting the gender-based discrimination of the Taliban.

Amidst this state-of-affairs, most media coverage and reports from the northern provinces have revolved around the armed conflict and have largely failed to mention that ethnic Tajik women have been severely affected as part of the armed conflict. Afghanistan's ethnic Tajik women have faced not only the draconian gender apartheid policies of the Taliban but also inter-sectional discrimination because of their ethnic identity.

The Taliban's Violation of Political, Social, and Cultural Rights

The UN Charter and international human rights conventions are rooted in the principle of non-discrimination and require states to respect, fulfill, and protect the rights of all individuals, irrespective of their background. However, the Taliban have imposed discriminatory policies in every aspect of their governance. Since the Taliban's August 2021 power capture, Afghanistan's non-Pashtun ethnic groups, including ethnic Tajiks, have been deprived of their social and political rights. The Taliban's *de facto* regime does not enjoy public legitimacy because of its patently non-inclusive nature.[29]

In September 2021 for instance, the Taliban announced a caretaker administration, which was an all-male cabinet, comprised predominantly of ethnic Pashtun men.[30] They excluded all women and various ethnicities, including ethnic Tajiks, from this cabinet. Since December 2021, the Taliban have persistently appointed individuals perceived as loyal to the Taliban leadership as heads of various departments, including in the security

28. Alleged human rights violations in Panjshir: what sources on the ground say. (2022). Afghan Witness. [online] 8 Nov. Available at: https://www.afghanwitness.org/reports/alleged-human-rights-violations-in-panjshir%3A-what-sources-on-the-ground-say.
29. (Rahimi and Hazim, 2023, p.248)
30. (The situation in Afghanistan and its implications for international peace and security [A/76/667–S/2022/64], 2022, p.2)

sector.[31] The Taliban DFA have also acted highly oppressively against any form of opposition.[32] The Taliban have exhibited zero tolerance toward any expression of critique in the media or opposition to their policies via civic activism. Their oppressive response to women's activism and protests is a case in point.

Moreover, the Taliban have violated several social rights. The linguistic aspect is a case in point. For instance, the Taliban have methodically eliminated Dari/Persian language use from official communications and only use Pashto as the official language of communication even though both languages were recognized as official languages under the 2004 constitution. The Taliban DFA have also eliminated the Dari/Persian language terminologies from government institutions, such as removing Dari/Persian words from the Ministry of Defence and the Ministry of Commerce and Industry logos, choosing to use Pashto alone. In one instance, a lawyer was requested to translate the client's documents from English to Pashto before their submission.[33] In another instance, the Taliban printed electricity bills in Pashto language for residents of Badakhshan, a predominantly Dari/Persian–speaking province.[34]

This systemic oppression sets the stage for understanding the Taliban's practice of massive human rights violations. It also highlights the intersectionality of vulnerabilities faced by the ethnic Tajik community, encompassing both ethnic discrimination and broader human rights abuses.

31. (The situation in Afghanistan and its implications for international peace and security [A/76/667–S/2022/64], 2022, pp.2-3)
32. Felbab-Brown, V. (2023). *Afghanistan in 2023: Taliban internal power struggles and militancy.* [online] Brookings. Available at: https://www.brookings.edu/articles/afghanistan-in-2023-taliban-internal-power-struggles-and-militancy/.
33. Afghanistan dispatches: 'The Taliban are using only Pashtu language in their official communications.' (2021). *JURIST news.* [online] 18 Oct. Available at: https://www.jurist.org/news/2021/10/afghanistan-dispatches-the-taliban-are-using-only-pashtu-language-in-their-official-communications/#.
34. (Afghanistan dispatches: 'The Taliban are using only Pashtu language in their official communications.', 2021)

Conclusion

Under the Taliban rule since August 2021, all non-Pashtun ethnic communities in Afghanistan have been deprived of their basic political and social rights. The ethnic Tajik community has been further vulnerable because a group of them opted to resist and oppose the Taliban DFA militarily to protect their rights.

However, the Taliban DFA responded to the opposition with military action, imposing collective punishment on those members of the ethnic Tajik community too who bore no criminal responsibility. In all the instances discussed above, the Taliban have indiscriminately imposed collective measures on combatants and non-combatants alike, with the intent to gain or exercise further leverage over the resistance forces or in some shape or form deter them from continuing their activity. They have imposed collective punishment, without establishing individual criminal responsibility and based on the presumption of individuals having affiliation to the NRF solely due to their ethnic Tajik identity.

Each one of the Taliban's actions enumerated above fulfill the two the elements of the war crime of collective punishment: *actus reus* and *mens rea.* Therefore, the Taliban's actions make them criminally liable for the war crime of imposing collective punishment.

Policy Recommendations

- **Strengthen the Legal Definition of Collective Punishment:** The elements of the war crime of collective punishment are mostly articulated by tribunals like the SCSL. The international community must prioritize strengthening and codification of the definition of the war crime of collective punishment in all key international legal instruments and statutes. This is essential because the Taliban's targeted actions against Afghanistan's ethnic Tajik community have affected a large section of the population solely due to their ethnic identity.

- **Prioritize Evidence Gathering and Documentation:** Further documentation is essential to gather evidence of the war crime of collective punishment committed by the Taliban against Afghanistan's ethnic Tajik civilians as well as NRF fighters. This is crucial for the prosecution and adjudication of crimes by the International Criminal Court.
- **Gather Specific Evidence on Female Victims:** As part of the role's mandate, the UN Special Rapporteur on the situation of human rights in Afghanistan must document and preserve information related to human rights violations. While documenting evidence, further attention must be paid to the female Tajik victims. The Special Rapporteur should also collect specific evidence of female victims of the Taliban's war crimes, including collective punishment.

The Impact Of Taliban Rule On (Women In) Afghanistan's Agricultural Sector

By Muzhda Ahmadi[1]

Afghanistan's agriculture sector is the direct and/or indirect source of livelihood for 80% of the country's population, a substantial number of whom are women. Therefore, this essay examines how the August 2021 return of Taliban rule has affected the agricultural sector and the lives of thousands of women who work(ed) as farmers, small scale entrepreneurs, and traders.

The essay begins by summarizing the overall impact of the Taliban takeover on the agriculture sector. Section 2 examines its specific effects on women in this sector and contextualizes their interplay with prevailing gender-relevant dynamics. Section 3 discusses how the Taliban's policies and practices have played out for the agriculture sector. The essay concludes with two policy recommendations.

Overview

Agriculture is a crucial sector in Afghanistan's economy. It accounts for over a quarter of Afghanistan's gross domestic product (GDP), over 80% of national exports, and is the main or partial[2] source of livelihood for nearly 80% of the population.[3] To illustrate, as of 2021, the agriculture sector generated over 30% of the national GDP;[4] and the livestock sector itself was estimated to be worth over USD 7 billion.[5] Since the Taliban takeover, production levels across all sectors have continued to drop, as have their capacities. The agriculture sector too has lost its robustness, with production

1. **Muzhda Ahmadi** holds a degree in agriculture and a diploma in design, and is the founder of 'Shadab Tarawat',a small Kabul-based company that was involved in the packaging and sales of dry fruits.
2. Batkai, M. (2021). Livestock Farmers in Afghanistan Face Crisis. *Food Tank*. [online] Dec. Available at: https://foodtank.com/news/2021/12/livestock-farmers-in-afghanistan-face-crisis/.
3. Afghanistan: Cold Wave Assessment on Livestock - Data in Emergencies Impact Report. (2023). [online] FAO. Available at: https://openknowledge.fao.org/items/0584751b-d0af-4eaf-8e81-b593df798fd8.
4. World Bank. (2022). *Agriculture, forestry, and fishing, value added (% of GDP) - Afghanistan*. [online] Available at: https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?end=2022&locations=AF&name_desc=-false&skipRedirection=true&start=2002&view=chart.
5. (Afghanistan: Cold Wave Assessment on Livestock - Data in Emergencies Impact Report, 2023)

and output declining considerably. There is widespread public dissatisfaction towards the Taliban *de facto* authorities (DFA) inside the country.

For instance, in the immediate aftermath of the Taliban's August 2021 takeover, all (neighboring) countries suspended their diplomatic and commercial relations with Afghanistan, which was now run by the Taliban DFA. The abrupt withdrawal of international assistance (accounting for nearly 80% of the national budget) due to the Taliban takeover has also complicated Afghanistan's ability to cope with the intensifying economic crisis and its wide-ranging effects. Meanwhile, the DFA's policy responses to address supply chain disruptions, rising poverty, and food insecurity have remained largely incoherent and counterproductive.

Major factors hampering demand and supply include: severe, multi-pronged disruptions in supply chains and trade; drastic drop in purchasing power induced by the intensifying economic crisis; material changes in the tax regime and revenue generation; policy opacity, uncertainty, and suspension of extant government support for agribusinesses; lack of fiscal data and reporting; large-scale internal displacement; and neglect of crucial infrastructure and standards including dams, processing plants, quality control mechanisms, and disaster management services.

The agriculture sector employs nearly half of Afghanistan's national workforce and is also the largest source of livelihood for over[6] half the rural workforce. Women constitute over 50% of the total agricultural workforce.[7] They perform crucial roles alongside men in all areas of agricultural activity, be it crop cultivation, vegetable farming, or animal husbandry. Around a quarter of the female agricultural workforce is engaged in crop agriculture,[8] but a majority of the female agricultural workforce is engaged in animal husbandry and livestock sectors. In fact, as FAO studies have found, livestock

6. (Afghanistan: Cold Wave Assessment on Livestock - Data in Emergencies Impact Report, 2023)
7. World Bank. (2020). Employment in agriculture, female (% of female employment) (modeled ILO estimate). [online] Available at: https://data.worldbank.org/indicator/SL.AGR.EMPL.FE.ZS.
8. FAO Liaison Office in America (2022). Saving Lives and Improving Livelihoods: Women and Agriculture in Afghanistan. [online] FAO. Available at: https://www.fao.org/north-america/news/details/Saving-Lives-and-Improving-Livelihoods-Women-and-Agriculture-in-Afghanistan/en.

is "…one of the only sectors [women] can independently own and control."[9]

Since August 2021, the Taliban's hardline restrictions on women's activities are some of the main challenges affecting agriculture and food security in Afghanistan. Due to a combination of these challenges and a variety of pre-existing gender-related inequalities and inequities, the overall impact has been considerably more devastating for women than men.

Impact on Female Agriculture Sector Workers and Businesses

The state-of-affairs of women engaged in the agriculture sector was far from ideal before August 2021 but was nonetheless significantly better than it has been since then. For example, there were government programs aimed at empowering women through financing, training, and subsidies.

After the government of the Islamic Republic of Afghanistan (GIRoA) collapsed and the Taliban seized control of the country, all public and private institutions active in the field of women's activities were blocked or restrictions were placed on their activities. The agricultural sector was also impacted, and several women lost their livelihoods. Moreover, many women engaged in crop farming (especially perishables like vegetables) and in the livestock sector (like dairy farming and poultry) have had no choice but to sell their produce at unviable, low prices.

This is not just due to the steep decline in demand caused by reduced purchasing power and increased overall poverty. It is also because of pre-existing socio-economic and cultural barriers, as well as lower levels of relevant knowledge, skills, and networks—all of which have intensified due to the Taliban-imposed restrictions that further impede women's access to markets and supply chains. Although details are scant, there have been reports that suggest that lack of profitability has pushed many male farmers to quit farming and/or migrate, which has in turn transferred the "burden of cultivation and livestock breeding onto women."[10] Meanwhile, preexisting

9. (FAO Liaison Office in America, 2022)
10. Global Voices. (2023). Afghanistan's women in agriculture face limitations and challenges. [online] Available

gender inequalities have also deepened, worsening their wide-ranging intersectional fallouts for women engaged in agricultural activities as well as their ability to cope with these effects.

For example, for women, their substantial participation in and contribution to Afghanistan's agricultural sector does not typically translate to financial independence, ownership of (im-/movable) assets, and/or control over financial resources or business decisions, instead benefiting men and (male) family members more.[11] Studies also show that less than 25% of the women engaged in agricultural jobs typically receive an income as compared to 80% of men.[12] Consequently, women tend to have considerably lower disposable incomes and savings than men who perform comparable roles, which in turn immensely limits women's ability to take actions to ensure their overall wellbeing.

These multidimensional consequences on women in the agriculture sector are further exacerbated by the added layers of (financial) strain resulting from various DFA policies *vis-a-vis* agriculture and other aspects of life and economy.

Taliban Policies and Other Factors Causing Problems

Many factors have caused commercial activity in different sectors, especially agriculture, to suffer heavy losses. These include restrictions on women's activities and in some cases blocking (access to) commercial markets and small jobs; acute shortages and/or lack of raw materials for the country's domestic production; and high costs of goods and raw materials necessary for processing and production of products. Beyond these factors and the overall lack of government support for agriculture, women in the agriculture sector are also affected by the lack of small loans for women, lack of markets for goods produced by women, and a lack of motivation due to harsh Taliban

at: https://globalvoices.org/2023/07/05/afghanistans-women-in-agriculture-face-limitations-and-challenges/.
11. (Global Voices, 2023)
12. (FAO Liaison Office in America, 2022)

actions.

Complications arising from the haphazardly implemented opium cultivation ban and the imposition of new tax laws are useful cases to understand the multi-layered problems affecting Afghanistan's agricultural sector as a whole, with especially severe implications for women in the sector.

- **Opium Ban:**

  Shortly after seizing power, the Taliban banned opium cultivation in the country. The source of 85% of the global opium production, Afghanistan's opium trade "…generated $2.7 billion in 2021, equivalent to between 9% and 14% of the country's gross domestic product"[13] according to the UN. Such a ban could have potentially facilitated better outcomes—especially *vis-a-vis* counternarcotics—by reducing illicit opium cultivation and trade.

  However, its haphazard enforcement has not delivered any benefits and has instead exacerbated the economic crisis and food insecurity, especially for farmers. For instance, the DFA imposed the ban without instituting mitigating measures; mechanisms to help transition to viable alternatives (e.g., like saffron); subsidies and (non-)financial assistance for quality seeds, fertilizers and infrastructural needs like irrigation and processing; tax breaks/incentives; or education and training programs.

  This has resulted in "….a loss of $1.3 billion in net income to farmers and 450,000 jobs specifically at the farm level, not accounting for other economic losses from ancillary industries associated with opium production."[14] The DFA claim to have instituted measures to support agriculture,[15] but it is difficult to ascertain the veracity and specifics

13. Gupta, K. (2023). Afghan farmers struggle to adapt to Taliban's opium ban. *Nikkei Asia*. [online] 24 Jul. Available at: https://asia.nikkei.com/Business/Agriculture/Afghan-farmers-struggle-to-adapt-to-Taliban-s-opium-ban.
14. (Gupta, 2023)
15. (Gupta, 2023)

of such claims because there is no transparency in the DFA's budget allocations, disbursement, and audits.

- **New Tax Regime:**

  Since August 2021, the Taliban DFA have imposed Islamic taxes like Ushr and Zakat[16] in addition to collecting regular income taxes. The DFA calculate and collect these taxes without factoring in operating costs or losses incurred. For example, they calculate Ushr liability as a flat rate of 10% of the harvest, and Zakat liability at a flat rate of 2.5% of the property value but do not adjust the calculation to determine how much of the total income, harvest, or wealth is actually taxable after standard deductions.

  In many cases, they have also refused to let farmers write off losses they incurred due to circumstances beyond their control, such as COVID-19 and skyrocketing fertilizer costs, and post-August 2021 demand reductions and disruptions in supply chains and the labor market.[17] An unclear tax regime, procedural inconsistencies and ambiguity, and a lack of standardization (especially on Ushr and Zakat) has complicated matters further.

  For example, tax liabilities have been arbitrarily imposed in many cases, and delivery of tax payment related notifications is also ad hoc. Reports state that in rural areas of various provinces, there have been several instances of armed DFA fighters forcibly entering people's homes (even at night) to collect tax payments and confiscating produce and/or livestock from those unable to pay.[18]

All this has proven particularly problematic for farmers, especially women,

16. Ushr = tithe on harvest; Zakat = wealth tax intended for charity purposes.
17. Synovitz, R. (2021). Taliban Imposing 'Charity' Taxes On Farmers Who Need Aid. Radio Free Europe/Radio Liberty. [online] 29 Oct. Available at: https://www.rferl.org/a/taliban-charity-tax-afghan-farmers/31535773.html.
18. (Synovitz, 2021)

who are already struggling to cope with multiple shocks caused by three years of famine and drought, widespread economic fallouts of the COVID-19 pandemic, and the all-round economic crisis that has been intensifying since the Taliban takeover. This state-of-affairs has drastically limited (female) farmers' ability to cover daily expenses, denting their savings and increasing their inability to cope with current and future contingencies.[19] For women engaged in agriculture and livestock activities, the Taliban-imposed restrictions on women's mobility, employment, and all other aspects of life multiply these effects. Given the absence of functioning grievance redressal mechanisms, there are no viable avenues for resolving such issues either.

Conclusion

As of 2023, over 15 million people[20] (nearly 40% of the population) are experiencing crisis level food insecurity, of which around 3 million (roughly 8% of the population)[21] are experiencing emergency level food insecurity. There is widespread public dissatisfaction towards the DFA inside the country.

The strict laws of the Taliban have made it impossible for women to take active part in the economy and food production. This has caused a nation-wide decrease in income levels, and as a result, poverty has risen for Afghan families, especially among women. Moreover, the combination of various pre-existing factors and all the Taliban-imposed restrictions on women has rendered women—especially those in the agricultural sector and in rural areas—as the most vulnerable cohort in the intensifying economic and food insecurity crisis.

19. (Synovitz, 2021)
20. Afghanistan Annual Country Report 2023. (2024). [online] World Food Programme, p.3. Available at: https://www.wfp.org/operations/annual-country-report?operation_id=AF01&year=2023#/25731.
21. Integrated Food Security Phase Classification. (2023). *Afghanistan: Acute Food Insecurity Situation for April 2023 and Projection for May - October 2023.* [online] Available at: https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156351/?iso3=AFG#:~:text=Around%2017.2%20million%20Afghans%20(40,4)%20levels%20of%20food%20insecurity.

Policy Recommendations

- **Prioritize Long-Term Sustainable Solutions:** The international community must prioritize facilitating and enabling sustainable and long-term solutions to the multi-dimensional issues that are currently affecting Afghanistan's agricultural sector. This must be done by developing a multi-faceted and well-coordinated strategy that integrates measures to enable economic stability, humanitarian response, food production, and financial predictability.

- **Provide Financial and Technical Assistance for Female Farmers:** The international community must actively engage and support rural women in the agricultural sector and all sectors related to the agriculture sector. Within this scope, special attention must be paid to women involved in the livestock sector too. Examples of such support and engagement could include providing consistent financing and credit access, technical assistance, specialized capacity-building opportunities, and access to markets and supply chains, and relevant networks.

The Impact of Taliban Rule on Afghanistan's Orphan Children, At-Risk Women, and Social Services

By Sonika Aryan[1]

This essay examines how the Taliban's August 2021 return has affected crucial social services in Afghanistan and the consequences that has produced for at-risk women and children. Specifically, it maps how Afghanistan's orphanages, women's shelters, and female social workers have been affected. To that end, the essay relies on primary and secondary literature, interviews, and field observations.

The essay begins with a brief overview of the post-August 2021 state-of-affairs of Afghanistan's orphanages and women's shelters, followed by a discussion on Taliban policies and other overlapping factors that have created and/or exacerbated the current crisis. The three subsequent sections examine how these disruptions have affected orphan children, at-risk women, and female social workers respectively. The concluding section recapitulates the findings and ends with three policy recommendations.

Overview

During the Islamic Republic of Afghanistan (IRA) era (2001-2021), social services like orphanages and women's shelters were gradually increasing across the country. Despite persistent challenges,[2] both state-run and private institutions provided such essential services, helping large numbers of vulnerable children and women. Nevertheless, there was a clear need for much more such services.[3]

However, with the return of Taliban rule in August 2021, all existing services

1. **Sonika Aryan** is a journalist and human rights activist with experience working in the fields of women's rights, children's rights, and environmental protection in Afghanistan.
2. Perria, S. (2022). Afghanistan's empty women's shelters. *The New Humanitarian.* [online] 20 Apr. Available at: https://www.thenewhumanitarian.org/news-feature/2022/04/20/afghanistans-empty-womens-shelters.
3. Office of the Economic Advisor (2017). *Orphanages in Afghanistan.* [online] Moore Afghanistan. Available at: https://www.moore.af/MediaLibsAndFiles/media/afghanistan.moore-global.com/files/Research/23-Orphanages-in-Afghanistan.pdf.

and related systems and institutional mechanisms have been thoroughly disrupted. Most orphanages and nearly all women's shelters have shut down, primarily due to security issues and Taliban pressure, funding shortages, Taliban-imposed restrictions on women, and the suspension of governance systems and institutions.

As a direct consequence, thousands of beneficiaries (orphan children, at-risk women, and social workers) have been affected. Moreover, the fates of those children and women who began needing support *after* August 2021 are unclear, and their specifics unaccounted for, due to lack of reporting. This state-of-affairs has produced immense challenges for orphans, at-risk women, and social service providers—all of whom now face precarious circumstances.

Taliban Policies and Other Factors Creating and/or Exacerbating Problems

A combination of prevailing socio-cultural norms, new and pre-existing operational challenges, and the Taliban's regressive mindset and hardline ideology are some of the factors that have created and/or exacerbated problems. After August 2021, on both practical and operational service delivery levels, Taliban-imposed restrictions on women, the state-institutional vacuum, funding challenges, and security risks are some of the main challenges affecting intended beneficiaries' access to support, and social service providers' ability to provide support.

- **Restrictions on Women:** The wide-ranging Taliban-imposed restrictions on women have severely impaired social services. For instance, the Taliban *de facto* authorities (DFA) have prohibited women from working at domestic and international non-profits and aid organizations. The resultant severe shortage of female social workers has made it extremely difficult for at-risk women and children to access social services, especially in conservative communities and rural areas. Moreover, the Taliban have withdrawn women's right to seek respite from

physical violence or psychological abuse, enforcing this by threatening (often violent) punitive action.

- **State-institutional Vacuum:** Since August 2021, there is no state institution that cooperates with, and/or works in, the social services sector. This began with the DFA disbanding the Ministry of Women's Affairs and replacing it with the 'Ministry for the Propagation of Virtue and the Prevention of Vice'. One of its far-reaching fallouts pertains to education at orphanages, with only religious education permitted since August 2021, especially at orphanages catering to girl children.

- **Funding Challenges:** Funding shortages mean that with the fall of the IRA government, all (inter)national non-government organizations (I/NGO) stopped providing services in Afghanistan. A pervasive lack of clarity on, and consistency in, DFA policies and governance mechanisms pertaining to women's shelters and orphanages has also deeply impeded (non-)financial support from (inter)national organizations in this sector.

- **Security Risks:** The Taliban view women's shelters as centers of prostitution and 'immoral activities' rather than as essential support services for at-risk women. Staff and women who are caught working at such shelters are at risk of arrests, execution, or stoning. Moreover, the Taliban have been actively preventing at-risk women from accessing protection from their abusers, often punishing the victims instead of helping them.

Impact on Orphans and Orphanages

As of 2023, there were an estimated 350,000 orphans in Afghanistan.[4] The estimated numbers were (slightly) lower in 2021, but nevertheless only a fraction of them were housed at orphanages. 59 of Afghanistan's 68 state-run

4. Rezahi, N. (2023). Cash Aid Distribution to Orphans, Widows, Disabled People to Resume in Afghanistan. *Khaama Press.* [online] 15 Jun. Available at: https://www.khaama.com/cash-aid-distribution-to-orphans-widows-disabled-people-to-resume-in-afghanistan/.

orphanages shut down within six months of the Taliban's return, and only 36 private orphanages were operational.[5] Moreover, after August 2021, several children housed at orphanages were sent away due to the spiraling economic crisis, leaving only 38% (3,566) of the 9,319 children previously housed at orphanages continuing to receive care.

In October 2021, the media reported that eight orphans in Kabul had died of starvation.[6] In November 2023, a 50% increase in the numbers of orphans in Kandahar province was reported in the media. There is little reporting on this but living conditions and quality of care at orphanages have also deteriorated dangerously.

Thus far, the Taliban's conduct *vis-a-vis* orphanages has been marginally better than their stance on women's shelters but has nonetheless remained harsh and restrictive, affecting at-risk children, especially girls, immensely. Some (girls') orphanages, including in Kabul, have been converted into religious schools.[7] Moreover, prior to August 2021, orphanages used to provide regular schooling for the children in their care, under the supervision of the Ministry of Labor and Social Affairs. After August 2021, the DFA brought it under the purview of their 'Ministry for the Propagation of Virtue and the Prevention of Vice', which only permits religious education at orphanages, particularly for girls.

The dire situation in Kabul has seen some, albeit limited, media coverage. The state-of-affairs is considerably worse in other parts of the country. Moreover, media coverage or reporting on the situation outside Kabul city is negligible or absent due to severely reduced access, heightened security concerns, and overall DFA-imposed censorship.

5. European Union Agency for Asylum. (2023). *Children without a support network in Afghanistan.* [online] Available at: https://euaa.europa.eu/country-guidance-afghanistan-2023/3164-children-without-support-network-afghanistan#:~:text=In%20February%202022%2C%20of%20the. Also see: Most Public Orphanages in Afghanistan Now Closed: Ministry. (2022). *ToloNews*. [online] 1 Feb. Available at: https://tolonews.com/afghanistan-176550.

6. (European Union Agency for Asylum, 2023)

7. Rahmati, F. (2023). Aladdin Orphanage becomes religious school following Taliban return. *Khaama Press.* [online] 22 Oct. Available at: https://www.khaama.com/aladdin-orphanage-becomes-religious-school-following-taliban-return/.

The Taliban have yet to announce any official or specific policies regarding orphanages in Afghanistan. Although some reports suggest that the Taliban may provide limited support to orphanages in certain areas, no major policy has been declared in this regard. This issue may also be further influenced by local conditions and social needs. Therefore, there are significant differences in the Taliban's approaches to orphanages across the country, which may have an impact on their local decision-making.

Impact on At-Risk Women and Women's Shelters

Although Afghanistan's gender-based violence (GBV) crisis long predates the Taliban's return, the state-of-affairs has gravely deteriorated since August 2021. Prior to the Taliban takeover, surveys by the World Health Organization found that approximately "90% of women in Afghanistan had experienced at least one form of domestic violence, 17% have experienced sexual violence and 52% have experienced physical violence."[8] Scores of women and girls of all ages have experienced physical, sexual, and psychological GBV, typically perpetrated by spouses and/or other relatives (maternal and/or matrimonial).[9] An August 2021 UNICEF survey found that at least 56% of married women had experienced multiple forms of GBV.[10]

Even as of August 2021, support systems, protection mechanisms, and frameworks to prevent GBV and help victims of GBV in Afghanistan were far from sufficient. The 2009 promulgation of the Law on Elimination of Violence against Women[11] had helped introduce a nascent legal framework

8. Addressing Violence against Women in Afghanistan: The health system response. (2015). [online] World Health Organization. Available at: https://iris.who.int/bitstream/handle/10665/201704/WHO_RHR_15.26_eng.pdf. **Also see:** Carteron, O. (2024). Prosecuting the Taliban Regime's Violations of CEDAW in Afghanistan: Legal Obstacles. *Global Human Rights Defence.* [online] 17 Jun. Available at: https://www.ghrd.org/article/prosecuting-the-taliban-regimes-violations-of-cedaw-in-afghanistan-legal-obstacles/#:~:text=Furthermore%2C%20according%20to%20the%20World,of%20VAW%20drastically%20increasing%20from.

9. Situation analysis of Children and Women in Afghanistan. (2021). [online] UNICEF, p.89. Available at: https://www.unicef.org/afghanistan/media/6291/file/Full%20Report-Situation%20Analysis.pdf.

10. (Situation analysis of Children and Women in Afghanistan, 2021)

11. *Law on Elimination of Violence against Women (EVAW).* Available at: https://www.refworld.org/legal/legislation/natlegbod/2009/en/102513.

on protections against GBV, policing and judicial mechanisms to respond to GBV-relevant issues and enabled an increase in women's shelters. However, enforcement and effectiveness of counter-GBV actions remained vulnerable to persistent social and political challenges, including from non-Taliban sources.

The situation has only worsened after August 2021. Precise statistics are not available but by 2021, Afghanistan had approximately 30 women's shelters[12] operating in 22 of the country's 34 provinces.[13] Upon seizing power, the Taliban forcibly shut down most shelters, threatened shelter staff, and forcibly sent many shelter residents back to their abusive families.[14] Aid organizations have also reported loss of communication with shelter residents who had thus far been in their care, and their resulting inability to ensure those women's safety.[15]

Less than a month into seizing power, the DFA also began accusing female activists and women operating women's shelters of colluding with Western actors 'to spread prostitution' and 'anti-Taliban propaganda', even issuing arrest warrants in some cases.[16] Moreover, immediately after seizing power, the Taliban released scores of convicts from prisons all over the country. Given how many of those convicts had been incarcerated for violent crimes against women, their victims are now at grave risk of retributive violence from their past assailants.[17]

12. Bezhan, F. (2021). Afghan Women's Shelters Vanishing Under Taliban Rule. *Radio Free Europe/Radio Liberty.* [online] 26 Sep. Available at: https://www.rferl.org/a/afghanistan-taliban-women--shelters-disappearing/31477947.html.
13. Nowhere to hide: Abused Afghan women find shelter dwindling. (2022). *France 24.* [online] 2 Jan. Available at: https://www.france24.com/en/live-news/20220102-nowhere-to-hide-abused-afghan-women-find-shelter-dwindling.
14. Shaheed, M. (2021). Taliban Closure of Domestic Abuse Shelters Leaves Thousands at Risk, Experts Say. *VOA.* [online] 10 Dec. Available at: https://www.voanews.com/a/taliban-closure-of-domestic-abuse-shelters-leaves-thousands-at-risk-experts-say/6349979.html.
15. (Shaheed, 2021)
16. Gannon, K. (2021). Where women took shelter from abuse, Taliban now in control. *AP News.* [online] 28 Sep. Available at: https://apnews.com/article/afghanistan-only-on-ap-kabul-taliban-c56142dc17994e1848c8fa57475cb4a5
17. Safi, T.N. (2021). *No safety under Taliban for Afghan women fleeing domestic violence.* [online] Geneva Solutions. Available at: https://genevasolutions.news/explorations/dispatches-from-women-in-afghanistan/no-safety-under-taliban-for-afghan-women-fleeing-domestic-violence.

In several reported instances, the Taliban coerced shelter residents into choosing between returning to their abusive families (many of whom had threatened to kill women for leaving) or "go with the Taliban."[18] This does not just reveal the Taliban's abject disregard for women's safety, well-being, and status as fellow human beings. It also underscores the group's inherent hypocrisy *vis-a-vis* their self-proclaimed ideological priorities given how they accuse women's shelters of being centers of prostitution but also force shelter residents into comparable circumstances when it suits the Taliban's convenience.

Moreover, most women's shelters were also heavily reliant on international funding.[19] Following the Taliban takeover, funding channels and related systems and processes were thrown into disarray. The resulting funding shortages have severely hampered (any operational) shelters' ability to function, leaving thousands of at-risk women vulnerable and cut-off from any form of support. Although precise numbers are unclear, a handful of shelters have managed to remain operational but in a limited manner and no longer accept new cases.[20] According to media reports, armed Taliban fighters frequently raid operational shelters, and in some cases, they have also confiscated vehicles and other materials from the shelters.[21]

At present, the Taliban's policy regarding safe houses in Afghanistan is not entirely clear. While they have not explicitly announced any official policy, reports show that the Taliban continue to view women's shelters with suspicion and consider them to be centers of 'immoral activities' rather than places of protection for at-risk women. This suspicion has led to security risks for both the staff and the women seeking refuge in such shelters.

Additionally, there have been instances where the Taliban have shut down shelters supported by international organizations, further exacerbating the challenges faced by at-risk women. For example, Amnesty International

18. (Gannon, 2021)
19. (Nowhere to hide: Abused Afghan women find shelter dwindling, 2022)
20. (Bezhan, 2021)
21. (Bezhan, 2021)

reported[22] that several offices of organizations providing counseling and social support for GBV survivors have been closed by the Taliban. Overall, the Taliban's stance on safe houses appears to be influenced by their conservative interpretation of Islamic law and traditional cultural beliefs.

Impact on Female Social Workers

The already dire state-of-affairs in the social services sector took a turn for the worse in December 2021 when the Taliban DFA issued an edict prohibiting Afghan women from working at domestic and international non-government organizations (NGO). Only those women working in the health sector were exempted from the ban. Some aid organizations reportedly managed to secure some exemptions but as the Crisis Group's February 2023 report noted, those were mostly limited to "…health, nutrition and primary education programs."[23]

The DFA also claimed that women (be it Afghan or foreign nationals) working at United Nations (UN) agencies would not be affected. This turned out to be a false claim because shortly thereafter, Afghan women employed by UN agencies were also brought under the ban's purview. Given how women constitute at least 30% of the total NGO staff in Afghanistan, and around two-thirds of UN assistance is delivered through local NGO implementing partners,[24] this ban has prevented thousands of staff from working and millions of beneficiaries from accessing aid and assistance. Thus, the ban and its technicalities have had a devastating effect on social services, humanitarian aid delivery, and overall human security.

Meanwhile, many activists who were working in these fields across Afghanistan have become refugees abroad and some are living in hidden shelters. They have lost their jobs and are forced to stay confined to their homes, and under constant threat to their lives.

22. Amnesty International. (2023). *Afghanistan.* [online] Available at: https://www.amnestyusa.org/countries/afghanistan/.
23. Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis. (2023). [online] International Crisis Group. Available at: https://www.crisisgroup.org/asia/south-asia/afghanistan/329-taliban-restrictions-womens-rights-deepen-afghanistans-crisis.
24. (Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis, 2023)

Conclusion

The present state-of-affairs has had disastrous consequences for at-risk women and children as it has multidimensionally paralyzed the already limited pathways to physical security outcomes and better life circumstances. One of the most serious yet under-addressed consequences of not having women's shelters and orphanages has been on mental and psychological wellbeing outcomes. Hundreds of (disenfranchised) orphans are either dying of hunger or begging on the streets. In eastern Afghanistan, there have also been reports of a major mafia misusing vulnerable orphans for drug smuggling, theft, and even violent crimes.

Several women who lived in women's shelters for various reasons including family violence have now returned to their houses and families, and their lives are in danger. Large numbers of these women have been rendered homeless and are experiencing extremely hard times. Some have even succumbed to drug addiction. Female social workers and NGO staff are not only facing similar circumstances but are also at risk of violence from the Taliban and abusive families of women they helped.

Since seizing power in August 2021, the Taliban have forced girls above sixth grade stay at home. In December 2022, the Taliban banned girls from studying at universities and women from working in government and non-government institutions. The Taliban do not merely give convoluted religious justifications for this but also call academic and non-academic institutions as centers of prostitution. The Taliban claim they do not allow women to study and work in universities and institutions citing 'the existence of prostitution and sins'. The Taliban's actions make it abundantly clear that they do not accept the existence of women as a part of the society, and instead only consider them to be a means for procreation and unpaid domestic labor.

Policy Recommendations

To address the acute and long-term challenges facing Afghanistan's social services sector under Taliban rule, there is an urgent need to adopt a

multifaceted approach that includes strengthening local NGOs, advocating for supportive policies, establishing humanitarian corridors, raising cultural awareness, and deploying effective emergency response mechanisms. Summarized below are some specific measures that can prove useful in this regard.

- **At-risk Women and Women's Shelters:** Collaborate to improve international protection and advocacy and initiate alternative support structures for at-risk women in Afghanistan. The international community must engage (inter)national human rights organizations to provide protection and support for women's shelters in Afghanistan. This can include securing safe passage for women in immediate danger and advocating for their rights at global platforms. It is equally important to develop alternative support structures such as secret safe houses, mobile support units, and psychosocial support services that can operate discreetly. Utilize community networks to provide shelter and assistance to at-risk women without drawing attention. It is also crucial to establish secure and confidential funding channels to ensure continuous support for operational women's shelters. This could involve collaboration with international donors and NGOs to provide financial assistance.

- **Orphan Children and Orphanages:** International organizations must collaborate with local organizations to provide financial and logistical support for orphanages in Afghanistan. This includes material support to cover food, medical supplies, educational materials, and security measures. A portion of such support must also be demarcated to supplement religious education with modern education at orphanages. In places like Nangarhar province's Jalalabad city, at present, many (male) children housed at orphanages have been relocated to jihadi madrassas, and even teacher training centers have been converted into jihadi madrassas by the Taliban. Therefore, it is essential to develop

alternative educational programs for orphans that can operate outside the formal system. This could include home-schooling networks, online education where possible, and mobile classrooms to provide non-religious, balanced education. This should be supplemented by tangible efforts to encourage community-based care models where orphans can be cared for by local community initiatives like pooled funding for local orphanages, fostering, tutoring, and by helping orphans make friends (e.g., 'big-sister/brother' or buddy programmes).

- **The Overall Social Services Sector:** The international community must take tangible measures to support and strengthen local NGOs that continue to operate under difficult circumstances. This includes capacity-building, assistance with securing funding, and technical assistance to enhance their ability to deliver services. Additionally, the international community must collaborate with local communities and engage in continuous policy advocacy at both national and international levels to pressure the Taliban to allow and support social services. This involves leveraging diplomatic channels, UN bodies, and international coalitions to advocate for the rights of women and children. The international community must also work with local communities and organizations to develop and deploy emergency response mechanisms, and humanitarian corridors. Special attention must be paid to address the needs of orphan children and at-risk women during crises. Crucially, female social workers must be made an integral part of international emergency response activities.

Religion, Ethnicity, and Gender: The Taliban's Intersectional Attack on Hazara Women

By Yalda Royan[1]

Since 15 August 2021, the Taliban have issued over 100 decrees[2] that systematically prohibit women in Afghanistan from accessing education, undertaking employment, and engaging in political roles. While these restrictions are producing wide-ranging negative consequences for women and girls from all of Afghanistan's communities, the specific impact on ethnic Hazara women has been particularly disproportionate and severe. This essay illuminates how Hazara women are repeatedly being marginalized under the Taliban regime, by contextualizing how intersectional factors like ethnicity, gender, and religion are distinctly shaping their lived experiences in the current circumstances. To do so, this essay examines two specific issues affecting Hazara women: **a)** the erosion of civil liberties; and **b)** security and safety implications.

To situate the treatment of ethnic Hazaras and Hazara women in the current and historical realities, the essay builds on secondary sources, supplemented with excerpts from five interviews with Hazara women living under Taliban rule, conducted in January 2024. Section 1 provides an overview of the historical, Republic-era (2001-2021), and post-August 2021 contexts. Section 2 discusses the erosion of Hazara women's civil rights and liberties under the Taliban regime. Section 3 examines the state of Hazara women's security and safety under Taliban rule. The concluding section summarizes the findings' big picture aspects and ends with three policy recommendations.

Contextual Overview

Constituting around 20% of the population, Hazaras are one of Afghanistan's

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2. United States Institute of Peace. (n.d.). *Tracking the Taliban's (Mis)Treatment of Women.* [online] Available at: https://www.usip.org/tracking-talibans-mistreatment-women.

main ethnic groups,[3] and most are adherents of Shia Islam. The Hazara community has been historically persecuted and was a frequent target of the Taliban's atrocities during the group's first regime (1995 to 2001) as well. For instance, in August 1998, the Taliban killed over 2,000 Hazaras within a few days' span,[4] and in 2001, shortly before the fall of the Taliban's regime, the United Nations (UN) discovered mass graves of those slain Hazaras in Bamiyan province.[5]

During the 20 years between the two Taliban regimes, Hazara women made significant strides with respect to civil liberties and security. Notably, between 2001 and 2021, they saw the appointment of the first minister of women's affairs,[6] the first female provincial governor,[7] one of the first female district governors,[8] and the first female mayor[9] in a traditionally male-dominated area of local governance. Hazara women also excelled in the security sector,[10] sports,[11] music,[12] and other spheres of society. At the same time, between 2014 and August 2021, ethnic Hazaras endured persistent persecution carried out by both the Taliban and the Islamic State 'Khorasan Province' (ISKP), including genocidal massacres, and multiple bombings

3. Youngs, T. (2005). *Afghanistan: the culmination of the Bonn process.* [online] House of Commons Library. Available at: https://researchbriefings.files.parliament.uk/documents/RP05-72/RP05-72.pdf.
4. Akbari, F. (2022). The Risks Facing Hazaras in Taliban ruled Afghanistan. [online] Program on Extremism, George Washington University. Available at: https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/Risks-Facing-Hazaras-in-Taliban-ruled-Afghanistan_Akbari_March-2022.pdf.
5. Afghanistan: The Massacre in Mazar-i-Sharif. (1998). [online] Human Rights Watch. Available at: https://www.hrw.org/legacy/reports98/afghan/Afrepor0.htm. **Also see:** (Akbari, 2022)
6. Tavares, S. (2024). A conversation with Sima Samar: Afghanistan's first Minister of Women's Affairs. *Teens in Print*. [online] 20 Apr. Available at: https://teensinprint.com/a-conversation-with-sima-samar-afghanistans-first-minister-of-womens-affairs/.
7. Walsh, D. (2005). A first for Afghan women: the governor. *The Guardian*. [online] 26 Apr. Available at: https://www.theguardian.com/world/2005/apr/26/afghanistan.declanwalsh.
8. Hassani, Z. and Huang, R. (2021). The Untold Story of How Female Afghan Governor Salima Mazari Escaped the Taliban. TIME. [online] 14 Sep. Available at: https://time.com/6097198/salima-mazari/.
9. Motevalli, G. (2013). Afghanistan's first female mayor proves critics wrong. *The Guardian*. [online] 24 Feb. Available at: https://www.theguardian.com/world/2013/feb/24/afghanistan-first-female-mayor.
10. Jardine, M. (2021). The world must evacuate women police in Afghanistan. *The Interpreter.* [online] 23 Aug. Available at: https://www.lowyinstitute.org/the-interpreter/world-must-evacuate-women-police-afghanistan.
11. Freedom Rides: Stories of Afghan Women Cyclists. (2024). *iProbono.* [online] Feb. Available at: https://i-probono.com/articles/afghanistan-women-cyclists-athletes-freedom-rides/.
12. Story, H. (2022). Zahra Elham, the first woman to win Afghan Star, resettles in Australia one year after the fall of Kabul. *ABC News*. [online] 31 Aug. Available at: https://www.abc.net.au/news/2022-09-01/zahra-elham-afghan-star-war-in-afghanistan-refugee-australia/101386168.

targeting their mosques, schools, and maternity clinics. Hazara mothers, babies, and school children were murdered in high volumes during several of these attacks.

More recently, as the Taliban steadily intensified their pursuit of power, leading to their outright takeover of Afghanistan in August 2021, ethnic Hazaras were regular targets of the Taliban's insurgency.[13] The Taliban specifically attacked Hazara mosques, and cultural and educational centers in Kabul and other provinces, causing the loss of thousands of civilian Hazara lives. Between 2016 and 2020, over 40 attacks by individuals linked either to the Taliban or the ISKP repeatedly targeted ethnic Hazaras in schools, mosques, and workplaces,[14] leading to extensive casualties, including hundreds of extrajudicial targeted killings of Hazaras.[15] These attacks included what Doctors Without Borders termed a massacre at a maternity hospital in Kabul;[16] the May 2021 triple suicide attacks on the Sayed Ul Shahada Girls School in Kabul;[17] and the September 2020 attack on Kaaj Educational Center in Kabul.[18] These instances of violence specifically targeted Hazara women and girls.

Despite the Taliban's assertion that Afghanistan is now safer under their rule, the safety of ethnic minority communities is compromised. In the first nine months of the Taliban's August 2021 power capture, nine lethal bombings targeted Hazaras, accompanied by numerous individual targeted killings that

13. Hasrat, M.H. (2019). Over a Century of Persecution: Massive Human Rights Violations Against Hazaras in Afghanistan. [online] *Office of the United Nations High Commissioner for Human Rights*. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/SR/Call/mhhasrat.pdf.
14. Afghanistan: ISIS Group Targets Religious Minorities. (2022). *Human Rights Watch.* [online] 6 Sep. Available at: https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities.
15. Jafari, M.N. (2022). لیست قتل عام هزاره ها در حکومت غنی احمدزی ['List of Hazara massacres under Ghani Ahmadzai's rule']. *Kabul Press.* [online] 11 Mar. Available at: https://www.kabulpress.org/article240764.html.
16. Afghanistan: Massacre in a maternity ward. (2020). *Doctors Without Borders.* [online] 21 Aug. Available at: https://www.doctorswithoutborders.org/latest/afghanistan-massacre-maternity-ward.
17. Deaton, J. and McKenzie, S. (2021). Death toll rises to 85 in Afghanistan girls' school bomb attack. *CNN.* [online] 10 May. Available at: https://www.cnn.com/2021/05/09/asia/afghanistan-girls-school-attack-intl-hnk/index.html.
18. Kabul suicide bombing: Attack on school in Afghanistan's capital reportedly leaves dozens dead, mostly young women. (2022). *CBS News*. [online] 30 Sep. Available at: https://www.cbsnews.com/news/afghanistan-school-suicide-bombing-attack-kabul-deaths-injuries.

claimed the lives of over 100 Hazaras.[19] According to a recent report by the UN Assistance Mission in Afghanistan (UNAMA), 40 Hazaras were killed and 86 injured in a series of targeted attacks between October and December 2023.[20] Under the Taliban rule since August 2021, the Hazara community has also encountered instances of forced displacement and land expropriation.[21] Under the pretext of dispute resolution, the Taliban *de facto* authorities (DFA) have imposed significant financial burdens on Afghanistan's ethnic Hazaras, coercing them to make substantial payments to ethnic Kuchis on multiple occasions.[22]

The overview presented above encapsulates the current lived experiences and state of affairs of ethnic Hazaras in Afghanistan. Within this demographic, Hazara women emerge as the most vulnerable group because they encounter multifaceted discrimination based on their religion, ethnicity, and gender, among other factors.

Erosion of Hazara Women's Civil Liberties

Historically, Hazara women enjoyed certain social and political freedoms due to the community's relatively progressive position on women's and girl's education, employment, and participation in political and social spheres.[23] As Hazara women were highly accomplished in the realm of education, they played a strong role in the civil society and security sectors before the Taliban

19. Rouhani, W. (2022). ['The Genocide of the Millennials'; An overview of the turn of killing Hazaras during the Taliban rule']. *Etilaatroz.* [online] 7 Jun. Available at: https://www.etilaatroz.com/143912/the-genocide-of-the-hazaras-an-overview-of-the-turn-of-the-hazara-massacre-during-the-taliban-regime/.

20. Human rights situation in Afghanistan [October-December 2023 Update]. (2024). [online] United Nations Assistance Mission in Afghanistan. Available at: https://unama.unmissions.org/sites/default/files/english_hr_update_22jan_2024.pdf.

21. Masumi, R. (2023). Taliban Confiscate Hazara Land. *Genocide Watch.* [online] 13 Oct. Available at: https://www.genocidewatch.com/single-post/statement-on-forcible-displacement-and-land-confiscation-of-hazaras-by-taliban.

22. Taliban orders Hazaras to pay penalty to Kuchis for lost livestock. (2023). *Kabul Now.* [online] 2 Sep. Available at: https://kabulnow.com/2023/09/taliban-orders-hazaras-to-pay-penalty-to-kuchis-for-lost-livestock/. For a background on the Kuchi community in Afghanistan, **see:** Minority Rights Group. (n.d.). Kuchis in Afghanistan. [online] Available at: https://minorityrights.org/communities/kuchis/.

23. (Akbari, 2022)

takeover in 2021.[24]

Despite their increased vulnerability arising from factors like gender, ethnic identity, and societal roles, fewer Hazara women were able to evacuate the country when the Taliban seized control of Afghanistan, as compared to those from other communities. In fact, the chaotic evacuation process was monopolized by existing networks of power, which left many Hazaras behind.[25] While indeed the Taliban DFA subjugates all women and many civilians from all communities, multiple Taliban actions specifically target Hazaras. Moreover, Hazara women remain particularly affected as the Taliban DFA has severely decimated the rights of women in Afghanistan in virtually all areas of life.

The January 2024 UNAMA report on Afghanistan's human rights situation underscores the discernible concentration of Taliban arrests of both women and men in Dasht e-Barchi, a neighborhood of Kabul city that is predominantly inhabited by members of the Hazara community.[26] A majority of women who were arrested for a so-called "bad hijab" were detained for a brief period, and subsequently released, contingent upon their *mahrams*'[27] guarantee that these women would comply with hijab rules in the future. However, the Report cites troubling allegations of ill-treatment, including physical violence, extended detentions, and instances where release was contingent on monetary payments.[28]

The enforcement measures regarding alleged hijab rules violations, notably involving physical violence, pose significant and heightened risks to the safety and well-being of Afghan women and girls, particularly in localities like Dasht-e Barchi that feature large numbers of Hazara inhabitants. In instances where women were apprehended, the Taliban DFA implemented a coercive strategy by compelling their male family members to publicly

24. (Akbari, 2022)
25. (Akbari, 2022). **Also see:** Packer, G. (2022). The Betrayal. *The Atlantic.* [online] 31 Jan. Available at: https://www.theatlantic.com/magazine/archive/2022/03/biden-afghanistan-exit-american-allies-abandoned/621307/.
26. (Human rights situation in Afghanistan [October-December 2023 Update], 2024)
27. An 'eligible' close male relative chaperone.
28. (Human rights situation in Afghanistan [October-December 2023 Update], 2024)

endorse the arrests through street demonstrations, particularly concerning the perceived violation of the so-called "bad Hijab."[29]

According to a respondent interviewed for this essay, since 12 January 2024, when Hazara girls and women were detained on the pretext of being unveiled, the policies and conduct of the Taliban have resulted in families imposing restrictions on their daughters' attendance in educational institutions due to the palpable fear of reprisals by the Taliban. This heightened state of caution has significantly diminished the public presence of girls, contributing to an alarming increase in instances of suicide and depression among them.

The repercussions further extend to the coercion of girls into underage and/or forced marriages, and the distressing outcome, recently reported to researchers for this article, of numerous families being compelled to relinquish their native lands including their farms, crops, and other household belongings. The Taliban have been using intimidation tactics and following girls or using religious institutions to ascertain which families have unmarried girls or widows and are then targeting those homes.[30]

In highlighting the Taliban's "bad hijab" policy in September 2023, the UN Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, has recognized the disproportionate impact of enforcement measures against Hazara women.[31] Bennett specifically highlighted the use of ethnic slurs during Taliban enforcement operations in Hazara-populated areas.[32]

With the systematic enforcement of gender apartheid by the Taliban, Hazara women are at special risk due to the targeting that is rooted not only in their gender but also in their Hazara identity. The Taliban's violation of the right to freedom of expression and activism is evident in the arbitrary arrests of

29. (Human rights situation in Afghanistan [October-December 2023 Update], 2024)
30. Safi, M. (2024). *Reframing Security from the Perspective of Women Living Under the Taliban.* [Online] Available at: https://www.ned.org/events/livestream-reframing-security-from-the-perspective-of-women-living-under-the-taliban/.
31. Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett. (2023). [online] UN General Assembly. Available at: https://documents.un.org/doc/undoc/gen/n23/258/87/pdf/n2325887.pdf?token=SQHeE7mCTKLaaj6yHX&fe=true.
32. *(Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, 2023)*

women protesters, an infringement that extends to Hazara women. Their ordeal extends beyond physical assault and torture, involving the use of derogatory language and ethnic slurs. Alarmingly, there are reports[33] of Taliban soldiers categorizing all Hazaras as infidels, fostering an environment of discrimination and religious bias. These actions not only contravene fundamental human rights but also contribute to a societally hostile and divisive atmosphere.

In 2022, a disconcerting incident unfolded as 60 Hazara female students faced expulsion from both Kabul University and the associated dormitory.[34] This punitive action was purportedly taken in response to their alleged "intention to participate in the protest march" denouncing the suicide attack on the Kaaj Educational Training Center and protesting what the genocide against the Hazara community.[35] Notably, in October 2022, sources stated many of these female students had previously experienced deliberate food poisoning before engaging in the protest though the Taliban denied any food poisoning incidents.[36]

Upon seizing power in August 2021, the Taliban—vehement adherents of Sunni Islam—promised not to interfere with Shia Islamic worship. However, Hazaras face greater restrictions on how they are able to practice their religion, such as being able to prostrate publicly by praying with open hands.[37] In July 2023, the Taliban implemented measures to curtail the religious practices of Shia Hazaras, closing numerous places of worship and preventing them from observing mourning rituals during Muharram.[38] In response, the Afghanistan Shia Ulema Council, a group of influential Shia scholars and imams who

33. Mehran, M. (2023). Taliban's Opposition to Islamic Sects; Nadeem: 'All Afghans Are Followers of the Hanafi Denomination'. *Hasht-e-Sobh Daily.* [online] 18 Dec. Available at: https://8am.media/eng/talibans-opposition-to-islamic-sects-nadeem-all-afghans-are-followers-of-the-hanafi-denomination/.
34. Taliban Confirms Mass Expulsion of Hazara Female Students. (2022). *Afghanistan International.* [online] 14 Oct. Available at: https://www.afintl.com/en/202210144830.
35. (Taliban Confirms Mass Expulsion of Hazara Female Students, 2022)
36. (Taliban Confirms Mass Expulsion of Hazara Female Students, 2022)
37. *(Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, 2023).*
38. The Situation of the Hazaras During the Second Year of the Taliban Rule (August 15, 2022 - August 15, 2023). (2023). [online] Bolaq Analyst Network. Available at: https://www.bolaq.org/wp-content/uploads/2023/08/Bolaq-Report-Situation-of-Hazaras-During-Second-Year-of-Taliban-Rule.pdf.

advised the former Afghan president on moral and legal issues, published a declaration to limit mourners' activities on Muharram, the first day of the Islamic calendar, specifically street processions during Ashura.[39]

Additionally, Hazara women faced prohibitions against participating in Muharram ceremonies in various provinces.[40] Prior to the Taliban takeover, Hazara Shias were able to observe Muharram with few restrictions and perform religious ceremonies.[41] Now, the Taliban has restricted the teaching of Shia jurisprudence to a few universities,[42] banned marriages between Shia and Sunni Muslims, and disallowed any babies to be born from a mix of Shia and Sunni parentage.[43] Furthermore, the Taliban compelled Hazaras to break their fast before time, in contravention to the decision of Shia religious authorities who had not yet announced Eid due to the incomplete month of Ramadan.[44]

Security Impacts on Hazara Women

During the initial nine months of the Taliban's rule, Hazara women experienced alarming incidents of violence. These included the April 2022 amputation and shooting of Nafisa Balkhi, a midwife in Balkh;[45] the January 2022 killing of Zainab Abdullahi at a checkpoint in Kabul while returning

39. Hasan, S. (2023). *Issue Update: Religious Freedom and Women's Rights in Afghanistan.* [online] United States Commission on International Religious Freedom. Available at: https://www.uscirf.gov/sites/default/files/2023%20Religious%20Freedom%20and%20Womens%20Rights%20in%20Afghanistan%20Issue%20Update_Final.pdf.

40. دندرک عنم ار یزنغ رد اروشاع یرادازع مسارم رد نانز روضح نابلاط ['The Taliban forbade the presence of women in the Ashura mourning ceremony in Ghazni']. (2023). *Hasht-e-Sobh Media.* [online] 24 Jul. Available at: https://8am.media/fa/the-taliban-forbade-the-presence-of-women-in-the-ashura-mourning-ceremony-in-ghazni/.

41. (دندرک عنم ار یزنغ رد اروشاع یرادازع مسارم رد نانز روضح نابلاط ['The Taliban forbade the presence of women in the Ashura mourning ceremony in Ghazni'], 2023)

42. Siddique, A. and Khosrow, M. (2023). Afghanistan's Shi'ite Minority Suffers 'Systematic Discrimination' Under Taliban Rule. *Radio Free Europe/Radio Liberty.* [online] 17 Jul. Available at: https://www.rferl.org/a/afghanistan-taliban-shiite-persecution-discrimination/32507042.html.

43. (Siddique and Khosrow, 2023).

44. The Situation of the Hazaras During the Second Year of the Taliban Rule (August 15, 2022 - August 15, 2023). (2023). [online] Bolaq Analyst Network. Available at: https://www.bolaq.org/wp-content/uploads/2023/08/Bolaq-Report-Situation-of-Hazaras-During-Second-Year-of-Taliban-Rule.pdf

45. Royan, Y. (2022). *UN Security Council Briefing on Afghanistan by Yalda Royan.* [online] Available at: https://www.womenpeacesecurity.org/resource/un-security-council-briefing-afghanistan-yalda-royan/#_ftn4.

from a wedding;[46] the October 2021 disappearance of Alia Azizi from Herat with no updates of her whereabouts since then;[47] the September 2021 killing of a pregnant police officer, Banu Negar, in Ghor province, by three armed Taliban militants;[48] and the discovery of six corpses of Hazara women on the streets of west Kabul.[49] The victims were subjected to sexual assault before they faced brutal killings, highlighting the severity of the violence directed at Hazara women based on their ethnicity.[50] Since the Taliban has increased its crackdown on the media, many of the killings of Hazara women are unlikely to be reported.[51]

Although the Taliban claim that Afghanistan is safer under their rule, safety for ethnic minority communities has been undermined. The Taliban fail to investigate systematic and targeted attacks on Hazara neighborhoods and have removed existing security measures to protect them. The Taliban's *de facto* Ministry of Interior promised to ensure security for religious minorities in October 2021 and has clearly failed to uphold that promise.[52] As 'N', a Hazara woman who lost her husband in 2023 to Taliban violence explained when interviewed for this essay, the security situation for Hazaras in Afghanistan is bleak: "[t]he Taliban claims to provide security, but Hazaras have no security. My husband was neither a policeman nor involved in any other work. We were just living our lives without any ulterior motives."

One aspect frequently overlooked in the context of the mass killings of Hazara individuals is the substantial number of widows left in their wake. In Afghanistan's deeply patriarchal society, the status of widowhood adds an

46.Taliban arrests fighter who shot dead Hazara woman at checkpoint. (2022). *Al Jazeera*. [online] 19 Jan. Available at: https://www.aljazeera.com/news/2022/1/19/taliban-arrest-fighter-who-shot-dead-hazara-woman-at-checkpoint.

47. Afghanistan: Herat Women's Prison Head Missing 6 Months. (2022). *Human Rights Watch.* [online] 20 Apr. Available at: https://www.hrw.org/news/2022/04/20/afghanistan-herat-womens-prison-head-missing-6-months.

48. Afghanistan: Taliban accused of killing pregnant police officer. (2021). BBC. [online] 5 Sep. Available at: https://www.bbc.com/news/world-asia-58455826.

49. (Rouhani, 2022)

50. (Rouhani, 2022)

51. (Afghanistan: ISIS Group Targets Religious Minorities, 2022)

52. (Afghanistan: ISIS Group Targets Religious Minorities, 2022)

extra layer of vulnerability, impacting women economically, socially, and mentally. 'S', a Hazara woman whose husband was killed in 2022 by Taliban violence, who was interviewed for this essay, said that the incident has affected her in several ways. On the one hand, there are economic problems, and on the other, there are negative opinions of widows—and together these aspects make life difficult. She said that the only reason she fights to survive is for her only son.

The realities of living under Taliban rule have created a mental health crisis for Afghan women. In December 2023, the Organization for Policy Research and Development Studies released a policy brief on the mental health crisis among Afghan women and girls.[53] Those surveyed and interviewed struggled to pick which of the Taliban's restrictive edicts was most damaging to them, with researchers reporting that they created an "overwhelming sense of fear and psychological distress among Afghan women."[54]

Those who suffer from mental health challenges risk being beaten and have little hope of accessing mental health services, eviscerated by the Taliban,[55] and while the suicide rate is on the rise, statistics on suicides and suicide attempts are not being accurately recorded.[56] However, doctors have reported an increase in suicides and overall decreased mental health in women since the Taliban took over.

Conclusion

The examination of Hazara women's plight under Taliban rule reveals a distressing pattern of targeted violence, discrimination, and systemic marginalization. The documented incidents—ranging from mass killings

53. Safi, M. and Rivas, A.-M. (2023). *The mental health crisis among Afghan women and girls*. [online] ODI. Available at: https://dropsafghanistan.org/wp-content/uploads/2023/12/The_mental_health_crisis_among_Afghan_women_and_girls_mh6O2uX.pdf.
54. (Safi and Rivas, 2023)
55. (Safi and Rivas, 2023)
56. Whiteman, H., Coren, A. and Bina, A.B. (2023). Oppressed by the Taliban, she swallowed acid. Now her siblings are trying to save her life. *CNN*. [online] 17 Dec. Available at: https://www.cnn.com/2023/12/17/asia/afghanistan-girl-acid-suicide-taliban-intl-hnk-dst/index.html.

and forced displacement to educational restrictions and economic vulnerabilities—underscore the profound challenges faced by Hazara women within the socio-political landscape of Afghanistan and under the Taliban's rule. While the Taliban have severely decreased the freedoms and rights of women in Afghanistan, the impact of the Taliban's rule on Hazara women is significantly distinct.

The prevalence of gender-based violence, coupled with the intersectionality of ethnicity, further compounds the adversity experienced by this specific demographic. The identified patterns underscore the urgent need for comprehensive and specifically tailored interventions aimed at safeguarding the rights, security, and well-being of Hazara women in the face of these multi-dimensional, systemic challenges.

Policy Recommendations

Call for International Recognition and Action: States around the world must recognize the Taliban's rule as a form of gender apartheid and acknowledge the systematic oppression and discriminatory policies targeting women. This should include supporting efforts to codify gender apartheid as an international crime under the draft Convention on Crimes Against Humanity, currently under consideration and international scrutiny. The international community must officially recognize the targeted attacks on Hazara communities as Hazara genocide. Mobilize diplomatic efforts to garner widespread support for these recognitions by emphasizing the urgency of addressing the specific challenges faced by Hazara women and communities. Recognition of the violence against Hazaras should prompt coordinated international action to prevent further human rights violations and implement protective measures for the affected populations.

- **Establish an Independent UN Investigation and Monitoring Mechanism:** The UN Human Rights Council should establish an independent investigative mechanism dedicated to documenting and monitoring the situation of Hazara communities, particularly focusing

on the challenges faced by Hazara women under Taliban rule. In collaboration with relevant international bodies, local organizations, and affected communities, to ensure accuracy and comprehensiveness, the UN can gather evidence of human rights abuses, discrimination, and violence. The findings of this mechanism can serve as a basis for informed policy decisions, targeted interventions, and accountability measures, contributing to a more comprehensive understanding of the situation.

- **Establish Protective International Humanitarian Response:** The UN Office for the Coordination of Humanitarian Affairs (OCHA) should create an international humanitarian response mechanism dedicated to addressing the immediate needs of Hazara women and communities affected by displacement, violence, and discrimination, with a focus on ensuring their safety, well-being, and access to necessary services. Displaced Hazara women should have essential services such as medical care, psychosocial support, and education. Work collaboratively with and fund humanitarian organizations to ensure swift and effective responses to emergencies, safeguarding the well-being and rights of Hazara women amidst challenging circumstances. Ultimately, this initiative should prioritize humanitarian aid delivery and support for Hazara communities facing systemic discrimination and violence.

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Mariam Safi is the founding Executive Director of the Organization for Policy Research and Development Studies (DROPS), established in Afghanistan in 2014, and expanded to Canada in 2021. She is a researcher and peace-building practitioner with 15 years of experience working in Afghanistan and the South Asian region. Her expertise spans a broad spectrum of topics related to policy development, inclusive practices, and peace initiatives. In 2023, she assumed a pivotal role as a member of the steering committee of the World Movement for Democracy, dedicating four years to guiding the movement's strategic direction. The same year, she held the Research Associate position at SOAS University, London, and the Overseas Development Institute, where she authored a timely policy brief addressing the escalating mental health crisis among Afghan women and girls. In addition to her role at DROPS, she serves as an advisor to the Politics and International Studies Department at the American University of Afghanistan. She is an editorial board member of *Peace Prints: A South Asian Journal for Peacebuilding,* a member of the Afghan Women's Leader Forum, and a steering committee member of the Afghanistan initiative at the Center for Feminist Foreign Policy.

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ABOUT DROPS

The Organization for Policy Research and Development Studies (DROPS) is an independent, not-for-profit, policy-oriented research institution committed to strengthening the values and experiences of inclusivity, pluralism, and good governance in Afghanistan, through knowledge creation and knowledge application. We firmly believe that strong, contextually grounded, (policy) research institutions are crucial for fostering environments conducive for conflict-affected states' sustainable transition from war to peace. This principle informed DROPS' birth in Kabul in 2014 and has been our North Star ever since. It also guides our Toronto chapter, which was established in 2021. In line with this principle, we believe public interest policy dialogue, healthy state-citizen engagement, public-private partnerships, and good governance can only be achieved by nourishing intellectual spaces and indigenous research that are bottom-up, locally rooted, and representative of all voices in the society—especially those of women and girls. DROPS' work is thus two-pronged: evidence-based research that provides policymakers with alternative, actionable solutions for national and sub-national issues; and intellectual and operational reinforcement for translating insights to context-responsive policies and implementation. Through gender-disaggregated and gender-sensitive data, policy relevant analyses, and tailored trainings on critical thinking and research methodologies, DROPS serves to ensure that people remain at the center of all developmental efforts in Afghanistan, while simultaneously empowering them to become agents of the change they seek.


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